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# Annual Report of the Inter-American Commission on Human Rights 2019

## ANNUAL REPORT OF THE SPECIAL RAPPORTEURSHIP ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (SRESCER)

**Working for the indivisibility, interdependence and effective protection of all  
human rights for all people in America**

"Until dignity becomes the norm"

**Soledad García Muñoz**

Special Rapporteur on Economic, Social, Cultural and Environmental Rights



**OAS** | More rights  
for more people

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IACH:	Inter-American Commission on Human Rights
American Convention:	American Convention on Human Rights
Inter-American Court:	Inter-American Court of Human Rights
CESCR:	United Nations Committee on Economic, Social and Cultural Rights
American Declaration:	American Declaration of the Rights and Duties of Man
OEA:	Organization of American States
Ilo:	International Labor Organization
Un:	United Nations
OPS:	Pan American Health Organization
Who:	World Health Organization
PIDESC:	International Covenant on Economic, Social and Cultural Rights
Undp:	United Nations Development Program
San Salvador Protocol:	Additional Protocol to the American Convention on Human Rights on Economic, Social and Cultural Rights.
SRESCER:	Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

## CHAPTER I: GENERAL INFORMATION

### A. Introduction

1. In 2019, 60 years of the creation of the Inter-American Commission on Human Rights have been commemorated, which SRESCER welcomes with deep appreciation for the IACHR's immense heritage to the validity of human rights in America, as a thankful opportunity to develop its mandate within the body most relevant to the promotion and protection of human rights throughout the Americas.

2. It should be recalled that in 2012 the Commission decided to establish a Unit on Economic, Social and Cultural Rights (DESC Unit). Subsequently, in 2014 he decided to transform it into a Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (Special Rapporteur ESCER), initiating a process for its creation, with the search for resources for this purpose. As part of its Strategic Plan, the IACHR 2017-2021 decided to launch the ESCER Special Rapporteurship in 2017<sup>1</sup> as a major step in the history of human rights in the region.

3. The Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) began its creation process from 2014, during the 150th Session of the Inter-American Commission on Human Rights, by issuing a press release by the IACHR<sup>2</sup> on the opening of a special fund for the collection of financial resources that will enable the functioning and livelihood of the Special Rapporteurship.

4. Like the Rapporteurship for Freedom of Expression (RFE), SRESCER was created as a permanent and autonomous office of the Commission. It is the second Special Rapporteur ship established by the IACHR in its entire history, where appropriate with the main purpose of supporting the Commission in fulfilling its mandate to promote and protect economic, social, cultural and environmental rights on the American continent.

5. The main functions of the Special Rapporteur are the following:

- a) Prepare the work plan of the ESCER Special Rapporteur, in accordance with the IACHR's strategic plan.
- b) Prepare reports on ESCER for the approval and publication by the IACHR, including thematic reports, general human rights status reports of Member States and sections of the Commission's annual report.
- c) In accordance with the IACHR Regulations and in coordination with its Executive Secretariat, to process petitions and individual cases on ESCER for the IACHR's decision, as well as to represent, by delegation, the Commission in the dispute before the Inter-American Court of Human rights, in cases related to ESCER.
- d) Assist the IACHR in the promotion of international instruments related to ESCER, including the organization and participation in advocacy activities aimed at authorities, civil society, social movements, trade union organizations, professionals, journalists and students on the IACHR's work in this area.
- e) Making recommendations to the IACHR on urgent situations that may require the adoption of precautionary measures or the request for provisional measures before the Inter-American Court of Human Rights, among other mechanisms.
- f) Monitor the situation of ESCERs in the region and provide advice and assistance to Member States of the Organization of American States (OAS) in the adoption of legislative, judicial, administrative, or other measures that are necessary to make the exercise of economic, social, cultural and environmental rights.

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<sup>1</sup> IACHR, Strategic Plan 2017-2021, p. 35.

<sup>2</sup> IACHR, Press Release No. 034/19, [IACHR decides to create Special Rapporteurship on Economic, Social, Cultural and Environmental Rights](#), April 3, 2014

- g) Advise and assist other OAS bodies in MATTERS related to ESCER in the Americas.
- h) Develop the necessary efforts for the collection and management of cooperation funds and for the development of the projects required to fulfill the assigned mandate.
- i) To carry out other tasks relating to the promotion and protection of ESCERs delegated to it by the IACHR in accordance with the mandate of the Special Rapporteurship ESCER.

6. During 2019, the Special Rapporteur has developed an intensive work agenda, effectively fulfilling the generality of these functions, as well as the Work Plan submitted and approved by the IACHR at the beginning of the year. Thus, it has provided specialized and ongoing advice to the IACHR, as well as to the different areas of the Executive Secretariat in ESCER. This is both in the case system, as well as in monitoring, as well as in promotional and technical assistance matters.

7. It has also actively and ongoingly monitored the situation of ESCER in the Americas, always in the provision to provide advice and assistance to Member States in the adoption of legislative, judicial, administrative or other measures to make effective the exercise of ESCER. It has also organized and participated in numerous advocacy activities aimed at States, authorities, civil society, trade union organizations, businesses, professionals, journalists, and human rights defenders.

8. The Special Rapporteurship ESCER has also promoted initiatives for the generation of new interpretative standards in ESCER matters by the Inter-American Court of Human Rights. In this order of ideas, the IACHR and the Special Rapporteur submitted to the Inter-American Court of Human Rights a request for consultative opinion on the basis of article 64.1 of the American Convention on Human Rights. Its main purpose is to determine the scope of States obligations, under the inter-American system, on guarantees to freedom of association, their relationship with other rights and implementation from a gender perspective.<sup>3</sup>

9. Similarly, SRESCER submitted for consideration by the IACHR the report on Business and Human Rights: Inter-American Standards during the 172nd Session, in Kingston, Jamaica. Following its preliminary approval and inclusion of inputs received by the Commission and executive secretariat teams, this report was unanimously approved by the IACHR and submitted during the III Inter-American Forum on Human Rights. This Report will be published in early 2020, as soon as the diagramming and translation tasks in progress are completed.

10. SRESCER records its express thanks to the IACHR, as to each and every one of its seven members for all the support received during 2019 for the development of their work.

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<sup>3</sup> IACHR, Press Release No. 195/19, IACHR and its REDESCA seek Gender-based Advisory Opinion on Freedom of Association, July 31, 2019

## **B. Main activities of the Special Rapporteur on ESCER**

12. In the past two years since the beginning of her mandate, the Special Rapporteur has carried out countless activities to meet her agenda and strategic plan, unanimously approved by the Commission plenary during 2018, as has the 2019 Work Plan. These plans focus on the main pillars of action of the IACHR- case system, monitoring, promotion, training and technical assistance in public policies in relation to the ESCER, prioritizing the implementation of the work commissioned by the IACHR, as well as the commitments made to mandate donors
13. The actions of SRESCER are aimed at fulfilling the overall objective of its Strategic Agenda which is to: consolidate the functioning and sustainability of the ESCER Special Rapporteurship as responsible for articulating all mandates, functions and mechanisms IACHR for the protection and promotion of ESCERs in the Americas. In addition, efforts have focused on the strategic objectives of the mandate, consisting of: developing inter-American standards for the effective realization of ESCERs; monitoring and visibility of the situation of ESCER in the hemisphere; promote a culture of human rights indivisibility; as well as providing technical assistance to public bodies in Member States; and coordinate with other international entities and members of civil society to ensure the full exercise of ESCER rights in the region. In this regard, the work of the Special Rapporteur as a member of the Working Group of the San Salvador Protocol of the OAS should be particularly noteworthy.
14. In the generality of its actions and in accordance with its Strategic Agenda, SRESCER has implemented the approaches of indivisibility, progressiveness, gender, diversity and intersectionality, development and human rights (Agenda 2030), interdisciplinarity, education in human rights and anti-corruption. In turn, work is carried out through the following cross-cutting axes, equality and non-discrimination, participation, access to information, accountability and justiciability of the ESCER.
15. The year 2019 has been a hugely intense and challenging year for SRESCER, in which the Special Rapporteur and her team have had to respond to a huge work agenda, full of planned activities and prioritized according to the main projects of the mandate, such as tasks delegated by the IACHR and its Secretariat, together with many tasks arising from unforeseen events typical of the many critical situations for human rights in general and the ESCER in particular that have occurred on the continent during the year.
16. Alongside the technical work of the mandate, the Special Rapporteur has also had to concentrate her efforts on administrative and management tasks, such as the search and achievement of financial resources, in order to enable sustainability such as strengthening the office. In this regard, it is worth a welcome for the progress made in such a complex scenario, such as thanks to donors and supporters of SRESCER for their confidence and commitment to the mandate (see sections on Funding and The Task Team), together with the Rapporteur's constant call for them and others, especially the OAS Member States and observers, to make contributions to this much-needed mandate for the realization of human rights in the most unequal region on the planet.
17. Below is a summary of the activities carried out during 2019:

## 1) Petitions and Cases System

18. The Special Rapporteurship on ESCER has provided specialized inputs in the IACHR's system of petitions and cases as well, during 2019, SRESCER gave its expert advice on 51 draft reports in the admissibility stage, 11 in the merit stage, 18 projects or memos related to the system of protection of precautionary measures.
19. With the contributions of its SRESCER, the Commission continues to develop new standards in relation to ESCER autonomously through Article 26 of the CADH, which were traditionally addressed indirectly or in connection with civil rights and In relation to the admissibility stage, the Special Rapporteur offered its advice on a number of issues, including labor and trade union rights, including complaints about workplace and sexual harassment at work, the right to health, including sexual health and right to housing, the right to social security, and the right to education.
20. Regarding the substantive stage, SRESCER has worked together with the Executive Secretariat's case team on various issues related to the enjoyment of ESCERs in the region. In particular, the Rapporteurship's efforts have been aimed at strengthening the consolidation of the justiciability of these rights directly together with the development of the content of these rights. Thus, for example, during this year he has worked on issues related to the right to health, including sexual and reproductive health, cultural rights, the right to housing, the right to work, rights to strike and collective bargaining. For its part, the IACHR decided to refer six cases related to the enjoyment of ESCERs to the Inter-American Court of Human Rights during 2019; namely: Paola del Rosario Guzmán Albarracín and family (Ecuador), Opario Lemoth Morris and others -Buzos Miskitos- (Honduras), Luis Eduardo Guachalá Chimbó and family (Ecuador), Manuela and familia (El Salvador), Martina Vera (Chile), Sandra Cecilia Pávez Pávez (Chile). SRESCER was designated as a delegate and part of the IACHR advisory team as part of the process of these cases before the IAHR Court.
21. With regard to the precautionary measures mechanism, SRESCER participated by offering its technical supplies from the initial evaluation and reporting request stage of the parties to the formulation of rulings in serious risk cases related to ESCER, particularly with regard to the right to health. In this context, for example, reference should be made to Resolution 13/19 (Hospital Maternidad Concepción Palacios), Resolution 18/19 (patients with multiple sclerosis), Resolution 36/19 (patients with haemophilia and other coagulopathies), and the extension of protection measures by Resolution 43/19 in the case of children patients of the J.M. Hospital of the Rivers, all with regard to Venezuela; Resolution 41/19 (M.R.M) for Colombia; as well as Resolution 24/19 (Marcelino Díaz Sánchez and others) with respect to Mexico. SRESCER also advised the assessment of applications for protection with respect to risk situations on the right to health in countries such as Chile and Uruguay, as well as the right to health of persons deprived of liberty in Cuba and Venezuela.

## 2) Participation in IACHR sessions and public hearings

22. During 2019, the Rapporteur participated in the Sessions No. 171, 172, 173, 174 of the IACHR held in Sucre, Kingston, Washington D.C. and Quito, respectively. In those circumstances, SRESCER has accompanied the IACHR in countless public hearings, as in the working sessions of the IACHR, actively participating in discussions on issues of the mandate competence.
23. In addition, during this year's Sessions, SRESCER participated in the organization of 10 thematic public hearings entitled: Situation of environmental "sacrificial zones" and the consequences of industrial activity on the right to health in Chile; Freedom of association and labor rights in Venezuela; Complaints of restrictions and retaliation against academic freedom and university autonomy in the Region; Business and HRDs in the Americas; Rights of people with HIV and AIDS in the Dominican Republic; Human rights, development and freedom of association (Ex of fi); Allegations of human rights violations of people affected by dams and reservoirs in Brazil;



Protection of indigenous communities, children and adolescents and human rights defenders affected by environmental pollution in Peru; Climate change and ESCER of women, children, indigenous peoples and rural communities; environmental protection in the Amazon and the rights of indigenous peoples in Brazil (Ex officio).

24. On the other hand, SRESCER has participated and actively contributed to the preparation of public hearings related to its mandate, so below is a summary of the public hearings in which the Special Rapporteur participated in 2019:

State/Regional	Session	Hearing Title	Date
Chile	171 – Special Session of the IACHR - Sucre, Bolivia	Situation of environmental "slaughter zones" and the consequences of industrial activity on the right to health in Chile	February 13, 2019
Haiti	171 – Special Session of the IACHR- Sucre, Bolivia	Complaints on impunity and Violence against Women in Haiti	February 13, 2019
Venezuela	171 – Special Session of the IACHR - Sucre, Bolivia	Freedom of association and labor rights in Venezuela	February 14, 2019
Venezuela	171 – Special Session of the IACHR – Sucre, Bolivia	Overall human rights situation in Venezuela	February 14, 2019
Argentina	171 – Special Session of the IACHR – Sucre, Bolivia	Allegations of torture, cruel, inhuman and degrading treatment in psychiatric hospitals in Argentina	February 14, 2019
Regional	171 – Special Period of Sessions of the IACHR – Sucre, Bolivia	Venezuelan migrant children's rights in the Region	February 14, 2019
Regional	171 – Special Session of the IACHR - Sucre, Bolivia	Allegations of restrictions and retaliation against academic freedom and university autonomy in the Region	February 15, 2019
Guatemala	171 – Special Session of the IACHR – Sucre, Bolivia	MC 412-17 Villagers evicted and displaced from the Laguna Larga Community, Guatemala	February 15, 2019
Regional	171- Special Session of the IACHR- Sucre, Bolivia	Human rights situation of domestic workers in the Region	February 15, 2019
Regional	172 – Special Session of the IACHR - Kingston, Jamaica	Companies and HRDs in the Americas	May 8, 2019
Regional (Ex officio)	172 – Special Session of the IACHR - Kingston, Jamaica	Human rights, development and freedom of association	May 8, 2019
Nicaragua	172 – Special Session of the IACHR - Kingston, Jamaica	Situation of indigenous and Afro-descendant peoples of Nicaragua's Caribbean Coast	May 8, 2019
Dominican Republic	172 – Special Session of the IACHR - Kingston, Jamaica	Rights of people with HIV and AIDS in the Dominican Republic	May 9, 2019

State/Regional	Session	Hearing Title	Date
Brazil	172 – Special Session of the IACHR - Kingston, Jamaica	Protection and guarantee of the rights of indigenous peoples in Brazil	May 9, 2019
Mexico	172 – Special Session of the IACHR - Kingston, Jamaica	The racial criterion in Mexico's 2020 census	May 9, 2019
Brazil	172 – Special Session of the IACHR - Kingston, Jamaica	Allegations of human rights violations of people affected by dams and dams in Brazil	May 9, 2019
Venezuela (Ex of fi)	172 – Special Session of the IACHR - Kingston, Jamaica	Precautionary Measures Follow-up 70-19; 83-19; 102-19; 115-19; 150-19; 178-19; 181-19; 250-19 (Venezuela)	May 9, 2019
Colombia	172 – Special Session of the IACHR - Kingston, Jamaica	Allegations of non-compliance with reparation to victims of land blaming and forced abandonment in Colombia	May 9, 2019
Bahamas	172 – Special Session of the IACHR - Kingston, Jamaica	Migrant rights in the Bahamas	May 10, 2019
Guatemala	172 – Special Session of the IACHR - Kingston, Jamaica	The Human Rights of Guatemala's Peasant Older Adults	May 10, 2019
Cuba	173 – Special Session of the IACHR - Washington, D.C., United States of America	Serious human rights violations in Cuba	September 23, 2019
Haiti	173 – Special Session of the IACHR - Washington, D.C., United States of America	Violence and security in the context of social protests in Haiti	September 23, 2019
Haiti	173 – Special Session of the IACHR - Washington, D.C., United States of America	Human Rights situation in Haiti	September 23, 2019
Regional	173 – Special Session of the IACHR - Washington, D.C., United States of America	Legal, political and administrative barriers to the mobility of migrants in the Americas	September 24, 2019
Peru	173 – Special Session of the IACHR - Washington, D.C., United States of America	Human rights situation of Venezuelan migrants and refugees in Peru	September 24, 2019
Peru	173 – Special Session of the IACHR - Washington, D.C., United States of America	Protecting indigenous communities, Children and adolescents and human rights defenders affected by environmental pollution in Peru	September 24, 2019
Regional	173 – Special Session of the IACHR - Washington, D.C., United States of America	Climate change and ESCER of women, children, indigenous peoples and rural communities	September 25, 2019
Regional	173 – Special Session of the IACHR - Washington, D.C., United States of America	Allegations of human rights violations of migrant children and adolescents in Central America, Mexico and the United States	September 26, 2019

State/Regional	Session	Hearing Title	Date
Colombia	173 – Special Session of the IACHR- Washington, D.C., United States of America	Threats and murders of leaders and social leaders in Colombia	September 26, 2019
Regional	173 – Special Session of the IACHR - Washington, D.C., United States of America	Misuse of criminal justice systems to retaliate against environmental human rights defenders	September 27, 2019
Mexico	173 – Special Session of the IACHR - Washington, D.C., United States of America	Migration and asylum in Mexico	September 27, 2019
Brazil	173 – Special Session of the IACHR - Washington, D.C., United States of America	Environmental protection in the Amazon and the rights of indigenous peoples in Brazil	September 27, 2019

### 3) Monitoring Activities

25. On the other hand, the Special Rapporteur ship ESCER is developing its monitoring work in close articulation with the Commissioners and Commissioners in their respective thematic or country Rapporteurship, as with the teams of the Executive Secretariat of the IACHR, receiving and seeking information on the situation of ESCER on the continent.
26. Regarding monitoring activities, SRESCER has been concerned with collecting the necessary information regarding different situations in countries in the region through the use of the various mechanisms provided for in the IACHR Rules of Procedure. In this regard, SRESCER sent 8 letters of request for information in accordance with article 41 of the American Convention on Human Rights to the States of Argentina, Brazil, Nicaragua, Panama, and 18 of its Statute to the State of Canada. It also monitored ongoing developments in OAS Member States on mandate issues, through information sent to the IACHR and SRESCER for knowledge, as well as from other agencies, public hearings, and the media.

#### 4) Mandate of Promotion and Technical Assistance Activities

Activity	Theme(s)	Place/Date	Observation
<p><b>Brown Bag Lunch- "Access to Medicines and The Right to Health: The Experience of Popular Pharmacies in Chile"</b></p>	<p>The popular pharmacy model for greater access to medicines at a more affordable price.</p>	<p>Washington, D.C., February 26, 2019</p>	<p>SRESCER, represented by the Special Rapporteur, Soledad García Muñoz, together with Luis Carlos Buob Concha, Daniel Noroña and Renan Kalil organized the event. Also, the exhibition was held by Marco Antonio Fernández, creator of the model of popular pharmacies in Chile.</p>
<p><b>Report on progress in the Report on Human Rights and Business prepared by SRESCER before the CAJP. Panel organization with experts from academia, civil society and public institutions from several States. With UN OHCHR and GT participation on Business and Human Rights</b></p>	<p>Business and Human Rights</p>	<p>Washington, D.C., March 7, 2019</p>	<p>SRESCER organized the session and was represented by the Special Rapporteur, Soledad García Muñoz, who was accompanied by the specialist lawyer Luis Buob Concha and the rest of the special rapporteur team.</p>

Activity	Theme(s)	Place/Date	Observation
Permanent Council Session for World Water Day.	Right to Water and Sanitation	Washington, D.C., March 19, 2019	Launch of book Implementation of the Right to Water and Sanitation by the PIDS, prepared by the OAS Department of Sustainable Development with support from SRESCER.
Presentation to the Permanent Council during the Special Session entitled "Vulnerability and Resilience: A Cross-Cutting Approach"	Vulnerability and resilience Environment and climate change	Washington, D.C., March 22, 2019	The Permanent Council of the Organization of American States organizes the session at which the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Soledad García Muñoz, participated with a presentation on the topic specially focused environmental rights

Activity	Theme(s)	Place/Date	Observation
<p><b>Promotional Mission to Costa Rica</b></p>	<p>Latin American Sanitation Conference (LATINOSAN), the largest forum on water and sanitation in the region.</p> <p>State of ESCER in Nicaragua and applicants for refuge and persons in mobility in Costa Rica.</p> <p>Meetings with authorities and strategic partners</p>	<p>San Jose, Costa Rica, March 31 to April 7, 2019</p>	<p>The Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Soledad García Muñoz, was invited by the Development Bank of Latin America (CAF) and participated in the LATINOSAN event, the largest forum on water and sanitation in the region.</p> <p>The main focus of the mission was on the development of a project on the situation of ESCER in relation to Nicaragua, funded by AECID, through meetings and training activities with members of civil society in Nicaragua and Costa Rica. CEJIL, as well as the Embassy and the Cultural Center of Spain in Costa Rica provided their logistical support..</p> <p>The Resident United Nations Coordinator also organized an ad hoc meeting with public authorities. There were also special meetings with representatives of the United Nations, and Chancellery.</p>

Activity	Theme(s)	Place/Date	Observation
<p><b>Promotional Trip to Honduras</b></p>	<p>State of ESCER in Nicaragua and applicants for refuge and persons in mobility in Nicaragua in Honduras.  Meetings with authorities and strategic partners</p>	<p>Tegucigalpa, Honduras Choluteca, Honduras, April 8-12, 2019</p>	<p>Within the framework of the ESCER project in Nicaragua funded by the Spanish Agency for International Cooperation for Development (AECID), SRESCER organized training meetings and meetings with asylum seekers from Nicaragua; Training for Honduran Civil Society and Nicaraguannoyan asylum seekers. Logistical support was available from PADF and CONADEH.</p>
<p><b>Inaugural Conference "Current perspectives on economic, social, cultural and environmental rights in the inter-American system" event of the VIII National Official Public Defense Days</b></p>	<p>ESCER in the inter-American system.</p>	<p>Ciudad de Buenos Aires, Argentina May 30, 2019</p>	<p>The public was composed of representatives of all the Official Public Defenders of the Argentine Republic. The General Defender of the Public Ministry of Defense of the City of Buenos Aires, Horacio Corti, introduced SRESCER.</p>
<p><b>Signature of cooperation agreement with the Public Ministry of Defense of the City of Buenos Aires</b></p>	<p>Ensuring a strategic partnership focused on ESCER rights</p>	<p>City of Buenos Aires, Argentina, May 30, 2019</p>	<p>The agreement was signed by the Advocate General of the Public Ministry of Defense of the City of Buenos Aires, Horacio Corti, and Soledad García Muñoz, Special Rapporteur on Economic, Social, Cultural and Environmental Rights, representing the Organization of American States..</p>

Activity	Theme(s)	Place/Date	Observation
<p><b>First Regional Forum of National Plan of Action and Public Policies in Business and Human Rights</b></p>	<p>Business and Human Rights, Inter-American System, Rights of Children and adolescents, Gender perspective, and public policy with a focus on human rights</p>	<p>City of Buenos Aires, Argentina, June 3-4, 2019</p>	<p>The event was organized by the Secretary of Human Rights and Cultural Pluralism and the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Soledad García Muñoz participated as a panelist in the panel entitled "Inter-American Perspective ; International Cooperation and Public Policies on Human Rights and Business", together with Amanda Romero, Representative for Latin America and the Caribbean of the Business Information and Resources Centre and HRD, and Alejandra Parra Novoa, Advisor and Focal Point of OHCHR FOR the CERALC-EU project.</p>
<p><b>Event parallel to the 49th Session of the General Assembly, "Open conversation with States and civil society to discuss the progress and challenges that Member States, members of the civil organization and the IACHR have had for the implementation of the Report on Poverty and Human Rights to Eradicate Poverty in the"</b></p>	<p>Poverty and Human Rights Report</p>	<p>Medellin, Colombia, June 26, 2019</p>	<p>SRESCER organized the event, which was attended by the president of the IACHR, Esmeralda Arosemena de Troitiño, the Special Rapporteur Soledad García Muñoz and the Principal Advisor of the Strategic Council for Organizational Development and Management by Results Luis Porto.</p>



Activity	Theme(s)	Place/Date	Observation
Parallel Event to the Session period 49th of the General Assembly of the OAS, "Business and Human Rights: Challenges in the Inter-American Context"	Human Rights and Business Report	Medellin, Colombia, June 27, 2019	The event was co-organized by THE SRESCER in collaboration with the Konrad-Adenauer Foundation, Pontificia Universidad Javeriana, Centro de Derechos Humanos de Universidad Diego Portales, and <i>the Global Business and Human Rights Scholars Association</i> . In addition, the Special Rapporteur on Economic, Social, Cultural and Environmental Rights Soledad García Muñoz, participated as a panelist of the same.
Event, <i>Keys to Understanding the Venezuelan situation: Analysis with a Human Rights Perspective on the Most Pressing Crisis in Latin America</i>	Venezuela's current human rights situation	Geneva, Switzerland, July 8, 2019	The event was organized by Amnesty International and the International Commission of Jurists, which was attended by Lisa Lynn Henrito, leader of the Pemon people of Venezuela, Beatriz Borge, Executive Director of Cepaz, and the Executive Secretary of the IACHR Paulo Abruo (recorded message). On the occasion of her visit to Geneva, the Rapporteur maintained a rich agenda of meetings with civil society, academia and United Nations
Regional dialogue on the role of judicial systems in the realization of ESCER	Access to justice and ESCER	Santiago, Chile, July 28 and 29, 2019	The event was organized by the Center for Justice Studies of the Americas (CEJA), the German Agency for International Cooperation (GIZ), and SRESCER was represented by its associate staff Renán Kalil. During the event, meetings were held in the framework of the project led by CEJA and CEJA, in which SRESCER collaborates.

Activity	Theme(s)	Place/Date	Observation
<p><b>Conversation on Business and Human Rights</b></p>	<p>The Inter-American System, and Business and Human Rights Report</p>	<p>Bogotá, Colombia July 26, 2019</p>	<p>The event was organized by the Konrad-Adenauer Foundation, together with the Jurisprudence faculty of the Universidad del Rosario, and the Institute of Human Rights and Business of the University of Monterrey. The event was attended by Special Rapporteur Soledad García Muñoz, together with the Executive Director of the Institute of Business and Human Rights of the University of Monterrey, Dr. Humberto Cantú, Director of Research Jurisprudence Faculty of the Rosario University, Enrique Prieto Ríos and Dr. Zamara, Member of Focal Point for Latin America and the Caribbean: RBC-LAC Project.</p>
<p><b>Human Law to Science Workshop: Latin American Perspective</b></p>	<p>Right to access the benefits of scientific progress Inter-American System of Human Rights</p>	<p>Ciudad de Buenos Aires, Argentina August 20 and 21, 2019</p>	<p>The event was organized by the United Nations Observatory for Education, Science and Culture (UNESCO) and was attended by the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Soledad García Muñoz. During the meeting, the foundations were laid for greater attention to the right to science in the inter-American system.</p>

Activity	Theme(s)	Place/Date	Observation
<p>199th Breakfast by the Women in Equality Foundation</p>	<p>Situation of ESCER of girls, adolescents and women in Latin America and the Caribbean</p>	<p>City of Buenos Aires, Argentina, August 23, 2019</p>	<p>The event was organized by the Women in Equality Foundation, and was attended by the Special Rapporteur ESCER, Soledad García Muñoz, who made a presentation on the mandate and situation of ESCER in the region. Also attended by Lucía Martelotte, Deputy Executive Director of the Latin American Justice and Gender Team, Dr. Alejandra Castiñeira de Dios, member of the Women and Sport Commission of the Argentine Olympic Committee, and Pamela Martín García, of the TV show "In My Own Voice".</p>
<p><i>Event, Doing business in Latin America and the Caribbean: Respecting human rights and tackling corruption.</i></p>	<p>Business and Human Rights, and ESCER</p>	<p>Washington, D.C., August 23, 2019</p>	<p>Event organized by Canada's mission to the OAS, in which SRESCER was represented by Luis Buob Concha, who also had the participation of Georgina Galloway, Assistant Director of <i>Responsible Business Practices Unit with Global Affairs Canada</i>, James Lambert, Secretary of Hemispheric Affairs OAS, and Rodrigo Silva, Legal Officer of the Department of Legal Cooperation of the General Secretariat of the OAS.</p>

Activity	Theme(s)	Place/Date	Observation
<p>Seminar OPS-CSJP: "Regional perspective on the role of the judiciary with respect to the right to health"</p>	<p>Right to health Inter-American System on Human Rights</p>	<p>Asunción, Paraguay, August 27, 2019</p>	<p>The Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Soledad García Muñoz, participated in the panel "Enforcing the Right to Health: A Universal Perspective and the Inter-American System", of the seminar organized by the Pan American Health Organization, together with the Supreme Court of Justice of Paraguay. On the event, the Special Rapporteur maintained a fruitful agenda of meetings with national authorities and seminar attendees.</p>
<p>The VII Brazilian Interdisciplinary Course on Human Rights entitled "The Challenge of Economic, Social and Cultural Rights"</p>	<p>Inter-American System of Human Rights Topics related to the mandate of SRESCER</p>	<p>Fortaleza, Brazil, August 30, 2019</p>	<p>The course is organized by the Brazilian Institute of Human Rights (IBDH) and the Inter-American Institute of Human Rights. The Special Rapporteur on Economic, Social, Cultural and Environmental Rights gave the conference to close the course.</p> <p>The ESCER Special Rapporteur also held informal meetings with members of civil society, academia and social leaders, as well as the chairman of the National Commission on Human Rights and the Brazilian Law Order.</p>

Activity	Theme(s)	Place/Date	Observation
<p><b>Fourth Regional Consultation on Business and Human Rights for Latin America and the Caribbean</b></p>	<p>Trends, challenges and best practices in preventing and treating human rights impacts related to business activities</p> <p>Business and Human Rights</p> <p>Inter-American System on Human Rights</p>	<p>Santiago, Chile, September 3 and 4, 2019</p>	<p>The event was organized by the Office for South America of the High Commissioner for Human Rights (OHCHR), the United Nations Working Group on Business and Human Rights, together with the ILO and oecd. The Special Rapporteur ESCER was invited and was represented by the Special Rapporteur ESCER, Soledad Garcia Muñoz, together with the lawyer Luis Buob Concha. The Special Rapporteur spoke in several panels and both involved dialogues with companies and stakeholders.</p>
<p><b>Peoples' Summit on Climate, Rights and Human Survival</b></p>	<p>Universal System on Human Rights</p> <p>Situation of land defenders</p> <p>Right to the environment and climate change</p>	<p>New York City, United States of America. September 18 and 19, 2019.</p>	<p>THE REDCA of the IACHR was represented by Daniel Noroña at the event, which consisted of attending the Summit and coming into contact with regional civil society organizations and other parts of the world, in the interests of better protection of the environment and environmental defenders. Participation supplies have also served to complete the mandate's roadmap on environment and climate change.</p>
<p><b>Public Policy Workshop</b></p>	<p>Inter-American System on Human Rights</p> <p>THE mandate of SRESCER</p> <p>Inter-American instruments on ESCERs</p> <p>Universal system instruments in relation to ESCER</p>	<p>Washington, D. C., September 23 and 27, 2019</p>	<p>SRESCER provided the ESCER topics within the framework of the workshop, through the participation of Daniel Noroña, a SRESCER fellow of the <i>Heinrich Boll</i> Foundation, and intern Mariola Araya.</p>

Activity	Theme(s)	Place/Date	Observation
<p><b>Environmental, Nature, Human Rights and Climate Change Conversation Event in the Americas</b></p>	<p>Right to the healthy environment and climate change in the Americas Affecting ESCER Inter-American System of Human Rights</p>	<p>Washington, D.C., September 25, 2019</p>	<p>SRESCER organized the event together with the <i>Heinrich Boll</i> Foundation; it identified problems and priority actions towards the generation of an agenda on the environment and the effects of climate change on the Inter-American System. ALSO, SRESCER was presented by the Special Rapporteur ESCER, Soledad García Muñoz, and Daniel Noroña, a fellow of the mandate by the <i>Heinrich Boll</i> Foundation.</p>
<p><b>Panel "Defining Obligations: The Practice of Mechanisms" of the First Meeting of the European Committee on Social Rights and the Inter-American Court of Human Rights</b></p>	<p>Advances and challenges of ESCER in the Americas.</p>	<p>Madrid, Spain. October 3 and 4, 2019</p>	<p>The meeting was organized by the Council of Europe and the Inter-American Court of Human Rights, with the support of the Government of Spain, <i>Max Planck Institute</i> and the German Research Society. At the event, the Special Rapporteur on Economic, Social, Cultural and Environmental Rights participated as rapporteur, presenting the trajectory of the mandate and the challenges presented by ESCER in the Americas and especially in Latin America and the Caribbean.</p>

Activity	Theme(s)	Place/Date	Observation
<p>Event "Launch of the Report of 'Inter-American Enterprises and Human Rights Standards' within the framework of the Third Forum of the Inter-American System of Human Rights</p>	<p>Business and Human Rights</p>	<p>Quito, Ecuador, November 6, 2019</p>	<p>Within the framework of the III Forum of the Inter-American System of Human Rights, the "Enterprises and Human Rights in the Region" Report prepared by SRESCER was launched with the support of the Spanish Agency for International Cooperation for Development (AECID). The event was organized by SRESCER and was attended by Commissioner Flávia Piovesan, the Special Rapporteur ESCER, Soledad García Muñoz, and the lawyer Luis Buob Concha, member of SRESCER.</p>
<p>"Environment, Human Rights and Climate Change in the Americas" event in March of Third Forum of the Inter-American Human Rights System</p>	<p>Right to a healthy environment Environment and effects of climate change</p>	<p>Quito, Ecuador, November 6, 2019</p>	<p>The event was organized by SRESCER, in collaboration with the <i>Heinrich Boll Foundation</i> and the Spanish Agency for International Cooperation for Development (AECID). The Commissioner Was the Vice-President Antonia Urrejola, the President of the Inter-American Court of Human Rights, Eduardo Ferrer Mac-Gregor Poisot, the Special Rapporteur Soledad García Muñoz, the Vice President of the Constitutional Court of Ecuador, Daniela Salazar, the magistrate of the same Court, Ramiro Avila and the Special Rapporteur ESCER, Soledad García, Muñoz as well as academics and activists on environmental issues.</p>

Activity	Theme(s)	Place/Date	Observation
<p>Event parallel to the 174th Session of the IACHR, "Impacts of foreign financing and investment: exchange of experiences and strategies for the defense of human rights and the environment"</p>	<p>Business and Human Rights ESCER</p>	<p>Quito, Ecuador, November 13, 2019</p>	<p>The event was organized by the Center for Economic and Social Rights (CDES), Amazon Watch, <u>Furukawa Never Again</u>, among others. In addition, the Special Rapporteur ESCER, Soledad García Muñoz, participated in the panel entitled "Strategies for the defense of rights from the voice and experts with experience in DDHH", in which he presented the progress of the ESCER mandate, especially in the topic Business and Human Rights.</p>
<p>Workshop with Uruguayan state officials during the IX Session of the San Salvador Protocol Working Group</p>	<p>ESCER in the region year Inter-American System of Human Rights</p>	<p>Montevideo, Uruguay, November 18-20, 2019.</p>	<p>The event was organized in conjunction with the Working Group of the Protocol of San Salvador, the Government of Uruguay and the Spanish Agency for International Cooperation for Development (AECID), through its Training Center in Montevideo. SRESCER participated in the event and co-organized the workshop aimed at public institutions thanks to the support received from AECID. In it he made a presentation on the mandate and the situation of THE EDAs in the region and the. The same was done in the conversation with civil society.</p> <p>Taking advantage of her stay in the country, the Special Rapporteur maintained an agenda of meetings with institutions and leaders of mandate issues in Uruguay.</p>



Activity	Theme(s)	Place/Date	Observation
<p><b>Meeting of Experts on ESCER</b></p>	<p>Rights to health, education, work, social security and the healthy environment.</p>	<p>Santiago, Chile November 26, 2019</p>	<p>At the invitation of CEJA and GIZ, the Special Rapporteur on ESCER, Soledad García Muñoz, participated in the expert meeting held to share the findings on health rights, education, work, social security and the environment in Constitution of Chile and other Latin American countries.</p> <p>Taking advantage of the visit, the Special Rapporteur held important meetings with representatives of the organizing entities.</p>

Activity	Theme(s)	Place/Date	Observation
COP25 Chile	World Climate Summit, UN, 2019	Madrid December 2-13, 2019	<p>THE SRESCER-IACHR participated in COP25 on behalf of the OAS, thanks to the support of the Heinrich Boll Foundation. The intern Daniel Noroña covered the first week, joining later the Special Rapporteur Soledad García Muñoz. It had the opportunity to address the PLENARY, with a message focused on the need to put human rights, gender equality and environmental protection at the heart of the Conference's negotiations and outcomes. A meeting with civil society in the region was also organized and the Special Rapporteur participated in several side events, especially as a panelist in one organized by CIEL, where she shared a table with the UN Special Rapporteur on the Environment, David R. Boyd.</p> <p>The delegation held meetings with representatives of numerous organizations and States. Also, taking advantage of her stay in Madrid, the Special Rapporteur held meetings with several people and institutions relevant to the mandate. Among them, the meeting with the management team of EUROSOCIAL, which identified guidelines and cooperation projects.</p>

## **5) San Salvador Protocol Working Group of the OAS**

27. During 2019, the Special Rapporteur ESCER continued to carry out her duties as a member of the Working Group of the Protocol of San Salvador of the OAS (GTPSS), which she began to officially carry out since November 2017 being given support to the Group since her appointment as Special Rapporteur. As a member of the GTPSS, the Special Rapporteur has participated in the work of the GTPSS throughout the year, as well as in its virtual meetings and sessions. During the December in the city of Montevideo, SRESCER co-organized a training workshop for state officials, also participating in the conversation with Uruguay's civil society. In both, it provided an overview of the status of ESCERs in America, from the perspective of the mandate.
28. SRESCER is working in a particularly collaborative manner with the Working Group in 2020 to achieve ratification of the San Salvador Protocol by The OAS Member States that have not yet done so.

## **6) Visits and business meetings**

29. The following is a summary of the working hearings in which the ESCER Special Rapporteur was involved during 2019:

State	Dates / Places	Theme(s) / storyships	Institutions visited	Commissioner / Rapporteur / Rapporteur	Nature of the visit	Observation
Honduras	May 22-24, 2019	Follow-up to the implementation of the recommendations made by the IACHR in the Preliminary Comments of the visit made in 2018.	Chancellery, Secretariat for Human Rights, Attorney General of the Republic, Directorate-General of the Protection System, the Honduran Directorate of Indigenous and Afro Peoples, the National Agrarian Institute, the Secretariat of Development and Social Inclusion and the Undersecretary of Consular and Migration Affairs	Commissioner Joel Hernández, Rapporteur for Honduras,	Follow-up visit	Follow-up visit on the implementation of the recommendations made by the IACHR in the Preliminary Comments of the visit. He also received information on the human rights situation of Nicaraguans who were forced to flee to Honduras because of the crisis context that began on 18 April 2018 in Nicaragua. Read Press Release: <a href="https://www.oas.org/es/cidh/prensa/comunicados/2019/142.asp">https://www.oas.org/es/cidh/prensa/comunicados/2019/142.asp</a>

		Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.	Civil society representatives, human rights defenders, indigenous leaders, Afro-Hondurans, international organizations and representatives of the private initiative	Special Rapporteur on Economic, Social, Cultural and Environmental Rights, Soledad García Muñoz		
<b>Ecuador</b>	October 28 and 30, 2019	Human rights situation in Ecuador in the context of social protests between 3 and 13 October following the economic measures of the national government announced on 1 October 2019.	Meetings with authorities of the three powers of the State, representatives of organizations from diverse sectors of society. Meetings were also held with Ministries, particularly Public Health, Environment and Water, Energy and Non-Renewable Resources, Human	Full Of the IACHR, Executive Secretariat, Special Rapporteurships and teams	Observation visit	SRESCER received information on the obstruction of the provision of medical services in public hospitals, acts of hostility to human rights defenders and media and community workers. It is worth highlighting PADF's support for the realization of the mission.

			Rights, Culture, Education and Economic and Social Inclusion.			
		Special Rapporteurship on Economic, Social, Cultural and Environmental Rights				Read Press Release: <a href="https://www.oas.org/es/cidh/prensa/comunicados/2019/285.asp">https://www.oas.org/es/cidh/prensa/comunicados/2019/285.asp</a>
<b>El Salvador</b>	Decemb er 2-4, 2019	General human rights situation in El Salvador. One of the axes of observation focused on Migration and ESCER.	Meetings with authorities of the three powers of the State and members of diverse sectors of society. Specific meetings were held with government authorities most involved	Plenary of the IACHR, Executive Secretariat, Special Rapporteurshi p	Visit	Together with the Special Rapporteurship on Migrants, SRESCER led the observation on the "Migration and ESCER" axis. It also collected specific information on the issues of the mandate, holding numerous meetings with different actors. It is worth highlighting the support of the Norwegian Cooperation in this mission.

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		Special Rapporteurship on Economic, Social, Cultural and Environmental Rights		teams.	observation	Between 5 and 7 December, SRESCER participated in the internal session of the IACHR, during which it presented its contributions to several of the cases analyzed by the IACHR, also had the opportunity to share its balance sheet of the year and introduce the mandate to the new members of the IACHR.

## 7) Thematic reports, annual and expert knowledge production

30. Together with concluding the work of the report "Enterprises and Human Rights: Inter-American Standards", during 2019 SRESCER has continued to participate in the development of the report on the status of trans people's DESCs in the hemisphere, together with the LGBTI Rapporteurship of the IACHR. It has also continued to work on the first thematic report on the situation of the ESCER of people of Afro-descendants in the Americas, which is equally coordinated with the Rapporteurship of Afro-Descendants.
31. Also, in 2019, SRESCER has developed a Compendium on Labor Rights, based on an index and concept note submitted and approved by the IACHR. It has also contributed to the preparation of the report on ESCER of Indigenous and Afro-descendant peoples in the Northern Triangle. And he has contributed to the report on Corruption and Human Rights, ensuring the centrality of the ESCER perspective, as if of indivisibility and interdependence in it. It also contributed to the preparation of the report on forced migration of Nicaraguans to Costa Rica. In addition, SRESCER has contributed to the preparation of the report on the situation of indigenous and tribal peoples in the Panamazonia.<sup>4</sup>
32. Another of the main tasks of the Special Rapporteurship is the preparation of the Annual Report on the situation of economic, social, cultural and environmental rights in the hemisphere on the basis of the strategic agenda of the mandate. The implementation of the report involves a constant monitoring and analysis activity on the situation of these rights, including the identification of violations that impair the full exercise of them. In addition to the annual reports, SRESCER has prepared country-specific reports. For example, the Special Rapporteur on ESCER has participated in the development of country reports, specifically in the section on ESCER in Cuba, Ecuador and El Salvador (2019), as well as contributing on ESCER issues to the IACHR Annual Report.

## 8) Pronouncements and special statements

33. In the course of its mandate, through the ongoing monitoring of the status of ESCER in the region, the Special Rapporteurship issues statements as well as press releases, reports and opinions on cases and requests related to the issues of the mandate. In addition, the information received by the Rapporteurship comes in general from information received by various channels, as well as from press releases and requests for information made during the year.
34. During 2019, the Special Rapporteur has developed and collaborated in the making of various press releases to draw attention to events of concern in relation to the issues of the mandate. During 2019, the Special Rapporteur published 14 press releases, which are found on the *website* of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights. Below is a summary of the press releases issued in 2019 by the Special Rapporteur:<sup>5</sup>

Country/Reg	Topics	Number	Title	Place / Date
Brazil	Labor Environmental	019/19	Special Rapporteur ESCER of the IACHR expresses deep concern for human, environmental and labor tragedy in Brumadinho (Minas Gerais, Brazil) and calls for comprehensive reparation to victims	Washington, D.C. January 30, 2019

<sup>4</sup> CIDH, Situation of the human rights of the indigenous and tribal peoples of the Panamazonia, 29 OEA/Ser.L/V/II. Doc.176/19.

<sup>5</sup> Available in: <https://www.oas.org/es/cidh/desca/comunicados/default.asp>



Country/Reg	Topics	Number	Title	Place / Date
Nicaragua	Social Security	026/19	IACHR denounces escalation of attacks on the press and persistence of human rights violations in Nicaragua	Washington, D.C. February 6, 2019
Regional	Civil society	031/19	IACHR expands and deepens civil society's participation in fulfilling its mandate	Washington, D.C. February 9, 2019
Regional	Economic, social, cultural and environmental rights	048/19	The Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (ESCER) reports on its results in 2018 and together with the IACHR calls for a commitment to its strengthening	Washington, D.C. February 27, 2019
Venezuela	Bless you Power	052/19	IACHR and SRESCER condemn acts of violent repression in Venezuela and urge the Venezuelan state to guarantee the human rights of the population in the face of the political, economic and social crisis	Washington, D.C. March 1, 2019
Venezuela	Food Water Bless you Housing	077/19	IACHR and SRESCER express concern about lack of electricity service and drinking water in Venezuela	Washington, D.C. March 22, 2019
Venezuela	Bless you Power	091/19	IACHR observes persistence in affecting human rights in Venezuela	Washington, D.C. April 5, 2019
Peru	Business and Human Rights Bless you Water Healthy environment Power	184/19	IACHR and its SRESCER express high concern about oil spills in Peru and call on the State to take urgent prevention, mitigation and investigation actions.	Washington, D.C. July 26, 2019
Regional	Labor rights Principle of non-discrimination Gender equity	185/19	IACHR and its SRESCER seek Gender-based Advisory Opinion on Freedom of Association	Washington, D.C. July 31, 2019
Nicaragua	Labor rights Right to health	208/19	SRESCER of the IACHR expresses its deep concern at politically motivated discrimination in the exercise of rights to work and health in Nicaragua	Washington, D.C. August 21, 2019

Country/Reg	Topics	Number	Title	Place / Date
Brazil	Right to a healthy environment Right to life	215/19	IACHR and its SRESCER express deep concern about deforestation and burning in the Amazon	Washington, D.C., September 3, 2019
Nicaragua	Labor rights Acts of repression and harassment	220/19	IACHR denounces the persistence of the repression and expresses concern about increased harassment against human rights defenders and released in Nicaragua	Washington, D.C., September 6, 2019
Bahamas	Environmental rights and climate change	237/19	IACHR and its SRESCER express solidarity with the people of the Bahamas for the damage caused by Hurricane Dorian and call for urgent implementation of a human rights response	Washington, D.C., September 23, 2019
Regional	SRESCER Annual Report 2019	269/19	The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights (ESCER) calls on civil society, academia and other stakeholders to send information on the situation of ESCER in the region	Washington, D.C., October 23, 2019

## 9) Financing

35. SRESCER was launched in September 2017 thanks to a project with funds initially planned to secure a single year of operation, coming mostly from the Spanish Fund in the OAS, with a partial contribution from the Swiss cooperation and small amounts of voluntary contributions from Argentina, Peru, Paraguay and Uruguay.
36. Efficient management of available resources, such as the assurance of new specific items, has enabled SRESCER to continue to operate beyond the first year, without any resources from the regular OAS fund.
37. In view of this situation, in 2019 the Special Rapporteur has focused on seeking strategic alliances and sources of funding in order to strengthen and sustain the mandate. Thus, it has maintained an intense agenda of meetings and visits, both in America and Europe, while making constant use of media and social networks, to promote the mandate and its actions.
38. During the first half of 2019, SRESCER completed the implementation of the first phase of the project financed by the Spanish Fund for the OAS (FEPO). It was extended, with additional funds, to carry out specific activities related to the situation of ESCER in Nicaragua. FEPO has renewed its support for SRESCER through the financing of the second phase of the "Promotion and Protection of ESCER in the Americas" project.
39. The Rapporteurship has also continued to develop valuable links with public institutions, in particular with the National Human Rights Institutions or the Ibero-American Federation of Ombudsmans. Likewise, with civil society, Universities and other international organizations. In

this regard, the mandate has begun to negotiate and sign specific inter-agency conventions in ESCER matters.

40. In particular, the agreement signed with OXFAM International has allowed the financing by this organization of an initiative aimed at developing a specific project proposal for the protection of ESCER in Central America and Mexico with emphasis populations in vulnerable and human mobility. The developed proposal was submitted to and approved by the Norwegian Cooperation Agency, signing an agreement for the financing of a project, which began its implementation in October and will last for 4 years.
41. The Rapporteur appreciates all contributions made to the SRESCER Voluntary Fund from Member States and OAS observers. Among the members, contributions have been received so far from Argentina, Mexico, Paraguay, Peru and Uruguay. On the part of the Observers, a special highlight and thanks man deserves the financial support received from Spain, through successive projects and Norway with whom a first agreement has been signed in 2019. France has also contributed to the voluntary contribution fund, and Switzerland has contributed to some of the projects that SRESCER implements.
42. Through this report, SRESCER makes a strong call to all actors of the Inter-American System, in order to have the necessary financial support for the consolidation and sustainability of the mandate, whose birth comes from an outcry of society States themselves as part of the process of strengthening the system.
43. SRESCER notes that all the achievements and work reported in this report have occurred despite the financial constraints on the mandate. In fact, together with her many responsibilities, the Special Rapporteur has been carrying out a great deal of resource-seeking work.
44. Recalling that SRESCER was established with minimum resources provided by specific external funds and the fact that the IACHR's Special Rapporteurship so far do not receive resources from the regular budget of the OAS, it is vital for them to obtain the resources necessary for its proper functioning and achievement of objectives. The IACHR and its Special Rapporteur ESCER therefore reiterate the urgent call for financial support from Member States and observers, as well as other donors committed to the mandate issues to ensure the consolidation and development of their fundamental Committed.

## 10) Team

45. The Special Rapporteurship has continued to fulfil her duties under the leadership of the Special Rapporteur, Soledad García Muñoz, with the support of the specialist lawyer Luis Carlos Buob Concha (Peru). It also welcomes the recent incorporation of Agustín Bouthemy (Argentina) to carry out SRESCER project management tasks.
46. During 2019 SRESCER has also benefited from the special collaboration of Pedro de Paula Lopes Almeida (associate staff, DPU-Brazil), Renán Kalil (associated staff, Public Ministry of Labor Brazil), Daniel Noroña (consultant and fellow, Ecuador), Kelis Moreno (fellow of the Rapporteurship on the Rights of Afro-Descendants and of THE SRESCER, Colombia), Pilar Adame (Becaria Universidad de Monterrey, Mexico), Maximiliano Guinez (intern, Chile), Ana Clara Cathalat (intern, Brazil), Mariola del Carmen Araya (intern, Chile), Renata Rossi (intern, Brazil) and Natalia Brigagao (volunteer, Brazil).
47. The Special Rapporteur extends her deep thanks to everyone and everyone, as well as to the institutions of belonging to all who have integrated the team during 2019. He also thanks the consultant José Manuel Ramos (Mexico) for all the support provided to the mandate in the

elaboration of different projects. And to all the staff of the Executive Secretariat of the IACHR who during the year have contributed to the tasks of SRESCER, especially in the administrative and management areas.

48. In the same vein, the Special Rapporteur has concluded cooperation agreements with institutions willing to strengthen the technical, theoretical and research equipment and capacities of the SRESCER-IACHR for the fulfilment of its mandate. In this regard, it is worth noting the University of Monterrey (Mexico) and the Ministry of Defense of the City of Buenos Aires (Argentina).
49. In addition, SRESCER made a cooperation agreement with the Heinrich Boll Foundation, which allowed the integration of Daniel Noroña as a fellow in the Special Rapporteurship to carry out work on the environmental issue and effects of climate change on the rights of Human.

## CHAPTER II: SITUATION OF ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS IN THE HEMISPHERE

### INTRODUCTION AND METHODOLOGY

50. SRESCER contributed to the preparation of Chapter IV A of the Commission's Annual Report, which would describe the picture of the current human rights situation in the 35 States of the region, with particular attention to the issues prioritized by the IACHR, as well as the cross-cutting axes established by it in its Strategic Plan 2017-2021. It also made a significant effort to develop a section in its own report that highlights the main data collected during 2019, as general concerns about ESCERs in the Americas.
51. The mandate was based on information received during country visits, ex officio investigations, supplies of the different mechanisms by which the Commission has monitored the situation of Member States, such as hearings thematic visits, requests for information under Article 41 and 18 of the American Convention, precautionary measures, as well as other information received, journalistic notes, reports of the San Salvador Protocol Working Group, decisions and recommendations from specialized international agencies, among other sources of information available for SRESCER.
52. In all cases, the sources used as provided for in Article 58, fifth, of the Commission Regulations are cited. It should be emphasized that the amount of information used varies by country based on the data and sources available for the mandate, without presupposes to make country-to-country comparisons but to reflect the main findings of SRESCER in its exercise of 2019 in its approach to the overall situation of ESCERs in the Americas.
53. For the preparation of this chapter of the 2019 Annual Report, the Special Rapporteur ESCER made an express call requesting information through a public communiqué and took into account, in general, the data available as of 29 November 2019<sup>6</sup>. Information related to events occurring after the closing date of the 2019 Annual Report can be verified in the communications section of the IACHR (<http://www.oas.org/es/cidh/>).
54. In addition, SRESCER has taken account of the information received in response to that request for information, which also provided the 35 OAS States individually through the corresponding letters. The Special Rapporteur ESCER particularly thanks those States that responded to this request, namely: Argentina, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico and Uruguay, stressing the importance of the information and cooperation of the OAS Member States have for the mandate.
55. In the methodology used, SRESCER has first and foremost sought to ensure the development of its regional monitoring work with the greatest efficiency and rigor that the resources at its disposal allow it. In this regard, it is important to remember that the objectives of the SRESCER mandate are outlined in its strategic agenda, which sets out the issues of attention of the mandate, which in turn are aligned with the approaches of the Objectives of Sustainable Development (SDGs) of the United Nations.
56. It has also considered the methodology of institutional and contextual analysis developed by the United Nations Development Program (UNDP), considering as a main guide the inter-American and universal standards applicable in ESCER.<sup>7</sup>

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<sup>6</sup> IACHR, Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), 23 October 21019.

<sup>7</sup> United Nations Development Programme, [Institutional and Contextual Analysis for the SDBs](#), August 2017, p. 5

57. In this regard, SRESCER generally agrees on the implementation of the inter-American regulatory framework in ESCER with what is set out by the United Nations Committee on Economic, Social and Cultural Rights (hereinafter referred to as the DESC International Compact), when, in relation to the International DeSC Pact, it states: *"The Committee reaffirms that the rights recognized in the Covenant<sup>8</sup> can be made effective in the context of a wide variety of economic and political systems, provided that the interdependence and indivisibility of human rights, be they the principles used for their implementation."*<sup>9</sup>
58. For SRESCER, the fight against poverty and inequality is the top umbrella of the entire mandate, in line with the United Nations 2030 Agenda. Considering that significant progress has been made in the REGION in the area of ESCER over the past decade, which allowed large sections of the population to rise out of poverty and extreme poverty, it is particularly worrying that these achievements are now at serious risk of a regional decline.<sup>10</sup> Therefore, SRESCER recalls that States have an obligation to take deliberate and concrete steps to advance poverty eradication, addressing this problem from a human rights approach and developing strategies to ensure their entire population contained at least essential social and environmental rights.<sup>11</sup>
59. In conjunction with expressing concern about the persistence of poverty and inequality in the region, such as the risk of increased poverty and extreme poverty in countries where serious human rights crises are occurring, SRESCER emphasizes that such aspects of particular concern have led to the implementation of this Report. In general, the report has focused on reflecting the actions of Member States to ensure the full enjoy of the right to education and the health of its inhabitants, as well as the progress and challenges that each country has faced in this according to the information available in relation to each State.
60. SRESCER follows the line of the United Nations Committee on Economic, Social and Cultural Rights (CDESC), in its General Comment No. 3, that measures related to the application of Economic, Social, Cultural and Environmental Rights, also in the light of inter-American legislation, are called to progressively achieve the full effectiveness of rights. Thus, the term "progressive effectiveness" is an acknowledgement of the fact that the full effectiveness of all economic, social, cultural and environmental rights in general cannot be achieved in a short period of time.<sup>12</sup>
61. Likewise, as the Inter-American Court of Human Rights has said, there are two types of obligations that derive from the ESCER: those of immediate enforceability, such as that of non-discrimination, and those of progressive realization. With regard to the latter, the progressive development of ESCER will not be possible in a short period of time but requires the effective implementation of actions to achieve the full rightness of these rights. In this logic, the Court established that the obligation to progressively carry out the ESCER prohibits the inactivity of the State in its task of implementing actions for the effective protection of these rights, especially in those matters where the total absence of state protection places individuals in the face of the imminence of suffering damage to their life or personal integrity.<sup>13</sup>
62. In this sense, with the ESCERs embodied both in the Charter of the Organization of American States, as well as in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and its Protocol of San Salvador – among others regulatory instruments and specific human rights treaties of the inter-American system – the "progressive"

<sup>8</sup> International Pact on Economic, Social and Cultural Rights.

<sup>9</sup> DESC Committee, General Comment No. 3, para. 8

<sup>10</sup> CIDH, [Report on Poverty and Human Rights in the Americas](#), OAS/Ser.L/V/II.164 Doc. 147, 7 September 2017, para. 349.

<sup>11</sup> IACHR, Press Release No. 048/19, [The Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) reports on its results in 2018 and together with the IACHR calls for a commitment to its strengthening](#), 27 February 2019.

<sup>12</sup> Committee on Economic, Social, Cultural Rights (CESCR), General Comment No. 3, [The nature of the obligations of States Parties](#), fifth session, 1990.

<sup>13</sup> Inter-American Court of Human Rights, *Cuscul Pivaral case and others vs. Guatemala*, Judgment of 23 August 2018, para. 140 etc.

characteristic of ESCER should in no way be an excuse to consider that ESCERs are rights less rooted in human dignity or in the same inter-American instruments as civil or political rights. On the contrary, the universality, indivisibility, interdependence and interrelationship of all human rights increasingly appear as central elements when ensuring their effective protection, as well as the preservation of Democracy and the State States that are truly committed to the development of their peoples and thus to the implementation of the 2030 Agenda.

## COUNTRY INFORMATION

### 1) Antigua and Barbuda

#### A. Right to education

63. In Antigua and Barbuda, efforts have been made to ensure access to adequate and quality education for the country's girls and adolescents during 2019. The Special Rapporteurship ESCER notes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) has stated that there is greater proximity to parity in all schools, and there is an increase in the performance of girls and adolescents at secondary and tertiary levels; however, she expresses concern about the lack of job opportunities for women with academic and vocational training.<sup>14</sup>
64. Thus, the State of Antigua and Barbuda has implemented, together with the company CISCO, girls *Power Tech's* initiative to inspire girls and adolescents to get involved in professional careers in technology, engineering and mathematics.<sup>15</sup> Also, this year, the Ministers of Education of the OAS Member States approved the Antigua and Barbuda Plan of Action for 2019, which aims to implement the objectives and principles of the 2030 Agenda in schools located in the most vulnerable sectors in the country.<sup>16</sup> SRESCER recalls that the CDESC, in its General Comment No. 13, emphasizes that "the right to fundamental education is not limited by age or sex", therefore, the State of Antigua and Barbuda should continue to pursue policies with a gender-parity approach to avoid school drop-out of NNs and contribute to efforts to achieve universal education.<sup>17</sup>
65. In addition, the Ministry of Education, Science and Technology has made efforts to implement "*Positive Behavior Management*"(PBM), a series of strategies to improve interactions between students, faculty and managers to reduce rates of violence and bullying in educational classrooms.<sup>18</sup> In February 2019, more than 1,200 educators were reached who were trained by Ministry of Education officials and the program allows intersectionality between students, teachers, parents and public school administrative staff to provide a safe environment for students.<sup>19</sup>
66. However, SRESCER sees with concern in the most recent reports, in which it has been reported that the Ministry of Education has published a "*body punishment guidelines*" that establishes methods for employing articles to perform physical punishments to impart discipline to students.<sup>20</sup> The guide states the following:
- Designate shall use (a) a leather strap no longer than thirty (30) inches, one and a-half (1½) inches wide and not more than a quarter (1/4) inch thick in the case of secondary schools, and (b) in the case of a primary school, a leather strap no longer than 24 inches, one and a quarter (1¼) inches wide and no more than a quarter (1/4) inch thick.<sup>21</sup>
67. These guidelines also provide that students will be informed of the reason for receiving the punishment, the number of blows they will receive, as well as the person who will administer the

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<sup>14</sup> United Nations Committee on the Elimination of Discrimination against Women (CEDAW), Committee on the Elimination of Discrimination against Women reviews report of Antigua and Barbuda, 20 February 2019.

<sup>15</sup> Antigua Observer, US firm brings Girls Power Tech initiative to Antigua y Barbuda, 4 of July 2019.

<sup>16</sup> Antigua Observer, Ministers of Education of the Americas approve the plan of actions of A&B 2019, 9 out of July 2019

<sup>17</sup> CESCR, General Comment No. 13, The right to education, E/C.12/1999/10, para. 24.

<sup>18</sup> Antigua Observer, Ministry of Education works to promote Positive Behavior Management in schools, 10 October 2019.

<sup>19</sup> Antigua Observer, Ministry of Education works to promote Positive Behavior Management in schools, 10 October 2019.

<sup>20</sup> Antigua Observer, Ministry of Education Accused of Creating 'A Policy To Bang People Pickney', 30 September de 2019; St. Lucia Times, Antigua's Corporal Punishment Policy Under Fire, 1 October 2019.

<sup>21</sup> Antigua Observer, Ministry of Education Accused of Creating 'A Policy To Bang People Pickney', 30 September 2019.



punishment and the person testifying the act.<sup>22</sup> The institution must keep a record of the above information to notify parents and keep them on file on student backgrounds.<sup>23</sup>

68. The Commission and its SRESCER express their concern regarding the use of corporal punishment for children and adolescents in schools as a method of imparting discipline and behavioral correctness. They therefore reiterate the obligation of States to "prohibit the use of corporal punishment as a method of discipline for children and adolescents" in public institutions, including schools, military schools, orphanages, among others, as it aggravates the vulnerable situation in which they find themselves and may have effects for their integral development.<sup>24</sup>

#### B. Right to health

69. Health authorities have carried out measles prevention and vaccination campaigns as, according to the Ministry of Health, 5% of children and adolescents have not been vaccinated against measles. The Government has also taken steps to eradicate dengue virus by visiting households where mosquito breeding sites are available and providing awareness campaigns on ways to prevent transmission of the virus. In addition, programs will be provided in public schools to reduce the consumption of sugary drinks and the promotion of physical activity to prevent sedentariness in children and adolescents.<sup>25</sup>
70. On the other hand, SRESCER is concerned about the increase in registered cases of children with respiratory problems during 2019. Children and adolescents have problems breathing and low oxygen levels in the body, as well as diseases such as bronchitis, respiratory tract infection, bronchopneumonia and even dengue.<sup>26</sup> Health authorities have also reported that premature infants and infants less than 28 days of birth are at risk in this context.<sup>27</sup> Similarly, information was received that, although there is an increase in the number of cases of dengue recorded, the Chief Medical Officer of Antigua and Barbuda, Dr. Rhonda Sealy-Thomas, has stated that it is not considered an outbreak of the virus in the population.<sup>28</sup> The ESCER Special Rapporteur did not have access to the official figures of the number of cases that have been recorded during 2019, however, it will continue to monitor the situation to determine the necessary causes and measures to be implemented by the State of Antigua and Barbuda.
71. It also recognizes the efforts of the Ministry of Health of Antigua and Barbuda to implement the "*National Non-Communicable Disease*", an electronic record of the number of cases of noncommunicable diseases in the population.<sup>29</sup> The software was developed by the company Reomed, contracted by the Pan American Health Organization (PAHO), to monitor the three community health care centers: Clare Hall, All Saints and the centers located on Browne Avenue.<sup>30</sup> The implementation will allow the ministry access to health center registries to ensure the distribution of medicines and to carry out prevention and promotion campaigns for treatment against noncommunicable diseases.<sup>31</sup>

#### C. Right to a healthy environment

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<sup>22</sup> The Daily Observer, Ministry of Education Accused of Creating 'A Policy To Bang People Pickney', 30 September 2019

<sup>23</sup> Ibid.

<sup>24</sup> CIDH, Report on the corporal punishment and human rights of children and adolescents, 5 August 2009, OEA/Ser.L/V/II.135 Doc. 14, para. 36.

<sup>25</sup> The Daily Observer, Health Minister implores public to get vaccinated amidst measles scare, 9 May 2019.

<sup>26</sup> The Daily Observer, Health officials baffled by increase in respiratory cases, 3 October 2019.

<sup>27</sup> Ibid.

<sup>28</sup> The Daily Observer, No outbreak says CMO despite increase on dengue cases, 18 October 2019

<sup>29</sup> The Daily Observer, Ministry of Health to develop NCD registry for Antigua and Barbuda, 16 October 2019.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

72. SRESCER notes that Antigua and Barbuda has highlighted in the hemisphere the pioneer in being part of initiatives to reduce the use of plastic bags of one use and reduce the amount of plastic in the oceans. In 2016, according to the United Nations Environment Program (UNEP), the State incorporated in its legislation the ban on plastic bags, resulting in a decrease of 19.5% in 2006 to 4.4% during 2017.<sup>32</sup> The effort to reduce plastics, in the Caribbean, aims to reduce mosquito outbreaks and transition from diseases such as dengue, Zika and chikungunya, as well as protect maritime wildlife and promote recreational activities on beaches.

D. D. Right to decent housing

73. Regarding the right to adequate housing, the Special Rapporteur notes the efforts to ensure access to adequate housing for the inhabitants of the State of Antigua and Barbuda during 2019. Since 2014, the Government has effectively delivered the *National Housing Company project*, a public policy to counteract the negative effects of Hurricane Irma, having built approximately 300 households in the town of Denfields.<sup>33</sup> In this sense, the *National Housing Company* has invested \$15 million to improve housing infrastructure part of the project and housing construction in Dredge Bay and Paynter.<sup>34</sup> Similarly, the Government has provided the Housing for *Youth* program to allow access to housing for young adults, aged 18 to 35, for \$160,000 to \$180,000.<sup>35</sup> Households will reportedly have solar panels and climate-resilient infrastructure to counteract the negative effects of natural disasters. For its part, in January 2019, the Government of Antigua and Barbuda has signed a financing agreement with the European Union to implement a two-year housing program, in conjunction with the United Nations Development Program, to ensure resilience by rehabilitating buildings requiring further repair after Hurricane Irma.<sup>36</sup>

## 2) Argentina

74. This ESCER Rapporteurship notes that poverty has increased significantly in Argentina. Official and academy data agree that by the third quarter of 2019 it is estimated that about 9% of people were homeless, while just under 40% of the population lived in households with incomes below the poverty line.<sup>37</sup>
75. According to the Argentine Catholic University, there are 16 million people in the country under the poverty line, while there are 3.6 million people are homeless.<sup>38</sup> The Special Rapporteurship will continue to be attentive to developments, encouraging the adoption of rights and gender equality public policies that promote the effective participation of people living in poverty and groups in particular situation of vulnerability.

A. Right to education

76. With regard to the right to Education, SRESCER took note of the new report of the Argentine Observatory for Education which exposes an increase in investment and that, although more than

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<sup>32</sup> United Nations Environment Programme (UNEP), [The Caribbean addresses the scourge of plastic pollution](#), June 19, 2019.

<sup>33</sup> The Daily Observer '[National Housing Company is a success](#)', [Housing Minister says](#), 22 June 2019.

<sup>34</sup> Caribbean News Now, [Housing Dominica: A practical solution to a regional emergency](#), 24 June 2019.

<sup>35</sup> The Daily Observer, '[Housing for Youth](#)' available, '[Land for Youth](#)' revived, 1 de July 2019.

<sup>36</sup> Government Information and Services, [GOAB and UNDP Kick- Start European Union-funded Euro 5 Million Housing Support to Barbuda Project](#), 19 March 2019.

<sup>37</sup> See, SDGs-PUCA, [Advancement of the Report on Social Debts and Structural Inequalities in Argentina 2010-2019 Contributions for a Comprehensive Sustainable Human Development Agenda Version 14/12/2019](#).

<sup>38</sup> [El País, Poverty in Argentina reached 40.8%, according to report](#), 5 December 2019.

two million students have joined education, in the last 20 years, only three out of ten end with a good level in mathematics in secondary education.<sup>39</sup> Similarly, private school tuition has increased by 47.3%, while state enrolment increased by 15.2%.<sup>40</sup>

77. It is worth noting the completion of the Learn test, which was applied in September of this year, and will measure for the first time how much students know about democracy and citizenship.<sup>41</sup> Progress in artificial intelligence and education is also being made, as an initiative is planned to take advantage of the opportunities that technology presents for the country's development and growth, both in economic and quality of life terms.<sup>42</sup>
78. However, education funding would have declined in recent years to 6% of GDP alone, which is the minimum to comply with Law<sup>43</sup>No. 26.075. This situation is of concern to the ESCER Rapporteurship, such as the fact that according to the survey of the Universidad Argentina de la Empresa Foundation (UADE), 47% question the quality of the education system, with 60% of the population considering it key to improving society.<sup>44</sup>

#### B. Right to health

79. SRESCER has given attention to the public health challenges that women and adolescents continue to face in the exercise of their sexual and reproductive rights, as well as to the mobilization and legislative debate for their exercise. SRESCER notes that a new Voluntary Pregnancy Disruption Bill has been introduced on 28 May this year to ensure access to legal, safe and free practices for women and adolescents. It has also been made aware of progress in regulating the legal termination of pregnancy,<sup>45</sup> adopted by the outgoing Government and entrenched by the inbound.
80. SRESCER encourages continued discussions on voluntary termination of pregnancy, putting international and inter-American human rights standards at the center. Of particular concern is the high rate of unwanted pregnancies, especially of girls, in addition to the increase in sexually transmitted<sup>46</sup>diseases such as syphilis, which according to data from the Ministry of Health of Argentina continue to increase.
81. Depending on the reports received and the public hearing held on 14 February before the IACHR, the situation of people with mental illnesses, who are admitted to psychiatric hospitals, is also of concern of the mandate. At that hearing, the petitioning organizations provided information on the serious practices prevailing in psychiatric hospitals and on the lack of community devices for inpatients to leave, even though the National Mental Health Act 26,657 provides for the closure of asylums in 2020.<sup>47</sup> For its part, the Delegation of the State took into account the measures being

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<sup>39</sup> Argentine Observatory for Education, [The State of Education in Argentina](#), September 2019, p.114.

<sup>40</sup> Argentine Observatory for Education, [The State of Education in Argentina](#), September 2019, p. 114.

<sup>41</sup> Clarín [The Learn test will measure for the first time how much students know about democracy](#), 28 August 2019.

<sup>42</sup> Data Unesco platform minister of Education Culture, Science and technology of the nation. [UNESCO recognized Argentina's work on artificial intelligence and education](#), 27 August 2019.

<sup>43</sup> Congress of the Nation of Argentina, [Law No. 26.075](#), 8 January 2006.

<sup>44</sup> The Nation, [For 60%, education is key to improving society](#), 5 September 2019.

<sup>45</sup> The Nation, [What is the non-punishable abortion protocol that was put in place](#), December 13, 2019.

<sup>46</sup> Infobae [Avoiding unwanted pregnancies and preventing disease, the two essential axes of sexual health](#), 04 September 2019.

<sup>47</sup> CELS, [Hearing before the IACHR on psychiatric hospitals in Argentina](#), 12 February 2019.

taken on the subject.<sup>48</sup> SRESCER will continue to make efforts towards an *in loco* visit to the mandate on it.

