



REDESCA

Inter-American
Commission on
Human Rights

IACHR

Annual Report of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights (IACHR), 2022

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



5 years of promotion and protection of ESCERs
For the dignity of people and the care of nature in the Americas

Soledad García Muñoz
*Special Rapporteur on Economic, Social, Cultural and Environmental Rights
Inter-American Commission on Human Rights*



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**VI ANNUAL REPORT OF THE SPECIAL RAPPORTEURSHIP ON ECONOMIC,
SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2022**

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"The supreme injustice of the state of poverty inflicted on the unfortunate contaminates the entire social milieu, (...) forgetting that the human being represents the creative force of every community. Human suffering has both a personal and a social dimension. Thus, the harm caused to each human being, no matter how humble, affects the community itself as a whole.

What is certain is that all the rights protected under the American Convention on Human Rights have an autonomous value and a legal content of their own, and, moreover, they are all interrelated, indivisible as they are".

(Dissenting Opinion in Villagrán Morales [Street Children] v. Guatemala, pars. 22 and 36).

To Judge Antonio Augusto Cançado-Trindade (In Memoriam)

To Pilar Adame de la Fuente, REDESCA Fellow 2019 (In Memoriam)

To all the people who in 2022 lost their lives or those of their loved ones in any corner of the Americas, due to lack of access to water, food, housing, or health. To those who live in poverty, extreme poverty, on the streets or in informal settlements. Because it is for these people, above all, that REDESCA's work is for.

TABLE OF ACRONYMS AND REFERENCES

IACHR:	Inter-American Commission on Human Rights
American Convention:	American Convention on Human Rights
IACHR Court:	Inter-American Court of Human Rights
CESCR:	United Nations Committee on Economic, Social and Cultural Rights (CESCR)
American Declaration:	American Declaration of the Rights and Duties of Man
IMF	International Monetary Fund
GHG:	Greenhouse Gases
GTPSS:	San Salvador Protocol Working Group
OHCHR:	Office of the United Nations High Commissioner for Human Rights
	Sustainable Development Goals
ODS:	Organization of American States
OAS:	
ILO:	International Labor Organization
UN:	United Nations
OPS:	Pan American Health Organization
WHO:	World Health Organization
ICESCR:	International Covenant on Economic, Social and Cultural Rights
UNDP:	United Nations Development Programme
San Salvador Protocol:	Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.
PCR	Polymerase Chain Reaction Tests
REDESCA:	Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights.

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CHAPTER I: GENERAL INFORMATION¹

A. Introduction

1. In 2012, the Commission decided to create a Unit on Economic, Social and Cultural Rights (ESCR Unit). Subsequently, in 2014, it decided to transform it into a Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (DESCA Special Rapporteurship), initiating the process for its creation, with the search for resources for that purpose. In the framework of its Strategic Plan 2017-2021, the IACHR decided to launch the DESCA Special Rapporteurship in 2017 as a step of great significance in the history of human rights in the region².
2. The Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) began its creation process in 2014, during the 150th Period of Sessions of the Inter-American Commission on Human Rights, through the publication of a press release by the IACHR on the opening of a special fund for the collection of financial resources that would make possible the operation and support of the Special Rapporteurship³.
3. Like the Office of the Special Rapporteur for Freedom of Expression (RELE), REDESCA was created as a permanent and autonomous office of the Commission. It is the second Special Rapporteurship created by the IACHR in its history, in this case with the main purpose of supporting the Commission in the fulfillment of its mandate to promote and protect economic, social, cultural, and environmental rights (ESCR) in the Americas.
4. The main functions of the Special Rapporteur are: ⁴
 - a) Prepare the work plan of the Office of the Special Rapporteur for DESCA, in accordance with the IACHR's strategic plan.
 - b) Prepare DESCA reports for approval and publication by the IACHR, including thematic reports, reports on the general human rights situation of member states, and sections of the Commission's annual report.
 - c) In accordance with the Rules of Procedure of the IACHR and in coordination with its Executive Secretariat, to process individual petitions and cases on ESCR for decision by the IACHR, as well as to represent, by delegation, the Commission in litigation before the Inter-American Court of Human Rights in cases related to ESCR.
 - d) Assist the IACHR in the promotion of international instruments related to ESCR, including the organization and participation in promotional activities aimed at authorities, civil society, social movements, trade union organizations, professionals, journalists and students on the work of the IACHR in this area.
 - e) Make recommendations to the IACHR on urgent situations that may require the adoption of precautionary measures or the request for the adoption of provisional measures before the Inter-American Court of Human Rights, among other mechanisms.
 - f) Monitor the situation of ESCR in the region and provide advice and assistance to the Member States of the Organization of American States (OAS) in the adoption of legislative, judicial, administrative or other measures necessary to enforce economic, social, cultural and environmental rights.

¹ Commissioner Carlos Bernal Pulido approved the report and issued a partial reasoned vote. This reasoned vote is available at the Executive Secretariat of the IACHR.

² IACHR, Strategic Plan 2017-2021, p. 35.

³ IACHR, Press Release No. 034/19, IACHR decides to create Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, April 3, 2014.

⁴ VID <http://www.oas.org/es/cidh/docs/anual/2017/docs/IA2017Anexo-REDESCA-es.pdf>, p.6.

- g) Advise and assist other OAS bodies in matters related to DESCA in the Americas.
 - h) To take the necessary steps for the collection and management of cooperation funds and for the development of the projects required to comply with the Special Rapporteurship assigned.
 - i) Perform other tasks related to the promotion and protection of ESCR that are delegated to it by the IACHR in accordance with the Special Rapporteurship of the Special Rapporteurship ESCR.
5. During the year 2022, the Office of the Special Rapporteur has developed an intense work agenda, effectively fulfilling these functions, as well as the Work Plan presented and approved by the IACHR at the beginning of the year. Thus, it has provided specialized and constant advice to the IACHR, as well as to the different areas of the Executive Secretariat in DESCA matters. This has been done through its work in the case system, monitoring, promotion and technical assistance.
6. In this regard, REDESCA has actively and permanently monitored the situation of ESCR in the Americas, always willing to provide advice and assistance to Member States in the adoption of legislative, judicial, administrative or other measures to make the exercise of ESCR effective. It has also organized and participated in numerous promotional activities aimed at States, authorities, civil society, trade unions, businesses, professionals, journalists and human rights defenders.
7. By way of balance after concluding in 2022, the fifth consecutive year of her mandate, the Special Rapporteur is pleased to have managed, together with her team and despite the many challenges faced, to meet all the objectives that the IACHR entrusted to REDESCA in its Strategic Plan 2021-2023, namely: a Right to Health and its social determinants: Pandemic and food crisis; Climate emergency and the human right to water; Human mobility and ESCR; Business and human rights; Labor and trade union rights; Fiscal and economic policies: impacts of corruption on ESCR; and Education, science, technology: academic freedom and university autonomy.

B. Main activities of the Office of the Special Rapporteur on DESCA

8. 2022 has been a year of great significance for REDESCA, as it has been 5 years since it was launched. This is being commemorated through an image and social media campaign under the slogan "For Dignity". At the end of this report there will be some reflections on this 5th anniversary of the Special Rapporteurship.
9. Since the beginning of its mandate, the Office of the Special Rapporteur has carried out countless activities to comply with its strategic agenda and annual work plans, unanimously approved by the plenary of the Commission from 2018 to 2022. These plans are focused on the pillars of action of the IACHR, namely: case system, monitoring, promotion, training, and technical assistance in public policy. Thus, insofar as these have included the DESCA issue, REDESCA has contributed to each of them and prioritized the fulfillment of the work commissioned by the Commission, as well as the commitments acquired with the donors of the Office of the Special Rapporteur.
10. REDESCA's actions are aimed at fulfilling the general objective of its Strategic Agenda, which is to consolidate the functioning and sustainability of the Special Rapporteurship on ESC rights as the body responsible for articulating all the mandates, functions and mechanisms of the IACHR for the protection and promotion of ESC rights in the Americas. Efforts have also focused on the strategic objectives of the Special Rapporteurship, which consist of: developing inter-American standards for the effective realization of ESC rights; monitoring and raising awareness of the situation of ESC rights in the hemisphere; promoting a culture of indivisibility in the area of human rights; providing technical assistance to the public agencies of the Member States; and coordinating with other international entities and members of civil society to guarantee the full exercise of ESC rights in the region. In this regard, special emphasis should be placed on

the work carried out by the Special Rapporteur as a member of the OAS Working Group of the Protocol of San Salvador.

11. In the generality of its actions and in accordance with its strategic agenda, REDESCA has applied the approaches of indivisibility, progressiveness, gender, diversity and intersectionality, development and human rights (Agenda 2030), interdisciplinarity, human rights education and anti-corruption. In turn, it has worked through the following cross-cutting themes: equality and non-discrimination, participation, access to information, accountability, and justiciability of ESCR.
12. In the same vein, it should be noted that in 2022 REDESCA has managed to establish a working methodology, adapting to the limitations caused by the COVID-19 pandemic, which highlighted the weaknesses of the public systems and the great inequities existing in the continent, which imposed a significant workload on the Special Rapporteur's Office, especially in its monitoring work. Additionally, it should be noted that, under the provision of the OAS General Secretariat, the entire REDESCA team carried out its work under the teleworking modality as of March 2020. The latter has meant several challenges for the daily monitoring and promotion work of the Office of the Special Rapporteur, in relation to the commitments acquired as well as those that have arisen during the year. REDESCA thanks its work team and all the institutions, individuals and entities, both public and private, that have made it possible for REDESCA to carry out its work on a regular basis despite the challenges imposed by the current context.
13. Along with the technical work of the Office of the Special Rapporteur, the Special Rapporteur has also had to concentrate her efforts on administrative and management tasks, such as seeking and obtaining financial resources, in order to make possible the sustainability and strengthening of the office. In this regard, it is worth expressing our satisfaction with the progress made in such a complex scenario, as well as our deep gratitude to individuals and institutions that supported REDESCA, especially donors, for their trust and commitment to the mandate (see sections on Funding and Work Team), along with the constant call of the Rapporteur for them and others, especially OAS member states and observers, to make contributions to this mandate, which is so necessary for the realization of the most urgent human rights to be addressed in the most unequal region of the planet.
14. The following is a summary of the activities carried out during 2022:

1) Petitions and Cases System

15. The Office of the Special Rapporteur on DESCA has provided specialized contributions to the IACHR's petition and case system. Thus, during 2022, REDESCA provided expert advice on 7 reports in the admissibility and/or merits stage. In the framework of the system for the protection of precautionary measures, advice was provided on 43 projects or memos related to DESCA.
16. With respect to cases and petitions, REDESCA has worked jointly with the Executive Secretariat's case team on various issues related to the enjoyment of ESCR in the region. In particular, the efforts of the Office of the Special Rapporteur have been aimed at strengthening the consolidation of standards in different areas, particularly in relation to the right to health, the right to a healthy environment, cultural rights, labor, and trade union rights, as well as business and human rights. Regarding the guarantee of these rights, progress has been made in a differentiated and intersectional approach for the protection of different groups in situations of vulnerability and/or historical discrimination, such as persons deprived of liberty, women, persons with disabilities and indigenous peoples.
17. In relation to the precautionary measures mechanism, REDESCA participated by offering its technical inputs from the initial evaluation stage and requesting information from the parties, to the formulation of resolutions in matters of serious risk related to ESCR, on this occasion REDESCA provided advice on issues

related to guarantees of the right to health and its determinants in the context of persons deprived of their liberty, especially in Nicaragua. On the other hand, REDESCA was especially involved in reviewing requests on aspects related to guaranteeing the right to a healthy environment. In this regard, it is worth mentioning Resolution No. 65/22⁵ about Afro-descendant families of peasant communities in the region of Saint Ann, Jamaica. In general terms, the Commission considered that these people were suffering from various health problems because of the bauxite mining activities that were being developed in the vicinity of their communities. In this context, they would not have access to adequate, timely and specialized medical care to treat their multiple ailments.

18. On the other hand, during 2022, REDESCA participated with the IACHR in public hearings of cases before the Inter-American Court of Human Rights. In October, it participated in the hearing on the La Oroya Community v. Peru case, while in August it participated in the hearing on the Tagaeri and Taromenane v. Ecuador case. In both cases, the Special Rapporteur was able to present arguments on inter-American standards on business and human rights, protection of the right to health and the right to a healthy environment.
19. In relation to Advisory Opinion number 27/21 of the Inter-American Court of Human Rights - on the scope of the obligations of States, under the Inter-American system, on guarantees of freedom of association, its relationship with other rights and its application from a gender perspective⁶ - and which was submitted to the Court by REDESCA and the IACHR on the basis of Article 64.1 of the American Convention on Human Rights, during 2022 REDESCA has sought to contribute to its application through its dissemination and use in specific cases or situations. Thus, on the one hand, REDESCA has developed an infographic to make its provisions more accessible and its launch is planned for 2023. On the other hand, the Office of the Special Rapporteur contributed to the application of these standards through cases related to the matter that were shared for technical advice.