C. Right to a healthy environment

82. Among the advances in environmental matters, it is noted that Argentina became the first country in Latin America to declare the climate and ecological emergency, being the fourth in the world. On 24 May 2019, the Climate Alliance, made up of young people from more than 30 environmental organizations, presented to the Senate the project called "Pibes de Greta", an<sup>49</sup>initiative that was unanimously approved in the Minimum Budgets for Adaptation and Mitigation of Climate Change Act. In addition, legislative matters have ratified a law that protects the glaciers from mining. The Argentine Supreme Court rejected a claim by a Canadian mining multinational, and thus upheld the constitutionality of the country's Glacier Protection Act, a ruling that it considered beneficial for the preservation of those natural formations.<sup>50</sup>
83. SRESCER received information on institutional actions that the State has taken in the field of the environment. Among them, the Ministry of Environment and Sustainable Development of the Nation has developed various communication channels within the framework of National Law No. 25.831, in order to guarantee the right of access to environmental<sup>51</sup>information. Likewise, the State noted that, at the moment, the National Strategy for Environmental Education is being implemented, a public policy that guides the basis for the construction of cross-sectoral programs on the subject, promoting the action of individuals, groups and society as a whole for environmental care in its integrality.<sup>52</sup> He also indicated that a National Climate Change Cabinet has been formed, which is working on articulating mitigation and adaptation measures on the implementation of the country's National Determined Contributions.
84. While these initiatives are greeted, there are multiple concerns for this Special Rapporteurship concerning water, soil,<sup>53</sup>air or melting of glaciers, the increasing deforestation of their main forested areas in both the north and south of the country by fires and agricultural advancement, agrochemical pollution, and poor management of industrial and domestic waste. The latter highlights the controversy over recent Decree 591/2019 that makes it more flexible in the entry of potentially hazardous waste into the country.<sup>54</sup> In addition, the issue of forest fires sweeping the Amazon and other areas of the continent persists, also affecting Argentina, mainly due to pollution and loss of biodiversity caused by fires that occurred in Jujuy, Salta, Catamarca and La Rioja.<sup>55</sup>
85. On 20 August 2019, SRESCER sent a letter to the State of Argentina, in accordance with Article 41 of the American Convention on Human Rights in conjunction with RELE, requesting information from the State of Argentina,<sup>56</sup> on the criminal complaint that would have been filed by the Ministry of Security against the non-governmental organization Greenpeace. The IACHR became aware of the peaceful demonstration by the Organization Greenpeace by deploying two posters, which were operated by remote control during the Palermo Rural Exhibition, against forest clearings in Argentina.

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<sup>48</sup> Health Consensus, [Argentina affirmed its commitment to mental health to the IACHR](#), February 25, 2019.

<sup>49</sup>[The Nation, Argentina declared climate and ecological emergency, 22 July 2019.](#)

<sup>50</sup> Efe [Argentina's justice ratifies law that protects glaciers from mining](#), 4 June 2019.

<sup>51</sup> Note from the Mission of the Republic of Argentina to the OAS, REF: No. OAS 907, received on 30 November 2019

<sup>52</sup> Note from the Mission of the Republic of Argentina to the OAS, REF: No. OAS 907, received on 30 November 2019

<sup>53</sup> Black River, [No planet B](#), 22 September 2019.

<sup>54</sup> Black River, [Hazardous waste: Does Argentina matter a serious problem?](#), 20 September 2019.

<sup>55</sup> The Nation, [Smoke from fires in the Amazon came to Argentina](#), 23 August 2019.

<sup>56</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. 25 September 2019. Letter from the State of Argentina sent to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights and the Special Rapporteurship for Freedom of Expression, in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

86. Subsequently, according to public information on these facts, the Ministry of Security of the Nation denounced members of Greenpeace for the crime of "public intimidation" provided for in article 221 of the Argentine Penal Code. The Special Rapporteurship on ESCER stresses the importance of the right to participate and to demonstrate peacefully on environmental issues, recalling the obligation of States to ensure that citizens in general submit, without fear of criticism, proposals to improve the improvement of environmental policies or standards.
87. In its response, dated 25 September 2019, the State explains that the Directorate for the Prevention of Corruption and Execution of Integrity Tests of the Ministry of Security, was ordered to the Argentine Federal Police under the actions of "Public Intimidation Inquiry", identified in order<sup>57</sup>number 0351/2019 under the intervention of the Court in criminal and correctional federal . Similarly, the communication of the Secretary of the Court in The Criminal, Contravenational and Fouls No. 27 was noted, which states the following:

In respect, I would like to inform you that on yesterday Mrs Jueza, acting in charge of this Court ..., by virtue of the first one with which the request was made, decided to refer the proceedings to the headquarters of the acting prosecutor's office U\*Early Intervention Unit of the Northern Fiscal Unit) [...] <sup>58</sup>.

88. In this sense, as reported by the Centre for Human Rights and Environment, its report has held protests against the company Bayer-Monsanto, especially for the use of the agrochemical glyphosate, which is used for the monoculture of soybeans in Argentina. The company made the decision to open a branch in Córdoba,<sup>59</sup>in the town of Las Malvinas,Argentina. SRESCER became aware of recent demonstrations, held on 8 October 2019, in which activists entered the company's stations with photos of people who had been affected by the use of agrochemicals.<sup>60</sup> According to information received, the provincial government would have arbitrarily repressed and detained environmentalists.<sup>61</sup> SRESCER will continue to monitor the situation, based on inter-American standards on ESCER, especially in the field of business and human rights.

#### D. Labor rights

89. The ESCER Rapporteurship received worrying information about recyclers in Argentina. For example, on a regulation in the city of Rosario that since 2010 tries to orient recyclers towards another type of work to abandon informal recycling, based mainly on devices such as microcredit. According to WIEGO's report with these microcredits, beneficiaries could barely eat or buy basic clothing for their family, so in many cases they<sup>62</sup>used that loan to buy another horse and be able to continue their recycling activity informally.

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<sup>57</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. 25 September 2019. Letter from the State of Argentina sent to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights and the Special Rapporteurship for Freedom of Expression, in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>58</sup> Ibid.

<sup>59</sup> Center for Human Rights and Environment (CEDHA), Centro Mexicano de Derecho Ambiental (CEMDA), Instituto de Derecho Ambiental A.C., FIMA, Grupo Jurídico Internacional de Derechos Humanos (CEJUDHCAN), Institute for Governance & Sustainable Development (IGSD), Environmental Law Alliance Worldwide (ELAW), Environmental and Development Foundation, Center For Justice & International Law (CEJIL), Mapuche Territorial Alliance, EarthRights International, Gualaguaychú (FUNDAVIDA), Sustainable Chile: Citizen Proposal for Change, Report on the Misuse Of Criminal Justice Systems to Retaliate Against Environmental Defenders, 21 September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>60</sup> Sputnik World, [Activists break into Bayer-Monsato office in Buenos Aires](#), October 8, 2019.

<sup>61</sup> CEDHA, CEMDA, Institute of Environmental Law A.C., FIMA, CEJUDHCAN, ELAW, CEJIL, Mapuche Territorial Alliance, EarthRights International, Gualaguaychú Ecological Foundation (FUNDAVIDA), Sustainable Chile: Citizen Proposal for Change, Report on the Misuse Of Criminal Justice Systems to Retaliate Against Environmental Defenders, 21 September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>62</sup> WIEGO, Executive Summary "Protecting the Human Rights of Recyclers in Latin America", Preparatory Document for Hearing before the Inter-American Commission on Human Rights, July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

90. In the same Argentine city, SRESCER has also been aware of initiatives that involve<sup>63</sup>good practices in this area, saluting its realization. In this regard, this Special Rapporteur calls for particular attention to the situation of recyclers, in particular to assessing their social contribution, ensuring that their right to freely choose their work and livelihood activity is respected, by participating in the decision-making processes that affect them.
91. In addition, SRESCER received information from the Association of Employees and Funary of the Judiciary of the Nation of the Argentine Republic in response to the call of the mandate requesting information on the situation of ESCER in the region. The Association states that the main problems include that workers do not enjoy the implementation of collective bargaining, the lack of recruitment of persons with disabilities, as well as the absence of minimum conditions of building conditions and occupational safety and hygiene within the judiciary.<sup>64</sup> SRESCER will continue to monitor this situation, while calling on the Argentine State to take urgent action to address the labor demands of the judiciary in the country.

### 3) Bahamas

#### A. Right to education

92. SRESCER has seen positive progress in access to education in the Bahamas, with increasing levels of schooling; however, the Ministry of Education stated that less than 50% of tertiary-level students<sup>65</sup>drop out of school with a high school diploma. According to the Inter-American Development Bank, the State of the Bahamas has made significant progress in ensuring universal access to students between the ages of 5 to 16 and, in general, 36% of students with lower tertiary education levels depend on the private sector for access to<sup>66</sup>education.
93. For this reason, the Government has generated government programs such as the "National Job Creation and Skills Enhancement Program", since 2018,<sup>67</sup>for the professional development of students in areas of health, business, information technology, among others. Also, in 2019, the Tertiary Grant Program is offered to allow students entering the University of the Bahamas to have coverage that covers their tuition and course<sup>68</sup>fee. In addition, the Government has focused on the remodeling of infrastructure and the updating of electronic equipment for the development of educational capacity within the classrooms. The ESCER Rapporteurship welcomes these initiatives, so it will monitor their effects on the right to education in the Bahamas.
94. On the other hand, SRESCER has closely monitored reports of lack of sanitary conditions at educational facilities in the State of the Bahamas. During October 2019, a lack of school infrastructure has been reported in certain sectors that caused the Bahamas Union of Teachers (BUT) to be courted for the precarious conditions at Calton Francis Primary School and C.H. Reeves Junior High<sup>69</sup>School. Teachers have reported that educational classrooms have leaks, rat

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<sup>63</sup> Rosario Plus, [A group of cartoners will mark the pulse of recycling for an entire neighborhood](#), October 20, 2019.

<sup>64</sup> Association of Employees and Officials of the Judiciary of the Nation of the Argentine Republic, Sending Information on the status of DESCRA in the Region, 28 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCRA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCRA in the region](#), 24 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>65</sup> The Bahama Journal, [Education Minister Committed to Graduating Standard](#), 13 June 2019.

<sup>66</sup> Inter-American Development Bank (IDB), [Nurturing Institutions for a Resilient Caribbean](#), 2018, Page. 275

<sup>67</sup> The Bahama Journal, [Gov't Renews 52-week National Job Creation Program](#), 1 July 2019.

<sup>68</sup> The Bahama Journal, [Education ministry aims to facilitate free tuitions](#), 15 June 2019.

<sup>69</sup> The Nassau Guardian, [BUT to take Ministry of Education to court over schools conditions](#), 4 of November 2019.

and termite infestations, malfunctions of health care baths, among others, which cause<sup>70</sup>an impact on education rights by not being able to attend educational classrooms. The authorities of the Ministry of Education have been summoned to attend the facilities and to record the conditions for taking action to solve the problem, however, the authorities continue to be unattended by the presence of media and the<sup>71</sup>press. SRESCER encourages the State of the Bahamas to take the necessary measures to improve this situation, which will give appropriate follow-up.

#### B. Right to health

95. According to the Ministry of Health, basic vaccination coverage is at 90% while international standards require 95% of the immunized population; therefore, to meet international standards, between 20,000 to 25,000 people<sup>72</sup>must be vaccinated. For this reason, the Government carried out campaigns in the educational and health centers, as well as the workplace, to vaccinate 50,000 girls, children and adults buys measles, mumps and rubella.<sup>73</sup> However, SRESCER is concerned about the reports of suicide in 2019. The Government has conducted prevention campaigns and the Ministry of Health said \$1.8 million would be allocated to provide access to specialized medical care to treat mental health problems in the<sup>74</sup>population.

#### C. Right to a healthy environment

96. The Government of the Bahamas has provided government policies and programs to reduce the country's emissions and carbon footprint to ensure the environmental rights of the inhabitants. To this end, the Government stated that only vehicles with less than 200 miles will be considered "new" so that only vehicles that use fuel efficiently can drive. The use of single-use plastic bags, plastic utensils and polystyrene containers was also prohibited<sup>75</sup>by January 2020.
97. In addition, on 14 August 2019, the *Environmental Protection (Control of Plastic Pollution) Bill* was adopted prohibiting the import, distribution, possession and sale of single-use plastic products, such as bags and food containers, by the beginning of 2020.<sup>76</sup> In addition, advocacy campaigns are planned in related public institutions, as well as in public schools, which will allow<sup>77</sup>it to meet the goal of reducing the number of tons of plastic discarded by the State of Bahamas. SRESCER congratulates the State of the Bahamas on such initiatives.
98. In addition, SRESCER expresses its deep solidarity with the people of the Bahamas and, in particular, to those affected by the damage caused by Hurricane Dorian since 1 September 2019. According to the figures of the Bahamas Police, 61 people are reported dead and approximately 1,300 people<sup>78</sup>missing. Nearly 13,000 homes, the affectation of 70,000 people in need of humanitarian assistance, and damage to the infrastructure of health centers were also found.<sup>79</sup> For its part, the State of the Bahamas acted in implementing the National Emergency Plan of *Action*, together with the National Emergency Management *Agency*, to provide rapid assistance to those affected by Hurricane Dorian.<sup>80</sup> Also, the World Food Program (WFP) has supported through the distribution of food products through individuals, local organizations, and a coordination chain with authorities to ensure access to food for the population affected by the

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> The Nassau Guardian, [Health minister: vaccination levels not quite where they need to be](#), 13 February 2019.

<sup>73</sup> The Tribune, [25,000 Still Without Measles Vaccination](#), 31 July 2019.

<sup>74</sup> The Bahama Journal, [Ministry to highlight mental health issues](#), 14 June 2019.

<sup>75</sup> Honourable House of Assembly, [Commonwealth of the Bahamas 2019/20. Budget Communication](#), Page. 35

<sup>76</sup> The Nassau Guardian, [Education campaign urged before plastics ban](#), 15 August 2019.

<sup>77</sup> The Nassau Guardian, [Education campaign urged before plastics ban](#), 15 August 2019.

<sup>78</sup> Relief International, [The Bahamas: hurricane Dorian Emergency Plan of action \(MDRBS003\) Operation U|pdate No. 2., October 9, 2019;](#) Trade, [Bahamas to create ministry for post-Dorian reconstruction](#), 22 September 2019.

<sup>79</sup> IACHR, Press Release No. 237/19, [IACHR and REDESCA express solidarity with the people of the Bahamas for the damage caused by Hurricane Dorian and call for urgent implementation of a human rights response](#), 23 September 2019.

<sup>80</sup> The Government of the Bahamas,

hurricane.<sup>81</sup> Also, a network has been generated to distribute bottled water in the Greater Bahamas and the most affected places and health authorities established protocols to provide medical care those suffering from psychological and emotional<sup>82</sup>trauma.

99. In addition, according to Ministry of Education figures, approximately \$21 million is what has cost Hurricane Dorian to the education<sup>83</sup>sector for the reconstruction of schools in the country. Also, the Ministry of Health stated that the hurricane experienced it; the \$100 million loss from the damage done at the facility in the islands of Abaco and the Greater Bahamas, such as damage to Rand Memorial Hospital and other clinics, as well as to medical assistance vehicles and budget for medical<sup>84</sup>staff salaries. Similarly, the Government has invested \$6.4 million for the construction of the Family Relief *Center*, which will have drainage, sewer and electricity services, to provide temporary housing those affected by the<sup>85</sup>hurricane. Therefore, the IACHR and its SRESCER warn that climate change and the presence of recurrent natural disasters pose a threat to the exercise of several fundamental human rights, as well as the increase in inequality and poverty in the<sup>86</sup>population.

#### D. Right to food

100. On the other hand, SRESCER has been concerned about the persistence of high rates of obesity in the population of the State of the Bahamas since 2000. According to the report "Overview of Food Security and Nutrition in Latin America and the Caribbean" published during 2019 by the Food and Agriculture Organization of the United Nations (FAO), Pan American Health Organization (PAHO), World Food Program (WFP), United Nations Children's Fund (UNICEF, by its acronym in English), the State<sup>87</sup> of The Bahamas has the highest obesity rate in the region since it almost reached 30% prevalence during the period 2000-2016 . For this reason, measures have been taken by international agencies to promote adequate food by increasing fruit consumption and reducing the consumption of salty products, through the provision of subsidies to various Caribbean States such as Antigua and Barbuda, Bahamas, Barbados, Belize, Guyana and St. Lucia.<sup>88</sup>
101. In that order of ideas, according to official figures, more than 65% of Bahamans consume more than the required amounts of sugar for the amount of sugary drinks consumed per day. <sup>89</sup> Therefore, the Bahamas Ministry of Health has stated that, as of 1 October 2019, the sale and availability of sugary drinks will be prohibited in all facilities of clinics, hospitals and health facilities<sup>90</sup>. Also, the Government is considering imposing a tax on sugary drinks to reduce the obesity rates of the population. <sup>91</sup>

#### E. Business and human rights

102. Regarding the subject of business and human rights, the ESCER Special Rapporteur has closely monitored the status of the oil spill by the Norwegian company Equinor in the forests and rivers of the island of Greater Bahamas in September 2019. Information has been received from *Save the Bay*, noting that on August 31, 2019, Hurricane Dorian arrived in the Bahamas and caused five

<sup>81</sup> Relief International, "[The Bahamas: Hurricane Dorian Emergency Plan of Action \(MDRBS003\) Operation Update no. 2](#)", 9 of October 2019.

<sup>82</sup> OPS, [Bahamas responds to Hurricane Dorian with paHO support](#), September 3, 2019.

<sup>83</sup> The Nassau Guardian, [Dorian will cost Mon. of Education \\$21 mil.](#), 7 of November 2019.

<sup>84</sup> The Nassau Guardian, [Dorian caused almost \\$100 mil. in damage to health facilities on GB](#), Abaco, 11 October 2019.

<sup>85</sup> The Nassau Guardian, [\\$6.4 million for temporary housing on Abaco](#), 10 October 2019.

<sup>86</sup> IACHR, Press Release No. 237/19, [IACHR and REDESCA express solidarity with the people of the Bahamas for the damage caused by Hurricane Dorian and call for urgent implementation of a human rights response](#), 23 September 2019.

<sup>87</sup> Food and Agriculture Organization (FAO), Pan American Health Organization (PAHO), World Food Programme (WFP), United Nations Children's Fund (UNICEF), [Overview of food security and nutrition in Latin America and the Caribbean 2019](#), 2019, pg. 25; The Nassau Guardian, [A: Obesity has quadrupled in Caribbena since 1975](#), 14 November 2019.

<sup>88</sup> FAO, OPS, PMA, UNICEF, [Overview of food security and nutrition in Latin America and the Caribbean 2019](#), 2019, pg. 71.

<sup>89</sup> The Nassau Guardian, [Ministry of Health to ban sugary drinks at facilities](#), 19 August 2019.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.



storage stubs on the Norwegian company's soil to be knocked down, causing the spill of 5 million gallons of oil over forests and wetland ecosystems such as High Rock <sup>92</sup> Beach. The Government of the Bahamas noted, in a press release, that crude oil was spilled around the company in a seven-mile extension within the ecosystems north of the company and that the situation<sup>93</sup> is being investigated. For its part, the company stated that cleaning practices would be carried out by staff with absorbent materials for the recovery of chemical material and collection of other waste on the beaches.<sup>94</sup>

103. As a result, authorities of the Ministry of Environment and Housing have proposed the approval of the "Environmental Planning and Protection Bill", which provides for a ban on the disposal of harmful substances, chemicals and oil in the bodies of water in the Bahamas. It also decrees that, if individuals were to dispose of chemicals in bodies of water, they will be fined \$7,000 to \$500,000 for compensation for damage to the environment and can receive sentences of up to five years in prison.<sup>95</sup>

#### 4) Barbados

##### A. Right to education

104. In the State of Barbados, the right to education presents certain challenges affecting the proper functioning of the public education system in the country. SRESCER expresses its concern regarding the level of violence in schools among students and teachers that violates the right to quality and comprehensive education, as well as the labor rights of teachers within educational classrooms.
105. The Barbados Union of Secondary Teachers (BSTU) has reported to the Ministry of Education the continuing acts of violence within educational schools at the basic level; therefore, a safety protocol has been established for teachers when acts of violence by students, such as verbal threat and physical<sup>96</sup> aggression, to teachers or other students occur.
106. During 2019, positive progress was identified, especially with regard to tertiary education as the Government announced that it would bear the costs of education at the University of the entire population, with<sup>97</sup> the number of students who obtained a certificate to access tertiary level education for free.

##### B. Right to health

107. According to Ministry of Health statistics, 87% of deaths of citizens of the State of Barbados are caused by chronic noncommunicable diseases such as cardiovascular disease, diabetes and hypertension, caused by lack of physical activity and poor<sup>98</sup> diet. On the other hand, SRESCER recognizes the efforts of the State of Barbados to carry out campaigns to prevent epidemiological diseases, since<sup>99</sup> it does not have outbreaks of these diseases.
108. However, with respect to the decriminalization of the use of marijuana for medicinal purposes, the Ministry of Health and Welfare has approved five medications developed from cannabis for the treatment of cancer, multiple sclerosis and intractable nervous system damage.

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<sup>92</sup> Save the Bays, *Save the Bays Report*, 10 de October 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>93</sup> The Government of The Bahamas, *Government Continues to Monitor Oil Spill at Equinor*, 7 October de 2019; Save the Bays, *Save the Bays Report*, 10 de October 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>94</sup> The New York Times, *Oil Befouls Bahamas Coastline After Hurricane Dorian*, 11 September 2019.

<sup>95</sup> The Nassau Guardian, *Heavy fines proposed in new environmental legislation*, 3 of October 2019.

<sup>96</sup> Loop News Barbados, *Teachers taking matters into their own hands*, 15 May 2019.

<sup>97</sup> Caribbeanlifeneews, *Education relief in Barbados*, 27 de julio de 2018.

<sup>98</sup> Barbados Today, *A state of crisis*, 10 March 2019.

<sup>99</sup> Loop News Barbados, *Ministry: No Measles outbreak in Barbados*, 1 March 2019.

Within this plan, the State has the obligation to guarantee the realization of an educational campaign, as well as the administration of cultivation, production, research and development in order to improve the well-being of its inhabitants.

109. On the other hand, SRESCER welcomes the efforts made by the Government of Barbados in publishing the National *Workplace Wellness Policy* to improve the working environment, health and productivity of workers.<sup>100</sup> The policy is directed the dimensions of well-being such as, physical, mental and psychological, environmental, social, intellectual, occupational, spiritual, cultural and<sup>101</sup>financial.

C. Right to a healthy environment

110. The current Government banned the importation, sale and use of single-use plastic materials such as utensils and bags, as well as recent made of styrofoam<sup>102</sup>to achieve the target of curbing ocean pollution by 2020. Environmental authorities are being conducted to find an appropriate alternative to replace plastic-made materials without causing damage to the full enjoyment of the right to health of the country's inhabitants.
111. There are efforts on the part of the Government to collaborate with international agencies and strengthen management in the face of risks caused by natural disasters and climate change in the region. However, SRESCER expresses concern about the negative effects of Hurricane Dorian in Barbados during 2019. The Government ordered the suspension of educational and governmental activities in the territory, taking steps for the purchase of food and medicines, as well as the rationalization of drinking water.

**5) Belize**

A. Right to education

112. The Special Rapporteurship on ESCER has learned that the Ministry of Education, through the Directorate-General for the Maintenance of School Infrastructure (DGMIE), has participated in 1,220 educational centers for minor repairs, while it has completed 65 out of 124 contracted for major<sup>103</sup>maintenance. The aim is for students and teachers to find decent conditions in the teaching and learning process.
113. SRESCER expresses its concern about indicators demonstrating the broad levels of inequity in access education: 15.87%, according to data collected in<sup>104</sup>2017 and published in September 2018.
114. Among the advances, the Inter-American Telecommunications Commission (CITEL) of the Organization of American States (OAS), Telefónica and Fundación ProFuturo, signed two agreements to promote digital inclusion and education in the Bahamas, Barbados, Belize, Guyana and Jamaica. The agreement signed with ProFuturo focuses on digital education; according to the same elementary schools and teachers will have access<sup>105</sup>to interactive content to improve the learning experience. On the same occasion, Telefónica signed its accession to the Women in Rural Areas Alliance, an initiative promoted by CITEL and other organizations to promote digital

<sup>100</sup> Barbados Today, [More than diet and exercise... Wellness supports good health](#), 9 November 2019; Barbados Today, [Workplace Policy "approved"- Jordan](#), 16 July 2019.

<sup>101</sup> Ibid.

<sup>102</sup> Loop News Barbados, [Government announces ban on plastics](#), 23 January 2019; Caribbean Broadcasting Corporation, [Official plastics ban starts today](#), July 1, 2019.

<sup>103</sup> Today digital, [Ministry of Education intervenes 1,344 schools](#), 27 August 2019.

<sup>104</sup> United Nations Development Programme (UNDP), [Global Human Development Indicators](#), 2018.

<sup>105</sup> Caribbean News Now, [OAS, Telefonica and Fundación ProFuturo signs ICT agreements with Latin American and the Caribbean](#), May 29, 2019

gender inclusion and reduce asymmetries between men and women in terms of access and use of information and communication<sup>106</sup>technologies.

**B. Right to health**

115. One of the concerns identified by the ESCER Special Rapporteurship is the increase in HIV/AIDS cases. According to 2018 statistics from the Joint United Nations Program on HIV/AIDS (UNAIDS), there are approximately 4,900 people living with AIDS in Belize,<sup>107</sup>an increase of 100 people compared to the previous year. Therefore, this Special Rapporteur urges the need to generate public Programs and policies for disease prevention and treatment with a human rights approach, as well as the updating of information regarding Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome (HIV/AIDS) in the population.

116. In addition, according to information received by the Special Rapporteur on ESCER, the Ministry of Health of Belize is implementing the Smart Health Facilities Project, with the technical cooperation of the Pan American Health Organization and the World Health Organization (PAHO/WHO) and funding from the United Kingdom and the European Union. Through it, eleven hospitals and health centers and a laboratory in Belize will be revitalized, so that they are<sup>108</sup>more sustainable and able to continue operating in emergencies or natural disasters.

117. One of the progresses that this Special Rapporteur on ESCER has become aware of is the reduction of 99.8% of malaria cases in the indigenous population between 2000, when 1,486 cases were counted, and 2018 that only 3 cases<sup>109</sup>were recorded. In July 2019, Belize reported zero cases of malaria in indigenous peoples, confirming the possibility of eliminating the disease until 2020 as projected by the Pan American Health<sup>110</sup>Organization. The decrease in the number of cases is due to the effectiveness of investments in early detection, such as treatment and prevention measures taken in the country.

118. In addition, SRESCER has become aware of Belize's Youth Challenge Program, which is under the Ministry of Defense and Ministry of Human Development, Social Transformation and Poverty Reduction of Belize. It involves an alternative educational program for 15- to 17-year-olds, at risk of engaging in criminal activity or engaging in negative behavior. Its management is carried out by the Belize Defense Force and the Department of Community<sup>111</sup> Rehabilitation.

**A. Right to a healthy environment**

119. The SRESCER records the impact of pollution in the country, which records alarming situations such as the New River on *Orange Walk*.<sup>112</sup> The Special Rapporteurship notes that the Ministry of Health and the Department of the Environment are working to find the cause of the contamination. Residents suspect that it was owed to industrial production and poured into the<sup>113</sup>river. SRESCER calls on the State of Belize to take all necessary measures to address the rights-focused situation.

120. Among the advances in environmental policies, on 20 March 2018, the Government of Belize announced the intention to gradually reduce the use of plastic and *styrofoam* (extruded

<sup>106</sup> OEA, [OAS and ProFuturo Foundation to Bring Digital Education to 23,000 Students in the Caribbean](#), October 16, 2018.

<sup>107</sup> Joint United Nations Programme on HIV/AIDS (UNAIDS), [Belize Country](#), 2019.

<sup>108</sup> OPS, [Belize hospitals and health centers will be safer, greener and more resilient to natural disasters](#), 22 February 2019.

<sup>109</sup> OPS, [Malaria foci characterization exercise in Belize](#), 8-12 July 2019.

<sup>110</sup> OPS, [Malaria foci characterization exercise in Belize](#), 8-12 July 2019.

<sup>111</sup> Dialogo Digital Military Magazine, [Belize offers an educational alternative to young people](#), May 10 2019.

<sup>112</sup> **The San Pedro Sun, [Crisis at Belize's northern New River: No immediate plan from DOE](#).**

<sup>113</sup> BBN, [Department of the Environment to address contamination in New River](#), July 20, 2019.

polystyrene), approving the Strategic Action and Implementation Plan to progressively reduce and promote a transition to the use of sustainable products, and recycling, through laws and the Regulations Policy of the Environmental Protection Act. In addition, it intends to improve the collection of statistical data in this area with the aim of helping decision-making and promoting recycling, and investment, scientific research and development, production and import of sustainable products. The Special Rapporteur welcomes these stockings, as well as the prohibition of these single-use polystyrene plastics and foam which began on 22 April 2019.<sup>114 115</sup>

## 6) Bolivia

### A. Right to education

121. The Special Rapporteur noted that the Deputy Minister for Equal Opportunities reported that the issue of "Gender Equality" in the education system is expected to<sup>116</sup>be included from this year, as part of measures to prevent and combat violence against women. In addition, according to available public information, the Government has made efforts to reshape and reinstall<sup>117</sup>schools.
122. In August 2019, the Ministry of Education issued a resolution instructing educational units to take action on combating violence every 25 month, as well as the signing of a pact to reconnect violence from the education system, with parents, teachers and students to build prevention measures. This resolution will instruct all educational units to hold cultural, playful and analytical days to promote the prevention of violence with an emphasis on physical and sexual. Another of the specific actions that are promoted from the Ministry of Education is the incorporation of the Curriculum Development Plan of the Matter<sup>118</sup>of Religion, Spirituality, Ethics and Values and contents of depatriarchalizing and prevention of violence.

### B. Right to health

123. SRESCER followed with concern the situation on the arenavirus and the people affected by it in the State of Bolivia during 2019. The Special Rapporteurship was aware that, on 12 May 2019, Macario Girona, a 68-year-old farmer, died at the Hospital of the Municipality of Canavari,<sup>119</sup>after being cared for by the doctor Ximena Cuellar, presenting symptoms of fever, bleeding and abdominal pain. Also, on 20 May 2019, Dr. Ximena Cuellar began to develop similar symptoms; on May 25, 2019, she was transferred to the Hospital de Gastroenterological in which she was attended by gastroenterologist Gustavo Vidales and doctor Marco Antonio Ortiz, dying<sup>120</sup>on June 4 of this year. As a result, both doctors were admitted to intensive care, at the Hospital Obrero and Caja Nacional de Salud respectively, when they developed symptoms after having cared for their colleague. On the other hand, on July 1, 2019, the Universidad Mayor de San Andrés and relatives of Ximena Cuellar reported, to the Public Ministry, Adela Limachi, head of internal doctors of the Hospital of Caranavi, and Raquel Ticona for culpable crime, claiming that the doctor would have been forced to work, even if she was presenting the symptoms days before she was transferred to the hospital of La<sup>121</sup>Paz.
124. Subsequently, at the beginning of July of this year, the Ministry of Health stated that three other cases had been admitted to different hospitals in the City of<sup>122</sup>Peace, all women, apart from the doctors mentioned above, and were being cared for and easily located in intensive care. As a result, the Ministry of Health stated that two of the patients had been discharged and the third

<sup>114</sup> The San Pedro Sun, [Belize prepares to ban single-use plastic and Styrofoam products by April 2019](#), 07 February 2019.

<sup>115</sup> Department of the Environment, [Implementing the Phase-out of Single Use Plastics in Belize](#), September 2019.

<sup>116</sup> The Reason, [Government plans to include gender equality in the education system this year](#), 29 June 2019.

<sup>117</sup> Latin Press, [Education in Bolivia is a government priority, says president](#), 22 July 2019.

<sup>118</sup> The Reason, [Education will issue resolution for every 25th of months to take action against violence](#), 09 August 2019.

<sup>119</sup> Duty, [Thus he became the doctor Vidales, who died of the arena virus in La Paz](#), July 10, 2019

<sup>120</sup> The Times, [Arenavirus takes on its third victim and questions biosecurity level](#), July 11, 2019

<sup>121</sup> The Reason, [UMSA reports two doctors from Caranavi Hospital for negligence](#), July 02, 2019

<sup>122</sup> Page Seven, [Health adds up to three other suspected cases of viral infection](#), July 1, 2019

was confirmed to have been diagnosed with dengue, and no suspected cases of arenavirus<sup>123</sup> have been reported. Similarly, on July 3, a commission of foreign specialists was formed to carry out elimination campaigns to the breeding sites of the selvy rodents called Calomys, particularly in Caranavi, to take control and prevention<sup>124</sup> measures. Later, on 10 July 2019, it was reported that the doctor Gustavo Vidales died of multiorgan failure caused by the infection of the arenavirus in the Hospital Obrero in La Paz. As a result, on 12 and 18 July this year members of the Medical College of La Paz carried out a cessation of activities at the national level to demand better conditions and equipment for the Government to deal with endemic diseases and to have the inputs to deal with epidemiological outbreaks.<sup>125</sup> According to testimonies, there are no level four biosecurity mechanisms required to deal with the arenavirus, as there is no policy of protection against outbreaks or economic resources allocated to do so.<sup>126</sup>

125. SRESCER continues to monitor health data and government actions to mitigate the number of people affected by the virus. According to UNAIDS figures, Bolivia is, at the Latin American level, the second place in terms of the rate of transmission of the virus, after Chile, as <sup>127</sup>it has an annual rate of 22% of new cases infested during the last eight years. In addition, according to the most recent figures, in 2018, 23,926 HIV patients were reported and 5,524 of them died from complications in the AIDS phase, of which 18,402 are carriers of whom 10,020 are followed by free treatment with retrovirals, with the situation unaware of the rest because they disappeared after diagnosis 45.1% of carriers were located in Santa<sup>128</sup>Cruz.
126. Moreover, in August 2019, there have been cases of smuggling of counterfeit drugs and products, which in the case of Bolivia amounts to 20% of the total sales of the industry, so<sup>129</sup>the Government launched a comprehensive drug control system with an investment of Bs 11.9 million. The Program supported by the European Union's International Technical Assistance will improve control, monitoring and control for companies, distributors, pharmaceutical industrial laboratories, among other things. The resources will be allocated to the adequacy and infrastructure of the State Agency for Medicines and Technology and the National Drug Trafficking<sup>130</sup>Board.
127. Subsequently, on 5 September 2019, the Government of The Bolivian Government enacted the Cancer Act 1223 which, among other provisions, sets out the provision of surveillance, promotion, prevention, early detection, care, treatment and palliative care services, including cross-sectoral and transdisciplinary actions against cancer progressively and gradually, in accordance with the epidemiological profile and the existing financing under the SUS. The National Cancer Program also determines actions for the promotion, prevention and early detection of evil, and ensures the employment stability of such patients<sup>131</sup>in the public and private sector, preventing their dismissal without just cause.
128. Finally, the Ombudsman's Office succeeded in the restitution of rights infringed in 64.31% of the 2,476 cases it admitted and investigated, and the most reported institutions were municipal governments. The cases are of sexual violence, legal interruption of pregnancy, right to petition, payment of salaries to consultants, right to identity in a higher education center, labor

<sup>123</sup> CNN, [Bolivian doctor becomes third victim of arenavirus](#), July 10, 2019

<sup>124</sup> Duty, [Commission finds no rodent sandvirus carrier in Caranavi](#), July 09, 2019

<sup>125</sup> Digital Bubble, [Doctors declare themselves in "national grief" and insist that the Arenavirus is not controlled](#), 10 July 2019. The times, Medical College of Bolivia is on par for 48 hours, July 18, 2019

<sup>126</sup> Page Seven [Doctors say biosecurity in hospitals is "improvised" for lack of resources and policies](#), July 03, 2019

<sup>127</sup> BBC News, [HIV/AIDS: which are the Latin American countries with the largest increase in new contagions](#), 17 July 2019.

<sup>128</sup> The Reason, [Bolivia is the second largest HIV-positive country in the region](#), 31 July 2019.

<sup>129</sup> Duty, [20% of drugs sold in Bolivia is illegal, WHO says](#), August 14, 2019.

<sup>130</sup> Duty, [20% of drugs sold in Bolivia is illegal, WHO says](#), August 14, 2019.

<sup>131</sup> The Reason, [Know the full content of the Cancer Act](#), 05 September 2019.

harassment, CHILDREN AND ADOLESCENTS rights, material conditions of educational units, sex work, due process and access to justice, among<sup>132</sup>others.

C. Right to the environment

129. The Special Rapporteur notes that, based on publicly available information, some 1,500 tonnes of waste were reported on the streets of La Paz due to the shutdown of<sup>133</sup>its collection by the blockade of residents surrounding the Alpacomalandfill. The Ombudsman's Office called on the Governorate and the Mayor of Peace to provide a technical and urgent response to the situation, as a government to comply with the Boot Closure Plan in the rest of the country that is provided for in Law 755 on Integral Solid Waste Management enacted in 2005, and which gave a period of five years for that purpose, although, a process of technical closure and environmental sanitation is required, a period that stands in 2020, as reminded of the Ministry of Environment and<sup>134</sup>Water.
130. A departmental bill to prohibit the use of Plastic Bags and Bottles in La Paz was submitted, which was approved by the Legal Commission and Electoral Regime<sup>135</sup>and forwarded to the Departmental Legislative Assembly for approval and sanction. In addition, a process of rapprochement will be carried out with companies that will be affected by effects of the law to re-lead their production processes towards the elaboration of biodegradable bags. Also, in the Plurinational Regulatory Assembly, this is a bill that proposes the gradual and progressive reduction of plastic bags throughout the national<sup>136</sup>territory.
131. Subsequently, SRESCER learned that, in May 2019 in La Paz, there was a torrential rain that caused a landslide in the areas of San Jorge Kantutani and Immaculate Conception that affected at least 164 houses. Of these, 68 were completely collapsed, and 57 were evicted as a precaution, leaving 180 families in uncertainty, according to mayoral data. In the face of this event, the Ministry of Education of Bolivia promoted the construction of a "mobile classroom" and the<sup>137</sup>General Personnel Identification Service installed a point for the injured persons to release a new identity document. SRESCER shows its solidarity with this event, and is attentive to the situation of the people concerned.
132. In August 2019, the Government accounted for 744,711 hectares of the total area affected in Chiquitanía by forest fires, which in 35 communities in 11 municipalities, where a total of 1,817 families were affected and 8 families were harmed. The Environmental Emergency Cabinet also promoted the Tajibo Plan for the fight against fire and<sup>138</sup>drought that plagues several municipalities in the Bolivian east. However, on 10 September, the increase in firelights was reported to 3,300 in Chiquitanía, in the Bolivian east, causing the use of 7,469,400 liters of<sup>139</sup>water.
133. Similarly, SRESCER learned that, in August 2019, Amnesty<sup>140</sup> International wrote an open letter to Bolivia's President Evo Morales. In this letter, information is required on the possible relationship between Supreme Decree No. 3973 of 10 July 2019 and the fires, since the decree

<sup>132</sup> The Reason, Ombudsman achieves restitution of rights in more than 64% of the cases he admitted, 02 September 2019.

<sup>133</sup> Duty, Crisis: At least 1,500 tons of rubbish fill the streets of La Paz, January 28, 2019.

<sup>134</sup> The Reason, Advocacy urges technical response to the garbage problem and calls for compliance with boot closure plan, 02 April 2019.

<sup>135</sup> The Reason, Commission passes law that seeks to eliminate use of plastic bags and bottles in supermarkets and peace companies, 31 May 2019.

<sup>136</sup> The Reason, Commission passes law that seeks to eliminate use of plastic bags and bottles in supermarkets and peace companies, 31 May 2019.

<sup>137</sup> Duty, Uncertainty still remains affected after 72 hours of slippage, 03 May 2019.

<sup>138</sup> The Reason, Fires affected 744,711 hectares in 35 communities in 11 municipalities, 22 August 2019.

<sup>139</sup> The Reason, The light bulbs of fire in the Chiquitanía go up to 3,300 and the Ilyushin plane and the helicopier 'Chinook are already operating', 10 September 2019.

<sup>140</sup> Amnesty International. Open Letter to the President of the Plurinational State of Bolivia, Evo Morales Ayma, for the fires in Chiquitanía, received by the Special Rapporteurship on 10 September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

"authorizes the dismantling for agricultural activities on private and community lands [...] and controlled burning is allowed in accordance with current regulations..."<sup>141</sup>. In this context, Amnesty International requested the State of Bolivia to suspend the implementation of this decree, until it is assured that it has not contributed to the generation of the fires. SRESCER joins this concern and expresses its solidarity with the affected communities, in addition to expressing that the Bolivian State has an obligation to investigate the causes of the fires, as well as to provide assistance with full respect for human rights to the persons and communities affected in the decisions that impact their<sup>142</sup>lives.

134. SRESCER became aware, by official data, that the national area affected by forest burning and fires amounted to 4.1 million hectares,<sup>143</sup> of which about 1.4 million hectares correspond to forest areas. The areas most affected are multiple, and part of the cultural heritage declared intangible heritage by UNESCO, which endangers the ways of life of indigenous peoples of the Bolivian East. Affection has also reached 27 indigenous territories, and 20 protected areas at the national and subnational levels, according to a report by the Centre for Legal Studies and Social Research (CEJIS).<sup>144</sup> This data is of extreme concern to this Special Rapporteurship, especially with regard to the impacts on indigenous peoples, such as the destruction of homes and the respective forced displacement, which puts at risk their cultural and linguistic practices, as well as their traditional knowledge when indigenous peoples are forced to migrate to cities.

#### D. Right to social security

135. The Pensions Act, of 10 December 2010, establishes the possibility of retirement at 58 years, in women it is reduced by one year for each living child you have ever had. However, according to Ministry of Education records, there are 13,959 teachers between 60 and 87 years of age across the country, especially from the departments of La Paz, Cochabamba, Santa<sup>145</sup>Cruz and Oruro-teaching classes and without retiring due to the low incomes they were going to receive.

136. In addition, SRESCER received information on the demands of medical professionals in La Paz to obtain the signing of the agreement between the Paceña governorate and the Ministry<sup>146</sup>of Health for the implementation of the Single Health System, considering that it violates rights recognized in Law 3131 of the Medical Professional Exercise. In this context, in July 2019 health professionals took to the streets in several capital cities of the country demanding better working conditions and, in La Paz, the Union of Medical Branches of Public Health demanded compensation for the families of the two doctors deceased by the sand<sup>147</sup>virus.

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<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> National Geographic, [Expert reveals Bolivia fires have killed some 2.3 million animals](#), 2019

<sup>144</sup> Biodiversity [27 indigenous territories and 20 protected areas affected by fire](#), 17 September 2019.

<sup>145</sup> The Reason, [U. Chinese 14,000 teachers don't retire because of low incomes](#), 13 February 2019.

<sup>146</sup> The Reason, [Peace Physicians Announce Protests and Legal Process by Signing of Sus](#), 22 March 2019.

<sup>147</sup> The Reason, [Doctors march in several regions; seek compensation for relatives of those deceased by arenavirus](#), 12 July 2019.

## 7) Brazil

137. The Special Rapporteurship ESCER notes with concern the increase in poverty rates in Brazil in recent years. According to the data of the Single Register of the Ministry of Citizenship, there was an increase in the population living in extreme poverty reaching a total of 13.2<sup>148</sup>million people and, in the last seven years, more than 500 thousand people entered this situation.
138. According to the GINI index, inequality grows in Brazil, since, between 2014 and 2019, the cumulative average income loss was 3.71%. According to the IBGE, long-term unemployment affects 3,347 million people, and nearly 5 million have<sup>149</sup>already given up looking for a job. SRESCER closely follows developments and calls on the Government of Brazil to prioritize the adoption of rights-focused public policies in combating poverty and inequality.
139. In addition, the Special Rapporteur finds with concern the situation on slave labor and child labor, since, according to the Federal Government's Labor Control Group, 27 children and adolescents were withdrawn in a condition analogous to slavery or<sup>150</sup>in activities listed as worst forms of child labor as of June 2019, almost the same number of the totality identified in 2018.

### A. Right to education

140. With regard to the right to quality education, in January 2019, the Government announced 35 targets for education for the first<sup>151</sup>100 days, and one of them is the regulation of home education. The Minister of Women, Family and Human Rights defended the proposal for mothers and fathers to manage their children's<sup>152</sup>learning. However, the Supreme Federal Court (STF) has already decided that in practice it is not a lawful means of compliance, by mothers and fathers of the right to education.<sup>153</sup>
141. Likewise, on September 13, the Minister announced that Brazilian home education will be approved in November<sup>154</sup>of this year, since the bill was directed by Congress. On the other hand, the Ministry of Education presented, in July, the "Future-se" Program, which aims to attract private investment for public institutions and regulate the participation of social organizations in management. The UNE (National Union of Students) opposes this Program and has alerted to the risks of privatization of public<sup>155</sup>education. SRESCER shares these concerns, for their possible adverse impact on the realization of the right to education in Brazil and calls on the State to put human rights, such as international standards in relation to protection, at the center of its educational policies.
142. On April 8, 2019, Minister Ricardo Vélez Rodríguez was dismissed and other technical and political positions were reported in 2019.<sup>156</sup> Subsequently, in April 2019, the Ministry declared a freeze on the budgets of public universities that have low academic performance, and that make "confusion or tumult" for political activities, so that there would be the contingency of 30% of the budget of all federal universities from the<sup>157</sup>semester. The courts also extended to federal institutes, scholarships and even some basic education programs, and so on 15 May 2019 demonstrations occurred by various sectors of the population against cuts in the education<sup>158</sup>budget. Similarly, on August 13, 2019, new demonstrations were reported in the

<sup>148</sup> Braziliense Post, [Extreme misery in the country grows and reaches 13.2 million Brazilians](#), August 14, 2019.

<sup>149</sup> Estadão, [escalation of inequality](#), August 17, 2019.

<sup>150</sup> Sakamoto's Blog, [Surveillance sees increased worst forms of child labor in 2019](#), June 12, 2019.

<sup>151</sup> Brazil Government launches plan with 35 targets for the first 100 days, 23 January 2019.

<sup>152</sup> G1, [Damares: teaching education allows the country to teach 'more content than school'](#), 25 January 2019.

<sup>153</sup> STF, [Supreme Court denies appeal that called for recognition of the right to home education](#), 12 September 2018.

<sup>154</sup> Gazeta do Povo, [Homeschooling debe be probed in Brazil until November, says Damares](#), 13 September 2019.

<sup>155</sup> R7, [Protests against cuts in Education mobilize students in Brazil](#), August 13, 2019.

<sup>156</sup> Public Bolsonaro dismisses his second minister in less than a hundred days of his term, April 9, 2019.

<sup>157</sup> BBC News Brasil, [The six numbers that summarize the six months of Education in Bolsonaro management](#), 30 June 2019.

<sup>158</sup> The Country of Brazil, [Education Cuts awaken the streets against Bolsonaro](#), 16 May 2019.



Brazilian streets against the courts and privatizations, in all the states of the Federation. SRESCER expresses its concern at such a scenario of cuts, with a special call to respect the principle of progressiveness in the field of the right to education, as well as to guarantee university autonomy and academic freedom.

## B. Right to health

143. The Special Rapporteur ESCER is particularly concerned about measles and dengue cases, as 2,069,502 cases of dengue<sup>159</sup> and 9,304 cases of measles<sup>160</sup> were reported in Brazil, according to the Pan American Health Organization's epidemiological bulletin. In addition, with regard to the presence of HIV/AIDS the population, information has been received on the changes implemented by the federal government in relation to the National Drug and Health Policy. Thus, the Ministry of Health now brings together AIDS, tuberculosis, leprosy, sexually transmitted diseases (STDs), viral hepatitis in the same management sector. With this, the federal government transfers a single fund for the treatment of these diseases, and not specifically to each, as was the case before the<sup>161</sup> change. SRESCER expresses its concern at the possible impact such reforms may have on the obligation of progressiveness in ESCER matters, calling for the assessment and reconsideration of such measures in the light of international standards on the right to health.
144. Furthermore, on 10 January 2019, a letter was sent to the State of Brazil, in accordance with article 41 of the American Convention on Human Rights, requesting information<sup>162</sup> about patients and workers of public health units in the states of Amapá and Rio de Janeiro. SRESCER was aware that, in public health system hospitals, workers would not receive individual protective equipment needed for daily work and there would be insufficient medicines, equipment for urgent medical examinations and treatments. The IACHR and its SRESCER recall that health is a fundamental and indispensable human right for the proper exercise of other human rights, so it is the duty of States to ensure quality and effective medical provision for the entire population, and the right of workers to safety and hygiene in the work<sup>163</sup> environment.
145. In its response, dated March 18, 2019, the State indicated that hospitals located in the two states mentioned above are part of the National Workers' Health Policy (PNSTT) and the National Occupational Safety and Health Policy, as well as other regulatory standards that guide actions that affect the working population. In addition, he noted that states and municipalities have an obligation to provide "surveillance and funding<sup>164</sup> to public health centers on the basis of tripartite agreements".
146. As for the More Doctors Program, the result of an agreement with the Pan American Health Organization since 2013, it resulted in the admission of 18,240 new physicians, mostly Cubans, in 4,058 municipalities. However, in November 2018, the Ministry of Health of Cuba decided to withdraw its doctors from the More Doctors because of disagreements with the<sup>165</sup> Brazilian government, so that about 8,000 Cuban doctors left Brazil. Despite the efforts of the Brazilian Ministry of Health to fill the free posts, as of January 2019 there were 1,462 vacancies (17% of the total Program),<sup>166</sup> and as of May 2019 it was found that 19% of registered physicians with

<sup>159</sup> OPS, [Dengue Epidemiological Update](#), 11 November 2019.

<sup>160</sup> OPS, [Epidemiological Update Measles](#), 1 November 2019.

<sup>161</sup> Uol [Bolsonaro Government worries aids-fighting entities](#), 24 April 2019.

<sup>162</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. January 10, 2019. Letter to the State of Brazil: Request for information on patient care in public hospitals in the states of Amapá and Rio de Janeiro. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>163</sup> Corte IDH. [Case Gonzales Lluuy and Others Vs. Ecuador](#). Preliminary Exceptions, Fund, Repairs and Costs. Judgment of 1 September 2015. C-Series No. 298, para. 194; CESCR, General Comment No. 14, The right to enjoyment of the highest possible level of health, E/C.12/2000/4, para. 15

<sup>164</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. March 22, 2019. Letter from the State of Brazil sent to the Special Rapporteur in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>165</sup> El País, [Cuban doctors begin to return from Brazil after Bolsonaro criticism](#), 24 November 2018.

<sup>166</sup> Folha de São Paulo, [Health postpones selection for Brazilians and foreigners at Mais Médicos](#), 21 January 2019.

nods from the program and did not show up in the respective municipality, representing a 25% growth in the dropout rate compared to the previous year.<sup>167</sup> The hardest-hit regions are the smaller cities far from large urban centers, and the poorest areas of large cities are also adversely affected. SRESCER calls on the State of Brazil to take steps for the rapid and adequate coverage of health care to these areas of the country.

C. Right to a healthy environment

147. SRESCER expresses its concern regarding the guarantee of the right to the healthy environment in the State of Brazil, due to various situations, including the serious fires reported in 2019 in Amazonian States, as well as the impact of rights indigenous peoples and peoples due to industrial and extractive activities.

148. On 10 January 2019, the Special Rapporteur issued a letter to the State of Brazil requesting information on the situation of some four hundred and fifty peasant families currently occupying the town known as<sup>168</sup> "Quilombo Campo Grande", in the city of Campos Gerais, Minas Gerais state, Brazil. On 11 February 2019, the State of Brazil submitted its response stating that, until that time, the State of Minas Gerais had not had judicial success in expropriating the area at issue, as it belongs to a bankrupt Agricultural Company. The State thus attempted to expropriate the area to give it an adequate social destination, including the establishment and maintenance of peasant families. However, on August 20, 2019, a transaction was approved by the Brazilian judiciary. Since the content of that transaction is not publicly accessible, SRESCER remains attentive to the consequences of this transaction for the peasant<sup>169</sup> population.

149. Moreover, in April of this year, the Minister of the Environment announced a 24% cut in the budget of the Brazilian Environment Institute (IBAMA), which affects the audit operations carried out by IBAMA and the activities of ICMBio (Instituto Chico Mendes de Biodiversidad), responsible for monitoring environmental conservation units in<sup>170</sup> Brazil. In addition, SRESCER was aware that there was an increase in the registration of pesticides in Brazil as, according to the Ministry of Agriculture, 239 new agrochemicals<sup>171</sup> were accounted for. Some of the registered pesticides are classified as "highly toxic" or "extremely toxic" in the health risk assessment, and part is also classified as "very dangerous" or "highly hazardous" in environmental risk<sup>172</sup> assessment. In addition, according to human *Rights Watch* (HRW) illegal logging has been reported by criminal networks in the Amazon with serious impact in the jungle: according to HRW deforestation almost doubled compared to the same period in 2018; in August 2019, fires related to deforestation were on a scale not seen since 2010.<sup>173</sup> On August 23, 2019, demonstrations took place in defense of Amazonia and the environment in dozens of cities in Brazil and around the world.<sup>174</sup>

150. Considering this context, during the hearing on environmental protection in the Amazon and the rights of indigenous peoples in Brazil, held on 27 September 2019 in Washington, D.C., during the 173rd Session 173 of the<sup>175</sup> IACHR, the participating organizations dealt with the increase in

<sup>167</sup> G1, [Withdrawals in Mais Médicos grow and reach 19% of vacancies filled after cubans leave](#), 15 May 2019.

<sup>168</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. January 10, 2019. Letter to the State of Brazil: Request for information on the situation of some four hundred and fifty peasant families currently occupying the town known as "Quilombo Campo Grande", in the city of Campos Gerais, Minas Gerais state, Brazil. Available at: Archive of the Special Rapporteurship on Economic, Cultural and Environmental Rights.

<sup>169</sup> Iachr. Special Rapporteurship on Social, Cultural and Environmental Economic Rights. February 11, 2019. Letter from the State of Brazil sent to the Special Rapporteur in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>170</sup> The State of St. Paul, [Minister Ricardo Salles cuts 24% of IBAMA budget](#), 26 April 2019.

<sup>171</sup> Amazon [Government authorizes 42 new pesticides and reaches 239 records in the year](#), June 25, 2019.

<sup>172</sup> Reporter Brazil, [Government released records of highly toxic pesticides](#), January 18, 2019.

<sup>173</sup> Human Rights Watch (HRW), [Rainforest Mafias - How Violence and Impunity Fuel Deforestation in Brazil's Amazon](#), 17 September 2019.

<sup>174</sup> Gazeta do Povo, [Manifests by Amazonia take place in Brazil and worldwide](#), 23 August 2019.

<sup>175</sup> Iachr. 173 Session. Audience "[Environmental protection in the Amazon and the rights of indigenous peoples in Brazil](#)", 27 September 2019.

deforestation and fires in the Amazon, expressing the impact on the enjoyment of human rights, directly affecting indigenous peoples. According to government data submitted by the participants, there were 3,533 fire hotspots that reached 148 indigenous lands, including indigenous peoples in voluntary isolation. The IACHR and SRESCER demonstrated concern and solidarity with affected people and damage from fires occurring in the Amazon, reiterating the important role of this biome in climate balance, and noting the need to establish effective policies and strategies, increasing efforts in coordination with States sharing the Amazon basin to combat threats to the Amazon and the right of a healthy environment. In such a scenario, SRESCER is concerned that the number of deforestation fines issued by IBAMA has been reduced by 38% compared to the same period in the previous<sup>176</sup>year. According to the National Institute of Space Research (INPE), a body of the Ministry of Science, Innovations and Communication, as of June 2019, deforestation would have increased by 88% compared to the same month in 2018.<sup>177</sup>

151. Along with the recognized cuts and limitations in relation to the operations of Brazilian non-governmental organizations (NGOs), as well as to public institutions IBAMA, ICMBio, which promoted environmental protection efforts and the rights of indigenous peoples, which has also extended to European governments that had supported conservation efforts in Amazonia. As a result, the States of Germany and Norway blocked their contributions; thus the German Ministry of the Environment has confirmed that it decided to freeze investments<sup>178</sup>of up to 35 million euros in environmental preservation projects in Brazil. For his part, the Norwegian minister stated in an interview that Brazil had not complied with the environmental preservation agreement, so that the Brazilian Fund would no longer receive 133 million reais.<sup>179</sup> SRESCER reminds the State of Brazil that the obligation to ensure the progressive development of ESCER, allocating the maximum resources available to it, involves both national funds and those that can be obtained through international cooperation.
152. In September 2019, this Special Rapporteur received a worrying report on the rollback of environmental measures in Brazil. According to civil organizations, important environmental protection and control bodies, such as IBAMA, ICMBio and Funai,<sup>180</sup>have been precarious during the current Government. In addition, bills that weaken the Brazilian Forest Code and make licensing processes more flexible, which brings a great risk to traditional communities because of the consequences of greater action by companies in their territories.<sup>181</sup> In this regard, SRESCER is attentive and concerned with the implementation of such measures that may aggravate deforestation in Brazil, which they reported through official data would have increased by 222% in August 2019 compared to the respective month in 2018.<sup>182</sup>
153. In November 2019, SRESCER had access to information of concern about the environmental damage caused by oil spills that occurred<sup>183</sup>along the coast of Brazil, ruling on this issue. From August, oil shades were found in the Northeast and southeast of the country in various states, towns, beaches and municipalities, affecting ecosystems and their species, as well as animals, as well as the local populations that live from fishing and volunteers who worked on cleaning the beaches. On this point, SRESCER expressed its concern and solidarity, and reiterates its concern

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<sup>176</sup> BBC News, [Amazon fires: the record number of fires affecting Brazil and also ravaged other countries in South America](#), 21 August 2019.

<sup>177</sup> National Journal, [Inpe records in June an increase of 88% deforestation in the Amazon](#), 04 July 2019.

<sup>178</sup> BBC Brasil, [Environment: Germany confirms blockade of R\\$ 156 million and calls into check Mercosur-EU agreement](#), August 12, 2019

<sup>179</sup> El País, [After Germany, Norway also blocks transfers to Amazon](#), 16 August 2019.

<sup>180</sup> Retrocessos do Brasil em rela-o ao direitos humanos dos povos indigenas, sent to the Special Rapporteurship on 27 September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights,

<sup>181</sup> Ibid. .

<sup>182</sup> Ibid.

<sup>183</sup> Socio-environmental damage from large-scale, uncontrolled oil spills along Brazil's northeastern coast, sent to the Special Rapporteurship on 07 November 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

about the Brazilian State's failure to trigger containment<sup>184</sup> measures. The State was also called upon to take appropriate measures in accordance with its environmental obligations, in order to prevent further damage and risks from this environmental disaster; expressing the interest of an early working visit to Brazil, in order to observe the situation on the ground and analyze the actions undertaken.

154. On this subject, the ESCER Rapporteurship is particularly concerned about the situation of fishermen in oil-affected regions. According to a report received on 29<sup>185</sup> November 2019, these stocks had a major impact on their economy, taking into account the fear of consumers of ingesting fish. In this regard, SRESCER reminds the Brazilian state that, in the absence of rapid and effective measures being taken, there are serious risks of compromising the sources of employment and food sovereignty of thousands of families from traditional fishing communities on the Brazilian coast, who have fishing as their main livelihood, which compromises the life, freedom, work, self-determination and ultimately the existence of these families.

#### D. Right to adequate food

155. According to data from the Brazilian Institute of Geography and Statistics (IBGE), 9 million people, between zero and 14 years<sup>186</sup> of age, live in a situation of extreme poverty which directly affects their right to food. Similarly, the Food and Nutrition Monitoring System of the Ministry of Health identified, in 2017, 207 thousand children under the age of 5 with severe malnutrition in Brazil; IBGE's most recent 2013 Research by Seguranza Alimentar noted that one in five Brazilian families had food restrictions or concerns with the possibility of having no money to pay for their<sup>187</sup> food. In this context, on 1 January 2019, Provisional Measure No. 870<sup>188</sup> was published, which eliminated the National Food and Nutrition Security Council (CONSEA). This measure ends a mechanism of participation and social control, negatively impacting on the implementation of the National System of Food and Nutrition Security, which integrates food and nutrition security policies throughout Brazil.<sup>189</sup> Such a move is of particular concern when since 2018 the country is at risk of returning to the World Hunger<sup>190</sup> Map.
156. SRESCER received information on the status of the right to food<sup>191</sup> and nutrition in Brazil in 2019. The Special Rapporteur discusses with concern the data on the setback in public policies related to the implementation of such a right, which affects the country's ability to produce and consume food in a sustainable and healthy way for its population. According to the report, the country is responsible for the release of agrotoxics, the budget cut for institutions and programs important for food and nutrition security, a policy of fiscal austerity that affects family farming, a regulatory agenda that does not protect citizens from the interests of industries that can cause damage to their health, excessive consumption of ultra-processed food, to which it adds to a scenario of deforestation by agribusiness and conflicts<sup>192</sup> in rural areas. In this context, SRESCER reminds the State of Brazil of its obligation to guarantee ESCER in a progressive and non-reverse

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<sup>184</sup> IACHR, Press Release No. 291/19, [REDESCA expresses deep concern about oil spills in Brazil, urgently calling for the full implementation of the environmental contingency plan in the affected areas](#), November 11, 2019.

<sup>185</sup> Conselho Pastoral dos Pescadores (CPP), Movimento dos Pescadores y Pescadoras Artesanais (MPP Brasil), FIAN Brazil, Report on human rights violations by oil spill on the Brazilian coast, received by the Special Rapporteur on 29 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>186</sup> G1, [no lunch: when school holidays mean hunger in Brasil](#), 15 julio by 2019.

<sup>187</sup> G1, [no lunch: when school holidays mean hunger in Brasil](#), 15 julio by 2019.

<sup>188</sup> Brazil, [Provisional Measure No. 870/19](#), 01 January 2019.

<sup>189</sup> The Globe, [Bolsonaro withdraws food safety council assignments](#), 02 January 2019.

<sup>190</sup> Sputnik Brazil, [Analysts: near the return to the Map of Hunger, Brazil lives 'shame' with 52 mi of poor](#), 17 October 2018.

<sup>191</sup> FIAN Brazil, Dhana Report 2019: authoritarianism, refusal of direitos e fome, 2019 Archive sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>192</sup> Ibid.

distractment, including the fundamental right to food, especially to populations with<sup>193</sup>a greater degree of social vulnerability.

E. Right to housing and cultural rights

157. SRESCER received worrying information on the situation affecting the rights of persons residing in the community of "Porto do Capim" in Joao Pessoa, Paraíba State, Northeastern Brazil, since 2013. This community would have received threats to be removed from its traditional territory, with the justifications that are occupying environmental areas of permanent preservation. There would also be business and tourism interests involved in that context. Known for the situation, SRESCER calls on the Brazilian authorities to pay attention to the human rights standards applicable to the case,<sup>194</sup>including those relating to the right to housing and its traditional cultural practices.

158. During the 174th Session of the IACHR, held in Quito, Ecuador, a public hearing was held on the<sup>195</sup>case of the Quilombolas Communities of Alcuntara, which suffer consequences for the expropriation promoted by the State to make aerospace projects viable in Alcuntara, in the northeast of the country. At that hearing, civil society noted that the actions taken by the State of Brazil interfere with the way of life of the communities of the territory and the lack of titling thereof, resulting in violations of the human rights of the affected<sup>196</sup>communities. SRESCER will continue to monitor and monitor the human rights impacts of quilombolas communities in that region, especially the possible impact on their ESCER by acts of expropriation, urging the State to consult these communities in the context of their scientific and business actions.

159. At the same Session of the IACHR, a public hearing on the violation<sup>197</sup>of religious freedom of African origin in Brazil took place. Participating organizations highlighted the acts of systematic aggression and attacks on practitioners of religions of African origin in Brazil, noting that, from 2017 to 2018, the number of cases of discrimination against these religions increased by 47% the number of cases of discrimination against these religions.<sup>198</sup> Along with expressing its concern, SRESCER recalls the link between the right to religious freedom and cultural rights, urging effective investigations and sanctions towards the perpetrators of such attacks. It also recalls that educational actions to promote religious freedom are crucial in the country.

F. Business and Human rights

160. The mandate received information that on 25 January 2019, a mining waste containment dam was broken in the city of Brumadinho, Minas Gerais state, resulting in the deaths of 99 people and the disappearance of 258. The IACHR and SRESCER expressed their deep sorrow and solidarity towards all affected victims and communities, as well as their concern about the magnitude of the tragedy in human, environmental and labor terms, urging the Brazilian authorities and the company concerned to take<sup>199</sup>all necessary measures to mitigate and prevent the aggravation of damage to the environment, such as to assist and facilitate reparation mechanisms for victims and their families. After the disaster in Brumadinho, the Cabinet Minister of Institutional Security again advocated easing in environmental<sup>200</sup>licensing. Subsequently, in July, the Rapporteurship had information that, during July this year, a water containment dam broke in the city of Pedro Alexandre, in Bahia state. The situation of dams and reservoirs in Brazil

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<sup>193</sup> Ibid.

<sup>194</sup> Communication received on 5 August 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>195</sup> IACHR, 174 Session, Audience "[Case 12,569 - Quilombola Communities of Alcântara vs Brazil](#)", 12 November 2019.

<sup>196</sup> IACHR, 174 Session, Audience "[Case 12,569 - Quilombola Communities of Alcântara vs Brazil](#)", 12 November 2019.

<sup>197</sup> IACHR, 174 Session, Audience "[Aggression to religious freedom of African origin in Brazil](#)", 12 November 2019.

<sup>198</sup> IACHR, 174 Session, Audience "[Aggression to religious freedom of African origin in Brazil](#)", 12 November 2019.

<sup>199</sup> IACHR, Press Release No. 019/19, [Special Rapporteur desCA of the IACHR expresses deep concern for human, environmental and labour tragedy in Brumadinho \(Minas Gerais, Brazil\) and calls for comprehensive reparation to victims](#), 30 January 2019.

<sup>200</sup> Power 360, [After disaster, Augusto Heleno advocates environmental licensing easing](#), 25 January 2019.

is of the utmost concern for SRESCER, which is why it also expressed its desire to address the issue in the context of an early *in loco tea*.<sup>201</sup>.

161. In addition, on 21 May 2019, a letter was issued to the State of Brazil requesting information on the situation at the southern upper dam of the Gongo Soco mine, in The Cocais, Minas Gerais; The company Vale S.A., the same responsible for the tragedy in Brumadinho, owns the Gongo Soco<sup>202</sup>mine. So far, there is a risk of breaking the dam - more than 450 people had to leave their homes and were unable<sup>203</sup>to return yet. The IACHR and its SRESCER stress the obligation of States to protect all persons within their jurisdiction against any violation of human rights committed by third parties, including companies, by taking appropriate measures to regulate, prevent, investigate, sanction and ensure access to effective redress mechanisms. Similarly, the Special Rapporteur stresses that companies must respect and exercise human rights due diligence, for example by assessing the risks of productive and commercial activities, and by taking preventive measures to avoid human rights impacts. In its response, dated 13 June 2019, the State highlighted the measures to evacuate the area that took place this year, and the coordinated effort between public institutions to take preventive measures and mitigate damage in the event of a<sup>204</sup>break-up.
162. During the hearing on allegations of human rights violations of persons affected by dams and dams in Brazil, 9 May in Jamaica, during the 172nd Session of the<sup>205</sup>IACHR, the requesting Organizations submitted information to the IACHR on the failure of the Brazilian State to take measures to prevent human rights violations of persons living near dams and reservoirs of Vale S/A, as well as to adequately remedy such violations. The petitioners reported that the mining sector has an expressive position in the Brazilian economy, and the rupture of the Fundcao dam had been the largest environmental disaster in Brazil's history in the last 100 years involving mining waste containment dams. SRESCER considers this issue alarming in Brazil, especially with regard to forced displacement, environmental degradation, the effects of such disasters on the population living around dams and reservoirs, and the Brazilian state's failure to mensur nos, investigate, repair victims and establish responsibilities when socio-environmental disasters linked to mining occur<sup>206</sup>
163. The Government also published Provisional Measure No. 881 on Economic Freedom. Although there were no changes in labor<sup>207</sup>legislation in the initial version, however, the Chamber of Deputies made changes to the labor law that negatively impact workers' rights, in particular: limitation in the application of the legislation to persons receiving less than 30 minimum wages, easing the control of working hours, as well as safety and hygiene standards at<sup>208</sup>work. Following the passage of Law No. 13.874 by the Brazilian Senate, SRESCER will continue to follow up on the effects of that law for labor rights as well as ESCER in general in Brazil.

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<sup>201</sup> **Metro 1, Pedro Alexandre: after breaking two dams, third may overflow, 11, 2019.**

<sup>202</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. May 21, 2019. Letter to the State of Brazil: Request for information on the situation in the upper southern dam of the Gongo Soco mine, in Cocais, Minas Gerais; The company Vale S.A., the same responsible for the tragedy in Brumadinho, owns the Gongo Soco mine. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>203</sup> BBC News, Barão dos Cocais, el pueblo de Brasil que puede be destroyed by el colapso de una dam, 24 May 2019; Uol Barão dos Cocais: 458 evacuated residents will receive monthly payment from Vale, 01 July 2019.

<sup>204</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. May 21, 2019. Letter from the State of Brazil sent to the Special Rapporteur in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

<sup>205</sup> IACHR, 172 Session, Audience "Reports of human rights violations of people affected by dams and reservoirs in Brazil", 9 May 2019.

<sup>206</sup> Iachr. 172 Session. Audience: "Allegations of human rights violations of people affected by dams and dams in Brazil", May 09, 2019

<sup>207</sup> Brazil Provisional Measure No. 881/19, 30 April 2019.

<sup>208</sup> Senate Approved MP of Economic Freedom, with labor rules and end of eSocial, 11 July 2019.

## 8) Canada

164. In 2017, data from the Canadian non-governmental organization Canada without poverty/Canada sans pauvreté indicated that in one of the most prosperous countries on the continent there would be 4.8 million people living in poverty and that no province or territory implemented a comprehensive human rights-based strategy to combat it.<sup>209</sup>
165. In March 2019, the Government publicized that Canada reached the lowest poverty rate in history. According to this information, Statistics Canada published the results of the 2017 Canadian Income Survey, which revealed that the interim target of the Poverty Reduction Strategy to reduce it by 20% by 2020 had already been achieved, three years ahead of schedule, which would be the lowest poverty rate in its history and represents a major step towards the goal of halving poverty by 2030.<sup>210</sup>
166. SRESCER welcomes these developments and encourages the Government of Canada to continue implementing its poverty reduction strategy: "Opportunity for All" with a human rights and gender focus, seeking to share its good practices in this area, such as cooperating with the other OAS States in this direction.

### A. Right to education

167. SRESCER notes with concern the announcements of cuts in the education budget of the Canadian province of Ontario,<sup>211</sup> which may lead to a deterioration in educational quality for its students. However, the Ontario administration said it seeks to improve the education system and is investing in mental health as well as improving the educational curriculum; therefore, it would have injected \$700 million into the education system as part of the new reforms.<sup>212</sup>
168. The unions supported the Prime Minister's criticism, considering that the increase in the size of educational classrooms proposed by the provincial government could harm the level of learning of students.<sup>213</sup> For its part, the Ontario *Secondary School Teachers' Federation*, says that the increase in students per class would cause a total of 20% of teaching professionals to be fired and the Catholic school teachers' union estimates in an approximately 5,000 teacher positions to be lost.<sup>214</sup> SRESCER considers that, while the Canadian education system is characterized by its decentralization, the necessary measures and agreements should be taken to ensure that the right to education is duly guaranteed throughout the national territory.<sup>215</sup>

### B. Right to health and the environment

169. Regarding the right to health, SRESCER has had access to information that the number of students in Ontario with non-medical exemptions for vaccinations has increased. During 2017-2018, there were 2.5% of children aged seven years without medical exemption to get vaccines - compared to 2% in 2013-2014 - which is attributed to religious or vaccine-aware issues, resulting in students attending school without the required vaccines. In addition, 2.5% of children had tetanus in 2017-2018.<sup>215</sup>
170. Moreover, in July 2019, the Ministry of Environment and Climate Change announced that 250,000 will be invested by the Federal Government "Climate Action Fund to Clean Air Partnership". This

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<sup>209</sup> Canada without poverty/Canada without poverty: 2017 Poverty Progress Profiles, pp. 1 y 3.

<sup>210</sup> Government of Canada: [Canada reaches lowest poverty rate in history](#), March 7, 2019.

<sup>211</sup> Rabble.ca, [Parents fighting the cuts to public education in Ontario](#), 26 November 2019.

<sup>212</sup> Niagara Falls Reviews, [Trudeau sounds off against Ontario premier over labour unrest in Ontario schools](#), October 1, 2019.

<sup>213</sup> CBC, [Trudeau calls Ford government cuts to Ontario's education system 'frightening'](#), 11 July 2019.

<sup>214</sup> The Global and Mail, [Ford government to increase class sizes, modify sex-ed and math curricula](#), 18 March 2019.

<sup>215</sup> The Globe and Mail Inc., [Ontario immunization campaigns increasingly failing to reach some families, new data shows](#), 09 May 2019.

will allow for better initiatives for the use of bicycles and repair clinics promoted projects to guarantee the rights to the healthy environment and health by the inhabitants.<sup>216</sup>

C. Right to water, sanitation and adequate food

171. On July 9, 2019, the Attawapiskat First Nation Council in Northern Ontario declared a state of emergency, after independent examinations showed that water had high levels of contaminants such as trihalomethanes, haloacetic acids (HAA),<sup>217</sup> chlorine by-products used for chemical disinfection in the water treatment process. This situation causes severe health risks, including the possibility of skin, respiratory, and carcinogenic diseases.<sup>218</sup>
172. On July 15, 2019, it was reported that another indigenous people claim that their water has high thms (trihalomethanus) level. The Eabametoong First Nation people, an Ojibway community, demonstrated that THMs levels are between 122 and 182% above Canada Health's safety standards.<sup>219</sup>
173. The Special Rapporteur is concerned that the First Nation of Attawapiskat, together with other indigenous peoples, will experience restrictions on access to safe water in their homes,<sup>220</sup> affecting the carrying out of activities for personal hygiene and food sanitation. In addition, according to public information, there are 57 long-term warnings on drinking water, and the State has established Programs to ensure universal access to drinking water by 2021.<sup>221</sup>
174. SRESCER considers that the widespread lack of basic services represents not only the risk to the health and living and subsistence of indigenous peoples, but also poses a threat to the full essence of the right to mental health and right cultural organizations of the population.
175. On the other hand, SRESCER had access to a report reporting an increase in children living in poverty and obesity in North America, by 31.1% in Canada according to the document which also points to overweight as a cause for concern.<sup>222</sup>

D. Human rights and business

176. On April 1, 2019, SRESCER issued a letter requesting information from the State of Canada, in accordance with Article 18 of the American Convention on Human Rights, on the creation of the figure of the Ombudsperson for Business Responsibility in Canada (CORE).<sup>223</sup> The IACHR and its SRESCER had hailed the initiative to link the financial and political benefits of Canadian companies with human rights responsibility, emphasizing that it could be a model for implementation at the international level.<sup>224</sup> However, the Special Rapporteur stressed her concern, together with members of civil society, that she did not have public information on the mechanism in relation to the appointment and implementation of the mechanism.
177. In its reply, dated 30 August 2019, the State indicated that the process for the creation and election of the Ombudsperson for Business Accountability in Canada (CORE) was conducted in

<sup>216</sup> Environment and Climate Change Canada, [Canada supports climate education and awareness by Clean Air Partnership](#), 03 July 2019.

<sup>217</sup> CBC News, [Attawapiskat declares state of emergency over water quality](#), 9 July 2019.

<sup>218</sup> Global News, [Indigenous communities and water crises — is a real solution in the works?](#), 29 July 2019.

<sup>219</sup> CBC News, [Another Ontario First Nation declares a state of emergency over water](#), July 15, 2019.

<sup>220</sup> The Post Millennial, [Attawapiskat locals warned that their water contains “chemicals”](#), July 6, 2019.

<sup>221</sup> Indigenous Services Canada, [Water in First Nations communities](#), July 10, 2019.

<sup>222</sup> Global Network for the Right to Food and Nutrition, State of Right to Food and Nutrition Report, Executive summary, 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region, 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. P. 30.

<sup>223</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. April 1, 2019. Letter to the State of Canada on the creation of the Ombudsperson for Business Responsibility in Canada (CORE). Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>224</sup> CIDH, [Press Release No. 020/18. IACHR celebrates the creation of Ombudsperson in Canada to oversee Canadian companies operating abroad](#), February 6, 2019



an open and transparent manner, and was guided by the Governor-General of Canada through an open call in the media. Subsequently, Sheri Meyerhoffer was selected by the Governor-General, who will serve for five years, which will have as its main function "to investigate allegations of human rights violations and abuses due to business activity abroad". In addition, their actions will be guided by the rules, in particular the United Nations Guiding Principles on Business and Human Rights,<sup>225</sup> as well as the OECD Guidelines for Multinational Enterprises. SRESCER congratulates Canada on this appointment and, together with wishing the Ombudsperson the greatest successes in its mandate, looks forward to actively cooperating with it, especially on the recommendations of the Business and Human Rights Report: Inter-American Standards.

178. On 29 November 2019, SRESCER received the report addressing the impact of Canadian mining industries in Latin American countries.<sup>226</sup> Civil society points to the proximity between mining activity and violence against indigenous people and peasant population, in a context of human rights violations and attacks on environmental defenders, in which the lack of investigation, sanction and reparation of such acts takes precedence. In this regard, they reported that there would be a network of impunity, in which companies create subsidiaries to exempt themselves from their human rights responsibilities, making it difficult for affected communities to access justice.<sup>227</sup>
179. Considering the information received, SRESCER urges the State of Canada to take the necessary measures to ensure that its companies act with due diligence in any territory where they deploy their operations. In this sense, it is made especially available to the State and its institutions, to socialize and identify actions aimed at complying with the recommendations of the Report on Business and Human Rights: inter-American standards.

## 9) Chile

180. According to the Organization for Economic Co-operation and Development (OECD) and the World Bank in 2017, the Chilean State would be at the top of its inequality<sup>228</sup> ranking; this while the World Bank recognizes that the number of people living in poverty has declined considerably since 2006.<sup>229</sup> However, the country with the highest GDP *per capita* in the region has the highest income inequality in the OECD, which brings together more than 30 high-income countries, which is reflected in issues such as rising transport prices, persistent lack of access to education, or deficiencies<sup>230</sup> in health services.
181. SRESCER has followed with deep concern the citizen demonstrations that have been taking place since October and which, in general, are related to mandate issues and seek to propose at the table of public debate the great social debts that afflict the Chilean population. The Special Rapporteur takes note of the study is prepared by the Data Micro Center of the University of Chile, the Millennium Core for Social Development (DESOC) and the Centre for Conflict and Social

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<sup>225</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. 30 August 2019. Letter from the State of Canada sent to the Special Rapporteur in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

<sup>226</sup> Project Justice and Corporate Responsibility, Business and Human Rights: Responsibility of Canada for Actions of Canadian Companies in Latin America, November 29, 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>227</sup> Project Justice and Corporate Responsibility, Business and Human Rights: Responsibility of Canada for Actions of Canadian Companies in Latin America, November 29, 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>228</sup> 24 hours, Chile [leads the OECD's most unequal country rankings](#), August 8, 2017

<sup>229</sup> My finances, [Latin America has eight of the 10 most unequal countries in the world](#), January 30, 2019.

<sup>230</sup> Deutsche Welle, [Why is Latin America burning?](#), October 23, 2019.

Cohesion Studies (COES). According to the survey, 85.5% of the Chilean population agrees with the social manifestations that have occurred in recent weeks, which have the opposition of only 7.3 percent. 55.3% say they have participated in the protests, most through saucupans, marches, rallies and social networks; while 44.2% say they haven't.<sup>231</sup>

182. Although the social outburst followed the attempt to climb the subway ticket, the citizen's unrest is more general and is reflected in slogans such as: "It is not for the 30 pesos in for the 30<sup>232</sup>years". As an illustration, although the average head income in Chile is \$550 per month, according to the National Statistical Institute (INE) Supplemental Income Survey, the current minimum wage is \$414, and for retired people the average old-age pension is \$286 per<sup>233</sup>month.
183. Social demonstrations also express citizen discontent regarding the pension system, created in 1982, provided by the Pension Fund Administrators of Chile (AFP), private financial institutions responsible for<sup>234</sup>managing individual pension savings account funds; many people retiring without reaching the minimum<sup>235</sup>wage. In addition, the Chilean health system that is composed of a mixed model, on the one hand is the public insurance called the National Health Fund (FONASA) that reaches 80% of people affiliated with the public system, and on the other the private insurance provided by the Institutions of Planned Health (ISAPRE), which has less than 20% of affiliations.<sup>236</sup> Complaints relate to the absence of hospitals, the excessive cost of medicines, lack of health coverage, among others.<sup>237</sup> As for the public transport "transantiago", called the Metropolitan Mobility Network, it has received criticism since its implementation, as in relation to waiting times, such as quality, and public transport capacity to meet national<sup>238</sup>demand. In addition, the privatization of water is questioned, because while Chile recognizes water as<sup>239</sup>a national for public use, individuals may have perpetual use rights. Finally, with regard to access to education and social mobility, although this demand comes from 2006 with the so-called "penguin revolution", demanding free and a quality education, still outstanding, which adds to the discontent of different types of abuses and acts of corruption, such as collusion between companies to fix prices for their products - for example, in the case of <sup>240</sup> pharmacies.
184. SRESCER is aware of the Constituent Assembly Agreement, which after long hours of negotiations between the Government and the opposition, on Friday 15 November closed a historic agreement containing the roadmap for amending the Constitution. Political parties in the country's three main forces with the exception of the Communist party announced the formula that hopes to lower tensions and end the wave of protests left by numerous casualties, as well as millionaire losses in the country. <sup>241</sup> The current Constitution dates back to 1980 and although it was amended several times it is criticized for being a legacy of the military regime, and for consolidating a residual role of the State in the provision of basic services, which is precisely one of the reasons for the protests that began on 18 October. Among them is the formation of a Constituent Assembly is what have been requested by social organizations such as the College of

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<sup>231</sup> Journal U of Chile, [Social Thermometer: 80% of Chileans think it is necessary to change the Constitution](#), 3 November 2019; Daily Constitucional.cl, [Constitutional Reform Projector](#), visited on December 04, 2019.

<sup>232</sup> Commercial Gazette, [Chile: not for the 30 pesos, it is for the last 30 years](#), 22 October 2019.

<sup>233</sup> The Republic, [Protests in Chile: What is the salaries of Chileans compared to other countries?](#), 23 October 2019.

<sup>234</sup> BBC News, [Protests in Chile: the great social debts that many Chileans claim to feel "abused"](#), October 21, 2019.

<sup>235</sup> BBC News, [Protests in Chile: the 6 great social debts that many chili people say they feel "abused"](#). October 21, 2019.

<sup>236</sup> Ibid..

<sup>237</sup> Ibid..

<sup>238</sup> BBC News, [Protests in Chile: the great social debts that many Chileans claim to feel "abused"](#), October 21, 2019.

<sup>239</sup> BBC News, [Protests in Chile: the great social debts that many Chileans claim to feel "abused"](#), October 21, 2019.

<sup>240</sup> BBC News, [Protests in Chile: the great social debts that many Chileans claim to feel "abused"](#), October 21, 2019.

<sup>241</sup> BBC News, [New Constitution in Chile: Government and opposition reach a historic agreement to change the magna letter](#), 15 November, 2019.

Teachers, Central Unitarian Workers, Association of Public Employees and other actors, as well as economic reforms that guarantee social programs to combat inequality,

185. SRESCER notes that Chile's economic model, whose origins are remote to military dictatorship, has caused great social differences; although poverty fell from about 40% in 1990 to less than 7% today, however, indicators of inequality have varied very little: 1% of the population accumulates more than 25% of wealth and the generation that<sup>242</sup>emerged from poverty in this model today reaches their old age paying for the most expensive medicines in Latin America. Thus, together with the enormous economic and social challenges that Chile faces, SRESCER identifies the opportunity for the Chilean people to build a more just and equal society as the realization of the ESCER becomes a priority in the construction of the new social pact underway. The Special Rapporteurship ESCER will continue to closely observe this process, encouraging ongoing social dialogue and that it seeks to prioritize the effect of human rights in its indivisibility.

#### A. Right to education

186. The ESCER Special Rapporteur is aware of the OECD International Study of Countries that ranks the State of Chile as the fourth country in the world with the most expensive university education, as families must spend 73% of their salary on average to pay for a university career. This means that a university career in the country costs a total of about \$23,600 (about 16 million pesos), only Hungary, Romania and Estonia surpassed the United<sup>243</sup>States, being a worrying situation because it again affects the most vulnerable social sectors, based on the prevailing social economic inequity.
187. There are advances since the "Pinguina Revolution" carried out by middle school children and university students in 2006, due to the discontent and great debt of the university population; from now on, reforms have been made to education, including by making the agenda free. However, the debate on free education is far from an academic or technical discussion, so free education has become the main focus of the debate between those who defend the model and those who seek to challenge it (in its different variants and political ways), making the educational debate the paradigm on the debate of the future of Chile today.
188. The Special Rapporteurship ESCER notes that, with the law of free higher education, the picture is still complex, as a system based on market logic is maintained; student debt persists, although the new policies seek to make it still attractive with the Unified Solidarity Credit. In addition, a political sector argues that free and indebtedness coexist with the possibility of co-payment by students. In this way, on the administration of Michelle Bachelet, progress would now be made to try to reproduce in the higher education system the<sup>244</sup>pillars of school education - public schools, subsidized private schools, and private schools.
189. The Special Rapporteurship ESCER takes into account that education is not only determined by the plans or Programs or processes that include public policies, and the situation is also determined by the interests of the private sector at all levels of the education system (preliminary, elementary and high school)<sup>245</sup>. Workers and popular people in general can only aspire to finish secondary education, being a very small group that manages to graduate from a professional career<sup>246</sup>

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<sup>242</sup> New York times, [the end of a cycle in Chile](#), 10 November 2019; Journal U of Chile, [The inequality that sparked Chile](#), 28 October 2019; Emollient [Chilean market has the most expensive original drug prices in Latin America](#), 03 December 2019.

<sup>243</sup> Mqltv.com, [International study: Chile has the fourth most expensive education in the world](#), 8 January 2019.

<sup>244</sup> The Counter, [The paradoxical free university left by the Bachelet government](#), 18 December 2019.

<sup>245</sup> Forum for the Right to Public Education, [Light report on the situation of Education in Chile to 2019](#), July 2019.

<sup>246</sup> 24 Hours, [Chile leads OECD most unequal countries](#), 08 August 2017; My Finances, [Latin America has 8 of the 10 most unequal countries in the world](#), January 30, 2019.

B. Right to health

190. SRESCER takes note of the study carried out by the Chilean Ministry of Health which notes<sup>247</sup> that migrants continue to have difficulty accessing the health system. Another problem that has been identified by climate change and rising temperatures is that, according to scientific warnings, rising temperatures will facilitate the transmission of exotic diseases linked to waders, such as malaria and dengue, as well as gastroenteritis. Likewise, desertification and the consequent rise in food prices could increase malnutrition, without considering mental health problems such as so-called "eco-anguish".<sup>248</sup>
191. The Special Rapporteur also takes note of the report published in the journal *Lancet*, which stated that, in the 1980s, cardiovascular disease was the leading cause of death in the country; however, it is currently identified as the leading cause of death in the country is cancer, as indicated in a prospective cohort study titled. The conclusion of the study states that higher mortality from cardiovascular disease occurs in lower-income countries, and is mainly due to lower quality of health care, indicating<sup>249</sup> that Chile is a growing middle-income country behaving as a high-income country.
192. Due to the latest social mobilizations, serious health problems have been highlighted by Chilean society; the vast majority is served through the public FONASA (National Health Fund), which does not meet the expectations of the public, especially because of the long waits for care that can reach up to years. FONASA, the public body that administers state funds for health, serves 80% of the population and divides its beneficiaries into four tranches, from A to D, according to their economic income, the lowest being A. 17% of the population belongs to ISAPRE or Planned Health Institutions and the remaining percentage corresponds to the Armed Forces health system. In Chile, 50% of health spending goes to the private sector and the other 50% to the public sector. It could be equitable, if it weren't for 80% of people to be served in the public service. In addition, according to the latest OECD report (OECD Health Statistics 2019), the average number of people covering primary household expenses to pay for their health in OECD member countries is 20.6%. However, in Chile it rises to 35.1%, ranking third in the countries with the highest out-of-pocket expenses, only below Latvia and Mexico.<sup>250</sup>
193. According to information from the Ministry of Health, as of June 2019, more than 1.5 million people were on the waiting list, whether waiting for specialist care or surgery. In total, there are more than 1.8 million applications that roam a list of public health earnings. More than 130,000 of these applications have been waiting for two to three years and just over 80,000 have been waiting for care for more than three years. About 4% of doctors' hours in Chile are in the private sector and the remaining 46% in the public<sup>251</sup> sector. Among the proposals presented by the State is the creation of a digital hospital, to improve the management and opportunity care, and the increase of the health budget for 2010 by 5.7%, and as well as public<sup>252</sup> health reform. SRESCER encourages the early implementation of this reform, based on a broad social dialogue and in line to the highest international standards on the right to health.

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<sup>247</sup> At Nacional, [Chile works to give all migrants access to the public health system](#), September 28, 2019.

<sup>248</sup> The Counter, [Climate change puts pressure on Chile's health system: exotic diseases and post-traumatic disorders would increase](#), 30 September 2019.

<sup>249</sup> The Third, [The silent advance of cancer in Chile](#), 03 September 2019.

<sup>250</sup> BBC News, [Protests in Chile: "If you don't have money in this country, you die," the harsh reality of public health in the South American country](#), 20 November 2019.

<sup>251</sup> BBC News, [Protests in Chile: "If you don't have money in this country, you die," the harsh reality of public health in the South American country](#), 20 November 2019.

<sup>252</sup> BBC News, [Protests in Chile: "If you don't have money in this country, you die," the harsh reality of public health in the South American country](#), 20 November 2019.

C. Right to the environment.

194. During the 171st Session of the IACHR held in the City of Sucre, a<sup>253</sup> public hearing was held on the so-called "Environmental Sacrifice Zones" and the impact on the health of their populations. On this occasion, the organizations involved raised their concerns in relation to the areas of Quintero and Puchuncaví, Huasco, Coronel, Tocopilla and Mejillones. For its part, the representation of the State of Chile explained the measures taken in the care of such situations. SRESCER has been following this theme with concern and encourages the State of Chile to prioritize its attention with centrality of the standards of human rights, the environment, as in particular on companies and human rights in relation<sup>254</sup>to highly polluting activities.
195. Another of the worrying situations observed by the Rapporteurship is pollution in the northern sector of the country, as it is an area where some of the largest miners in Latin America are located with strong environmental and climatic impacts. Thus, this Special Rapporteur takes note of the data of the Superintendency of the Environment (SMA) and the Medical College of Chile, concluding that Antofagasta, the capital of the second region contains high levels of arsenic, cadmium, copper,<sup>255</sup>molybdenum, lead and zinc, and that pollution is greater near the facilities near the port, resulting in serious and harmful effects on health.
196. Moreover, in relation to human rights defenders, especially environmental and land rights, SRESCER received information on the prosecution of Alberto Curamil Millanao, Chile's Mapuche leader, for his alleged involvement as an author of<sup>256</sup>the crime of qualified robbery and thwarted killing of service masks or illegal carry of a fire arm. Alberto Curamil won The *Goldman Prize*, an award for his work in the defense of the environment, which he could not receive since he was deprived of his freedom.<sup>257</sup> On 13 December he was found not guilty by unanimous decision of the court of the judiciary after 1 year and 4 months in pre-trial<sup>258</sup>detention.
197. On the other hand, the mandate takes note of the international study that places Chile as the country most committed to the environment. This research from 24 countries notes that 37% of Chileans are doing something to reduce environmental<sup>259</sup>impact. The important work of environmental courts, which have been operating less than a decade ago, is also worth noting. The Special Rapporteur ESCER notes that it is a step forward in terms of corporate responsibility for the environmental pollution they produce, although their implementation was not easy and they have suffered questions for their resolutions when they affect large companies or for the delay in the appointment of their members<sup>260</sup>
198. Regarding the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Affairs, adopted in 2018 in Escazú, Costa Rica, it has not yet been signed by Chile, a State that was one of its main drivers during the process of its negotiation. In September of this year the Government of Chile spoke at a press conference open to the

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<sup>253</sup> Temino coined by Chilean civil society to designate those areas of the country with a massive concentration of polluting industries, especially coal, stuck to the population, for the economic development of the country. Cf. Eldiario.es: [What are slaughter zones in Chile?](#),

<sup>254</sup> Público.es: [Chile's double challenge: social justice needs climate solutions, November 27, 2019.](#)

<sup>255</sup> Cyprus Chile, [Contamination in central Antofagasta II: a necessary deepening](#), August 7, 2018.

<sup>256</sup> CEDHA, CEMDA, Institute of Environmental Law A.C., FIMA, CEJUDHCAN, ELAW, CEJIL, Mapuche Territorial Alliance, EarthRights International, Guleguaychú Ecological Foundation (FUNDAVIDA), Sustainable Chile: Citizen Proposal for Change, Report on the Misuse Of Criminal Justice Systems to Retaliate Against Environmental Defenders, 21 September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>257</sup> BBC, [Who alberto Curamil is, the Chilean Mapuche leader awarded the "environmental nobel" and why he will not be able to receive it](#), April 29, 2019

<sup>258</sup> DiarioUChile: [Court of Temuco unanimously decides the acquittal of Alberto Curamil, 13 December 2019.](#)

<sup>259</sup> The Third, [International study places Chile as the country most committed to the environment](#), 10 September 2019.

<sup>260</sup> First Environmental Grandstand, [Government of Chile, Presidents of environmental courts discuss the country's outstanding environmental justice developments and issues](#), 17 July 2019.

possibility of signing it, which has been a constant claim of civil society, as well as this SRESCER, particularly within the framework of COP25.<sup>261</sup> Being a country highly affected by environmental pollution, together with congratulating Chile on the organization and presidency of COP25, SRESCER encourages the Chilean State to take experience as a starting point to reaffirm its commitment to environmental protection within and outside its<sup>262</sup>borders. It also takes note of the report, "Scientific Evidence and Climate Change in Chile Summary for Decision Makers".<sup>263</sup>

#### D. Right to water and sanitation

199. The State of Chile stands out as one of the countries that has achieved extensive coverage in<sup>264</sup>basic sanitation in recent years, according to the Chilean Observatory of Public Health, although data from 2017 indicate that more than 1 and a half million of the population would not have sewage sanitation and 500,000 people would not have access to safe<sup>265</sup>water. On the other hand, there have been supply problems during 2019, as is the case of Osorno, which was without water for more than a week<sup>266</sup>. With regard to the current model for water resources in Chile, the Special Rapporteur expresses her concern, which regarding the prevalence of private interests in terms of their management and use from the Chilean Constitution of 1980 which enshrines in article 19. 24: *"The rights of individuals over water, recognized or constituted in accordance with the law, shall grant their owners ownership of them."*<sup>267</sup>. SRESCER will continue to monitor in particular the issue of the right to water and sanitation in Chile, as well as the measures taken by the State to implement it.

#### E. Right to social security

200. SRESCER notes with concern the situation that the managers of Pension Funds (AFP) of Chile, created in 1981, according to the Report of the Superintendency of Pensions of Chile, the pensions paid in the month<sup>268</sup>of March 2019 were 259 thousand Chilean pesos on average and below the minimum wage. In the face of this situation a few years ago, the "No more AFP" movement has been generated and pronounced, which in the context of recent demonstrations has taken on more force, again calling for the replace of private insurers with "a system of solidarity, tripartite and state-run<sup>269</sup>distribution pensions. SRESCER encourages progress in the context of the ongoing social dialogue in the country by assessing the situation of AFPs in the light of international standards on social security and taking the measures necessary for their best guarantee to the Chilean people.

201. On the other hand, SRESCER was aware that antifagastine professor María Angélica Ojeda has followed a judicial procedure to withdraw her planned savings from the AFP Cuprum. The retiree filed an appeal for protection against the administrator at the Antofagasta Court of Appeals and, following the latter, one of her ministers sent the Constitutional Court a request for inapplicability for Decree Law 3.500, which established the current pension model in 1980, in<sup>270</sup>dictatorship. It therefore requested a ruling from the TC, a body which on 24 September reported that it had accepted the request, noting the constitutional court agreed to declare admissible the request for inapplicability for unconstitutionality brought down by the Second

<sup>261</sup> Cooperativa.cl: Chile's way to sign the Escazú Agreement, 24 September 2019.

<sup>262</sup> El País, [Chile in one of the countries most affected by climate change](#), October 03.2019.

<sup>263</sup> Scientific Committee COP25, Ministry of Science, Technology, Knowledge and Innovation, [Scientific evidence and climate change in Chile Summary for decision makers](#), 2019.

<sup>264</sup> Chilean Observatory of Public Health, [Sanitation](#), 2019.

<sup>265</sup> Eldesconcierto.cl: More than one and a half million Chileans live without sewage sanitation and 500 thousand have no drinking water, 29 May 2017.

<sup>266</sup> The Counter, [Urban drinking water management in Chile](#), August 3, 2019.

<sup>267</sup> France 24, [Rodrigo Mundaca: "The priority of Water Use is to safeguard life"](#), 27 November 2019.

<sup>268</sup> Ver: Deutsche Welle, [AFPs: How does Chile's questioned pension system work?](#), November 28, 2019.

<sup>269</sup> Deutsche Welle, [Why are you yelling "No more AFP?"](#), November 17, 2016.

<sup>270</sup> Cooperative Radio, [Retired AFPs: We want to decide what to do with our funds](#), 24 September 2019.

Chamber of the Court of Appeals of Antofagasta.<sup>271</sup> The Special Rapporteurship is attentive to the decision of the Tc de Chile on the matter.

## 10) Colombia

202. During 2018, Colombia ranked as number 90 of 189 countries in the Human Development Index, presented by the United Nations Development Program (UNDP). In addition, the country ranks fourth in the region, according to UNDP's Multidimensional Poverty Index, with a total of 4.8% of population household in multidimensional poverty and 0.8% in multidimensional extreme poverty,<sup>272</sup> which involves indicators of education, health and standard of living. Similarly, according to public information, the population in multidimensional poverty increased from 17.8%, in 2016, to 19.6%, in 2018.<sup>273</sup>
203. In addition, the "Priority Saving Interest Housing Program (VIPA)" and "My Home Already" programs allow access to priority housing for households that meet certain minimum wage conditions to obtain a subsidy. On the other hand, the "Seeding Home Program" facilitates access to decent housing for the vulnerable population, with an income of 2 minimum wages<sup>274</sup> or less, through a social leasing policy with an option to purchase. With this new aid, eligible families will be able to access a subsidy of up to 50 current monthly legal minimum wages (SMLMV) equal to 41.4 million pesos to buy social<sup>275</sup> interest housing. In Colombia, from August 7, 2018 to August 2019, 120,000 social housing homes have been initiated, so 39,000 "My House Already" subsidies have been given, which, according to the head of the portfolio, are more than those that were delivered during the first four years of the program's<sup>276</sup> history.
204. Since the end of November 2019, Colombia has experienced intense days of protests convened<sup>277</sup> by workers' power stations and trade union movements. Despite the record that the demonstrations were mostly peaceful, there were allegations of acts of police brutality. The Special Rapporteur ESCER is concerned about the "package" of measures proposed by the Government, and their potential economic and social impacts on the working population. The Special Rapporteurship is particularly noteworthy that the protests have to do with the validity of the EAECs, in particular the right to education, labor rights and social security. Recalling the obligation of progressiveness and non-regressiveness in the field of social and environmental rights, SRESCER encourages that social dialogue be focused on finding the best ways to ensure the effectivity in Colombia of human rights in its indivisibility.
205. On December 16, 2019, A report on the policies implementing ESCER and the measures taken in Colombia during 2019 to combat poverty and inequality became known to SRESCER. It was reported that the country's National Development Plan (2018-2022) aims to "get 1.5 million people out of extreme poverty, get 2.9 million people<sup>278</sup> to stop living in monetary poverty, and to drive 2.5 million people out of multidimensional poverty." To achieve these objectives, it was noted that it is planned to have flexible and differentiated policies by territory, strengthen instruments for the allocation of social expenditure and the redesign of service

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<sup>271</sup> Ibid.

<sup>272</sup> United Nations Development Programme (UNDP), [Global Multidimensional Poverty Index 2019: Illuminating Inequalities](#), 2019.

<sup>273</sup> National Statistical Directorate (DANE), [Multidimensional poverty in Colombia in 2018](#), May 3, 2019.

<sup>274</sup> Republic of Colombia, Note S-GAIIID-19-045912 of October 30, 2019, para. 248.

<sup>275</sup> Time, [The double housing subsidy in the country is already a reality](#), August 30, 2019.

<sup>276</sup> Time, [The double housing subsidy in the country is already a reality](#), 30 August 2019.

<sup>277</sup> BBC News, [National Parop in Colombia: 4 reasons behind the crowded protests and saucepans in Colombia against the government of Ivan Duque](#), 22 November 2019.

<sup>278</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 16, 2019. Letter from the State of Colombia sent to the Special Rapporteur in response to the request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

delivery<sup>279</sup>policies. In addition, the Colombian Government reports that its framework of action is to coordinate policies in order to drive the social offer for development and inclusion for the benefit of vulnerable groups, through measures such as: the installation of the Equity Bureau, Sisbén IV Transition Tables, Redesign of social programs, and other Programs specifically related to ESCER. SRESCER appreciates the information received and acknowledges the efforts detailed therein, anticipating that it will closely follow the implementation of these policies and measures, as well as their impact on the implementation of the EADeS.

A. Right to education

206. On March 21, 2019, thousands of Colombian teachers took to the streets to express their dissatisfaction with the Government's National Development Plan and demand greater investment for the country's public education. The demonstration was convened by the Colombian Federation of Education Workers. Teachers rejected the 2018-2022 NDP, which the Government ratified on 6 February, and which will emphasize education, employment, the environment, security, equity and entrepreneurship. For its part, the Ministry of Education said that with the NDP the Government seeks to strengthen the 61 public<sup>280</sup>institutions in higher education and increase coverage from 53% to 60%.
207. It came to the knowledge of SRESCER that, from 1958 to 2018, a total of 1,579 teachers were victims of the armed conflict in Colombia, and 35.5% of the events occurred in rural areas, the crime of which they have been most victims, with 68% of the total, according to a report on "Rural teaching in Colombia: educating for peace in the midst of armed conflict" of the<sup>281</sup>Foundation. As for teachers, by 2018, 309,889 were linked in the country, of whom 34% are in rural areas, 64% in urban areas, and the remaining percentage does not have a record of the area. In rural areas, 66,308 are women representing 62.2% of the plants, compared to 40,372 men equivalent to 37.8%.<sup>282</sup>
208. On 25 July 2019, it was announced that the Government signed the new decree regulating the quality of higher education in Colombia. The document, which was signed in the company of representatives of public and private universities, includes contributions made by more than 600 participants from 247 higher education<sup>283</sup>institutions, compiled in 29 workshops held between October 2018 and June 2019.
209. The Presidency of the Republic of Colombia published a report pointing out the government's achievements, one of which is an agreement that increases resources for public higher education during the four-year period by more than 4.5 trillion, with investment and operational resources, royalties and other sources of funding. According to this report, the Ministry of Education has focused on the contemplation of teacher training, adequate nutrition, accompaniment to families, access to literature and artistic expressions, and the construction of adequate environments. Social Programs have allowed 336,000 young people to attend the public university free of charge, 43,718 beneficiaries have been validated and 3,358 of the best low-income<sup>284</sup>high schools in the country have benefited from the region.

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<sup>279</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 16, 2019. Letter from the State of Colombia sent to the Special Rapporteur in response to the request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>280</sup> The Newspaper, [Colombian teachers demand more resources for public education](#), 21 March 2019.

<sup>281</sup> Share Foundation: "[Rural teaching in Colombia: educating for peace in the midst of armed conflict](#)", 2019.

<sup>282</sup> Time, [1,579 teachers were victims of the conflict in the last 60 years](#), 04 July 2019.

<sup>283</sup> Time, [Government signs decree regulating the quality of higher education](#), 25 July 2019.

<sup>284</sup> Presidency of the Republic of Colombia, [Government Achievements](#), July 2019.



210. In September 2019, the ESCER Rapporteurship was aware of episodes of violence and repression of state<sup>285</sup> security forces against student protests that occurred on 4, 24, 25 and 30 September, in different cities in Colombia. The students, who expressed reasoned by alleged corruption within educational institutions, suffered acts of repression by security agents, through stop-downs, tear-gas bombs, water-throwing carts and even the detonation of firearms.<sup>286</sup> Such facts concern SRESCER, which calls on its Colombian States to put their best efforts into promoting channels of effective dialogue with the Colombian student in order to understand their demands and identify the best ways to ensure the right to education according to the highest international human rights standards.

#### B. Right to health

211. With regard to the right to health, SRESCER notes that, according to WHO figures, 11,066 suspected cases of measles were reported, of which 420 were confirmed, including death. The death, related to complications due to measles, corresponds to a Colombian child of 3 months of age,<sup>287</sup> belonging to the indigenous People Wayúu, and from Uribia in La Guajira. On dengue, SRESCER analyzed that as of November 2019, 101,129 probable cases of dengue were reported, of which approximately 1,092 (1.08%) were classified as severe<sup>288</sup> dengue. Therefore, WHO recognized the efforts of the State of Colombia to deliver the immunization Program, especially in the treatment of measles and rubella, but the challenge it currently presents is the migratory pressure of approximately 1.4 million Venezuelans, including CHILDREN AND ADOLESCENTS with the two diseases, so the State has developed Programs to ensure access to health and medical care services for Venezuelan<sup>289</sup> migrants.

212. On the other hand, civil society organizations and the National Government from the Colombian Institute of Family Welfare lay down a bill prohibiting<sup>290</sup> all forms of physical punishment from CHILDREN AND ADOLESCENTS by parents, caregivers or any legal representative. It seeks to reform article 262 of the Colombian Civil Code, in which parents or the person in charge of personal care of children will have the power to monitor their conduct, correct them and punish them moderately.<sup>291</sup> This ESCER Special Rapporteur agreed with the understanding that physical punishments have an emotional cognitive impact on CHILDREN AND ADOLESCENTS, as well as future health impacts, due to the stress caused by this type of violence. Organizations warned of the high prevalence in practice and the social and cultural acceptance of physical punishment and humiliating treatment as methods of discipline, training and education.<sup>292</sup>

213. In addition, the Presidency of the Republic of Colombia announced that vaccination coverage was expanded, as, according to official figures, the country achieved 95% coverage with viral<sup>293</sup> tripe vaccine in one-year-old children, protecting more than 690,000 young children. They also show a new mental health policy by incorporating 21 sediments into the benefit plan to address panic disorders, phobias and generalized anxiety, benefiting 400,000<sup>294</sup> people. They aim to strengthen public hospitals, with the Immediate Hospital Action Program, which has been earmarked 348 billion to improve infrastructure and heal the debts of public hospitals in the country.<sup>295</sup> Recognizing these efforts and encouraging their continuity, the ESCER Special Rapporteur has also received information that gives an account of worrying situations in relation to the right to

<sup>285</sup> Aula Abierta, Criminalization of the protest against university students in Colombia, September 2019, received by the Special Rapporteur on Economic, Social, Cultural and Environmental Rights on October 8, 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>286</sup> Ibid.

<sup>287</sup> OPS/OMS, [Epidemiological Update Measles](#), 1 November 2019.

<sup>288</sup> OPS/OMS, [Dengue Epidemiological Update](#), 11 November 2019.

<sup>289</sup> Un [WHO recognizes fight against measles in Colombia](#), 24 September 2019.

<sup>290</sup> Time, [They are billthated that prohibits physical punishment of children](#), 30 August 2019.

<sup>291</sup> Time, [They are billthated that prohibits physical punishment of children](#), 30 August 2019.

<sup>292</sup> Time, [They are billthated that prohibits physical punishment of children](#), 30 August 2019.

<sup>293</sup> Presidency of the Republic of Colombia, [Government Achievements](#), July 2019.

<sup>294</sup> Presidency of the Republic of Colombia, [Government Achievements](#), July 2019.

<sup>295</sup> Presidency of the Republic of Colombia, [Government Achievements](#), July 2019.

health in Colombia. Thus, a report by the Ombudsman's Office of Colombia states that, of the more than 600,000 guardianship actions, more than 200,000 relate to the right to<sup>296</sup>health.

214. In the context of the migration of Venezuelan people to Colombia, there is a particular concern to SRESCER about health. According to a report made available to this Special Rapporteurship, on 29 November 2019, because the vast majority of migrants do not have their regular migration status, they also lack membership in the social security system in health. In this sense, according to the Administrative Register of Venezuelan Migrants in Colombia, 8,209 women were pregnant, and<sup>297</sup>of these 98% had no social security in health. This in a context in which medical care and preventive care services are only available to people with social security, care for migrant women arriving in Colombia is only done by emergency, in accordance with Circular 25 of July 31, 2017 of the Ministry of Health.<sup>298</sup>
215. The problem identified by civil society in that report was that, in practice, these services are often not considered urgent, so that<sup>299</sup>pregnant women and girls are rejected in public hospitals. Thus, "According to the aforementioned Administrative Register of Venezuelan Migrants in Colombia 76.8% of pregnant women did not have access to prenatal checks", and to this is also added the problem of lack of access to legal abortion services even if women are in the causes defined in the law, which can have serious consequences in the enjoying rights of women and girls by bringing them to unsafe<sup>300</sup>abortions. SRESCER is attentive and sees with concern the lack of access to the social security system for Venezuelan girls and women in Colombia, urging the State to take the necessary measures to give due attention to their health taking into account their special vulnerability.

### C. Right to a healthy environment

216. During the hearing on allegations of non-redress of victims of dispossession and forced abandonment of land in Colombia, held on 9 May 2019 in Jamaica, at the 172nd Session of the<sup>301</sup>IACHR, the Requesting Organizations submitted information regarding violations of the rights of the peasant population within national parks in Colombia. According to the information presented, there are numerous tensions arising from the presence of peasantry in protected areas such as the National Natural Parks that are exacerbated by the apparent contradiction between agricultural activities and environmental conservation, as well as by military operations and legal actions in those areas. For this Special Rapporteurship, it is crucial that there be a dialogue between the peasant communities and the national government, for the joint construction of concerted strategies and with a strong approach to rights to resolve this problem.
217. Through the analysis of satellite images, the Institute of Hydrology, Meteorology and Environmental Studies (Ideam) presented the new rate of deforestation: Colombia lost 197,159 hectares (ha) of natural forest in 2018, which translates into a reduction of 22,814 compared to 2017. The Amazon region concentrated 70% of national deforestation. The causes of deforestation include practices aimed at the usurpation and hoarding of land, planting of coca

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<sup>296</sup> Ombudsman's Office of Colombia; Guardianship and rights to health and social security 2018. 2019.

<sup>297</sup> Women's Link Worldwide, Request for information on the situation of economic, social, cultural and environmental rights in the region, for the preparation of the Annual Report of the DeSCA Special Rapporteurship. November 29, 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>298</sup> Women's Link Worldwide, Request for information on the situation of economic, social, cultural and environmental rights in the region, for the preparation of the Annual Report of the DeSCA Special Rapporteurship. November 29, 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>299</sup> Ibid.

<sup>300</sup> Abidem.

<sup>301</sup><sup>301</sup> Iachr. 172 Session. Audience "Allegations of non-compliance with reparation to victims of land blaming and forced abandonment in Colombia", May 09, 2019

crops, extensive livestock or the illicit extraction of minerals and wood.<sup>302</sup> SRESCER was aware that, with the aim of reducing deforestation in the country, the Governments of Colombia and the United Kingdom, within the framework of the Alliance for Sustainable Growth, will implement a pilot project of \$2 billion pesos to combat, in the next 12 months, illegal actions that promote the loss of forests and<sup>303</sup>biodiversity.

218. On the issue of deforestation by fires, the director of the National Disaster Risk Management Unit (UNGRD) stated that, of the fires that occurred in the second dry season of the year, specifically between 15 June and 15 September, "820 were liquidated, seven are controlled and nine more are active at the time". On September 7, 2019, the Colombian Air Force reported that until then some 120,000 hectares of forest had been razed<sup>304</sup>by forest fires in the country in what was running of theyear..

219. This Special Rapporteur sees with concern a report by *Global Witness*, which noted that Colombia is the second most dangerous country to protect the environment. The report reveals that 164 nature advocates were killed in 2018, and there were 24 of those deaths<sup>305</sup>in Colombia alone. According to *Global Witness*, such facts "go hand in hand with incendiary rhetoric that qualifies them as terrorists or criminals (...)" it's brutally wild rhetoric: those who destroy the land and murder environmental defenders generally escape punishment."<sup>306</sup> SRESCER has had access to information on different situations of criminalization of environmental defenders in<sup>307</sup>Colombia. In this scenario, it calls on the Colombian Government to implement differentiated strategies for the protection of people defending the environment, land and territories, ensuring that they avoid criminalization, while ensuring due assessment of the positive contribution that such people make to society and to the protection of nature.

#### D. Right to adequate food

220. On 29 November 2019, the Special Rapporteur ESCER received from civil society a report<sup>308</sup>on the Human Right to Adequate Food in Colombia. SRESCER sees with great concern the data indicated that, according to figures taken from official sources, food insecurity in Colombia is 54.2%, and in 2018 there were 228,000 deaths in the country, of which 76,167 are food<sup>309</sup>related. In this sense, it emphasizes that "unhealthy eating patterns are the second risk factor linked to mortality and the fourth to disease burden in Colombia". SRESCER sees with particular concern the data related to nANs: as reported, 6 out of 10 children under the age of 10 do not receive adequate<sup>310</sup>feeding. In this context, this Special Rapporteur ESCER reminds the State of its obligation to ensure the satisfaction of the right to food, in particular children and adolescents, by calling for the prioritization of the realization of such a right in accordance with the highest international standards in this field.

<sup>302</sup> Time, [Colombia lost 197,159 hectares of natural forest in 2018](#), 10 July 2019.

<sup>303</sup> Time, [Colombia, England sign agreement to combat deforestation](#), 02 August 2018.

<sup>304</sup> Efe [Colombia has seen 836 wildfires in the last three months](#), September 16, 2019.

<sup>305</sup> Deutsche Welle, [Global Witness: 164 environmental advocates were killed in 2018](#), 30 July 2019.

<sup>306</sup> Global Witness, [How governments and businesses silence people who are human rights defenders](#), July 2019.

<sup>307</sup> CEDHA, CEMDA, Institute of Environmental Law A.C., FIMA, CEJUDHCAN, ELAW, CEJIL, Mapuche Territorial Alliance, EarthRights International, Gualaguaychú Ecological Foundation (FUNDAVIDA), Sustainable Chile: Citizen Proposal for Change, Report on the Misuse Of Criminal Justice Systems to Retaliate Against Environmental Defenders, 21 September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>308</sup> Educating Consumers, Dejusticia, Red PaPaz, FIAN Colombia, Report Right to Adequate Food, Malnutrition and its relationship with the rights of children and adolescents in Colombia, received by the Special Rapporteur DESCA on 29 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>309</sup> Ibid.

<sup>310</sup> Ibid.

## E. Business and Human Rights

221. On 3 July 2019, the Special Rapporteur received a report from the Clinical for International Human Rights at Cornell University, which seeks to determine the level<sup>311</sup> of compliance with Constitutional Court judgment T-462A/14. This judgment benefits the indigenous Community of Cerro Tijeras, which has had to deal with the consequences of a mega-project of infrastructure (the Salvajina dam) on which according to the Court it was not properly consulted despite the impact of it on its human rights. The report reports an insufficient degree of compliance with the measures ordered by the Court, to the various ministries and government departments.<sup>312</sup> The Special Rapporteurship ESCER notes with concern the findings of the above-mentioned report and will continue to monitor the state of compliance with the judgment handed down by the Constitutional Court by the Colombian State.

## 11) Costa Rica

222. The citizen protests, which began in April 2018, with the government's announcement of a bill to mitigate the nation's fiscal deficit, which for unions would disproportionately affect lower-resource workers and the public sector, have continued to occur throughout 2019, featuring various sectors of the population, such as students, doctors and health workers, educators, among others.

223. According to information provided by the State, in December 2018 the Law on the Strengthening of Public Finances was passed (Law 9635), which states, in short: the elimination of specific destinations that are not of constitutional origin and establishes its designation according to criteria of the Ministry of Finance; enforcement of a tax rule; value-added tax of 13% on goods and services; fiscal escalation; regulatory remuneration reforms relating to public employment<sup>313</sup>

224. In addition, according to official data, 21.1% of households living in poverty were registered in 2019, while 6.3% of households live in extreme poverty and, according to the Register of the Single System of State Beneficiaries (SINIRUBE), a total of 50,778 households<sup>314</sup> have been cared for. In addition, a total of 95,000 students living in poverty have the FONABE scholarship and 46,867 households receive comprehensive care as part of the National Strategy for Poverty Reduction "Bridge to Development".<sup>315</sup> In addition, according to the information provided by the State of Costa Rica, in 2019, a total of 26.4% of the implementation of the Digital Solidarity Agenda, funded by the National Telecommunications Fund (FONATEL), was achieved, which aims to "guarantee the benefits of the information society to vulnerable populations, increase inclusion and promote access to the information and knowledge society".<sup>316</sup>

225. SRESCER expresses its appreciation for the information received from the State, recognizing all the efforts and actions that it has accounted for. It also calls on the State to assess the impact that

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<sup>311</sup> International Human Rights Clinic: Policy Advocacy, [Clean energy through dirty practices. Indigenous communities receive all impacts and no benefits from the Salvajina dam in Colombia's Cauca region](#). July 3, 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>312</sup> Ibid.

<sup>313</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>314</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>315</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>316</sup> Government of the Republic of Costa Rica, [National Communications Development Officer \(2015-2021\)](#), October 2015; IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

new legislation - such as the Public Finance Strengthening Act and its Value Added Tax Regulations - or another that is about to be adopted could entail in relation to the obligation of progressiveness and not return on ESCER. It also encourages that social dialogue based on effective participation and the human rights approach are major tools in channeling the demands of the people of Costa Rica.

A. Right to education

226. According to the information received from the State, a total<sup>317</sup> of 180,282 students have benefited from the Avancemos program which, since 2008, "seeks to promote the permanence and reintegration into the formal education system of adolescents and young people belonging to families with difficulties in keeping their children in the education system" because of economic<sup>318</sup> causes. Also, according to the SINRUBE registry, a total of 2,138 maternal adolescents who are being awarded to ensure their stay in the education system, in any offer of the MEP.<sup>319</sup>
227. Also, according to official figures from the Ministry of Public Education (MEP), a total of 8.4% students, between 12 and 14 years of age, do not attend formal<sup>320</sup> education, while diversified education 23.3% do not attend the services offered by the MEP. Similarly, there has been a decrease in student enrolment in 65% of the primary schools of the country's public system, especially in the regional directorates of Desamparados, San José Central and Carthage.<sup>321</sup>
228. On the other hand, SRESCER has been following with special attention the demands and demonstrations by students in the face of the reforms given by the Government, related to dual education and the FARO National Tests, or the need for the development of school infrastructure or the use of drones to improve public education. SRESCER received information that, on July 15, 2019, demonstrations were held by several population sectors, including teachers and students, which led to the temporary closure of 45 schools, equivalent to 1% of the 4700<sup>322</sup> national schools and 4.4% of the country's 1,003 schools.
229. For its part, the Government took steps to recover the learning lost from the 89-day strike during 2018. According to statistics from the Higher Council of Education, at the basic educational level 702 apprenticeships were lost,<sup>323</sup> of which 285 are a requirement for the student to understand the next year. In addition, the Pedagogical Recovery Guide was developed to establish guidelines for teachers to ensure<sup>324</sup> student learning. SRESCER takes note and recognizes such state efforts.
230. In addition, SRESCER was aware that on September 12, 2019, the Law on Dual Education and Training (No. 9728) was adopted, which establishes the teaching modality in which students will have learning<sup>325</sup> in educational institutions, called "Institution of Vocational Education and Training (EFTP)" and in training companies. Similarly, the dual education project allows students over the age of 15 who want to enroll in the program to have the opportunity to apply their apprenticeships in technical and professional internships in public or private sector companies,

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<sup>317</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>318</sup> Food and Nutrition Security Platform (SAN), Avancemos Program, 2019.

<sup>319</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>320</sup> State of the Nation Program, Seventh State of Education Report, 2019, pg. 123.

<sup>321</sup> State of the Nation Program, Seventh State of Education Report, 2019, pg. 77.

<sup>322</sup> The Nation, Protest of students left 45 schools closed on Monday: 4.4% of 1,003 in the country, July 15, 2019

<sup>323</sup> The Nation, This will restore students to the lessons lost by strike of 2018, 22 January 2019.

<sup>324</sup> *Ibid.*

<sup>325</sup> Presidency of the Republic of Costa Rica, Law improves technical training and experience for dual education students, 12 September 2019; The Nation, Disputed approve dual education project, August 6, 2019.

and obtain economic recognition, in the form of scholarships of 130,000 per month, to be administered by the National Institute of Learning.<sup>326</sup>

231. On October 22, 2019, a march was held in defense of public university education convened by the National Council of Rectors (CONARE). In his statement, he expressed his opposition to the transfer of €70 billion from the Special Education Fund (FEES) from current expenditures to infrastructure capital<sup>327</sup>investment.
232. On the same day, university authorities and student representatives signed an agreement with the Government of the Republic reaffirming respect for the autonomy of the university budget/ The President also signed a decree to incorporate student representation into the Liaison Commission negotiating the Special Fund for Higher Education (FEES) to be ratified by the University Councils.<sup>328</sup> It includes the Government's explicit commitment<sup>329</sup>to public university educational institutions and respect for the right to education. SRESCER takes note and congratulates the Government of Costa Rica, as well as the actors who participated in the dialogue for the celebration of the dialogue and will closely follow the evolution of the subject.
233. On the other hand, SRESCER expresses its concern about the situation in many educational centers in Costa Rica, in relation to drug trafficking. The theme is reflected in the State of Education Report 2019, which refers to the existence of "810 schools in high incidence of drug trafficking districts", of which 73% are public and 27% private; the regional directorates of San José Central, San José Oeste, Limón and Pérez Zeledón concentrate<sup>330</sup>40% of schools with these characteristics. In this regard, SRESCER recommends to the State of Costa Rica to strengthen its educational policies and institutions in the prevention and treatment of the use of drugs and alcoholic beverages by children and adolescents.<sup>331</sup>

#### B. Right to health

234. According to official information, during 2019 in Costa Rica a series of programs established in the National Plan for Development and Public Investment 2019-2022 have been implemented, as well as vaccination campaigns and the proposal for the construction of several hospitals. It is planned to build the new Dr. William Allen Taylor Hospital, Turrialba; in the Central region, the New Hospital Monsignor Sanabria Martínez, Puntarenas; in Pacífico Central, the hospital Dr. Maximiliano Peralta Jiménez; as well as the construction of operating rooms of the Hospital México and the<sup>332</sup>construction of the second stage of the East Tower building of the Calderón Guardia hospital.
235. Along with recognizing these efforts and their importance for the realization of the right to health, SRESCER also takes note of the persistent challenges. According to public information, a 160% increase in dengue patients has been reported, compared to 2018 when 1,646 cases were recorded, with 7,169 cases of dengue and 10<sup>333</sup>cases of severe dengue; as well, there were an

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<sup>326</sup> The Nation, [Disputed approve dual education project](#), August 6, 2019; The Nation, [Dual education? So it will work in Costa Ric\(a](#), August 6, 2019); The World, [Congress definitively approves dual education project](#), 12 August 2019; The Nation, [Carlos Alvarado signs Dual Education Act](#), 12 September 2019.

<sup>327</sup> Distance State University, [The decision to deviate from 70 billion FEES will limit the opportunity for study of young Costa Ricans and access to public university education](#), 16 October 2019.

<sup>328</sup> The Republic, [Universities will decide to use FEES funds under agreement by raising the Government](#), October 22, 2019.

<sup>329</sup> Presidency of the Republic of Costa Rica, [Government and university authorities reach agreement to ensure normal functioning of universities](#), 22 October 2019.

<sup>330</sup> Sanchez Hernandez, Leonardo, National Council of Recetors, Seventh State of Education Report, [Scenarios and spatial patterns and associated factors at the regional level in terms of homicide, drug trafficking, unemployment and poverty that condition the work of the Regional Directorates of the Ministry of Education in their fight against educational exclusion](#), 2019, pg. 11.

<sup>331</sup> OAS, IACHR for Drug Abuse Control (CICAD), [Report on Drug Use in the Americas 2019](#), 2019.

<sup>332</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>333</sup> Ministry of Health, [Health situation analysis. Cases, serotypes and deaths from dengue Costa Rica 1993-2019](#), October 31, 2019.

increase in cases of chikungunya with 134 cases<sup>334</sup> and with Zika 181 cases.<sup>335</sup> There were 29 deaths, of which 22 were men and seven women aged between 32 to 87 years old, and 76 cases in treatment for methanol-altered alcoholic beverages, and the State managed to seize nearly 66,000 containers of spirits in ban and close 33 liquor<sup>336</sup>marketing centers.

236. In addition to information received from the State of Costa Rica, the average mortality rate for cervical cancer is 8.31 per 100,000 women aged 30 to 69<sup>337</sup>years, and vaccination coverage was achieved to 93% of nNyacs under 12 years of age in the country.<sup>338</sup> The Government also conducted health campaigns to implement the vaccine to prevent cervical cancer in 10-year-old girls who are approximately 35,000 in the country.<sup>339</sup>
237. Similarly, according to the State's response, in 2019, the suicide mortality rate in adolescents aged 12 to 19 years is<sup>340</sup>4.84 per 100,000 adolescents, therefore decreased compared to the rate of 7.2 per 100 thousand inhabitants, recorded in 2018.<sup>341</sup> Last year, emergency service 911 addressed 6,851 calls for suicide attempts, a monthly average of 571, of which, per 100,000 inhabitants, 46 were women and 29 men, predominantly in the age range between 15 and 19 years of<sup>342</sup>age. For this reason, the professionals of the College of Professionals in Psychology, with support from the Ministry of Health, Education, the Vice-Ministry of Youth and the College of Graduates and Teachers, launched a campaign entitled "Here I Am", which uses advice, videos and free online assistance to prevent self-harm.<sup>343</sup>
238. In addition, SRESCER was aware of the increase that was presented during 2019, the number of people living with diabetes in the State of Costa Rica. According to the Cardiovascular Risk Factors survey, carried out by the Costa Rican Social Security Fund (CCSS), which was developed with the participation of 4,166 people representing 3,492,000 people, recorded a total of 14.8% of the Costa Rican population over the age<sup>344</sup>of 20 is diabetic, two percentage points more than in 2014 and four points more than in 2010. Of the population evaluated, 10.9% had diagnosed with the disease, while 3.9% were unaware of<sup>345</sup>the condition. For this reason, CCSS has implemented the Chronic Diseases Nutrition Intervention Program (PINEC), which aims to provide individualized nutritional care and therapeutic education, with professionals in the areas of psychological, nursing, medicine, physical activity, among others in the health area, to provide comprehensive care to patients and to provide results by early 2020.<sup>346</sup>
239. With regard to the right to sexual and reproductive health, according to the figures of the National Institute of Statistics and Census (INEC), there is a prevalence rate of contraceptive use in women aged 15 to 49<sup>347</sup>years of age of 79.3% and a percentage of demand met by modern contraceptives in women of the same age range of 90.6%. Also, according to the state, the percentage of birth in

<sup>334</sup> Ministry of Health, [Health situation analysis. Cases and rates of Chikungunya by canton. Costa Rica, 2019](#), 31 October 2019. Available in:

<sup>335</sup> Ministry of Health, [Health situation analysis. Zika cases and rates by canton. Costa Rica, 2019](#), 1 November 2019.

<sup>336</sup> Debate, [Van 29 killed by methanol-altered liquor in Costa Rica](#), 4 September 2019; The Nation, [Three more people die from consuming guaro with methanol: 20 have died since June in Costa Rica](#), 4 September 2019; The Nation, [Health closes 33 trade for selling methanol adulterated spirits](#), August 10, 2019.

<sup>337</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>338</sup> The World, [Vaccination coverage in children exceeds 93%](#), August 19, 2019.

<sup>339</sup> The Panama Star, [Costa Rica to start vaccination in girls in 2019 to prevent cervical cancer](#), February 26, 2019.

<sup>340</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>341</sup> University Seminary, [Suicides rise in Costa Rica hidden among communities](#), June 5, 2019.

<sup>342</sup> The Nation, [Suicide attempts are on the rise in Costa Rica: campaign teaches how to act to avoid them](#), 30 October 2019.

<sup>343</sup> The Nation, [Suicide attempts are on the rise in Costa Rica: campaign teaches how to act to avoid them](#), 30 October 2019.

<sup>344</sup> Costa Rican Social Security Fund (CCSS), [Costa Rica's diabetic population increased](#), 14 November 2019.

<sup>345</sup> Ibid.

<sup>346</sup> Ibid.

<sup>347</sup> United Nations Population Fund (UNFPA) of Costa Rica, [Spreadsheet with statistical data from 1969 to 2019](#), 4 September 2019.

adolescent women between 10 and 19 years of age is 14.8.<sup>348</sup> According to the SINIRUBE register, a total of 10,800 women have been trained living in poverty and social vulnerability, through the Human Training Process of Advance Women, in subjects such as sexual and reproductive rights, transformative leadership, right to a life free from violence, among<sup>349</sup> others. SRESCER recognizes these efforts and encourages further developments.

240. In addition, SRESCER welcomes the "Is it serious?" campaign, spread on social networks, such as Facebook, Instagram and YouTube, and promoted by the National Institute of Women (Inamu)<sup>350</sup> and students from the School of Collective Communication Sciences of the University of Costa Rica (UCR). It provides information on the advantages, forms of use and importance of contraceptive methods, as well as the availability of contraceptives from the Costa Rican Social Security Fund (CCSS).<sup>351</sup> Through the use of digital, audiovisual and radio broadcasts, 33,000 views were reached on October 29, 2019, highlighting the high reach of the<sup>352</sup> campaign. SRESCER welcomes the implementation of this campaign and encourages the pursuit of this campaign, as well as to share good practice with other OAS States.

241. In addition, SRESCER appreciates that the Hospital de Turrialba has carried out trainings to learn sign language and signaling of the hospital<sup>353</sup> in native languages in order to generate better care for the health of indigenous people.

242. Finally, SRESCER notes that on 28 November the Plenary of the Legislative Assembly adopted in the second debate, Bill 21.031 reforming the General Law on HIV/AIDS, amending and updating in a comprehensive way the current legislation, the last reform of which had taken place in 1998. Among the positive aspects of the law, highlights the protection of non-dismissal by discrimination or the creation of the National Council for Comprehensive HIV<sup>354</sup> Care. SRESCER welcomes the adoption of the new legislation and encourages its implementation in accordance with the highest human rights standards.

### C. Right to social security

243. With regard to the right to access to social security, according to the information provided by the State of Costa Rica, 69.02% of the economically active population is covered by Sickness and Maternity Insurance, which includes general, specialized, surgical, pharmaceutical, pharmaceutical, as well as prenatal medical and pharmaceutical assistance and obstetric care, and family<sup>355</sup> benefits.

244. Similarly, a total of 62.68% of the economically active population is covered by Invalidity, Aging and Death Insurance, which it finances as Sickness and Maternity Insurance,<sup>356</sup> and provides benefits for old age, disability, widowhood, or orphanage. SRESCER appreciates the information requested and encourages the State of Costa Rica to further deepen efforts on the right to social

<sup>348</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>349</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights; Presidency of the Republic of Costa Rica, Inamu trains and empowers 962 Guanacastecast women, 24 July 2018.

<sup>350</sup> The World Inamu's contraceptive campaign reached 32,000 people, 14 November 2019; Sinart Costa Rica News, Contraceptive campaign "Is it serious?" triumphs in networks, November 14, 2019.

<sup>351</sup> Sinart Costa Rica News, Contraceptive campaign "Is it serious?" triumphs in networks, November 14, 2019.

<sup>352</sup> The World Inamu's contraceptive campaign reached 32,000 people, 14 November 2019.

<sup>353</sup> The Nation, Indigenous patients at Turrialba hospital receive care in their own language, 4 May 2019.

<sup>354</sup> Dolphin: Costa Rica commemorates fight against AIDS with historic VIDH Law, 28 November 2019.

<sup>355</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights; Ministry of Labour, Migration and Social Security, Social Security Benefits, 2019.

<sup>356</sup> Ibid.



security, in accordance with the obligation of progressiveness and non-regression in ESCER matters.

#### D. Right to water and sanitation

245. According to official information, in Costa Rica, 94% of the country's population enjoys<sup>357</sup> drinking water, partly thanks to the work of ASADAS, but with a total of 15% of the sewer has the wastewater treatment and sanitation service. For its part, the State states that 85.1% of the Costa Rican population is covered with drinking water service supplied by the Costa Rican Institute of Aqueducts and Sewers (AyA) and, in 2019, 69.25% progress has been achieved by the integral water supply program for Guanacaste (PIAAG).<sup>358</sup> Also, several programs have been implemented to ensure water access such as the Sanitary Sewer work of the city of Limón, the San Jose Metropolitan Area Environmental Sanitation Improvement Project, and the Priority<sup>359</sup> Zones Sanitation Program. In addition, the State implemented the Wastewater Sanitation Policy 2016-2045, which aims to improve waste management, adapt infrastructure to climate change, and provide water access for agricultural activities to enhance food production to meet national<sup>360</sup> demand. SRESCER takes note of these efforts and achievements, encouraging Costa Rica to continue to strengthen its water and sanitation policies and institutionally.

246. Moreover, SRESCER had information on the adoption of the Constitutional Reform to Recognize and Guarantee the Human Right of Access to Water (initiative of law, submitted on May 2, 2019, file<sup>361</sup> No. 21.382), held on November 15, 2019, at the Session of the Legislative Assembly. The reform would add the following to article 50 of the Constitution:

Everyone has the human, basic and indispensable right of access to safe drinking water, as an essential good for life. Water is a good of the nation, indispensable to protect such a human right. Its use, protection, sustainability, conservation and exploitation shall be governed by the law to be created for these purposes, and the supply of drinking water for consumption of people and populations<sup>362</sup> shall take precedence.

247. SRESCER particularly welcomes this constitutional reform, which is in line with the two resolutions adopted<sup>363</sup> by the OAS General Assembly in 2007 and 2012,<sup>364</sup> respectively.

#### A. Right to a healthy environment

248. On the other hand, SRESCER welcomes the progress made by the State of Costa Rica, on ensuring the right of the healthy environment by passing the Mobility and Cycling Safety Act, which seeks to implement the Decarbonization Plan 218-2050 to establish bicycles as a means of transport that builds on the well-being of human health, by reducing obesity rates through physical<sup>365</sup> activity, and offering tax incentives to companies that promote the use of bicycles on

<sup>357</sup> El País, [Costa Rica guarantees access to water, but still in debt in sanitation](#), 21 March 2019.

<sup>358</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>359</sup> Ibid.

<sup>360</sup> The Nation, [Costa Rica guarantees access to water, but still in debt in sanitation](#), 21 March 2019.

<sup>361</sup> The Guardian, [First-debate constitutional reform to recognize water as a human right](#), 15 November 2019.

<sup>362</sup> Ibid.

<sup>363</sup> OAS, Asamblea General, [Resolution AG/RES.2349 \(XXXVII-O/07\) "Water, health, and human rights"](#), adopted at the fourth plenary session-5 June 2007, Thirty-seventh Regular Session-Panama, Documents and Minutes, pp. 357-360.

<sup>364</sup> OAS, [AG/RES resolution. 2760 \(XLII-O/12\). "The Human Right to Drinking Water and Sanitation"](#), adopted at the plenary session-5 June 2012, Forty-second Regular Session-Bolivia, Documents and Minutes, pp. 265-267.

<sup>365</sup> Presidency of the Republic of Costa Rica, [Costa Rica moves towards decarbonization with law on mobility and security](#), 22 February 2019.

staff<sup>366</sup>. Also, a bill was developed to prohibit the use of single-use plastics, plastic lids, disposable cutlery to reduce the amount of 4,000 tons of waste per<sup>367</sup> day.

249. In addition, according to the information provided by the State of Costa Rica, programs are being implemented for the protection of ecosystems and to counteract the effects of climate<sup>368</sup> change, especially floods, to meet the objectives set by the National Public Investment Development Plan (2019-2022).
250. During 2019 Costa Rica was recognized as "Earth Champion" by the United Nations in recognition of its role in protecting nature and its commitment to ambitious policies to combat climate<sup>369</sup> change. SRESCER welcomes this distinction, entrusting that it will encourage Costa Rica to continue to lead global regional efforts to protect nature and combat climate change.

## 12) CUBA

251. With regard to the State of Cuba, the Special Rapporteur ESCER has followed up on the constitutional reform process in relation to its possible impacts on mandate-related issues. Details of the situation can be found in Chapter IV. B of the Commission's Annual Report. In addition, during 2019 SRESCER worked together with the executive secretariat and RFE teams in the preparation of the country report, providing aspects relating to ESCER.
252. SRESCER shares the pronouncements of the Inter-American Commission on Human Rights on the importance of ending the U.S. economic blockade on Cuba to guarantee human rights that are affected as a result of it. Similarly, the economic embargo does not exempt the State of Cuba from complying with its international obligations arising from the American Declaration.

### A. Right to education

253. There are restrictions on freedom of education in Cuba. Entities noted that families do not have the right to pass on to their daughters and sons the civic content and political beliefs they consider relevant, and that students who do not share the political and religious positions of the State do not have access to education.<sup>370</sup> The Commission collected information on sanctions applied to families who decided to educate their sons or daughters without sending them to state schools. In this sense, Ramón Rigal and Help Expósito were sentenced to two years and a year and a half in prison, respectively, for the practice of "acts contrary to the normal development of the child".<sup>371</sup>

### B. Right to health

254. The network of the IACHR takes note of the information that the Republic of Cuba has nine doctors per thousand inhabitants.<sup>372 373</sup> According to 2018 statistics, the trend of infant mortality continues to decline at a rate of 4.0 per thousand live births, due to the implementation of the plan of measures aimed at maintaining indicators related to child mortality and the introduction of action guides for obstetric affectation.<sup>374</sup>

<sup>366</sup> Unep [Pedaling through clean air in Latin America](#), June 3, 2019.

<sup>367</sup> National Geographic, [Costa Rica to ban single-use plastics by 2021](#), June 14, 2019

<sup>368</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 6, 2019. Letter from the State of Costa Rica sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>369</sup> UNEP: Costa Rica receives the highest award for its leadership in the fight against climate change, 20 September 2019.

<sup>370</sup> Human Rights Council, [Summary of stakeholder submissions on Cuba](#), 9 March 2018, para. 80.

<sup>371</sup> Radio Television Martí, [Cuban pastors sentenced to prison for raising their children at home](#), 22 April 2019.

<sup>372</sup> Directorate of Medical Records and Health Statistics of the Ministry of Public Health of Cuba, [Health Situation in Cuba. Basic Indicators, 2018](#).

<sup>373</sup> Cuba Debate, [Cuba has nine doctors per thousand inhabitants](#), July 22, 2019.

<sup>374</sup> Cuba Debate, [Cuba achieves lowest child mortality rate in history for second time](#), January 2, 2019.

255. On the other hand, to date, there continues to be a worrying lack of access to medicines. According to public information, BioCubaFarma is responsible for 77% of the medicines that are distributed to pharmacies and health centers of the public system.<sup>375</sup> The "basic table" consists of 757 medicines of which 619 are priorities for the State, however, have gradually oversupplied during this year.<sup>376</sup>
256. In addition, several medicines, such as aspirin, first aid kits, blood glucose measurement instruments, thermometers, among others, were reported difficult<sup>377</sup> to find in pharmacies or health centers. This makes it difficult to access health care services in public health facilities because of the lack of basic medicines to provide treatment for preventable diseases.
257. In addition, SRESCER is concerned about the situation faced by people deprived of their liberty in the State of Cuba. The Regulations of the Prison System establish the rights and benefits of persons deprived of their liberty such as visits by relatives, as well as,<sup>378</sup> "the right to receive food, clothing, and access to medical and stomatological care". However, according to the information received by the Special Rapporteurship, persons deprived of their liberty, especially for political reasons, are deprived of their right to visit by family members and access to medical care and treatment.<sup>379</sup> SRESCER calls on the State of Cuba to take the necessary measures to provide legal assistance and adequate health care to detainees, as well as to identify infectious diseases neglected in prisons.
- C. Rights to food, water and sanitation.
258. SRESCER expresses its concern about the supply of food products and the increase in the price of the basic food basket during 2019 in Cuba. According to public information, households in Cuba invest 80%, of their wages in food and, the rest to pay the rest of the utilities such as electricity, water and gas.<sup>380</sup> According to the Cuban authorities, the supply is "caused by the country's financial liquidity crisis", with a policy of rationalization of food products such as egg, chicken, rice, beans, as well as personal hygiene products.<sup>381</sup>
259. In this order of ideas, the basic basket is limited, and food insecurity persists because of the dependence of imported products to satisfy the population. According to several testimonies compiled by the IACHR, the basic basket, known as the "Supply Book", consists of half a pound of chicken, 280 grams of black beans, five pounds of white sugar, and five pounds of rice for each family member for one month, however, the quantities are not constant for the entire population. In addition, supply book products only supplement ten days while the remaining days, families must purchase the food and personal hygiene products obtained at market price with little supply to meet national demand.<sup>382</sup>
260. Regarding the conditions of access to water and sanitation services, SRESCER warns of the supply of drinking water in Cuba during 2019. According to information received only 13% of the population would have access to water for 24 hours, while the rest must be supplied by tanker trucks, every three or four days.<sup>383</sup>

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<sup>375</sup> Ibid..

<sup>376</sup> 14 and Medium, [Cuba produces one billion Dipirona tablets: where are they?](#), 7 June 2019.

<sup>377</sup> Ibid. .

<sup>378</sup> Ministry of the Interior of the Republic of Cuba, [Prison System Regulations](#), 1 December 2016.

<sup>379</sup> International Institute on Race, Equality and Human Rights, [Premeditated convictions: Analysis of the state of the administration of justice in Cuba](#), June 2019

<sup>380</sup> Diario de Cuba, [A Cuban spends 80% of his salary on food. What's left for the rest?](#), June 12, 2019.

<sup>381</sup> The Economist, [Cuba begins rationing of egg, chicken, rice and beans by a food waste](#), 10 May 2019.

<sup>382</sup> Citizens' Observatory on Human Rights (OHR), [2019 First Semester Report: Violations of Economic, Labour, Social and Cultural Human Rights in Cuba](#), July 8, 2019.

<sup>383</sup> OCDH, [2019 First Semester Report: Violations of Economic, Labour, Social and Cultural Human Rights in Cuba](#), July 8, 2019.

261. Damage and alterations to household water supply systems have been reported that expect families to receive enough water for daily use. Thus, for example, in the City of Santiago de Cuba, the supply of contaminated water from the pipes that prevents personal hygiene and food disinfection activities have been denounced. As regards sewerage and water supply systems, there are no official figures on the current state of sanitation in the country.<sup>384</sup>

#### D. Labor rights

262. Similarly, Cuba's unemployment rates are 2.6% pointing to a full employment situation, however, the rate doubled compared to last year.<sup>385</sup> In addition, the IACHR and its SRESCER have received information on serious situations regarding the employment rights of doctors and teachers in the State of Cuba during 2019. By way of illustration, on July 29, 2019, the university professor, Omara Ruiz Urquiola, who worked at the Instituto Superior de Diseño in Havana, would have been fired for political reasons.<sup>386</sup>

#### E. Cultural rights

263. SRESCER received information on measures taken by the Cuban State to the detriment of cultural rights, the most worrying being Decree No. 349 of July 10, 2018.<sup>387</sup> This new cultural regulation prohibits the development of artistic activities in public or private spaces without the prior authorization of the Ministry of Culture, and allows state authorities to immediately suspend an action or propose the cancellation of an authorization granted.<sup>388</sup> The consequence for the violation of Decree No. 349/2018 is the confiscation, fines and commissioning of instruments, equipment, accessories and other culturally produced goods.<sup>389</sup> The decree sparked a series of arbitrary arrests, threats, intimidation of political police and even jail terms for activists who protested during the second half of 2018.<sup>390</sup> As a result, several artists of the San Isidro Movement, as well as independent artists and cultural groups, were imprisoned in Havana for demonstrating against the decree, being released after having carried out hunger and thirst strikes until their liberation.<sup>391</sup>

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<sup>384</sup> Cuban newspaper, [Santiagueros denounce the presence of contaminated water in the pipes](#), August 7, 2019.

<sup>385</sup> United Nations Development Programme (UNDP), [Cuba](#), 2019

<sup>386</sup> Diario de Cuba, ['Gross and outrageous hit-and-run'](#), independent trade unionists on the dismissal of Omara Ruiz Urquiola, July 31, 2019.

<sup>387</sup> Cuban Observatory on Human Rights, [2019 First Semester Report: Violations of Economic, Labour, Social and Cultural Human Rights in Cuba](#), July 8, 2019.

<sup>388</sup> Amnesty International, [Cuba: Decree 349 of the new administration augurs a dystopic artistic world in Cuba](#), 24 August 2018.

<sup>389</sup> Diario de Cuba, [The Manifesto of San Isidro: new action against Decree Law 349](#), 14 September 2018.

<sup>390</sup> Cuban Observatory on Human Rights, [2019 First Semester Report: Violations of Economic, Labour, Social and Cultural Human Rights in Cuba](#), July 8, 2019.

<sup>391</sup> Radio Television Martí, [Released artists of Decree 349: Deputy Minister of Culture promises change](#), December 6, 2018; Cuban Observatory on Human Rights, [2019 First Semester Report: Violations of Economic, Labour, Social and Cultural Human Rights in Cuba](#), July 8, 2019.

### 13) DOMINICA

#### A. Right to education

264. The Government seeks to bring about changes in the educational system to grant greater access to education to students at the tertiary level who want to continue their studies and work simultaneously.<sup>392</sup> According to publicly accessible information, schools were renovated, with the cooperation of the company *Range Developments*, equipping them with technology devices and teaching materials to provide quality education to students with disabilities, and the development of school infrastructure for all levels of education.<sup>393</sup> Finally, the Government and civil society organizations provided multidisciplinary training courses to teachers to ensure the learning and academic development of students within the<sup>394</sup>classroom.