2) Participation in IACHR sessions and public hearings.

20. During 2022, the Office of the Special Rapporteur actively participated in IACHR Sessions 183, 184 and 185, as well as in all internal sessions, held remotely due to the context of the pandemic. However, it should be noted that Sessions 183 and 184 had a mixed modality, with a first week in Washington DC. During these sessions, REDESCA has accompanied the IACHR in countless public hearings, as well as in the working sessions of the IACHR, actively participating in the debates related to the issues within the competence of the Office of the Special Rapporteur.
21. On the other hand, REDESCA participated and actively contributed in the preparation of public hearings related to its mandate. The following is a summary of the public hearings in which the Special Rapporteur participated in 2021:

State / Regional	Session	Title of the Hearing	Date
Bolivia	183 Regular Session	Situation of the human rights of indigenous peoples in the context of extractive activities in Bolivia	March 14

⁵ IACHR, MC 425-22- Afro-descendant families of peasant communities in the Saint Ann region, Jamaica, Resolution 65/22, November 24, 2022.

⁶ IACHR Court, Advisory Opinion OC-27/21 of May 5, 2021, on the Human Rights to freedom of association, collective bargaining and strike, and their relationship with other rights, with a gender perspective.

Uruguay	183 Regular Session	The human rights situation of people of African descent in Uruguay	March 14
Peru	183 Regular Session	Situation of public policies on business and human rights in Peru	March 15
Cuba	183 Regular Session	Human rights situation of groups in vulnerable situations in Cuba	March 15
Honduras	183 Regular Session	The human rights situation of LGBTI persons in Honduras	March 16
Dominican Republic	183 Regular Session	The human rights situation of migrants and their families in the Dominican Republic	March 17
Mexico	183 Regular Session	Situation of the right to health of the relatives of missing persons in Mexico	March 17
Paraguay	183 Regular Session	Situation of forced evictions and agrarian policies in Paraguay	March 17
Panama	183 Regular Session	Situation of the human rights of environmental defenders in Panama	March 18
Ecuador	183 Regular Session	Situation of access to sexual and reproductive education for children and adolescents in Ecuador	March 18
Regional	184 Regular Session	Human rights and neurotechnologies	June 21
Colombia	184 Regular Session	Situation of Afro-descendants and the National Population and Housing Census in Colombia	June 22
Guatemala	184 Regular Session	Human rights situation of human rights defenders, justice operators and the rule of law in Guatemala	June 22

Cuba	184 Regular Session	Situation of labor and union rights in Cuba	June 23rd
El Salvador	184 Regular Session	Human rights situation and rule of law in El Salvador	June 23rd
Regional	184 Regular Session	Human rights situation of women defenders of sexual and reproductive rights	June 24
Ecuador	185 Regular Session	Social protests and indigenous peoples in Ecuador	October 24
Regional	185 Regular Session	Respect for and guarantee of human rights in the face of the activities of arms production and trade companies in the Americas.	October 25
Regional	185 Regular Session	Border policies and protection of the human rights of people in human mobility	October 26
The Caribbean	185 Regular Session	Sexual and Reproductive Rights of Adolescents in the Caribbean Region	October 26
Nicaragua	185 Regular Session	The situation of freedom of association in Nicaragua	October 27th
Colombia	185 Regular Session	Implementation of precautionary measures for human rights defenders in Colombia	October 27th
United States	185 Regular Session	The situation of indigenous peoples and forced displacement in the context of climate change in the United States.	October 28

3) Monitoring Activities

22. REDESCA continues to actively and permanently monitor the situation of ESCR in the Americas, in close coordination with the teams of the Executive Secretariat of the IACHR. The emphasis of the Special Rapporteur's monitoring this year has been on the differential impacts of the pandemic on ESCR in the region, particularly on the right to health. Likewise, particular attention has been given to the situation of the right to a healthy environment in the context of the climate emergency, especially in its impact on the human rights of people at greater risk and vulnerability in the face of this phenomenon. Likewise, it has followed up on issues related to business activities and human rights. REDESCA also actively participated in the IACHR's working visit to Peru, as well as its first autonomous working visit to the region of La Guajira in Colombia.

23. In relation to the climate emergency, REDESCA has been carrying out a wide range of activities to follow up on the recommendations of Resolution 3/2021 (published in March 2022), entitled Climate Emergency: Scope of Inter-American Human Rights Obligations. In addition to holding a launch event, as well as participating in various forums to promote it, REDESCA sent an Art. 41 and Art. 18 letter to OAS member states to follow up on the Resolution. In this regard, the Office of the Special Rapporteur is grateful for the responses from the following States: Antigua and Barbuda, Brazil, Canada, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay and Uruguay. In this regard, REDESCA has prepared a special chapter with the main findings of this activity. REDESCA also published a series of statements on the subject through its social networks, particularly on its Twitter account @DESCA_CIDH, as well as on Facebook, LinkedIn and Instagram.
24. These tasks included the following: (i) preparation and participation in 14 press releases and statements in social networks; (ii) preparation of observations and recommendations on DESCA based on the on-site visit to Peru and La Guajira in Colombia; (iii) preparation of DESCA inputs for the annual report of the IACHR, (specifically for chapters IV, B and V), and (iv) meetings with civil society organizations during the regular sessions of the IACHR (POS), within the framework of REDESCA's follow-up activities.B and V), and (iv) meetings with civil society organizations during the Ordinary Periods of Sessions (POS), within the framework of REDESCA's follow-up activities.

4) Promotion and Technical Assistance Activities of the Office of the Special Rapporteur

25. In 2022, REDESCA organized and participated in numerous activities to promote ESCR and, in particular, to increase the capacities of civil society, academia and business, as well as the public sector, particularly institutions related to ESCR. It also held meetings with States, national human rights institutions, civil society organizations, companies and other international organizations, seeking to create opportunities for training and empowerment in the issues covered by the mandate. The following is a non-exhaustive list of these activities:

Activity	Subject(s)	Place/ Date	Observation
Constitutional Discussion "Human Rights and the Environment. Constitutional and conventional implications of the oil spill".	Environment	On line/ January 31	Organizers: The Center for Constitutional Studies of the Constitutional Tribunal of Peru.
Damage and Loss Webinar: Post COP26 Challenges	Environment	On line/ February 17	Organizers: La Ruta del Clima
CUDJ Forum - Nicaragua education	Right to Education	Online /February 18	Organizers: Coordinadora Universitaria por la Democracia y la Juventud (University Coordinator for Democracy and Youth)

Conversation Poverty, human rights and gender	Poverty, inequality and gender	On line/ February 22	Organizers: Fundación León
Women's Link and Miles Chile event. Panel: Reproductive rights in the new constitution: Lessons from the defective contraceptives case.	Genre	On line/ February 23	Organizers: Corporación Miles
Training on DESCAs for members of Central American and Mexican NSDIs	ESCR	On line/ February 23	Organizers: REDESCA
Borders, the Pandemic & Human Rights	Pandemic	UCLA/ February 26	Organizers: UCLA Law's Promise Institute for Human Rights
Presentation of the exhibition and book "Ancestras".	Genre	Online/ 3 March	Organizers: The Permanent Observer Mission of Spain to the OAS and the Inter-American Commission of Women (CIM) of the OAS.
Latin American Symposium on the Principles of Academic Freedom and University Autonomy	Right to Education	On line/ March 4	Organized by: Aula Abierta
Second Edition of the Digital Diploma of Leadership in Social Inclusion and Access to Rights. Session 2: Inter-American Framework of Human Rights and Economic, Social, Cultural and Environmental Rights (ESCR).	ESCR	Online/ March 17 and 18	Organizers: Department of Social Inclusion (DIS) of the Secretariat for Access to Rights and Equity (SARE) of the OAS.
Virtual discussion on Poverty, Human Rights and Gender	Poverty, inequality and gender	On line/ March 23	Organizers: CESR
Presentation of the book: Climate Justice and Resolution	Environment	Online/ March 24	Organizers: CANLA

Opening session of the Oxfam Climate Week	Environment	On line/28 deck	Organizers: OXFAM
Conference on "Business and Human Rights".	Human Rights and Business	Buenos Aires/March 30	Organizers: Institute of Justice and Human Rights and the Master's Degree in Human Rights of the National University of Lanús.
Regional meeting in Chile - Chilean constituent process	ESCR	Santiago de Chile/April 6-8	Organizers: Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)
Presentation Meeting of the Guide of Good Practices of Public Defender's Offices in the approach of DESCAs cases.	ESCR	On line/06 April	Federal Public Defender's Office
Jorge Carpio International Colloquium "Current status of the UN Guiding Principles on Business and Human Rights".	Business and Human Rights	On line/06 April	Organized by: UDEM
DESCA Training of Afrodescendants *OSC CA and MX - Pau	ESCR	On line/07 April	Organizers: REDESCA
Launching event of Resolution 3/21 "Climate Emergency, Scope and Inter-American Human Rights Obligations".	Environment	Colunga Foundation, Santiago/April 8	Organizers: Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)
Round table on the right to education and privatization in Latin America. "The Abidjan Principles	Right to Education	Santiago de Chile/April 20	Organizers: Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)

and the Inter-American Principles on Academic Freedom and University Autonomy."			
Forum on losses and damages in Central America	Environment	On line/April 20	Organizers: CANLA and Foro Centroamérica Vulnerable
"Escazú Agreement: towards a green, just and gender-sensitive transition in Latin America".	Environment	Online /April 20	Organized by Global Initiative for Economic, Social and Cultural Rights (GI-ESCR); AIDA; FIMA; ProDESC.
Judicial Workshop on Environmental Constitutionalism and Environmental Human Rights Defenders	Environment	New York/April 22	Organizers: The North American Judicial Consultation on Environmental Constitutionalism, Environmental Human Rights Defenders (EHRDs) at the UN Environment Programme (UNEP) and the Global Judicial Institute on the Environment
Seminar "Impact of the Jurisprudence of the Inter-American Court of Human Rights from the perspective of the Defense."	Inter-American Human Rights System	Online/25 and April 26	Organized by: AIDEF-Corte IDH
Forum on Climate Emergency and Human Rights	Environment	On line/4 May	Organized by: University of Costa Rica
Meeting with the Ombudsman of Panama	Inter-American Human Rights System	On line/04 May	Organized by: Ombudsman's Office of Panama.
Workshop "Getting to know the Escazú Agreement".	Environment	On line/04 May	Organizers: ARTICLE 19 Mexico and Central America

Webinar "Oil spills in the Peruvian Amazon: legal alternatives from the international framework".	Environment	On line/ May 12	Organized by: Interamerican Association for Environmental Defense (AIDA)
Workshop: Regional Collaboration on Climate Risks in Guatemala, Honduras and El Salvador	Environment	On line/May 16	Organizers: CANLA
Human rights in the context of the new labor justice system	Labor rights	On line/May 19	Organizers: Supreme Court of Justice of the Nation of Mexico and the Federal Council of the Judiciary.
ESCER Compendium Launch	ESCER	On line/May 24	Organizers: REDESCA
Webinar Embassy Canada and Ottawa Clinic Environment and Indigenous Peoples	Environment	On line/ May 25	Organizers: Centre for Human Rights Research and Education, University of Ottawa.
"The Escazú Agreement and its impact on the Americas".	Environment	Washington D.C./May 26	Organized by: American University
IV Regional Conference on IPCC and Climate Change.	Climate Emergency and Environment	On line/27 May	Organized by: MERI Foundation
IV Ibero-American Summit on Migration and Human Rights	Human mobility	Quito/May 29 to June 1	Organized by: Ombudsman's Office of Ecuador.
Launch of Resolution 3/2021	Climate Emergency and Environment	Quito/1 June	Organizers: Observatorio de Derechos y Justicia and PUCP

X Mexican Congress of Constitutional Procedural Law: "The protection of economic, social, cultural and environmental rights in Mexico and in the comparative experience".	ESCER	On line/June 8	Organized by: Ibero Mexico City / IMDPC
Webinar "Strengthening journalistic monitoring of the Sustainable Development Goals (SDGs)".	ESCER	Online/ June 15	Organizers: Alianza with the support of UNESCO
Symposium "The Right to Health and the Judiciary: Dialogues in Latin America".	Right to Health	On line/ June 16	Organizers: O'Neill Institute
Keynote lecture and panel. Corruption and vulnerable groups: an unequal struggle.	Fiscal Policies and Human Rights: Corruption	On line/June 22	Organized by: Ethos Innovación en Políticas Públicas
Workshop "Academic Freedom: from the Inter-American Principles to the Universal Periodic Review (UPR)".	Right to Education	On line/June 23	Organized by: Aula Abierta y Apertura
Third Extraordinary Session of the Meeting of the Parties (ExMoP3) to the Aarhus Convention	Environment	Online/June 24	Organizers: United Nations Economic Commission for Europe
Course "Mining with people".	Environment	Online/29 June	Organizers: Network of National Institutions for the Promotion and Protection of Human Rights in the Americas (RINDHCA); ECLAC; Ibero-American Federation of Ombudsmen (FIO);