265. Furthermore, the Special Rapporteur notes the efforts of the Government of Dominica in the face of the impact of Hurricane Maria in 2017, which destroyed most of the educational infrastructure. According to the Ministry of Education, 100% of the Dominicans students who were displaced by the hurricane and barred from attending school have enrolled and reintegrated into the education system.<sup>395</sup> This is reflected in the statement made by the Minister of Education of the State of Dominica, Petter St Jean, on 7 November 2019, stating the following:

Within the education system, we can boast of a remarkable recovery that involved reconstruction works at several of our schools, the creation of emergency plans in all schools [...] and support to our teachers and students to contend with the impact of disaster.<sup>396</sup>

266. It was also known that five new preschools were opened in Belles, Warner Trafalgar, Roseau, and Concord, with funding from the *Maria Holder Memorial Trust* in Barbados, in collaboration with Dominica's Ministry of Education and Human Resources, which has enabled the reconstruction of infrastructure of primary and preschool units.<sup>397</sup> In addition, the fund has allowed the reconstruction of 84% of schools that were damaged by Hurricane Maria during 2017.<sup>398</sup>

#### B. Right to health

267. With regard to the right to health, the Dominiqués Government has alerted to the presence of dengue and Zika virus in the region, which is why the health department authorities carried out prevention and vaccination campaigns, in various sectors and on social media for households to take the necessary measures<sup>399</sup>. Indeed, the Ministry of Health and Social Services has declared an increase in cases of dengue, which has led to a lack of capacity in health centers to meet the demand of the affected population<sup>400</sup>. Therefore, the Ministry of Health has taken precautionary measures to prevent the spread and breeding of the *Aedes Aegypti* mosquito in the State by requesting community collaboration to eradicate the virus<sup>401</sup>

268. On the other hand, according to the information of public knowledge, members of the Association of Nurses of Dominica have made demonstrations for the lack of health conditions in public health centers to be able to treat viruses of epidemiological diseases and, because of the delay of the reopening of the Hospital in Marigot, which was closed in 2016 for the extermination of a severe

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<sup>392</sup> Dominica News Online, [Skerrit tells Dominicans in St. Thomas there'll be a 'comprehensive review' of education system in Dominica](#), 6 June 2019.

<sup>393</sup> Dominica News Online, [Range Developments assists reconstruction efforts of Kalinago special education school](#), 13 June 2019.

<sup>394</sup> Dominica News Online, [Chief Education Officer encourages teachers to take advantage of DSC formal training Program](#), 29 July 2019.

<sup>395</sup> Dominica News Online, [Education sector fastest to recover after Hurricane Maria says St. Jean](#), November 7 2019.

<sup>396</sup> Ibid.

<sup>397</sup> Dominica News Online, [Ministry of Education to open five new preschools today](#), November 18 2019.

<sup>398</sup> Ibid..

<sup>399</sup> Precision Vaccinations, [Dengue Fever Virus Alert Reaches Dominica Island](#), 28 January 2019.

<sup>400</sup> Dominica News Online, [Ministry of Health issues Dengue outbreak alert](#), 26 September 2019.

<sup>401</sup> Ibid.

infection<sup>402</sup>. However, the State of Dominica has collaborated with China for the construction of *Dominica China Friendship Hospital*.<sup>403</sup>

### C. Right to a healthy environment

269. SRESCER notes the efforts of the Government of Dominica during 2019 to implement Programs for resilience to the effects of climate change, as well as renewable energy and cleanup, following the destruction generated by Hurricane Maria. First, *Climate Resilience Execution Agency of Dominica (CREAD)* was created, with the support of the United Nations and the United Kingdom, which incorporates aspects of resilience into all aspects of the community.<sup>404</sup> Similarly, with the support of the World Bank, the *Emergency Agriculture Livelihoods and Climate Resilience Project* has been developed to "restore agricultural livelihoods and improve the climate resilience of farmers and fishermen affected by Hurricane Maria",<sup>405</sup> which, through the restoration of farming systems, provides training to fishermen and farmers to build resilience to the effects of climate change, as well as providing the coordination, management and implementation tools of Project Implementation Unit (*PIU*) that will enable the implementation and coordination of activities in both sectors.<sup>406</sup>

270. In addition, the geothermal plant called "7-Megawatt" was built, with funding from the Caribbean Development Bank, the Inter-American Development Bank and the government's *Citizenship by Investment (CBI)* program to benefit different sectors of productivity with clean, accessible, renewable and high-quality energy.<sup>407</sup> by the CBI that will allow the construction of 5,000 units.<sup>408</sup> Finally, the ESCER Special Rapporteur was also aware that on January 1, 2019 the ban on plastic materials and polystyrene foam, such as containers and everyday use began.<sup>409</sup>

### D. Right to water and sanitation

271. During 2019, according to statistics of the *Dominica Water and Sewage Company*, 98% of the population has been affected since Hurricane Maria in 2017.<sup>410</sup> In addition, the *Alternate Water Harvesting and Storage Project* was delivered, which consists of the installation of three 100-gallon tanks of water, in the villages of Bagatelle, Point Carib, Fond Saint Jean, and Fabre, to provide drinking water to 400 residents.<sup>411</sup> Also, the *Building Women's Water Management Capacity After a Natural Disaster* project provides 47 tanks to families with children and adolescents and older adults in communities such as Campbell, Gallion, Sultan and Warner.<sup>412</sup> However, during 2019, SRESCER was aware of several reports of the interruption of drinking water and sanitation due to the lack of pressure and construction of sewerage system in Upper Campbell, Sylvania, Despor, Marigot, Calibishie, Wesley, Woodfordhill Thibaud, Vieille sectors and Tete Morne.<sup>413</sup>

<sup>402</sup> Dominica News Online, [UPDATE: Marigot residents protest for better health services](#), 1 April 2019.

<sup>403</sup> Dominica News Online, [Opening of new hospital section signals radical improvement of health sector says Skerrit](#), 8 September 2019.

<sup>404</sup> Government of the Commonwealth of Dominica, [Dominica's Road to Climate Resilience by 2030. Sponsored by CBI](#), 27 September 2019.

<sup>405</sup> World Bank, [Emergency Agricultural Livelihood and Climate Resilience Project](#), 2019.

<sup>406</sup> Ibid.

<sup>407</sup> Government of the Commonwealth of Dominica, [Dominica's Road to Climate Resilience by 2030. Sponsored by CBI](#), 27 September 2019.

<sup>408</sup> Ibid.

<sup>409</sup> CNN, Caribbean island of Dominica bans plastic and Styrofoam, 10 de August de 2018; Government of the Commonwealth of Dominica, [Dominica's Road to Climate Resilience by 2030. Sponsored by CBI](#), 27 September 2019.

<sup>410</sup> Dominica News Online, [DOWASCO GM says climate change a challenge to Dominica's water supply Program](#), 24 March 2019.

<sup>411</sup> Dominica News Online, [\\$62,000 alternate water harvesting and storage project in Bagatelle](#), 25 February 2019.

<sup>412</sup> Dominica News Online, [Women in four Dominican communities presented with water tanks](#), 20 March 2019.

<sup>413</sup> Dominican News Online, [ANNOUNCEMENT: DOWASCO apologize for low water pressure](#), 16 September de 2019; Dominica News Online, [ANNOUNCEMENT: DOWASCO apologizes for service interruption and low water pressure](#), 29 August de 2019; Dominican News Online, [ANNOUNCEMENT: DOWASCO apologizes for no service/lower water pressure due to rains](#), 29 July de 2019; Dominica News Online, [ANNOUNCEMENT: Works in Head Dreary could interrupt traffic and water service](#), 3 of April 2019.

## E. Right to decent housing

272. Access to housing became a national crisis after Tropical Storm Erika in 2015 and Hurricane Maria that destroyed the home infrastructure of Dominica's residents. In this context, in 2019, *the Emergency Shelter Management Manual* was developed to establish a protocol against natural disasters, such as hurricanes and floods, and climate change<sup>414</sup>. In addition, the Government has implemented the following Programs to provide climate-resilient housing and natural disasters in the State: the *Belleveu Chopin Housing* project for residents of the Petite Savanne village, which was devastated by the effects of Tropical Storm Erika in 2015;<sup>415</sup> the East Coast Housing project that has provided 330 departmental units for those formerly living in Grand Fond, La Plaine, Delice Sauveur;<sup>416</sup> the Jimmit Housing project to provide 5,000 homes to the population of Mahaut.<sup>417</sup> Finally, on 18 September 2019, the *Housing Recovery Project* (HRP), funded by the International World Bank Development Association (IDA), has been implemented, which will allow the reconstruction of 1,700 homes.<sup>418</sup> The Special Rapporteurship ESCER welcomes the efforts made by the State of Dominica to guarantee the right to housing of its population in a context as complex as that described.

## 14) Ecuador

273. According to the official information received, the State of Ecuador prioritizes the consideration of the Sustainable Development Goals throughout its public policy cycle. Thus, its Technical Secretariat *Plans Ecuador* has an exercise in aligning the axes, objectives, policies and goals of the National Development Plan 2017-2021 with the 17 Sustainable Development Goals carried out under Executive Decree No. 371.<sup>419</sup> Likewise, according to this information, Ecuador has a National Development Plan 2017-2021, which revolves around three axes: "Rights for all for a lifetime;" "Economics at the service of society"; and "More society, better state."<sup>420</sup>

274. In this regard, SRESCER recognizes the efforts made by the Ecuadorian State during 2019 to reduce the rates of poverty and inequality in the population. Among them, according to the State, Programs and trainings have been carried out for citizens to enter the labor market and to strengthen employability levels. In addition, the All one Life Plan has been implemented, which aims to "modify the structural conditions of inequality and poverty [...] and move towards a more just, equitable and supportive society [...]"<sup>421</sup>. This plan, which is contained in Article 1 in Executive Decree No. 11 of May 25, 2017, incorporates the implementation of the following programs: Ternura, Impulse Joven, Mission Less Poverty Plus Development, My Best Years, House for All and Las Manuelas.<sup>422</sup>

<sup>414</sup> Office of Disaster Management del Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal in the Commonwealth of Dominica, [Emergency Shelter Management Manual for Shelter Managers and Coordinators in the Commonwealth of Dominica](#), June 2019.

<sup>415</sup> Dominica Housing, [Bellevue Chopin Housing Project](#), 12 November 2019.

<sup>416</sup> Dominica Housing, [East coast Housing Project](#), 17 October 2019.

<sup>417</sup> Government of Commonwealth of Dominica, [The CBI-funded 'Housing Revolution' is a Historic Feat for Dominica](#), 2 of July de 2019; Government of the Commonwealth of Dominica, [Dominica's Road to Climate Resilience by 2030. Sponsored by CBI](#), 27 September 2019.

<sup>418</sup> Dominican News Online, [Government launches new, island-wide Housing Recovery Project \(HRP\)](#), 12 September 2019.

<sup>419</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 29, 2019. Letter from the State of Ecuador sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>420</sup> *Ibid.*

<sup>421</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 29, 2019. Letter from the State of Ecuador sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

<sup>422</sup> Constitutional President of the Republic, [Presidential Decree No. 465.1](#) August 2018; IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 29, 2019. Letter from the State of Ecuador sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

275. According to data from the Ministry of Economic and Social Inclusion published in the national press, nearly 140,000 people live in poverty or extreme poverty in Ecuador,<sup>423</sup> which according to the same source would have led to the State increasing the investment and scope of its social Programs. SRESCER encourages further strengthening Programs and policies to combat poverty and unemployment in the most vulnerable population, such as focusing on reducing the gender pay gap and public policy actions to change traditional gender division in the workplace, which causes unpaid family care work to fall on women.<sup>424</sup>

A. Social protests and economic reforms

276. In addition, SRESCER closely monitored the state of social protests against the Government's attempt at economic austerity measures. On October 1, 2019, the Executive Branch approved Decree No. 883 establishing a series of economic measures in the context of a letter of credit intent signed between the State of Ecuador and the International Monetary Fund (IMF).<sup>425</sup> The measures (popularly referred to as "paquetazo") included the definitive abolition of a 40-year diesel fuel subsidy in the country, as well as the cut of employment benefits to public<sup>426</sup> civil servants. After the publication of this Decree there was a stoppage of transport and social demonstrations, with the progressive arrival in the capital of indigenous movements.<sup>427</sup>

277. On October 3, the Executive Branch issued Executive Decree No. 884 with which it imposed a state of emergency for 60 days at the national level in Ecuador, which was reviewed by the Constitutional<sup>428</sup> Court. The levels of outrage generated from the issuance of Decree No. 883, together with the situations of violence and repression that occurred after the declaration of the state of emergency exacerbated the protests; thousands of indigenous people joined them, moving to the capital in order to maintain a stoppage.<sup>429</sup> The protests ended on October 13, following an agreement between various social sectors, notably the confederation of indigenous nationalities of Ecuador (CONAIE) and the Government, with the mediation of the United Nations delegation in the<sup>430</sup> country.

278. On 14 October the President of the Republic issued Decree No. 894, repealing No. 883. Article 2 of that decree established the immediate *"development of a new executive decree that allows a policy of fuel subsidies, with a comprehensive approach, with criteria of rationalization, targeting and sectoralization, which would ensure that these are not intended for the benefit of greater economic resources, nor to fuel smugglers"*.<sup>431</sup>

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<sup>423</sup> Trade, [In Ecuador, some 140.000 people in extreme poverty and with high vulnerability](#), July 1, 2019; The Vanguard, [In Ecuador, some 140.000 people in extreme poverty and high vulnerability](#), 1 July 2019.

<sup>424</sup> Working Group on the Protocol of San Salvador, Comments and Final Recommendations to the State of Ecuador: Review of Reports Submitted by States Parties to the Second Grouping of Rights of the Additional Protocol to the American Convention on Economic, Social, Cultural and Environmental Rights "San Salvador Protocol", OAS/Ser.L/XXV.2.1, GT/PSS/doc.35/18, may 2018, para. 56kk

<sup>425</sup> VID, Trade: Decree 883 states that the rise of extra and eco-country petrol and diesel will govern from October 3, 2019. 2nd October 2019. Available in: <https://www.elcomercio.com/actualidad/decreto-alza-gasolin-diesel-subsidios.html>.

<sup>426</sup> 20 Minutos.es: 9 October 2019. Eight keys to the wave of protests in Ecuador that have led the Government to declare a state of emergency. BBC News, 13 October 2019: [Crisis in Ecuador: Protests continue as the government and indigenous movement prepare for dialogue on Sunday](#).

<sup>427</sup> Ibid.

<sup>428</sup> COSTITUCIONAL CUTTING OF THE ECUADOR. [October 7, 2019. Constitutional Opinion amended to 30 days in Statement](#).

<sup>429</sup> THE DAILY LEAP: October 8, 2019: [Tens of thousands of indigenous people enter Quito and the president leaves the capital](#).

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<sup>430</sup> DW: **October 14, 2019. Ecuador: Indigenous protests cease after agreement with Moreno.**

<sup>431</sup> THE TRADE: October 14: [Lenín Moreno repeals Decree 883 eliminating fuel subsidy](#).



279. Based on the monitoring carried out, including the visit to the country between 28 and 30 October, the IACHR and its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) found that the economic measures adopted by Decree No. 883 lacked a process of consultation and citizen participation, as well as a study of the impact of measures on the enjoyment and progressive development of economic, social, cultural and environmental rights (ESCER) that could be affected, taking into account the international commitments and standards in place for Ecuador, within<sup>432</sup>the framework of the inter-American and universal systems of human rights.
280. It should be recalled that the IACHR and its SRESCER have called on States "so that when they intend to adopt austerity measures or economic reforms that may affect access and enjoyment to ESCER, it ensures that citizens and especially the groups that are most vulnerable are adequately informed and consulted, forming part of decision-making processes. Similarly, such measures or reforms should be based on human rights impact analyses, considering the obligations in this area governing OAS Member States".<sup>433</sup>
281. In this regard, SRESCER considers of particular relevance the "Guiding Principles on the Assessment of the Human Rights impact of economic reforms", as a guiding guide to States and other stakeholders to ensure respect and compliance with their human<sup>434</sup>rights obligations. The IACHR also takes note of the Final RelapseS on November 14, 2019, following the consideration of Ecuador's Fourth Periodic Report of the Committee on Economic, Social and Cultural Rights which requests the State to recognize macroeconomic imbalances, in particular the fiscal deficit and indebtedness, and expresses its concern about the measures<sup>435</sup>taken.
282. On 31 October, the indigenous organizations of Ecuador presented to the Government a proposal that seeks to be an alternative to the economic model and proposes "that the wealth that is created by all Ecuadorians be distributed equitably<sup>436</sup> and that allows us to build ourselves as a free, just, democratic, participatory society that resolves its conflicts from dialogue, social peace and the search for consensus". For his part, as reported by the State, President Lenín Moreno would have sent, to the National Assembly, a draft law on economic growth. In the press release on the subject, it is emphasized that on this occasion the Executive came to this project after a process of dialogue with different sectors and stresses that "What is collected with the Tax Reforms project will be for those who need the most: 65% of public investment will go to the social sector".<sup>437</sup> SRESCER will continue to monitor developments in the topic, with particular attention to consideration of the rights approach in the measures taken and in particular to the implementation of the recommendations of the IACHR<sup>438</sup>Poverty and Human Rights' report.

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<sup>432</sup> According to information collected by the IACHR and its REDESCA in meetings with national authorities and civil society on 28 and 29 October 2019.

<sup>433</sup> IACHR: 20 November 2019, IACHR culminates its 174th Session.

<sup>434</sup> INDEPENDENT EXPERT on the consequences of external debt and related international financial obligations of States for the full estence of all human rights, especially economic, social and cultural rights: December 19, 2018: Document A/HRC/40/57. Available in: <https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/DebtAndImpactAssessments.aspx>

<sup>435</sup> COMMITTEE ECONOMIC, SOCIAL AND CULTURAL RIGHTS, UN: Doc. E/C.12/EQU/CO/4., 14 November 2019.

<sup>436</sup> Conaie: November 31, 2019: *Delivery of alternative proposal to the economic and social model.*

<sup>437</sup> Presidency of the Republic of Ecuador: 21 November 2019: Following a dialogue process, the President forwards to the Assembly the draft Economic Growth Law.

<sup>438</sup> IACHR: Poverty and Human Rights Report, 2017.

## B. Right to education

283. According to public information, 2018 shows a reduction of USD 249.8 million compared to the amount budgeted last<sup>439</sup>year. <sup>440</sup>. This cut raised concerns in a<sup>441</sup>number of sectors, including the Ombudsman's Office of Ecuador which made public its opinion on the 2019 budget, expressing concern that the education budget did not progressively allocate 5% of GDP and health to 3%, which would not be in conformity with international standards or with the eighteenth transitional provision of the National Constitution which states that "the State will progressively allocate public resources of the State General Budget for basic initial education and high school, with annual increases of at least 0.5% of Gross Domestic Product to a minimum of 6%".<sup>442</sup> SRESCER calls for the obligation of progressiveness in economic, social, cultural and environmental rights when developing and adopting national budgets.
284. Progress includes the reopening of schools in rural sectors as part of a "New School" initiative, with the Government's plans<sup>443</sup>to strengthen infrastructure, curriculum mesh and teacher training. In addition, according to public knowledge, on 13 March 2019, the "Approaching Distances II" Project was presented, which contains educational inclusion proposals for children with disabilities in<sup>444</sup>Ecuador. The initiative aims to contribute to the socio-economic inclusion, equality and non-discrimination of persons with disabilities in low- and middle-income countries, through the promotion of public institutions and policies.<sup>445</sup> To achieve this goal, the work is carried out jointly with associations of different disabilities in the country, of which the Ecuadorian Federation Pro Attention to the Person with Mental Impairment (FEPAPDEM)<sup>446</sup>is located.
285. With regard to migrant populations, and their education, in May of this year, the Ministry of Education of Ecuador, the United Nations Educational, Scientific and Cultural Organization (UNESCO), has initiated a process of technical support focused on strategies of educational response, to meet the needs of the populations on the move, whether residing or in transit through the South American<sup>447</sup>nation. In addition, SRESCER was aware that the Ministries of Education of Peru, Chile, Colombia and Ecuador, as well as its quality agencies, signed a record through which they initiated a coordination space to exchange information on the processes of comprehensive evaluation in basic and middle education, with a view to strengthening their educational<sup>448</sup>systems.
286. The Commission notes that guidelines for technical guidance were developed to combat discrimination against vulnerable<sup>449</sup>groups in educational areas. In addition, the New School: 100 Days of Learning project was implemented, which will allow the reopening of 930 educational institutions which will favor approximately 60,000 children and adolescents and have the approach of teacher training, interculturality, and diversity within educational classrooms. <sup>450</sup> For

<sup>439</sup> Trade, [Optimizing resources in education, the goal to face 2019, January 22, 2019](#)

<sup>440</sup> Ministry of Economy and Finance, [Proforma of the General Budget of the State: Consolidated Comparative Report. 2019 financial year](#), 30 September 2018.

<sup>441</sup> Ministry of Education, 15 March 2019: Project for the educational inclusion of children with disabilities was presented in Quito. Trade, [Optimizing resources in education, the goal to face 2019](#), 22 January 2019.

<sup>442</sup> Ombudsman's Office of Ecuador: Pronouncement of the Ombudsman's Office to the 2019 budget proforma: 19 November 2018.

<sup>443</sup> The Telegraph, [Ecuador Pushes the reopening of schools in rural sectors, February 7, 2019](#).

<sup>444</sup> Trade, [Project for the Educational Inclusion of Children with Disabilities Presented in Quito, March 13, 2019](#).

<sup>445</sup> Other participants in this project include the National Council for Equal Disabilities (CONADIS), the National Federation of Deaf Persons of Ecuador (FENASEC), the National Federation of the Blind of Ecuador (FOAL), the National Federation of Ecuadorians with Physical Disability (FENEDIF), Federation of Non-Governmental Agencies for Disability (FENODIS).

<sup>446</sup> Ibid.

<sup>447</sup> UNESCO Office in Quito: 24 May 2019 Securing the right to education for people with mobility: UNESCO provides technical support to Ecuador's national strategy

<sup>448</sup> National Evaluation System (SINEACE), [Peru, Chile, Colombia and Ecuador sign minutes to strengthen education](#), 06 September 2019.

<sup>449</sup> Trade, [Ecuador already has a guide to avoid discrimination against Glbti students](#), 22 February 2019.

<sup>450</sup> Look [Ecuador to reopen 930 educational institutions during 2019](#), 22 March 2019.

its part, the State of Ecuador on June 3, 2019, together with the Ecuadorian Professional Training Service (SECAP) signed an inter-agency cooperation agreement to promote the use of digital and technological tools through SECAP's e-learning platform to develop academic products with both virtual and face-to-face<sup>451</sup> modalities.

287. In addition, SRESCER was aware of the suspension of classes at the national level, announced on October 8 until October 15, 2019, because of the demonstrations, which took place between 3 October and October 13 2019,<sup>452</sup> to ensure the safety of children and adolescents. As a result, the Ministry of Education established guidelines to ensure the recovery of educational courses that have been lost, which involve face-to-face attendance at the end of the second semester on February 3 and 4, 2020, and ensured that autonomy will be allowed to meet the hours of educational work, so that subjects will be sent to students to reinforce the contents seen during the school year.<sup>453</sup> SRESCER takes note and welcomes the measures of the Ecuadorian educational authorities to ensure the recovery of classes lost during social unrest in 2019.

#### C. Right to health.

288. According to government information, the health budget in 2019 has been 6.8% of the entire<sup>454</sup> <sup>455</sup> national budget and significant achievements have been made with its implementation. For its part, the Ombudsman's Office publicly expressed its opinion regarding the budgetary amount devoted to health, stating that it would not reach 3% of GDP, stating that "according to the Twenty-Second Transitional Provision of the Constitution of the Republic states that the general budget of the State for the financing of the national health system will be increased each year by a percentage not less than 0.5% of gross domestic product, to at least 4%".<sup>456</sup> SRESCER reiterates its call to take into account the obligation of progressiveness in the field of economic, social, cultural and environmental rights when developing and adopting national budgets.

289. On the other hand, SRESCER was aware of the efforts of the State of Ecuador to carry out vaccination campaigns against seasonal influenza at the national level, which prioritizes pregnant women, children under 5 years of age, older adults, those with chronic diseases, persons deprived of liberty or who have a disability; the vaccination campaign required an investment of \$12.<sup>457</sup>

#### D. Right to water and sanitation

290. The right to water is recognized in article 12 of the Constitution of the Republic of Ecuador. According to a report by the Ombudsman's Office of Ecuador, 82.6% of homes are supplied with water by public grid, with 79.3% supplying quality drinking water, a percentage that is reduced for indigenous peoples<sup>458</sup>

291. The Special Rapporteur ship ESCER notes that according to data from the SENAGUA Water Secretariat, 100% of the water distributed for human consumption in Ecuador, approximately 70% is channeled into sewer systems; a percentage of which 55.8% of discharges are treated, meaning that the other 44.2% of wastewater is discharged directly into septic wells or canals with the risk that this poses to rivers and other watersheds Ecuador's<sup>459</sup> water.

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<sup>451</sup> SECAP: 9 September 2019: The Secap and the SAE established an interinstitutional cooperation agreement.

<sup>452</sup> The Journal, [He remains suspended from classes in the country, confirmed The Ministry of Education](#), October 8, 2019.

<sup>453</sup> Trade, [With additional days at the end of the chiming, classes in Sierra, Amazon icon and Costa will be recovered](#), October 15, 2019.

<sup>454</sup> Ministry of Health: National Government invests 6.8% of the state's health budget

<sup>455</sup> Trade, [Health budget 2019 prioritizes prevention and services](#), January 25, 2019

<sup>456</sup> Ombudsman of Ecuador: Pronouncement of the Ombudsman's Office to the 2019 budget proform: November 19, 2018.

<sup>457</sup> Latin Press, [Ecuador implements influenza vaccination campaign](#), December 2, 2019.

<sup>458</sup> Ombudsman's Office of Ecuador: Bulletin 1-19: Situation of the right to public drinking water,

<sup>459</sup> Trade, [Served Waters, a risk to the country's rivers](#), August 18, 2019

## E. Labor rights

292. Moreover, with regard to labor rights for workers, according to the Directorate of Information Studies and Analysis, the national unemployment rate is 4.6%, rising from last year, however, inequality persists in the gender unemployment gap since women have an unemployment<sup>460</sup> rate of 5.7% while men 3.8%. For its part, according to information provided by the State of Ecuador, through the Ministry of Labor with its Public Employment Exchange (Partner Employment Network- SES), have been carried out campaigns and modules entitled "Road to Employability" training in both the public and private sector to strengthen labor skills and employability, which has benefited 22,396 inhabitants during 2019, which has been achieved with the generation of 40 inter-agency cooperation agreements with public companies and private.<sup>461</sup> In addition, six massive events called "Employment Fairs" have been held to allow for a meeting between public and private institutions to make it easier for workers to access employment options.<sup>462</sup>
293. Similarly, programs and projects focused on certain groups, especially young people and priority groups, such as "My First Job", "Young Employment" and the creation of the Directorate of Priority Group Care have been developed. Also, the labor conversion plan "Employment Strengthens Strategy" was developed to facilitate the return to the labor market, through a process of advice and to enhance the profile of workers. This plan consisted of the development of 15 workshops entitled "Labor Guidance and Job Search 2.0" and "Generation of Business Ideas", during the period from January to November 2019 and was attended by 358 and<sup>463</sup> 433 people, respectively, who were focused on providing attendees with information on the tools and platforms to enter the labor market.

## 15) El Salvador

294. According to public information, in 2018 El Salvador there were two million people living in poverty, taking into account monetary and multidimensional poverty; such data come from multipurpose household survey (EHPM), which is conducted by the Directorate-General for Statistics and Census (DIGESTYC) of the Ministry of Economy (MINEC).<sup>464</sup> Along with violence, poverty and lack of access social rights, as to job opportunities are among the determinants of forced internal displacement and migration in El Salvador as in other Central American countries.<sup>465</sup> <sup>466</sup> According to data from the Directorate-General for Migration and Foreigners, the first cause of migration is economic reasons (54.7% of migrants), followed by family reunification (12.4%) insecurity (10.7%).<sup>467</sup> The Special Rapporteurship ESCER encourages the State of El Salvador to deepen its efforts in combating poverty, access to social rights and the generation of decent employment opportunities for its most disadvantaged population.

### A. Right to education

295. According to the information received from the State, the Ministry of Education, Science and Technology has implemented a number of programs that contribute to the fight against poverty and inequality, including: (a) Grace of Education, with advances towards free education from kindergarten to middle education including special education; b) Food and School Health

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<sup>460</sup> Directorate of Information Studies and Analysis, Technical Bulletin No. 02-2019-ENEMDU, National Survey of Employment, Unemployment and Underemployment (ENEMDU), March 2019, April 15, 2019

<sup>461</sup> Ibid.

<sup>462</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 29, 2019. Letter from the State of Ecuador sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>463</sup> Ibid.

<sup>464</sup> The Economist: July 2, 2019. El Salvador: two million people live in poverty.

<sup>465</sup> Heinrich Böll San Salvador Office, State policies, displacement formazado and migration: a regional view of northern Central America", April 2019, pp. 73 and 74.

<sup>466</sup> The New York Times, 29 de junio de 2019. *'I didn't want them to leave': A Salvadoran family mourns Inscar and Valeria Martínez.*

<sup>467</sup> Forced displacement monitoring system in the Northern Triangle of Central America: Signs of a crisis. Forced internal displacement by violence in El Salvador, Guatemala and Honfuras, 208, p.19.

Program; (c) Program "Endowment of school packages" ; d) National Policy on School Coexistence and Culture of Peace; (e) Open School Program for Cohabitation; (f) Family Education Program; (g) Teacher Training; (h) Equal Opportunities Among Genders; (i) Intercultural Education; (i) Programs of Current Study 2019; (k) Rule of Law for Citizenship and Combating Inequalities.<sup>468</sup>

296. On the other hand, it is noted that in the El Salvador Human Development Report 2018 "I am young and now what?" of the United Nations Development Program UNDP, which has identified that one of the main problems in education is school dropout, especially related to school violence<sup>469</sup>. According to the data of the Quality of Life Survey, prepared in 2018 by the Observatory of El Salvador Como Vamos, there would be a low coverage in middle education, which reaches a maximum of 50% in Santa Tecla, 46% in Mexicans and 42% in San Salvador.<sup>470</sup> In addition, the survey indicates that, for every 100 young people aged 16 to 18, only 50 are enrolled in the education system.<sup>471 472</sup>
297. Similarly, in July 2019, the Education Gap-Reducing Program has been implemented, which aims to serve 187 schools with infrastructure needs and are in areas of violence; tools and technology will also be granted to provide greater learning for students<sup>473</sup>. It was known of the simultaneous renovation of 129 educational centers, distributed in the 14 departments of the country.<sup>474</sup>
298. In addition, SRESCER welcomes the Special Law on the Regulation and Installation of Crib Rooms for Sons of Workers, published on July 10, 2018, which states that public institutions and private companies must install and regulate crib rooms and places of custody for the daughters and children of their workers. However, the Rafael Meza Ayau Foundation (FRMA) and UNICEF conducted a survey involving 57 companies that expressed concerns regarding implementation, which are rationed with the cost, quality parameters of the crib facilities, the number of babies that make up demand to determine the service supply and the schedules that the facilities should be in operation.<sup>475</sup>
299. SRESCER notes that classes were suspended from October 13 to October 21, 2019, due to heavy rains that prevented 10,618 students from attending 213 schools.<sup>476</sup> The Ministry of Education reported damage to 118 schools such as the "electrical system, broken ceilings, fallen walls, problems in pipes and drains, collapsed bathrooms and other affectations".<sup>477</sup> For its part, the Ministry of Education has held volunteer days to schools that have had problems with water filtration in different departments of the country.<sup>478</sup>

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<sup>468</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 20, 2019. Information note from the State of El Salvador sent to the Special Rapporteurship in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

<sup>469</sup> Undp [El Salvador Human Development Report 2018. I'M YOUNG! Now what? 2018.](#)

<sup>470</sup> Today's Diary, [Cities with low school attendance in Middle School](#), July 25, 2019

<sup>471</sup> Ibid.

<sup>472</sup> Today's Diary, [Cities with low school attendance in Middle School](#), July 25, 2019

<sup>473</sup> Ministry of Education, [MINEDUCYT holders present Education Infrastructure Intervention Plan "Reducing Gaps in Education"](#), July 28, 2019.

<sup>474</sup> Ministry of Education, MINED with the support of FEPADE intervene 129 centers simultaneously edu Active nationally, 21 November 2019 Ministry of Education, [Students and teachers will benefit from new infrastructure works](#), 21 November 2019.

<sup>475</sup> The Graphic Press, [Only 3% of children receive initial education in El Salvador](#), 16 November 2019.

<sup>476</sup> Ministry of Education, [Students from 29 schools will not be able to return to classes this Monday, October 21](#), 18 October 2019; Today's Diary, [Schools and colleges will resume classes next Monday 21](#), October 16, 2019.

<sup>477</sup> Today's Diary, [Schools and colleges will resume classes next Monday, 21st](#), October 16, 2019.

<sup>478</sup> Ministry of Education, [MINED staff run volunteer days in schools damaged by recent rains, 20](#) October 2019; Ministry of Education, [MINED restarts repair of schools affected by rain last week](#), October 21, 2019; Ministry of Education, [MINED technicians check school status for future interventions](#), October 23, 2019.

## B. Right to health

300. With regard to the right to health, the State of El Salvador has recorded a rate of 375 cases of dengue per 100,000 inhabitants during 2019,<sup>479</sup> with a total of 24,045 confirmed cases and 12 deaths caused by the virus. Also, there was a confirmed increase in cases of the H1N1 influenza virus with 174 cases, as well as an increase of 83 more cases, during week 43, compared to 2018, in which 91 cases were reported during 2019.<sup>480</sup> In addition, every day, on average, three women are diagnosed with cervical uterine cancer and, every week, three deaths are reported from Human Papillomavirus<sup>481</sup>. As a result, a total of \$14.7 million is planned for the 2020 National Vaccination Scheme to conduct vaccine campaigns targeting 278,851 girls aged 9 to 13.<sup>482</sup>
301. Regarding the latest information on the right to health, on reproductive and protective issues for women, the SRESCER expresses its concerns of the findings of the report "Without options?" Suicide maternal deaths", published by the United Nations Population Fund (UNFPA) which specifically addresses 14 cases of women's suicide, most of whom were living in poverty, faced various forms of violence and discrimination, such as lack of sexual and reproductive health information and education, as well as lack of access to basic health services and family planning methods or lack of accompaniment and specialized support.<sup>483</sup>
302. According to the information received from the State, the Ministry of Public Health and Social Assistance, highlights four concrete measures: 1. Adoption of the National Health Policy of Indigenous Peoples; 2. Supply of medicines; 3. Improvement in health facilities, mainly hospitals, imaging and treatment equipment, which is improving access to technology and health; 4. Formulation of the National Health Plan, with 3 strategies for Noncommunicable Diseases: 1. Formation of the National Commission for the Comprehensive Approach to Noncommunicable Diseases; Strategy 2. Evidence-based health promotion to influence social determination, risk factors and NSA protectors. Strategy 3. Define the comprehensive ENT care strategy<sup>484</sup>. SRESCER appreciates the information received and will closely monitor the implementation of public policies on the right to health, especially in relation to the most infringing individuals and groups.

## C. Right to water, sanitation and the healthy environment

303. The Special Rapporteur ESCER is concerned about the status of the right to water in El Salvador and the delay in adopting national legislation recognizing the Human Right to Water. As early as 2016, the Special Rapporteur on the Human Right to Safe Water and Sanitation of the United Nations concluded after his visit to the country that despite all the progress made during it that, according to the information provided by ANDA, "more than 600 thousand people in El Salvador do not have access to any type of drinking water and sanitation service, even through the collection of rainwater. Likewise, more than one million people have access to a poor water service, where their potency is not guaranteed."<sup>485</sup>
304. On 18 March 2019, the Assembly's Committee on the Environment included representatives of the agricultural and<sup>486</sup> industrial sector in the National Water Authority (ANA). As a result, on 20 March 2019 there was a march in "water defense" until the Legislative Assembly; the Committee

<sup>479</sup> OMS/OPS, Dengue Epidemiological Update, 11 November 2019; The World, They amount to 12 deaths from dengue, October 12, 2019.

<sup>480</sup> Today's Diary, Health sees increase in influenza A H1N1 cases, 7 November 2019.

<sup>481</sup> Ministry of Health of El Salvador, Guidelines for the Inclusion of the Human Papillomavirus (HPV) Vaccine to the National Vaccination Scheme, 2019; Today's Diary, Health will vaccinate girls to prevent cervical cancer, 8 November 2019.

<sup>482</sup> Today's Diary, Health will vaccinate girls to prevent cervical cancer, November 8, 2019.

<sup>483</sup> United Nations Population Fund (UNFPA), No options? Suicide maternal deaths, May 2019.

<sup>484</sup> <sup>484</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 20, 2019. Information note from the State of El Salvador sent to the Special Rapporteurship in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>485</sup> Preliminary Comments of the Special Rapporteur on the human right to safe water and sanitation at the conclusion of his official mission to El Salvador on 11-18 May 2016.

<sup>486</sup> The World, Agricultural and industrial sectors are approved in the governing body of water, 18 March 2019.

on the Environment and Climate Change was called on the Water Governing Body to be wholly public, "without the presence of a private enterprise".<sup>487</sup>.

305. Subsequently, information was held on the demonstrations that were made r because of the lack of drinking water from the communities of Puerto de La Libertad to San Salvador and, according to the National Administration of Aqueducts and Sewers (ANDA) a dialogue table would be held with the community to present the work that are being carried out in the territory<sup>488</sup>. SRESCER calls for the recognition in the domestic legal order of the human right to water, promoting a comprehensive and coordinated administration of the resource as a public good from a rights approach and ensuring that water use permits and agreements with enterprises on such recourse do not jeopardize the effective realization of the human right to water.
306. On the other hand, SRESCER welcomes the initiative of the Ministry of the Environment SOS RIOS Clean program to extract garbage from the water streams in El Salvador and clean the country's main rivers and supply sources<sup>489</sup>. In addition, in legislative matters, there is a proposal for a national law prohibiting single-use plastics and disposable polystyrene (tencopor) containers or containers for food and beverages for human consumption.<sup>490</sup>

#### D. Labor rights

307. SRESCER is particularly concerned about the situation of the rights of working women in El Salvador, where its occupation predominates in the informal economy and in precarious formal employment, such as agriculture, services, domestic service, maquila or home embroidery, being a minority in high-ranking positions<sup>491</sup>. Equally worrying is the low labor insertion of LGBTI people, who face numerous obstacles to the realization of their right to decent work in El Salvador.<sup>492</sup> The Special Rapporteur will therefore continue to pay particular attention to these issues, encouraging the State to adopt public policies and specific Programs aimed at improving the employment and labor rights of women and LGBTI people in El Salvador.
308. SRESCER received information from the Office for the Defense of Human Rights, concerning the pronouncement of the President of the Republic on the making of changes in the Organic Structure of the Presidency of the Republic and the restructuring of the Public Administration, which would lead to the abolition of several Secretaries of that Presidency such as the Technical and Planning Secretary, Secretariat of Participation, Transparency and Anti-Corruption, Secretary of Social Inclusion and Vulnerability<sup>493</sup>. The workers of these secretaries received a notification from the Department of Human Resources of the Presidential House confirming the information that had been disseminated on the social networks of the President who, through Executive Decree No. 1 of June 2, 2019, will make modifications to the structure organizing affecting 389 employees. SRESCER takes note of the concerns expressed by the Procurator for the Defense of Human Rights in its pronouncement dated 3 December 2019 and, as requested, will be attentive to the development of the situation taking into account El Salvador's commitments to the protection of the right to decent work and job stability in both the public and private spheres.

<sup>487</sup> Today's Diary, [Riots and two detainees underway "in defence of water" in the Legislative Assembly](#) March 20, 2019.

<sup>488</sup> The World, [They protest about lack of drinking water on the road to the Port of La Libertad](#), December 9, 2019.

<sup>489</sup> Diario La Huella, [Environment Ministry launches 'SOS Ríos Limpios' programme to extract litter from water streams in El Salvador](#), 21 June 2019.

<sup>490</sup> Legislative Assembly, [Ban on single-use plastics and disposable containers or containers](#), 15 May 2019.

<sup>491</sup> ORMUSA, El Salvador, Perception of labour violence against women in the public and private sectors, 208, p.27

<sup>492</sup> ORMUSA, El Salvador, Labor Rights of LGBTTI people. Stories of exclusion and resilience. 2018.

<sup>493</sup> Office for the Defense of Human Rights, Pronouncement of the Lord Procurator for the Defense of Human Rights, José Apolonio Tobar Serrano, on the occasion of the abolition of the positions of workers of the secretariats of the Presidency of the Republic, 17 December 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

## 16) United States

309. The Special Rapporteurship ESCER is concerned regarding the reality for millions of people living in poverty and inequality in one of the richest and most prosperous countries in the world. As the "Poor peoples campaign" civil society organization network has pointed out in its report "The soul of poor folk": "Instead of going to workers, massive gains from economic growth have been going to a smaller and smaller share of society. Since 1968, the top 1 percent's share of national income has nearly doubled while the official poverty rate for all U.S. families has merely inched up and down. The 400 wealthiest Americans now own more wealth than the bottom 64 percent of the U.S. population (or 204 million people).<sup>494</sup>
310. In this context, SRESCER shares the concerns of the United Nations Special Rapporteur on extreme poverty and human rights following his visit to the United States of America in 2018.<sup>495</sup> According to its report, nearly 40 million people would live in poverty, 18.5 million in extreme poverty and 5.3 million in absolute poverty typical of the Third World.<sup>496</sup>
311. One particular concern to the SRESCER is the Government's refusal to consider the economic, social, cultural and environmental rights as enforceable human rights.<sup>497</sup> Along with reaffirming the universality, indivisibility and interdependence of all human rights, with respect to the inter-American system, SRESCER recalls that the United States of America is a member of the Organization of American States which, both in its Charter, and in the Declaration of Rights and Duties of Man, enshrines provisions that recognize ESCER rights that generate obligations in this matter for all States party to the organization.<sup>498</sup>
- A. Right to education
312. In May 2019, the Institute of Educational Sciences (IES) published its study on the condition of education in 2019. According to the same, in 2015, the United States spent \$12,800 per full-time equivalent student on primary and secondary education, which averaged 35% higher than the average for states that are part of the OECD (US\$9,500 in 2017). At the postsecondary level, the United States would have spent \$31,000 per student, 93% higher than the OECD average.<sup>499</sup>
313. SRESCER takes note of the *US News and World Report* rankings analyzed the educational quality of the different states, with Massachusetts being the best evaluated according to the annual ranking.<sup>500</sup> In addition, the mandate notes, that while the U.S. education is one with the highest quality in the region,<sup>501</sup> it is also one of the most expensive in OECD countries, according to the report of the Institute for College Access and Success approximately 2 in 3 graduates of the 2018 class graduated more in debt than in previous years being \$29,200 in student loan debt that represents a record in the U.S.<sup>502</sup>

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<sup>494</sup> Poos people campaign: The soul of poor folks, p.10.

<sup>495</sup> A/HRC/38/33/Add.1: Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America, July 2018, Couple.. 4.

<sup>496</sup> Ibid, couple.4

<sup>497</sup> IbidCouple. 12.

<sup>498</sup> Chapter VI OAS Charter (Integral Development, Article 30 to 53); Arts. XI, XII, XIII, XIV, XV and XVI of the American Declaration.

<sup>499</sup> Institute of Educational Sciences: Condition of Education 2019, p. 304.

<sup>500</sup> Insider, [The ranked the Strenght. Uni of the public education system in every Us State](#), May 19, 2019

<sup>501</sup> BBC Week, [The world's most expensively educated countries](#), 14 September 2018

<sup>502</sup> USA Today, [Students In Debt with Education](#), 19 September 2019.



## B. Right to health

314. Since the entry into force of the Affordable Health Act (ACA), millions of people have obtained health insurance coverage, however, legal action persists to make it unconstitutional,<sup>503</sup> which could affect up to 20 million people. In addition, the Medicaid program, private insurance subsidies, anti-discrimination protections for lesbians, gays, bisexuals and transgenic (LGBT) people, and other key elements of the ACA remained vulnerable.<sup>504</sup> In general, it can be seen that in recent years, there is a tendency to impose restrictions on health coverage services and attempts to expand their safeguards.
315. For example, SRESCER notes that in October 2019 an executive order was issued that would incorporate some changes to the Medicare program and facilitate private contracting between health professionals and patients. According to public information, although the language of the order is vague, it could mean higher costs for the beneficiaries. The possibility of weakening the program by facilitating the exit of the program, such as reducing protections in favor of the insured persons for the benefit of private insurance industry and those with greater financial resources to cover health expenses, there would also be various actions of the current government administration aimed at making changes to the Medicaid program, which would leave thousands of people without health insurance and with greater obstacles to enjoying this right, for example, the requirement to demand anti-drug tests for people who are beneficiaries of Medicaid, the impulse of exemptions to take benefits to the program, limit the options for payment of costs at the state level or the management of poverty line indices would be causing thousands of people to have lost their health coverage.
316. Asimismo, respecto de los derechos sexuales y reproductivos también se observa que desde 2018 hay una tendencia a limitar su financiamiento, accesibilidad y atención, siendo las mujeres quienes se ven más perjudicadas con estas decisiones.<sup>505</sup> Another problem identified by the Special Rapporteurship is the anti-vaccination movements by parents who refuse to immunize their children invoking the religious exceptions that exist in some States of the country. Therefore, since the beginning of 2019, there have been 695 cases of measles, of which 390 were recorded in New York and 199 in Rockland,<sup>506</sup> with the same states with the highest incidence of the virus. According to information from disease control and prevention centers, 2019 has been the worst outbreak of the disease since its official elimination in 2000.

## C. Right to the healthy environment

317. All the G20 countries, but the United States, reached a climate consensus in the final declaration of the annual summit in Osaka, which reaffirms support for the Paris agreement.<sup>507</sup> The traditional firm has been affected in recent years by President Donald Trump's refusal to sign a strong statement in favor of the fight against climate change, with the United States being one of the world's major contributors to greenhouse emissions.<sup>508</sup>
318. In that context, it is important for SRESCER to mention the “We are Still In” initiative, promoted by an articulation of state, local governments, civil society organizations and academia. The objective of this alliance is to continue with the objectives and efforts outlined in the Paris Agreement, even if the State indicated its formal withdrawal from it. In their statement they outline that, in the absence of leadership by the federal government of the United States, the

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<sup>503</sup> Business Insider, Obamacare faced another critical moment in court. Over 20 million Americans could lose their health insurance if it's eventually struck down. 10 de Julio de 2019.

<sup>504</sup> Human Rights World, World Report 209, United States.

<sup>505</sup> Ibidem, Human Rights Watch, US to Strip funding from Women's Health Providers, 22 de mayo de 2018; Foreign Policy, At the U.N., America turns back clock on women's rights, March 14, 2019

<sup>506</sup> The Reason, the United States has 695 cases of measles, the highest number since 200, April 24, 2019.

<sup>507</sup> Euronews: Six key takeaways from the G20 summit in Osaka, 7 July 2019.

<sup>508</sup> Univision Why the world is concerned about america's rollback in the fight against climate change, 30 June 2019.

members of the initiative continue with the task of meeting the ambitious climate objectives in order to ensure that the State maintains a considerable reduction of emissions. Also, it draws attention to SRESCER how the social discussion regarding the measures taken on climate change are developed in judicial forums, such is the situation of the *Juliana v. United States* where a group of young climate activists have sued the federal government for its inaction in the face of the climate commitments they have been assuming. To that extent, SRESCER recalls that part of the components of environmental justice is that the judiciary has sufficient expertise and capacity to respond to these situations independently and in accordance with the current legal system. Likewise, it should be noted that within the analysis made by the Inter-American Court of Human Rights in Advisory Opinion OC 23-17, the States have the obligation to protect and prevent against environmental damages that have been committed in their territories or that affect other States; and also to guarantee, within a procedural aspect, access to participation, information and, in particular, environmental justice, in order to listen and give an adequate response to the substance of this matter.

319. While the United States has a broad amalgam of federal regulations related to environmental protection as a federal administrative structure for its surveillance; there are some conflicts that arise from claims against the State for breach or weakening of federal environmental regulations. For example, it is of concern to REDESCA the elimination by the current administration of federal protection of streams and bodies of water in the United States, a function carried out by the Federal Environmental Protection Agency (EPA). Within this new regulation, there would be greater discretion on the part of the central administration to indicate what the water bodies subject to protection would be or not. The Rapporteurship also learned of possible limitations to the detriment of the environment from the federal government regarding state administrations, particularly regarding the intention to revoke the power of the state of California to set its own standards on levels of pollution allowed for cars. Some legal claims were also filed before federal courts for the EPA to restrict certain types of toxic and harmful substances especially regarding the health of children., of people working in food production or those related to the construction sector.
320. The SRESCER points out that these actions by the federal state administration could have a direct impact on efforts to outline an ambitious climate action that is geared towards a desirable reduction in the emissions generated. SRESCER calls on the State to deepen the social dialogue around the measures that must be taken for a climate action, effective, immediate and participatory, making itself available to support such efforts.

#### D. Right to adequate housing

321. One of the worrying trends that are evidenced on access to decent housing in the country is that at the national level the purchasing power to access basic housing units has decreased considerably in recent times. This has led to the existence of alarming figures on the number of people living in a street situation or without permanent residence. According to the latest report on Homelessness in the United States that the Department of Living and Urban Development for the Congress raised, the number of people living in a street situation would have reached more than half a million people (568,000) in January By 2019, 63% of these people would have had access to some type of shelter. Also, between 2018 and 2019, in California the population in a street situation would have increased by 16%, and more than 50% of this population would not have had access to any type of shelter. On the other hand, around 30% of the population in street situations are families with children, and 27% are young people under 25 years old.
322. Finally, at the national level the number of people living in a chronic street situation (as defined by the State in this report), would have increased by 5% between 2018 and 2019, with Afro-descendants being those who They are more representative of the figures (40% of the total population of people living in the street).

323. According to a report issued by the National Center for the Homeless and Poverty, the growing tendency in the country to criminalize people in street situations is also a product of high cost of living and lack of access to popular homes in different estates. Since 2006 there has been a 50% increase in ordinances and municipal laws that punish sleeping in public. Added to this are laws that have been configured to prohibit or restrict standing in public, living in vehicles, sharing food with people in street situations, and searching in the trash. According to the study mentioned, these laws occur within a context based on prejudice, fear and lack of empathy and understanding of the situation. The effects of these ordinances is the increase in the cycle of poverty and stigmatization of people in street situations, generating more obstacles to the guarantee of their social rights according to international standards. The Special Rapporteurship also informed that more than 11 million people spend more than 50% of their monthly income on rent, making it a disproportionate financial burden for those in a state of greater precariousness and poverty [1].
324. Finally, REDESCA recognizes the efforts of the State to support people in street situations, particularly through the programs of the Department of Housing and Urban Development and the Housing departments at the local level. REDESCA has also learned about specific programs, aimed at supporting people belonging to groups in special situations of vulnerability, such as indigenous peoples, families composed of grandparents and grandchildren, young people, elderly people and people with disabilities. REDESCA calls on the State so that, in coordination with state and municipal governments, it can deepen a strategy that allows greater accessibility to decent housing, and more effective protection to provide shelters for those in street situations. It also calls for the State at its different levels to work towards the elimination of laws and ordinances that criminalize people living in a street situation.

## 17) Grenada

### A. Right to education

325. SRESCER monitored the closure of educational facilities belonging to the *Program for Adolescent Mothers* (PAM) promoted since 1994 by the Government in collaboration with the United Nations Children's Fund (UNICEF)/United Nations Population Fund (UNFPA) to provide education for pregnant adolescents.<sup>509</sup> However, after a legal appeal has been developed, the Government of Grenada has amended its decision regarding this program to allow adolescent girls to continue their studies and access to care, continuing with the annual investment of \$240,000 for their tenure.<sup>510</sup>
326. Subsequently, SRESCER notes the delivery of the *Student Assistance Program* (SAP), by the *New Life Organization* (NEWLO) and *Grenada Community Development Agency* (GRENCODA), which allows to provide assistance to students who have a context of violence to complete the educational level of secondary school, in order to reduce the poverty rates of young people and their families.<sup>511</sup> In addition, the *Center for Enhancing Educational Training* (CEEP), with funding provided by the UK Fund, has launched the *FuturePREP* initiative that aims to provide training, training and verification in areas of programming, application design, information technologies, among others, to young people and students between the ages of 16 to 30 years.<sup>512</sup>

### B. Right to health

327. In the State of Grenada, the health system is universal and has a coverage of 95% vaccination and immunization in the population, being a requirement to enroll in schools of preschool and basic

<sup>509</sup> Now Grenada, [Legal battle causes educational facility for pregnant teens to temporarily shut its doors](#), 3 September 2019.

<sup>510</sup> Now Grenada, [PAM operating as a temporary project of Education and Social Development ministries](#), October 3, 2019.

<sup>511</sup> Now Grenada, [New and second chances through education](#), September 17, 2019.

<sup>512</sup> Now Grenada, [Center for Enhancing Educational Training \(CEEP\), launches Future-prep project](#), 30 November 2019.

educational levels.<sup>513</sup> Faced with this reality, it has been reported that there is a prevalence in diseases diabetes, hypertension cancer, diseases, cardiovascular, depression and anxiety in the population. Similarly, in 2018, there was an increase in the number of confirmed cases of the dengue virus with a total of 107 cases, compared to 2017 in which only 45 cases were reported; therefore, the State began to take preventive measures taking into account that dengue virus, as well as measles, since cases have been reported in neighboring countries in the Caribbean region.<sup>514</sup>

#### C. Right to the environment

328. In 2018, the State of Grenada passed the Non-Biodegradable Waste Control Act, which prohibits the importation of polystyrene materials and, by March 2019, products of the same material will not be marketed to prevent ocean pollution. In addition, the Government has signed three memorandums of understanding to benefit the Climate Smart Agriculture and Rural Enterprise Program with a fund of \$1,495,587.31, which represents the State's commitment to raising awareness of the impact of climate change and natural disasters in the country.<sup>515</sup> Finally, SRESCER welcomes the adoption of integrated Management Bill Section 13 *legislation*, based on the Coastal Zone Management *Policy* passed in 2016, which provides guidelines for the protection of coastal beaches, species and historical and archaeological preservation.<sup>516</sup>

#### D. Right to water, sanitation and adequate food

329. During 2019, the Government of Grenada has made efforts to implement social Programs and projects to ensure access to safe water and sanitation in the homes of the inhabitants. In particular, the *National Water Policy* and *Drought Management Plan* are projects to ensure the sustainable use and rationalization of water resources, which are in the process of approval by the cabinet.<sup>517</sup> Both projects were carried out with the participation of public and governmental institutions, as well as civil society organizations and private initiative to develop water management plans for the dry periods of the year in the country. The *National Water and Sewage Authority* is also responsible for implementing the *True Blue Sewer Project*, which will benefit the *True Blue* area with the laying of pipes and construction of public water stations for the population.<sup>518</sup> On the other hand, residents have limitations on access to water in their homes, so the Government has developed a project, together with UNDP, with a budget of \$42 million to address the problems of water supply caused by climate change.<sup>519</sup>

330. On the other hand, with regard to the right to food, SRESCER welcomes the incitement by the *Grenada Food & Nutrition Council* (GFNC) by promoting it adequate food to reduce the risk rates of developing chronic diseases, as well as the *Curious Little Hands in the Kitchen Program* (CLHK) as a pilot project in<sup>520</sup> schools. Through it, dishes will be developed that replace those food products and beverages that pose a risk to the health of students; In the same way, training for teachers will be carried out, as well as technical nutritional guides for students and parents.<sup>521</sup>

<sup>513</sup> Pan American Health Organization, *Country Report: Grenada*, 2017; Now Grenada, *Ministry of Health focuses on dengue fever and measles*, 23 January 2019.

<sup>514</sup> Jamaican Observer, *Grenada confirms outbreak of dengue, gastro*, June 4, 2018

<sup>515</sup> Government of Grenada, *Official Signing of MOU between the Ministry of Finance, Ministry of Agriculture and Lands, Climate Resilience and Carriacou and Petite Martinique Affairs for the SAEP Program*, 27 February 2019.

<sup>516</sup> Grenada Now, *Legislation approved for improved protection of environment*, August 21, 2019.

<sup>517</sup> Grenada Now, *Drought Management Plan and Water Policy to be submitted to cabinet in February* February 4, 2019. Grenada Now, *Grenada closer to adopting national water policy and drought management plan*, February 5, 2019.

<sup>518</sup> Grenada Now, *20% drop in water resource at Les Avocat Dam*, January 16, 2019.

<sup>519</sup> Caribbean News Now, *Grenada to launch US\$42 million water resiliency project*, December 3, 2018.

<sup>520</sup> Government of Grenada, *Promoting Eating Healthy at Young Ages Through- CLHK Program*, 9 September 2019.

<sup>521</sup> *Ibid.*

## 18) Guatemala

331. SRESCER sees with concern the current situation of people living in poverty or extreme poverty in the State of Guatemala. According to the Multidimensional Poverty Index, the Ministry of Social Development (Mides) 61.6% of the Guatemalan population lives in the condition of being multidimensionally poor.<sup>522</sup> In addition, based on the most recent National Living Conditions Survey (ENCOVI), a total of 59.3% of the population were found to be living in poverty, of which the indigenous population is most affected when presenting patterns of discrimination.<sup>523</sup>
332. On 31 October 2019, this Special Rapporteur had access to the document that analyses the draft general budget of income and expenditure of the State of Guatemala for Fiscal Year 2020.<sup>524</sup> SRESCER is concerned that, although Guatemala is classified as a high-middle-income country, its levels of inequality and poverty are among the highest in Central America; particularly alarming is the situation in relation to children, with a 68.2% rate for general monetary poverty.<sup>525</sup>
333. In addition, SRESCER had access to a report on inequality in Guatemala, which analyses it from a multidimensional perspective, beyond the economic sphere, considering that it has repercussions in all areas of human life.<sup>526</sup> SRESCER shares this vision and reiterates that poverty and inequality impede access and enjoyment of all DESCEs, so that historically discriminated populations, such as women, LGBTI populations, children and adolescents, the elderly, indigenous, elderly or disabled people, are even more affected by the disabled, among others, they are particularly affected. It therefore urges the State of Guatemala to put at the heart of its actions and public policies the recommendations of the IACHR<sup>527</sup> report on Poverty and Human Rights.
334. For its part, the State of Guatemala shared general information on ongoing or planned actions in relation to rights: food, education, health, social security, healthy environment, water and sanitation and the fight against poverty.<sup>528</sup> SRESCER recognizes and thanks the State for responding to its request for information, making itself available to continue constructive dialogue on the issues of concern of the mandate for the benefit of the Guatemalan people.

### A. Right to education

335. SRESCER notes with concern that approximately 1.9 million children and adolescents between the ages of 3 and 17 are outside the education system, preventing their academic, personal and comprehensive development that will allow them to access the labor market in the future, and the average schooling is only 6.5 years.<sup>529</sup> On the other hand, the net rate of schooling would have fallen by 4.3% in six years, according to the recent study by the National Centre for Economic Research.<sup>530</sup>

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<sup>522</sup> Ministry of Social Development (Mides), [Multidimensional Poverty Index](#), July 29, 2019, 1; Free Press, [What is being multidimensionally poor and why 61.1% of Guatemalans live in that condition](#), June 20, 2019.

<sup>523</sup> National Statistical Institute (INE), [Republic of Guatemala: National Living Conditions Survey 2014](#), December 2015.

<sup>524</sup> Central American Institute for Fiscal Studies (ICEFI), Elements of analysis and proposal to strengthen the Draft General Budget of State Revenues and Egress for Fiscal Year 2020, October 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>525</sup> Ibid.

<sup>526</sup> Oxfam International, [Between the ground and the sky. Multidimensional X-ray of inequality in Guatemala](#), sent to the Special Rapporteurship on October 31, 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>527</sup> CIDH, [Poverty and Human Rights Report in the Americas](#), 2017.

<sup>528</sup> Report received from the State of Guatemala on 23 December 2019 in response to REDESCA's request for information for the preparation of its 2019 Annual Report. Available in the DESCA Special RapporteurShip Archive.

<sup>529</sup> Central American Institute for Fiscal Studies (ICEFI), Elements of analysis and proposal to strengthen the Draft General Budget of State Revenues and Egress for Fiscal Year 2020, October 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights; Undp [Guatemala, Human Development Indicators](#), 2018.

<sup>530</sup> Free Press, [The three education challenges for the 2019 cycle](#), January 2, 2019.

336. In addition, on September 4, 2019, an analysis of the 2020 Budget was carried out, in which it was revealed that Guatemala has the lowest spending in Central America in the education sector despite the size of its economy at the regional level.<sup>531</sup> It is considered that 50% of young people are left out of the education system, and it is urgent that the budget to finance public education be increased.<sup>532</sup> the state only invests Q47 thousand in each child since entering preschool and finishing basic third.<sup>533</sup> Almost all of the children achieve primary education, but only half of them succeed in completing basic and secondary education.<sup>534</sup>
337. SRESCER notes that the rate of school deprivation is higher for the indigenous population, which reaches 78.5%, while for the non-indigenous population it is 47.5%.<sup>535</sup> Indigenous women have the greatest inequality and exclusion in the educational field since illiteracy is three times more prevalent in indigenous women than in indigenous<sup>536</sup>men. In addition, the departments with the highest rates of illiteracy in Guatemala are Quiché (26.03%), Alta Verapaz (24.88%), Chiquimula (22.15%) huehuetenango (19.24%), the same as having a high percentage of the indigenous population.<sup>537</sup>
338. For its part, the State of Guatemala shared general information on the actions underway or planned for the realization of the right to education. SRESCER welcomes them and encourages the State of Guatemala to the early generation of an educational public policy with a focus on rights and financing appropriate to the progressive realization of the right with the prioritization of indigenous children and adolescents living in poverty.

#### B. Right to health

339. With regard to the right to health, the IACHR and its SRESCER are concerned that, according to human rights attorney's data, there was a decrease in vaccination coverage for children, since, in some regions of the<sup>538</sup>country, only 42.5% of children under the age of five have submitted a comprehensive vaccination scheme. Access to health services depends on the family budget since approximately 52.2% of health is used.<sup>539</sup> Although health centers of the Ministry of Public Health and Social Assistance (MSPAS) provide medical assistance, individuals must allocate their own resources for the purchase of medicines and technical equipment to receive care from MSPAS.<sup>540</sup> This results in disproportionate household budget spending on access to health care, increasing the poverty rates of the Guatemalan population.
340. SRESCER also expresses its concern regarding the rate of deaths from complications during pregnancy in the State of Guatemala during 2019. According to Ministry of Health statistics, 105 women die for every hundred thousand born, however, the neonata mortality rate is 22 children per thousand live births.<sup>541</sup> The rate of incidental deaths continues to rise as, compared to last year, a total of 21 deaths were reported in week 22, 13 deaths and a total of 21 deaths this year, with an average of three women each month occurring.<sup>542</sup> In addition, six out of ten maternal

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<sup>531</sup> Free Press, [Budget 2020: Why ambitious fiscal projection can compromise new government spending](#), 04 September 2019.

<sup>532</sup> Ibid.

<sup>533</sup> Free Press, [What is being multidimensionally poor and why 61.1% of Guatemalans live in that condition](#), 20 June 2019.

<sup>534</sup> Daily the Hour, [Budget: Guatemala, the country that invests the least in education](#), 03 September 2019.

<sup>535</sup> Free Press, [What is being multidimensionally poor and why 61.1% of Guatemalans live in that condition](#), June 20, 2019

<sup>536</sup> Oxfam International, [Between the ground and the sky. Multidimensional x-ray of inequality in Guatemala](#), March 28, 2019.

<sup>537</sup> Ibid.

<sup>538</sup> PDH, Follow-up on the implementation of the recommendations of the report on the human rights situation in Guatemala 2017, received on 17 October 2019.

<sup>539</sup> Central American Institute for Fiscal Studies (ICEFI), Elements of analysis and proposal to strengthen the Draft General Budget of State Revenues and Egress for Fiscal Year 2020, October 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

<sup>540</sup> Ibid

<sup>541</sup> Oxfam International, [Between the ground and the sky. Multidimensional x-ray of inequality in Guatemala](#), March 28, 2019.

<sup>542</sup> Ministry of Public Health and Social Welfare, [Newsletter of the Epidemiological Week No. 39-2019](#), 2019.

deaths are indigenous women in rural areas between January and March 2019, and 52% of deceased women belong to the Mayan<sup>543</sup> people. Hemorrhage is also the predominant cause of death (49%), and 85% of deaths continue to be direct causes of pregnancy, childbirth and postpartum.<sup>544</sup>

341. The maintenance of high pregnancy rates in girls and adolescents in Guatemala is also of utmost concern; according to the Observatory on Reproductive Health, from January to August of this year, there have been 85,619 pregnancies in girls and adolescents aged 10 to<sup>545</sup>19. Similarly, pregnancy in adolescence is one of the main factors, according to WHO, which "contribute to maternal and child mortality and the circle of disease and poverty."<sup>546</sup> According to the Observatory on Reproductive Health, from January to July this year, 85,619 pregnancies have been reported in girls and adolescents aged 10 to 19.<sup>547</sup>
342. However, according to public knowledge information, the Guatemalan Congress has been discussing a bill that proposes constitutional reforms to<sup>548</sup>toughen abortion penalties and expressly prohibit sex education in schools. This bill, called the Law for the Protection of Life and the Family, aims to criminalize miscarriage and limit public and private educational institutions from taking into account issues on tolerance and sexual diversity in the curriculum, thereby threatening the enjoyment of rights to personal integrity, life, sexual and reproductive health and education.<sup>549</sup>
343. It should be recalled that the Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 14, indicates that reproductive health means that human beings have the right to be informed about safe, effective, affordable and acceptable family planning methods of their choice,<sup>550</sup> such as the right to access to health care that allow women to pass safely or unharmed during the stages of pregnancy and childbirth. The IACHR and its SRESCER call on the State of Guatemala to comply with this obligation, ensuring that medical tools and promotional tools are available to this end, such as information leaflets, trainings, and courses, in the health centers of the public and private health system.
344. According to the Ministry of Health's Epidemiological Situation report, between January and March 2019, six out of ten maternal deaths reported were indigenous women in rural areas, of which Maya<sup>551</sup>women are the most harmed, accounting for 62% of deaths. In addition, 92 cases of mothers who died were reported, either from causes associated with complications with pregnancy, childbirth or after childbirth, and bleeding is the predominant cause of death (49%), and 85% of deaths continue to be from direct causes to pregnancy, childbirth and postpartum.<sup>552</sup>
345. It became known that 12,081 suspected cases of dengue, of which 89 were classified as severe dengue, including 47 deaths,<sup>553</sup>were reported in Guatemala from January to August 2019. In

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<sup>543</sup> Ministry of Public Health and Social Welfare, Newsletter of the Epidemiological Week No. 39-2019, 2019; Free Press, six out of 10 maternal deaths are indigenous women, 08 July 2019.

<sup>544</sup> Free Press, six out of 10 maternal deaths are indigenous women, 08 July 2019.

<sup>545</sup> Observatory on Sexual and Reproductive Health, Pregnancy and birth registration 2019, 30 August 2019.

<sup>546</sup> World Health Organization, Pregnancy in adolescence, February 23, 2018

<sup>547</sup> Reproductive Health Observatory, Pregnancy and birth registration of adolescent mothers- 2019, 31 August 2019.

<sup>548</sup> CNN, Guatemala congress debate controversial bill limiting rights to gay people and toughening penalties for abortion, September 17, 2019

<sup>549</sup> CNN, Guatemala congress debate controversial bill limiting rights to gay people and toughening penalties for abortion, 17 September 2019.

<sup>550</sup> Committee on Economic, Cultural Social Rights (CESCR), Observation Genera No. 14, The right to enjoy the highest possible level of health, E/C.12/2000/4, August 11, 2000.

<sup>551</sup> Free Press, Six out of 10 maternal deaths recorded are from indigenous women, 8 July 2019.

<sup>552</sup> Ibid.

<sup>553</sup> OPS/OMS, Dengue Epidemiological Update, August 9, 2019.

addition, according to the Ministry of Health, the country ranks fourth in Latin America with the highest resistance to antibiotics. To counteract this, it was approved to Regulations for the Regulation of Prescription Drugs, Antimicrobial (oral and parenteral antibiotics) and Ophthalmic Steroids, which restricts the over-the-counter sale of these drugs, both taken and injected. The standard entered into force on 27 June, with the agreement 145-2019, regulation of "antimicrobials", which in addition to drugs against bacteria includes those who attack viruses, fungi and parasites.<sup>554</sup>

### C. Right to the healthy environment

346. SRESCER is strongly concerned with persecution and threats to environmental human rights defenders. On September 08, 2019, a report news was released that the Rev. José Pilar Alvarez Cabrera, Pastor Presidente of the Guatemalan Lutheran Church (ILUGUA), was the victim of an anonymous pamphlet that circulates through social networks and in print. Guatemala's Human Rights Attorney condemned the action and demanded that the State ensure the integrity of the pastor, as well as the human rights of the people living in the region.<sup>555</sup>
347. Similarly, SRESCER is alarmed by the information provided by Global Witness that "in only one year the killings of defenders of the territory and the environment have been fivefold, from 3 in 2017<sup>556</sup> to 16 in 2018, making Guatemala the most dangerous country in the world relative to its population". In addition, we must add the vulnerability faced by defenders in a situation where in early September 2019 it was decreed State of Siege in 22 municipalities of the country, which has been denounced by several social and community organizations as it "increases the risk of harassment and violence against community and environmental leaders under the excuse of persecuting drug traffickers during the hearing on human rights violations of individuals in Guatemala,<sup>557</sup> within the framework of the 174th Session of the IACHR, held in Quito, Ecuador, the IACHR had the opportunity to discuss this issue with civil society organizations and the State.<sup>558</sup>
348. Moreover, in September 2019, the Government of Guatemala announced a ban on the use and distribution of single-use plastic bags and other elements of this material in order to contribute to the protection of the environment and gave a two-year period to adapt to this measure. The Ministry of Environment and Natural Resources published in the Official Journal the government agreement announcing this restriction, which also applies to "plastic straws", plates and glasses, containers or containers for storing plastic or expanded polystyrene food.<sup>559</sup> SRESCER welcomes this measure and encourages the State of Guatemala to ensure its effective implementation.

### D. Right to water, sanitation and food

349. On 29 August 2019, this ESCER Special Rapporteur received the request for a thematic hearing for the 174th session on the affectation of the right to water and food of Guatemalan indigenous peoples due to the systematic hoarding and contamination of water by extractive industries, as well as the lack of legislation by the State of Guatemala in this matter.<sup>560</sup> The applicants indicated that the State of Guatemala does not recognize the spiritual connection of traditional peoples to water, considering that there are no laws governing fair and equitable access to water, and there are also no mechanisms that prevent their monopoly by agro-industries, monocultures or

<sup>554</sup> Free Press, [Guatemala restricts over-the-counter antibiotics](#), 25 August 2019.

<sup>555</sup> The Lutheran World Federation, [Pastor Lutheran mountain defender is again threatened](#), 08 September 2019.

<sup>556</sup> Alliance for Solidarity, [Doubles the number of environmental activists killed in just two years, of which 40% are indigenous](#), 09 August 2019.

<sup>557</sup> Third, environmental activist Diana Isabel Hernandez is assassinated in Guatemala, September 16, 2019.

<sup>558</sup> Iachr. 174 Session Period. Audience "[Human rights violations of human rights defenders in Guatemala](#)", November 12, 2019.

<sup>559</sup> Efe [Guatemalan government bans the use of plastic and gives 2 years of adaptation](#), 20 September 2019.