			German Society for International Cooperation in German (GIZ).
Course on Justiciability of Human Rights for Cuban activists	Justiciability of ESCR	Online/July 11	Organized by: 4Métrica
VII Regional Forum on Business and Human Rights. Accountability for responsible business conduct.	Business and Human Rights	Bogotá, Colombia/July 15	Organized by: Ombudsman's Office of Colombia.
The challenge of turning the page. The legacy of COVID-19 in law and public policy.	Right to Health and Public Policies	Online/July 15	Organized by: THemis Magazine
Cuba "One year after 11J".	ESCR	Washington DC/July 18	Organized by the IACHR
Regional Consultation- Americas-Business and Human Rights	Business and Human Rights	On line/July 27	Organizers: REDESCA and OHCHR
Dialogue between human rights and development agenda: Fiscal alternatives for a just post-pandemic recovery	Fiscal and economic policies	On line/01 August	Organizers: Initiative for Human Rights Principles in Tax Policy
Presentation of the book "Science and Pandemic - An Epistemology for Human Rights".	Right to Health	On line/04 August	Organized by: Universidad Nacional de Río Negro (UNRN)



Workshop on Right to Health and other ESCR in the Context of Crisis of Intersectionality and Human Mobility	Right to Health and ESCR	On line/6 to August 7	Organizers: REDESCA
I REDESCA-IACHR Regional Training Workshop for Companies. Business and Human Rights with emphasis on DESCA	ESCR/Business and Human Rights	On line/09 August	Organizers: REDESCA
Presentation of the DESCA compendium "Inter-American Standards on Economic, Social, Cultural, and Environmental Rights".	ESCR	Online/August 18	Organized by: Universidad Autónoma de Chiapas
Training for officials of Public Defenders and the justice sector of El Salvador -DESCA of Indigenous and Afro-descendant Peoples.	ESCR	Online/August 23rd	Organizers: SE-CIDH
Training for Public Defenders and justice sector officials of Guatemala - DESCA of Indigenous Peoples and Afrodescendants	ESCR	Online/August 24	Organizers: SE-CIDH
Talk on DESCA to the students of the Diploma Program of the Universidad Santa María La Antigua de Panamá.	ESCR	Online/25 August	Organized by: Universidad Santa María La Antigua de Panamá
Webinar Inequality and Human Rights: The Role of Private Enterprise	Poverty and inequality Business and Human Rights	Online/ August 30	Organizers:CACIF of Guatemala

Virtual Event: Human Rights and Bioethics in crisis scenarios: a tool to strengthen democracy	ESCER	On line/ September 01	Organizers: CIPDH - UNESCO
Business and Human Rights Week Virtual event: Advances and new debates in the inter-American context on business and human rights	Business and Human Rights	On line/07 September	Organizers: Center for Information on Business and Human Rights
International Forum: Honduras for Escazú, moving towards Environmental Justice	Environment	On line/07 September	Organizers: The Honduran Network for Escazú; The Office of the United Nations High Commissioner for Human Rights in Honduras (OHCHR) and the European Union.
Public lecture: DESCA: Inter-American Mechanisms and Standards	ESCER	Online/September 12	Organized by: School of Law. National University of Córdoba
Meeting of the Ombudsman's Office Board	Environment	On line/September 20	Organized by: Ombudsman's Office of Argentina
Visual event: A look at the human rights situation in Venezuela	ESCER	On line/ September 22	Organizers: CADAL; UCEMA; PROMEDEHUM
Keynote Speech: Climate Emergency: Scope of Inter-American Human Rights Obligations	Environment	Bogota/ September 27	Organizers: Universidad del Rosario and Heinrich Böll Foundation Colombia.
Meeting with the Permanent Roundtable, with Civil Society Organizations and with representatives of the	Environment and ESCER	Heinrich Böll Foundation Colombia/Septem ber 28th	Organized by Fundación Heinrich Böll Colombia and REDESCA

Colombian parliamentary sector.			
XVII Meeting "Todos Somos Jurisdicción Constitucional" (We Are All Constitutional Jurisdiction)	ESCER	Villa de Leyva, Colombia/September 29th	Organized by: Constitutional Court of Colombia
Workshop on enhancing cooperation between the United Nations and Regional Mechanisms for the promotion and protection of Human Rights with a focus on business and human rights	Business and Human Rights	Palais des Nations, Geneva/October 19	Organizers: OHCHR
DESCAjus Portal" Presentation	ESCER	Online/November 14	Organizers: Universidad Nacional de La Plata
Event "The Escazú Agreement: Opportunities to promote inclusive, informed and participatory climate action in Latin America and the Caribbean".	Environment	Sharm El Sheikh, Egypt/November 15	Organized by: Earthrights and the Chilean Ministry of Foreign Affairs.
Webinar Neurorights in the Metaverse Society What are international organizations doing?	Right to health	Online/November 21	Organized by Fundación Kamanau and REDESCA
First Forum for Dignity in the Americas: 1st DESCA Forum	ESCER	Washington DC/December 1	Organized by REDESCA and GTPSS
V Forum of the Inter-American Human Rights System "Democracy, Rule of Law and Human	Democracy and sustainable development and the role of human rights defenders	Online/December 5	Organized by IACHR and IACHR Court

Rights in the Americas".			
17th CRDH International Colloquium. Social Networks and Human Rights What rights for what protection?	ESCR and the Internet and Inter-American standards	Pantheon Center, Paris/7 and December 8	Organized by the Paris Center for Human Rights

5) OAS Working Group of the Protocol of San Salvador

26. In 2022, the Special Rapporteur continued to perform her tasks as an expert of the Working Group of the Protocol of San Salvador, which she has been representing the Commission since November 2017, following her appointment as Special Rapporteur. Her work included the evaluation and review of State Party reports, preparation of inputs for the WGSPSG on the same, as well as active participation in the virtual sessions and sessions.
27. The Special Rapporteur continued to serve as Chair of the Group. During her tenure, the Special Rapporteur has been committed to strengthening the Group and its synergies with the IACHR, seeking to consolidate the space for the promotion and protection of ESCR within the OAS and its Member States.
28. The first inter-American forum on ESCR organized with the GTPSS, in which the situation of ESCR in the region was addressed in several forums, was a highlight of this work. In addition, an exchange was held with the member states of the region to strengthen the Group and the work of its technical secretariat. To this end, we will continue to work in a particularly collaborative manner with the Working Group during the year 2023, in order to achieve the ratification of the Protocol of San Salvador by the OAS Member States that have not yet done so, seeking to strengthen the GTPSS and REDESCA, offering technical assistance to the Organization and the States in this area.

6) Visits and business meetings

State	Dates/ Locations	Topic(s)/ reports	Institutions visited	Commissioner/Rapporteur	Nature of the visit	Observation
Argentina	April 24-May 2-May 2/Buenos Aires	DESCA	National Ombudsman's Office, UBA	Julissa Mantilla Soledad García Muñoz	Promotional Visit	Meetings were held with civil society organizations on homeless people and Resolution 3/2021 was presented at a forum with Ombudsmen's Offices from

						all over the country.
Colombia	October 1-4/ La Guajira	ESCER of Indigenous Peoples and NNAs	Vice-Presidency of the Republic, Entities with competence in the matter and local authorities	Soledad García Muñoz	Working Visit to La Guajira	The chronic malnutrition situation of the communities of La Guajira was addressed.
Peru	October 8-12/Lima and Ancon	Healthy Environment, Democratic Institutionalinity and DESCA	Office of the President of the Republic, National entities with competence in the matter	Stuardo Ralón Soledad García Muñoz	Working visit in collaboration with the IACHR	REDESCA accompanied this official visit of the IACHR to address the situation of the environmental impacts of oil spills in the country.

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

29. In 2022, REDESCA has been able to meet its objectives and support the IACHR in most of the substantive activities for the Office of the Special Rapporteur. In this regard, REDESCA played a significant role during the IACHR's virtual visit to Peru and conducted its own working visit to Colombia. REDESCA has continued to make progress on the report on poverty, inequality and climate change in the context of human mobility in Central America and Mexico, financed by Norwegian cooperation. Progress was also made on the preparation of a regional report on Non-communicable Diseases and Human Rights, with support from the O'Neill Institute for Health and Human Rights of Georgetown University.
30. In addition, REDESCA provided input for the report on environmental defenders in northern Central America, as well as for the report on the ESCER of the indigenous peoples of Central America. This includes the inputs sent for the preparation of the annual report of the IACHR, specifically for chapter IV.B and V.
31. Similarly, the Office of the Special Rapporteur has developed strategic alliances with universities around the world, including the work done with Yale University, especially with the Lowenstein Human Rights Clinic. In this regard, work has been done on a study proposal on an approach to climate finance mechanisms with a human rights focus.
32. Additionally, in this context, REDESCA participated in several forums during the Conference of the Parties (COP) of the United Nations Framework Convention on Climate Change held in Egypt. REDESCA also collaborated and coordinated, together with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Regional Consultation on Business and Human Rights. REDESCA also collaborated with Georgetown University in the preparation of several of its reports. It also maintained a close relationship during the year with the Max Plank Institute for Comparative Public Law and International Law, as well as with the International Network on Climate Change, Energy and Human Rights (RICEDH), among other prestigious institutions.

8) Special pronouncements and statements

33. In carrying out its mandate, by permanently monitoring the situation of ESCER in the region, the Office of the Special Rapporteur issues statements, press releases, reports and opinions on cases and petitions related to REDESCA issues. Likewise, the information received by the Office of the Special Rapporteur generally comes from information received through different channels, as well as from press releases and requests for information made during the year.
34. During 2022, the Office of the Special Rapporteur has prepared and collaborated in the production of various press releases to draw attention to events that are of particular concern in relation to the topics of the Office of the Special Rapporteur, especially during the global health crisis. During 2022, the Special Rapporteurship published 14 press releases, which can be found on the website of the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. The following is a summary of the press releases issued in 2022 by or with the participation of the Special Rapporteurship⁷:

⁷ Available at: <https://www.oas.org/es/cidh/desca/comunicados/default.asp>

Country	Topics	Number	Title	Place/Date
Peru	Environment	RD24/22	REDESCA expresses its deep concern about oil spills in Peru and makes an urgent call to take the necessary measures to mitigate their impacts on the environment and people.	Washington DC, February 1, 2022
Nicaragua	Academic Freedom	RD26/22	REDESCA condemns the cancellation of the legal status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua.	Washington DC, February 10, 2022
Regional	Climate Emergency	45/22	IACHR and REDESCA publish Resolution on Climate Emergency and Human Rights in the Americas.	Washington DC, March 4, 2022
Nicaragua	ESCER General	67/22	IACHR, RELE and REDESCA reject conviction against Cristiana Chamorro and the cancellation of legal status of organizations in Nicaragua.	Washington DC, March 30, 2022
Regional	Environment	84/22	Protection of environmental defenders is urgently needed	Washington DC, April 21, 2022
Argentina	ESCER General	RD111/22	REDESCA visited Argentina as part of a promotional visit of the IACHR and the strategic agenda of the Office of the Special Rapporteur.	Washington DC, May 23, 2022
Regional	ESCER General	RD113/22	REDESCA publishes Compendium on Economic, Social, Cultural and Environmental Rights.	Washington DC, May 24, 2022
Cuba	ESCER Women	127/22	IACHR and REDESCA: the socioeconomic situation in Cuba is of concern as it impacts the ESCR of women and other populations.	Washington DC, June 6, 2022
Regional	ESCER General	RD136/22	REDESCA presents its 2021 annual report on the situation of ESCER in the region.	Washington DC, June 15, 2022
Cuba	Labor and Union Rights	185/22	IACHR and REDESCA express concern about the precariousness of work and the lack of trade union rights in Cuba.	Washington DC, August 24, 2022
Regional	ESCER of People of African Descent	193/22	IACHR and REDESCA call on States to promote respect for religions of African origin in the Americas.	Washington DC, August 31, 2022
Nicaragua	Right to health of persons deprived of liberty	197/22	IACHR and REDESCA: urges immediate release of political prisoners in deplorable conditions in Nicaragua.	Washington DC, September 5, 2022
Peru	Environment	233/22	Visit to Peru: IACHR observes risks to democratic institutions and calls on institutions to exercise their mandate in accordance with legality and due process	Washington DC, October 19, 2022
Colombia	ESCER Indigenous Peoples	RD265/22	Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCR in La Guajira.	Washington, November 30, 2022