<sup>560</sup> Network of Communities affected by the Oil Palm of the Northern Region of Guatemala, Request for Thematic Hearing 174 Session Period: "Death, stripping, hoarding and systematic contamination of water by pate of extractive industries and its lack of legislation by the State of Guatemala," August 29, 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental.



hydroelectric<sup>561</sup>projects. There are also no regulations regarding their pollution from the excessive use of toxic or chemical agro-toxics by mining companies and oil companies. The applicants also note that the rural population is in a vulnerable situation, because while 50% of irrigation water is consumed by latifundios, 55% of the rural population lacks clean water, in addition to the fact that the situation for the most vulnerable populations of society, such as indigenous women and children, is extremely worrying, coupled with the high rates of malnutrition.<sup>562</sup> SRESCER reiterates its concern about the consequences of the lack of legislation and criminalization of hoarding, dispossession and systematic contamination of water, as this severely affects the right to food, health, physical integrity, healthy environment, among other ESCER of the indigenous population in Guatemala.<sup>563</sup>

350. In addition, the IACHR and its SRESCER received information from the Human Rights Attorney of the State of Guatemala, noting that high rates of chronic malnutrition continue since, in 2019, a total of 53.9% of children under 5 years of age have this condition.<sup>564</sup> Children between the ages of 18 and 23 months, 55% are chronically malnourished, and 58% of indigenous children are malnourished; In addition, there has been a decrease in the budget to prevent child mortality and chronic malnutrition in Program 14 of the Ministry of Public Health and Social Assistance.<sup>565</sup>

351. In this order of ideas, in relation to the right to food, the malnutrition rate is recorded with a total of 35.1% in the number of cumulative cases of acute malnutrition,<sup>566</sup> according to the results of the Ministry of Public Health and Social Welfare. In addition, in 201 communities of the Dry Corridor it is estimated that more than 70% of maize crops and 60% of bean crops may behave damage by harming access to adequate food for the<sup>567</sup>population. In this context, SRESCER analyzed that in the first half of 2019 there was an rise in the number of reported cases of acute malnutrition compared to the last two years; the rate this year was 35.1% against 28.6% in 2018.<sup>568</sup> The National Institute of Seismology, Vulcanology, Meteorology and Hydrology (Insivumeh), attributes it to the drought season and the phenomenon of the Canicle that was presented two weeks earlier than expected.<sup>569</sup>

352. For its part, the State of Guatemala informed SRESCER of two initiatives on the right to food. On the one hand, the Ministry of Social Development (MIDES-), implements the Response Plan for the Care of Seasonal Hunger 2017, aimed at the following prioritized departments: Baja Verapaz, Jalapa and Jutiapa, which are entitled an allocated amount of five hundred quetzals, delivered on a regular basis according to the fulfillment of co-responsibilities, budgetary and financial availability. On the other, it refers to the Healthy Growth Intervention Program, for families located in the departments prioritized by the National Strategy for the Prevention of Chronic Malnutrition 2016-2020, addressed to the departments: Huehuetenango, Quiché, Alta Verapaz, Chiquimula, Totonicapán, San Marcos and Sololá, they correspond to the amount of five hundred quetzals, delivered periodically according to the fulfillment of co-responsibilities and the financial and financial availability.<sup>570</sup> Along with greeting the informed efforts, it is noted that compared to the problem faced with the right to food, a comprehensive and adequately funded

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<sup>561</sup> Ibid.

<sup>562</sup> Ibid.

<sup>563</sup> Ibid.

<sup>564</sup> PDH, Follow-up on the implementation of the recommendations of the report on the human rights situation in Guatemala 2017, received on 17 October 2019

<sup>565</sup> Ibid.

<sup>566</sup> Ministry of Public Health and Social Assistance, Epidemiological Week Bulletin: Department of Epidemiology Week No. 27-2019, July 6, 2019.

<sup>567</sup> Government of the Republic of Guatemala, Food and nutrition safety forecast. Period: July, August, September 2019, July 2019, p. 2.

<sup>568</sup> Ministry of Public Health and Social Assistance, Epidemiological Week Bulletin 27/2019 - Cases of Acute Malnutrition, July 06, 2019.

<sup>569</sup> Free Press, Canícula advances one week and is established in 10 departments, July 4, 2019.

<sup>570</sup>

public policy must be adopted urgently to remedy the situation of hunger and malnutrition in Guatemala.

353. In response to this context, the National Council for Food and Nutrition Security approved next year's annual Operational Plan, although civil society representatives claimed for the amounts and distribution of the budget. Next year's preliminary draft budget for Q8 billion 879 thousand 623.80 for food and nutrition security-related activities. Some of these activities will consist of endowing food to families by actions in the community at risk and affected by climate events and natural disasters to vulnerable populations. Social eaters, will be granted money transfers with an emphasis on health and education, education in schools to provide healthy diets and school feeding services in pre-primary and primary school, among others.<sup>571</sup>

#### E. Labor rights

354. In July 2019, this ESCER Rapporteurship received information from the Legal Team of the Guatemalan Peasant Unit Committee regarding the request for Precautionary Measures before the IACHR in order to guarantee the rights to life, social security, health and an effective remedy for peasants, elderly people, former workers of Hacienda San Gregorio Piedra Parada (MC 1359-18). The case relates to the serious situation in which a group of three hundred peasants is located in Coatepeque, who during their working lives contributed the contributions to the Guatemalan Institute of Social Security, however, much of these did not reach their destination, which is why currently the former workers cannot enjoy the Invalidity, Aging and Survival Program. According to the victims, the former employer illegally took over these quotas, which expressed a lack of state control and lack of employer compliance, as those affected do not have access to IGSS programs and services.<sup>572</sup> SRESCER is concerned with the data that 59 of the workers died without social protection, and those who are answering for their rights are facing criminal proceedings. In this context, this ESCER Rapporteurship is attentive and monitoring the situation of older adults in Guatemala, as the protection of these people who contributed to their labor quotas directly affects their rights to health, decent living, and social security.
355. At the 172nd Session of the IACHR, held in Jamaica, one of the public hearings dealt with the human rights of older peasant adult peasants in Guatemala.<sup>573</sup> The organizations present addressed the issue of serious violations of the right to life, health and social security of the elderly in rural Guatemala due to lack of state control in the fulfillment of employer responsibilities before social insurance, so that access to the Invalidity, Aging and Survival Program has been prevented – a situation that occurs particularly on farms with agricultural workers.<sup>574</sup> The State reported that it has several measures in place, such as an older adult program in which Congress approved giving them an assignment through the Ministry of Labor.<sup>575</sup> SRESCER reiterates its concern about the situation of older peasant adults in Guatemala, in particular those such as those of former workers of Hacienda San Gregorio Piedra Parada, which was exposed at the aforementioned hearing, calling the State of Guatemala to the urgent attention of the same.

## 19) Guyana

### A. Right to education

356. The Ministry of Education invested \$52.2 million to install smart slats, televisions, and software to provide quality education. In addition, a reform was carried out in the educational curriculum to impart the subjects of robotics, artificial intelligence, information technology, engineering,

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<sup>571</sup> Free Press, [Food security budget for 2020 was approved amid non-conformities](#), 5 July 2019.

<sup>572</sup> Update of information by transfer of debate, San Gregorio Piedra Parada, sent to the Special Rapporteurship on July 30, 2019. Available at: [Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights](#).

<sup>573</sup> Iachr. 172 Session. Audience "[The Human Rights of Guatemala's Peasant Older Adults](#)", May 10, 2019.

<sup>574</sup> Iachr. 172 Session. Audience "[The Human Rights of Guatemala's Peasant Older Adults](#)", May 10, 2019.

<sup>575</sup> Iachr. 172 Session. Audience "[The Human Rights of Guatemala's Peasant Older Adults](#)", May 10, 2019.

among others to enhance the academic and professional development of students.<sup>576</sup> The State of Guyana sought to improve and maintain the infrastructure of the 20 Georgetown schools, in classrooms education levels from early to secondary education, with pipeline renovation, painting and floor and roof repairs.<sup>577</sup>

357. Subsequently, according to public knowledge information, the Ministry of Education of the State of Guyana, through the *Health and Family Life Education (HFLE) Program*, has managed to reinstate 75 adolescent mothers to the Carnegie School of Home Economics and provide technical, professional and vocational education to a total of 255 mothers to teachers.<sup>578</sup> The program consists of participating in a 10-week course in the areas of bakery, home care, and confectionery, and teenage girls benefit from neonates care, transfer and material services to complete the<sup>579</sup>course.
358. SRESCER notes that two contracts were signed between the Organization of American States, Telefónica together with Fundación ProFuturo to promote the digital inclusion of education in the Caribbean region. These contracts will allow access to digital education for 5,435 entry-level students and 449 teachers from 28 schools in Guyana's<sup>580</sup>public education system to reduce the digital and gender gap in rural areas of thecountry.
359. In addition, SRESCER expresses its concern about the situation that has been reported by members of civil society about the situation faced by lesbian, gay, bisexual, trans and intersex (LGBTI) people during 2019. It was reported that young people in the LGBTI community have lectured from the school by being victims of acts of discrimination and bullying by administrative staff, teachers, or other students within educational<sup>581</sup>classrooms. As a result of the structural discrimination that occurs against LGBTI people, groups and communities civil society has pointed out that there is an increase in unemployment rates in this population group contributing "significantly to their vulnerability to situations of poverty, which in turn subjects them to even greater discrimination".<sup>582</sup> Therefore, several LGBTI people prefer not to reveal their sexual orientation in the work or educational environment as it causes pictures of anxiety and stress in which it affects their performance and integral<sup>583</sup>development. Therefore, the Special Rapporteur ESCER will continue to monitor the situation and request the State to implement the necessary measures to ensure the full exercise of LGBTI persons, groups and communities within its jurisdiction.

## B. Right to health

360. According to the Pan American Health Organization (PAHO), the Government of Guyana has trained specializations through the Global Mental Health Gap Action Program (mhGAP) and

<sup>576</sup> Guyana Chronicle, [Integrating ICT key to modernizing education sector](#), 31 March 2019.

<sup>577</sup> Guyana Chronicle, Education [Ministry prepares for reopening of school](#), 23 August 2019.

<sup>578</sup> Guyana Chronicle, [Another 75 adolescent mothers reintegrates in education system](#), 24 September 2019.

<sup>579</sup> Guyana Chronicle, [Another 75 adolescent mothers reintegrates in education system](#), 24 September 2019.

<sup>580</sup> Caribbean News Now, OAS, [Telefonica and Fundación ProFuturo signs ICT agreements with Latin American and the Caribbean](#), 29 May 2019; Guyana Chronicle, [Over 5,000 hinterland students to benefit from Quality digital education](#), 30 May 2019.

<sup>581</sup> Guyana's Society Against Sexual Orientation Discrimination (SASOD) Guyana, Submission in Response to Call, received by the DESCA Special Rapporteur on 29 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>582</sup> CIDH, [Violence against lesbian, gay, bisexual, trans and intersex people in America](#), OAS/Ser.L/V/II.rev.2, doc. 36, 12 November 2015, Chapter 5, para. 369; Iachr [Poverty and Human Rights Report in the Americas](#), OAS/Ser.L/V/II.164 Doc. 147, 7 September 2017, para. 440.

<sup>583</sup> Guyana's Society Against Sexual Orientation Discrimination (SASOD) Guyana, Submission in Response to Call, received by the DESCA Special Rapporteur on 29 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

adopting the<sup>584</sup>mhGAP Intervention Guide to provide a comprehensive country health care plan. In addition, the 24 practitioners in the medical sector were trained in issues on psychological trauma and mental health through Psychological Trauma and Mental Health Training for *Nurses* to provide medical care to those who have suffered trauma after natural disasters in the country.<sup>585</sup>

361. On the other hand, with regard to the right to the environment and health, a social Program was implemented to provide bicycles, buses, school kits, among other materials to allow children to have access to education without having to make excessive expenses of the family budget, and to provide benefits for the health of students by having access to adequate food and physical activities before entering the educational centers.<sup>586</sup>

C. Right to decent housing

362. According to the Ministry of Finance, \$1.7 billion was awarded to the housing sector to maintain the roads and streets of Regions Three, Four, Five and Six to build a housing unit that benefits 2,000 people. The *Adequate Housing and Urban Accessibility Program* has distributed 541 homes in the regions, a total of 54.1% of what was expected for 2019.<sup>587</sup> Also, the Government, through the Ministry of Communities, has made a \$6 trillion investment to improve the infrastructure of 31 housing units that were affected after 2015, as well as \$16 billion for reconstruction, \$2.7 trillion to provide electricity, \$2.9 trillion for road<sup>588</sup>reconstruction. In addition, a new water supply system has been built by the State and the Guyana Water *Incorporated* company in several regions to give Guyana's residents access to safe drinking water in their<sup>589</sup>homes.

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<sup>584</sup> OPS, [MhGAP captaincy workshop in Guyana: Integration of mental health into primary care](#), August 12, 2019.

<sup>585</sup> Guyana Chronicle, [Two dozen nurses certifies in Psychological Trauma, Mental Health Training](#), 24 September 2019.

<sup>586</sup> Guyana Chronicle, [The road to the education nation: ensuring equal access](#), July 14, 2019.

<sup>587</sup> Guyana Chronicle, [\\$375.3M expended on housing in fist half of 2019](#), August 17, 2019.

<sup>588</sup> Guyana Chronicle, [Billions spent to upgrade housing schemes](#), December 11, 2019.

<sup>589</sup> Guyana Chronicle, [\\$20M extension of water supply services in Reg.5](#), August 9, 2019.

## 20) Haiti

363. SRESCER sees with concern the multidimensional poverty facing the Haitian population because of the socio-economic crisis that is going through the country and that in 2019 has led<sup>590</sup>its population to protest, due to fuel defueling, food and corruption allegations. According to figures from the United Nations Development Program (UNDP), in 2017, 47.6% of the Haitian population were living in multidimensional poverty and 22.5% of the population in extreme<sup>591</sup>poverty. Haiti's high food insecurity rates are also of concern, as 49.3% of the population suffered from malnutrition during 2018.<sup>592</sup>

364. In this context, during the hearings on violence and security in the context of social protests and the human rights situation in Haiti, held on 23 September in Washington, D.C., United States, during the 172nd Session of the<sup>593</sup>IACHR, the Commission and its Special Rapporteurship ESCER received information on the weakness of the criminal justice system, as well as the lack of institutionality in the country. In addition, acts of corruption and the serious human rights situation were reported, as there is an increase in the supply of health services, citizens' insecurity rates increased, and the majority of the population lives in poverty in the country. The Commission reiterates the need of the State to respect inter-American rules to ensure the enjoyment of ESCERs of Haitian people.

### A. Right to education

365. With regard to access to adequate education, more than 500,000 children and adolescents between the ages of 6 and 18 do not attend public education centers in Haiti, thus increasing the number of private sector educational institutions, causing higher cost access to education for Haitian<sup>594</sup>households. Regarding quality education, according to the figures of the Ministry of National Education, the results of the official exams of the second part of the high school (Bac 2, Philo for its acronym in French), conducted during 2019 showed the socioeconomic gaps between the departments of the State since in the Department of Northwest they approved 68.36% while in the Department of the Northwest only 12% of students approved<sup>595</sup>.

366. THE SRESCER has monitored the situation with the demonstrations of students of *Roseline Vaval High School* and *Anacaona High School*, in the district of Léogone, on February 7, 2019, since they had not received classes for nine months because of the protests made by teachers for better salaries.<sup>596</sup> Protests have also been reported in Port-au-Prince by students from the medical and pharmaceutical faculties of The State University of Haiti, requesting transparency mechanisms in relation to the admission process of this school year since the dates for taking the entrance exams were changed by disabling the participation of students in evaluations to ensure their entry into higher education.<sup>597</sup>

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<sup>590</sup> Nodal, Haiti: Mass and violent demonstrations continue demanding the resignation of the president, 28 September 2019.

<sup>591</sup> Undp [Haiti](#), 14 September 2018.

<sup>592</sup> International Fund for Agricultural Development (IFAD), UNICEF, World Food Programme (WFP), and WHO, [The State of Food Security and Nutrition in the World 2019. Safeguarding against economic slowdowns and downturns](#), 2019.

<sup>593</sup> IACHR, 173 Session, Audience "[Violence and security in the context of social protests in Haiti](#)", 23 September 2019; IACHR, 173 Session, Audience "[Human Rights situation in Haiti](#)", 23 September 2019.

<sup>594</sup> Loop News Haiti, [Haiti-Education: portrait of Lamy James, 14. future teacher](#), 12 July 2019.

<sup>595</sup> Haiti Free, [Haiti - FLASH : National success rate of Bac decreased compared to the previous year](#), August 25, 2019.

<sup>596</sup> Haiti Free, [Haiti-education: the high School Students of the Region of Palmes on the streets](#), February 7, 2019.

<sup>597</sup> Won Bèf Info, [Haiti/Education: Future doctors and pharmacists apply street law](#), 6 of september of 2019; Le Nouvelliste, [The FMP postpones its admission competition, closes its doors: students protest...](#), 5 September 2019.

**B. Right to health**

367. SRESCER sees with concern the high infant mortality rate in Haiti since, for every 59 deaths per 1,000 live births, as well as, the maternal mortality rate is 646 per<sup>598</sup>100,000 live births according to the most recent data for 2016. It has been reported that 40% of children and adolescents are immunized, leading to an increase in the chance of preventive diseases affected their right to access to adequate health services. In addition, pregnant Haitian women have been forced to migrate to have their children in other states, such as the Dominican Republic, due to the lack of medical care in the country's health centers.<sup>599</sup>
368. At the hearing on the human rights situation in Haiti on 24 September 2019 in Washington, D.C., United States, during Session 173 of the<sup>600</sup>IACHR, the Commission and SRESCER received information on the vulnerability faced by children, adolescents, women and LGBTI people when they were victims of human trafficking, forced marriage, physical punishment, and acts of inhumane repression. There is also a lack of access to HIV/AIDS treatment in public sector health centers, as well as a lack of housing and the supply of food and personal hygiene products to meet national demand.
369. In addition, during the hearing on allegations of impunity and violence against women in Haiti, held on February 13 in Bolivia, during the 171st Session Period of the<sup>601</sup> IACHR, the applicants indicated that, between 2016 and 2017, a total of 29% of women between 15 and 29 years of age have been victims of physical violence, 12% of sexual violence, 5% of an act of sexual violence during the last year and 34% of assaults or acts of violence carried out by their partner. These acts have an impact on the full development of girls, adolescents and women and generate lifelong consequences, however, according to information provided by the applicant organizations, the State impedes access to justice for victims. In addition, only 4% of national public spending goes to the health sector, so access to sexual and reproductive health for Haitian women is limited. The Commission and its SRESCER therefore expressed concern about the human rights situation of women, especially health rights and sex and reproductive education.
370. In this order of ideas, there is no official data on sexual violence against children, adolescents and women in the State of Haiti because of the lack of a culture of the complaint for not having mechanisms to ensure justice for those affected. By way of illustration, the may of 2019 reported the rape of two students from the University of Quisqueya and one from the University of Port-au-Prince armed men and,<sup>602</sup>to date, the actions promised by universities and the State have not been taken to ensure the safety of university students.

**21) Honduras**

371. As established by the Commission's recent report on the human rights situation in Honduras, to which the mandate contributed to THE ESCER issues: "During the visit, the IACHR found the persistence of a number of identified structural problems previously through their monitoring work. These include high levels of poverty, inequality and exclusion, which have a particular impact on women, indigenous and Afro-descendant peoples, children and adolescents, LGBTI people, migrants and detainees. In addition, inequality and lack of opportunities for large sections of the population - made up mostly of young people - are rooted in a system that, according to the testimonies gathered, benefits a few who have relationships with high political and economic

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<sup>598</sup> World Bank, Press Release, [The World Bank strengthens human capital and climate resilience in Haiti](#), May 17, 2019.

<sup>599</sup> The Nouvelliste, [Departmental Director of Health Calls on Haitian Women to Give Birth in Haiti](#), 18 July 2019.

<sup>600</sup> CIDH, 173 Session. Audience "[Human Rights situation in Haiti](#)", February 15, 2019.

<sup>601</sup> IACHR, 171 Session, Audience "[Allegations of impunity and violence against women in Haiti](#)", 13 February 2019.

<sup>602</sup> RFI, [On the front page: Gang rapes spark outrage in Haiti](#), May 24, 2019.

power spheres. These situations disproportionately affect people in vulnerable situations, creating clear inequality and impacting on the effective plight of their human rights."<sup>603</sup>

372. This report reflected the extent that poverty in Honduras affects more than 60% of the population, 38% of whom live in extreme poverty; this situation would point to setbacks in the fight against poverty since between 2001 and 2016 the number 213 DESC Committee. Final comments on Honduras' second periodic report, 11 July 2016, para. 39. 72 Situation of human rights in Honduras Organization of American States OAS of families in these conditions would have increased by 63%, i.e. around 5.3 million<sup>604</sup> people out of a total population of 8.7 million.
373. In this context, SRESCER had information on a valuable CONADEH initiative launched in 2016, called "Solidarity Welfare Municipalities" (MBS) with the main objective of promoting local development of communities from a rights-based approach. The project aims to reach the 298 municipalities of the country and THE SRESCER with CONADEH advance in the generation of a<sup>605</sup> common agenda of cooperation around it because of its high relevance to the competition issues of the mandate.
374. Likewise, the SRESCER reiterates what has already been stipulated in the Report of the on-site visit to that country published in 2019 where special mention is made of the situation of indigenous peoples given the extreme poverty, exclusion and inequality in which they find themselves. In this regard, there is a main concern about three factors: right to health, right to education and right to work in the Mosquitia region.
375. Regarding the first point, the IACHR stressed that there is no adequate provision of medical equipment and personnel in health centers in the region. This is aggravated by the lack of infrastructure and basic services necessary to provide all the services to the population living in the Mosquitia region. Particularly the conditions of exclusion, poverty and inequality profoundly affect the well-being of the communities in the area, as evidenced in the rates of high maternal mortality and food malnutrition. Second, on the right to education, the Commission notes with concern the lack of access and quality in education even at the basic levels and minimum required content that compose it. On top of this there is a general concern that exists for the lack of support for intercultural bilingual education; which would be affecting the social and identity fabric of the affected communities. Finally, the IACHR calls for attention to the State regarding the multiple effects on working conditions and access to decent work that affect the indigenous peoples of that region.

#### A. Right to education

376. The Special Rapporteur ship ESCER is concerned about indicators in the education sector as low rates of affordable quality education in all educational grades rebel. By way of illustration, according to the figures of the Secretary of Education, the total number of students evaluated in the nine grades of basic education in Spanish and mathematics in the year 2017, only 40% achieve desired performance levels, while the remaining 60% remain<sup>606</sup> in the levels should improve, while the student with overage in basic education is greater than 20% of fifth grade, and in ninth grade are 26%.
377. In addition, the official data of the Secretary of Education express that the illiteracy rate is 11.75% of<sup>607</sup> the population over the age of 15, who cannot read or write. As a result, government authorities continue to implement the National Literacy Plan (PNA), which aims to make only 5%, or less, of the population illiterate. As part of the Social Education Work (TES), high school seniors

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<sup>603</sup> IACHR, Situation of Human Rights in Honduras, 2019, para. 127.

<sup>604</sup> Ibid., 128.

<sup>605</sup> El Heraldo: Social Transformation advances in 36 municipalities in Honduras, 16 February 2019.

<sup>606</sup> Secretary of Education, [National Academic Performance Report 2017](#), August 1, 2018

<sup>607</sup> Secretary of Education, [Launch of the National Literacy Plan](#), May 30, 2018.

will be literate this year to about 35,000 people in the country.<sup>608</sup> The highest rate of illiterate people occurs in rural areas, particularly in the Department of Cortez, since the education authorities have registered more than 93,000 people who cannot read or<sup>609</sup>write.

378. On 30 April 2019, the National Congress of Honduras eliminated the controversial decrees on the Law<sup>610</sup> on the Restructuring and Transformation of the Health and Education System. Subsequently, in May this year, the health and education guilds announced indefinite unemployment and continued suspension of classes and non-attendance to medical centers until the repeal of 11 decrees, including the declaration of emergency health and education and the privatization of<sup>611</sup>services. However, the impact of unemployment was significant in the education sector: classes have been paralyzed for weeks, and on average about two million students have lost classes.<sup>612</sup>

379. In August, proposals that emerged from the dialogue process for the country's education sector were presented, a process involving education authorities, local governments, representatives of some magisterial colleges, parents, civil society, among other sectors, although members of the Platform for Combating health and Education<sup>613</sup> did not participate.

#### B. Right to health

380. During the hearing on the situation of sexual and reproductive rights in Honduras, held on 14 February 2019 in<sup>614</sup>Bolivia, during the 171th Session the IACHR, the Commission and its SRESCER received information on the vulnerability of women, girls and adolescents in Honduras regarding their access to specialized reproductive health, as well as the various obstacles they face to full respect for their sexual and reproductive rights.

381. In July 2019, plans were made to combat the wading grounds that keep the country's health system in emergency and a total of 250 million lempiras were allocated to fund the sections to tackle the onslaught of the dangerous disease, mainly through the destruction of these hatcheries.<sup>615</sup> In addition, the Government of Honduras has declared epidemiological alerts at the national level, such as public health measures for the prevention and control of dengue and other arbovirolosis. There have been 42,346 suspected cases of dengue, including 174 deaths, of which 82 were confirmed, 27 were dropped by laboratory and 65 remain under investigation; whereas of the total suspected cases 23% (9,793 cases) were classified as severe<sup>616</sup>dengue.

382. Honduras set out to eradicate malaria contagion by 2020. To this end, on August 13, 2019, a more than \$11 million agreement was signed between Honduras with the IDB, to which the Honduran Ministry of Health will contribute \$7.1 million, while the Carlos Slim Foundation, *Bill & Melinda Gates Foundation* and The Global Fund for *Fight AIDS* will invest another \$4 million.<sup>617</sup>

#### C. Right to the healthy environment

383. The mandate has monitored the situation of forest fires in various regions of Honduras during 2019. 64,596 hectares have been lost, as well as a total of 1,054<sup>618</sup>fires have been recorded in the Central American country between January and July. Among the poorest and most forgotten regions of Honduras are rural areas, so the Climate Change Adaptation Program in the Forest

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<sup>608</sup> Ibid.

<sup>609</sup> The Press, [Some 800,000 people can't read or write in Honduras](#), 07 September 2019.

<sup>610</sup> The Press, [Congress removes decrees on restructuring in Health and Education](#), 30 April 2019.

<sup>611</sup> The Herald, [In indefinite doctors and teachers nationwide](#), May 13, 2019.

<sup>612</sup> The Herald, [The impact of health and education in Honduras: 20,000 missed appointments 10 days without classes](#), 29 May 2019.

<sup>613</sup> The Herald, [Honduras: Present proposals for education sector](#), of 06 August 2019.

<sup>614</sup> Iachr. 171 Session. Audience "[Situation of sexual and reproductive rights in Honduras](#)", February 14, 2019

<sup>615</sup> The Press, [Government to allocate direct funds to lackeys to combat dengue](#), 22 July 2019.

<sup>616</sup> OPS/OMS, [Dengue Epidemiological Update](#), August 9, 2019.

<sup>617</sup> The Grandstand, [IDB sign \\$11 million deal to eliminate malaria](#), August 13, 2019.

<sup>618</sup> Efe [Honduras has lost 64,596 hectares of forest in 1,054 fires in 2019](#), 4 July 2019.



Sector has been promoted, with the collaboration of international organizations, to work in remote areas of six departments in Honduras. The program has funded research, with a sum of approximately 6.8 million lempiras with the aim of better understanding the living conditions in La Mosquitia and El Paraíso in relation<sup>619</sup>to their forest resources that allow them to improve the livelihoods of the population, while contributing to the good management and integral conservation of their forests.

384. In August, the Ministry of Human Rights condemned the murder of environmental defenders Roberto Antonio Argueta and José Mario Rivera and demanded that the authorities investigate the crimes. At least 12 environmental defenders are charged with crimes of unlawful association, illegal carrying of arms, theft, unjust deprivation of liberty and arson for opposing a mining project in Colón known as Guapinol.<sup>620</sup> According to the Regional Agrarian Platform of the Aguán Valley, Colón, the conflict in Guapinol originates "because of the illegality of the concession of the mining company to the company Inversiones Pinares" since the project affects the Carlos Escaleras Park, since through a decree presented in 2012 has been reduced the core area of the protected area from 24,223 to 24,006 hectares.<sup>621</sup>
385. The Honduran capital is facing a severe water-supply crisis, as the city's main dams have very low storage levels, so in September 2019, thousands of Hondurans from the capital communities of El Chimbo, El Hatillo and El Guanábano, on the periphery of the capital Tegucigalpa, to protest against the construction of the housing project "Residencial Bosques de Santa María", a luxury community in the foothills of La Tigra National Park, a project that can harm the natural resources of the area.<sup>622</sup>

#### D. Right to food

386. SRESCER sees with concern the obesity rate in Honduras, as it has grown alarmingly in the last two years, reaching 21.4% of the population over the<sup>623</sup>age of 18 and has been most impacted among the poorest sectors. In children under 5 years of age, obesity affects 5.2%, while chronic malnutrition affects 42% of children in low-income families and only 8% of those living in better<sup>624</sup>conditions. The Special Rapporteur ESCER is concerned about the presence of drought, which in addition to generating lack of access to safe water, has caused losses on more than 50% of basic grains such as maize and beans, while some 1,000 head of livestock<sup>625</sup>have died in the Olancho Department.

## 22) Jamaica

#### A. Right to education

387. The Government announced an increase in the education budget; as part of the investment it allocated \$371.5 million to the Educational Transformation Program, responsibility of the Trust Authority in National Limited Education, for the<sup>626</sup>construction of tertiary-level schools in the parishes of St Andrew, Kingston, and Treylawn.
388. In addition, SRESCER has learned that the Minister of Education, Youth and Information has stated that science, technology, engineering and mathematics education has been integrated into the education system indicating that \$100 million is provided for schools to update science

<sup>619</sup> The Grandstand, [Villagers contribute to improving the environment](#), 19 July 2019.

<sup>620</sup> The Journal, [Demand to investigate the murder of environmental defenders in Honduras](#), August 30, 2019

<sup>621</sup> Ibid.

<sup>622</sup> TeleSur, [Hondurans reject housing project in nature reserve](#), 09 September 2019.

<sup>623</sup> FAO, OPS, WFP y UNICEF, [Overview of Food and Nutrition Security in Latin America and the Caribbean 2018](#), 2018, pg. 27.

<sup>624</sup> The Press, [Obesity epidemic soars in Latin America and the Caribbean](#), 19 May 2019.

<sup>625</sup> The Press, [Drought in Honduras: crop loss and livestock death](#), 12 September 2019.

<sup>626</sup> Jamaica Information Service, [\\$37 Million for Education Transformation Programme](#), 19 February 2019.

classrooms.<sup>627</sup> In addition, the policy is sought to be able to finance studies students over the age of 18.<sup>628</sup>

B. Right to health

389. The Special Rapporteurship ESCER expresses its concern about the development of diseases, such as dengue and Zika, taking note of figures from the Jamaican National Centre for the International Health Regulations demonstrating the increase in dengue cases in Jamaica in early January 2019.<sup>629</sup>

390. On the other hand, it is noted that beds in hospitals and working hours in health centers would be increasing, because of the increase in demand.<sup>630</sup> In addition, the Ministry of Health has promoted a control program focused on international standards for dengue prevention, noting that by January this year there are already 830 cases of dengue that were classified as suspects.<sup>631</sup>

C. Right to the healthy environment

391. The Rapporteurship has taken note of the meeting of fourteen experts in agriculture and fisheries to generate the new *National Agriculture Disaster Risk Management Strategy and Plan*" national strategic plan to generate a sustainable agriculture plan. FAO has also assisted with the technical cooperation Program a project that aims to improve institutional and technical capacities for disasters and climate risk and sustainable agriculture in Jamaica, Suriname and<sup>632</sup> Guyana. Similarly, SRESCER has learned that the Government of Jamaica has committed itself to the transition of 50% renewable energy by 2030.<sup>633</sup> Jamaica and other small developing islands are embracing renewable energy as part of their plans to become countries without the need for coal.

392. In addition, the Rapporteurship takes note of the Climate Change Policy Framework for Jamaica which sets out the strategies, so that the country can effectively respond to the impacts and challenges of climate change.<sup>634</sup> The development of the legal framework was carried out with the Government of Jamaica, together with the European Union (EU), UNEP, *Climate Change Adaptation and disaster Risk Reduction Project*, founded by the European Union under the Global Climate Change Alliance and the World Food Program (WFP) which serves as a model for the Caribbean in coordinating disaster responses including,<sup>635</sup> five CARICOM States make up a select list of the World Food Program (WFP) to serve as a world food Program (WFP) to serve as a world food Program (WFP) to serve as a world food Program (WFP) Caribbean model in disaster response coordination including Belize, Dominica, Guyana, Saint Lucia and Jamaica.<sup>636</sup>

393. SRESCER notes that WFP serves as a model for the Caribbean in coordinating disaster responses that includes five CARICOM States make up a select list of the World Food Program (WFP) to serve as a model for the Caribbean in disaster response coordination including Belize, Dominica, Guyana, St. Lucia and Jamaica.<sup>637</sup>

394. In addition, the Ministry of Industry, Trade, Agriculture and Fisheries, through the Rural Agricultural Development Authority (RADA), has financed \$15 million to help farmers who were

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<sup>627</sup> Ministry of Education youth and information, [Alternative Pathways to Secondary Education Programme Fully Implemented](#), February 2019

<sup>628</sup> Jamaica Information Service, [Steps Being Taken To Fund Education of Students Up to Age 18 - Reid](#), February 10, 2019.

<sup>629</sup> Who [Dengue- Jamaica](#), 4 February 2019.

<sup>630</sup> Jamaica Information Service, [Compassionate Care Programme Launched at Mobay Health Centre](#), 22 February 2019.

<sup>631</sup> Jamaica Information Service, [Health Ministry Seeks Public's Support to Contain Dengue Fever](#), January 10, 2019

<sup>632</sup> Inter Press Service, [Renewables to Become the Norm for the Caribbean](#), April 29, 2019

<sup>633</sup> Inter Press service [Renewables to Become the Norm for the Caribbean](#), 29 April 2019.

<sup>634</sup> The London School of Economics and Political Science, [Climate Change Policy Framework for Jamaica](#), 2015

<sup>635</sup> The London School of Economics and Political Science, [Climate Change Poli Framework for Jamaica](#), 2015

<sup>636</sup> The London School of Economics and Political Science, [Climate Change Policy Framework for Jamaica](#), 2015

<sup>637</sup> World Food Programme, [Caribbean countries explore the use of social protection programmes to provide emergency assistance](#), June 25, 2019.

affected by the 2019 drought period.<sup>638</sup> In addition, according to public knowledge, 5,600 farmers were affected resulting in the loss of 500 hectares and "plant, seasoning, grotto, cereal and tubers".<sup>639</sup> For this reason, the Ministry has implemented the Essex Valley Agriculture Development Project to reduce water-related problems for 700 farmers in Essex Valley, St. Elizabeth, and has benefited 300 farmers in Southern St. Elizabeth through the Jamaica Social Investment Fund (JSIF) and the Caribbean Development Bank (BDC).<sup>640</sup> In conjunction with the World Bank, the second phase of the Rural Economic Development *Initiative* (REDI II) and the *Promoting Community-based Climate Resilience in the Fisheries Sector Project* will be implemented to train farmers and fishermen in practices focused on resilience to the effects of climate change, as well as progress in the National *Home-grown School Feeding Program* and National Fruit *Plant Planting Program* to give farmers risk systems with the same approach.<sup>641</sup>

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<sup>638</sup> Jamaica Observer, [Gov't spending \\$15m to help drought-affected farmers](#), August 2, 2019.

<sup>639</sup> Jamaica Observer, [Gov't spending \\$15m to help drought-affected farmers](#), August 2, 2019.

<sup>640</sup> Jamaica Observer, [Gov't spending \\$15m to help drought-affected farmers](#), August 2, 2019.

<sup>641</sup> Ministry of Industry, [Commerce, Agricultural / Fisheries, Agriculture Minister eager to work with new World Bank Country Representative](#), 6 September 2019.

## 23) Mexico

395. SRESCER sees with concern the situation of poverty in the Mexican State, since, during the last decade, only 2.5% of poverty rates have been decreased<sup>642</sup> at the national level, resulting in a total of 41.9% of people living in poverty. On the other hand, according to the 2018 data of the National Council for the Evaluation of Social Development Policy (CONEVAL), it is recorded that there are seven federal entities that have more than 50% of their population living in poverty such as Chiapas (76%), Guerrero (67%), Oaxaca (66%), Veracruz (62%), Puebla (59%), Tabasco (54%) and Morelos (51%); while the states with the largest population living in extreme poverty are Chiapas (3%), Guerrero (27%), Oaxaca (23%) and Veracruz (17%)<sup>643</sup>. Also, according to CONEVAL data, the figures of 11.1% of the population do not have quality in the housing spaces and 19.8% do not have all basic services in the home.<sup>644</sup>
396. On the other hand, SRESCER received information reporting that a total of 57% of the population in Mexico has a lack of access to social security; while about 20% of the population does not have access to adequate food and meets international nutritional<sup>645</sup> standards to ensure full development and well-being. In addition, 20% of the population does not have basic housing services, 17% have educational lag, 16% do not have access to health services and 11% have a lack of quality of housing spaces.<sup>646</sup>
397. According to publicly accessible information, one in two children and adolescents live in poverty, and two out of ten live in extreme poverty causing a violation of the full exercise of their ESCER such as the right to access to education, health, adequate food, and decent housing.<sup>647</sup> In addition, in 2016, a total of 33% of children, aged 5 to 11 years, who are obese and overweight, were recorded, causing the possibility of cardiovascular disease in the future.<sup>648</sup>
398. On 25 November 2019, this ESCER Special Rapporteur received a Diplomatic Note from Mexico, presenting the design and implementation of the country's fiscal policy, in addition to the resources that were mobilized in 2019 towards the realization of THE ESCER. The State of Mexico also reported in the Note that the Draft Budget of Egress for the 2020 fiscal year prioritizes "the use of expenditure for social programs to reduce economic, social and regional inequalities,<sup>649</sup> as well as investment projects that have the greatest impact on the determinants of the growth of the economy". Along with thanking the information received, SRESCER welcomes the focus on reducing the economic and social inequality of the Mexican population and encourages deepening efforts in this direction through the budget, as well as all social policies and programs. In addition, SRESCER will continue to follow up on the budget allocated so that the Mexican State

<sup>642</sup> National Council for the Evaluation of Social Development Policy (CONEVAL), Press Release No. 10, 10 years of measuring poverty in Mexico, advances and challenges of social policy, August 5, 2019

<sup>643</sup> National Commission on Human Rights (CNDH), The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteurship on 12 November 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>644</sup> CONEVAL, Press Release No. 10, 10 years of measuring poverty in Mexico, advances and challenges of social policy, August 5, 2019.

<sup>645</sup> CONEVAL, Press Release No. 10, 10 years of measuring poverty in Mexico, advances and challenges of social policy, August 5, 2019; Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteurship on 12 November 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>646</sup> Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteurship on 12 November 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>647</sup> UNICEF, Mexico 2018 Annual Report, 2018

<sup>648</sup> UNICEF, Mexico 2018 Annual Report, 2018

<sup>649</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OEA03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response from the State of Mexico sent to the Special Rapporteur in response to the request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

complies with its obligation to progressively develop the ESCER using the maximum resources available for its effective guarantee.

399. THE SRESCER notes the efforts by the Mexican State to monitor and guarantee the full exercise of the human rights of its inhabitants, since, in accordance with the provisions of the Working Group of the Protocol of San Salvador, Mexico has implemented the National System of Assessment of Compliance with Human Rights (SNDH) that allows "civic innovation,<sup>650</sup> strengthen the relationship between society the Government and promote the use of data for the development and improvement of public policies".

#### A. Right to education

400. In Mexico, 4 million children and adolescents do not attend school, of whom approximately 600,000 may defect due to various factors such as the scarcity of economic resources, the distance from schools in their homes,<sup>651</sup> as well as violence and insecurity in several regions. In addition, according to figures from the National Institute for Adult Education (INEA) there are 3,704,998 people over the age of 15 illiterate, equivalent to 4% of the population, as well as 8,942,168 who have not completed primary education, equivalent to 9.7% of the population, and 16,068,869 secondary education, equivalent to 17.5% of the population.<sup>652</sup>

401. SRESCER is concerned about the vulnerability of children and adolescents belonging to the country's indigenous communities, since only 1 in 10 of indigenous adolescents who speak only in their native language attend an educational center.<sup>653</sup> For this reason, the Mexican government's efforts to reduce previous figures in implementing the model of Amiga Schools of Children and adolescents, with the collaboration of international organizations, in the states of Chihuahua, Guerrero and The State of Mexico, are recognized. This Program is focused on providing training to teachers with the principles of gender perspective, interculturality and prevention of violence and adolescent pregnancies. In addition, it promoted the Education for Life and Work model implemented by INEA, which provides courses to achieve literacy or completion of basic-level studies to enter the labor market for indigenous people, domestic workers, agricultural workers, among others.<sup>654</sup>

402. Similarly, SRESCER notes that 16.9% of the population has educational lag, making it difficult to enter the labor market by forcing recourse to the informal sector of the economy, where conditions are not regulated by government authorities.<sup>655</sup> Therefore, the Secretary of Public Education implemented the Emerging Zero Rejection Program, which seeks to encourage young people who did not gain admission to higher education schools after submitting the entrance exam of the following educational institutions: the Autonomous University of Mexico (UNAM), the Metropolitan Autonomous University (UAM), the National Polytechnic Institute (IPN), the University of the State of Mexico (UNAEMex) and the Autonomous University of the State of More.<sup>656</sup> This program will allow students with academic lag to have access to higher education to narrow the social gap and reduce poverty rates in the population.

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<sup>650</sup> Working Group on the Protocol of San Salvador, Activity Report, 31 December 2017, p.7. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>651</sup> UNICEF, [The challenges](#), 2017.

<sup>652</sup> National Institute for Adult Education (INEA), [Educational Slab Estimates](#), December 31, 2018.

<sup>653</sup> UNICEF, [The challenges](#), 2017.

<sup>654</sup> The Financial, [41,000 INAE adults graduated in 2019](#), 15 September 2019; The Universal, [INEA reports 3 million 704 thousand people who can't read or write](#), 7 September 2019.

<sup>655</sup> CONEVAL, Press Release No. 10, [10 years of measuring poverty in Mexico, advances and challenges of social policy](#), August 5, 2019.

<sup>656</sup> Forbes, [SEP announces a program so that every young person can pursue higher education](#), July 10, 2019; Expansion [PSE launches program for rejected youth in higher education](#), 10 July 2019; The Day, [SeP Announces Zero Rejection Program for Higher Education Applicants](#), 10 July 2019.

B. Right to health

403. During 2018, a total of 16.2% of the population was estimated to have no access to health services.<sup>657</sup> In addition, during 2019, there was a large-scale increase of a total of 130%, compared to 2018, of the dengue virus in the country reaching a total of 16,403 confirmed cases of the virus at all three levels (not serious, with warning signals, and severe) with greater presence in the states of Veracruz, Quintana Roo, Chiapas, Jalisco and Morelos.<sup>658</sup>
404. For its part, the Mexican State has implemented the IMSS-Welfare Program, from January to September 2019, which provided 11.6 million medical consultations, 73,892 surgical interventions and 165,597 hospital discharge sensing.<sup>659</sup> In addition, 169,000 interventions were carried out that benefited approximately 9.8 million people through educational events and actions to promote physical activity, adequate food and water consumption.<sup>660</sup> To reduce polio and measles and other vaccine-preventable diseases, a total of 1,830,182 doses of vaccines were applied within the basic scheme category.<sup>661</sup> Also, 58,897 acute diarrheal disease care and 289,351 were granted due to acute respiratory infections nationwide.<sup>662</sup> In addition, 14.7 million doses of vaccines were applied during National Health Weeks, 3,140,192 diabetes mellitus detection tests, 3,194,269 of high blood pressure and 3,105,949 for obesity were performed.<sup>663</sup> Finally, during 2019, coverage of the complete vaccination scheme of 81% of the population under one year of age and 89% of the one-year-old population was reached, as well as the application of approximately 990 ml doses against human papilloma (HPV) "to prevent infection with this virus and cervical cancer".<sup>664</sup>
405. In addition, in 2019, according to official figures, the Program allowed 2,929 births to be served and 1,346 intercultural-focused births encouraged, as well as allowing access to adolescents and women from family planning methods. Also, at the Adolescent Rural Care Centers, in the period From January to September 2019, 690,711 adolescents benefited from training in unplanned pregnancy prevention, the right to sexual<sup>665</sup> and reproductive health, contraception, psychological assistance and a life plan. As a result, the reduction of adolescent pregnancies has been achieved, since, according to official figures, there was a reduction of 5,273 pregnancies, equivalent to 15.1%, in girls and adolescents aged 10 and 19 years, compared to 2018, in which a total of 29,554 adolescent pregnancies were recorded.<sup>666</sup> In addition, a total of 32.1% of teenage pregnancies in girls and adolescents aged 10 to 14 years was reduced to a total of 1,712 cases; similarly, in the population group of adolescents aged 15 to 19 years, a total of 27,8432 cases were recorded, equivalent to a reduction of 13.8% compared to 2018.<sup>667</sup> According to the state's information, more than 390,000 adolescents have been treated and nearly 990,000 consultations

<sup>657</sup> CONEVAL, Press Release No. 10, 10 years of measuring poverty in Mexico, advances and challenges of social policy, August 5, 2019.

<sup>658</sup> Ministry of Health, Dengue Epidemiological Panorama, 31 December 2018; Ministry of Health, Epidemiological Bulletin, Week 27, No. 37, Vol. 36, 14 September 2019; The Grandstand, Health Secretary posts more than 86,000 cases of dengue in Mexico in 2019, 16 September 2019.

<sup>659</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OAs03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response of the State of Mexico sent to the Special Rapporteur in response to the request for information for the preparation of the 2019 ANNUAL Report of the REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>660</sup> Ibid.

<sup>661</sup> Ibid.

<sup>662</sup> Ibid.

<sup>663</sup> Ibid.

<sup>664</sup> Ibid.

<sup>665</sup> Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteur on 12 November 2019, para. 21. Available in: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>666</sup> Ibid.

<sup>667</sup> Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteur on 12 November 2019, para. 21. Available in: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

were conducted through the Adolescent Friendly Services and 63.4% of the country's municipalities with this type of health care service were covered.<sup>668</sup>

406. In addition, the Special Rapporteur ESCER has monitored the situation of the Children's Hospital of Mexico "Federico Gómez. On 26 August 2019, relatives of children and adolescents demonstrated in front of facilities to demand the supply of the drug to provide adequate treatment for cancer.<sup>669</sup> Subsequently, on 27 August 2019, the authorities of the Secretary of Health, together with the Institute of Social Security, requested the supply of the drug methotrexate to continue the treatment of the patients of the hospital.<sup>670</sup> SRESCER recalls the obligation to guarantee the right to health, including taking the necessary measures to prevent the supply of medicines in public and private health centers, ensuring the treatment of patients with chronic diseases.

407. On the other hand, SRESCER received information on the problem of the lack of adequate and safe school facilities in the municipality of Tuxtla Gutiérrez, Chiapas, in the schools of Juan Escutia Valentín Gómez Farías and in High School Number 6, in which the absence of students<sup>671</sup> were presented due to diseases of infectious origin such as "salmonella, typhoid, dengue, Zika, gastroenteritis, and diarrhea" from 2017 to the present. They have made records of the attendance of their students, as well as reports for the absence of students during 2019, in which the predominance of symptoms such as fever, gastrointestinal pain, respiratory infections, among others, is evident.<sup>672</sup> According to the information received, the cause of the abundance of diseases within the educational plants would be the discharges of water denial in the rivers of Tuxtla, which continues to occur in 2019; it was also apparent that on January 14, 2019, sewage was spilled on the San Agustín River, a body of water over 300 meters, which provides drinking water supply to community<sup>673</sup> members. In addition, according to the National Water Commission in Chiapas, 135 points of sewage discharges have been identified, of which 79% pollute rivers and streams affected to 82 municipalities of the<sup>674</sup> State. Therefore, in November 2019, the Policy of School Filters for influenza Prevention by the Department of Health Promotion began to be implemented, to install 9,000 containers in the capital, cleaning campaigns, such as "Lava, Tapa, Voltea and Tira", and fumigation, as well as the collection of tires and containers of the influenza mosquito.<sup>675</sup> SRESCER calls on the State to give due attention to the situation based on the highest international and inter-American standards in ESCER matters and will continue to monitor it in relation to the guarantee of the right to education, health, water and sanitation, healthy environment of children and adolescents within the school classrooms of the state of Chiapas.

408. On the other hand, SRESCER recognizes the efforts made by the State of Mexico to provide medical care particularly in the area of mental health. According to the response of the Mexican

<sup>668</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 2, 2019. Diplomatic Note No. OEA03672 Mexico-Scope to the 2019 Annual Report of REDESCA and IACHR. Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Human Rights of the Inter-American Commission on Human Rights. Elements of contribution from the Secretary of Health. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>669</sup> Ministry of Health, Press Release No. 258, Patients from the Children's Hospital of Mexico "Federico Gómez" will have cancer medication, August 26, 2019; The Reason, After protest, Health guarantees medication for children with cancer, 26 August 2019.

<sup>670</sup> Secretary of Health, Press Release No. 259, Supplied methotrexate is restored at the Children's Hospital of Mexico "Federico Gómez" (HIMFG), 28 August 2019; Herald Mexico, Health requests support from IMSS to ensure medication supplies for children with cancer, 27 August 2019.

<sup>671</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, Violation of Human Health and Healthy Environmental Law in Girls, Children and Adolescents of Tuxtla Gutiérrez Chiapas Schools, received by the Special Rapporteur DESCA on 29 November 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>672</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, Report on Special Cases of Students of the 3rd month with dengue, Zika, chikungunya, salmonella or typhoid as of 29 August 2019, received by the DeSCA Special Rapporteur on 29 November 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights;

<sup>673</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, disease control of students in the 2017-2018 school year, 2019-2020, received by the Special Rapporteur deSCA on 29 November 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

<sup>674</sup> Fourth Power, Pollution threatens the San Agustín River, January 14, 2019.

<sup>675</sup> Fourth Power, Water I remember from the pollution, March 23, 2019

<sup>675</sup> Fourth Power, School filters for influenza prevention, November 30, 2019

State, the Psychiatric Care Services have been restructured, which provided 1,708,005 consultations to the population affected by violence, migration or natural disasters, among others.<sup>676</sup> In addition, specialized psychological care was provided to 126,617 women aged 15 and over who were victims of family or gender-based violence, 241,870 specialized counsellor services, 59,096 specialized medical care and 283,691 psycho-emotional support.<sup>677</sup>

409. In that order of ideas, it benefited 2,312,529 participants for the prevention of alcohol, tobacco and other drug use.<sup>678</sup> In addition, the Government asserts that 320,000 screening tests have been applied to basic and intermediate educational level students, with which 54,919 students were found to be at risk of psychoactive or initial consumption substance consumption, of which only 27,026 went to the facility to request treatment and 180,123 treatment sessions were provided, of which 461,144 were first-time consultations.<sup>679</sup> In turn, efforts have been made to ensure comprehensive and inclusive medical care, and dialogues have been conducted with the community and trained the inhabitants to promote healthy habits for community health. In addition, steps have been taken to improve the infrastructure and creation of new units for health care through the implementation of the Master Plan of Infrastructure that, according to the state's response, construction, expansion or replacement work has been carried out in 40 medical units in the states of the southeast.<sup>680</sup>

### C. Right to the healthy environment

410. SRESCER has intensively monitored the environmental situation and climate change in the State of Mexico this year. During 2019, high rates of PM2.5 particles and carbon monoxide were reported in several states of the Republic, as well as large impacts on the right to health and the environment by poor air quality and air pollution. In addition, the killing of environmental human rights defenders has been reported for the realization of their work as environmental rights protectors of Mexicans. Also, the pollution of rivers by hydrocarbons and heavy metals has continued, which harm the health of people that bodies of water are their supply to water.

411. In May 2019, school courses were suspended in schools and work, for seven days, in the public sector in the capital of Mexico City and metropolitan area of the Valley of Mexico, due to pollution and poor air quality due to the presence of fine particles that cause infections in the respiratory system.<sup>681</sup> Cases were also filed in the states of Puebla, Nuevo León, Morelos, Querétaro, among others, where municipalities declared the cessation of outdoor activities to avoid exposure to poor air quality and pollutants harmful to health.<sup>682</sup> According to publicly knowledgeable information, a total of 242,058 cases of asthma were recorded in 2018, and respiratory diseases due to poor air quality in the country.<sup>683</sup> Therefore, SRESCER recommends implementing effective measures to ensure air quality and reduce pollution rates in the atmosphere. In addition, according to data from the National Institute of Ecology and Climate Change, it has been recorded that only 40% of the Mexican population knows information about air quality and urban

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<sup>676</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 2, 2019. Diplomatic Note No. OEA03672 Mexico-Scope to the 2019 Annual Report of REDESCA and IACHR. Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Human Rights of the Inter-American Commission on Human Rights. Elements of contribution from the Secretary of Health. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>677</sup> Ibid

<sup>678</sup> Ibid.

<sup>679</sup> Ibid.

<sup>680</sup> Ibid

<sup>681</sup> Secretariat of Public Education, Bulletin No. 78, SEP suspends work in public and private schools in Basic and Middle Schools, 16 May 2019.

<sup>682</sup> The Economist, Poor air quality in at least 11 states, 17 May 2019.

<sup>683</sup> Secretariat of Environment and Natural Resources, New reported asthma cases, 2019



pollution, since, in most cities, there is no monitoring information on this subject causing a lack of action to improve air quality for Mexican residents.<sup>684</sup>

412. In that order of ideas, members of civil society members of the Citizen Observatory for Air Quality (OCCA) have required the Government to comply with its obligations to guarantee and protect the right to health and the healthy environment by regulating the levels of the who-on-product pollutant limit, as well as to follow up on the recommendation of the National Commission on Human Rights (CNDH) regarding the right to health and the Report of the United Nations Human Rights Council with regard to the State obligations to ensure the enjoyment<sup>685</sup> of the right to the environment.
413. As a result, the Mexican Government implemented the Programs to Prevent and Respond to Atmospheric Environmental Contingencies for the care of contingencies caused by PM<sub>2.5</sub> particles, ozone and other particles that affect the health of the inhabitants. The program establishes a "preventive phase when 140 air quality points are recorded by Ozone and 135 in particular OM<sub>2.5</sub> [in the Metropolitan Air Quality Index (Imeca)]," said Claudia Sheinbaum, Head of Government of Mexico City.<sup>686</sup> The programs consisted of the "activation of an extraordinary continece of particular PM<sub>2.5</sub> in the Metropolitan Zone of the Valley of Mexico" caused by the increase of forest fires and the 2019 Pro Clean Vehicles for the detection of polluting vehicles, as well as the regulation and approval of vehicle verification criteria in the federal entities, in the center and south of the country.<sup>687</sup>
414. In addition, on July 11, 2019, a 3,000-litre spill of sulfuric acid was reported in the port of the Sea of Cortez, an area of high biological wealth. The Federal Attorney's Office for Protection requested information related to what happened, since the company has been held responsible for environmental incidents, such as the spill of 40,000 liters of toxic metals in the river of Sonora state, in 2017, among<sup>688</sup> others. Subsequently, SRESCER became aware that, on 10 October 2019, a tanker truck leaked on the Puerto de Cananea road, which led to the closure of Federal Highway Number Two, which has affected flora and fauna, and authorities such as the Federal Office for Environmental Protection (Profepa) and the Secretary of the Environment and Natural Resources (SEMARNAT) have not commented on the fact.<sup>689</sup> Finally, on November 2, 2019, the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI) requested Profepa to make public "the minutes and notification of the partial temporary closing order to the company 'Mexicana de Cobre'", a subsidiary company of Grupo México, after the request for information by an individual on the acts carried out by Profepa.<sup>690</sup>
415. On the other hand, over the years, there have been the deaths of 108 environmental defenders in Mexico for defending forests and rivers, of which 68 were indigenous people. During 2019, 13 murders of human rights defenders and environmental activists were recorded in Chiapas,

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<sup>684</sup> Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteur on 12 November 2019, para. 21. Available in: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>685</sup> Greenpeace Mexico, [Citizen Observatory of Air Quality proposes to CDMX, federal and CAME authorities immediate actions to improve air quality](#), May 21, 2019.

<sup>686</sup> Secretary of the Environment and Natural Resources (SEMARNAT), [Comunicado "Presenta CAME New Program to Prevent and Respond to Atmospheric Environmental Contingencies. Presenta CAME New Program to Prevent and Respond to Atmospheric Environmental Contingencies"](#), May 22, 2019; The Universal, [They present new continece scheme: includes holograms 0 and 00](#), May 22, 2019.

<sup>687</sup> Semarnat [First Labor Report 2018-2019](#), September 2, 2019, p.- 77; El País, [Mexico City activates contingency plan after five days of high pollution](#), 15 May 2019.

<sup>688</sup> El País, [3,000-litre spill into the Sea of Cortez unleashes criticism of Mexico's largest miner](#), 11 July 2019; El País, [Mexico investigates country's largest miner over capital spill in Sea of Cortez](#), 12 July 2019;

<sup>689</sup> Excelsior, [Sulphuric acid spill causes road closure in Sonora](#), October 10, 2019.

<sup>690</sup> The Day, [Profepa to publish records for spillage in the Sea of Cortez](#), 2 November 2019.

Veracruz, Oaxaca, Morelos, Guerrero, Puebla and Tabasco.<sup>691</sup> Most of these acts are performed by members of state police forces or private security agencies hired to protect private initiative. In addition, the state that has the highest incidence of murders and threats towards defenders of the indigenous territory is Michoacán, which is home to 63% of the killings of environmental defenders.<sup>692</sup> In addition to expressing its condemnation of such killings, SRESCER urges the State of Mexico to effectively protect persons and organizations that defend the environment, land and territory, promoting social recognition of its work.

416. In addition, SRESCER has monitored the actions of the non-governmental organization Alianza Sierra Madre, which has accompanied for 25 years the indigenous communities in the Sierra Tarahumara, in the state of Chihuahua, in the defense of their human rights, especially the Choreachi and Coloradas de la Virgen communities in the municipality of Guadalupe and Calvo, Chihuahua. In the last six years, at least 12 indigenous people have been reported to have been killed and more than 15 in the last 30 years.<sup>693</sup> In this order of ideas, the Special Rapporteur ESCER has learned that the Institute of Environmental Law and Economics (IDEA) has suffered several attacks in recent years against its legal team and the defenders who integrate it, expressing their solidarity and calling for their effective<sup>694</sup> protection. Finally, information was received on the efforts made, during 2019, by the CNDH to guarantee the right to the healthy environment and water and sanitation services by establishing it as a priority on the agendas of federal and local entities, as well as through advocacy campaigns on human rights and ways to guarantee them. The topics that have been addressed have been: protection and conservation of Protected Natural Areas; urban air pollution with a focus on air quality; the right to a healthy environment, water and sanitation; proper waste management: pollution by mining activities; use of high-hazard pesticides.<sup>695</sup>

#### D. Right to social security

417. Among the advances in access and enjoyment of the right to social security, the Mexican State, on March 29, 2019, published the legal framework the "Pilot to incorporate domestic workers into the mandatory Social Security regime". As a result, between March and November of this year, 11,947 domestic workers have been membership nationally, which would have reached 950% of the domestic workers, which are 26% concentrated in Mexico City and the State of Mexico.<sup>696</sup>
418. In this order of ideas, students of state educational institutions have also been incorporated into the compulsory social insurance scheme, receiving benefits particularly from Sickness and Maternity Insurance, "provided that they do not have the same or similar protection by the institute itself or any other social security institution."<sup>697</sup> In addition, since July 2007, the Mexican

<sup>691</sup> Global Witness, *Enemies of the state?*, July 2019; Millennium [This year there are 13 environmental activists and advocates killed](#) July 7, 2019.

<sup>692</sup> The Informant, [Indigenous people face violence to defend the environment](#), August 9, 2019

<sup>693</sup> CEDHA, CEMDA, Institute of Environmental Law A.C., FIMA, CEJUDHCAN, ELAW, CEJIL, Mapuche Territorial Alliance, EarthRights International, Gualaguaychú Ecological Foundation (FUNDAVIDA), Sustainable Chile: Citizen Proposal for Change, Report on the Misuse Of Criminal Justice Systems to Retaliate Against Environmental Defenders, 21 September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>694</sup> CEDHA, CEMDA, Institute of Environmental Law A.C., FIMA, CEJUDHCAN, ELAW, CEJIL, Mapuche Territorial Alliance, EarthRights International, Gualaguaychú Ecological Foundation (FUNDAVIDA), Sustainable Chile: Citizen Proposal for Change, Report on the Misuse Of Criminal Justice Systems to Retaliate Against Environmental Defenders, 21 September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>695</sup> Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteur on 12 November 2019, para. 21. Available in: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>696</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OAs03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response of the State of Mexico sent to the Special Rapporteur in response to the request for information for the preparation of the 2019 ANNUAL Report of the REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>697</sup> Ibid.

Institute of Social Security grants tax benefits to employers and workers of change and is exempted from the obligation to pay part of the contributions of employers.<sup>698</sup>

419. Subsequently, SRESCER has received information from civil society on the situation of older people in Mexico during 2019, as well as the development of public policies aimed at supporting older adults to have access to social security. First, civil society organizations note that, in 2019, the program called "welfare for older persons" has been implemented, which has the Rules of Operation to grant access at the national level and increased the age to 68 years and later, with exceptions such as, people living in indigenous communities will have access to 65 years or older; persons enrolled in the Prologaran Senior Pension Supporter's Register who are active and between 65 and 67 years of age will be granted an increase in financial support to a total of 1,275 pesos per month.<sup>699</sup>

420. In addition, it is noted that the economic resource granted by the social security program is only \$1,275 pesos per month, which is not sufficient to<sup>700</sup> guarantee your adequate standard of living, as well as access to different care or cover the cost of the basic basket. Weapons, according to the CNDH, "economic support Programs such as the universal pension have taken off; access to comprehensive and specialized health services [among others]. However, not in all cases results have been obtained that impact on the exercise of all their human rights.<sup>701</sup> In addition, in the most recent National Discrimination Survey (ENADIS) of 2017, it is estimated that 37% of older adults are financially dependent on their sons or daughters.<sup>702</sup>

#### E. Labor rights

421. With regard to labor rights, for its part, SRESCER notes that the minimum wage increased at the national level a total of 16.21%, on January 1, 2019, equivalent to \$88.36 pesos to reach \$102.68 pesos<sup>703</sup> per day and double, reaching 176.72 pesos in 43 municipalities of the Northern Border Free Zone. For its part, the National Commission on Human Rights (CNDH) in its General Recommendation 24/2018 establishes the concern of full-time workers receiving consideration equivalent to a minimum wage which makes it difficult to access housing, food and health services, drinking water and sanitation, or quality transport.<sup>704</sup>

422. The Government has conducted, from December 2018 to June 2019, 11,999 inspections for safety and hygiene, training and training, data updating and data logging, among others, benefiting 1,424,349 workers to ensure adequate<sup>705</sup> working conditions. As a result, 675 inspection visits

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<sup>698</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OAs03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response of the State of Mexico sent to the Special Rapporteur in response to the request for information for the preparation of the 2019 ANNUAL Report of the REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>699</sup> Civil Association Agenda DESCA, return in public policy focused on the elderly in Mexico, received by the Special Rapporteur deSCA on 30 November 2019. File sent in response to Press Release No. 269/19, The IACHR Special Rapporteur on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, October 23, 2019. Available at: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

<sup>700</sup> Ibid s

<sup>701</sup> Cndh Special Report on the Situation of the Human Rights of The Elderly in Mexico, 19 February 2019.

<sup>702</sup> INEGI, National Council to Prevent Discrimination (CONAPRED), National Autonomous University of Mexico (UNAM), National Council of Science and Technology (CONACYT), National Discrimination Survey, 2017.

<sup>703</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OAs03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response of the State of Mexico sent to the Special Rapporteur in response to the request for information for the preparation of the 2019 ANNUAL Report of the REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>704</sup> Cndh General Recommendation No. 34/2018 on the effect of the minimum wage amount on the dignity of workers and their families, and on their relationship to the full estence and exercise of their human rights, 14 November 2018; Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteur on 12 November 2019, para. 18-20. Available in: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>705</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OAs03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response of the State of Mexico sent to the Special Rapporteur in

were conducted under the Minimum Wage operation on the Northern Border, and 2,125 visits in the National Minimum Wage operation benefiting 121,036 and 247,078 workers, respectively.<sup>706</sup> In addition, the Self-Management program in Safety and Health and Labor (Cumplilab) has been implemented, consisting of the participation of companies and private initiative to establish their commitment in the implementation of administration systems in the field of occupational safety and health under international and national standards. For this reason, 111 outreach events have been held, with the participation of 1,616 representatives of 541 companies, as well as administration workshops on occupational safety and health to ensure the training of workers in the field.<sup>707</sup>

423. Also, the Mexican State has made efforts to ensure access to social security for domestic workers by carrying out an information campaign, during April and May 2019, entitled "Decent work begins at home" to join the Pilot Program for the Incorporation of Domestic Workers, implemented on 31 March 2019.<sup>708</sup> reaffirming the rights of pregnant working women focused on maternity protection and non-discrimination in employment to ensure the "optimal development of the proceeds of gestation".<sup>709</sup>

424. In addition, the Special Rapporteur ESCER has received information from the CNDH, which states that, according to the most recent data from the 2009 National Jornalera Survey, there were more than 2 million agricultural workers, of whom 40% are indigenous, so 50% of them come from the ten most marginalized states in the country.<sup>710</sup> These people work between 8 to 10 hours a day, without formal contracting, without social benefits, and high rate of exposure to risks because they do not have adequate protective equipment or safety measures.<sup>711</sup> As a result, the Agricultural Jornaleros Care program, implemented by the Secretary of Social Development, was developed, which aims to "reduce the vulnerability conditions of the agricultural workers and their household members" by granting scholarships to children under 18, financial support to heads of the household and food support for children under the age of 14 who are in the Units of<sup>712</sup>Labor. For its part, SRESCER received information from the CNDH that had not been included in the 2019 economic package, so the CNDH issued General Recommendation 36/2019 on the situation of the agricultural day labor population to serve the population group.<sup>713</sup>

425. In another order of ideas, in the response of the Mexican State, in January 2019, the program "Young People Building the Future" has been implemented, which provides training for young people to develop job skills and facilitate their insertion into the labor market.<sup>714</sup> The program grants a grant of 3,600 pesos per month for a one-year period of its training and "health insurance coverage for illness, pregnancy and work risks [before IMSS]".<sup>715</sup> According to the Secretary of

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response to the request for information for the preparation of the 2019 ANNUAL Report of the REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>706</sup> Ibid..

<sup>707</sup> Ibid.

<sup>708</sup> Ibid.

<sup>709</sup> Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteur on 12 November 2019, para. 21. Available in: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>710</sup> Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteur on 12 November 2019, para. 23 -27. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>711</sup> Cndh The National Commission on Human Rights of Mexico and the promotion, protection, respect and guarantee of Economic, Social, Cultural and Environmental Rights (DESCA), 2014-2019, received by the Special Rapporteur on 12 November 2019, para. 25-26. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>712</sup> CONEVAL, Monitoring Sheet 2017-2018, Program and Care for Agricultural Workers, 2018.

<sup>713</sup> Cndh General Recommendation 36/2019 on the situation of the agricultural labour population in Mexico, May 20, 2019.

<sup>714</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OEA03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response of the State of Mexico sent to the Special Rapporteur in response to the request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>715</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OEA03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response of the State of Mexico sent to the Special Rapporteur in

Labor and Social Prevention, a total of one million 62 thousand young people have been reported to have benefited from the program, of which 59% are women and 40.8% are men with an average of 23 to 24 years of age, and coverage of 98% coverage has been achieved in the municipalities of the country.<sup>716</sup>

426. On the other hand, Special Rapporteur ESCER, in discussing this issue in Mexico, sees with concern the situation of recyclers: among other topics due to unhealthy conditions of work and lack of access to health when they become ill, because "if you stop working, you stop carrying money for the family".<sup>717</sup> In that context, According to the testimonies compiled by WIEGO, the Special Rapporteur is also concerned about aggravating the vulnerability of women engaged in this activity informally, considering the information that, in Mexico City, their working days are affected by childcare tasks – according to the report, women recyclers perform double or triple working days, this when in addition to their two types of daily work participate in an organization that defends their interests and<sup>718</sup>rights. Therefore, SRESCER calls on the State of Mexico to take steps to address the situation of this group that workers, whose contribution can be decisive for the protection of the environment when they perform their work under adequate conditions of safety, hygiene and remuneration

## 24) Nicaragua

427. SRESCER has monitored with intense concern the situation in Nicaragua during 2019 together with the IACHR and MESENI. The Commission has reported that nearly 70,000 people, including students, health professionals, journalists, as well as social leaders, human rights defenders who have been displaced from Nicaragua since April 2018 because of the continuing crisis in the country.<sup>719</sup>
428. The Commission and the Special Rapporteur ESCER received information that, on 28 February 2019, reforms were made to the Law on Tax Concentration, increasing the amount payable from income tax and taxing the payment of Value Added Tax on several basic consumer products that were previously exempt from tax. These reforms have generated concern spawning concerns for members of civil society, who project the rise in direct and indirect production costs, which would result in higher prices for consumer products.<sup>720</sup>
429. In addition, the Standing Committee on Human Rights (CPDH) has filed 1,747 complaints of human rights violations in Nicaragua, of which 101 have been for obstruction of the enjoyment of public services.<sup>721</sup>

### A. Right to education

430. With regard to the right to education, according to the official figures of the State of Nicaragua, the net schooling rate, in 2018, has reached a total of 91.6%, and the Curriculum has been

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response to the request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>716</sup> The Day, "[Youth" program covers 98% of municipalities in the country: Mayor](#), 26 November 2019; IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 25, 2019. Diplomatic Note No. OEA03602, 2019 Annual Report of REDESCA and IACHR (Mexico). Response of the State of Mexico sent to the Special Rapporteur in response to the request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>717</sup> WIEGO, Executive Summary "Protecting the Human Rights of Recyclers in Latin America", Preparatory Document for Hearing before the Inter-American Commission on Human Rights, July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>718</sup> WIEGO, Executive Summary "Protecting the Human Rights of Recyclers in Latin America", Preparatory Document for Hearing before the Inter-American Commission on Human Rights, July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>719</sup> CIDH, [Forced migration of Nicaraguans to Costa Rica](#), OAS/Ser.L/V/II, Sept. 8, 2019.

<sup>720</sup> Nicaraguan Foundation for Economic and Social Development (FUNIDES), [Nicaragua's Economic Outlook](#), March 2019.

<sup>721</sup> The New Journal, [CPDH posts 1,747 complaints of human rights violations in Nicaragua](#), August 6, 2019.

strengthened by including in the<sup>722</sup>school curriculum subjects, such as Art, Values, Culture, Learning the English language, among others, that contribute to the integral training of students. In addition, a total of 80,039 teachers have been professionalized and school courses have been undertaken to provide special education at the initial, primary and secondary<sup>723</sup>education levels.

431. However, the Commission is concerned that at least 144 students from the National Autonomous University of Nicaragua (UNAN) in Managua, the National University of Engineering (UNI), the National Agrarian University (UNA) and the Polytechnic University of Nicaragua (UPOLI) have been exiled and expelled from their professional careers and several university faculty had been separated from their jobs because of their critical position in the face of the actions of the current government because of their participation in the social protests carried out over the<sup>724</sup>past two years. According to the testimonies compiled by the Special Monitoring Mechanism for Nicaragua (MESENI), students do not have access to their academic records causing them not<sup>725</sup>to have knowledge of their current academic status with certainty.
432. On the other hand, students reported acts of persecution, violence, threats from other students and teachers, as well as members of the police and military, in line with the policies of the government party currently in power. During the demonstrations, students were arrested and suppressed by members of the National Police with the use of tear bombs, stones, small caliber bullet causing several injuries and dozens of detainees. Also reported was the counting police siege received by the relatives of students who took part in the protests, prompting the exile of thousands of people.<sup>726</sup>
433. Subsequently, SRESCER received information from civil society regarding the right to education in Nicaragua during 2019. First, it is mentioned that the Ministry of Education has not published the results on education developments, the distribution of education funds, the number of students enrolled, efficiency, infrastructure, learning outcomes among other issues. It was also noted that the illiteracy rate of people aged 10 years and more, compared to 2016, as in 2017, it reached 15.4% nationally. In addition, in rural areas it has reached a total of 21.8% and in the Caribbean region, an area with a predominance of indigenous peoples, Afro-descendants and rural residents reaches 21.4%. On the other hand, it is noted that the level of illiteracy of women is 16.2% while that of men is 14.6; similarly, the spaces for participation for families and<sup>727</sup>communities remain closed.
434. In addition, the same sources report in the General Budget of the Republic of Nicaragua by 2020, the Ministry of Education will receive an investment of 749.5 million córdobas, implying a reduction of 314 million compared to what was received in 2019 which was 1,063.8 million córdobas. According to the statements of the Ministry of Education, the number of teachers is 56 thousand teachers at the educational levels of preschool, primary, secondary, teacher training and special education and their monthly salary is 8,5000,00 córdobas, equivalent to<sup>728</sup>US\$250, which only covers 62% of the basic basket, according to data of the Central Bank of Nicaragua.

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<sup>722</sup> CESCR, Quito periodic report to be submitted by Nicaragua in 2013 under the articles of the Covenant, E/C.12/NIC/5, 5 July 2019, p. 35. Available in

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNIC%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNIC%2f5&Lang=en)

<sup>723</sup> Ibid.

<sup>724</sup> CIDH, Forced migration of Nicaraguans to Costa Rica, OAS/Ser.L/V/II, Sept. 8, 2019.

<sup>725</sup> Iachr. Monitoring Mechanism for Nicaragua (MESENI). Situation of young students in Nicaragua, 22 August 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>726</sup> Iachr. Monitoring Mechanism for Nicaragua (MESENI). Situation of young students in Nicaragua, 22 August 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>727</sup> Nicaraguan Academy of Sciences, Situation of the right to education in Nicaragua, 26 November 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>728</sup> Ibid.