9) Financing

35. REDESCA was launched in September 2017 thanks to a project with funds initially planned to ensure a single year of operation, mainly from the Spanish Fund at the OAS, with a partial contribution from Swiss cooperation and small amounts of voluntary contributions from Argentina, Peru, Paraguay and Uruguay.
36. The efficient management of available resources, such as the securing of new specific funds, has made it possible for REDESCA to continue operating for the full five years of its mandate, despite the fact that it does not have any resources from the regular OAS fund, which would certainly be desirable at least to cover its minimum operating costs.
37. In view of this situation, REDESCA, in a process led by its head, has continued with an intense agenda of meetings during 2022, with the objective of seeking strategic alliances and sources of financing to ensure the sustainability of the Office's operations and strengthen the work on the strategic lines defined for its second mandate.
38. During the year 2022, REDESCA has successfully completed the third year of implementation of the project financed by the Norwegian Cooperation Agency. This project, which has a duration of 4 years, aims to protect and promote DESCAs in Central America and Mexico.
39. REDESCA also began implementing the project "Promotion and Protection of ESCR in the Americas" (Phase III) with the Spanish Fund for the OAS (FEPO), with significant achievements and progress in meeting the proposed objectives and commitments.
40. REDESCA's contributions and participation in projects shared with the Executive Secretariat of the IACHR and the PADF donor are also noteworthy, with excellent results.
41. During 2022, we continued to develop the Semester Scholarship financed by the University of Monterrey (UDEM), the OXFAM-UCLA scholarship, and progress was made in the incorporation of a new associate staff member by the Public Ministry of Labor of Brazil. New agreements were also signed, including collaboration with the O'Neill Institute of Georgetown University. Finally, new collaborations were established with the organizations Wiego and We Effect.
42. Likewise, the Office of the Special Rapporteur has continued to develop valuable links with other areas and bodies of the OAS, public institutions, especially with National Human Rights Institutions, the Ibero-American Federation of Ombudsmen and the Network of National Human Rights Institutions of the American Continent (RINDHCA). Likewise, with civil society, companies, universities and academic centers, as well as with other international organizations.
43. REDESCA notes that all of the achievements and work described in this report have taken place in spite of the financial limitations weighing on the Office of the Special Rapporteur. Indeed, in addition to her multiple responsibilities, the Special Rapporteur has been carrying out an enormous task in search of resources.
44. Recalling that REDESCA was established with minimal resources provided by specific external funds and the fact that the Special Rapporteurships of the IACHR so far do not receive resources from the regular OAS budget, it is vital for these offices to obtain the necessary resources for their proper functioning and fulfillment of objectives. Therefore, the IACHR and its Special Rapporteur DESCAs reiterate the urgent call to receive financial support from Member States and observers, as well as from other donors committed to the issues of the Special Rapporteurship in order to ensure the consolidation and development of its fundamental mission.

45. It is essential that REDESCA has the necessary financial support for the consolidation and sustainability of the Special Rapporteurship, whose birth comes from a clamor of civil society, as well as from the States themselves in the context of the process of strengthening the system. In the context of the pandemic and the climate emergency, the commitment to ESCR is essential, and the creation and achievements of the Special Rapporteurship are a key element in the comprehensive response that the IACHR and the Inter-American system are giving to the great challenges facing the American continent, the most unequal on the planet.

10) Staff

46. REDESCA places on record that, due to the particular circumstances of the pandemic, the Office of the Special Rapporteur, under the guidelines of the OAS General Secretariat, during 2022 worked in a hybrid and remote manner with most of the team, which has been a challenge that has been overcome by the Office of the Special Rapporteur thanks to the efforts made by its head and the team.
47. In this regard, the Office of the Special Rapporteur has continued to carry out its functions under the leadership of the Special Rapporteur, Soledad García Muñoz. The following consultants have also provided support: Daniel Noroña Torres (Ecuador/United States), María Victoria Faroppa (Uruguay), Paula Mora (Colombia), Andrés de Cicco (Argentina) and María Gorrochategui (Spain), as well as associate staff Sofía Vilela (Brazil), and communications consultant José Domingo Sagüés (Chile).
48. During 2022 REDESCA has also benefited from the special collaboration of fellow Janina Heller (UCLA, Brazil), and interns: Diana Vargas (Chile), Lucas Miles Erbes (Argentina), Ingrid Alvarez (Peru), Ana Lucrecia Aguilar (Guatemala), Isabella Palacios (Ecuador) and Fernanda Bustamante (Chile).
49. For its part, the Office of the Special Rapporteur also recognizes the support provided by the students at the universities that supported the work of REDESCA during 2022. REDESCA had the support of: Ali Hakim, James Silk and Professor James Silk of Yale University. We also have the support of: Sabrina Rodriguez, Sandra Ramirez, Mariana Silva, Marielba Galban, Manuel Reyes and Professors Rosa Celorio and Leah Calabro of George Washington University.
50. The Special Rapporteur extends her deep gratitude to all of them, as well as to the institutions that have joined the efforts of the office during 2022. Likewise, to all the staff of the Executive Secretariat of the IACHR who have contributed to REDESCA's work during the year, especially in the administrative and management areas.

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

INTRODUCTION AND METHODOLOGY

51. The Special Rapporteurship relied on information received during country visits, investigations conducted ex officio, inputs from the various mechanisms through which the Commission has followed up on the situation in the Member States, such as public hearings, thematic visits, requests for information under Articles 41 and 18 of the American Convention and of the Commission's statute, precautionary measures, as well as other information received from civil society organizations, academic institutions, journalistic notes, reports of the Working Group of the Protocol of San Salvador, decisions and recommendations of specialized international organizations, among other sources, precautionary measures, as well as other information received from civil society organizations, academic institutions, journalistic notes, reports from the Working Group of the Protocol of San Salvador, decisions and recommendations from specialized international organizations, among other sources of information available to REDESCA.
52. For its part, as part of the preparation of the IACHR Annual Report, REDESCA provided the inputs required in the preparation of Chapters IV.B and V of the Commission's annual report, in relation to the topics of the Special Rapporteurship and considering all the information it received in different areas. This report is complementary to Chapter IV.A of the IACHR report in terms of information about ESCER with respect to the 35 countries of the region.
53. In all cases, the sources used are cited as established in Article 59, paragraph five, of the Commission's Rules of Procedure. It should be emphasized that the amount of information used varies from country to country depending on the data and sources available to the Office of the Special Rapporteur and does not presuppose the establishment of comparisons between countries, but rather reflects the main findings of REDESCA in its monitoring exercise during 2022. Therefore, they are its approximation to the general situation of economic, social, cultural and environmental right (ESCER) in the Americas.
54. In the methodology used, REDESCA has sought above all to ensure that its regional monitoring work is carried out as efficiently and rigorously as the resources at its disposal allow. In this regard, it is important to remember that the objectives of REDESCA's Special Rapporteur's Office are outlined in its strategic agenda, which establishes the topics of attention of the Special Rapporteur's Office, which in turn are aligned with the proposals of the Sustainable Development Goals (SDGs) of the United Nations.
55. For this reason, it has also considered the institutional and contextual analysis methodology developed by the United Nations Development Program (UNDP)⁸, considering as a main guide the inter-American and universal standards applicable to ESCER.
56. In this regard, REDESCA generally agrees with the application of the Inter-American normative framework on ESC rights and the United Nations Committee on Economic, Social and Cultural Rights (hereinafter, the Committee on ESC rights), when in relation to the International Covenant on Economic, Social and Cultural Rights it states: "the Committee reaffirms that the rights recognized in the Covenant⁹ can be realized in the context of a wide variety of economic and political systems, provided only that the interdependence and indivisibility of human rights are the principles used for their implementation."¹⁰

⁸ United Nations Development Programme, Institutional and Contextual Analysis for the SDGs, August 2017, p. 5.

⁹ International Covenant on Economic, Social and Cultural Rights.

¹⁰ Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 8.

57. For REDESCA, the fight against poverty and inequality is the overarching goal of the Special Rapporteur, in line with the United Nations 2030 Agenda. Considering that in the last decade significant progress was made in the region in terms of DESCAs, which allowed large sectors of the population to escape from poverty and extreme poverty, it is especially worrying that these achievements are now at serious risk of regression at the regional level¹¹. For this reason, REDESCA recalls that the States have the obligation to take deliberate and concrete steps to advance in the eradication of poverty, addressing this problem from a human rights approach and developing strategies to guarantee at least the essential content of social and environmental rights to their entire population¹².
58. In addition to expressing its concern about the persistence of poverty and inequality in the region, as well as the risk of increasing poverty and extreme poverty in countries where serious human rights crises are occurring, REDESCA emphasizes that these aspects of special concern have guided the preparation of this Report. In this regard, REDESCA has considered that the health crisis and the climate emergency present a series of extraordinary challenges from the point of view of health systems, people's daily lives and the validity of human rights in the framework of democratic systems¹³. In this sense, REDESCA took as part of its focus the guarantee of the right to health together with its social determinants, based on an intersectional and cross-cutting analysis. As well as the climate emergency and its impacts on the guarantee of human rights, particularly ESCER.
59. Similarly, REDESCA takes into consideration the cross-cutting effects of poverty on the enjoyment of all human rights, particularly ESCER. In this way, the Rapporteurship seeks to make visible the direct effects of this phenomenon on ESCER. In this regard, REDESCA carried out an exercise in which, following the approval by the IACHR of its new strategic plan, it develops the content of the ESCER under the framework of its strategic lines, emphasizing the differentiated impacts on people in situations of vulnerability and historical discrimination.
60. In this regard, REDESCA reports that, within the framework of its new multi-year strategic plan approved by the IACHR in 2021, it has defined a series of priority strategic lines of action, which have guided the preparation of this report. Specifically, the information is grouped with differences according to the degree of information available per country, around the following topics: the right to health and its social determinants; the climate emergency and the human right to water; business and human rights; labor and trade union rights; fiscal and economic policies from a human rights approach; education, science and technology with emphasis on academic freedom and university autonomy; and finally, human mobility and the guarantee of ESCER.
61. This has made it possible to generate a more detailed and focused monitoring of urgent issues for the Office of the Special Rapporteur and for the region. In this regard, the Office of the Special Rapporteur emphasizes that these strategic lines are the result of the strategic planning process for this mandate period, through dialogues with the IACHR, its Executive Secretariat and the REDESCA team, as well as with experts in the region, civil society organizations and other individuals and organizations interested in the work of the office.

¹¹ IACHR, Report on Poverty and Human Rights in the Americas, OEA/Ser.L/V/II.164 Doc. 147, September 7, 2017, para. 349.

¹² IACHR, Press Release No. 048/19, The Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (DESCA) presents report on its results in 2018 and together with the IACHR calls for commitment to its strengthening, February 27, 2019.

¹³ See: IACHR, IACHR and its REDESCA urge to ensure comprehensive human rights and public health protection perspectives in the face of the COVID-19 pandemic, March 20, 2020, IACHR and REDESCA, In the framework of COP 26 of the Framework Convention on Climate Change, IACHR and REDESCA call on OAS Member States to put human rights protection at the center of their climate policies and actions, November 4, 2021.

62. In this regard, with respect to the strategic lines, the Office of the Special Rapporteur notes that, regarding the first strategic line of the right to health, the objective of this section is mainly to report on the impact on the right to health, both those arising from the pandemic and those arising from structural problems identified by the Office of the Special Rapporteur. It should be noted that, in addition, this year information related to national vaccination plans and other relevant information in this context was included.
63. In relation to the climate emergency and the human right to water, the focus of this line of work refers fundamentally to aspects related to the impacts of climate events and climate change in general on the territories of the countries of the region. This includes particularly the impact on ESCER, especially the impact on the human right to water. The section on business and human rights then analyzes and verifies the compliance of States with their international obligations in the area of human rights and business, in accordance with the report of the Office of the Special Rapporteur and other applicable standards.
64. In the section on labor and trade union rights, REDESCA analyzes the situation of different elements of the right to work or trade union rights that may be affected or violated according to the information gathered. Above all, REDESCA analyzes the implementation or not of actions that may have a regressive effect on the guarantee of these rights. With regard to the fiscal and economic policies of the States, the central purpose of the section is to analyze the management of the States' general budgets in relation to the effective guarantee of rights and the reduction of social gaps.
65. Finally, in the section on education, REDESCA, in addition to analyzing and focusing on aspects related to the full guarantee of the right to education, also takes note of the facts associated with the guarantees of the right to academic freedom and aspects related to university autonomy. Finally, in relation to human mobility and ESCER, the section focuses on how situations of human mobility impact on the ESCER of people in such a context, as well as the underlying motives that produce these massive movements of people.
66. Additionally, REDESCA follows the line of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 3, in that measures related to the application of Economic, Social, Cultural and Environmental Rights, also in light of Inter-American standards, are called to progressively achieve the full realization of rights. Thus, the expression "progressive realization" constitutes a recognition of the fact that the full realization of all economic, social, cultural and environmental rights in general cannot be achieved in a short period of time¹⁴.
67. As the Inter-American Court of Human Rights has indicated, there are two types of obligations deriving from ESCER: those of immediate enforceability, such as non-discrimination, and those of progressive realization. Regarding the latter, the progressive development of ESCER cannot be achieved in a short period of time but requires the effective realization of actions to achieve the full enjoyment of these rights. In this logic, the Court established that the obligation of progressive realization of 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 people before the imminence of suffering harm to their life or personal integrity¹⁵.
68. In this sense, since ESC rights are enshrined in the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and its Protocol of San Salvador - among other normative instruments and specific human rights treaties of the inter-American system - the "progressive" nature of ESC rights should in no way be an excuse to consider that ESC rights are rights less rooted in human dignity or in the same inter-American instruments than civil

¹⁴ Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 3, The nature of States parties' obligations, fifth session, 1990.

¹⁵ I/A Court H.R., Case of Cuscul Pivaral et al. v. Guatemala, Judgment of August 23, 2018, paras. 140 et seq.

or political rights. On the contrary, the universality, indivisibility, interdependence, and interrelatedness of all human rights increasingly appear as central elements in ensuring their effective protection, as well as the preservation of democracy and the rule of law in States that are truly committed to the development of their peoples and, therefore, to the fulfillment of the 2030 Agenda.

INFORMATION BY COUNTRY

1) ANTIGUA AND BARBUDA

69. In relation to the situation of the DESCAs in Antigua and Barbuda, REDESCA notes with concern how the COVID-19 pandemic profoundly affected one of its most important sources of income, tourism¹⁶. As a result, by 2021, the country's GDP has declined by about 16% against 2019 figures, notwithstanding that it has shown a recovery against 2020 figures¹⁷.
70. Under this scenario, it is noted with concern that 18% of the inhabitants of Antigua and Barbuda live below the poverty line, and 10% of the inhabitants are at risk of falling into poverty in the event of major impacts on the local economy¹⁸.

A. Right to Health and its Social Determinants

71. Regarding the enjoyment of the right to health in the context of the COVID-19 pandemic, REDESCA notes that, as of November 19, there were a total of 9,106 confirmed cases, along with 146 deaths¹⁹. Regarding progress in the immunization process, REDESCA notes that, as of September 16, 136,512 doses have been applied, with 64,290 persons fully vaccinated, representing 63.19% of the total population²⁰. REDESCA notes that cases of COVID-19 infection decreased considerably after February, with an additional peak between the months of May and June, while in the other months the numbers of active cases of infection and deaths were low²¹.
72. REDESCA highlights the role of international cooperation that Antigua and Barbuda has received in vaccination, having received from the United States a donation of 32,400 Pfizer vaccines to support the continuity of the vaccination campaign against COVID-19 on the island²². In the same vein, Malta donated 20,000 doses of vaccine and 25,000 rapid tests to facilitate the detection of the virus²³. Denmark donated 5,000 doses of Moderna vaccine to the inhabitants of Antigua and Barbuda²⁴. In this regard, REDESCA stresses the importance of these actions and solidarity among nations, recalling that, as expressed in Resolution 1/2021 on COVID-19 vaccines, international cooperation is crucial for an equitable distribution of doses according to the needs and realities of all States in the Region²⁵.

¹⁶ BBC, "[Antigua and Barbuda country profile](#)," September 27, 2022.

¹⁷ World Bank, "[GDP - Antigua and Barbuda](#)," December 31, 2021.

¹⁸ Green Climate Fund, "[Country Programme: Antigua and Barbuda](#)," February 15, 2022.

¹⁹ Datosmacro, "[Antigua and Barbuda - COVID-19 - Coronavirus Crisis](#)," November 19, 2022.

²⁰ Datosmacro, "[Coronavirus crisis](#)," October 28, 2022.

²¹ Worldometers, "[Daily New Cases in Antigua and Barbuda](#)" December 1, 2022.

²² US Embassy in Barbados, "[United States Donates Additional 32,400 Pfizer Vaccines to Antigua and Barbuda](#)," February 17, 2022.

²³ Foreign Affairs Malta, "[Malta donates COVID-19 vaccines and rapid tests to Antigua and Barbuda](#)," February 3, 2022.

²⁴ Antigua News Room, "[Denmark donates modern COVID-19 vaccines to Antigua and Barbuda](#)," August 1, 2022.

²⁵ IACHR - REDESCA, "[Resolution 1/2021 on COVID-19 vaccines in the framework of inter-American human rights obligations](#)," April 6, 2021.

73. On the other hand, REDESCA notes that Antigua and Barbuda has progressively eliminated sanitary measures as the number of daily cases of infection has decreased. In this regard, the use of face masks has become optional in less crowded public spaces, and their continued use is recommended in enclosed spaces or in crowded open spaces²⁶. In August, the authorities lifted all restrictions for travelers wishing to enter the country. Notwithstanding this, REDESCA is concerned about the difficulties that the Ministry of Health would face in relation to the detection of cases, given that the speed of detection of cases has shown not to be at the same speed as the spread of these²⁷. In this regard, the Specialized Rapporteurship recalls the provisions of Resolution 1/2020 on Pandemic and Human Rights in the Americas, which indicates that States must adopt all necessary measures to protect the rights to life, health, and personal integrity of persons.²⁸
74. The Special Rapporteur is concerned about the high rates of food insecurity affecting the country, which have increased significantly in the aftermath of the COVID-19 pandemic. As reported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Antigua and Barbuda is currently facing a dual food problem. On the one hand, obesity has increased by 29% and malnutrition by 26.7%, as poverty creates barriers to proper nutrition. Also, by 2020, 40% of the population could not meet their food needs, causing people to skip meals and/or reduce their portions²⁹. REDESCA recalls that States must ensure that the measures adopted to address pandemics and their consequences incorporate as a priority the content of the human right to health and its basic and social determinants, which are related to the content of other human rights, such as life and personal integrity and other ESCER, such as access to safe drinking water, access to nutritious food, among others³⁰.
75. REDESCA is also concerned about information on the effects of the public policy of decriminalization of marijuana, which has led to an increase in consumption by minors, including children as young as 12 years of age³¹. In this regard, the decision of the Council of Ministers to organize a multisectoral group to study the issue of substance abuse and develop ways to dissuade children and young people from consuming marijuana is welcomed³².

B. Climate Emergency and Human Right to Water

76. REDESCA notes that Antigua and Barbuda has developed an environmental policy of climate resilience and adaptation, as a country with a high probability of suffering natural disasters due to climate change. Thus, the country has implemented laws and regulations to ensure disaster risk reduction, biodiversity protection, natural resource protection and sustainable environmental management³³.
77. In this regard, REDESCA takes note of the efforts made by the State to plan its institutional structure in the face of climate change risks. In this regard, it highlights that the Department of Environment, being the agency that leads the processes related to the climate emergency, particularly emphasizes the application of social and environmental policies and safeguards for the implementation of adaptation and mitigation

²⁶ Antigua News Room, "[Wearing of masks optional effective Wednesday](#)," March 10, 2022.

²⁷ Antigua Observer, "[Two years into Covid pandemic, slow case detection among major challenges for Health Ministry](#)," March 9, 2022.

²⁸ IACHR - REDESCA, [Resolution 1/2020 on Pandemic and Human Rights in the Americas](#) April 10, 2020.

²⁹ OACH, "[Antigua and Barbuda: Country Profile](#)", May 2022.

³⁰ IACHR - REDESCA, [Resolution 1/2020 on Pandemic and Human Rights in the Americas](#) April 10, 2020.

³¹ Loop News, "[Marijuana decriminalisation is encouraging young Antiguans to use it](#)".

³² Antigua Observer, "['Lost generation': Barbuda MP wants marijuana laws revisited to protect nation's youth](#)," June 2, 2022.

³³ US Department of State, "[2022 Investment Climate Statements: Antigua and Barbuda](#)".

projects.³⁴ Likewise, the State has indicated that it has proposed the implementation of gender policies to ensure the participation of women in such processes. However, the lines of action that the State has focused these efforts on are hurricane resilience, combating infectious diseases and development of renewable and efficient energy sources.³⁵

78. On the other hand, the Special Rapporteur also notes that, according to the State, Antigua & Barbuda contributes less than 0.002% of global greenhouse gas (GHG) emissions. To that extent, REDESCA welcomes the fact that despite the State's low GHG contribution, it is making extensive efforts to mitigate the impact of its own emissions. In this regard, it takes note of the draft amendments to the Law on Environmental Protection and Management of 2019 and 2021, which aim to implement the agreements that the State has assumed under the Escazú Agreement.³⁶
79. On the other hand, the Office of the Special Rapporteur takes note of the problems affecting the inhabitants of Antigua and Barbuda in terms of drinking water and their access to it, as a result of droughts, natural disasters and an expanding economy that uses large quantities of water. In this regard, the plans of the Government, in conjunction with the Antigua Public Utilities Authority (APUA), to meet the increased demand³⁷, through the use of reverse osmosis technology that could generate up to 10 million gallons of potable water per day³⁸. Notwithstanding this, REDESCA takes note of the criticisms made to the administration for the alleged mismanagement of resources and the water crisis, in the understanding that at the end of February, half of the country was without water for 72 hours due to maintenance work at the Crabbs Water Plant³⁹.
80. REDESCA recalls that, according to IACHR Resolution 3/2021, the impacts of climate change that limit access to and use of land, water and forests interfere with the enjoyment of human rights, such as the right to life, health, food, work, culture, water and sanitation, and the right to self-determination of all people, particularly the most vulnerable. In this sense, States must comply with their international obligations to protect and guarantee the enjoyment and exercise of the human rights of all persons who, as a result of environmental impacts, are significantly affected, taking into consideration the interdependence and indivisibility of these rights⁴⁰.

C. Business and Human Rights

81. REDESCA is concerned about the possible environmental impact and damage that could be caused to the wetlands at Palmetto Point, considered wetlands of international importance by the Ramsar Convention,

³⁴ Antigua & Barbuda, Ministry of Health, Wellness, and the Environment: Department of Environment; Impact of Climate Emergency on the Human Rights of most vulnerable populations in the America, Response of Antigua and Barbuda, August 3, 2022.

³⁵ Antigua & Barbuda, Ministry of Health, Wellness, and the Environment: Department of Environment; Impact of Climate Emergency on the Human Rights of most vulnerable populations in the America, Response of Antigua and Barbuda, August 3, 2022.

³⁶ Antigua & Barbuda, Ministry of Health, Wellness and the Environment: Department of Environment; Impact of Climate Emergency on the Human Rights of most vulnerable populations in the America, Response of Antigua and Barbuda, August 3, 2022.

³⁷ Antigua News Room, "[GG details plans to address water problem in Antigua and Barbuda](#)", January 20, 2022.

³⁸ Antigua News Room, "[3 new reverse osmosis and 10 million gallons of water per day by summer of 2022](#)", February 10, 2022.

³⁹ Antigua Observer, "[Lovell blames ruling administration for poor management of resources, water crisis](#)", February 28, 2022.

⁴⁰ IACHR - REDESCA, [Resolution 3/2021 on Climate Emergency, Scope and Inter-American Human Rights Obligations](#) March 4, 2022, para. 9.

due to the construction of the Barbuda Ocean Club Resort⁴¹. In the same vein, the Special Rapporteur is concerned about the effects that would be generated by the extraction of large quantities of sand on the coasts of the island, the second most exploited resource on the planet, by construction companies, eroding the beaches very quickly⁴².

82. On the other hand, the Special Report observes the sustainable initiatives in tourism by the State, with which they seek to promote the Green Corridor project, where companies in the sector unite to offer options for travelers by agreeing to respect the local culture, the positive impact on the community, care for the environment and economic viability⁴³.
83. In view of the above, REDESCA recalls that it is a general obligation of States to guarantee human rights, including the right to a healthy environment. In this sense, they must carry out all actions within their reach for its due protection, not only through the formal recognition of such right, but also through its compliance and effective application. In this sense, States should direct their efforts to ensure that companies contribute to or avoid causing negative impacts on human rights through environmental damage in general and climate change in particular⁴⁴.

D. Labor and Union Rights

84. The Special Rapporteur takes note of what happened in front of Parliament during the annual budget speech, held on February 4, where different groups of workers demonstrated in demand of wages and overtime owed, as well as compensation for breach of labor contracts⁴⁵ and other outstanding payments⁴⁶, while, on the other hand, workers who handle urban waste also demanded payment of overtime owed⁴⁷. In the same vein, workers of the Antigua Broadcasting Service (ABS) have reported another delay in outstanding payments they have been claiming since 2015⁴⁸.
85. In response to this type of situation, REDESCA reminds the State of the importance of adopting measures to ensure the economic income and means of subsistence of all working people, so that they have equal access to food and other essential rights⁴⁹.