435. Similarly, according to information collected by civil society, the UCA was a scholarship annually to approximately 5,000 students, however, for the reduction in the budget for the education sector, the number of students was reduced by around 1,000-1,500 first-income students. In addition, on September 9, 2019, 80 members of the Directorate of Special Operations of the National Policy of Nicaragua (DOEP) were reported, which surrounded and blocked access to the university, as was repeated during the demonstrations made by the students. On the other hand, the National Council of Universities (UNC) ordered the UCA to reduce its budget allocation by a total of 26.74% and that of UPOLI<sup>729</sup> by 4.66%, while the rest of the universities were ordered to reduce amounts less than 1%.

436. On the other hand, civil society reports that ministerial authorities have added expressions of party ideology in the classrooms of educational classrooms, in which altars and flags of the government party must be developed. Also, from 2018 to 2019, decision-making related to the dismissal of teachers and the expulsion of students, as well as the use of funds to finance the pro-student campaigns and the so-called Sandinistas Leadership Committees (CLS) have been carried out by the collegiate bodies of the Government such as the University Councils and Faculty Councils and the sole seluns such as the rectors and deans of the National Universities and the coordinating body of the National Universities and the coordinating body of the National Universities FSNL<sup>730</sup> Departmental Committees. In this context, SRESCER expresses its deep concern for the exercise of university autonomy and academic freedom in Nicaragua.

#### B. Right to health

437. With regard to the right to access to health, a total of 142,740 confirmed dengue have been recorded, of which 988 are severe dengue, and a total of 26 deaths; as a result, Nicaragua has an incidence rate of 1,271.12 per 100,000 inhabitants.<sup>731</sup>

438. Therefore, on 8 August 2019, SRESCER sent a letter to the State of Nicaragua, in accordance with article 41 of the American Convention on Human Rights,<sup>732</sup> requesting information on the status of complaints of retaliation against persons linked to health and education services. SRESCER was aware that doctors from the city of Estelí filed a lawsuit in a labor court, which refused their request for reintegration into the public health service. Until the finishing of this report, no response has been received from the request for information.

439. Regarding the mental health and emotional well-being of the people of the State of Nicaragua, SRESCER is concerned about the increase in suicide cases as last year's socio-political crisis began. According to this year's Statistical Yearbook of the Orteguita Police (OP), 318 cases of suicide were recorded, equivalent to an increase of 12%<sup>733</sup> compared to 2017 and 17% from 2016. In addition, according to MESENI, access to medical care for people injured during demonstrations is precarious and, according to them, have suffered psychological impacts, without having access to specialized care in the State of Nicaragua.<sup>734</sup>

440. In another order of ideas, SRESCER expresses its concern regarding access to health for indigenous peoples, since, according to the information provided by civil society, discriminatory and exclusionary practices prevail in the Health System on indigenous and Afro-descendant

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<sup>729</sup> Ibid.

<sup>730</sup> Nicaraguan Academy of Sciences, Situation of the right to education in Nicaragua, 26 November 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, October 23, 2019. Available in: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>731</sup> OMS/OPS, Dengue Epidemiological Update, 11 November 2019.

<sup>732</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. August 8, 2019. Letter to the State of Nicaragua: Request for information on the status of complaints of reprisals against persons linked to health and education services. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>733</sup> The Press, The number of suicides in Nicaragua in 2018 increased by 12% compared to the year before, August 27, 2019.

<sup>734</sup> Iachr. MESENI. Situation of young students in Nicaragua, 22 August 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

populations, as well as limited statistics on the state of health of communities. Accidents have been reported in the work environment, particularly in lobster diving, as a result of the lack of<sup>735</sup>regulation and adequate working conditions to ensure a safe environment for workers.

### C. Right to the healthy environment

441. SRESCER sees with concern the increase in forest deterioration in 2019, since, according to data provided by civil society, 680 thousand hectares have been deforested representing an increase in the average annual rate of 136 thousand hectares per year<sup>736</sup>and equivalent a 40% reduction in the country's forests, compared to the year 2000. The main causes are the policies of the State of Nicaragua focused on the exploitation of gold and, recently, the planting of the African Palm, as well as, the extraction of wood and the promotion of extensive livestock, since, according to the report of the Ministry of Environment and Natural Resources (Marena), in 2000 there was 15.12% of agriculture and livestock activity in the Bosawas Biosphere Reserve, superimposed on indigenous territories Mayangna and Miskito, but in the last two years, it has risen to 30.71% reserve area and forest coverage has declined from 66.86%, in 2000 to 62.08%.<sup>737</sup> For its part, the State states that "the implementation of dialogue, consensus and concertation processes with original and Afro-descendant peoples" with different sectors such as the Caribbean, Alto Wangki, Bocay, among others, to reduce emissions through the Program of Emissions by Deforestation and Degradation of the Costa Caribbean Forests ERPD and the Reserves of Bosawas and Indio Maíz<sup>738</sup>,

442. In this order of ideas, SRESCER views with concern the emergence of development projects that, as established by civil society, have generated environmental tensions by generating an impact on the rights of indigenous, peasant and Afro-descendant communities. By way of illustration, the Interoceanic Canal project, which is not in the construction phase, has generated affectation to families in the face of those threatened by expropriation by the State and increase the processes of invasion of protected areas and indigenous territories.<sup>739</sup> Civil society organizations have also pointed out that there are projects that generate direct impacts to two Biosphere Reserves, a RAMSAR site and a coral reef, the deviating from several rivers including Punta Gorda, Masaya, Chiquito and Aguas Zarcas, the risk of pollution of Lake Cocibolca, the common land removal, the loss of forest coverage.<sup>740</sup>

<sup>735</sup> Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN), Report on the economic, social and cultural rights of the Indigenous and Afro-descendant Peoples of the Caribbean Coast of Nicaragua, 29 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>736</sup> Articulation of Social Movements (AMS), Popol Na Foundation and Rio Foundation, Summary of the situation of environmental rights in Nicaragua, as part of the preparation of the Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA), Nov. 2019, p. 7. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>737</sup> Ministry of Environment and Natural Resources, [Bosawas and San Juan River Biosphere Reserves](#), 4 April 2019; The Press, [Nicaraguan dictatorship assumes that it took over the \\$55 million of the World Bank's green funds](#), November 14, 2019.

<sup>738</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 2, 2019. Letter from the State of Nicaragua sent to the Special Rapporteurship and response to the request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>739</sup> Articulation of Social Movements (AMS), Popol Na Foundation and Rio Foundation, Summary of the situation of environmental rights in Nicaragua, as part of the preparation of the Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA), Nov. 2019, p. 12. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>740</sup> Articulation of Social Movements (AMS), Popol Na Foundation and Rio Foundation, Summary of the situation of environmental rights in Nicaragua, as part of the preparation of the Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA), Nov. 2019, p. 12. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders](#)



443. In addition, reports of harassment and criminalization of environmental human rights defenders, as well as harassment and persecution by state forces, police and groups linked to the Government party, have been received. Among them are Francisca Ramírez, peasant leader, and members of the National Environmental Movement Front<sup>741</sup> of Industrial Mining (MONAFMI). Also Dollane Miller Afro-descendant Creole of Blufields, Monica Lopez Baltodano, environmental lawyer and director of the Popol Na and Amaru Ruiz Foundation, environmental biologist and president of the Rio<sup>742</sup> Foundation.

#### D. Right to water and sanitation

444. With regard to the right to water and sanitation, according to the official figures for 2018, coverage in drinking water has been achieved in a total of 91.8% of the population while the sewerage reaches 45.2% in the same year; In addition, 222,446 families and the Sanitary SewerAge Service benefited a total of 168,264 during 2018.<sup>743</sup> In addition, SRESCER was aware of the investment of \$256.41 million for the construction of infrastructure works and seven sanitary sewer systems in Chichigalpa, El Viejo, León, Jinotepe, Ciudad Darius and Chinandega to achieve the target of coverage of 80% to 85% between 2022 and 2023.<sup>744</sup>

445. The Special Rapporteur ESCER is concerned about the information received regarding access to safe water and sanitation for the Nicaraguan population. In the *Environmental Performance Index*, with regard to drinking water and sanitation service it was ranked in the number 111 of 180 countries,<sup>745</sup> since only 52% of the population has ensured access to safe drinking water, while only 30% have the basic water service, 2% have limited service, 14% have an unimproved service and 3% get the water supply through surface sources; according to the classification of the Water Scale for Consumption. Also, as for the sanitation service 74% of the population has access to basic service, 6% have limited service, 13% have unimproved service and 7% of the population defecates outdoors, according to the classification of the Water Ladder for Consumption.<sup>746</sup>

446. Likewise, according to civil society organizations, services are not "necessarily of optimal quality, availability and quantity<sup>747</sup> to raise the living conditions of the population". Similarly, according to the Nicaraguan Water and Sanitation Network (RASNIC), 45% of Nicaragua's rural population

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to send information on the situation of DESCA in the region, October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>741</sup> Amnesty International, Nicaragua: Amnesty International launches campaign a year and a half after the start of the crisis and demands that the government stop the crackdown, October 18, 2019.

<sup>742</sup> Articulation of Social Movements (AMS), Popol Na Foundation and Rio Foundation, Summary of the situation of environmental rights in Nicaragua, as part of the preparation of the Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA), Nov. 2019, p. 12. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>743</sup> CESCR, Quito periodic report that Nicaragua was due to submit in 2013 under the articles of the Covenant, E/C.12/NIC/5, 5 July 2019. Available in [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNIC%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNIC%2f5&Lang=en)

<sup>744</sup> On the 19th, They approve loan for the execution of sanitary sewerage works and drinking water in Nicaragua, 14 November 2019; TN8, Nicaragua announces implementation of seven water and sanitation projects, 14 November 2019.

<sup>745</sup> Environmental Performance Index, Nicaragua, 2019.

<sup>746</sup> Articulation of Social Movements (AMS), Popol Na Foundation and Rio Foundation, Summary of the situation of environmental rights in Nicaragua, as part of the preparation of the Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA), Nov. 2019, p. 2. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights; WHO, UNICEF, WASH in the 2030 Agenda, 2017.

<sup>747</sup> Articulation of Social Movements (AMS), Popol Na Foundation and Rio Foundation, Summary of the situation of environmental rights in Nicaragua, as part of the preparation of the Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA), Nov. 2019, p. 4. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, 23 October 2019 Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

has problems for access<sup>748</sup>to drinking water and human consumption, therefore, water management is mostly taken over by the population organized through various supply systems by the Committees and Drinking Water and Sanitation (CAPS). About 1.2 million people, equivalent to 20% of Nicaragua's population, are beneficiaries of CAPS and community and municipal management.<sup>749</sup>

#### E. Labor rights

447. SRESCER received information on serious human rights violations to medical professionals, health personnel and medical students in 2019. In this order of ideas, extensive information and allegations of irregularities, denial of medical care and obstruction of carrying out humanitarian work to provide assistance to people injured and injured during the Manifestations. In addition, demonstrations have been held in various parts of the Nicaraguan State for the guarantee of human rights, particularly by media and teachers' guilds.
448. On 3 August 2019, demonstrations were held on the road to Masaya to demand the reintegration of doctors and health personnel from the public health system who were affected by last year's mass layoffs.<sup>750</sup> Currently, there is no information on the reintegration and repayment of doctors and university students affected by redundancies. Therefore, the IACHR and the Special Rapporteur's office point out that the State cannot interfere through rules or practices in the tasks of protection of the right to health and life that medical personnel are in charge, which would entail non-compliance with the obligations of the State to respect and protect the right to health and labor rights of Nicaraguans.
449. On the other hand, SRESCER received information, on the part of MESENI, on human rights violations to Nicaraguan lawyers and lawyers during 2019. By way of illustration, on 31 July 2019, the lawyer and human rights defender of the CPDH, María Oviedo Delgado, was dragged and physically assaulted by two officers of the Orteguista Police (PO). The IACHR denounced the intensification of surveillance and harassment of human rights organizations and human rights defenders,<sup>751</sup> particularly the defender Yonarquí Martínez and María Oviedo. In addition, complaints have been reported by criminal justice lawyers, defending political men of the regime of Daniel Ortega, who were threatened by police officers.<sup>752</sup> To date, at least thirty lawyers have been reported in exile and approximately twenty defendants have been prosecuted for political reasons or for their criticism of the actions of criminal justice institutions.
450. In addition, the mandate on ESCER received information from threats and surveillance to officials of the Ministry of Health, Education and the judicial branch since "Government-aligned trade unionists would be forcing them to show their cell phones every day upon entering and leaving work to review contacts, conversations and messages at social headquarters..."<sup>753</sup> Similarly, by the beginning of 2019, officials of the Ministry of Education had been threatened to be dismissed and were followed home after work if they were in a different position from the Government. These events are of great concern to the Special Rapporteurship as it violated the labor rights of

<sup>748</sup> Local Wave, [Eternal problem of access to safe drinking water in rural areas](#), March 22, 2019.

<sup>749</sup> Articulation of Social Movements (AMS), Popol Na Foundation and Rio Foundation, Summary of the situation of environmental rights in Nicaragua, as part of the preparation of the Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA), Nov. 2019, p. 5. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>750</sup> The New Diary, [They make platoon on the road to Masaya amid a strong police presence](#), August 3, 2019.

<sup>751</sup> IACHR, Press Release No. 194/19, [IACHR expresses its concern at the announcement by the State of Nicaragua not to continue the dialogue and calls on the State to comply with its obligations to guarantee and respect for human rights](#), 06 August 2019

<sup>752</sup> The Press, [Police Orteguista besieges criminal action lawyers, an organization that defends political inscirms](#), August 9, 2019.

<sup>753</sup> IACHR, Press Release No. 208/19, [REDESCA of the IACHR expresses its deep concern at politically motivated discrimination in the exercise of rights to work and health in Nicaragua](#), 21 August 2019.

officials and civil servants, as well as their mental and physical health when threatened by government security members.

451. On the other hand, the Special Rapporteur ESCER has had access to information of concern on the harsh and unsanitary working conditions of recyclers working in the landfills of Jinotega and In Ciudad Sandino, without them being able to access health services because they cannot afford to stop working to ensure their food and those of their families.<sup>754</sup>

F. Right to social security

452. SRESCER has taken note of the reforms implemented by the Nicaraguan Government with the aim of combating the country's fiscal deficit, especially the tax reform, adopted on 28 February this year, and the reform to the Institute Nicaraguan Social Security (INSS), approved on 28 January 2019, and which entered into force on 1 February 2019. The IACHR and its SRESCER recall the events that took place in April 2018 throughout the country, because of the government's proposal for reform of the pension system. This proposal provoked demonstrations that resulted in a serious political and social crisis that was compiled by the Commission in its Report published in June 2018.
453. The Special Rapporteur ESCER has expressed concern at the adoption of Presidential Decree No. 06-2019 on the subject, published on 1 February containing the reforms of the "General Regulation of the Social Security Law" on the basis of Resolution 1/325 of 8 January of the Board of Directors of the Nicaraguan Institute of Social Security (INSS), which causes increases in the contributions of workers and employers, issues referring to the periodic updating of pensions now at 5% changes to the calculation of these which may result in a decrease<sup>755</sup> of up to 30% in new pensions. In the same way, it increases the contribution of both dependent workers (from 6.25% to 7%) independently working and enlisted in the optional social security insurance (reaching 22.25% for the comprehensive optional scheme and 14% for the optional disability, old age and death scheme<sup>756</sup>).
454. In this order of ideas, on August 8, 2019, the Special Rapporteurship ESCER sent a letter article 41 of the American Convention on Human Rights, requesting information related to tax reforms and the Nicaraguan Institute of Social Security (INSS) carried out in Nicaragua.<sup>757</sup> SRESCER notes that the tax reform adopted on February 28 this year and the reform to INSS, adopted on January 28, 2019, would be intended to combat the country's fiscal deficit. Similarly, the IACHR and SRESCER became aware that on February 28, 2019, reforms were made to the Law on Tax Concentration, increasing the amount payable as income tax and imposing the payment of Value Added Tax (VAT) on certain consumer products that were previously exempt from paying taxes.
455. In its response, dated August 29, 2019, the State of Nicaragua indicated that the events that occurred in 2018 caused economic order impacts as they caused damage to public infrastructure, acts of violence against the population, and affecting the country's economic growth. The State also attributed the protests from April 28, 2018 as the cause swirlom between March 2018 and January 2019 (around 139.1 thousand). According to the State, in 2018, the state budget showed

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<sup>754</sup>WIEGO, Executive Summary "Protecting the Human Rights of Recyclers in Latin America", Preparatory Document for Hearing before the Inter-American Commission on Human Rights, July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>755</sup> IACHR, Press Release No. 026/19, [IACHR denounces escalation of attacks on the press and persistence of human rights violations in Nicaragua](#), 6 February 2019.

<sup>756</sup> The New Journal, [Social Security reforms take effect in Nicaragua](#), 1 February 2019.

<sup>757</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. August 8, 2019. Letter to the State of Nicaragua: Request for information on tax reforms and the Nicaraguan Institute of Social Security (INSS) carried out in Nicaragua. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

a decrease of 13.7%, equivalent to financing 87% and 82% of budgets for the education and health sector respectively.<sup>758</sup>

456. The Government of Nicaragua stated that the reforms implemented were supported by international bodies, such as the International Monetary Fund (IMF), which visited its technical staff in February 2018 and advised "to expand fiscal room for maneuver and maintain a stronger position of international reserves". In addition, IMF technical staff would have recommended a REFORM plan for INSS to ensure long-term viability and alleviate INSS's financing needs. According to the response sent by the State, the IMF recommended that efforts should focus on strengthening tax administration and improving the distribution of spending, as well as raising the retirement age to ensure fiscal sustainability, and containing the growth of administrative expenditures and ensuring the sustainability of the health sector.<sup>759</sup>

457. Moreover, with regard to the reduction of VAT exemptions, the Government indicates that half of the profits from VAT exemptions are concentrated in the two main household consumption decile, based on the 2014 official household survey. Then, to classify households into decile and to calculate the consumption of exempt and non-household-exempt goods, it was concluded that wealthier households consume more exempted goods in absolute terms. The Government also states that the basic consumption basket of consumers living in poverty is subject to few taxes.<sup>760</sup>

#### G. ESCER of indigenous and Afro-descendant peoples

458. Moreover, according to the information provided by the State of Nicaragua, the Caribbean and the Special Regime Zone of Upper Wangi and Bocay represent 49% and 31.4%, respectively, at the national level, is licensed under the regime of communal territory, corresponding to 23 indigenous and Afro-descendant territories, of which 16 correspond to the Autonomous Region of the North Caribbean Coast, 4 are located in the Autonomous Region of the South Caribbean Coast and 3 territories in the special regime located between Jinotega and the Caribbean North. Similarly, 31.4% of the national country graduated is indigenous and Afro-descendant peoples, of which 28.86% are from the Autonomous Regions of the Caribbean and 3.14% are from the area of the Special Regime of Upper Wangi and Bocay. However, the State noted the existence of two complementary areas pending qualification, which are in the Special Regime for the Development of territories located in the Alto Wangi and Bocay Basin located in the northern part of Nicaragua between the Department of Jinotega and the North Atlantic Autonomous Region with indigenous population Mayangna and Miskitu. Therefore, both territories are in the diagnostic completion stage, "finished the conflict resolution stage and in the process of initiating the deslinde and wetting process to then start the titling process".<sup>761</sup>

459. It also stated that communities and territories elected their authorities according to their traditions and customs, which were recognized by government entities. In addition, in accordance with Law 28 and its regulations it is guaranteed that communal lands may not be "donated, sold, have special protection in which the state is a guarantor of its protection", therefore, the rights cannot be alienated or transferred and can only be used and usufruct if approved by the communal assemblies. Therefore, for non-community-born persons to acquire such lands, community assembly approval is required to ensure that prior, free and informed

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<sup>758</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. August 29, 2019. Letter from the State of Nicaragua sent to the Special Rapporteur in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>759</sup> Ibid.

<sup>760</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. August 29, 2019. Letter from the State of Nicaragua sent to the Special Rapporteur in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>761</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. December 2, 2019. Letter from the State of Nicaragua sent to the Special Rapporteurship and response to the request for information for the preparation of the REPORT on DESCA of indigenous and afro-descendants in the Northern Triangle. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

consultation is carried out from municipal and regional governments since the consent of indigenous and Afro-descendant peoples is required.<sup>762</sup>

460. Moreover, the State mentions that it has been able to institutionalize the processes of prior consultation, free and informed for the consent due and to guarantee the participation and decision-making of indigenous peoples on their territories and on natural resources. The above is established in Law 28 Statute of Autonomy of the Autonomous Regions of the Autonomous Regions of the Caribbean Coast and Law 445 of the Communal Property Regime of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and the Bocay, Coco, Indio Mafz Rivers which, in addition, establishes the guidelines demarcation and title of ownership.<sup>763</sup> Similarly, the participation of indigenous peoples is distributed in 48% of women and 52% of men, of whom 13% are Afro-descendant and 30% are from indigenous peoples.<sup>764</sup>
461. In addition, the State mentions that the National Human Development Plan, which has the Development Strategy of the Caribbean Coast and the Upper Wangki and Bocay, which would integrate<sup>765</sup> policies consulted through dialogues and consensus for shared responsibility by articulating it with forms of traditional self-government regimes of autonomy. This strategy is at the third peak of implementation that is from the period of 2019-2029, which the State reports is based on the worldview of peoples, but fueled by modern approaches such as sustainable development, inclusion, social justice, gender equality, environmental conservation and low-emission development, among the most relevant.<sup>766</sup>
462. On the other hand, SRESCER received information from members of civil society that they say that indigenous and Afro-descendant peoples in general live in poverty, with serious difficulties in accessing basic needs for the right standard of living. They also note that, although a national legislative framework for regional autonomy has been developed, "no<sup>767</sup> progress has been made in the effective implementation of health and education models". Civil society organizations have received testimonies from indigenous communities of armed attacks, murders, disappearances, sexual violence, forced displacement of thousands of indigenous peoples and attacks on indigenous peoples' rights defenders. Also, 30 incidents have been documented to community-based members benefiting from Protection Measures, including kidnappings, psychological torture as victims of gun interrogations, the presence of armed settlers and lack of access to plots, as well as defenders have reported 25 security incidents including threats, and common crime.<sup>768</sup>
463. With regard to the situation of indigenous peoples, during the hearing on the situation of indigenous and Afro-descendant peoples of the Caribbean Coast of Nicaragua, held on March 8, 2019 in Jamaica, during the 172nd Session of the IACHR, the Commission and SRESCER received information on the situation of vulnerability faced by indigenous peoples due to the human rights crisis installed in the country since April 18, 2018.<sup>769</sup> According to the figures provided with civil society, 8.2% of Nicaragua's population, equivalent to 508,000, are indigenous people living on

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<sup>762</sup> Ibid.

<sup>763</sup> Ibid.

<sup>764</sup> Ibid.

<sup>765</sup> Ibid.

<sup>766</sup> Ibid.

<sup>767</sup> CEJUDHCAN, Report on the economic, social and cultural rights of the Indigenous and Afro-descendant Peoples of the Caribbean Coast of Nicaragua, 29 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>768</sup> Ibid.

<sup>769</sup> IACHR, 172 Session, Audience "[Situation of indigenous and Afro-descendant peoples of the Caribbean Coast in Nicaragua](#)", March 8, 2019.

the Caribbean Coast, a territory where business and extractive activities have increased with the omission of the State.

464. In addition, the IACHR and SRESCER received information on acts of violence that have occurred against them because of their work as protectors of the rights of the land and indigenous territories. During the hearing on the situation of peoples and Afro-descendants of the Caribbean Coast of Nicaragua, indigenous information has been presented against indigenous defenders and, according to the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN); a total of 34 community members killed, 44 injured and 25 abducted and 4 5 missing<sup>770</sup> have been documented between 2011 and 2018.
465. Similarly, they mentioned that there is a lack of food security and food crisis in indigenous populations who are unable to work on their plots, in agricultural or fishing activities, because of business activities and the presence of ex-militaries in the territory who carry out acts of intimidation. As a result, 23% of the population of the Caribbean Coast suffers from malnutrition, while Nicaragua's national average is 4% of the population; similarly, it was reported that only 13% of the population of the Caribbean Coast has access to safe drinking water, although the national average<sup>771</sup> is a total of 66% of Nicaragua's population has access to safe drinking water.

## 25) Panama

466. According to the 2019 National Human Development Report, economic growth has helped improve social indicators: the overall poverty rate fell from 25.6% to 20.7% between 2016 and 2017, according to information from the Ministry of Economy and Finance.<sup>772</sup> It has been reduced in cities, but not in rural areas, as in indigenous counties. From the point of view of human development, measured through the Panama Human Development Index, the disparities shown by the country where the province of Panama exceeds the threshold of high Human Development (greater than 0.8) followed by Los Santos, Herrera, Chiriquí and Colón are known. In a mid-range, Panama Oeste Veraguas, Coclé, Bocas del Toro and Darién, the latter province had a decline between 2014 and 2018. At a low level of achievement are located the counties Emberá, Guna Yala and Ng. Buglé<sup>773</sup>.

### A. Right to education

467. SRESCER warns that, in the last test of the International Program for The Evaluation of Students (PISA 2009), the State of Panama scored<sup>774</sup> lower than the countries of success and the average of Latin America in three categories: reading, mathematics and sciences. As of August 2019, the Ministry of Education implemented the National Reading and Writing Plan for Primary, which will focus on improving the performance of 200 schools in the country in the Grow<sup>775</sup> test.
468. In April 2019, a report by the Ombudsman's Office warned that at least 13 schools require "special attention" due to the poor condition they are in. The document was delivered to the Ministry of Education, and to representatives of the Union of Educators of Panama, giving account of the evaluation of 106 schools by the Ombudsman's Office. The monitoring is carried out annually and includes public educational centers from all provinces and the Region of Gjobe Buglé. In general, damage to the infrastructure, need for new classrooms, unfinished

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<sup>770</sup> Cejil Miskitu Resistance: a struggle for territory and life, March 2019.

<sup>771</sup> IACHR, 172 Session, Audience "Situation of indigenous and Afro-descendant peoples of the Caribbean Coast in Nicaragua", March 8, 2019

<sup>772</sup> Undp, National Human Development Report Panama 2019: Revoking institutions for sustainable development, 13 June 2019.

<sup>773</sup> Ibid.

<sup>774</sup> The Press, Economic growth must go hand in hand with education to achieve development, 12 April 2019.

<sup>775</sup> The Panama Star, Read plans announced in the 200 schools with the lowest educational performance, 30 July 2019.

constructions, lack of maintenance and drinking water, lack of teachers and administrative staff were found.<sup>776</sup>

469. In May 2019, gaps in the education system were evident in the national growth test applied by the Ministry of Education in the 2017-2018 school period, in several schools in the country, to measure the knowledge of third and sixth graders in Spanish, mathematics and natural sciences. 30% of third and sixth graders do not have the basic knowledge. The test was applied to 62,195 students in the third grade in 2,940 schools and 8,329 sixth-graders from 419 schools, both official and private in both cases. The evaluation was based on the document of Fundamental Rights of Learning of Meduca Students, and it is important to note that, in the counties, the provinces of Bocas del Toro and Darién students did not reach basic levels in the assessed competencies.<sup>777</sup>
470. The budget for the payment of the universal grant, in the last nine years, went from \$17.1 million in 2010 (when the law regulating it was passed), to \$187.1 million in 2018. The universal grant program of the Institute for the Training and Use of Human Resources entered into force with Law No. 40 of August 23, 2010, and was studied by researchers at the University of Santa Maria la Antigua, making it clear that financial aid has had a positive impact on school retention in primary school. Currently, there is no concrete measurement method for knowing the impact of the annual payment of 270 per pupil at the primary level, 360 in the average and 450 on average, benefits that extended to private schools and colleges when Law No. 389 of Law No. 389 of March 2017.<sup>778</sup>
471. SRESCER learned that the Ministry of Education has two technical tools to address violence against public and private school students in classrooms and in the family and community settings. The first document is the "*Bullying Protocol of Action on Bullying Situations*" which began to be implemented last year to address the problems present in educational classrooms because of the negative effects that this action can have on the victim. On the other hand, the Protocol for the Detection, Care, Reference and Monitoring of Cases of Children and adolescents in Particularly Difficult Circumstances within the Education System, which will reach all schools in the country, whether public or private, for the detection, care, monitoring and monitoring of situations affecting students within and outside the school level. The protocols are mandatory and have instructions and guides for making complaints, even if they have to be addressed to other state authorities.<sup>779</sup>
472. Towards the end of July, the Multisectoral Permanent Council for the Implementation of the National Commitment to Education (COPEME) called for a "free and compulsory" education of 14 years of schooling in all regions of the country. He made a report in which he calls for greater attention to pre-schooling as well as adding a comprehensive, autonomous, scientific-technical and independent public evaluation system to measure the performance of the education system and to improve the quality of the actors of education. Proposals include the implementation of a special occupational health, hygiene, health and safety program for the education sector, and are sought to be carried out for the period of 2022. In addition, the Ministry of Education, indicated that one of the priorities will be to recover the young people who defected from the education system - these are about 50,000 students who did not finish the school year per year, and that, multiplied by the last five years, it would be a total of 250,000 students.<sup>780</sup>

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<sup>776</sup> The Press, [Advocacy reports poor condition of 13 schools in the country](#), 11 April 2019.

<sup>777</sup> The Press, [Students get a bad grade on test Grow](#), 17 May 2019.

<sup>778</sup> The Press, [Universal Scholarship, a growing grant](#), 01 June 2019.

<sup>779</sup> The Press, [Bullying and mistreatment in schools, in the spotlight](#), 07 June 2019.

<sup>780</sup> The Panama Star, [They advocate ensuring 14 years of schooling](#), 30 July 2019.

473. In August 2019, it was found that the Government's spending containment measures impact the country's five public higher education institutions: the University of Panama (UP), specialized university of the Americas, Panama University of Technology (UTP), the Autonomous University of Chiriquí and the Maritime University; among all public universities in the country, just over \$40 million was cut. The head of the UP called on the Ministry of Economy and Finance to "reconsider" the measure, because the millions that were subtracted from them would be used in building maintenance, equipment purchase and also in research<sup>781</sup>

## B. Right to health and food

474. SRESCER sees with concern, that according to the statistics of the National Institute of Statistics of the General Control of the Republic of 2017 the leading causes of death in adolescents aged 10 to<sup>782</sup>24 years are homicides, with 149 cases, traffic accidents, with 82 reported cases, and suicide with 33 confirmed cases. Also, in April 2019, the Adolescent Prosecutor's Office of the province of Coclé initiated an investigation for poisoning that affected more than 115 students and teachers of the Colegio Angel María de Penonomé.<sup>783</sup>

475. In addition, on 27 March 2019, the Special Rapporteur ship sent a letter to the State of Panama, in accordance with Article 41 of the American Convention on Human Rights, to request information on access to generic medicines, in particular the drug "Lisinopril 20MG TABLETS USP" with Health Registry No. 79269, for patients with high blood pressure.<sup>784</sup> The Special Rapporteur stressed that States are responsible for permanently regulating the provision of medicines, both in the public and private<sup>785</sup>health sectors. Similarly, it indicated that health was a human right, the protection of which was the protection of States and it was their obligation to prevent the intervention by third parties improperly in the realization of it.

476. In its reply, dated 16 April 2019, the State of Panama mentioned that the Health Registry of the above-mentioned medicinal product was at a stage of<sup>786</sup>renewal, therefore it had presented inconsistencies in the information provided and recorded with respect to the product formula. Thus, resolution No. 673 of 2 November 2017, a provisional and preventive measure was carried out which decided to suspend the use of the product on the market since it was warned that the marketing of a product with a formulation other than that registered was a risk to the health of the population. On March 18, 2019, the manufacturer laboratory of Aurochemical Pharmaceutical (I), PBT, LTD. INDIA, informed the authorities that "because of human error, a different formula and a different over-the-counter certificate were shared during product renewal."<sup>787</sup>

477. In addition, the Government of Panama noted that the marketing and use of six generic medicines for patients with high blood pressure has been authorized to ensure the availability of medicines with the same active substance to Lisinopril 20MG. In relation to the current state of the amparo action submitted by the Investment company Tagore Panama, S.A., in September 2018 (Exp. 1052-18), against Resolution 673 of 2 November 2017 issued by the Directorate of Pharmacies

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<sup>781</sup> The Press, [Containment reaches higher education](#), 20 August 2019.

<sup>782</sup> The Press, [Teenagers die from violent causes: PAHO](#), 31 March 2019.

<sup>783</sup> The Press, [Adolescent Prosecutor's Office investigating student intoxication in Penonomé](#), 09 April 2019.

<sup>784</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. March 27, 2019. Letter to the State of Panama: Request for information on access to generic medicines for patients with high blood pressure. Available in; Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>785</sup> IDH Court, Gonzales Lluy Case and Others Vs. Ecuador. Preliminary Exceptions, Fund, Repairs and Costs. Judgment of 1 September 2015, Series C No. 298, para. 173

<sup>786</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. April 16, 2019. Letter from the State of Panama sent to the Special Rapporteur in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>787</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. April 16, 2019. Letter from the State of Panama sent to the Special Rapporteur in response to request for information. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.



and Drugs of the Ministry<sup>788</sup>of Health of the Ministry of Health, which "suspends the use and marketing of the pharmaceutical product Lisinopril Tablets USP 20MG",it was not inappropriate.

478. In September 2019, it was announced that the Committee on Labor, Health and Social Development of the National Assembly initiated the discussion in the first debate of project 55 amending Law 1 on medicines, which aims to look for where weaknesses in the procurement of medicines lie. In addition, this law will strengthen the health priority, and restructure the Directorate of Pharmacies and Drugs of the Ministry, to equip them with the necessary<sup>789</sup>technology and processes, so that they are in line with the change of the law and comply with the strategy that is required.
479. The Special Rapporteur has also monitored with concern the current situation on tuberculosis, where 822 cases were recorded in 2018, according to statistics from the Ministry of Health. Panama is among the six countries with the highest incidence among indigenous peoples in the Americas, according to the Tuberculosis of the Americas 2018 report, recently published by the Pan American Health Organization. The document states that the incidence of the disease in indigenous areas is 79.0 cases per 100 thousand indigenous people, while the incidence throughout the country is 26.0 cases per 100 thousand inhabitants. The document states that Panama had 1,777 cases, and the most affected indigenous counties were Guna Yala and Ng. Buglé.<sup>790</sup>
480. On the other hand, Panama is on the list of the 13 countries in the Americas that are close to achieving the elimination of mother-to-child transmission of HIV, according to the new generations without HIV infections, syphilis, hepatitis B and Chagas disease in the Americas report, published in May 2019. Maternal and child transmission of HIV between 4% and 5% and the who target is 3%. To be considered to have succeeded in eliminating mother-to-child transmission of HIV, countries must maintain that percentage of 2 for two consecutive years. By May, there was a breakthrough that narrowly reduces to just over 1% if antiretrovirals are supplied to mothers and boys throughout the stages where<sup>791</sup>infection can occur in order to generate a generation of children free of the virus.
481. SRESCER considers Panama's situation worrying as the third country in Central America<sup>792</sup>with the highest fertility rate in adolescents. According to the Ministry of Health, an average of 29 girls and adolescents between 10 and 19 years of age become pregnant in the country daily. The Ministry of Social Development created the National Adolescent Mother Care Unit (Unama) which will have, among other objectives, establish the national plan for the prevention of pregnancy in adolescence and the accompaniment of adolescent mothers and fathers. The measure is provided for in Executive Decree No. 27 of June 4, 2019, published in the Official Gazette yesterday, regulating Law 29 of 13 June 2002, as amended by Law 60 of 30 November 2016.<sup>793</sup>
482. According to the Ministry of Health's National Survey of Sexual and Reproductive Health, Panama estimates that only 28.1% of women exclusively breastfeed their children until the first six months of life - the country's figure is below the global average of 40%. For this reason, a pasteurized Human Milk Bank has been created, which will allow to count the possibility of

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<sup>788</sup> Ministry of Health of the Republic of Panama, [Statement](#), January 2, 2018.

<sup>789</sup> The Panama Star, [Health Commission starts discussion of drug law-in-law](#), 03 September 2019.

<sup>790</sup> The Press, [Tuberculosis: disease that persists in indigenous areas](#), April 17, 2019.

<sup>791</sup> The Press, [Panama, on the verge of eliminating mother-to-child transmission of HIV](#), May 25, 2019.

<sup>792</sup> The Press, [At least 29 teenagers become pregnant every day](#), 16 June 2019.

<sup>793</sup> The Panama Star, [Measures creates unit for care of pregnant children](#), 05 July 2019.

feeding with donated human<sup>794</sup>milk to all newborns premature or with pathology that for various reasons cannot receive milk from their own mother.

483. On 9 August 2019, the Ministry of Health (Minsa) called on the population, after its latest epidemiological report reported three dengue deaths so far this year. According to the Minsa report, two of the deaths occurred in the district of San Miguelito and another in the district of Panama, although both areas do not have the highest rates of incidence of dengue<sup>795</sup> - the highest number of cases occurs in Colón, with 420 confirmed and a rate of 142.8 cases per 100 thousand inhabitants.
484. In April 2019, Bill 570, which stipulates an action plan to improve health and lays down other provisions for establishing the selective consumption tax on sugary drinks, was approved in the second debate on insistence on national assembly. Among the modifications made to the project, it will give 90 working days to companies to change the labelling to Spanish. The funds raised by the levy would go to the National Cancer Institute and the Ministry at a ratio of 35% and 25% respectively. The rest will be distributed among the clinic of diabetes patients (15%), the Ministry of Education (15%) and the Ministry of Agricultural Development (5%) MICI (5%)<sup>796</sup>.
485. In July 2019, the Cabinet Council passed the proposed law that will eliminate the Panamanian Food Safety Authority. The proposed "Study Without Hunger" law was also endorsed to ensure food security in public schools. The Cabinet also approved a proposal that transfers the National Secretariat for the Food and Nutrition Security Plan to the Ministry of the Presidency, and<sup>797</sup>endorsed the National Water Safety Plan and establishes the National Water Council and the Technical Secretariat.
486. In this context, the Study Without Hunger program is the launch of the Ministry of Education and the Ministry of Agricultural Development to ensure that students in the official sector receive daily food, and in passing ensure their stay in the system. It is considered that school gardens will be expanded to produce the food needed by the school, as well as to buy products grown in community and family gardens. The Program covers all levels of the education system, and will start at the primary and a half in 2020. The aim is to eradicate poverty in the 150 poorest ranks in the country, of which 44 belong to the Ngábe Buglé region.<sup>798</sup>

### C. Right to the healthy environment

487. The Bay of Panama suffers serious impacts due to environmental pollution. About 175,000 tons of garbage arrive in that Pacific area each year, according to data from the National Association for Conservation of Nature (ANCON). Therefore, in 2018, the Mi Mar Movement was created, with the slogan of promoting green awareness through social networks, conferences and beach cleanliness. The volunteers of Movimiento Mi Mar have gone collecting garbage by different points of Panama's geography: Chiriquí, Colón, Panama Oeste and Casco Antiguo, Costa del Este and Juan Díaz in the capital city. In each call attendance ranged from 100 to 300 participants.<sup>799</sup> The organization explained that these wastes cause "irreparable" damage to mangroves and, most worryingly, that nearly 80% is plastic. They noted that the problem is compounded by the lack of an efficient garbage collection service that prevents waste from accumulating on the streets and rain from dragging them into<sup>800</sup>rivers.

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<sup>794</sup> The Press, [The breastfeeding challenge in Panama](#), 01 August 2019.

<sup>795</sup> The Press, [Three dengue deaths alert the Ministry of Health](#), August 10, 2019.

<sup>796</sup> The Press, [Plenary approves at the insistence in second debate project on sugary drinks](#), 08 April 2019.

<sup>797</sup> The Press, [Cabinet Council approves proposal to eliminate Aupsa](#), 03 July 2019.

<sup>798</sup> The Press, [Study without hunger, a challenging bet](#), August 6, 2019.

<sup>799</sup> The Press, [A movement around the planet](#), 05 June 2019.

<sup>800</sup> The Citizen, [Tons of garbage arriving in Panama Bay cause irreparable damage to mangroves](#), 28 August 2019.

#### D. Human rights and business

488. On August 9, 2019, this ESCER Rapporteurship received a statement from the Movement for the Defense of the Territories and Ecosystems of Bocas del Toro (MODETEAB) and the Center for International Environmental Law (CIEL), in conjunction with<sup>801</sup> other civil organizations, on the situation faced by several Indigenous Panamanian peoples as a result of a project to build an electric transmission line on their ancestral lands. They reported that, to date, Empresa de Transmisión Eléctrica S.A. (ETESA) has not carried out an assessment of the social and environmental impacts of the Transmission Line Four project, even though the project risks would be obvious. In this context, the organizations argue that the Panamanian Government has refused to take adequate measures to prevent deforestation that would be caused by such a project, as well as to guarantee the rights of indigenous communities over their ancestral lands, in addition to not properly consulting the affected communities before approving the transmission<sup>802</sup> project.
489. Subsequently, on 1 December 2019, the Special Rapporteurship received a report on the violations of the ESCER of indigenous peoples caused by<sup>803</sup> the construction of the Fourth Electric Transmission Line in their ancestral territories in Panama. According to civil society, there was no reports that the company responsible for the construction and operation of the transmission line has carried out an assessment of the social and environmental impacts of the project; however, they report that the project would jeopardize one of the last rainforests that are unchanged in Panama.<sup>804</sup> In addition, the construction would affect indigenous peoples living in the area for generations, in addition to the fact that the area that will be affected represents an area of high biological diversity.<sup>805</sup> Taking these facts into consideration, the Special Rapporteur ESCER takes note of the concerns expressed in the communication and encourages the State of Panama to enter into a dialogue with the organizations concerned, guiding all its actions by the highest international standards including those relating to enterprises and human rights and the protection of the human rights of indigenous peoples.

#### 26) Paraguay

490. SRESCER notes that according to the official figures of the Permanent Survey of Continuous Households 2018 of the State of Paraguay, prepared by the Directorate-General for Statistics, Surveys and Census, the population living in poverty has decreased by 2 percentage points from

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<sup>801</sup> Movement for the Defense of the Territories and Ecosystems of Bocas del Toro (MODETEAB), The Territorial Organization of the Ngebe, Bugle and Peasant Stewardine of the Northern Region of Santa Fe, Alliance for Conservation and Development (ACD), Center for International Environmental Law (CIEL), Violations of human rights, environmental rights and the rights of indigenous peoples caused by the Electric Transmission Line in Panama, sent to the Special Rapporteurship on 9 August 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>802</sup> Movement for the Defense of the Territories and Ecosystems of Bocas del Toro (MODETEAB), The Territorial Organization of the Ngebe, Bugle and Peasant Stewardine of the Northern Region of Santa Fe, Alliance for Conservation and Development (ACD), Center for International Environmental Law (CIEL), Violations of human rights, environmental rights and the rights of indigenous peoples caused by the Electric Transmission Line in Panama, sent to the Special Rapporteurship on 9 August 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>803</sup> Movement for the Defense of the Territories and Ecosystems of Bocas del Toro (MODETEAB) and the Center for International Environmental Law (CIEL), Charter on violations caused by the Fourth Electric Transmission Line in Panama, December 1, 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region](#), October 23, 2019; Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>804</sup> Movement for the Defense of the Territories and Ecosystems of Bocas del Toro (MODETEAB) and the Center for International Environmental Law (CIEL), Carta violations caused by the Fourth Electric Transmission Line in Panama, December 1, 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region](#), October 23, 2019; Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>805</sup> Movement for the Defense of the Territories and Ecosystems of Bocas del Toro (MODETEAB) and the Center for International Environmental Law (CIEL), Carta violations caused by the Fourth Electric Transmission Line in Panama, December 1, 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region](#), October 23, 2019; Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

26.4%, in 2017, to 24.2% during 2018, and declined in both rural areas (36.2% to 34.6%) and in urban areas (20.2% to 17.8%). However, the population living in extreme poverty, which is concentrated in rural areas, has seen an increase of 0.4 percentage points since, in 2017, a total of 4.4% was recorded and in 2018 reached 4.8%.<sup>806</sup>

491. Moreover, with regard to the right to adequate food, according to official figures, a total of 11.2% of the population suffers from hunger, 19% of the population suffers from<sup>807</sup>obesity, 22.8% of women of childbearing age suffer from anemia, results that have increased each year. In addition, there is a decrease in food production which has led to an increase in external food dependence. Therefore, SRESCER requests the State to take necessary measures to ensure that national demand and food security are met by the inhabitants.

#### A. Right to education

492. Achieving a public "world-class" education system is the objective of the educational reform prepared by the Paraguayan Government this year, as noted in February 2019 by one of the Executive's external advisors on the subject. According to the World Bank, in 2018, the Southern Cone country must increase investment in education, as it currently only equates to 3.4% of GDP, compared to 5.4% spent on countries with similar<sup>808</sup>incomes. In addition, the Special Rapporteur ESCER is concerned that, 55.6% of adolescents aged 15 to 19 years do not attend an educational establishment in Paraguay, one of the highest educational exclusion figures in the entire region, have warned. on the other hand, the education system records that only 4 out of 10 boys and girls who enter the classrooms manage to finish Middle School.<sup>809</sup> However, in December 2019, the Ministry of Education reported that school dropout has been reduced by 1.4% with a total of 26,000 more students enrolling in the public<sup>810</sup>education system.

493. On 13 March 2019, the Ministry of Education and Science (MEC) banned the use of teacher support material dealing with comprehensive sexuality education. According to the EAC, the material does not respect the capabilities of the evolutionary cycle, and in the concepts used prevails the construction of sexual<sup>811</sup>identification in a libertine form and also underestimates the concepts of femininity and masculinity. In addition, the Project "Design of the Paraguay 2030 Educational Transformation Strategy" was implemented, at the beginning of April 2019, to develop the National Dialogue process for Educational Transformation. However, the Ministry of Education and Science has banned the implementation of the Comprehensive Sexuality Education Guide for Teachers,<sup>812</sup>which impairs access to information and education over the sexual and reproductive health of students. Such prohibitions area of concern to the IACHR and its Special Rapporteurship ESCER which have already drawn Paraguay's attention to similar events.<sup>813</sup>

494. On the other hand, the ESCER Rapporteurship analyzed that the Organization of Education Workers of Paraguay - National Union (OTEP-SN) carried out a mobilization, in June 2019, for the existing educational crisis in Paraguay. The testimonies of members of the syndicate indicated that the demonstrations were made by the Government's apathy to the education sector and reported that the modifications they made to the Fiscal Fund affected the teaching retirement; they also noted that they would have<sup>814</sup>taught without teachers in the schools. SRESCER is aware of the mobilizations that have taken place during the course of the year and that the teaching event at the national level would aim to demand a 16% wage adjustment from the Ministry of

<sup>806</sup> The Nation, [Total poverty decreased but the extreme in 2018 increased](#), 25 March 2019.

<sup>807</sup> Human Rights Coordinator of Paraguay, [Human Rights in Paraguay 2019](#), December 2019.

<sup>808</sup> Trade, [Paraguay's education reform aims to achieve 'world-class' system](#), 28 February 2019.

<sup>809</sup> Last Hour, [55.6% of 15- to 19-year-olds do not go to any school](#), 12 July 2019.

<sup>810</sup> National Government, [Paraguayan Information Agency. Paraguay reduced school dropout with the enrolment of 26,000 new students](#), December 4, 2019.

<sup>811</sup> Today nationals, [Back to sex education in Paraguay](#), 16 March 2019.

<sup>812</sup> Human Rights Coordinator of Paraguay, [Human Rights in Paraguay 2019](#), December 2019

<sup>813</sup> CIDH, CP208-17: IACHR regrets the prohibition of gender education in Paraguay of 15 December 2017.

<sup>814</sup> TeleSur, [Teachers protest about education crisis in Paraguay](#), 14 June 2019.

Education, which had been agreed during the administration of President Horacio Cartes. Protesters are calling for the recognition of historical debt in education and the basic salary to<sup>815</sup>teachers. On the other hand, there was a strike by the Workers of the Hospital de Clínicas in demand of government commitments, such as a wage equalization, and the reopening of the laboratory.<sup>816</sup>

495. On the other hand, the budget of the Ministry of Education and Sciences for 2020 does not foresee an increase in educational quality investment or school inclusion, but instead has a deficit of<sup>817</sup>91,258,070,560 Guarani, with 92% earmarked for wages only. With only 3.7% of GDP earmarked for education (Unesco recommends between 7 and 9.8% by 2030), Paraguay remains one of the least invested regionally.<sup>818</sup>

496. In this context, at the end of August, workers in the education sector in Paraguay started a march in the country's capital, Asunción, to<sup>819</sup>demand a 16 per cent pay increase from the beginning of next year 2020. With that, teachers from several trade union organizations demand the increase in wages in February 2020 according to the agreement managed during the government of former President Horacio Cartes to make a gradual adjustment until 2021 to reach a base salary of three million Guarani (more than 470 dollars), however, the current Paraguayan Executive proposes as a date in<sup>820</sup>July.

497. Subsequently, in October 2019, demonstrations were held by members of the Paraguayan Federation of Educators (FEP) in front of the Ministry of Education<sup>821</sup>and Sciences to demand a 16% pay increase from January 2020. Also, members of 40 guilds of the National Front for the Defense of Public Education were mobilized in November because of budget cuts for 2020, out of a total of G 20 billion in the education sector affecting universities and teachers' salaries.<sup>822</sup>

## B. Right to health

498. Moreover, with regard to the right to health, the report by the Human Rights Coordinator of Paraguay mentions that, during 2019, the budget was increased by 15% for the Ministry of Public Health and Social Welfare, as compared to 2018, without prejudice<sup>823</sup> to which "it remains insufficient to meet the needs of the population and to comply with the recommendations of international bodies". In addition, according to this report, of the 186 health centers and hospitals in Paraguay, only 60 localities have mental health services which establishes an equitable problem in the coverage of services for 30% of the Paraguayan population who are 15 years<sup>824</sup>old.

499. SRESCER also notes the progress Paraguay has made in the last year in strengthening primary health care through investment in infrastructure, human resources and equipment; as well as the strengthening of intensive therapy units, the construction of new large hospitals and the connection<sup>825</sup>of all of them to an electronic system that will improve all the services provided.

500. The Special Rapporteur ESCER also notes that PAHO/WHO reported that Paraguay has one of the most comprehensive vaccination schemes in the region, while urging the population to be vaccinated under Vaccination Week of the Americas. PAHO/WHO cooperates with the Ministry

<sup>815</sup> National [Protests of teachers continue at the national level over wage adjustments](#), 29 August 2019.

<sup>816</sup> Radio Habana Cuba, [Protests in public hospitals in Paraguay over government defaults](#), 23 September 2019.

<sup>817</sup> Last Hour, [The low investment in education keeps Paraguay behind](#), July 10, 2019.

<sup>818</sup> Ibid.

<sup>819</sup> TeleSur, [Paraguayan teachers demand pay increase by early 2020](#), 29 August 2019.

<sup>820</sup> TeleSur, [Paraguayan teachers demand pay increase by early 2020](#), 29 August 2019.

<sup>821</sup> ABC Color, [Teachers take over the MEC](#), October 28, 2019;

<sup>822</sup> ABC Color, [They prepare protests against cuts in Education](#), October 27, 2019.

<sup>823</sup> Human Rights Coordinator of Paraguay, [Human Rights in Paraguay 2019](#), December 2019.

<sup>824</sup> Ibid.

<sup>825</sup> Paraguayan Information Agency, [Paraguay made great progress on preventive health model over the past year, says minister](#), August 13, 2019.

of Health and its Expanded Immunization Program (IAP), and through its Revolving Fund, vaccines are acquired through "solidarity purchase". Last year, the Ministry acquired 4,682,850 doses of vaccines and 2,802,600 syringes, for a total amount of about \$16 million, according to PAHO/WHO Representation Report 2018 in<sup>826</sup>Paraguay. In addition, the Ministry of Public Health and Social Welfare (MSPBS) announced that Paraguay will join the "Vaccination Week in the Americas", seeking to strengthen the country's immunization scheme and facilitating access to SPR vaccines, which prevents measles, mumps, and bOPV, a flu and influence vaccine, for the entire<sup>827</sup>population. SRESCER considers this act of paramount importance, bearing in mind that Paraguay is one of the few countries on the continent that does not report measles cases.

501. On the other hand, according to the report of Basic Health Indicators 2018 of the Ministry of Public Health and Social Welfare tumors remain the second leading cause of death in the country and, in 2019, several proposals for the legal framework were approved to facilitate the early detection of cervical, breast, prostate and colon cancers, such as Law No. 6288/18, "Comprehensive Care for People with Cancer" in Decree No. 4541/14 approving the National Health Policy 2015-2030 which aims to achieve the right to health with concrete prevention and promotional actions<sup>828</sup>. In turn, the Executive Board of the World Bank (BM) approved a \$115 million loan to expand Paraguay's primary care system and family health units.<sup>829</sup> With these funds, the institution said, it seeks to improve access to child care services and the treatment of chronic diseases such as diabetes, hypertension, cervical and breast cancer, and communicable diseases such as HIV, sexually transmitted diseases and tuberculosis.<sup>830</sup> SRESCER welcomes this initiative, especially considering that the main beneficiaries will be women of childbearing age and children, as well as the population affected by prevalent diseases, who account for about 70 percent of the country's population, or about 4.6 million Paraguayans.<sup>831</sup>
502. Moreover, that the Directorate-General for Health Surveillance confirmed that influenza cases have increased in Paraguay. A total of 280,000 consultations for this table and 170 deaths from respiratory diseases are recorded, and influenza vaccination is<sup>832</sup>encouraged to continue to prevent serious cases and deaths.
503. In addition, on August 19, 2019, it was reported that the district Sergeant José Félix López, department of Concepción, not only suffers from lack of roads, but also presents serious problems in the field of health. The precarious care center of the place has a single doctor who must serve 12 thousand inhabitants. As a result, the Ministry of Health declared the implementation of a project to expand the care center. SRESCER is attentive to the actions of<sup>833</sup>the State to deal with this context.
504. For his part, the Minister of Health of Paraguay informed that they will call doctors, obstetricians, nursing assistants and community agents in order to cover the 614 spaces in the health system, being the areas most affected by the lack of these professionals: Chaco, the departments of the south of the country, Central, Caaguazú and Guairá.<sup>834</sup> In April 2019, a process was opened to recruit health professionals to join primary health care units and, on the occasion, 877 people were hired. The minister acknowledged that the lack of specialized professionals in certain areas

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<sup>826</sup> Paraguayan Information Agency, [PAHO/WHO highlights Paraguay's vaccination scheme as one of the most comprehensive](#), April 18, 2019.

<sup>827</sup> Ibid.

<sup>828</sup> Human Rights Coordinator of Paraguay, [Human Rights in Paraguay 2019](#), December 2019.

<sup>829</sup> Efe [World Bank approves loan for Paraguay's health system](#), 29 May 2019.

<sup>830</sup> Ibid.

<sup>831</sup> Ibid.

<sup>832</sup> Ministry of Public Health and Social Welfare, and Paraguayan Information Agency, [Public Health sees progressive increase in influenza cases](#), June 18, 2019.

<sup>833</sup> Paraguay.com, [Health post has 1 doctor to care for 12,000 people](#), August 19, 2019.

<sup>834</sup> Paraguay.com, [Health plans to fill 600 jobs](#), August 18, 2019.

is one of the biggest problems in the system, so they place efforts on refecton of hospitals and train new staff.<sup>835</sup>

505. In addition, it came to the knowledge of this ESCER Rapporteurship that Paraguay, through the Ministry of Public Health, is preparing for an eventual dengue epidemic that would occur soon, by strengthening its health system. The Ministry of Public Health announced that in the coming months there would be an epidemic of much larger proportions than the last, not only in Paraguay but in the Region, so that it called on municipalities and<sup>836</sup>the population to collaborate with the elimination of potential *Aedes aegypti* hatcheries and thus reduce the impact of the likely epidemic. Subsequently, according to the latest data from November 2019, there was an increase in the number of cases of people with dengue in Paraguay, reaching 10,460 confirmed<sup>837</sup>cases. Also, 51 confirmed cases of the Chikungunya virus were reported, and a single case of Zika. As a result of this data, the Ministry of Public Health and Social Welfare, within the framework of Operation Caacupé", activities were carried out for the destruction of mosquito breeding sites through sports promotion campaigns, vector and chemical control actions around hotels where they are staying from different parts of the<sup>838</sup>world. Similarly, it consisted of providing medical care to 16,228 people, deploying 42 ambulances in strategic locations and 1,265 doctors, nurses, support staff and regular staff; However, the Ministry of Health closed the operation.<sup>839</sup>

C. Right to the healthy environment

506. SRESCER has monitored with intense concern the situation of the amazon fires that have affected the State of Paraguay, which would have burned more than 300 hectares in the Chaco region, where damage to wildlife<sup>840</sup>has been reported, being declared by the Government as an environmental emergency zone, allowing the institutions to redouble resources. Official figures report that more than 300,000 hectares were razed by fire, so the President of the Republic has enacted, in September 2019, Law No. 6386 declaring a state of emergency for 60 days to the two departments of the Chaco.<sup>841</sup> Moreover, within the framework of the comprehensive protection of natural resources, international organizations denounced the need to protect indigenous peoples in isolation from Ayoreo and Guaraní territory, who live in these areas and represent the last refuges for their survival.<sup>842</sup>

507. As a positive initiative, THE SRESCER highlights the so-called "Paraguay Plant" of the Environmental Organization "All Pulmón Paraguay Respira", which aims to convene the public to<sup>843</sup>provide support to the provinces most affected by forest fires and to carry out a massive planting of trees in the sector, being the Development Bank of Latin America (Caf), which made the first donation of 1000 planters.<sup>844</sup>

508. On the other hand, it is worth noting<sup>845</sup>the opinion of the United Nations Human Rights Committee, on the case of Rubén Portillo, who dies intoxicated by the use of agrochemicals of mass use, holding the Paraguayan State responsible for not preventing the situation, or taking

<sup>835</sup> Paraguay.com, [Health plans to fill 600 jobs](#), August 18, 2019.

<sup>836</sup> Paraguayan Information Agency, [Paraguay prepares contingency plan for possible dengue epidemic](#), 13 September 2019.

<sup>837</sup> Ministry of Public Health and Social Welfare, [Dengue: Health Surveillance Confirms Start of Epidemic](#), 29 November 2019.

<sup>838</sup> Ministry of Public Health and Social Welfare, [Dengue: Health Surveillance Confirms Start of Epidemic](#), 29 November 2019.

<sup>839</sup> Today [Close Operational Caacupé with more than 16,000 health care](#), 8 December 2019; ABC Color, [Health reports one death and 16,000 people served in Caacupé operation](#), 8 December 2019.

<sup>840</sup> Public [Fires in Paraguay's forests have burned more than 300,000 hectares](#), October 1, 2019.

<sup>841</sup> Human Rights Coordinator of Paraguay, [Human Rights in Paraguay 2019](#), December 2019.

<sup>842</sup> Sustainability Week, [Amazon fires put indigenous tribes at risk without contact with the world](#), 18 September 2019.

<sup>843</sup> Argentina Forestry, [The NGO. At full throttle Paraguay Respira, launched a national campaign of massive tree planting in September](#), 09 February 2019.

<sup>844</sup> The Nation, ["Paraguay Plant" campaign received first 1000 trees](#), 03 September.

<sup>845</sup> United Nations Human Rights Committee (OHCHR), [Opinion approved by the Committee under Article 5, paragraph 4, of the Optional Protocol, with respect to Communication No. 2751/2016](#), 20 September 2019.

measures for the conservation of life and the environment, noting that it did not exercise adequate controls on illegal polluting activities.<sup>846</sup>

509. On the other hand, in November, it was known that, According to data from the Directorate-General for Statistics, Surveys and Census, "43% of the waste generated in the country is burned, 47% goes to public or private collection, 6% is dumped in sanitary holes and the remaining 3% have<sup>847</sup>an unknown whereabouts" which, for the most part, are tires, cans, cardboard, bottles and plastic bags that are abandoned on the coast of Paraguay. For this reason, a series of water body cleaning campaigns were carried out in the State of Paraguay, it was carried out on the Paraguay River, in the areas of Itá Enramada, Lambaré and, later, in Ita Pyt, Punta, of cleaning and planting of trees along the riverbank, which have the collaboration of the Armed Forces and the Secretary of National Emergency and officials of the Municipality of Asunción, who collected about 8,000 kilos of garbage in the Bay of Asunción.<sup>848</sup>

#### D. Right to water and sanitation

510. SRESCER takes note of the National Drinking Water and Sanitation Plan of the Directorate of Drinking Water and Sanitation of the Ministry of Public Works and Communications, which indicates that the coverage levels of the sanitary sewerage<sup>849</sup>networks for 2017, were 11% of the sanitary sewerage networks, 2% of the treatment of network tributaries and 78% of running water networks. This plan states that a significant part of the Paraguayan population drinks water extracted from wells, surface water and even rainwater without any guarantee about its quality, this deficit mainly affects marginalized areas, rural areas, populations in situations of poverty and indigenous population. In addition, it informs that, in terms of the coverage of the sanitary sewerage service, Asunción and the central department, it is where the greatest coverage of the service is located, while the other departments have coverage less than 10%.<sup>850</sup>

511. With regard to the advances, the Ministry of Public Works and Communications will begin with the construction of the wastewater pretreatment plant in the Bella Vista area, within the Framework of the Comprehensive Sanitation of the Bay and Metropolitan Area of Asunción, this<sup>851</sup>will allow the wastewater of a large area of Asunción to be pretreated before being discharged in the Paraguay River, improving the quality of life of the neighbors and the environment. In addition, a effluent treatment system, new networks and a wastewater treatment plant will be available, which are part of the sanitation and drinking water program for Chaco and intermediate cities in Paraguay's eastern region.<sup>852</sup>

## 27) Peru

512. With regard to Peru's current situation with respect to the population living in poverty or extreme poverty, SRESCER notes the efforts made by the State of Peru to reduce poverty rates, based on the 2019 Multidimensional Poverty Index carried out by the United Nations Development Program,<sup>853</sup> saluting that from 2006 to 2019 there has been a percentage decreased from 20% to 12.7%.

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<sup>846</sup> The country, UN, accuses Paraguay of violating human rights over the use of agrochemicals, 16 August 2019

<sup>847</sup> ABC Color, [With recycling initiatives it helps the neglected environment](#), November 7, 2019.

<sup>848</sup> National Government, Paraguayan Information Agency, [President provided situation and clean-up snotty of the Paraguay River](#), November 7, 2019; ABC Color, [Cleaning the Paraguay River and arborizing the river in Puerto Antequera](#), 30 November 2019.

<sup>849</sup> Ministry of Public Works and Communications, Directorate of Drinking Water and Sanitation of Paraguay, [National Drinking Water and Sanitation Plan](#), August 2018.

<sup>850</sup> Ibid.

<sup>851</sup> Ministry of Public Works and Communications, [Asunción will have a large plant for the pretreatment of wastewater](#), April 16, 2019.

<sup>852</sup> Iagua, [For the first time, Caacupé will have an effluent treatment system](#), 31 January 2019.

<sup>853</sup> UNDP y Oxford Poverty and Human Development Initiative, [Global Multidimensional Poverty Index 2019, Illuminating Inequalities, 2019](#)Page. 9; Undp, [Peru on the road to the eradication of multidimensional poverty](#), 11 July 2019.



513. On the other hand, SRESCER joins the call for ratification by the Congress of the Republic of Peru of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Affairs in Latin America and the Caribbean (Escazú Agreement).<sup>854</sup> In this regard, notes that on August 5, 2019, draft legislative resolution No. 4645/2019-PE<sup>855</sup> was entered into the Congress of the Republic for ratification of that agreement.<sup>856</sup>

514. On the other hand, the IACHR and its SRESCER express their concern about the situation of forest fires affecting the Peruvian Amazon rainforest due to the human rights of the inhabitants, particularly indigenous peoples, women, children and adolescents, in the region.<sup>857</sup> In this regard, the call of the IACHR and its SRESCER to the OAS Member States, in particular those bordering the Amazon basin" to coordinate actions around this cross-border environmental tragedy, to adequately investigate its origins and, where appropriate, to sanction those responsible, as well as to take enhanced preventive measures from a human rights perspective to avoid similar situations in the future, is recalled. In addition, individuals and groups who are particularly affected by such fires must be adequately protected and have access to forms of repair. In particular, particular attention should be paid to indigenous and tribal peoples present in the area and affected territories who have the presence of peoples in voluntary isolation or in initial contact, with a view to implementing an emergency plan that avoids further damage to their human rights."<sup>858</sup>

#### A. Right to education

515. SRESCER warns that, in relation to the quality of education provided in public system schools, only 13 out of 100 students in second grade have language and readers skills without presenting difficulties, while 19 out of 100 students of the same grade would not have the skills to pursue the next educational degree.<sup>859</sup> These results highlight the Peruvian Government's need to strengthen educational institutions and policies, such as teacher training to provide quality education for children and adolescents.

516. It was also known that, during September of this year, 16 private universities, such as the John Paul II University and the Private University of the Peruvian Forest, have been denied a license, as they did not comply with the basic quality conditions of the University<sup>860</sup> Law. Therefore, it is emphasized by the State's obligation to guarantee rights, especially the right to access to quality higher education for university students.

517. On the other hand, the efforts of the State of Peru to provide a bilingual and intercultural education in more than 27 thousand educational institutions in the country in which the courses in languages originating in the country will be taught are recognized.<sup>861</sup> In addition, assessments have been given to teachers in public educational institutions regarding the mastery of native languages to continue implementing the National Intercultural<sup>862</sup> Education Plan. The Peruvian Government has developed a Multisectoral Plan to ensure the integration of high school students residing in the Amazon who have difficulties<sup>863</sup> in accessing educational plans.

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<sup>854</sup> Radio Programs of Peru, Calls on the Congress of the Republic to ratify the Escazú Agreement, 30 June 2019.

<sup>855</sup> Congress of the Republic, Draft Legislative Resolution No. 4645/2019-PE, August 5, 2019.

<sup>856</sup> Law, Environment and Natural Resources (DAR), Peru could be the fourth country to ratify the Escazú Agreement, August 8, 2019.

<sup>857</sup> THE Newspaper: Peru extinguishes 15 wildfires, but still fights three others, 21 September 2019.

<sup>858</sup> IACHR, Press Release No. 215/19, IACHR and its REDESCA express deep concern about deforestation and burning in the Amazon, September 3, 2019.

<sup>859</sup> Ministry of Education, Results of the 2018 Student Censal Assessment, 2018.

<sup>860</sup> Management Sunedu to close John Paul II and Private Universities of the Peruvian Jungle, 20 September 2019; Trade, Sunedu: the 17 universities denied institutional leave, 24 September 2019.

<sup>861</sup> Ministry of Education, More than one million 200 thousand students receive bilingual intercultural education in Peru, 12 February 2019.

<sup>862</sup> Ministry of Education, More than 70,000 teachers were evaluated in native languages, June 11, 2019.

<sup>863</sup> Ministry of Education, More than 15,000 students from the Amazon will benefit from student-run highschool, August 15, 2019.

## B. Right to Health

518. Information has been held on the supply of medicines in health centers in the public system since one in 2 people receiving a prescription (79.5% of the total) would not receive the drugs in them, so they attend pharmacies and private medical facilities to stock up.<sup>864</sup> However, several of the centers have oversupply which causes an increase in the number of medicines that meet the expiration of the product and denying the possibility of its use.<sup>865</sup>
519. On the other hand, SRESCER notes the increase in cases of Guillain-Barré syndrome, during June 2019, so the Peruvian State declared a state of health emergency in the departments of Piura, Lambayeque, La Libertad, Junín, and Lima since 548 cases were reported and seven deaths.<sup>866</sup> This syndrome, according to the World Health Organization, causes an affectation in the immune system and symptoms usually involve weakness in the limbs of the body.<sup>867</sup> Therefore, the State issued Supreme Decree No. 013-2019-SA, to ensure "health benefits to the population [...] safety, opportunity and quality of sanitary conditions" by training people specializing to ensure treatment against the disease.<sup>868</sup>
520. With regard to the right to sexual and reproductive health, SRESCER is concerned that only 45% of women in Peru planned their pregnancy, according to the United Nations Population Fund (UNFPA), and just over half of women in stable union use modern contraceptive methods compared to the 70% average recorded in Latin America and the Caribbean. In addition, 13% of adolescents between 15 and 19 years of age are mothers or pregnant, of which<sup>869</sup>24% of whom are in poverty or extreme poverty. According to the Ministry of Health, 44% of women do not know contraception, so the State implemented the Executive Directorate of Sexual and Reproductive Health Program, which provides contraceptive methods for the general population free of charge. However, there has been an increase in newborn deaths from lack of technical equipment, such as incubators, and artificial respirators, as well as the maintenance of it to guarantee the right to health and life of newborns.<sup>870</sup>
521. In September of this year, SRESCER also warns of the presence of Enterobacter Gergoviae bacteria, which causes skin, urinary and pulmonary infections, in products such as wipes and<sup>871</sup>wet cloths by Kimberly Clark PeruSRL. The Peruvian Government enacted Supreme Decree 050-2016-PCM, to establish a protocol for communicating warnings about serious harm and to promote transparent mechanisms by companies to ensure access to information for consumers.
522. Subsequently, SRESCER became aware of the historic ruling, delivered on 10 December 2019, by the Juzgado Mixta y Penal Liquidador de Espinar, in favour of the Peruvian communities affected by the mining<sup>872</sup>projects. It orders the Ministry of Health to "implement a public health health strategy for the Espinar population" since they have been affected by industrial activities in relation to the extraction of heavy metals. The ruling also provides that the Ministry of Health will have a period of ninety days to design and implement the public health strategy for Peruvian populations affected by mining projects, such as Espinar, Cerro de Pasco, Cajamarca, Huaraz, among<sup>873</sup>others.

<sup>864</sup> Foreign Trade Society of Peru (ComexPeru), The problem of the provision of the health sector: the supply of medicines (Part II), 20 September 2019.

<sup>865</sup> ComexPeru, The problem of the provision of the health sector: the supply of medicines (Part II), September 20, 2019.

<sup>866</sup> Trade, The unexpected advance of Guillain-Barré syndrome [REPORT], June 15, 2019.

<sup>867</sup> Who Guillain-Barré syndrome, 31 October 2016.

<sup>868</sup> Ministry of Health, Supreme Decree No. 013-2019-SA, June 8, 2019

<sup>869</sup> FPNU, More than half of Peruvian women get pregnant without planning it, 13 May 2019.

<sup>870</sup> Diario Libre, 17,000 premature babies were born in Peru so far this year, August 3, 2019.

<sup>871</sup> Trade, Wipes and little wipes: What are the health risks of contaminated lots?, 18 September 2019; The Republic, Minsa: contaminated Huggies moisture wipes will be withdrawn from the market, September 18, 2019.

<sup>872</sup> Ideeleradio, IDL: PJ ruling on Spin is valuable we will ask for its early execution, 10 December 2019.

<sup>873</sup> *ibid.*

C. Right to food

523. SRESCER is concerned about the Ministry of Health's figures for overweight and obesity in the country, which affect 2.5 million children under five years of age and are a cause from the intake<sup>874</sup> of foods with high rates of sugars affecting health and well-being. For this reason, the Regulations of the Healthy Food Law and the Handbook of Advertising Warnings have been implemented.

524. In addition, the Qali Awarma National School Feeding Program has been implemented, of which 64,500 public educational institutions will provide healthy eating to four<sup>875</sup> million children and adolescents in the indigenous communities of the Peruvian Amazon. In addition, the Healthy Food Promotion for Children and adolescents Act was passed, which states that products containing high rates of "sodium, sugar, saturated fats and trans fats" should have an octagon-shaped label to provide consumer information on the content, thereby reducing the consumption of products that pose great health risks.<sup>876</sup>

D. Business and Human rights

525. Furthermore, the Special Rapporteur ESCER expresses its deep concern about the socio-environmental situation in sectors of Peru where the rights of its inhabitants have been compromised by the exploitation and lack of control of extractive activities. The Commission and SRESCER were aware of two recent episodes of oil spills in the Norperuano Pipeline, a system operated by the state-owned Petro-Peru oil pipeline. The first would have passed on June 18 in the Loreto region and the<sup>877</sup> second at the beginning of July in the Amazon region.

526. According to public information, this Special Rapporteur was aware that, on Tuesday, 18 June 2019 at the height of kilometer 237, in the district of Manseriche, Datem del Marañón province a new oil spill occurred in the Norperuano Pipeline, a system operated by the state-owned Petro-Peru company. The Ministry of Health would have declared a health emergency for 90 days in the affected native communities (Supreme Decree No. 017/2019/SA). After the incident was known, and before the state-issued declaration of health emergency, agents of the prosecutor's office, in the company of the experts of the Forensic Team in Environmental Material of the Public Ministry (EFOMA), and the head of the Satellite Georeference Monitoring Unit of Environmental Crimes (UMGSDA), would have initiated investigations in the affected area.<sup>878</sup>

527. The State has also indicated that the Ministry of Health would have declared a health emergency for 90 days in the affected native communities and agents of the prosecutor's office would have initiated investigative actions in the affected area. The Civil Defense would have indicated that 1,230 native families have been affected by the crude oil leak, so it has had to distribute water to them. In protest at what happened, the peoples affected by oil activity, which make up 54 indigenous federations of 12 basins, would have announced an indefinite strike. Subsequently, at the beginning of July 2019, a new leak would have been reported at the height of kilometer 371 of section II of the Norperuano pipeline located in the Awajún community of Tayuntsa, Nieva district, in the Amazon region. According to public information this would have originated from a cut of 9 centimeters in one of the pipes, the Public Prosecutor's Office would be initiating the corresponding investigations.<sup>879</sup>

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<sup>874</sup> Trade, [Minsa warned that 2.5 million children are overweight and obese](#), May 25, 2019.