E. Fiscal and Economic Policies

86. This Special Rapporteurship is concerned about the increase in the cost of fuel, directly impacting the economy of the citizens of Antigua and Barbuda and provoking various protests in which the economic support of the Government has been requested⁵⁰. Likewise, the Special Rapporteurship takes note of the high inflationary index registered, which is the highest since 2012⁵¹. According to the data surveyed by

⁴¹ UNCHR, "[Antigua and Barbuda: Luxury resort puts wetland and healthy environment at risk - UN experts](#)", 2 February 2022.

⁴² France 24, "[Sand mining is eroding Antigua and Barbuda's paradisiacal shores](#)," October 24, 2022.

⁴³ Antigua and Barbuda, "[Green Initiatives](#)," October 19, 2022

⁴⁴ IACHR - REDESCA, [Business and Human Rights Report: Inter-American Standards](#), November 1, 2019, paras. 249 - 250.

⁴⁵ Antigua Observer, "[Workers picket Parliament during Budget Speech to demand overdue payments](#)," February 4, 2022.

⁴⁶ Antigua Observer, "[Fiennes Institute staff stage second protest over outstanding pay](#)," February 9, 2022.

⁴⁷ Antigua Observer, "[Solid Waste drivers and loaders demand overtime pay - bosses say matter being handled](#)," February 8, 2022.

⁴⁸ Antigua Observer, "[ABS workers report another setback in payment resolution](#)," April 5, 2022.

⁴⁹ IACHR - REDESCA, [Compendium of Labor and Trade Union Rights: Inter-American Standards](#), October 30, 2020.

⁵⁰ Antigua News Room, "[Picket at Prime Minister's Office over increase in fuel prices](#)", March 22, 2022.

⁵¹ Antigua News Room, "[Antigua and Barbuda records largest increase in rate of inflation since 2012](#)," March 28, 2022.

ECLAC, the Consumer Price Index (CPI) increased approximately 10 percentage points in Antigua and Barbuda, in relation to the previous year, affecting all products, but particularly food and fuel⁵². In this regard, REDESCA notes the efforts made by the government of Antigua and Barbuda to include more farmers in the provision of subsidies for the cost of water used for their production, in order to sustain the prices of their products and avoid price increases⁵³.

87. The Office of the Special Rapporteur recalls that, according to IACHR Resolution 1/2020, States must adopt a human rights approach in any strategy, policy or State measure to address the effects of the COVID-19 pandemic, including plans for social and economic reparations. Likewise, economic measures should be implemented that do not accentuate inequalities and that seek effective social protection, for example, the granting of subsidies, basic income for the inhabitants⁵⁴.

F. Education, science, technology: academic freedom and university autonomy

88. In Antigua and Barbuda, the return to on-site classes in all schools became effective on March 14, 2022, and the use of chinstraps is not mandatory for students⁵⁵. REDESCA welcomes this news, recalling that Resolution 1/2020 establishes that States must have mechanisms that allow children and adolescents to continue to have access to education and to the stimuli that their age and level of development require⁵⁶.
89. REDESCA became aware of episodes of discrimination suffered by children of the Rastafarian community in some public schools in Antigua and Barbuda⁵⁷, where they were allegedly objected to attending school with their hair braided in locks. The Office of the Special Rapporteur agrees with the Government's condemnation of this action and welcomes the public policy project promoted by the Minister of Education and Sport to eradicate such discriminatory conduct⁵⁸.

G. Human Mobility and ESCER

90. REDESCA welcomes the Migratory Amnesty Program promoted by the government of Antigua and Barbuda, which has allowed people in a situation of human mobility to obtain citizenship or residency on the island⁵⁹. The regularization would provide security to foreigners, as well as access to basic services, in addition to allowing the State to collect taxes from the new inhabitants of the island. In this regard, given the success of the program and the benefits it would represent, the application deadlines were extended, granting an additional 60 days for interested persons to submit their applications, culminating in June⁶⁰.
91. In this regard, the Office of the Special Rapporteur recalls that States must provide persons in a situation of human mobility with the conditions for an adequate standard of living compatible with a life of dignity and prevent measures that hinder or impede access to human rights. It also recalls that migration

⁵² ECLAC, Economic Survey of Latin America and the Caribbean 2022: Trends and challenges of investing for a sustainable and inclusive recovery, November 2022.

⁵³ Antigua Observer, "Egg farmers will now receive utility subsidies", April 7, 2022.

⁵⁴ IACHR - REDESCA, Resolution 1/2020 on Pandemic and Human Rights in the Americas April 10, 2020.

⁵⁵ Antigua News Room, "All schools to return to full face-to-face classes commencing Monday", March 10, 2022.

⁵⁶ IACHR - REDESCA, "Resolution 1/2020: Pandemic and Human Rights in the Americas", April 10, 2020.

⁵⁷ Loop News, "Antiguan gov't condemns discrimination against Rastafarians at schools," September 7, 2022.

⁵⁸ Loop News, "Antigua: Draft school hair policy almost compete," September 8, 2022.

⁵⁹ Antigua Observer, "Thousands of immigrants granted amnesty in first month of program," April 2, 2022.

⁶⁰ Loop News, "Antigua extends immigration amnesty program, April 28, 2022.



phenomena require a priority approach by States based on the principles of solidarity, cooperation and shared responsibility⁶¹.

⁶¹ IACHR, [IACHR Urges States to Protect Migrants in Pandemic Recovery](#), December 18, 2021.

2) ARGENTINA

92. During 2022, the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights has been monitoring ESC rights in the country following the strategic lines of the Office of the Special Rapporteur. In particular, the Special Rapporteurship is concerned about the high rates of poverty and indigence reaching 36.5% and 8.8% respectively during the first half of 2022⁶² and how this affects especially vulnerable groups. For example, it was reported that one out of every four elderly people would live in conditions of multidimensional poverty⁶³ and a little more than half (50.9%) of children aged 0 to 14 years would be poor⁶⁴; even, according to UNICEF data, more than one million children and adolescents stopped eating a meal -breakfast, lunch, snack or dinner- for lack of money⁶⁵.
93. In view of this situation, it is worth noting that the high levels of poverty are not only among unemployed people but, on the contrary, reach those who already have a job. In this regard, the National Institute of Statistics and Census (INDEC) reported that in September 2022 a family composed of two adults and two minors needed an average of \$130,000 to afford the cost of the Total Basic Food Basket (CBT), which is the threshold below which one falls into poverty⁶⁶, while the minimum living and mobile wage set by the Government was \$51,200⁶⁷, representing only 39% of the value of the Basic Food Basket. This would show that wage income within the same family group is insufficient to overcome poverty.
94. On the other hand, REDESCA notes that the country is facing a serious economic crisis mainly due to a generalized and sustained inflationary process which, as of September 2022, was at 83% year-on-year⁶⁸. In this perspective, REDESCA is concerned that the acceleration of inflation is having a greater impact on the prices of basic foodstuffs, essential public services such as electricity, water and gas, and rents, with a differential impact on groups in situations of exclusion and historical discrimination.
95. REDESCA is also concerned about the lack of national data on the situation of the street population, which makes it impossible to adopt public health and social protection policies for these people. It is for this reason that the DESCA Special Rapporteur welcomes the Argentine State for the execution of the National Census of Population, Homes and Dwellings in May and the inclusion -for the first time- of people living on the streets, recalling that a census measurement with a human rights approach requires consultation with all interested parties, especially people in vulnerable situations and whose survey gathers the necessary information to produce impacts and concrete results for the best guarantee of their DESCA. Indeed, as expressed by the United Nations Special Rapporteur on adequate housing, for some population groups, statistical invisibility or exclusion from a census is experienced as marginalization and this can lead to

⁶² INDEC, Incidence of poverty and indigence in 31 urban agglomerates, First half of 2022, September 2022.

⁶³ Observatorio de la Deuda Social Argentina de la Universidad Católica Argentina (UCA) and Fundación Navarro Viola, CONDICIONES DE VIDA DE LAS PERSONAS MAYORES (2017-2021): Vulnerabilities in Pandemic Key by COVID-19, August 2022.

⁶⁴ Ibid.

⁶⁵ UNICEF, MORE THAN ONE MILLION CHILDREN AND ADOLESCENTS ARE DEPRIVED OF A DAILY MEAL FOR LACK OF RESOURCES, August 10, 2022.

⁶⁶ INDEC, Monthly valuation of the basic food basket and the total basic food basket. Greater Buenos Aires, September 2022.

⁶⁷ Ministry of Labor, Employment and Social Security, The Ministry of Labor made the minimum wage increase official, August 26, 2022.

⁶⁸ Infobae, September inflation was 6.2% and accumulated 83% in the last twelve months, October 14, 2022.

programs and legislation that do not address urgent needs, which is why accurate and inclusive measurement methods are needed that, at the same time, take into account their circumstances⁶⁹.

A. Right to Health and its Social Determinants: Pandemic

96. REDESCA has been carrying out an exhaustive monitoring of the impacts that the COVID-19 pandemic has generated in Argentina. Regarding the guarantee of the right to health, the Rapporteurship notes that, as of December 20, 2022, the country was going through the sixth wave of contagion⁷⁰ with more than 9,829,000 confirmed cases and more than 130,000 deaths⁷¹. Likewise, as a result of the entry of the new Omicron variant, a record number of infections in a single day was recorded in the first months of the year, with more than 134,000 positive cases⁷².
97. Regarding the guarantee of access to vaccines and the number of doses applied, the Special Rapporteur notes that by December 2022, more than 112,000,000 doses had been applied, reaching a total of 75% of the population with two doses⁷³. In addition, REDESCA notes that the process of vaccinating the pediatric population from 6 months to 5 years of age has begun, being one of the first countries in the region⁷⁴. On the other hand, in a context of increasing distrust about the effectiveness of vaccines⁷⁵, REDESCA welcomes the vaccination plan carried out by the Government of the Province of Buenos Aires called "Night of Vaccines" in order to achieve a greater vaccination of those population groups that did not have the complete vaccination schedule⁷⁶.
98. At the same time, REDESCA has followed with special attention the spread of monkeypox, declared by the World Health Organization (WHO) as an international public health emergency⁷⁷. After the first case was detected in May⁷⁸, by November in Argentina there were 895 confirmed cases and one death⁷⁹. Likewise, this Rapporteurship is concerned about the alarming figures of Chagas disease, the main endemic disease in the country, where approximately 1,600,000 people live with the disease, that is, 20% of the world's population⁸⁰. In view of this, 15 years after its approval, the national government is welcomed the approval of the regulation of Law 26.281 for the Prevention and Control of all forms of Transmission of Chagas Disease through a multidimensional approach with a gender, intercultural and human rights perspective⁸¹. However, REDESCA warns that in 2021 only 5% of the available budgetary resources were executed⁸², so

⁶⁹ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context. A/HRC/31/54. December 2015.

⁷⁰ Clarín, [Sexta ola de Covid: variantes, vacunas, cuidados y todo lo que hay que saber en esta etapa de la pandemia](#), December 19, 2022.

⁷¹ DatosMacro, [Evolution of the coronavirus in Argentina](#). Information accessed on December 20, 2022.

⁷² Página 12, [Record number of infections in Argentina: 134,439 new cases and 52 deaths were registered](#), January 12, 2022.

⁷³ DatosMacro, [Evolution of the coronavirus in Argentina](#). Information accessed on December 20, 2022.

⁷⁴ Ministry of Health, [Argentina received the first 2,744,400 doses of Moderna to vaccinate against COVID-19 in the pediatric population from 6 months of age](#), July 22, 2022.

⁷⁵ elDiarioAR, [Confidence in vaccines fell 8.8% in two years](#), February 03, 2022.

⁷⁶ Profile, [26,702 doses were applied in the "Vaccine Night" organized by the Province](#), February 06, 2022.

⁷⁷ UN News, [WHO declares monkeypox an international health emergency](#), July 23, 2022.

⁷⁸ La Nación, [Monkeypox: first case of the virus confirmed in the country](#), May 27, 2022.

⁷⁹ [Ámbito, First monkeypox death confirmed in Argentina](#), November 28, 2022.

⁸⁰ ACIJ, [World Day of Chagas disease, the main endemic disease in the country](#), April 14, 2022.

⁸¹ Ministry of Health, [Law 26.281 on the prevention and control of all forms of transmission of Chagas disease was regulated](#), April 21, 2022.

⁸² ACIJ, [Chagas: only 5% of budgetary resources were executed. It is urgent that the allocated allocations are fully used](#), 27 August 2021.

it calls on the State to establish the intangibility of the funds allocated for the disease in order to avoid underexecution or significant diversion of resources, given the current context of contagions.

99. On the other hand, as a consequence of the inflationary framework that the country is experiencing, added to the delays in the entry of imported medical supplies and medicines, the Rapporteurship is concerned about the implications that this has on the guarantee of the right to health. In particular, it was learned about the difficulties that cardiovascular surgeons are experiencing in accessing basic and essential supplies to perform surgeries⁸³. In addition, during the second four-month period of the year, a study detected increases of up to 50% in medicines, mainly those used for hospitalization, doubling the inflation reached in that period⁸⁴. In this sense, REDESCA welcomes the agreement with pharmaceutical companies so that prices do not exceed the inflation indexes and the implementation of the "Caring Patients" Program which establishes a 35% discount in the price of medicines for the population without social security or prepaid⁸⁵. Notwithstanding the above, it reminds the State that access to medicines is an integral part of the right to health, and that essential medicines must be provided and prioritized in order to face diseases that present a public health risk or those priority needs for the health of the population.
100. Regarding the guarantee of the right to health of indigenous peoples, the Office of the Special Rapporteur is dismayed by the situation of Wichí indigenous children in the province of Salta, mainly in the departments of Gran San Martín, Rivadavia and Orán, due to lack of access to health, drinking water and food. Available information indicates that at least 7,543 children under 5 years of age living in these communities were at nutritional risk and at least 108 children would have died in 2020; 64 in 2021 and 53 in the first six months of 2022⁸⁶. In this context, note is taken of the amparo action filed by the organization ACIJ before the justice system of Salta, which obliges the local government to comply with provincial law 7.856 that guarantees access to health care in native communities and to end the structural obstacles that prevent children from native communities from having access to health care⁸⁷.
101. In addition to the above, it has been recorded that the health system of the Province has maintained cultural barriers for years that hinder the medical care of indigenous communities, hindering prevention, the ability to provide informed consent and even presenting obstacles in the most critical life-threatening situations⁸⁸. This Office of the Special Rapporteur recalls that, in accordance with Article 10 of the Protocol of San Salvador and the American Declaration on the Rights of Indigenous Peoples - the first OAS instrument to promote and protect the rights of indigenous peoples in the Americas - States must adopt measures to meet the health needs of the groups at highest risk and most vulnerable due to their poverty. Furthermore, indigenous peoples have the right, collectively and individually, to the enjoyment of the highest attainable standard of physical, mental and spiritual health. In addition, they have the right to use, without discrimination, all health and medical care institutions and services accessible to the general population, as well as to exercise their own health systems and practices. In this regard, States, in consultation and coordination with indigenous peoples, should promote intercultural systems or practices in the medical and health services provided in indigenous communities, including the training of indigenous health technicians and professionals⁸⁹.

⁸³ Ámbito, Médicos advierten por la falta de insumos básicos para cirugías cardiovasculares, December 06, 2022.

⁸⁴ Télam, A report warns that the increase in medicines doubled inflation, October 05, 2022.

⁸⁵ Télam, There will be a 35% discount on medicines for the population without a prepayment or social security, July 17, 2022.

⁸⁶ ACIJ, La Corte de Justicia de Salta ordenó a la Provincia mejorar el acceso a la salud para niños y niñas indígenas, July 22, 2022; Demandamos al Estado salteño por incumplir la Ley de Salud Intercultural respecto de niñas, niños y adolescentes de las comunidades originarias, December 21, 2021.

⁸⁷ *Ibidem*

⁸⁸ *Ibidem*

⁸⁹ OAS, American Declaration on the Rights of Indigenous Peoples, 2016, art. XVII.

102. Regarding the health circumstances of LGBTI people, a report was received that reports on the living conditions of the transgender, transvestite and non-binary population and the difficulties they had to face during the pandemic period. The study, among other points, reveals the impediments associated with access to hormones, inhibitors and blockers during the period of mandatory preventive social isolation (ASPO), as well as the lack of laboratory controls and periodic consultations required for hormonal monitoring in comprehensive terms, given that the health system was directly involved in the pandemic. In fact, only trans and transvestite persons who had the possibility of undergoing medical check-ups and studies through their social security or prepaid health insurance, or by paying for them privately, had adequate medical care⁹⁰. In this regard, the Office of the Special Rapporteur notes that the Commission has established that gender identity is a constitutive and constituent element of the identity of persons, to that extent its recognition by States is vital to guarantee the full enjoyment of the rights of transgender persons.⁹¹ In this regard, the Court established that this right is derived from a harmonious interpretation of Articles 3, 7, 11.2, and 18 of the American Convention.⁹² In this sense, Resolution 1/2020 of the IACHR established the duty of States to provide and apply intersectional perspectives and pay special attention to the needs and the differentiated impact that measures to contain the spread of the virus may have on the human rights of historically excluded groups or those at special risk, such as LGBTI people.⁹³ For this reason, REDESCA calls on the State to guarantee access to health services for LGBTI people in observance of the right to equality and non-discrimination and to adopt or strengthen policies that guarantee respect for gender identity in the hospital setting and the continuity of medical services provided to transgender people⁹⁴.
103. Likewise, in favor of guaranteeing human rights and eradicating all forms of stigma and discrimination against people living with HIV and other sexually transmitted diseases, REDESCA welcomes the approval by the National Congress of the bill on Comprehensive Response to HIV, Viral Hepatitis, other Sexually Transmitted Infections and Tuberculosis with the aim of making a comprehensive approach to this type of diseases and providing support and information to break down prejudices and situations of discrimination, based on a gender and human rights approach⁹⁵. Among its articles, the law prohibits the performance without consent of HIV, Hepatitis and STI diagnostic tests without the corresponding consent, both for pre-occupational examinations and during the stay in the workplace or to enter educational institutions. In addition, it enables early retirement for those 50 years old people who have been living with HIV for 10 years and who have at least 20 years of contributions; it also grants a non-contributory pension for life for those who are in a situation of social vulnerability⁹⁶.
104. In the area of sexual and reproductive health, REDESCA takes careful note of the persistence of obstacles in the implementation of national law 27.610, which regulates access to voluntary termination of pregnancy and postabortion care throughout the country. For example, it was learned about the disparity that exists between provinces in its application, as well as the defective geographical distribution of the authorized services, which are mostly located in the most important cities of each province, which makes access difficult⁹⁷. Also of concern is the situation of medical criminalization and judicial persecution of

⁹⁰ CELS, Monitoring on the living conditions of the trans, transvestite and non-binary population during the covid-19 pandemic and ASPO, June 28, 2022.

⁹¹ IACHR, Report on Trans and Gender Diverse Persons and their ESCER, para. 35

⁹² Inter-American Court, OC-24/17 Gender identity and equality and non-discrimination against same-sex couples, November 24, 2017, Series A No. 24, para. 115

⁹³ IACHR - REDESCA, Resolution 1/2020, Pandemic and Human Rights in the Americas, April 10, 2020.

⁹⁴ IACHR - REDESCA, Resolution 1/2020, Pandemic and Human Rights in the Americas, April 10, 2020.

⁹⁵ Télam, After 30 years, Argentina has a new comprehensive HIV law, June 30, 2022.

⁹⁶ Ministry of Health, The Government regulated the National Law on Comprehensive Response to HIV, Viral Hepatitis, other Sexually Transmitted Infections and Tuberculosis, 01 December 2022.

⁹⁷ elDiarioAR, Aborto legal: A dos años de la sanción de la ley su aplicación sigue siendo desareja en las provincias, 07 de noviembre de 2022.

health professionals who act in accordance with the law in order to guarantee the legal termination of pregnancy that was requested, as was the case of the physician Miranda Ruiz, who was charged with performing an abortion without consent, but was finally acquitted⁹⁸. For its part, Amnesty International points out that in Argentina no national or local authority has carried out campaigns to provide information on access to abortion, while situations of abusive use of conscientious objection clauses, delays in public and private centers, as well as saturation of the 0800-emergency telephone line for consultations and referrals related to abortion have been recorded⁹⁹. REDESCA recalls that, as established by the Inter-American Commission, States have the duty to remove all obstacles that impede women's access to maternal health, sexual health, and reproductive health services that they require, including information and education in the field of sexual and reproductive health. These measures must take into account the situation of special risk, lack of protection and vulnerability of girls and adolescents, as well as women in particular situations of exclusion¹⁰⁰.

105. Regarding mental health, according to official information from the last census conducted (2019), in Argentina there are still 162 monovalent internment institutions or asylums between the public and private sector and 12,035 people interned¹⁰¹. In this regard, it is noted that less than 2% of the total budget funds allocated to the health area would be allocated to mental health¹⁰², in a clear breach of the regulatory regulation which establishes that at least 10% of the total health budget should be allocated to mental health¹⁰³. Notwithstanding the above, this Special Rapporteurship takes note and recognizes as a relevant advance the presentation by the State of the strategic guidelines for the Comprehensive Approach to Mental Health, which establishes a strengthening of mental health care throughout the country, as well as the doubling of the current budget with an extraordinary fund of 4 billion pesos; available information shows that the budget analysis projected to be invested in mental health during 2023 would be far from reaching the budgetary guideline provided for in the national legislation¹⁰⁴.
106. Therefore, REDESCA recalls that health is a fundamental and indispensable human right recognized in the Inter-American system for the protection of human rights, understood as a complete state of physical, mental, and social well-being, derived from a lifestyle that allows people to achieve an integral balance. Likewise, the guarantee of mental health is a determinant for societies to be able to function properly and for people to fully develop in their life projects, since psychological and emotional wellbeing enables people to use their abilities and contribute effectively to their personal wellbeing, their environments, and communities¹⁰⁵. Therefore, as mental health is an inherent component of the right to health, and its realization is intrinsically linked to the full enjoyment of human rights, REDESCA calls on the State to mobilize the maximum available resources for the implementation of plans, policies and projects that address its effective fulfillment.
107. Finally, REDESCA salutes the Argentine State for the enactment and subsequent regulation of Law 27.642 on the Promotion of Healthy Eating or "Front Labeling Law"¹⁰⁶. This law is a fundamental tool, since it

⁹⁸ CELS, Miranda Ruiz guaranteed access to legal abortion and the judiciary agreed with her, September 23, 2022.

⁹⁹ Amnesty International, Annual Report 2021/22: The State of the World's Human Rights, March 2022.

¹⁰⁰ IACHR, Violence and Discrimination against Women, Girls and Adolescents: Good practices and challenges in Latin America and the Caribbean, November 14, 2019.

¹⁰¹ Ministry of Health, Results of the first national census of people hospitalized for mental health reasons were presented, 01 August 2019.

¹⁰² ACIJ, Argentina sin manicomios, La salud mental en datos. Information available at: <https://argentinasinmanicomios.acij.org.ar/salud-mental-en-datos/>.

¹⁰³ Law 26.657, Right to the Protection of Mental Health, November 2010. Art.32.

¹⁰⁴ ACIJ, Analysis of the Budget 2023 | Thematic Reports, November 04, 2022.

¹⁰⁵ IACHR, Press Release No 243/2020, States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access, October 02, 2020.

¹⁰⁶ Infobae, The Government regulated the Front Labeling Law and companies will have to start adapting food packaging, March 23, 2022.

ensures access to information for the population regarding the food products they consume and which may damage health and development, and simultaneously, it works as a guide in purchasing decisions.

B. Climate Emergency and the Human Right to Water

108. Regarding the climatic emergency, REDESCA notes with special concern the fires that occurred between January and February in different provinces of the country such as Corriente, Chaco, Misiones and Formosa¹⁰⁷, which led the national government to declare a fire emergency for a period of one year in order to adopt all necessary measures to address the advance of the fires, the restoration of affected areas and the prevention of new outbreaks¹⁰⁸.
109. In particular, the Office of the Special Rapporteur takes note of the events in the province of Corrientes where the fire affected 1,042,514 hectares, or 12% of the provincial territory¹⁰⁹ and reached areas of extreme importance for the biodiversity of the region such as the Iberá National Park, home to the main wetlands in the country, which was affected by 40% of its surface area¹¹⁰. At the same time, REDESCA warns that fires were recorded in the province of Córdoba¹¹¹, as well as in the Paraná Delta area when new outbreaks were generated as a result of illegal intentional burning in the provinces of Santa Fe and Entre Ríos, reaching a total of 100,000 hectares and generating large columns of smoke that impregnate the air of nearby cities and damage the health of their inhabitants¹¹². According to the National Fire Management Service, 95% of forest fires are caused by human intervention and among the first causes is the use of fire for the preparation of grazing areas¹¹³. In this context, the Office of the Special Rapporteur expresses its concern and solidarity with the people affected by these fires, while saluting and highlighting the efforts made by government authorities, brigadistas and social volunteers who were on the front line of firefighting.
110. On the other hand, REDESCA regrets the loss of parliamentary status of the Wetlands Law¹¹⁴ and is concerned about the constant delays in its treatment by the Legislative Branch. The law represents a fundamental step by the State in the adoption of a public policy for the conservation of wetlands, which represent ecosystems of enormous biological, social, cultural and economic value and are indispensable in the mitigation of climate change. In particular, the bill establishes a minimum budget to be allocated to the conservation, protection and sustainable use of wetlands and, among other points, provides for the creation of an inventory of national wetlands, the ecological restoration of degraded areas and the creation of a national wetlands fund¹¹⁵. In a context of water emergency and extended periods of drought, REDESCA urges the State to take all prevention and mitigation measures available and necessary to deal with this type of extreme events.