<sup>875</sup> Ministry of Development and Social Inclusion, [Midis ensures 100% school feeding coverage in public schools for The 2020 School Year](#), 2 September 2019; The Peruvian, [They guarantee power for 4mlns. From schoolchildren](#), September 18, 2019.

<sup>876</sup> Ministry of Health, [Know the advertising warnings \(octagons\)](#), 17 June 2019; Trade, [Octagons of Warning? "Towards an obesity-free Peru"](#), June 17, 2019.

<sup>877</sup> IACHR, Press Release No. 187/19, [IACHR and its REDESCA express high concern about oil spills in Peru and call on the State to take urgent prevention, mitigation and investigation actions](#), 26 July 2019.

<sup>878</sup> Ibid.

<sup>879</sup> Ibid.

528. SRESCER received information from the platform of indigenous Amazonian Peoples united in defense of their territories (PUINAMUDT), composed of the federations of indigenous peoples FEDIQUEP, OPIKAFPE, FECONACOR, and ACODECOSPAT, to address the problems related to environmental rights, education, health and access to water and<sup>880</sup>sanitation. 67 environmental emergencies were reported in Lot 192 due to the Canadian *company's Frontera Energypipeline*, as well as environmental and ESCER impacts from the kukama, achuar, and urarina communities, budided in Lot 8, by the pipeline operations of Pluspetrol's private energy company.<sup>881</sup>
529. At the hearing on the protection of indigenous communities, children and adolescents, and human rights defenders affected by environmental pollution in Peru, 24, 2019, in Washington, D.C.,<sup>882</sup>United States, during Session Period 173 of the IACHR, applicants estimated approximately 140 spills in Lots 8 and 192 causing river contamination with heavy metals, such as lead, arsenic, hydrocarbons, mercury and others, in contaminated rivers of business activities, which affect the rights to health, the healthy environment and cultural environment of the indigenous communities that live in the region. The Peruvian Government highlighted efforts to ensure access to health, water and sanitation services for communities through the development of comprehensive plans with a focus on human rights.
530. The IACHR and its SRESCER recall that, based on this serious situation, the Peruvian State must take reasonable steps to avoid human rights violations in the face of knowledge of a real and immediate risk situation for a particular person or group of persons, associated with extraction, exploitation or development activities. They also underline the importance of the State implementing the necessary measures to implement or strengthen the systems for monitoring and monitoring such business activities in a manner consistent with human rights obligations and in such a way as to be aimed at preventing the violation of the rights of the population in the area of influence in which these activities take place.<sup>883</sup>
531. On October 22, 2019, SRESCER had access to the progress report in the process of developing Peru's National Plan of Action on Business and Human Rights, which is a tool to concrete the management of public human rights policies in the country. In accordance with the letter sent by the Ministry of Justice and Human Rights to the Special Rapporteurship,<sup>884</sup> the National Plan of Action incorporated a strategic guideline aimed at the implementation of international standards on business and human rights, to ensure that public and private companies respect human rights in their scope of action.<sup>885</sup> SRESCER welcomes this process and encourages consideration of inter-American standards in it.
532. Finally, where such business activities are likely to directly affect indigenous, tribal and Afro-descendant peoples or communities, there is a special duty to ensure participation in decision-making affecting their ecosystems of these peoples, through respect and guarantee of the right to consultation and, where appropriate, free, prior and informed consent as well as the development

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880 Indigenous organizations: We require prior consultation WITHOUT CHEATING in Lot 192 and compliance with the commitments made in Health, Water and Remediation, 19 November 2019.

<sup>881</sup> Ibid.

<sup>882</sup> Iachr. 173 Session Period. Audience "Protecting communities indigenous people, nANs and HRD defenders affected by environmental pollution in Peru", September 23, 2019

<sup>883</sup> IACHR, Press Release No. 184/19, IACHR and its REDESCA express high concern about oil spills in Peru and call on the State to take urgent prevention, mitigation and investigation actions, July 26, 2019

<sup>884</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. October 22, 2019. Letter from the State of Peru to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights

<sup>885</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. October 22, 2019. Letter from the State of Peru to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

of previous studies of social and environmental impact and the establishment of shared benefits in favor of guaranteeing the<sup>886</sup>rights of these peoples.

E. ESCER of indigenous peoples

533. Moreover, according to civil society, Peru's indigenous peoples and communities lack access to basic services such as "medicines, market<sup>887</sup>access education, sanitation and effective transportation options". In addition, information has been received that land titling policies cannot be adjusted with indigenous land management practices, which cause them to be granted small and degraded areas where they fail to sustain their lifestyle. Similarly, according to the data received, land titling managed to reduce forest deforestation and alteration by 81% during the first year after land titling, and 56% in the previous year.<sup>888</sup>

534. Concern is also expressed for indigenous peoples and the extraction and infrastructure projects that cause environmental<sup>889</sup>and social impacts for communities. In addition, SRESCER has received information from civil society that states that approximately 2,848 square kilometers of Peruvian forest are cut annually, of which 80% are illegally cut. The main causes identified are agriculture, livestock, gold mining, roads and illegal logging, and the expansion of oil and gas wells pose a threat to tropical<sup>890</sup>forests. Between 2001 and 2017, the State of Peru has lost about 2.67 million hectares, equivalent to 3.4% of its forest cover. In addition, the loss of forests in the Peruvian Amazon generates 57 million tons of carbon dioxide each year and increases malaria cases, since, where the constant loss of trees occurs, cases of malaria increase.<sup>891</sup>

## 28) Dominican Republic

A. Right to education

535. Regarding access to education, the State of the Dominican Republic is making efforts to ensure access to quality education to CHILDREN AND ADOLESCENTS in the country. During 2019, the policy of gender equality and equity for pre-university education was adopted in order to ensure respect, to widen the gap between men and women and to eliminate all forms of discrimination and violence against women in future generations.<sup>892</sup> The policy is also to encourage girls and adolescents to participate in science, technology, engineering and mathematics careers, as well as in the social and exact sciences.<sup>893</sup>

536. In this order of ideas, the Government encouraged the repair of 7 thousand school campuses with the policy entitled "My School Bonita" to grant spaces in optimal conditions.<sup>894</sup> Similarly, the National School Infrastructure program was implemented whereby the Government will promote a budget to educational campuses to meet needs related to infrastructure and minor

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<sup>886</sup> IACHR, Press Release No. 184/19, [IACHR and its REDESCA express high concern about oil spills in Peru and call on the State to take urgent prevention, mitigation and investigation actions](#), July 26, 2019

<sup>887</sup> Interreligious Initiative for Tropical Forests, Deforestation Chart for Religious Leaders and Religious Communities, received by the DESCA Special Rapporteur on 29 November 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>888</sup> Interreligious Initiative for Tropical Forests, Deforestation Chart for Religious Leaders and Religious Communities, received by the DESCA Special Rapporteur on 29 November 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>889</sup> Ibid.

<sup>890</sup> Ibid..

<sup>891</sup> Ibid.

<sup>892</sup> Ministry of Education, [Departmental Order No. 33-2019](#), May 22, 2019.

<sup>893</sup> Listín Diario, [Ministry of Education's Initiative on Gender Equity Hails](#), May 26, 2019.

<sup>894</sup> Ministry of Education, [Ministry of Education intervenes schools at the national level to ensure optimal conditions in the next school year 2019-2020](#), 26 July 2019; Today [Education Minister launches national day of the maintenance of more than 7 thousand public schools](#), 22 July 2019.

repairs.<sup>895</sup> In addition, it has developed a contingency plan in the 18 regional educational directions to take preventive actions against natural disasters and effects of climate change.

537. Subsequently, SRESCER notes that, according to public knowledge information, the Dominican Government has allocated from the 2020 Budget a total of RD\$153.8 million for 26 entities related to higher education,<sup>896</sup> which will be managed by the Ministry of Higher Education, Science and Technology (MESCYT). The economic resources will be distributed among the Catholic University of Technology of Barahona (Ucateba) with RD\$24.9 million, Academy of Sciences of the Dominican Republic with RD\$24 million, Universidad Católica Tecnológico del Cibao and THE ISA University with a total of RD\$15 million, Universidad Tecnológico del Sur with RD\$10.8 million, Universidad Adventista Dominicana RD\$9 million and, the rest, will be divided, between the Nordestana Catholic University, the Latin American Faculty of Social Sciences, the Foundation Bono Higher Institute, the University of Seniors, among others.<sup>897</sup>

538. In addition, the Ministry of Education has implemented the Digital Republic Program itself that the Government has allocated a total of 15 billion pesos for the purchase of computers for teachers and students of the Dominican education system. The students and teachers benefited are from the provinces of Moca and localities of Cibao Central, who will receive 35 thousand computers to<sup>898</sup>facilitate the learning process for those students who have financial problems to access the educational system.

539. SRESCER is concerned about the reduction in the learning rates of Dominican students, in accordance with the results obtained by the PISA 2018 evaluation. According to public knowledge figures, the Dominican State has obtained the penultimate place of the 80 countries with an average of 342 points among the area of science, mathematics and reading.<sup>899</sup> Students scored 325 points in the math area, a three-point reduction compared to the 2015 assessment, and below the 357.77 point average.<sup>900</sup> On the other hand, in the area of science it achieved a four-point improvement, compared to 2015, giving a result of 336 points, but continued with in the lower rates of evaluation.<sup>901</sup> Therefore, the Special Rapporteurship ESCER requests the Dominican State to evaluate the current educational curriculum, as well as the national education system to ensure that quality and non-discriminatory education is guaranteed.

## B. Right to health

540. During 2015, the Government declared the initiative called the Comprehensive Sexuality Education Strategy at the national level to incorporate issues such as gender, sexuality, as well as reproductive sexual health. It has not developed effectively since the country continues to have the highest fertility rate in Latin America and the Caribbean, and acts of discrimination against girls, adolescents and women by administrative staff and medical professionals persist when they seek access to health care services.<sup>902</sup>

541. The Commission and its SRESCER express their concern regarding the status of the right to sex and reproductive education of girls, adolescents and women in the Dominican State. According to publicly accessible information, they show that 20.5% of girls and women, aged 15 to 19, are pregnant during adolescence.<sup>903</sup> Most do not have comprehensive education or access to information in health facilities regarding sexual and reproductive health suffering from unwanted and unplanned pregnancies; there have even been cases where girls and adolescents

<sup>895</sup> Ministry of Education, [Gonzalez calls on directors to take on their role with greater commitment](#), 18 September 2019.

<sup>896</sup> Listín Diario, [More than RD\\$153 million from the 2020 budget will go to higher education institutions](#), October 3, 2019.

<sup>897</sup> Listín Diario, [More than RD\\$153 million from the 2020 budget will go to higher education institutions](#), October 3, 2019.

<sup>898</sup> News SIN, [Ministry of Education starts delivery of 35,000 computers in the Cibao](#), 25 October 2019.

<sup>899</sup> The Caribbean, [PISA 2018 results and investment in education](#), 10 December 2019.

<sup>900</sup> Diario Libre, [Dominican Republic worsens in PISA test](#), December 3, 2019.

<sup>901</sup> Diario Libre, [Dominican Republic worsens in PISA test](#), December 3, 2019.

<sup>902</sup> HRW, [I Felt Like the World falling Down on Me](#), June 18, 2019.

<sup>903</sup> HRW, [Dominican Republic: policies that promote adolescent pregnancy](#), June 18, 2019.

must attend health centers with the accompaniment of an adult in order to access family planning services.<sup>904</sup>

542. During the hearing on the rights of people with HIV/AIDS in Dominica, held on 9 May 2019 in Jamaica, during the 172nd Session of the<sup>905</sup>IACHR, the Commission and its SRESCER received information on the vulnerability of people living with HIV/AIDS, particularly migrants and LGBTI communities. In the Dominican Republic, according to UNAIDS figures, during 2018, there are 70,000 people living with HIV in the country,<sup>906</sup>of whom, according to the applicants of the audience only 57,000 are served by the health system, public and private.
543. The applicants presented acts of discrimination and stigmatization by society and health professionals, without adequate training to provide treatment to people with HIV/AIDS.<sup>907</sup> Representatives of civil society gave testimony of acts of discrimination against migrants since the General Law on Migration. No. 285-04 and Regulation 631-11 provides that foreign persons shall not be admitted to apply for residence in the country of an infectious or communicable disease pose a different to public health, including HIV/AIDS.<sup>908</sup> In addition, cases were reported in which LGBTI communities, especially transgender communities, are denied health care, especially transgender people, and are therefore at risk of using chemicals to carry out treatment, putting their health at risk and thus life. Finally, they presented cases where HIV/AIDS screening is performed to determine whether an individual can access employment in the public service or the military.
544. For its part, the State mentioned that it has passed HIV Act No. 135-11 for the establishment of the National HIV/AIDS Council,<sup>909</sup>which provides training to health authorities as well as advocacy and prevention campaigns. In addition, they mentioned the drafting of the General Law on Equality and Non-Discrimination, during 2016, which would remain in process for approval. As they did at the hearing, the IACHR and its SRESCER recall that mandatory HIV/AIDS tests harm the right to work in accordance with UNAIDS and WHO, and emphasize the need to pass the General Law on Equality and Non-Discrimination.<sup>910</sup>
545. SRESCER sees with concern the outbreak of dengue virus in the territory since, during 2019, according to figures from the Ministry of Public Health, a total of 17,942 cases of dengue and 47 deaths have been recorded in which the Clinical Audit Committee determined that the dengue virus<sup>911</sup>has been caused by death. Also, the municipalities with the highest incidence rate are Santo Domingo, La Tomana, Azua, Distrito Nacional, Barahona and <sup>912</sup>Santiago. Such cases, 75% of those affected are under 15 years of age and the lack of infrastructure in medical centers to treat the number of people affected<sup>913</sup>has been reported. For its part, the Ministry of Health, in coordination with the Ministry of Environment and Natural Resources, have carried out national operations with public servants to eliminate breeding sites of the dengue transmitting mosquito.<sup>914</sup> Therefore, SRESCER requests the State to use all available resources to ensure access to quality health to prevent the postponement of the dengue virus outbreak, as well as to take effective measures to eliminate mosquito breeding sites in accordance with inter-American

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<sup>904</sup> HRW, *I Felt Like the World falling Down on Me*, June 18, 2019.

<sup>905</sup> Iachr. 172 Session, Audience "[Rights of people with HIV and AIDS in the Dominican Republic](#)", May 9, 2019.

<sup>906</sup> [Unaid Dominican Republic](#), 2018.

<sup>907</sup> Iachr. 172 Session, Audience "[Rights of people with HIV and AIDS in the Dominican Republic](#)", May 9, 2019.

<sup>908</sup> Iachr. 172 Session, Audience "[Rights of people with HIV and AIDS in the Dominican Republic](#)", May 9, 2019.

<sup>909</sup> Iachr. 172 Session, Audience "[Rights of people with HIV and AIDS in the Dominican Republic](#)", May 9, 2019.

<sup>910</sup> Iachr. 172 Session, Audience "[Rights of people with HIV and AIDS in the Dominican Republic](#)", May 9, 2019.

<sup>911</sup> Ministry of Public Health, [Weekly Epidemiological Bulletin](#), Epidemiology Week (SE) No. 47, 23 December 2019.

<sup>912</sup> Ministry of Public Health, [Weekly Epidemiological Bulletin](#), Epidemiology Week (SE) No. 47, 23 December 2019.

<sup>913</sup> Ministry of Public Health, [Weekly Epidemiological Bulletin](#), Epidemiological Week (SE) No. 35, 25 September 2019.

<sup>914</sup> Ministry of Environment and Natural Resources, [Ministry Environment conducts simultaneous operations against dengue in La Vega](#), 2 September 2019.

standards and without causing damage to the environment of the inhabitants of the Dominican State.

C. Right to the healthy environment

546. With regard to the environment and climate change, SRESCER expresses its concern about the high rates of plastic waste reported during 2019, since, according to information from the Ministry of the<sup>915</sup>Environment, the country produces about 264,000 ton of which only 8% is recycled. For its part, the Dominican State has held days of plastics collection and cleaning in rivers, especially in the Duey River, La Altagracia, in the Community La Matilla, Batey Guajavo, from which approximately 1,050 bags of plastic waste were collected, which endanger the species and generate garbage that harms the sources of supply of the surrounding communities.<sup>916</sup>
547. In addition, in September 2019, large tropical rains were reported that caused the forced displacement of 4,890 people since 978 homes have been destroyed, as well as the affectation of 14 aqueducts causing 3,221,287 users to become totally<sup>917</sup>out of service. For this reason, SRESCER recommends that the State implement measures to ensure the resilience of human property infrastructure to the effects of climate change that impair the full exercise of the ESCERs of Dominican residents. For its part, SRESCER was aware that the Ministry of Environment and Natural Resources held cleaning days in September 2019. According to the data of the Ministry of Coastal and Marine Resources, interventions were carried out on 86 beaches and 107 riverbanks, and were attended by about 25 thousand people, of whom were officials of the Ministry of Environment, the Center for Agroforestry Development, Naval Auxiliaries, the Propagas Foundation, members of civil society, among other entities.<sup>918</sup>

D. Right to water and sanitation

548. IN 2019, SRESCER has monitored with concern the situation of water scarcity and sanitation in the Dominican Republic. According to the 2013 Demographic and Health Survey, 91.3% of the population has access to safe drinking water, of which a total of 78.1%<sup>919</sup>is bottled water and only 4.1% is within Dominican households. In addition, a total of 89.7% of the population has access to water for everyday use, of which a total of 57.6% have supply in their home and 32.6% are forced to obtain water from water trucks water tank, common wells, rivers, among others.<sup>920</sup> In addition, SRESCER sees with concern the high number of the population requiring bottled water being that, in September of this year, studies were carried out stating that of 32 brands of bottled water in the country, 30% of them would not comply with national microbiological indicators.<sup>921</sup>
549. Due to the continuing drought and the drinking water crisis in the state, the Santiago Aqueduct and Sewerage Corporation (Coraasan) stated that the water supply would begin to be rationed. On 26 July 2019, demonstrations and complaints were reported by the communities of Cibao, as well as from the beijing, Christ the King, Hato Mayor, Working Quarter, Samarrilla, Ceibita, Papayo, Rafey and so on sectors.<sup>922</sup> In addition, on August 26, 2019, in the Municipality of Baitoa reported that they had been without electricity for more than 24 hours, and on September 15,

<sup>915</sup> CDN, Environment Minister reveals in RD only less than 8% of plastic produced, 1 August 2019; Diario Libre, The Dominican Republic produces 264 thousand tons of plastic waste, August 1, 2019.

<sup>916</sup> Ministry of Environment and Natural Resources, Environment collects 1050 bags of plastic waste on a wide day of cleaning in Rio Duey La Altagracia, August 19, 2019.

<sup>917</sup> The New Journal, COE reports nearly 5,000 displaced by heavy rains, 20 September 2019; Today LATEST COE bulletin: more than four thousand people displaced from their homes by rains, 20 September 2019.

<sup>918</sup> The Caribbean, Environment involves 86 beaches and 107 riverbanks, 21 September 2019.

<sup>919</sup> Ministry of Public Health, Centre for Social and Demographic Studies (CESDEM) and ICF International, Demographic and Health Survey 2013, October 2014.

<sup>920</sup> Ministry of Public Health, Centre for Social and Demographic Studies (CESDEM) and ICF International, Demographic and Health Survey 2013, October 2014.

<sup>921</sup> Accent Seven out of ten bottled water meet sanitary parameters, May 23, 2019.

<sup>922</sup> Listín Diario, Protests over blackouts and lack of water intensify in Cibao, 22 June 2019.



2019, it was reported in the sectors of the provinces of Santo Domingo, Monte Plata, San Juan and other provinces not having electricity for 12<sup>923</sup>hours.

550. SRESCER expresses its concern about the continued suspensions to drinking water service in 2019. For example, in October 2019, it was known that the suspension of service occurred by the Aqueduct and Sewerage Authority (AAA), because of the Quebrada and Mameyes filter plants of Utuado because it was out of operation by the blocked dam, which caused, that sectors of the municipalities of Quebradillas, Camuy and Utuado have experienced low pressure and interruption of the service.<sup>924</sup> A breakdown was also identified in the area of the communities of Río Bayamón which caused the municipalities of Bayamón and Guaynabo<sup>925</sup> to have low pressures and water outages. For the above, SRESCER calls on the State of the Dominican Republic to intensify its efforts and take all necessary measures to ensure access to water and sanitation for its entire population.

## 29) Saint Kitts and Nevis

### A. Right to education

551. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), the State of St. Kitts and Nevis has presented the problem of the recruitment of teachers with professional training, in addition to minimum academic qualifications, to be teachers and provide quality education within educational classrooms.<sup>926</sup> As a result, the Ministry of Education, during 2019, has developed and implemented several public programs and policies to improve access to quality education and provide training to teachers at the basic level of education.<sup>927</sup>

### B. Right to health

552. SRESCER recognizes the efforts of the State of St. Kitts and Nevis for the implementation of the universal health care system with a view to providing the population with access to quality care services.<sup>928</sup> The system was developed in conjunction with civil society through public meetings and must be submitted to the National Assembly for national approval and implementation.<sup>929</sup>

553. According to the Ministry of Health, chronic noncommunicable diseases such as cancer, hypertension, cardiovascular disease, mental illness and diabetes account for 83% of the country's deaths<sup>930</sup>. The State has also increased its efforts to educate the population on prevention measures to prevent the transmission of the Dengue virus since there has been an increase in the number of cases in the parishes of Saint Anne Sandy Point, Saint George Basseterre, Saint James Windward, and Saint John Figtree.<sup>931</sup>

554. Subsequently, SRESCER notes the activities carried out by the State of St. Kitts and Nevis to provide information to the population on mental health. According to public knowledge information, on October 9, 2019, the Ministry of Health carried out a series of informational activities for the general public, as well as training medical staff on topics such as anxiety,

<sup>923</sup> News SIN, Young man injured during protests in demand for drinking water and electricity in Baitoa, 26 August 2019; Today Lack of water, blackouts and heat irritate residents of SD sectors, 15 September 2019.

<sup>924</sup> Publimetro Network, Affected drinking water service in several municipalities, October 5, 2019.

<sup>925</sup> Publimetro Network, Sectors of Bayamón and Guaynabo will run out of water, October 7, 2019.

<sup>926</sup> UNESCO, Saint Kitts and Nevis: Education Policy Review, ED-2016/WS/13, March 2016, Page. 37.

<sup>927</sup> Ministry of Education, In-Service training focuses on Inclusion and Advancement, 10 April 2019.

<sup>928</sup> St. Kitts & Nevis Observer, Universal Health Care promises quality medical care, 13 de February 2019

<sup>929</sup> Ibid.

<sup>930</sup> St. Kitts and Nevis Information Service, Government Committed to Finding Lasting Solutions to Combat Health Care challengers Faced by Citizens, Residents and Nursing Fraternity, 13 May 2019.

<sup>931</sup> St. Kitts and Nevis Information Service, Ministry of Health in St. Kitts -Nevis Educates Public on Ways to Protect Against Transmission of Dengue Fever, 12 April 2019.

depression and suicide, as well as broadcast, radio and television in the program "*Working with You*".<sup>932</sup>

C. Right to the healthy environment

555. The Special Rapporteur also recognizes the Government's efforts to reduce the environmental impact during 2019. According to public knowledge, several international agencies such as the Caribbean Community Climate Change Centre (CCCCC) have provided technological equipment to monitor meteorological information and air speed in the territory<sup>933</sup> to reduce and combat the effects of climate change and natural disasters on population infrastructure. Similarly, the Department of the Environment proposes incorporating into current legislation the prohibition of the use of single-use plastic utensils and bags to reduce the amount of plastic waste that pollutes the environment.<sup>934</sup>

D. Right to water and sanitation

556. In San Cristobal y Nieves, according to the Department of Water Services, 98% of the population has access to water in their homes while the remaining one obtains water through the use of the 260 public pipes that are distributed in the State.<sup>935</sup> These results are the product of regular inspections by the Ministry of Health to assess the quality of food and water supplies distributed in the country.

557. In addition, the Water Supply Improvement Project and the Universal Water Access Project have been provided to provide drinking water to localities that were exposed to a lack of water for months due to drought and lack of infrastructure in water systems. However, SRESCER is concerned that during 2019 residents of Bird Rock, Frigate Bay, Half Moon Bay, and South East Peninsula witnessed a shortage of water supply several times during the year.<sup>936</sup> Such events were caused by the interruption of service by the Department of Water Services due to damage or low levels of water reserves in the pipes.<sup>937</sup>

### 30) Saint Lucia

A. Right to education

558. With regard to the right to education, the Special Rapporteur notes the efforts made by the State of Saint Lucia during 2019 to improve quality at all levels of education. The Government developed the Education *Policy* and Strategy for Santa Lucia (2019-2022), which was developed by the Ministry of Education and Innovation, together with the Ministry of Gender Relations and the Ministry of Sustainable Development, to incorporate information technology into the educational curriculum.<sup>938</sup> The plan will also provide education based on the principles of gender equity, universal and quality access to educational services in public schools. In addition, the Educational Quality Improvement Project (EQUIP), funded by the Caribbean Development Bank, was implemented in order to improve the educational sector by focusing on the needs of NNNs

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<sup>932</sup> St. Kitts and Nevis Information Service, [Series of Activitiess Being Held to Increase Public Awareness of Mental Health in St. Kitts and Nevis](#), 12 October 2019.

<sup>933</sup> St. Kitts and Nevis Information Center, [USAID, 5C'S Hand Over important equipment to collect data on climate change vulnerability](#), 5 of February 2019

<sup>934</sup> St. Kitts and Nevis Information Center, [Department of Environment to make proposal to Cabinet for ban on single use plastics](#), 12 June 2019.

<sup>935</sup> St. Kitts and Nevis Information Service, [St.Kitts-Nevis boast universal access to water](#), 26 March 2019.

<sup>936</sup> St. Kitts and Nevis Information Service, [Urgent Notice from the Water Department](#), 17 February de 2019; St. Kitts and Nevis Information Service, [Urgent Announcement from water Services Department](#), 11 March de 2019; St. Kitts and Nevis Information Service, [Water Supply Interruption](#), 28 August de 2019; St. Kitts and Nevis Information Service, [Notice of Water Supply Interruption](#), 29 August 2019;

<sup>937</sup> Ibid.

<sup>938</sup> St. Lucia Times, [Cabinet Endorses ICT in Education Policy and Strategy](#), 15 February 2019.

and adults.<sup>939</sup> It is also noted that there is a lack of policies covering vocational technical education, which could help with levels of unemployment in the young population.<sup>940</sup>

559. THE SRESCER greets the *Grosilian Educational Project*, which would provide 250 students from Richfond Combined, Bezon Combined and Banse Grace R.C. schools with backpacks with materials to ensure their learning.<sup>941</sup> In addition, the Ministry of Education has managed to standardize the registration process for students at the initial stage educational level for the 2020-2021 academic year to ensure that it is granted education and access to medical care in a systematized manner.<sup>942</sup> Finally, it was known that the Permanent Representative to the OAS of Santa Lucia and ambassador of St. Lucia to the United States, H.E. Anton Edmunds has signed the ProFuturo Education Program Agreement, which would provide digital education to 12 schools benefiting 160 teachers and approximately 3,000 elementary students.<sup>943</sup>

#### B. Right to health

560. SRESCER sees with concern that Saint Lucia is the second least healthy state in the Indigo Wellness Index for a high level of blood glucose, high blood pressure and the use of alcoholic beverages.<sup>944</sup> Santa Lucia's health system presents problems such as lack of infrastructure, lack of technical equipment and economic resources to meet national demand for health services. In addition, the figures of the Government of Saint Lucia, an average of two nurses for each week renounces the public service which has affected the level of primary and secondary healthcare.<sup>945</sup> This event occurs because of a lack of conditions in health centers in the public system, working conditions and low wages for health personnel.

561. The State of Saint Lucia has taken actions to grant greater access to health services for the population. For this reason, the Multi-Risk Disaster Management Plan was implemented, with PAHO's support, to establish emergency protocols and mechanisms for emergency action against natural disasters and climate change to provide medical care, and the National Quality Management System was implemented to monitor that the public health system is in line with international quality standards.<sup>946</sup> Also, campaigns were carried out to take action against the dengue virus as there was an increase in cases on the island compared to 2018. The administration increased surveillance activities, such as conducting visits to the homes of the inhabitants to find mosquito breeding sites, and free prevention and vaccination campaigns against the virus to prevent transmission of the virus in the population.<sup>947</sup>

#### C. Right to water, sanitation, and decent housing

562. On the other hand, in relation to the right to access to safe water and sanitation, challenges have been presented in order to provide the supply of the resource for drought, climate change and natural disasters that have damaged water supply systems. *Water and Sewerage Company Incorporated* has cushioned resource scarcity in certain regions by using water trucks and promoting water rationing in homes.<sup>948</sup> In addition, SRESCER welcomes the development of the National Ocean Policy which will be submitted to the Cabinet of Ministers for approval in the near future.<sup>949</sup> It, together with the *Eastern Caribbean Regional Ocean Policy* (ECROP), will enable the

<sup>939</sup> St. Lucia News Online, [Saint Lucia gov't gets US\\$16.1M to implement Education Quality Improvement Project](#), 12 May 2019.

<sup>940</sup> UNCEF, VID, [Situation Analysis of Children in Saint Lucia](#), 2017

<sup>941</sup> St. Lucia News Online, [250 students in Saint Lucia benefit from Grosilian Educational Project](#), 25 September 2019.

<sup>942</sup> St. Lucia Times, [Education Districts Standardize Registration Process](#), 15 November 2019.

<sup>943</sup> St. Lucia Times, [Saint Lucia Joins ProFuturo Education Program](#), 2 November 2019.

<sup>944</sup> St. Lucia News Online, [Global index ranks Saint Lucia second unhealthiest country in the world](#), March 19, 2019.

<sup>945</sup> St. Lucia Times, [Nurse Resignations Affecting Lucia Health Care](#), August 13, 2019.

<sup>946</sup> St. Lucia Times, [Health Officials Review Multi-Hazard Disaster Management Plan](#), 24 January 2019.

<sup>947</sup> Ibid.

<sup>948</sup> St. Lucia Times, [Prolonged Dry Spell Affecting WASCO's Water Distribution](#), May 28, 2019.

<sup>949</sup> Government of Saint Lucia, [Saint Lucia finalizes National Ocean Policy](#), October 18, 2019.

implementation of strategies to ensure the effectiveness of marine resource management in the Caribbean.<sup>950</sup>

563. On the other hand, the Government of Saint Lucia has developed public policies to provide its citizens with accessible housing. For example, the *Project for the Rationalization of Unplanned Development* (PROUD) provides residents with land for the construction of homes at minimal cost.<sup>951</sup>

#### D. Labor rights

564. For its part, SRESCER notes the efforts made by the Government of Saint Lucia to lower unemployment rates in the country during 2019. According to figures provided by the Department of Statistics, there is a decrease in the unemployment rate compared to 2018. It has been revealed that there is a reduction in the unemployment rate of 21.80% reported in 2018, reaching a total of 15.5% in 2019.<sup>952</sup> On the other hand, youth unemployment has fallen between January and March as, in 2018, there was a total of 38.78% of unemployed young people and in 2019, there was a total of 25.9%, equivalent to a 12% decrease.<sup>953</sup> The above is attributed by the implementation of the National Apprenticeship *Program* itself that has allowed the training of young people in the hotel sector in the branches such as food and beverage, cleaning, administration and management of events, which earn a salary of \$500 for food and transportation for the training period.<sup>954</sup>

### 31) Saint Vincent and the Grenadines

#### A. Right to education

565. Basic education is free, even at preschool level, yet there are still aspects to be improved as the quality of education due to low levels of teacher training. According to World Bank statistics, the rate of students enrolled in primary education is 93%, while secondary education has a 91% enrolled student rate.<sup>955</sup> It is a system focused on the principles of non-discrimination and equity since gender parity rates in access to education are very similar between the sexes. However, it is noted that the State should strive to promote school attendance mainly among the lower-income economic sectors, since the completion rate in primary education is 90% having a gradual difference between boys, with a total of 92.7%, and girls, with a total of 87.1%.<sup>956</sup>
566. It should be noted that the Government of St. Vincent and the Grenadines did not provide education to secondary education students on Canouan Island since, after completing primary education, they had to migrate to access secondary education.<sup>957</sup> Therefore, the authorities of the education sector promoted home education on the island while taking action to allow students access to quality secondary education. In the second half of 2019, the authorities declared that students would attend facilities shared with primary school students while construction of the new school is completed.<sup>958</sup>

<sup>950</sup> Government of Saint Lucia, [Saint Lucia finalizes National Ocean Policy](#), October 18, 2019.

<sup>951</sup> St. Lucia News Online, [Joseph announce plans for housing developments, providing land ownership at “minimal cost”](#), May 3, 2019.

<sup>952</sup> Government of Saint Lucia, [Government encouraged by decline in unemployment](#), May 24, 2019; St. Lucia Times, [Saint Lucia PM Announces Drop in Unemployment](#), May 23, 2019.

<sup>953</sup> Government of Saint Lucia, [Government encouraged by decline in unemployment](#), May 24, 2019; St. Lucia Times, [Saint Lucia PM Announces Drop in Unemployment](#), May 23, 2019.

<sup>954</sup> St. Lucia News Online, [Update on National Apprenticeship Programme](#), September 10, 2018.

<sup>955</sup> World Bank, [St. Vincent and the Grenadines](#), 2017.

<sup>956</sup> Global Partnership for Education, [Education in Saint Vincent and the Grenadines](#), 21 June 2019.

<sup>957</sup> Searchlight, [Secondary Education on Canouan- No more Excuses](#), July 19, 2019; Searchlight [Secondary School education to begin in Canouan come September](#), 26 July 2019.

<sup>958</sup> *Ibid.*

B. Right to health

567. The health system is almost universal, as is the case in other countries in the Caribbean region, however, access to certain secondary and tertiary care services requires migration outside the country. The main diseases suffered by the inhabitants are chronic and noncommunicable such as diabetes and hypertension, meanwhile, children suffer from obesity and asthma due to the lack of campaigns to promote physical activities and adequate and nutrition. <sup>959</sup>
568. On the other hand, the State of St. Vincent and the Grenadines approved, on December 11, 2018, a series of reforms to decriminalize cannabis for medical and scientific purposes. Prescriptions will be provided only by doctors and pharmacies authorized for the treatment of multiple sclerosis, severe intractable epilepsy, sleep disorders, system damage service, depression, chronic pain, among others. <sup>960</sup>

**32) Suriname**

A. Right to education

569. The Minister of Education of Suriname reached an agreement with Jamaica to have inspectors trained by the Ministry of Education, Youth and National Information Inspectorate. Suriname began a program to transform the educational system and was based on the Jamaican system. In fact, examiners were selected for their important role in the education system, in advising the system, promoting data for schools, and improving educational levels. <sup>961</sup>

B. Right to health

570. In 2014, the National Basic Health Insurance Act was passed, which provides access to a basic package of primary, secondary and tertiary care services for all Surinamese residents. To alleviate the shortage of doctors and nurses, admissions to the Anton de Kom University School of Medicine and the School of Nursing have increased since 2013. The decentralization of health facilities, especially hospital facilities, began with the construction of a hospital on the eastern border of the country with financial assistance from the French Development Agency (AFD). <sup>962</sup>
571. The first level of care in Suriname's health system comprises a network of government-subsidized primary health care centers. Regional Health Services receive public funding to operate some 43 primary health clinics in the coastal area. In addition, there are about 150 private primary care clinics that are only accessible to the population in the coastal area. Medical Mission, a faith-based organization, receives government funding to manage about 56 primary health clinics in the inner districts. There are five hospitals, four of which are in Paramaribo and one in the Nickerie district on the western border. The only psychiatric hospital is located in Paramaribo. <sup>963</sup>
572. As for breastfeeding, Suriname stands out for its low record: according to 2010 data (the last obtained by PAHO/WHO) only 2.8 per cent of mothers of babies were able to maintain exclusive breastfeeding in the first few months. <sup>964</sup>

C. Right to the healthy environment

573. This SPECIAL Rapporteurship ESCER is accompanying the presidents and representatives of seven South American countries have signed the "Pact of Leticia for the Amazon" to coordinate the preservation of the natural resources of the most biodiverse area of the world, including

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<sup>959</sup> British [Saint Vincent and the Grenadines](#), 19 July 2019.

<sup>960</sup> Medical Cannabis Authority, [Saint Vincent and the Grenadines Medicinal Cannabis Industry Act 2018](#), December 11, 2019.

<sup>961</sup> Jamaica Observer, [Suriname explores partnership with Jamaica to improve school inspections](#), 30 June 2019.

<sup>962</sup> PAHO; Health in the Americas, Suriname

<sup>963</sup> Ibid.

<sup>964</sup> The voice [Argentina: breastfeeding, in numbers](#), 07 August 2019.

Suriname.<sup>965</sup> Also, during the 2017 Climate Conference in Bonn, the President of Suriname announced his aspirations to maintain forest coverage in 93% of the total area. Current forest cover is 94.6%, and the Government is committed to maintaining that coverage at 93%.<sup>966</sup>

574. Countries with high plant cover and low deforestation (HFLD) closed the Suriname conference with the Paramaribo Khrush East Joint Declaration on mobilizing climate funds for HFLDs. Krutu, an indigenous word in Suriname, means important gathering or high dignitaries, which allows for something viable. In the statement, the HFLD countries made a number of commitments, including: gathering international recognition on the significant contribution of developing countries HFLD to the global response to climate change by allowing their forests serve as vital carbon sinks and look to the international community to provide adequate financial support to help maintain that treasure. Suriname was the first country to reserve vast amounts of its territory, 11%, as protected areas when it created the Central Suriname Nature Reserve in 1988.<sup>967</sup>

### 33) Trinidad and Tobago

#### A. Right to education

575. With regard to the right to education, UNICEF has noted that educational levels and fiscal spending have remained positively over the years,<sup>968</sup> maintaining universal education at almost all levels. The training and training of teachers has been a concern of the current Government, so the Teaching Professional Development Program was developed, aligned with the ICT Competence Standards for teachers: UNESCO policy framework, to provide courses on information and communication technology tools, as well as teaching and learning methods.<sup>969</sup> However, SRESCER expresses concern about the increase in the number of requests to provide treatment to students with mental health problems such as self-harm, and suicide attempt caused by high levels of anxiety. According to figures from the Ministry of Education's Student Support Services Division, one in six students aged 10 to 19 have presented pictures of depression, bipolarity, spontaneous mood swings, self-injury, panic or suicide attempt.<sup>970</sup>

576. Similarly, SRESCER followed the mass layoffs of technical and administrative staff at the University of Trinidad and Tobago. According to public knowledge, during the months of August, a total of 199 university staff received letters of separation, with a period of 45 days, from their current employment for lack of financial resources to maintain the financial support of the faculty.<sup>971</sup>

577. For his part, the Prime Minister of Trinidad and Tobago, Dr. Keith Rowley, has said that around \$800 million will be invested to complete the<sup>972</sup> education sector projects that will benefit 24 schools by building new schools and improving the infrastructure of existing ones. The contract was concluded between the Prime Minister and the National *Maintenance Training and Security Company* (MTS) since, the *Education Facilities Company LTD* (EFCL) has delayed finishing the 61 schools that had been commissioned over the past four years.<sup>973</sup> In addition, a total of \$7.5 billion has been allocated to the Ministry of Education, which will be used for the payment of salaries of

<sup>965</sup> RTVE, [Seven South American countries sign the "Leticia Pact" to preserve the Resources of the Amazon](#), 06 September 2019.

<sup>966</sup> Inter Press Service, [Q&A: Suriname's President Champions Preserving the World's Forests](#), 15 February 2019.

<sup>967</sup> Inter Press Service, ["Today, We Declare Our Love to Our Forests and Ecosystems"](#), 15 February 2019.

<sup>968</sup> UNICEF, [Situation Analysis of Children in Trinidad and Tobago](#), September 2017, 14

<sup>969</sup> Trinidad and Tobago Guardian, [Over 7000 more teacher trained to integrate ICT in teaching](#), June 21, 2019.

<sup>970</sup> Trinidad and Tobago Guardian, [Ministry reports rise in SEA self-harm cases](#), 1 July 2019.

<sup>971</sup> Trinidad and Tobago Guardian, [UTT workers wait hours for termination letters](#), 30 de agosto de 2019; Trinidad and Tobago Guardian, [UTT staff to receive retrenchment letters Friday](#), August 29, 2019

<sup>972</sup> Trinidad and Tobago Guardian, [\\$800m to complete school projects](#), PM says, 25 November 2019.

<sup>973</sup> Trinidad and Tobago Guardian, [MTS gets \\$800m school repair deal, EFCL up in the air](#), December 7, 2019.

education staff, software installation, internet access and digital tools, and repairs and improvement of school infrastructure.<sup>974</sup>

#### B. Right to health

578. During 2019, the State of Trinidad and Tobago, according to the *Indigo Wellness Index*, has positioned it self as the number 14 of the 20 least healthy countries due to overweight, lack of exercise and high blood pressure levels in the population.<sup>975</sup> In addition, several testimonies reported a supply issue of drugs and vaccines in several hospitals in the public system, with the deaths of five people with influenza virus (also known as H1N1) and 17 cases of swine flu.<sup>976</sup>

579. SRESCER recognizes the efforts made by health authorities to improve quality and access to primary and secondary medical care by developing protocols to reduce the time patients take to access complex surgeries in health centers such as the construction of the hospital in Port of Spain. Measures were also taken to prevent the outbreak of epidemiological diseases such as measles, dengue, influenza, among others, by distributing free vaccines in public medical centers and a population-accessible prevention campaign. Therefore, the number of confirmed cases of dengue in schools and public spaces has decreased from a total of 331, in 2014, to just 3 in 2018 as campaigns have been conducted to exterminate mosquito breeding sites and distribute insecticide nets in public hospitals to prevent infection inpatients.<sup>977</sup>

580. Furthermore, the Special Rapporteur ESCER notes that, according to the figures of the Ministry of Health, a total of 3,232 influenza cases and a total of 32 deaths from influenza virus have been confirmed, of which predominate persons<sup>978</sup> over 65 years of age, children under 5 years of age, people with diabetes, hypertension, obese or tobacco smokers. For its part, the Ministry of Health has carried out vaccination campaigns, which has managed a total of 33,101 vaccines during the year.<sup>979</sup> However, Health Minister Terrece Daylsingh has stated that people who are vulnerable to the virus would not be attending the centers where vaccines are being administered, increasing the number of vaccines given in December.<sup>980</sup>

#### C. Right to water and sanitation

581. With regard to access to water and sanitation, a water crisis persists in Trinidad's Tableland district of Prince Town, as residents would not have water in their homes. This has led them to be forced to drink water from the Ortaire River and boil it to carry out their daily activities such as food sanitation and personal hygiene, as well as some have resorted to buying bottled water to maintain their businesses. In April 2019, they held demonstrations to require the current administration to take the necessary measures to restore water service.<sup>981</sup>

582. Subsequently, according to public knowledge information, the *Water Pollution Rules (WPR) 2019* and *Water Pollution (Fees) Regulation 2019* have been enacted, which aims to reduce contaminants levels at discharge points to improve water quality.<sup>982</sup> Moreover, in December

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<sup>974</sup> Trinidad and Tobago Guardian, [Education gets \\$7.5 B from this year's Budget. Garcia breaks down spending](#), 26 October 2019.

<sup>975</sup> St. Lucia News Online, [Global Index ranks Saint Lucia second unhealthiest country in the world](#), 19 March 2019.

<sup>976</sup> Trinidad and Tobago Guardian, [Flu vaccine rush continues](#), 17 de enero de 2019; The Gleaner, [Trinidad Confirms Fifth Swine Flu Death](#), 5 February 2019.

<sup>977</sup> Trinidad and Tobago Guardian, [Spraying ramped up to stem dengue outbreak](#), 9 April 2019.

<sup>978</sup> Trinidad and Tobago Guardian, [Flu deaths rising, now stands at 32](#), 9 de diciembre de 2019; Ministry of Health, [Ministry of Health: Most Influenza Deaths from High-risk Group](#), 3 December 2019.

<sup>979</sup> Trinidad and Tobago Guardian, [Flu deaths rising, now stands at 32](#), 9 December 2019;

<sup>980</sup> Trinidad and Tobago Guardian, [Health minister: most vulnerable not getting flu shots](#), December 11, 2019.

<sup>981</sup> Trinidad and Tobago Guardian, [Tableland resident hold water protest](#), 29 April 2019.

<sup>982</sup> Trinidad and Tobago Guardian, [New water pollution rules take effects](#), 20 November 2019.

2019, several water service outages were reported in northern and central Trinidad by the Water and Sewerage Authority due to the lack of reservations at the supply centers.<sup>983</sup>

#### D. Labor rights

583. SRESCER was aware that, in October 2019, there were demonstrations by garbage collectors from *Solid Waste Management Company Ltd* (SWMCOL) to express concerns about poor working conditions and sanitation.<sup>984</sup> The demonstrations were simultaneously held at Forbes Park and Guapanapo and were joined by Banking and Industrial General Workers Trade Union (BIGWU), Postal Workers Union of T&T, the Joint Trade Union Movement (JTUM) and T&T Farmers Union, who expressed solidarity for the 150 workers who were affected and the 21 workers who were dismissed by the company's recycling program.<sup>985</sup>

### 34) Uruguay

584. The Special Rapporteurship ESCER takes note of the recognition of the Economic Commission for Latin America and the Caribbean (Cepal), through executive secretary Alicia Bárcenas, as the "most equal country in the region" with an increase in the economy and fight against poverty for sixteen consecutive years, in a challenging regional context.<sup>986</sup> Thus, according to ECLAC measurements, only 2.7% of its 3.4 million inhabitants live below the poverty line and just 0.1% in destitution.<sup>987</sup>

585. For its part, the Office of Planning and Budget (OPP) of the Government of Uruguay presented in August the document: "Contributions for a 2050 Development Strategy" The Strategy is articulated in three strategic axes: Sustainable Productive Transformation, Social Transformation and Transformation of Gender Relations.<sup>988</sup>

586. SRESCER takes note and thanks the State of the Eastern Republic of Uruguay for the information sent to this Special Rapporteur ship for the preparation of this Annual Report and is available to continue constructive dialogue on special issues concern of the mandate.

#### A. Right to education

587. According to the World Bank Index, Uruguay stagnates in education in 68th place in the ranking, showing its greatest weakness in the permanence of young people within the education system.<sup>989</sup>

588. With regard to access to education, the Special Rapporteurship ESCER takes note of the report of the National Institute for Educational Assessment (INEEd), which reflects inequity among students because of their socio-economic and cultural status. Thus, evidence that the system requires modifications for teachers and students to achieve a performance of quality and equity, since<sup>990</sup>the educational system has weaknesses in budget allocation and teacher training.

589. According to the report, at the age of 19 when all are expected to have completed compulsory education, higher-average egress increased from 24% to 36% between 2006 and 2018. At 23 years the improvements compared to 2006 are clear (from 32% to 43% in 2018). At 23 years the

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<sup>983</sup> Trinidad and Tobago Guardian, [No water in parts of Central Thursday](#), 5 de noviembre de 2019; Trinidad and Tobago Guardian, [No water in parts of North Trinidad tomorrow](#), 8 de diciembre de 2019; Trinidad and Tobago Guardian, [Water service disruption today](#), 9 December 2019.

<sup>984</sup> Trinidad and Tobago Guardian, [Garbage collectors protest stalled negotiations](#), 26 October 2019.

<sup>985</sup> Ibid.

<sup>986</sup> The Republic, Cepal [It recognizes growth in the Economy and the fight against poverty](#), 30 August 2019.

<sup>987</sup> Ibid.

<sup>988</sup> OPP, "Contributions for a Development Strategy to 2050", August 2019.

<sup>989</sup> The observer [Uruguay stagnates in Education according to World Bank](#), October 11, 2018

<sup>990</sup> El País, [Turn on Red Lights Equity](#), 01 August 2019



improvements compared to 2006 are clear (from 32% to 43% in 2018), but the magnitude of the change over such a large period of time is low (11 percentage points in 12 years), and what remains to advance to achieve the universal completion of the mandatory cycle. It's very important. In 2018, 51% of the 23-year-old population left the education system without completing compulsory education<sup>991</sup>

590. Along with recognizing Uruguay's efforts and problems regarding the realization of the right to education, this Special Rapporteur highlights initiatives such as the one developed by the Santa Elena Institute of Education, which also in 2019 held a "Good Practice Slat in Education", an initiative that reached its seventh edition this year.<sup>992</sup>

591. The Special Rapporteur notes that, in budgetary matters, representatives of the Office for Planning and Budget, the Ministry of Economy and Finance, the National Administration of Public Education (ANEP) and the Institute of the Child and Adolescents Uruguay (INAU), signed a first private public participation contract for educational infrastructure in 2019. The agreement provides for the design, construction, financing and maintenance of 44 kindergartens in 14 departments, and 15 CAIF (Child and Family Care Centers) centers in 6 departments, with a total investment of \$68 million, which will end at 2020 measures.

592. In its response, the State of Uruguay has highlighted scholarship and support systems for existing students and others to prevent school dropout and in middle education through the creation of the Education Pathways Protection System in 2015. In 2016, the Protocol of Protection of Educational Paths for students at the same average educational level was implemented to detect whether students are at risk of disengagement to promote activities of permanence and continuity of each student.<sup>993</sup> Also, a working group of Rural Middle Education was set up, which was developed in the document "Universalization of Rural Middle Education", in 2014, which describes the socio-educational situation of students living in the rural area. The report states that a total of 1,248 adolescents, between 12 and 14 years of age living in rural areas, do not attend any Middle Education institution out of a total of 10,975, while, in the ages of 15 to 17, more than two-thirds of the population group, equivalent to 73.6% does not attend higher middle education.<sup>994</sup> Since the State of Uruguay did not include 2019 data in its information, SRESCER will continue to monitor the measures implemented by the State with regard to the right to education.

## B. Right to health

593. The Special Rapporteur ESCER notes that, according to public information, the Ministry of Public Health notes that, prior to the 2007 health reform, health resources accounted for only 8.2% of gross domestic product (GDP), while the year 9.5 per cent, with WHO recommending a minimum of 6.5 per cent. Therefore, according to the information of the ministry, it is a profound transformation, highlighting the vademécum in the Comprehensive Health Care Plan (PIAS).<sup>995</sup>

594. However, access to high-cost medicines is a widely debated topic at the social and jurisprudential level in Uruguay, with relevant information on the subject reached in Uruguay.<sup>996</sup> The mandate will continue to follow up on the issue with particular attention.

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<sup>991</sup> Ineed: State of Education Report 2017-2018.

<sup>992</sup> The Country. [Good Practices in Teaching](#), 20 August 2019.

<sup>993</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 8, 2019. Letter from the State of Uruguay sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>994</sup> Working Group on Rural Middle Education, [Universalization of Rural Middle Education](#), May 2014.

<sup>995</sup> Presidency Eastern Republic Uruguay, [Budget Surrender](#), 16 September 2019.

<sup>996</sup> SANTIAGO PEREIRA CAMPOS, RAFAEL GARCIA MARTINEZ, JOS MIGUEL ORDIOZOLA: Demand and justiability of the right to health, especially referring to access to medicines and high-priced treatments: the case of Uruguay in the Latin American context. In "Dialogue

C. Right to a healthy environment

595. The Special Rapporteurship ESCER notes that, as noted by the Ministry of Housing, Land Management and Environment, the Cape Polonio plan that was approved this year has been launched, which will have a protected area composed of 25,820 hectares,<sup>997</sup> of which 21,151 are marine, 4,653 land and another 16 correspond to islands located on the Atlantic coast. The management plan estimates that within these public premises there are about 290 buildings built irregularly or without permission, although only 26 are under discussion. The plan envisages that they will be demolished and relocated elsewhere in the spa, on the grounds that their presence degrades the environment and disrupts the free movement that characterizes the place.<sup>998</sup>

596. For its part, the State noted in its response that the National Environmental System, the National Environmental Cabinet and the National Secretariat of Environment, Water and<sup>999</sup>Climate Change have recently been created for the implementation of public policies related to the environment, water and climate change. Favorable incentives for the protection of the environment towards the private sector, as well as other environmental fiscal and tax policy measures, have also been implemented to generate positive impacts.<sup>1000</sup> The State has not provided updated information for 2019.

D. Right to water and sanitation

597. The Rapporteur's note notes that according to the United Nations (UN) Report on the subject, Uruguay is the best placed in terms of equitable<sup>1001</sup>access to safe water in rural and urban areas and ranks fourth for urban households with sanitation. In addition, as indicated by the State Health Works (OSE), the percentage of public sewerage sanitation in the country reaches 60% and in addition to watertight sanitation (black wells) exceeds 95%.<sup>1002</sup> For its part, according to the response of the State of Uruguay, the 2011 results of the National Statistical Institute (INE) state that 99.4% of the population has an improved water source inside or outside the house, 96% have access to drinking water through the service provided by the state-owned OSE company.<sup>1003</sup>

598. However, studies from the University of the Republic, as well as civil society organizations and the Instituto Clemente Estable, indicate that there is a trend of deterioration in the quality of water bodies in the country based on the requirements established in the National Bromatological Regulation of UNIT Standard 833.2008 (Decree 275/2011).<sup>1004</sup> Therefore, the State has developed a policy to prevent deterioration of water quality and the preservation of water bodies. Thus, in 2017, the National Water Plan, created by Law 18.610 (Decree 205/017) was implemented in the National Water Policy, which seeks to address the issue of water in a comprehensive and strategic way. This plan has the National Plan of Drinking Water, Sanitation and Drainage and the Water Conservation and Sustainable Use Program for water resource management, as well as improving the quality of sourcing services.<sup>1005</sup>

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on the Judicial Protection of the Rights to Health, Education, Labour, Social Security and the Healthy Environment in Latin American Countries HEALTH AND FOOD REPORT", CEJA-GIZ, 2019.

<sup>997</sup> The Observer, [Actions of the Cabo de polonium management plan begin](#), August 19, 2019

<sup>998</sup> Ibid.

<sup>999</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 8, 2019. Letter from the State of Uruguay sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1000</sup> Ibid.

<sup>1001</sup> Presidency Eastern Republic Uruguay, [Access to drinking water Uruguay Latin America 2019](#), March 29, 2019

<sup>1002</sup> Presidency Eastern Republic Uruguay, [95% of households have sanitation](#), September 13, 2019

<sup>1003</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 8, 2019. Letter from the State of Uruguay sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1004</sup> Ibid..

<sup>1005</sup> Ibid.

599. Assessing from the mandate the importance of citizen participation in environmental rights, it is considered a remarkable advance that the National Directorate of the Environment enabled the realization of the extension of the boundaries of the Protected Landscape of the Quebrada de los Cuervos and adjacent area, such as the modification of its protection measures in order to strengthen the process of contributions of citizens, considering the importance of this expansion project, in compliance with the current regulations of the National System of Protected Areas (SNAP)<sup>1006</sup>.
600. Another advance is the Regional Experimental Center of Sanitation Technologies (CERTS) that inaugurated the laboratory equipment at the Scientific Pole and the offices located in the Pando Technology Park. CERTS is the first center for research, technological development, training and dissemination of sustainable sanitation technologies, with a focus on systems suitable for small populations, which is installed in Uruguay. The center aims to develop low-cost strategies and technologies, as well as knowledge and capabilities for the search for sanitation solutions for individual and locals with less than 10,000 inhabitants that do not have adequate systems.<sup>1007</sup>

#### E. Right to adequate food

601. SRESCER is concerned that, according to the information provided by the State, a study has been carried out which states that approximately 30% of the population who fail to access adequate quality and quantity of food due to economic constraints, equivalent to 13% of households. Households made up of older adults and people under the age of 18 are also found to be the most vulnerable to poverty and food insecurity. Nutritional problems occur mainly in children in early childhood, as well as delayed size and the presence of anemia in children under 4 years of age. In addition, 64% of the adult population, between 25 and 64 years of age, is overweight and obese, while in the child population there has been an increase in the presence of obesity at the early stages.<sup>1008</sup>
602. On the part of the State of Uruguay, progress on food security and nutrition has been monitored, and the development of laws, decrees, ordinances and Programs to generate conditions of access to adequate food. In recent years, the Food Guide for the Uruguayan population has been reformulated by the Ministry of Health, which presents a "perspective of adequate, pleasant and healthy food, providing information to citizens for better food and nutrition"; Similarly, the School Feeding Program aims to supplement home-school feeding by providing food assistance in schools under a nutritional education field for parents, students and teachers, which is covered by 270,000 children. The Strategic Plan for Poverty Eradication and Malnutrition focuses on access and sustainability of food distribution and waste reduction.<sup>1009</sup>

#### F. Labor rights

603. The information received by the State takes into account the accumulated efforts in terms of regulatory progress, laws and regulatory decrees in relation to collective bargaining over the years, as well as in ensuring the right to social security, and active employment and vocational training policies. In addition, one of the priority labor rights themes for the period 2016-2020 is "reducing the informality of domestic workers and promoting the formality of women doing renumbered domestic work in emphasis on African women and migrants." For this reason, campaigns have been carried out to promote rights, professionalize and raise awareness of the

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<sup>1006</sup> Ministry of Housing Territorial Ordering and Environment, [The period of public consultation for the extension of the protected landscape of the Ravine los Cuervos is extended.](#) September 17, 2019

<sup>1007</sup> Ministry of Housing Territorial Ordering and environment, [Regional Experimental Center for Sanitation Technologies to Be Installed.](#) July 10, 2019.

<sup>1008</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 8, 2019. Letter from the State of Uruguay sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1009</sup> Ibid.

value of domestic work for social welfare.<sup>1010</sup> Also, the Ministry of Health's National Disability Program seeking social inclusion of persons with disabilities through the Department of Employment, which aims to accompany people with disabilities to access new posts in the private sector,<sup>1011</sup> has also been highlighted. Highlights include the Youth Employment Act 19.133 enacted in 2013, which will continue the type of employment recruitment of First Work Experience for those young people under 24 who have no work experience, and the Labor Practice for graduates who complete their vocational training; as well as the Youth Protected Work, I Study and Work program, Social and Community Insertion Program, among others.<sup>1012</sup>

604. On the other hand, the National Integrated Care System created by Law No. 19.353 has been developed in 2015, which aims to promote the development of the autonomy of people<sup>1013</sup> in dependency and to build public policies to generate a "solidarity model" between families, the state, community and the market. It generates an expansion of offers centers for childcare centers, personal assistant services for dependent people, as well as the installation of Community Care Homes for infants under one year of age. The Uruguay Works Program was also implemented to facilitate labor insertion under decent conditions for discriminated and vulnerable groups. However, the State of Uruguay did not send information regarding the progress made during 2019.<sup>1014</sup>
605. On the other hand, WIEGO's reports show that Uruguay's waste privatization and commodification policies included only a very small number of the classifier population, so state actions that aimed at formalization, to enable their participation in the waste production chain, they are very low-intensity, and would have a limited scope for the informal recycler population.<sup>1015</sup>

### 35) Venezuela

606. The Special Rapporteurship ESCER has been giving a special and continuous follow-up to the situation in Venezuela. More details of the situation can be found in Chapter IV. B of the Commission's Annual Report. In addition, SRESCER has received information that reveals that a supply of food, drinking water and medical supplies in the country continues, causing a full impact on the full impact of the ESCER of the inhabitants.
607. According to official figures published in the Poverty Statistics Report 1999-2018, poverty rates would have fallen to 17%, while in 1988 it was 29%, as well as a total of 4.3% of the Venezuelan population living in extreme poverty, compared to 10.8% reported in 1988.<sup>1016</sup> However, according to civil society, during 2019, "purchasing power ... during the last half of the year rose from \$30.4 to \$10.05 per month (DICOM) or \$1.01 to \$0.33 per day for those who receive minimum wages." Therefore, SRESCER notes that the minimum wage in Venezuela is below the extreme poverty limits set by the Sustainable Development Goals of the 2030 United Nations Agenda, as well as the World Bank which establish that the international threshold for monetary poverty is US\$1.9 per day<sup>1017</sup>.

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<sup>1010</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. November 8, 2019. Letter from the State of Uruguay sent to the Special Rapporteur in response to request for information for the preparation of the 2019 Annual Report of THE REDESCA-IACHR. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1011</sup> Ibid.

<sup>1012</sup> Ibid.

<sup>1013</sup> Ibid.

<sup>1014</sup> Ibid.

<sup>1015</sup> WIEGO, Executive Summary "Protecting the Human Rights of Recyclers in Latin America", Preparatory Document for Hearing before the Inter-American Commission on Human Rights, July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1016</sup> National Statistical Institute (INE), Ministry of The People's Power of Planning, Poverty Statesman 1999-2018, 2019.

<sup>1017</sup> Un Report of the Sustainable Development Goals, 2017; World Bank, Nearly half of the world's population lives on less than \$5.50 a day, 17 October 2018;

608. In this order of ideas, during the hearing on the general human rights situation in Venezuela, held on February 14, 2019 in Bolivia, at the 171st Session of the<sup>1018</sup>IACHR, civil society applicants reported on the serious humanitarian emergency suffered by Venezuela since 2014 and the impact on food security, lack of accessibility on food products and personal hygiene and lack of public policies for access to food and nutritionally suitable for the population. In addition, the deterioration in the hospital system was reported, since medical care services are in a critical situation, and the supply of medicines and medical materials also prevailed. The impacts of the situation on the education system were also shown, with high drop-out rates. The Commission and its SRESCER are concerned about the general human rights situation, such as the deprecation and access to medical and food products, with the insistent on their request to the State to make a visit for more information on the human rights situation in the country.

609. The Special Rapporteurship ESCER records and expresses its deep condolences for the death of Dr. Pedro Nikken, a prestigious Venezuelan jurist and human rights defender, renowned for his invaluable contributions to the inter-American system and the doctrine of human rights.<sup>1019</sup>

#### A. Right to education

610. With regard to the right to education, according to official figures, the number of students enrolled has increased from 7,195,335 registered students, in the 2016-2017 school year, to 7,664,869 registered students in the 2018-2019 school year.<sup>1020</sup> In addition, the data express a decrease in the number of public and private educational facilities from about 30,087 schools, during the 2016-2016 school year, to a total of 29,412 schools.<sup>1021</sup> Also, the data show that there was a decrease in the number of teachers as a position that, during the 2016-2017 school year, they were recorded at 699,290, while in the year it is 2017-2018 662,825, equivalent to a decrease of 36,465 teachers in public and private educational institutions.<sup>1022</sup>

611. However, representatives of civil society have expressed concern about these figures since "in the years where forced migration was over massed with more than 4 million people crossing borders, many of them children and adolescents, the enrollment increased 218,354 students".<sup>1023</sup> In addition, the College of Teachers reported that 172,000 teachers stopped attending educational classrooms because they migrated or applied for a permit and the director of Education of the state of Táchira, Enrique Noguera, affirmed that the payroll of 4,072 permanent educators and 1,200 contracted at the institution, a total of 250 teachers have left their position.<sup>1024</sup>

612. For his part, the Director of Education of the Governorate of Nueva Sparta reported that approximately 500 teachers had resigned for fundamental, mainly economic reasons and there is an absenteeism of students and teachers of an overall average of 50%, for issues related to transport, food or economic situation.<sup>1025</sup> According to the preliminary results of ENCOVI 2018, the factors that prevent attendance to school campuses are due to water service failures (28%), lack of food at home (22%), lack of electricity service (15%), lack of food on campus (13%), no

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<sup>1018</sup> IACHR, 171 Session, Audience "[General human rights situation in Venezuela](#)", February 14, 2019.

<sup>1019</sup> El País, [The Venezuelan Pedro Nikken, an unrepeatable defender die.](#), December 10, 2019.

<sup>1020</sup> National Institute of Statistics, [Educational Statistics 1988/1989-2017/2018](#), October 2019.

<sup>1021</sup> Ibid.

<sup>1022</sup> Ibid.

<sup>1023</sup> Venezuelan Human Rights Education-Action Program (Provea), Report for Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) on the situation of social, economic and environmental rights in Venezuela, November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1024</sup> Daily La Nación, "[Decreases teacher dropout in the state](#)", May 30, 2018.

<sup>1025</sup> The Universal, [More than 500 teachers resigned this 2018 in New Sparta](#), December 20, 2018.

staff absence (11%) among other issues that have resulted in only 52% of students attending educational classrooms on a regular basis.<sup>1026</sup>

613. SRESCER has also received information on the lack of electricity, which caused a substantial halt to academic activities, carried out in March 2019, in which students in basic education levels and secondary had only 6 days of class.<sup>1027</sup> A national blackout was also reported on March 7, 2019, when universities and higher education institutions were forced to suspend activities after each blackout until 25 March this year, without there being a plan for the recovery of academic activities, resulting in a significant loss of student apprenticeships and academic performance.<sup>1028</sup>
614. In addition, SRESCER has been following with increasing concern the current human rights situation of university students in the context of demonstrations in the State of Venezuela. By way of illustration, on April 30, 2019, in the states of Bolívar, Mérida, Zulia, Barinas, Lara, Aragua, Sucre, Carabobo and in the Capital District, where at least 20 students arbitrarily detained in the context of the protests called by the National Assembly were registered.<sup>1029</sup> Several of the students were beaten, stripped of their belongings, threatened with firearms by members of the GNB, even deprived of their liberty or, especially women, were subjected to lenient acts by oppressive forces, also registering serious injuries caused by firearms.<sup>1030</sup>
615. In this order of ideas, it is noted that the recurring suspension of elections and internal rules of student political participation continues, causing a violation of the university autonomy of the autonomous universities of Venezuela. On July 8, 2019, the Court of First Civil, Commercial and Transit Instance of the Judicial Circumscription of the state of Lara ordered the immediate suspension of the electoral process to elect student representatives for the Federation of University Centers of the Central-Western University Lisandro Alvarado, which were planned for the same day, however, the students of the university continued the electoral process.<sup>1031</sup>
616. Subsequently, SRESCER received information from civil society on the situation of public universities in Venezuela during 2019. They express concern about the structural problems that have been presented, the lack of budget for universities, as well as the "total collapse of student services, no possibility of support for scientific research,<sup>1032</sup> massive violation of the labor rights of university professors, among other problems". Moreover, they point to Judgment No. 0324 of the Constitutional Chamber of the Supreme Court of Justice that promulgates a new procedure for the election of university authorities, to include the administrative and worker staff of universities in electoral processes, other than that provided for in the Universities Act.<sup>1033</sup> Similarly, the High Commission for the defense of the democratic autonomy of Venezuelan

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<sup>1026</sup> Universidad Católica Andrés Bello (UCAB), the Central University of Venezuela (UCV) and the Simón Bolívar University (USB), Project National Survey of Living Conditions of the Venezuelan Population (ENCOVI) 2018, 30 November 2018. UCAB

<sup>1027</sup> IACHR, Press Release No. 091/17, IACHR observes persistence in affecting human rights in Venezuela, 5 April 2019.

<sup>1028</sup> IACHR, Press Release No. 091/17, IACHR observes persistence in affecting human rights in Venezuela, 5 April 2019.

<sup>1029</sup> Open Classroom, Commission on Human Rights, Faculty of Legal and Political Sciences University of Zulia, Observatory for Human Rights, Center for Peace and Human Rights "Father Luis María Olaso", Preliminary Report: Violation of the Human Rights of university students in the context of the demonstrations, April to May 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1030</sup> Open Classroom, Commission on Human Rights, Faculty of Legal and Political Sciences University of Zulia, Observatory for Human Rights, Center for Peace and Human Rights "Father Luis María Olaso", Preliminary Report: Violation of the Human Rights of university students in the context of the demonstrations, April to May 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1031</sup> Open Classroom, Violation of university autonomy by the Venezuelan Judiciary: case of student elections of the Centrooccidental University "Lisandro Alvarado", July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1032</sup> Open Classroom, Preliminary Report; Violations of academic freedom, university autonomy and other rights of university students in Venezuela, received by the Special Rapporteur deSCA on 29 November 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1033</sup> Ibid.

Universities has been established, which aims to make calls for the election of the authorities of Venezuela's autonomous universities.<sup>1034</sup>

617. Testimonies compiled by civil society expose the arbitrary expulsion of students who expressed their criticism of the policies of the current government. According to the information received by SRESCER, six cases of political discrimination against students and university professionals have been documented at five National Experimental Universities.<sup>1035</sup> On October 8, 2019, the Court No. 36 of The Criminal Instance of the city of Caracas "i dictated a decree of precautionary measure, whose mandate is the prohibition of promotion and dissemination of audiovisual material, created by Gustavo Tovar, which is called 'El Chavismo, the plague of the twenty-first century'", and on November 27, 2019 has been suspended from the screening of the documentary. This act does not allow the exercise of the academic freedom of universities by restricting decision-making for activities within educational classrooms.<sup>1036</sup>
618. In addition, according to the figures given by civil society, since 2018 and 2019, 15 university students have been retaliated against by the Venezuelan State, through the participation of state security forces and armed groups, for carrying out their work to defend the human rights of the university community. From January 23, 2019 to May 1, 2019, 41 university students have also been affected, 9 of whom are leaders or members of university student associations, and two<sup>1037</sup> university professors who have participated in peaceful demonstrations convened by the National Assembly. Episodes of repression have taken place during the demonstrations against demonstrations convened by the academic community in which armed state agents and collectives used tear gas, pellet-type projectiles and even firearms, as well as torture practices, cruel, inhuman and degrading treatment of university students.

#### B. Right to health

619. In line with the findings of the IACHR and its SRESCER, the High Commissioner of the United Nations Human Rights Organization (OHCHR) has expressed that for years, access to the right to health in Venezuela has been deteriorating due to the exodus of medical and health personnel,<sup>1038</sup> as well as the health conditions of public health centers and shortages of medicines, equipment and supplies. Also, between November 2018 and February 2019, the National Hospital Survey has reported a total of 1,557 deaths caused by the supply of medicines and supplies, 79 deaths by the electricity service and, according to information collected by SRESCER, more than 11,000 people with renal impairment are at risk due to blackouts in certain regions.<sup>1039</sup>
620. The IACHR collected information on serious human rights concerns in the context of the blackout of the electric system, which occurred on March 7, 2019 and extended until March 13, 2019. Blackout and lack of access to electricity limited access to basic services such as access to safe water, garbage collection, telephone and communication services, the supply of food supplies, as well as the deterioration<sup>1040</sup> of health and health services, also leading to a lack of domestic gas

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<sup>1034</sup> Ibid.

<sup>1035</sup> Ibid.

<sup>1036</sup> Open Classroom, Preliminary Report: Violations of academic freedom, university autonomy and other rights of university students in Venezuela, received by the Special Rapporteur deSCA on 29 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1037</sup> Ibid.

<sup>1038</sup> Office of the United Nations High Commissioner for Human Rights (ACUNDH), [Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela](#), A/HRC/41/18, 4 July 2019.

<sup>1039</sup> Physicians for Health, [National Hospital Survey](#), 11 March 2019.

<sup>1040</sup> IACHR, Press Release No. 077/19, [IACHR and REDESCA express concern about lack of electricity service and drinking water in Venezuela](#), 22 March 2019.

and public transport difficulties. According to information collected by members of civil society, 25 people were registered who died due to lack of electrical service.<sup>1041</sup>

621. The ESCER Special Rapporteur was informed about the making of three requests for information regarding access to the electrical service by the Clinical Hospital of Caracas, which filed an electrical fault on January 12, 2019. On the one hand, two petitions were submitted to the Ministry of Electric Power and the state-owned company of Corporación Eléctrica Nacional requesting a response on the power failures during 7, 9, 12 and 25 March 2019; however, the applicants received no response.<sup>1042</sup> In addition, the SRESCER mentions what happened at the José Manuel de los Ríos Hospital, located in San Bernadino, Caracas, where complaints and complaints from patients regarding the national blackout and the halting of medical<sup>1043</sup> consultations were reported. Medical and health personnel performed treatments to save neonatal babies and children in intensive and emergency<sup>1044</sup> care. Then, on 8 March, the state body responsible for providing the supply of electricity in the country, CORPOLEC, supplied several external plants as a temporary measure, however, filed failures for unknown<sup>1045</sup> reasons. The hospital discontinued the dialysis, hematology, oncology and surgical treatments, in addition, the bathroom service for patients for the suspension of the water<sup>1046</sup> supply.
622. Subsequently, on March 10, 2019, relatives of patients were not allowed to leave the hospital by members of the Special Actions Force (FAES), who were armed and with their faces covered in front of the hospital gates, officials of the Bolivarian National Guard (GNB), the Bolivarian Militia of Venezuela (MBV), the Bolivarian National Police and the security of the hospital. Medical and health personnel were also denied entry.<sup>1047</sup> On March 11, 2019, medical professionals were allowed access by emergency entry, instead, organizations and individuals were prevented from entering with threats and intimidation by the irregular group "Collectives".<sup>1048</sup> The situation continued until March 14 and the number of Children and adolescents and patients would have increased after reviving hospital services.
623. Moreover, according to the report of the Civil Unvite Association, of June 2019, a lack of supply of oral contraceptives (68%), injectable contraceptives (99.4%), intrauterine devices (96.4%), implantable devices (91.0%), patches (100%), condoms (38%), vaginal rings (100.0%), and emergency contraceptives (65.5%)<sup>1049</sup> persist. Also, in June 2019, "the lack of supply of 65% of antiretrovirals, affecting more than 70,000 people with HIV registered in the public health system" was reported. This situation, among others, has led to the forced displacement of families to other States in the region, particularly to Cúcuta, Colombia, to supply medicines; however, according to the testimonies received, the drug Viraday reaches the equivalent of 34 minimum wages.<sup>1050</sup> In addition, the IACHR and its SRESCER are concerned about the impact on female

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<sup>1041</sup> Ibid.

<sup>1042</sup> Public Space, DESCA and Access to Public Information in Venezuela, received by the Special Rapporteur deSCA on 26 November 2019. File sent in response to Press Release No. 29/19, , [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1043</sup> IACHR, Press Release No. 077/19, [IACHR and REDESCA express concern about lack of electricity service and drinking water in Venezuela](#), 22 March 2019.

<sup>1044</sup> Prepare Family, Special Report from 7 to 14 March, 14 March 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1045</sup> Ibid.

<sup>1046</sup> Ibid.

<sup>1047</sup> Ibid

<sup>1048</sup> Ibid.,

<sup>1049</sup> INVITATION A.C., [Monitoring access to health in Venezuela](#), June 2019.

<sup>1050</sup> Civil Association Solidarity Action. General report on the right to health, physical integrity and life of people with HIV/AIDS, September 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.



patients in wards and emergency areas due to the lack of gerontological tools and favorable conditions in public health centers.<sup>1051</sup>

624. In addition, on October 15, 2019, the IACHR and its ESCER Rapporteurship received a letter regarding the status of sterilizations to women in Venezuela. In that letter, civil organizations noted that one of the serious impacts of the crisis in Venezuela on sexual and reproductive rights has been the lack of access to all types of contraceptives, which has aggravated the disproportionate impact of the complex humanitarian emergency on women in the country.<sup>1052</sup> The violation of women in the sexual and reproductive sphere deepens gender gaps, with women being more likely to remain in poverty, reducing their chances of joining productive work and being exposed to various forms of violence. In this way, there is an increase in unwanted pregnancies, many of which end up in abortions performed under unsafe conditions that involve high health risks.<sup>1053</sup>
625. Also, according to civil society, Venezuelan women suffer severely affecting their sexual and reproductive rights, and the absence of contraceptives has exacerbated the disproportionate impact of the complex humanitarian emergency in the country. According to a report received on November 29, 2019, surgical sterilization in Venezuela has been used high and in prevalence to the absence of other methods of family planning, in the face of possible incentives by the State – and not of a decision free of women, who make it for fear of having an unwanted pregnancy.<sup>1054</sup>
626. In this sense, the organizations point out that Venezuela is in a precarious situation in the public health system, so that surgical sterilizations of women arise in a context of "collapse of hospital infrastructure and the precarious conditions in which hospitals would operate and the consequent impact of the quality dimension of the right to health."<sup>1055</sup> This Special Rapporteurship is attentive to and monitoring this situation of lack of access to medicines and medical treatments in the country, and urges the State to provide methods and information in family planning, in order to comply with its international obligations to guarantee the right to health of women, especially those in situations of poverty or other vulnerable contexts.
627. In this context, SRESCER sees such a situation with concern regarding the right to health in Venezuela, because with the absence of consistent and effective public policies, women are in extreme vulnerability. Thus, this Special Rapporteur ESCER adds to the concern of organizations regarding the high use of surgical sterilization in Venezuela, because although this method may be of good acceptance among women, the decision to submit to this irreversible intervention is being taken on the one hand, in the face of possible incentives by the State such as the use of the homeland card and its gratuitousness; and on the other hand, based on the fear of having an unwanted pregnancy and the desperation of not having other methods in Venezuela, so it would not be a free<sup>1056</sup>- and possibly uninformed - decision of women, who are coerced by the current crisis and the unique offer implemented by the state. This ESCER Rapporteurship will continue

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<sup>1051</sup> IACHR, Press Release No. 077/19, [IACHR and REDESCA express concern about lack of electricity service and drinking water in Venezuela](#), 22 March 2019.

<sup>1052</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. October 15, 2019. Letter from civil organizations of Venezuela to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1053</sup> Ibid.

<sup>1054</sup> Women's Link Worldwide, Request for information on the situation of economic, social, cultural and environmental rights in the region, for the preparation of the Annual Report of the DeSCA Special Rapporteurship. November 29, 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1055</sup> Ibid.

<sup>1056</sup> Iachr. Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. October 15, 2019. Letter from civil organizations of Venezuela to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

to monitor this risk situation for women, especially as it affects their right to health, such as their sexual rights and reproductive rights.

628. On the other hand, preventable diseases such as diarrhea, malaria, influenza and measles, as well as other infectious diseases, have been caused by a lack of sanitary and hygienic conditions, caused by the humanitarian emergency facing the Venezuelan population. Thus, for example, at the end of June the trending behavior of scarcity is on the downside with 61.1% indicating that the supply of medicines for the treatment of diabetes, hypertension, antidepressants and anti-seizures continues to be present at disproportionate levels.<sup>1057</sup>
629. The crisis has also affected indigenous peoples, such as the Warao, in the Delta Amacuro State, and the Yanomami, on the border with Brazil, as infectious diseases and inaccessibility to care facilities due to geographical barriers and lack of communication between medical service providers with communities makes access difficult to fully exercise ESCERs.<sup>1058</sup>
630. In another order of ideas, SRESCER has received information on the situation in detention centers, where there has been an increase in the number of deaths of detainees. According to civil society figures, between January and June 2019, a total of 20 people died from disease within detention centers, while, in the period July to October 2019, a total of 22 people died from diseases being<sup>1059</sup> the cause of highest incidence compared to the number of deaths from escapes, scuffles or unknowns. Also, it was reported that some of them require medical attention or to be transferred to health facilities.

### C. Right to the healthy environment

631. On 26 June 2019, the Venezuelan human rights organization Climate 21 – Environment and Human Rights sent a letter to the United Nations High Commissioner for Human Rights, explaining Venezuela's environmental crisis and its effects on human rights, so that they request that environmental considerations be included in the various reports on the situation in the country.<sup>1060</sup>
632. In its communication, the organization explains that there has been a serious deterioration of environmental public services, as well as environmental management and control Programs; According to the letter, the right to drinking water is not guaranteed in Venezuela –<sup>1061</sup> 82% of the population and 79% of hospitals do not receive water continuously, and there is no guarantee of the quality of the water supplied to the population, in addition to environmental degradation in the water-generating basins. They also point out that solid waste management is insufficient and inequitable, thereby increasing the proliferation of allergic, infectious and respiratory diseases.<sup>1062</sup> The organization also alleges that there are no effective controls on activities that cause environmental damage, so that household gas defueling is having an effect on health and the environment.<sup>1063</sup>

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<sup>1057</sup> Invitation [Monitoring Access to Health](#), June 2019.

<sup>1058</sup> IACHR, Press Release No. 052/19, [IACHR and REDESCA condemn acts of violent repression in Venezuela and urge the Venezuelan state to guarantee the human rights of the population in the face of the political, economic and social crisis](#), 1 March 2019.

<sup>1059</sup> A Window to Freedom, Update Report of the Preventive Detention Centres January to October 2019, received by the Special Rapporteur deSCA on 17 November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(ESCER\) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1060</sup> Climate21- Environment and Human Rights, Letter to the United Nations High Commissioner for Human Rights, received by the Special Rapporteur on Economic, Social, Cultural and Environmental Rights on 2 July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1061</sup> Ibid.

<sup>1062</sup> Ibid.

<sup>1063</sup> Ibid

633. In addition, information was received from civil society on requests for information regarding the EdAs, particularly in environmental matters. According to civil society, five unresponsive requests for information have been made, of which the first two have been addressed to the Committee on the Environment and the Committee of Indigenous Peoples of the National Assembly in relation to their environmental management. Information on the Waraira Repano-Macuto Cable Car System was also requested from the Ministry<sup>1064</sup> of Ecosocialism, Inaprqes and the company Alfamaq. According to the letter, the state is promoting a mining development that is a generator of destruction and serious human rights violations, because it does not properly control mining activities, which do not follow the laws and do not respect the rights of local communities; they also note that environmental deterioration is accelerating as a result of mining (destroyed a total of 5,266 square km between 2000 and 2015), and such mining activities seriously affect the rights of indigenous peoples.<sup>1065</sup>

634. This Special Rapporteurship is attentive to the facts and data indicated in the above-mentioned letter, and looks with concern at the government's actions that lead to an increase in social vulnerability to disasters of natural and technological socio-origin. The Venezuelan State should have a national climate change adaptation plan, either develop sustainable and systematic policies to reduce the vulnerability of the population to the negative effects of climate change. Finally, it is true to emphasize that the State must guarantee the right to access to information, participation and justice in environmental matters, as well as to quality environmental education.

#### D. Right to water, sanitation and food

635. SRESCER has monitored the situation with regard to access to water and sanitation services during 2019 in the State of Venezuela. By way of illustration, in 2015 it was recorded that the majority of the population is located in Arco Montañoso Andean-Costero in which 80% of the population is concentrated, but only 4.1% of the water reserves are found, on the other hand, in the south of the Orinoco, is the highest concentration of surface water reaching 90% of venezuela's total.<sup>1066</sup>

636. According to the 2018 National Living Conditions Survey, residents stated that only 29% have access to water in their home on a constant basis, while 28% receive water once a week or every<sup>1067</sup> two weeks and 5% of the population claim never receive water in their home. To counteract the water supply effects, people began buying bottled water or hiring tanker trucks; however, in July 2018, when the minimum wage was 3 million bolivars, the cost of a tanker cargo ranged from 3 and 10 million bolivars, equivalent to having approximately 40% of their monthly revenue to stock up.<sup>1068</sup>

637. In addition, SRESCER expresses its concern about the situation faced by 71% of the population in the non-availability of drinking water in their homes on a constant basis. Similarly, the lack of water supply in the homes of the Venezuelan population affects the enjoyment of the rest of the rights, particularly the right to food and health, recognized in Article XI of the American Declaration of the Rights and Duties of Man, by increasing the number of diseases resulting from lack of hygiene and sanitary measures. In addition, school activities have been suspended due to

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<sup>1064</sup> Public Space, DESCA and Access to Public Information in Venezuela, received by the Special Rapporteur ESCER on November 26, 2019. File sent in response to Press Release No. 29/19, The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights (ESCER) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1065</sup> Climate Coordinator21- Environment and Human Rights, Letter to the United Nations High Commissioner for Human Rights, received by the Special Rapporteur on Economic, Social, Cultural and Environmental Rights on 2 July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1066</sup> Alvarez Iragorry, A., Novo, I., and Luy, A., #SinAgua. Situation of the right to drinking water in Venezuela: Case Metropolitan Area of Caracas, November 2018.

<sup>1067</sup> UCAB, UCV, USB, Project National Survey of Living Conditions of the Venezuelan Population (ENCOVI) 2018, November 30, 2018

<sup>1068</sup> Ibid

lack of water due to the lack of proper hygiene, health and safety conditions resulting in the absence of 28% of girls and adolescents in the classroom.<sup>1069</sup>

638. It should be noted that a number of serious circumstances persist regarding the lack of environmental controls that endanger the population by being exposed to pollutants, such as mercury used for gold mining, and the continued spill of chemicals by the mismanagement of the oil industry. In this order of ideas, mining projects, such as the Orinoco Mining Arch and the exploitation of coal in the Guasare basin in Zulia state, result in the increase of waterborne diseases such as amybias, diarrhea, parasitic and gastrointestinal caused and the forced displacement of indigenous communities due to poor water quality and damage to traditional lands.<sup>1070</sup>
639. Food production has declined, production costs have increased and access constraints are growing, creating serious consequences for the population. Prices have been high and the sufficient availability of quality food is poor, requiring an average of 10 hours a day to make the long lines for food. Between May 2018 and 2019, there was a 167.230% increase to the basic food basket, which consists of 60 commodities, corresponding to 1,217,419.3 bolivars, therefore a person requires 9 minimum wages to access it.<sup>1071</sup> Also, civil society has mentioned that a "minimum wage hardly has a purchasing power in an average of 2.93% of the basic basket persists."<sup>1072</sup> They also mention that, in September 2019, 41 minimum wages were required to access the basic food basket, which limits Venezuelan households to cover basic services.<sup>1073</sup> Therefore, the program "Local People's Supply Committees (CLAP) Boxes" is the main social program for food assistance, which does not meet international standards to meet the basic nutritional needs of the population.<sup>1074</sup>
640. In addition, food shortages such as the rise of the few protein products or nutritional supplements available threaten to increase child malnutrition rates, which causes effects, particularly in Children and adolescents and older adults, by not having the animal proteins, fruits and vegetables needed to have adequate diet. According to civil society information, there has been a decrease in food production compared to 2018, such as maize (41.75%), sugar cane (25%), coffee (21%), beef (18.42%), chicken (40%), pork (12.60%)<sup>1075</sup>.

#### E. Labor rights

641. SRESCER received information from members of civil society on the increase in the unemployment rate in Venezuela during 2019. In this sense, they claim that the official figures

<sup>1069</sup> Ibid.

<sup>1070</sup> Climate Coalition21- Tierra Viva Foundation, #SinAgua. Situation of the right to drinking water in Venezuela: Case Metropolitan Area of Caracas, November 2018. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights; Universidad Católica Andrés Bello, Letter sent in response to Press Release No. 269/19, The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region, 23 October 2019, Available at: Archive at the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1071</sup> The Universal, Basic food basket equals 9 minimum wages, June 15, 2019

<sup>1072</sup> See: Venezuelan Human Rights Education-Action Program (Provea), Report for Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) on the situation of social, economic and environmental rights in Venezuela, November 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region, October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. The information was obtained from the Workers' Documentation and Analysis Center (CENDA).

<sup>1073</sup> Ibid.

<sup>1074</sup> United Nations High Commissioner for Human Rights (OHCHR), Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, 4 July 2019.

<sup>1075</sup> Venezuelan Human Rights Education-Action Programme (Provea), Report for Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) on the situation of social, economic and environmental rights in Venezuela, November 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region, October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

put the unemployment rate at 6.8%, however, according to publications of the Central Bank of Venezuela show<sup>1076</sup> that the Venezuelan economy has declined 2.8 times since 2013. In addition, the International Monetary Fund (IMF) projects that it will have unemployment of 44.3% during 2019 and in 2020 at 47.9%.<sup>1077</sup> SRESCER therefore expresses its concern regarding these projections regarding the future unemployment rate for the State of Venezuela. Moreover, on 1 October 2019, the Ministry of Higher Education has reduced the payment of university staff from 4.75 to 1.33 minimum wages, which is \$11 for instructor/a I level on the ladder, and \$17 per month - according to data from the Central Bank of Venezuela - for a teacher with 15 years of teacher and multiple publications.<sup>1078</sup>

642. In this regard, the 171st Session of<sup>1079</sup> the IACHR held the hearing on freedom of association and labor rights in Venezuela, held on 14 February 2019 in Sucre Bolivia, in which the applicants expressed concern regarding violations of labor and trade union rights in the Venezuelan State. By way of illustration, they pointed out that the value of the minimum wage does not allow the livelihood of workers, workers, or their families, and also stated that the justice system is used to criminalize union leaders when they are critical of government policies.<sup>1080</sup> For its part, the State noted its effort to increase the minimum wage and ensured that they do not engage in the definition of the representation of workers.<sup>1081</sup> For their part, the IACHR and its SRESCER expressed particular concern about the situation of working women and lower minimum wage levels that cause a full exercise of the ESCERs of the population. For this reason, the fundamental nature of labor and trade union rights in the inter-American system and the importance of monitoring them to ensure their implementation in the State of Venezuela were highlighted.<sup>1082</sup>
643. Serious complaints have also been made during the February period by university students in the health sector and medical professionals about mass layoffs, use of force by police and military forces, inhuman enforcement and torture, and threats to their individuals and family members.<sup>1083</sup> SRESCER received information from 31 July to 10 July 2019 for persecution against the Venezuelan Association of University Rectors (AVREU) for political reasons. The Special Rapporteurship ESCER recalls the disclosure, on 2 August 2019, in the Official Gazette of the Bolivarian Republic of Venezuela No. 41648, dated July 3, 2019, in which agreement No. 0082 of May 30, 2019, is published, in which the National Council of Universities of the Ministry of the People's Power of University Education requested a criminal investigation against the Rectors of the National As Universities grouped in the Venezuelan Association of University Rectors statements made against the current government.<sup>1084</sup>
644. However, persecution towards AVERU is determined by demonstrations by university rectors to demand respect for human rights by the Venezuelan Government, to rescue the democratic

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<sup>1076</sup> Ibid.

<sup>1077</sup> International Monetary Fund (IMF), World Economic Outlook - April 2019, April 2019, p. 48.

<sup>1078</sup> Open Classroom, Preliminary Report; Violations of academic freedom, university autonomy and other rights of university students in Venezuela, received by the Special Rapporteur deSCA on 29 November 2019. File sent in response to Press Release No. 269/19, The IACHR's Special Rapporteur on Economic, Social, Cultural and Environmental Rights (DESCA) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region, 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1079</sup> IACHR, Annex to Press Release 38/19, IACHR culminates its 171st Session, Public Hearings held during the 171st Session, 20 February 2019; IACHR. 171 Session, Audience "Freedom of association and labour rights in Venezuela", February 14, 2019.

<sup>1080</sup> Ibid.

<sup>1081</sup> Ibid.

<sup>1082</sup> Ibid.

<sup>1083</sup> Open Classroom, Criminalization of protest against university students in the health sector who denounce the effects of The Venezuelan Complex Humanitarian Emergency, March 20, 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1084</sup> Open Classroom, Executive Summary: Persecution against the Venezuelan Association of Political Lycee Rectors, 10 July 2019; Digital Finance, Official Gazette No. 41.684: Summary, August 2, 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

institutionality of the country, and to denounce<sup>1085</sup>the military for the use of force and by committing acts against humanity against Protestants. In addition, civil society reports that university professors "cannot attend congresses, access up-to-date literature or subscribe to indicated identified journals ..., software or resources to undertake their field research, let alone experimental research" which has led to the migration of professors, academics and teachers to the States where they can carry out their<sup>1086</sup>research. Also, the State has created associative figures related to the national government to validate collective procurement processes with the exclusion of associations such as the Federation of University Workers of Venezuelans affecting the Federation of Associations of University Professors of Venezuela and other university groups.

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<sup>1085</sup> Open Classroom, Executive Summary: Persecution against the Venezuelan Association of Political Rectors, 10 July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1086</sup> Venezuelan Human Rights Education-Action Program (Provea), Report for Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) on the situation of social, economic and environmental rights in Venezuela, November 2019. File sent in response to Press Release No. 269/19, [The IACHR's Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCAs in the region](#), October 23, 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

### **CHAPTER III: TENDENCIES ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS IN LIGHT OF THE 2019 REPORT OF THE REESCOR**

645. The Inter-American System of Human Rights (hereinafter referred to as the "Inter-American System" or "IAHRS") has made gradual progress in the recognition and institutionalization of Economic, Social, Cultural and Environmental Rights (hereinafter referred to as "ESCER") in the Americas. In this regard, it is of enormous importance that both the OAS Charter and the American Declaration contain provisions involving ESCER obligations for Member States. Another major area of this is article 26 of the American Convention on Human Rights (hereinafter referred to as "CADH", "Convention" or "American Convention") on the Progressive Development of DeSCs, such as the subsequent adoption of the Protocol Additional to the American Convention on Economic, Social and Cultural Rights (hereinafter referred to as the "San Salvador Protocol").
646. With regard to institutionalization, it is worth highlighting within the IACHR, the implementation of its specialized mandate: THE SRESCER, the second Special Rapporteurship established by the Commission in its entire history and which is the IACHR's greatest commitment to carry out its hemispheric mandate for the promotion and protection of human rights in concordance to the principles of indivisibility and interdependence of all human rights in relation to all people living in America. Another exponent is the Working Group of the Protocol of San Salvador of the OAS, of which the Special Rapporteur is a part.
647. In view of the year's follow-up on the status of the components of the strategic agenda of SRESCER in the 35 Member States of the OAS, as well as the work carried out by the mandate on all the working mechanisms of the IACHR (system of petition and cases, monitoring, promotion and technical assistance), as well as enriched by the tasks carried out as a member of the San Salvador Protocol Working Group, this chapter takes into account the main trends and challenges identified at the regional level.
648. First, it is worth mentioning the persistence of poverty and inequality in the Americas, a structural problem that makes it sadly recognized as the most unequal region on the planet.<sup>1087</sup> Poverty and inequality that occur even in the most prosperous countries of the region, and especially in those of Latin America and the Caribbean. Both ECLAC and the Inter-American Development Bank (IDB), which measure inequality and poverty in the region, stated that, despite the fact that poverty statistics have remained in recent years, extreme poverty levels increased by worrying numbers.<sup>1088</sup>
649. Being diverse and complex the factors that are generating the deepening of poverty and inequality in America, the truth is that from a ESCER view, it is the most worrying than in one of the richest areas of the earth - both in natural goods, young people, cultural heritage or ethnic diversity - the great capitals concentrate on very few hands at the price of the sacrifice and suffering of millions of people living in poverty or extreme poverty. According to ECLAC, in 2017, the number of people living in poverty reached 184 million (30.2% of the population), of which 62 million were in extreme poverty (10.2% of the population, the highest percentage since 2008).<sup>1089</sup>
650. Inequality is well reflected in a 2018 OXFAM study, which indicates that in Latin America and the Caribbean alone: the richest 10% of the population concentrates 68% of total wealth, while the poorest 50% only access 3.5% of total wealth. According to the organization, the wealth of Latin

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<sup>1087</sup> The Diario.es: [Latin America, the most unequal region on the planet, July 17, 2019.](#)

<sup>1088</sup> Ibid.

<sup>1089</sup> ECLAC: Social Outlook 2018, February 2019.

American billionaires grew by \$155 billion last year, that amount of wealth would be sufficient to end almost 2 times all monetary poverty for a year in the region; 16% of salaried workers and 28% of self-employed workers are in poverty.<sup>1090</sup>

651. In this regard, SRESCER takes note of the statements made during 2019 by some of the richest people in the United States, calling for more taxes. For example, Marc Benioff (according to Forbes, 93 of America's 400 richest people), stated: "increasing taxes on high-income individuals like myself would generate the trillions of dollars that we desperately need to improve education and care and fight climate change."<sup>1091</sup> Along with saluting this awareness of those with large fortunes, SRESCER's mandate underscores the central urgency and responsibility of OAS States to advance the adoption of rights-focused fiscal policies.
652. To this end, the IACHR's "Poverty and Human Rights" report provides clear guidelines according to it, poverty and extreme poverty cannot be confronted and eradicated without a broad framework of redistributive policies that reduce the extreme levels of socio-economic inequality that characterize the region. While the growth of the economy plays a key role in poverty reduction, it is in itself insufficient to achieve its eradication and to generate the structural changes to reduce inequality. Furthermore, taking into account the obligation of States to use the resources available to progressively carry out CSRs, it is not possible to analyze the efforts of States to eliminate poverty without taking into account their fiscal policy, understood as the policy of collecting and allocating public resources.<sup>1092</sup>
653. Another major ill affecting the availability of resources for the realization of ESCER, such as human rights in general, is corruption. In this regard, SRESCER notes the absence and need to have quantitative data at national and regional level that give light on the amount of resources lacking from national budgets as a result of acts of corruption in the management of public accounts and, therefore, not contributing to the realization of ESCER but to fill the pockets of individuals who, by committing such acts, are harming society as a whole and, in particular, in the fight against poverty and inequality. That is why in Resolution 1/18 of the IACHR the mandate was especially active in promoting a vision from the ESCER in relation to corruption and human rights, as reflected in its report "Business and Human Rights: Inter-American Standards", contributing in equal sense to the work of the report on corruption and human rights that the IACHR is preparing.
654. On the other hand, the continent faces increasing challenges in relation to environmental protection, in particular because of the high levels of pollution and natural tragedies recorded in the generality of OAS States, as well as the effects of climate change, which has an increasing impact on the human rights of America's most violated populations, as well as on the destruction of the ecosystems of their territories. The 2019 has been a year of great damage to nature in the region, as well as serious attacks on environmental defenders. On the positive side, we have seen the consolidation of a vibrant and growing environmental movement increasingly widespread between youth, regional and global, with a strong prominence of girls and women<sup>1093</sup>. The indivisibility of human rights and their protection must therefore be increasingly rooted in the interdependence that exists between human livelihoods - including future generations - and that of the planet itself. It's time to understand that "There is no planet B" or, therefore, America B.<sup>1094</sup>
655. Faced with a similar scenario, SRESCER notes that instead of betting on fiscal policies with a focus on rights and environmental protection, there is an alarming trend among the states of the region,

<sup>1090</sup> OXFAM, Reward work not wealth, 2018.

<sup>1091</sup> Forbes: [These Billionaires Want The Ultra-Wealthy To Pay More In Taxes](#), October 15, 2019.

<sup>1092</sup> Ibid., 495.

<sup>1093</sup> Efe: *Young women lead climate fight in Latin America*. October 11, 2019.

<sup>1094</sup> The Independent, ["There is no Planet B": the cry that travels the world to save it](#), 20 September 2019.



to turn to austerity measures without effective citizen engagement and consultation processes, as well as adequate assessments of the impact such measures will have on the rights of the population, especially those sectors that are most vulnerable, such as people living in poverty and other historically discriminated groups, such as women, LGBTI populations, indigenous peoples, children and adolescents, older adults, people with disabilities, among others.

656. In these contexts, it is certainly understandable that the citizens of States react and express their unease, as we have seen in several of the countries in the region during 2019. What is neither justifiable nor respectful of human rights is that, in the face of peaceful citizen protests and rights-based grievances, states respond with repression rather than social dialogue, which has also been a sad pattern during the year.

657. Some of the specific trends observed in the region during 2019 are then set out from the perspective of the SRESCER mandate.

#### A. Social demonstrations and ESCER in Latin America

658. SRESCER notes the development of mass protests in different countries around the world, which various international media report: "From East Asia to Latin America, from northern Europe to the Middle East".<sup>1095</sup> While the protests appear as reactions of discontent triggered by relatively specific facts, they have much deeper roots, which could well be summed up in: "years of growing frustration with environmental inaction, economic hardship, mismanagement, corruption or government repression."<sup>1096</sup> In the days of new technologies, social protests are articulated in popular movements of millions of people around the world eager to express their discontent by participating in anti-government protests that take to the streets of numerous cities.<sup>1097</sup>

659. In Latin America, the most recent protests occurred in countries such as Ecuador, Bolivia, Colombia, Chile or Haiti, with various immediate causes to which they tend to underlie structural causes that also favor citizen unrest. These would include the lag of economic growth in the region with the associated inflation, as well as the lack of prioritization of social policies that seek to end poverty and improve the living conditions of those who have the least or austerity measures in response to economic crises, sometimes taken in the framework of negotiations and agreements concluded to obtain credits from international financial institutions, especially from the International Monetary Fund (IMF).

660. Overall, social discontent over the region persists over high economic inequality, which in 2019, according to Oxfam's "The Calculator for Inequality" platform, assumes that 10% of the richest population accounts for 71% of wealth in Latin America.<sup>1098</sup> This explains quite a bit that social manifestations in general are related to ESCER claims and that they are driven mostly by the sectors most affected by inequality, unemployment or regressive economic measures (such as women, students and workers) among whom deserve special mention the indigenous claims that have been visualized in the Latin American protests.<sup>1099</sup>

661. From the academy perspective, some sociological traits common to demonstrations have begun to be identified in 2019, which from the perspective of the mandate is worth considering. Thus, the following have been noted: "They take place in capital cities regularly; They show a strong generational presence; They seem to erupt with a spark that ignites the meadow; Demonstrations are self-convened, communicated and organized through social networks; They have no leaders

<sup>1095</sup> The Guardian, [This wave of global protest in being led by the children of the financial crash](#), 29 October 2019.

<sup>1096</sup> The Washington Post, [The numbers that help explain why protests are rocking countries around the world](#), 23 October 2019.

<sup>1097</sup> International Affairs, [Everything you need to know about the global protest wave](#), 31 October 2019.

<sup>1098</sup> OXFAM, [Inequality Calculator](#), 2019.

<sup>1099</sup> Sputnik World, [The causes behind the massive protests that shock South America](#), 31 October 2019.

or spokespersons or a precise vindictive platform. They express varied claims in the face of multiple malaise. They are continuously self-displayed through images in the media and on social media and not just because of their physical presence on the streets. His messages on banners, canvases, walls and slogans represent a diversity of claims, displeasures, angers, and desires that mobilize demonstrators. They cultivate a hybrid aesthetic between aggressive, humorous, promptly, ironic, insulting, festive, bodily and sensual; in a word, a Rabelaisian aesthetic; They are usually accompanied by, or end up in, explosions of violence. They partially unfold in peaceful conditions but often the protesters themselves are confronted with police forces and are repressed with varying degrees of intensity, leading to human violations. In addition, as a result of such situations of violence, there is collateral damage to individuals, public property and private property. The protests attract an unusual and ambiguous attention from traditional media, in particular TV, which is fascinated by demonstrations, justifies them in general with a favorable tone (*vox populi, vox dei*), but, at the same time, repetitively exhibits its most violent face".<sup>1100</sup>

662. As far as the Special Rapporteur has been observing since its hemispheric mandate of the IACHR based on the promotion and protection of the ESCER in America, the demonstrations are generally expressing systemic dissatisfaction and deeply anchored in the lack of access and enjoyment of ESCERs by vast sectors of the population, thus seeking to denounce social gaps, such as multiple discriminations and inequity in the distribution of the wealth and resources of the States in which they live.

663. Recognizing the existence of sectors that seek to use peaceful citizen environments to generate scenarios of violence or vandalism, acts that are totally condemnable<sup>1101</sup> and that harm society as a whole, from the Special Rapporteur ESCER we call on the governments of the region to listen carefully to the voices and claims citizens seeking to turn the current scenarios of protest and dissatisfaction into genuine social dialogues that, in the region contribute to the improvement of the living conditions of their peoples and strengthen democratic systems.

664. Finally, the IACHR and its SRESCER's call to States "should be reiterated so that when they intend to take austerity measures or economic reforms that may affect access and enjoyment to ESCER, it is ensured that citizens and especially the groups that are most vulnerable are adequately informed and consulted, forming part of decision-making processes. Similarly, such measures or reforms should be based on human rights impact analyses, taking into account the obligations governing OAS Member States".<sup>1102</sup>

## B. Economic, social, cultural and environmental rights

665. The 2019 report of the SRESCER has sought to pay particular attention to the right to education, taking into account its fundamental importance as "intrinsic human right and an indispensable means of realizing other human rights".<sup>1103</sup> This is a right of particular concern for the mandate, both for the challenges of the present and for the challenges to come within the new world that we begin to experience by the hand of the so-called "4a. Industrial Revolution" or "Industry 4.0".

666. Thus, in 2019 from the World Commission for the Future of Work, lifelong learning began to be called for, understood as: "Lifelong learning encompasses formal and informal learning from

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<sup>1100</sup> The Libero, [José Joaquín Brunner: Chilean protest in global context](#), 06 November 2019

<sup>1101</sup> By way of illustration, the DeSCA Special Rapporteur had knowledge of the protests in Chile and Ecuador, both social outbursts were born following specific decisions by the Lenin Moreno-led government in Ecuador and Sebastián Piñera in Chile that led to a immediate reaction from civil society, destruction of local and public services to supermarkets, loss of millions of clashes between police and protesters have been part of this demonstration, however there were mainly ones that are still in development. See, for example, BBC, [Protests in Chile and Ecuador: How are the latest social upheaves in these two countries alike and difference.](#), 22 October 2019.

<sup>1102</sup> IACHR: 20 November 2019, IACHR culminates its 174th Session.

<sup>1103</sup> CDESC, General Comment 13 (21st Session, 1999) The Right to Education (Article 13 of the Covenant), para. 1.

early childhood and basic education, as well as all adult learning, and combines basic, social and cognitive competencies (such as learning to learn), as well as the skills needed for specific jobs, occupations or sectors."<sup>1104</sup>

667. On the other hand, there has been an increase in the anxiety levels of students who require assistance to treat mental illnesses such as depression, self-harm and attempted suicide caused by entrance exams. For example, according to experts, admissions exams in the Caribbean region allow students to access better quality educational institutions by obtaining the best results by causing a medical<sup>1105</sup> picture of stress and anxiety in 11-year-old students.
668. In general, according to studies carried out by the Economic Commission for Latin America and the Caribbean (ECLAC) social gaps persist to provide universal educational coverage in the region, causing it to be unprepared for technological challenges and increase obstacles in the transition from the education system to entering the labor market <sup>1106</sup> SRESCER calls on OAS States to invest more and better in education as one of the most pressing needs in terms of human rights, as well as human and social development for the continent.
669. Furthermore, one of the most troubling issues for the SRESCER in 2019 was to do with violations of academic freedom. Thus, during the hearing on allegations of restrictions and retaliation against academic freedom and university autonomy in the region, held on 15 February 2019 in Bolivia, during the 171st Session of the IACHR,<sup>1107</sup> the Commission and its SRESCER received information on attacks on the academic community and reprisals against demonstrations in academic sectors resulting in arbitrary detention, criminalization of protest, and murder of professionals and students. Such acts of violence are affecting the right to education, as well as the freedom of cathedra, thought and expression towards protesters in the academic sector.<sup>1108</sup>
670. The Commission and its SRESCER have therefore emphasized the importance of the role of universities as centers of critical and academic thinking for the strengthening of democracy. It should also be emphasized, with the ESCR Committee, that "the right to education can only be enjoyed if it is accompanied by the academic freedom of the faculty and students. (...) According to the experience of the Committee, faculty and higher education students are particularly vulnerable to political and other pressures that endanger academic freedom, with the following observations paying particular attention to institutions of higher education, but the Committee wishes to emphasize that faculty and students throughout the education sector have the right to academic freedom and many of the following observations are therefore of general application."<sup>1109</sup>
671. In 2019, SRESCER also notes that an important international standards document on the right to education was laying the light. These are the "Abidjan Principles on the Right to Education and Private Actors", adopted after three years of consultation, documentation and drafting.<sup>1110</sup> These principles were designed and signed individually by renowned human rights experts<sup>1111</sup>, who

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<sup>1104</sup> ILO, Work for a more promising future. World Commission on the Future of Work. 2019, p.30.

<sup>1105</sup> Global Voices, [Will Barbados be the first Caribbean nation to abolish the secondary school entrance exam?](#), June 26, 2019.

<sup>1106</sup> Economic Commission for Latin America and the Caribbean (ECLAC), [Social Panorama of Latin America, 2018](#), LC/PUB.2019/3, 2019, p. 26

<sup>1107</sup> Iachr. 171 Session. Audience "[Reports of restrictions and retaliation against academic freedom and university autonomy in the Region](#), February 15, 2019.

<sup>1108</sup> Iachr. 171 Period of Sessions. Audience "[Reports of restrictions and retaliation against academic freedom and university autonomy in the Region](#), February 15, 2019.

<sup>1109</sup> CDESC, General Comment 13 (21st Session, 1999) The Right to Education (Article 13 of the Covenant), para. 1.

<sup>1110</sup> The Abidjan Principles, [Guiding Principles on the human rights obligation of States to provide public education and to regulate private involvement in education](#), 13 February 2019.

<sup>1111</sup> It is worth noting that Soledad García Muñoz, REDESCA, is one of the signatories of this document, with whose elaboration she has contributed by contributing her inter-American vision.

identified and compiled States' existing obligations under international human rights law to provide quality education and regulate private participation in education. In this regard, such a document provides crucial guidance to governments, education providers, human rights professionals, academia and other stakeholders, to the generation of rights-focused education policies.

672. On the other hand, the right to health is one of the most worrying for the mandate of SRESCER, having found profound shortcomings and violations of it in many States of the region, which has made it one of the priorities of the mandate despite not is a right originally mentioned in the IACHR's Strategic Plan that was the main basis of the mandate's own strategic agenda.
673. For the Special Rapporteurship, the right to health is at serious risk for millions of people in the Americas, which is particularly serious in the case of Venezuela and other states like Nicaragua or Haiti, that are going through serious human rights crises, as well as for the particularly vulnerable groups, such as women, children, indigenous peoples, Afro-descendants, LGBTI populations, elderly or disabled people.
674. In 2019, the right to health in America has been affected by the development of preventable and epidemiological diseases such as dengue, Zika, chikungunya, measles and the lack of treatment and infrastructure of health centers to meet the national demand for basic medical care. By way of illustration, according to figures from the Pan American Health Organization (PAHO) and the World Health Organization (WHO), 2,733,635 cases of dengue fever have been identified, including 1,206 deaths, with increased presence in Brazil (2,069,502 cases), Nicaragua (142,740 cases), Mexico (181,625 cases) and Colombia (101,129 cases).<sup>1112</sup>
675. In addition, there have been 11,487 confirmed cases of measles, particularly in Brazil (9,304 cases), the United States (1,250 cases), Venezuela (520 cases), Colombia (212 cases), Canada (112 cases), the highest number of cases has been filed in 2019.<sup>1113</sup> SRESCER recognizes the efforts made by states in the Americas to develop measures to reduce the high numbers recorded this year of preventable and epidemiological diseases detected, while calling for further efforts through comprehensive public health policies with a focus on rights, gender equality and intersectionality.
676. A high rate of pregnancies in adolescent women, aged 15 to 19, persists in the region in relation to sexual and reproductive health services. According to figures from the United Nations Population Fund, in 2018, the rate of adolescent pregnancies, in the above-mentioned age range, is 66.5 adolescents per 1,000 women, who do not all have the assistance of health professionals in performing the birthing procedure<sup>1114</sup>. WHO defines sexual health as "a state of physical, mental and social well-being in relation to sexuality. It requires a positive and respectful approach to sexuality and sexual relations, as well as the possibility of having pleasurable and safe sexual experiences, free from all coercion, discrimination and violence".<sup>1115</sup> However, measures persist by States that prevent access to medical and educational services so that children, adolescents and women can exercise their sexual rights and reproductive rights, which affects the enjoyment of their right to health, as well as other human rights because of their interdependence and indivisibility.
677. In addition, SRESCER is concerned about the current situation with regard to the right to food, having received information indicating an increase of 39.1 million, reported in 2015, to 42.5

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<sup>1112</sup> OPS/OMS, [Dengue Epidemiological Update](#), 11 November 2019.

<sup>1113</sup> OPS/OMS, [Epidemiological Update Measles](#), November 1, 2019

<sup>1114</sup> United Nations Population Fund (UNFPA), [Latin America and the Caribbean Have the Second Highest Rate of Teen Pregnancy in the World](#), 28 February 2018.

<sup>1115</sup> WHO [Sexual health](#), 2019.

million people in 2018 who are suffering from hunger in the region<sup>1116</sup>. Of the reported population there is a particular vulnerability of children and adolescents, women and older adults, as hunger is slowly increasing reaching a total of 7% of the population and 188 million people suffer from food insecurity; similarly, overweight and obesity have increased, as have undernourishment in several states in the region.<sup>1117</sup> In recent years, there has been an increase in the prevalence of overweight and obesity in children and adults, leading to an increase in the rates of risks to the health of the population<sup>1118</sup>. This is evidenced that it doubled in the region between 1975 and 2016, while obesity tripled, with growth of 7% to 24%.<sup>1119</sup> These events have been the result of the increase in nutritious foodstuffs, while foods with high rates of sugars and fats are the cheapest and most accessible to the population; similarly, there is an increase in tension and concern in households caused by uncertainty in accessing food.<sup>1120</sup>

678. The SRESCER notes that one of the main problems in Latin America is that the wages of most of the population are not sufficient to cover the usual expenses including food, such as health services, education and others. In the case of renting, the highest value would be in Chile, followed by Peru and Mexico, and Buenos Aires being the city with the most expensive square feet in Latin America<sup>1121</sup>. In the case of transportation, the price of the subway in Santiago is similar to the case of Hong Kong and higher than that of Moscow, and in the average price of transport in Latin America being the cities of Rio de Janeiro and Sao Paulo the most expensive.<sup>1122</sup> In addition, in relation to electricity service, Uruguay has the city with the highest price followed by Brazil and Chile, and in the case of the cost of water among the most expensive are El Salvador, Brazil, Colombia and Chile. Finally, with regard to the price of gasoline which is one of the most complex topics since it is in direct relation to others, among the most expensive would be those of Dominican Republic, Uruguay, Chile.<sup>1123</sup>

679. Similarly, high levels of informality in labor markets continue, leading to a lack of social security and health coverage, indefinite working hours, wage uncertainty, and working conditions that do not meet international standards. The social gap that hinders women's participation in the labor market by increasing informality rates and affecting the full enjoyment of their human rights by not accessing well-paid jobs under appropriate conditions<sup>1124</sup>. As an illustration, during the hearing on the human rights situation of domestic workers in the region, held on 15 February 2019 in Bolivia, during the 171st Session of the IACHR,<sup>1125</sup> the Commission and SRESCER received information that there are 19 million women engaged in domestic work in Latin America and, for the most part, present situations of violence and forms of discrimination positioning them in situations of vulnerability. In addition, representatives of the organizations mentioned institutional and legal weakness to ensure the effectiveness of social protection programs by

<sup>1116</sup> Global Network for the Right to Food and Nutrition, State of Right to Food and Nutrition Report, Executive summary, 2019. File sent in response to Press Release No. 269/19, [The IACHR Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(DESCA\) calls on civil society, academia and other stakeholders to send information on the situation of DESCA in the region](#), 23 October 2019. Available in: Archive in the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1117</sup> The Food and Agriculture Organization of the United Nations (FAO), International Fund for Agricultural Development (IFDA), WHO, World Food Programme (WFP), United Nations Children's Fund (UNICEF) [The state of food security and nutrition in the world 2019. Protect yourself from slowing down and weakening the economy](#), 2019.

<sup>1118</sup> FAO, FIDA, OMS, PMA, UNICEF, [The state of food security and nutrition in the world 2019. Protect yourself from slowing down and weakening the economy](#), 2019.

<sup>1119</sup> Ibid.

<sup>1120</sup> Ibid.

<sup>1121</sup> BBC News, [Protests in Chile: What is the cost of living in this country compared to other Latin American nations](#), October 23, 2019.

<sup>1122</sup> Ibid.

<sup>1123</sup> Ibid.

<sup>1124</sup> Eclac [The matrix of social inequality in Latin America](#), October 2016, 635

<sup>1125</sup> IACHR, 171 Session, Audience "[Human rights situation of domestic workers in the Region](#)", February 15, 2019.

ensuring working conditions such as the right to maternity leave, access to health services, education, housing and the right to retirement.<sup>1126</sup>

680. In July 2019, this ESCER Rapporteurship had contact with the document "Protecting the Human Rights of Recyclers in Latin America". This document aims to show the project of *Women in Informal Employment: Globalizing and Organizing* (WIEGO) on the human rights situation of recyclers in Latin America, which documented the general situation and human rights violations that these workers (who generally do so in the informal sphere) systematically address<sup>1127</sup>. The project was focused on 6 Latin American countries: Mexico, Uruguay, Argentina, Dominican Republic, Guatemala and Nicaragua.

### C. Environment and effects of climate change

681. Since the development of SRESCER, one of its priorities has been the constant monitoring and visibility of the relationship between the right to the healthy and ecologically balanced environment with all ESCERs and the generality of human rights, especially the impact of climate change on the continent's population and the aggressions suffered by environmental defenders. During 2019, SRESCER has managed to develop a specific roadmap and project for the effective implementation of its strategic agenda, starting a support-raising campaign to promote a major regional initiative to address the impact of climate change on human rights.

682. Deforestation, the reduction of the forest layer by forest fires or monocultures, the expansion of extractive industries, the lack of control of risk activities and corruption are just some of the facts that have been constant in what is environmental and nature concerns in the region during 2019. In the face of this bleak picture, it should be reiterated that in Latin America there are some countries, such as Brazil, Colombia, Ecuador, Mexico and Peru, that concentrate the greatest biodiversity on the planet.<sup>1128</sup>

683. During 2019, several fires and flagella estates have been recorded in areas as inhospitable as Alaska, where a little more than 1 million hectares have been lost to wildfires.<sup>1129</sup> Likewise, fire recorded in the Amazon and other countries in the region (specifically in Brazil, Paraguay and Bolivia)<sup>1130</sup> have triggered the alarms of the international community, especially after organizations such as the Institute of Environmental Research of the Amazon (IPAM), noted that the number of heat hotspots recorded in the Amazon is already 60% higher than in the last three years and that peak is related to deforestation and not to a stronger drought as could be assumed.<sup>1131</sup>

684. Similarly, the Commission and its SRESCER have received information on violations of the environmental rights of indigenous peoples, particularly those located in the Panamazonía, since they are affected by the loss of territory and the forced displacement of the various groups and communities,<sup>1132</sup> as well as the serious risk to which the uncontacted and in voluntary isolation peoples are exposed. Considering the most recent developments that have been evident regarding the Amazon area in the region in environmental aspects, the measures that are (or not)

<sup>1126</sup> IACHR, 171 Session, Audience "[Human rights situation of domestic workers in the Region](#)", February 15, 2019.

<sup>1127</sup> WIEGO, Executive Summary "Protecting the Human Rights of Recyclers in Latin America", Preparatory Document for hearing before the Inter-American Commission on Human Rights, July 2019. Available at: Archive of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>1128</sup> Latina Ansa: Latin America, leader in biodiversity, 4 November 2019. Sputnik World, [How much biodiversity is there in Latin America? You might be surprised!](#) May 22, 2019.

<sup>1129</sup> Time, [About 2.5 Million Acres in Alaska Have Burned. The State's Wildfire Seasons Are Getting Worse](#), Experts Say, August 21, 2019.

<sup>1130</sup> The Economist, [The Amazon is approaching an irreversible tipping point](#), August 1, 2019.

<sup>1131</sup> Amazonia Institute of Environmental Research, [Deforestation – not the dry season – responsible for Amazon burning in 2019](#), 23 August 2019.

<sup>1132</sup> IACHR, Press Release No. 215/19, [IACHR and its REDESCA express deep concern about deforestation and burning in the Amazon](#), September 3, 2019.

the member countries of the Amazon basin are taking are particularly important. In turn, it turns out to be a crucial issue because of how the effects of climate change on the enjoyment and enjoyment of human rights are evidenced first-hand, a phenomenon in which advanced deforestation, the extension of the agricultural border, the focus on the economic extractives model as the main development bet also influences.<sup>1133</sup>

685. However, in response to this challenge in the region to further strengthen environmental and nature protection, more than 16 countries have been signed by the Regional Agreement on Access to Information, Public Participation and Justice in environmental matters, also known as the Escazú Agreement.<sup>1134</sup> Until August 2019, Guyana has been the only State to ratify this instrument; however by the week of September 26, 2019, Jamaica and St. Kitts and Nevis signed the document, which was ratified by Bolivia, Jamaica, St. Kitts and Nevis, Uruguay, and St. Vincent and the Grenadines.<sup>1135</sup> Colombia also announced its signing in December.<sup>1136</sup> While this shows that there is a regional concern to improve institutionally in the environment and human rights, urgent issues remain for the region, such as the effective protection of environmental defenders, land and territory, since the Latin American region was already alerted last year as the most dangerous to pursue such an activity.<sup>1137</sup>
686. The special Rapporteur ESCER highlights the development of the United Nations Climate Action Summit, held in New York City in September, which sought to prioritize environmental protection through measures that may limit climate change, and effective protection programs.<sup>1138</sup> This summit has a cross-cutting participation of both states, economic, business and civil society financial leaders, highlighting the participation of children and adolescent and young people. In line, we witnessed a social pronouncement on the importance of the environment through mobilizations around the world, led by environmental activists, including the young Swedish girl Greta Thunberg, calling on the global and regional leadership to increase the commitment to protecting the present and the future of our planet.
687. It also highlighted in 2019, the realization of the United Nations Framework Convention on Climate Change (UNFCCC), which establishes a general framework<sup>1139</sup> for States to address the effects and challenges of climate change, COP25 in Chile would be held later this year and due to the social situation in Chile, it changed its headquarters to Madrid, Spain, also under the<sup>1140</sup> Chilean presidency. SRESCER participated in both instances, attending discussions and taking part in numerous events and meetings with States and regional civil society, as well as from around the world, in the aim of bringing the standards of the inter-American system closer together and generating an increasingly sound roadmap for the Action of the IACHR and the mandate in defense of the right to the environment, as in particular to the issue of the impacts of climate change on human rights in America.
688. In this regard, it should be emphasized that the Commission, within its 173rd Session of the IACHR, held in Washington, D.C., United States of America, one of the main themes that marked the tonic of that period were facts related to environment and human rights. In this order of ideas, it is important to highlight the holding of the audience on climate change and ESCER of women, children and adolescents, indigenous peoples and rural communities, in which the requesting

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<sup>1133</sup> Ibid.

<sup>1134</sup> Economic Commission for Latin America Caribbean (ECLAC), [Countries call for early ratification of the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters](#), 25 April 2019.

<sup>1135</sup> Eclac [In key week for sustainable development at the UN, Latin American and Caribbean authorities sign and ratify the Escazu Agreement](#), 26 September 2019.

<sup>1136</sup> Time, [Colombia to sign agreement to protect environmental leaders](#), 9 December 2019.

<sup>1137</sup> Deutsche Welle (DW), [Global Witness: 164 environmental advocates were killed in 2018](#), 20 July 2019.

<sup>1138</sup> Un [UN Climate Action Summit](#), 2019.

<sup>1139</sup> Eclac, [United Nations Framework Convention on Climate Change](#), 2019

<sup>1140</sup> COP25 Chile, [Official Communiqué COP 25 Chile](#), October 30, 2019.

organizations underlined the seriousness of the climate crisis, reflected in droughts, floods, hurricanes and various extreme weather events, which generate human rights impacts and could multiply exponentially if mitigation, remediation and adaptation measures are not taken with a human rights approach.<sup>1141</sup>

689. It was also emphasized that the use of fossil fuels, extractive or exploitation activities and deforestation are the main causes of this crisis, compromising the possibility of living and enjoying rights of future generations with disproportionate effects on vulnerable populations.<sup>1142</sup> The organizations underlined the responsibility of companies and the obligations of States in relation to the actions they must take to reduce the effects of climate change<sup>1143</sup>. For its part, the IACHR and its SRESCER underlined the importance of this historical audience, and of the utmost urgency to address the issue in its agenda and mandate, called for comprehensive and joint work with civil society, and the Special Rapporteur stresses that it is necessary to emphasize citizen initiatives and access to information, for example, through citizen consultations, as well as to make the role and responsibility of companies relevant directly and internationally.<sup>1144</sup>
690. On the other hand, it is worrying that the continent's generality prevails an understanding of development based on economies that promote a fundamentally extractive model, rather than sustainable human and environmental development alternatives, generating even narratives to support this model that accuse those who defend the environment, land and territories of being "anti-development" and even "criminals" or "terrorists".<sup>1145</sup>
691. As positive developments, SRESCER is aware of some major developments and programs in Latin America such as a commitment to reduce emissions from decarbonization and transition to renewable energy such as Chile, Costa Rica, Peru, Honduras, Guatemala, Dominican Republic or Colombia.<sup>1146</sup> Also, the adoption by many States in the region, especially in the Caribbean, of legislation or measures aimed at controlling or prohibiting the use of plastics.
692. In addition, there is an incipient but progressive citizen participation in environmental defense actions,<sup>1147</sup> such as in the generation of measures to mitigate climate change. Democratic and participatory societies need more and more people who engage and interact with each other, who intervene in public decision-making, generate constructive dialogues, planning public action in a transparent and collaborative way. This is reflected in the Escazu Agreement, which aims to ensure the inclusion of citizens to access to environmental information and participation in public policies, in addition to the environmental democracy index, it is noted that the countries of the region have a score that reflects adequate legal frameworks to defend environmental issues<sup>1148</sup>

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<sup>1141</sup> IACHR, 173 Session, Audience "[Climate change and DESCA of women, children, indigenous peoples and rural communities](#)", 25 September 2019.

<sup>1142</sup> IACHR, 173 Session, Audience "[Climate change and DESCA of women, children, indigenous peoples and rural communities](#)", 25 September 2019.

<sup>1143</sup> IACHR, 173 Session, Audience "[Climate change and DESCA of women, children, indigenous peoples and rural communities](#)", 25 September 2019.

<sup>1144</sup> IACHR, 173 Session, Audience "[Climate change and DESCA of women, children, indigenous peoples and rural communities](#)", 25 September 2019.

<sup>1145</sup> IACHR, 173 Session, Audience "[Misuse of criminal justice systems to retaliate against environmental human rights defenders](#)", September 25, 2019

<sup>1146</sup> Un [Latin America and the World's Commitments at the Climate Action Summit](#), 23 September 2019.

<sup>1147</sup> Eclac [Citizen Participation: Environmental case analysis](#), visited October 25, 2019

<sup>1148</sup> Eclac [Environmental Democracy Index](#), September 15, 2015



693. Some of the examples in this area, is the case of the mandatory public consultation for the review of plans for the management of protected natural areas in Argentina.<sup>1149</sup> <sup>1150</sup> Likewise, the case of Chile, through the EIP, (Environmental Impact Assessment System), which establishes mechanisms for community participation in the qualification processes of Environmental Impact Studies,<sup>1151</sup> regulated by Law No. 19.300, and the regulation of the ETIAS Decree 40/2013.<sup>1152</sup> Also, the empowerment of civil organization such as the Union of Citizens' Assemblies (UAC), which aims to defend the environment and health.<sup>1153</sup> In addition, the OAS has made progress in this area such as the design of the Model Law on Access to Information, which aims to promote and protect access to public information in law, and especially in environmental matters.<sup>1154</sup>
694. Finally, in line with the United Nations Environment Program (UNEP), the Special Rapporteur notes that government policies and programs must go hand in hand with technological innovation and the mobilization of more funds, stressing that the responsibility of the planet does not fall exclusively on the political class, including consumers and companies with efficient use of resources or the reduction and better management of waste.<sup>1155</sup>
695. Finally, as it did during its intervention before the COP25 plenary on behalf of the plenary, as well as the IACHR and the OAS, SRESCER calls for the early ratification of the Escazu Agreement by all those States that have not yet done so. It also urges the OAS States to continue to implement inter-American standards in this area, in particular those derived from Consultative Opinion No. 23 of the Inter-American Court of Human Rights, as well as to the work of the IACHR and its mandate specializes in environmental rights.

#### D. Business and Human Rights

696. One of the priority themes of the mandate of SRESCER is that of Business and Human Rights, highlighting since its foundation the efforts made for the preparation of the report, "Business and Human Rights: Inter-American Standards" concluded with the approval of the IACHR during 2019.
697. This report, which will be published in early 2020, gives an account of the constant monitoring carried out on SRESCER since the founding of the mandate and is the main and most current source of standards in the field of the inter-American system, based on the identification of the international human rights obligations in cases where companies are in some way involved with the realization or violation of those rights.
698. In this sense, in addition to systematizing and gathering various pronouncements that have been given within the inter-American system in relation to the subject, it also provides a systematic

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<sup>1149</sup> See: Online Missions, [The Public Consultation is mandatory for the review of management plans for Protected Natural Areas](#), November 2, 2014. "T'Guaraní communities and the future ecotourism project of Mocona SA, within the framework of the agreement of the Private Public Multicultural Alliance of Lot 8 of the Yabotí Biosphere Reserve, in San Pedro. This agreement achieved a historic recognition of the restitution of some 4,000 hectares of land for three Mbya Guaraní communities of Lot 8 (Tekoa Yma, Kapi'i Ivate and Itao Miri)".

<sup>1150</sup> See: Ministry of Justice and Human Rights Presidency of the Nation", [The importance of citizen participation in environmental protection](#), 04 May 2018. "Among the Mechanisms are: Popular Initiative, Popular Consultation, and from Law 25.675, The General Law on the Environment, citizen participation is not an option for the authorities but an obligation expressly contemplated by law.

<sup>1151</sup> Some of the Mechanisms are: Public Account Citizen Consultations, Advisory Council, Consultation of Indigenous Peoples, Environmental Survey.

<sup>1152</sup> Ministry of the Environment, [Citizen Participation](#), 2019.

<sup>1153</sup> Union of Assemblies of Communities, [33rd UAC Meeting of the Union of Assemblies of Communities, So far no more, +Tucumán](#), 25 September 2019.

<sup>1154</sup> OEA, [Inter-American Model Law "Model Law on Access to Information"](#), 2019.

<sup>1155</sup> El País, [50 measures to stop pollution](#), 17 November 2017.

and evolutionary analysis that seeks to clarify, organize and develop such duties and the effects that can be generated on companies in their compliance from the inter-American legal experience.

699. In this context, aware of the high expectations and usefulness that the Report is called to have for the region and contribute to discussions at the global level, SRESCER considers it important to recall Resolution 2887 adopted by the OAS General Assembly in June 2016, by which the IACHR was requested to "conduct a study on inter-American standards in the field of business and human rights based on an analysis of the conventions, jurisprudence and reports emanating from the inter-American system", in order to serve input and parameter for the efforts made by Member States in various national and international initiatives in this area.
700. In this context, the IACHR instructed this Special Rapporteur to carry out this study and to develop standards on "Enterprises and Human Rights" under the inter-American context through the preparation of a thematic report. The NETWORK of the IACHR, in compliance with the commission received from the IACHR, carried out a set of activities leading to the preparation of this Report, ensuring that a process of broad level of dialogue and multi-stakeholder collaboration was maintained.
701. Thus, in order to collect information and encourage participation by a wide range of actors from the region, SRESCER has organized or participated in workshops, events, working meetings, public hearings, open questionnaires, as well as consultations experts. These activities have involved representatives of autonomous States and public bodies, civil society organizations, representatives of academia or the business sector, among other stakeholders.
702. In 2019 it should be noted that, within the framework of the 172nd Session of the IACHR, the "Business and Human Rights in the Americas" hearing was held, in which a debate on due diligence on human rights by companies was opened, so that civil society presented to the Commission case studies on remediation of human rights violations caused by companies in the region, as noted by measures that can positively impact access to effective remedies by affected communities acts of such undertakings.<sup>1156</sup>
703. It should be noted that both the IACHR and its SRESCER, through the various mechanisms of the Commission, have received constant information on the performance of States' human rights obligations in the light of business activities and operations of different nature, as well as various industrial or productive sectors. Such information has reflected different situations: either a more direct intervention or some form of complicity or omission in the international duties of the State; effects at the local or transnational level; framed in current events or related to armed conflicts and repressive contexts of the past; and on all human rights and populations in situations of vulnerability. The inter-American human rights system has not been alien to these situations and its bodies have repeatedly recognized that under certain cases international state responsibility can be generated in relation to acts committed by companies that have involved affecting human rights.
704. To this end, it is essential to reiterate that in recent years the international community has been discussing the treatment of the growing role of national and transnational companies in the realization of human rights and States' obligations to prevent and respond to such problems. In this context, the United Nations Guiding Principles on Business and Human Rights have been consolidated as a minimum baseline for global governance in this area. With such a premise, rather than considering them as isolated concepts, the Report considers these Principles to represent a dynamic and evolutionary conceptual basis, permeating aspects of discourse and

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<sup>1156</sup> IACHR, 172 Session, Audience "[Companies and HRDs in the Americas](#)", May 8, 2019.

action in the field of business and human rights in co-existence with other legal standards of a binding nature.

705. The report is structured in nine chapters, Chapter I contains an introduction, the working methodology and the objectives of the Report, Chapter II sets out 12 cross-cutting criteria in the report, which must be taken into account as fundamental and indispensable elements in the approach to the subject within national and regional legal and political systems. Chapter III develops the obligations that States must fulfil in these contexts from the perspective of the inter-American system. Based on state obligations under inter-American instruments, this section identifies the obligations of States in the specific context of business activities and human rights.
706. Chapter IV develops the extraterritorial scope of States' obligations in this area in accordance with the preceding chapters. Chapter V analyses the legal effects that can be derived on enterprises based on the general obligations of States to respect and guarantee human rights. Chapter VI provides for certain contexts or areas of special priority or attention to the IACHR and its SRESCER in this area, such as transitional justice and accountability of economic actors; essential public services and privatization contexts; climate change in the context of business and human rights; enterprises, fiscal policies and influence in public decision-making; enterprises and information technologies, among others.
707. Chapter VII refers to some differentiated impacts on vulnerable populations in the region. Subsequently, Chapter VIII mentions, by way of example, some initiatives that stand out as positive references in the field. Finally, Chapter IX sets out the formulation of several recommendations with the aim of guiding the efforts of the States of the hemisphere in this area.
708. Finally, the report stresses that companies can be positive agents for respect, ingesting and guaranteeing human rights, as well as generating or motivating key changes with their actions and behaviors not only to transform those experiences of impunity and human rights abuse, but also to achieve the Sustainable Development Goals by 2030.
709. Therefore, public and bona fide commitment is essential to strengthen the initiatives that are carried out, as well as the building of trust between companies, authorities and the population, in such a way as to transcend the vision of traditional corporate social responsibility, towards a practice of effective respect and due diligence in the field of human rights. In addition, the political will of the authorities at all levels is also a very powerful tool for advancing national, regional and universal efforts in this area by providing opportunities for prevention and ensuring access to justice and reparation for affected individuals or communities. In this context, the SRESCER is made available to the States Parties of the OAS, as well as the business sector and other relevant actors in this field, to provide technical advice on the initiatives developed in this field.
710. During 2020 SRESCER will carry out an intensive agenda of launches and socialization of the report within the OAS, as well as its Member States and other relevant spaces. The mandate has already been made available to all stakeholders to generate outreach strategies, such as actions aimed at implementing the report's standards and recommendations on a key issue for the effective enforcement of rights humans in America.

#### E. Human Mobility and ESCER in the Americas

711. During 2019, the largest migration flow in the region's history has been generated due to the exodus of the Venezuelan population to other countries on the continent. According to figures consulted by the mandate, up to 4,426,968 Venezuelan migrants, refugees and asylum seekers have been registered in other countries in the region such as Colombia, Peru, Chile, Argentina,

Ecuador, Brazil, Panama, Mexico, Uruguay, and the Dominican Republic<sup>1157</sup>. In this regard, according to the United Nations Refugee Agency (UNHCR), the Venezuelan community wishes to "flee from violence, insecurity and threats, as well as a lack of food, medicines and essential services."<sup>1158</sup> As also demonstrated by the work carried out by the IACHR and its SRESCER, as by the newly created MESEVE (Venezuelan situation follow up mechanism), the Venezuelan crisis has certainly serious causes and consequences for the ESCERs of the Venezuelan population, within and outside its borders.

712. At the hearing on the rights of Venezuelan migrant children in the region, held on 4 February 2019 in Bolivia, during the 171st Session of the<sup>1159</sup>IACHR, the Commission received information on the humanitarian emergency in the Venezuelan State that has caused the forced migration of approximately 3 million people of whom children and adolescents would be particularly affected in the generality of their rights and very specifically in access as enjoyment of their ESCER.
713. On the other hand, SRESCER has been giving special monitoring to the situation of human mobility in Central America, with particular attention to so-called "migrant caravans" and situations of forced internal displacement. It has also given a specific consideration to the situation of ESCER of migrants and asylum seekers from Nicaragua in Costa Rica and Honduras, with particular monitoring of the situation of doctors and medical students who have been forced into exile due to the crisis of human rights and persecution suffered in their country.
714. The IACHR Session 173, held in Washington DC, United States of America, held a hearing on allegations of human rights violations of migrant children and adolescents in Central America, Mexico and the United<sup>1160</sup>States. At that hearing, the situation in which migrant children enter the United States entered the United States were addressed, with particular emphasis on that of the unaccompanied Children and adolescents. They also addressed recent changes to the Flores Agreement, eliminating the maximum 20 days for the detention of migrant Children and adolescents, behaviors and immigration deterrence mechanisms applied to a population transiting in conditions of high vulnerability.<sup>1161</sup>
715. Civil organizations expressed concern about the continued practice of entering and keeping children and adolescents unaccompanied in immigration stations. They reported that this year will be in which the largest number of children and adolescents have been arrested, since last July the events of minors reached 38,581, which represented an increase of 21% compared to 2018 – of the total, 8,744 were unaccompanied persons.<sup>1162</sup> Thus, they called on the IACHR to urge the Governments of Mexico, the United States and the Central American countries to immediately take actions of a different nature to prevail, without exception, the dignity and best interests of children and adolescents in the context of migration.<sup>1163</sup>
716. On the other hand, during the 173rd Session of the IACHR, held in Washington DC, United States of America, the hearing was held on legal, political and administrative barriers to the mobility of migrants in the Americas.<sup>1164</sup> At that hearing, civil society organizations noted that the region has policies for security and criminalization of migration that increasingly restrict migrants, through a pattern that has the following characteristics: public policies with a focus on security and not

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<sup>1157</sup> Operational Portal Refugee and Migrant Situations, [Refugees and migrants from Venezuela](#), 05 November 2019.

<sup>1158</sup> United Nations Refugee Agency (UNHCR), [Situation in Venezuela](#), 2019.

<sup>1159</sup> IACHR, 171 Session, Audience "[Venezuelan migrant children's rights in the Region](#)", February 14, 2019.

<sup>1160</sup> IACHR, 173 Session, Audience "[Allegations of human rights violations of migrant children and adolescents in Central America, Mexico and the United States](#)", September 26, 2019.

<sup>1161</sup> Ibid.

<sup>1162</sup> Ibid

<sup>1163</sup> Ibid

<sup>1164</sup> IACHR, 173 Session, Audience "[Legal, political and administrative barriers to the mobility of migrants in the Americas](#)", 24 September 2019.

rights, overpower to border agents, multiplicity of legislative processes, special rules for citizens from countries in critical situation, excessive bureaucracy to obtain high costs in formalities, the requirement of economic solvency, and the time of irregularity in the receiving country.

717. Applicants also reported that of the total 272 million migrants in the world, there are about 70 million migrants in the Americas.<sup>1165</sup> Likewise, hundreds of thousands of people in our region do not have regular and secure channels to be able to migrate from their home countries, and what further problems the context is the fact that the countries of destination have adopted restrictive measures of immigration control and barriers to their entry.<sup>1166</sup> It should be considered that these measures directly affect the human rights of migrants, especially those in situations of greater vulnerability, as well as those seeking asylum and shelter.
718. Civil society noted that there are systematic patterns of violation of the rights of such persons, so a process of regional reflection on the adequacy of national regulations to international human rights standards is necessary, so that we can propose legal and public policy changes. Thus, it is recognized that there are currently countries that are facing very complex situations in this area, such as Venezuela, Colombia, Cuba, Haiti, Guatemala, El Salvador, Honduras, Nicaragua, among others. The Commission is monitoring national regulations in countries in the region, which report that they are constantly changing and adopting mostly restrictive rules that, in the short term, will leave thousands of migrants in a difficult situation.
719. In this context, SRESCER has been observing in the exercise of its mandate that human mobility in the region is deeply marked by the lack of access to ESCERs, both in situations of forced internal displacement and border crossings, and both in the factors that cause it in the countries or territories of origin, as well as in the countries or territories of transit and destination.
720. The issue is therefore extremely important to the Special Rapporteurship working from an intersectional perspective together with the other country Rapporteurship, as the themes of the IACHR and in particular with the Rapporteurship on Migrants. Along with other factors, it is important to emphasize the importance of climate in the context of mobility, considering the consequences of climate change<sup>1167</sup> and the increase in the number of displaced persons and climate refugees, particularly indigenous peoples in the region.

## FINAL REFLECTIONS

721. For the SRESCER, the fight against poverty and inequality is the top umbrella of the entire mandate, in line with the United Nations 2030 Agenda. Considering that significant progress has been made in the region in the area of ESCER over the past decade, which allowed large sections of the population to rise from poverty and extreme poverty, it is particularly worrying that these achievements are now at serious risk of a regional decline.<sup>1168</sup>
722. Therefore, SRESCER recalls that States have an obligation to take deliberate and concrete steps to advance poverty eradication, addressing this problem from a human rights approach and developing strategies to ensure their entire population contained at least essential social and environmental rights.<sup>1169</sup>

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<sup>1165</sup> Ibid.

<sup>1166</sup> Ibid.

<sup>1167</sup> IACHR, Press Release No. 140/15, [IACHR expresses concern about climate change effects on HUMAN Rights](#), 2 December 2015.

<sup>1168</sup> CIDH, [Report on Poverty and Human Rights in the Americas](#), OAS/Ser.L/V/II.164 Doc. 147, 7 September 2017, para. 349.

<sup>1169</sup> IACHR, Press Release No. 048/19, [The Special Rapporteurship on Economic, Social, Cultural and Environmental Rights \(DESCA\) reports on its results in 2018 and together with the IACHR calls for a commitment to its strengthening](#), 27 February 2019.

723. States must also ensure the participation of people in poverty from their own perspectives and experiences, in order to achieve their economic and social empowerment. Also, special efforts should be made to ensure women's ESCERs and combat the feminization of poverty, ensuring their economic independence and financial autonomy as one of the key axes in combating discrimination and violence gender.
724. Therefore, the growth of anti-rights groups at the regional level is also of great concern, with particularly negative effects on women's rights, sexual and reproductive rights, access to women's rights, and access to voluntary termination of pregnancy under conditions consistent with international human rights standards, the rights of LGBTI people, or access to and enjoyment of ESCERs with a gender perspective.
725. They are also under constant monitoring of the mandate and are of their highest concern the legislative, political, social or fiscal setbacks that occur in the States, with their consequent impact on the access and enjoyment of CAEs by the most vulnerable sectors of the population. In this context, public policies with a focus on human rights and gender equality should guide and coordinate all actions of States, prioritizing the obligation of progressiveness and non-regression in ESCER and human rights in general.
726. In this sense, institutional strengthening in human rights, as in the environment, is key to the regard and implementation of inter-American human rights standards. The IACHR has pointed out that public spending planning should promote equality in the Americas, and that adequate fiscal policy can contribute to the redistribution of wealth for the reduction of inequality gaps, corrections of market deficiencies, investment necessary for the fulfilment of human rights - in particular economic and social rights - and accountability between the State and its populations.<sup>1170</sup>
727. In this regard, the Commission and its SRESCER consider that, from the human rights approach, the following principles and obligations are particularly relevant to fiscal policy: ensuring the essential minimum levels; mobilization of the maximum available resources for the progressive realization of economic, social, cultural and environmental rights; compliance with the principle of progressiveness and non-regression; and the application of the principle of equality and non-discrimination. At the same time, it emphasizes that rights of participation, accountability, transparency and access to information are fundamental principles fully applicable to fiscal policies.<sup>1171</sup>
728. Applying a true approach to rights in their public policies implies, basally, that the American states recognize the hierarchy of ESCERs alongside civil and political rights, promoting deep and democratic social dialogues around citizen demands and needs involving such rights, as the most desirable models of development to ensure human dignity and respect for the environment in America without, as the 2030 Agenda slogan says, "leave no one behind".
729. In this sense, the mandate of SRESCER assumes that one of its main challenges is to serve as a beacon from the IACHR, in the generation of a true inter-American culture of human rights indivisibility. That is why in these last paragraphs of its 2019 Annual Report, it calls on all States, civil society and stakeholders to join the "Inter-American Campaign for the indivisibility of Human Rights" that the mandate is coming soon to launch.
730. The main objective of the campaign will be to contribute to the understanding and appreciation of the indivisibility and interdependence of all human rights in the OAS, its Member States and civil society, recalling the basis on which the Organization was established in 1948, adopting the

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<sup>1170</sup> CIDH, Public Policy Report with a Human Rights Approach, OAS/Ser.L/Doc. 191, 15 September 2018, para. 493.

<sup>1171</sup> Ibid. Para. 119 and 120.

Charter and American Declaration, as reaffirmed in the Declaration and Program of Action of the Second World Conference on Human Rights held in Vienna in 1993 by establishing that:

*All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally and fairly and equitably, on an equal footing and giving everyone the same weight. The importance of national and regional particularities, as well as various historical, cultural and religious heritages, should be taken into account, but States have a duty, whatever their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. Human rights are universal, indivisible, interdependent and interrelated.*<sup>1172</sup>

731. This campaign, like all the actions of the mandate in 2020 will be especially inspired by the motto that in 2019 are repeated by those who protest in Chile, which was coined by Francisca Jacinto in Mexico and summarizes masterfully the foundation of all human rights, as of their enforceability: "Until dignity becomes customary".<sup>1173</sup>
732. Finally, the deep homage of SRESCER is recorded for all and all in America who, in defending their rights, those of their fellow human rights or those of nature, were victims in 2019 of violations of their human rights, had to leave their homes or countries, or they lost their health or lives.

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<sup>1172</sup> Vienna Declaration and Program of Action, p.5, 1993.

<sup>1173</sup>CIV: Until Dignity Becomes Customary: How came the emblem phrase of the outburst, October 22, 2019.