¹⁰⁷ Infobae, [Incendios en el litoral: además de Corrientes, el fuego golpea también a Chaco, Misiones y Formosa](#), 23 February 2022.

¹⁰⁸ Ministry of Environment and Sustainable Development, [The National Government extended the fire emergency throughout Argentina](#), January 5, 2022.

¹⁰⁹ La Nación, [Fires in Corrientes affected 12% of the province's territory](#), March 08, 2022.

¹¹⁰ Infobae, [Fires in Corrientes: the fire consumed almost 40% of Iberá National Park](#), February 22, 2022.

¹¹¹ Perfil, [Córdoba, en llamas: los incendios amenazan a Alta Gracia y se acercan a la capital provincial](#), September 07, 2022; Cadena3, [Temen que el viento dificulte las tareas para controlar el incendio en La Falda](#), September 08, 2022.

¹¹² Los Angeles Times, [Fire ravages 100,000 hectares of wetland in Argentina](#), August 19, 2022; elDiarioAR, [Smoke from burning grasslands off Rosario has already reached the City of Buenos Aires](#), August 16, 2022.

¹¹³ Ministry of Environment and Sustainable Development, [Fire Report](#), February 17, 2022.

¹¹⁴ La Capital, [Otra vez no se trató la ley de humedales y perdió estado parlamentario](#), January 25, 2022.

¹¹⁵ Amnesty International, [#LeyDeHumedalesYA](#). Information available at: <https://amnistia.org.ar/landings/ley-humedales-ya/>.

111. In addition to the fires, the lack of rainfall and the prolonged periods of drought that have extended throughout the national territory are of concern. According to the National Drought Monitoring Board, in November a total of 140 million hectares were under such conditions, of which 7 million were severely affected, mainly in the jurisdictions with the highest agricultural and livestock productivity, such as Buenos Aires, Santa Fe and Entre Ríos¹¹⁶. The Paraná river basin was also affected by the drought period, with record low water levels, the disappearance of lagoons and a significant reduction in the flow of water for consumption and irrigation, which in turn caused a change in the environmental, economic, productive and social life of the area¹¹⁷. The same scenario has been repeated in the provinces of Mendoza¹¹⁸ and San Luis.¹¹⁹
112. In relation to the human right to water, the Special Rapporteur learned of a mapping of water shortages in Argentina revealing that 41% of the population lives in cities with safe to very safe water supply, 42% in cities with somewhat compromised water supply and 17% in cities with very compromised water quality. The study understands "compromised" cities when, for example, two cities share the same water supply point, or one receives water where another discharges tributaries¹²⁰.
113. Without detracting from the above, REDESCA notes with great concern information that reveals that in 2021, 110,180 hectares of native forest were deforested in northern Argentina - equivalent to more than five times the area of the City of Buenos Aires¹²¹. Of the total number of hectares deforested, half occurred in the province of Santiago del Estero and more than 80% was illegally, that is, in areas where deforestation is prohibited, followed by Formosa with 29,165 hectares, Chaco with 18,068 hectares and Salta with 10,657 hectares. For its part, during the first six months of 2022, the clearing of more than 41,000 hectares was reported in these¹²² four provinces¹²³. In view of this, REDESCA took notice of the filing of a collective action against the four provincial governments for having violated national forestry regulations by carrying out land recategorizations to authorize land clearing in protected forests, authorizing selective land clearing for cattle ranching where it is not permitted and preparing a Territorial Ordinance that allows the clearing of up to 75% of¹²⁴ forests¹²⁴.
114. Related to the above, REDESCA notes that climate change is one of the greatest threats to the full enjoyment and exercise of human rights of both present and future generations, to the health of ecosystems and of all species that inhabit the planet. In this sense, climate change directly affects the right to a healthy environment, which has been recognized as an autonomous and justiciable human right by the jurisprudence of the organs of the Inter-American Human Rights System. In addition, it is important to take into account the Advisory Opinion 23/17 of the IACHR Court, which stipulates that the protection of this right not only aims to protect the interest of people on ecosystems, but also aims to protect nature and all its components for their intrinsic value.

¹¹⁶ Télam, In the country, seven million hectares are affected by the severe drought, 07 November 2022.

¹¹⁷ Rosario 3, Por la bajante y la sequía, laguna Garay quedó casi seca: así rescataron a las tortugas, January 12, 2022; Rosario 3, Bajante histórica: las imágenes más impactantes de la Laguna Paiva totalmente seca, January 11, 2022.

¹¹⁸ La Política Ambiental, Deep water crisis in Mendoza, October 05, 2022.

¹¹⁹ The Environmental Policy, St. Louis Drought, November 05, 2022.

¹²⁰ Infobae, Carencias hídricas en la Argentina: el 17% de los argentinos vive en ciudades con una provisión de agua "muy comprometida", 22 March 2022.

¹²¹ Greenpeace, Annual Deforestation Report 2021: Argentina lost the equivalent of 12 soccer fields per hour to deforestation, January 31, 2022.

¹²² Greenpeace, Protest in the Bermejo River: The deforestation does not stop. Greenpeace demands "Zero Deforestation", July 15, 2022.

¹²⁴ Collective protection action filed by Greenpeace. Disponible en: https://greenpeace.org.ar/pdf/2020/Amparo.pdf?_ga=2.163517183.2136605680.1675105444-876354428.1675105444

115. Consequently, the Office of the Special Rapporteur, following the standards of Res. 3/2021¹²⁵, encourages the State of Argentina, in line with the obligations assumed within the Inter-American system, to place human rights and the adverse impact that climate change has on the enjoyment of human rights at the center of its climate negotiations and decisions, especially for the most vulnerable individuals and groups. In addition, REDESCA calls on the country's authorities to pay special attention to the problem and implement a series of actions aimed at guaranteeing the human right to water of the inhabitants of different regions of Argentina who need it.
116. On the other hand, REDESCA salutes the State for the creation of the Ansenzuza National Park in the province of Córdoba¹²⁶. This territory is considered one of the most important sites for the conservation of birds in the center of the country and for the conservation of migratory species in South America. REDESCA also notes that it is a territory inhabited by peasant and indigenous communities, which is why it is necessary to contemplate and protect their way of living there and to guarantee their participation in the management of natural resources and other decisions that directly affect them¹²⁷.
117. Finally, the Special Rapporteur welcomes the State of Argentina for the presentation of the Climate Change Adaptation and Mitigation Plan, as well as a strategy to achieve carbon neutrality by 2050¹²⁸, which was also presented in the framework of the COP27. In particular, the plan seeks to align the country's objectives with the Paris Agreement and achieve the adaptation and mitigation targets set out in its Second NDC (Nationally Determined Contribution) and its update. REDESCA highlights its two main goals: on the one hand, mitigation, with the objective of limiting its emissions by 2030, and on the other hand, adaptation, through the adoption of measures with a human rights and gender focus¹²⁹. Without prejudice to this, in the framework of the implementation of this plan, REDESCA reminds the State of its duty to ensure transparency and participation with all interested social actors, guaranteeing that climate actions do not negatively affect the rights of people, the possibility of submitting observations by appropriate means and of challenging decisions through judicial or administrative means¹³⁰.

C. Business and human rights

118. In the area of business and human rights, REDESCA has followed up on the conflict surrounding the National Government's authorization of offshore seismic exploration operations for hydrocarbons in the Argentinean Sea¹³¹. Regarding this issue, it takes note of the demonstrations carried out by various civil society organizations who filed an injunction and precautionary measure against the State in order to suspend these activities, stating that they would have a direct impact on the sea, biodiversity and climate¹³². For their part, national authorities have stated that offshore production represents a great opportunity in

¹²⁵ IACHR. Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations, December 31, 2021.

¹²⁶ Ministry of Environment and Sustainable Development, Ansenzuza National Park was created in the province of Córdoba, June 30, 2022.

¹²⁷ CELS, la ley de creación del parque nacional ansenuza debe contemplar a las comunidades campesinas e indígenas que lo habitan, April 18, 2022.

¹²⁸ Ministry of Environment and Sustainable Development, Climate Action: Argentina moves forward with its national strategy 2030 to 2050 against climate change, November 01, 2022.

¹²⁹ Ibid.

¹³⁰ IACHR. Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations, December 31, 2021.

¹³¹ Agencia EFE, An "offshore" hydrocarbon exploration project divides waters in Argentina, January 04, 2022.

¹³² Greenpeace, Organizations file amparo and injunction against approval of offshore exploration, January 13, 2022.

terms of energy and economic development of the country¹³³. Finally, in December, the Court of Justice annulled the precautionary measure and authorized the Norwegian company Equinor to begin exploration¹³⁴.

119. In this context, REDESCA recalls that, in its report on business and human rights, it has pointed out that the right to development must be sustainable, and to this end, the focus must necessarily be placed on the well-being and rights of people and communities rather than on economic statistics and merchandise¹³⁵. This reaffirms the close relationship that must exist between human rights, sustainable development and the environment, whose interaction encompasses innumerable facets and scopes. Not only States, in exercising their regulatory, oversight and judicial functions, but also companies, in the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with the peoples and persons who may be affected by such operations.
120. On the other hand, we have become aware of the encampment carried out by indigenous communities in Jujuy in response to irregularities in the installation of the company Minerales Australes SA, as well as the opening of illegal roads within indigenous territory and the failure to comply with the laws that recognize their right to prior, free and informed consultation¹³⁶. In addition, the Committee noted with concern the incidents that occurred in the municipality of Andalgalá, province of Catamarca, following a protest carried out by neighbors in response to the landing of a mining project of the Agua Rica company in the vicinity¹³⁷. In this regard, the existence of injured persons was reported as a result of the intimidating and repressive actions of the police forces in an attempt to evict the encampment¹³⁸. In this regard, the Office of the Special Rapporteur reminds the State of its obligation to ensure participatory and inclusive spaces for those who may be at risk of seeing their fundamental rights and freedoms affected as a result of business activities¹³⁹. Therefore, in cases where such business activities are likely to directly affect communities in general, indigenous peoples or communities, tribes and Afro-descendants, there is a special duty to ensure the effective participation of these peoples by respecting and guaranteeing the right to consultation and, where appropriate, free, prior and informed consent, as well as the preparation of prior social and environmental impact studies and the establishment of shared benefits in favor of guaranteeing the rights of these peoples¹⁴⁰.
121. In the same sense, it is also important to make reference to the lack of control in the respect of environmental norms within business activities of the agricultural sector that contaminate the environment during the spraying process and cause great effects on people's health¹⁴¹. In this sense, REDESCA is concerned about the use of glyphosate in aerial spraying -mainly in soybean crops- as the main herbicide in monoculture. In fact, there is news about the contamination of rivers and their beds, as is the

¹³³ Secretary of Energy, Statements on Twitter. https://mobile.twitter.com/Energia_Ar/status/1511786274302144528

¹³⁴ SwissInfo, [Argentine court lifts injunction and enables offshore exploration](#), December 05, 2022.

¹³⁵ IACHR and REDESCA. [Business and Human Rights Report: Inter-American Standards](#), November 1, 2019. Para. 45.

¹³⁶ Página12, [Jujuy: indigenous people resist the advance of a mining company on Puna territory](#), March 29, 2022.

¹³⁷ Cadena3, [Catamarca: incidents in Andalgalá in anti-mining protest](#), May 03, 2022.

¹³⁸ TV Pública, [Catamarca: repression in Andalgalá by protest against mega-mining](#), May 4, 2022.

¹³⁹ IACHR and REDESCA. [Business and Human Rights Report: Inter-American Standards](#), November 1, 2019. Para. 49.

¹⁴⁰ IACHR and REDESCA. [Business and Human Rights Report: Inter-American Standards](#), November 1, 2019. Para. 343.

¹⁴¹ DW, [German pesticides poison Argentina](#), August 26, 2022.

case of the Gualeguay river in Entre Ríos¹⁴² and the Salado River in Santa Fe¹⁴³ where high levels of heavy metals such as glyphosate, among others, have been found. In view of this, REDESCA recalls that the lack of adequate supervision and investigation by the State of companies that spray agrochemicals can generate the responsibility of the State for its omission in its duty to protect human rights.

122. In view of the impact of the pandemic on ESCER, and especially on the lives of women, the Office of the Special Rapporteur on ESCER welcomes the State's decision that companies employing 100 or more people, regardless of the type of contract, must offer childcare spaces for children between 45 days and 3 years of age who are in the care of the workers during the respective workday¹⁴⁴.

D. Labor and Union Rights

123. With respect to the effective enjoyment of labor and union rights, REDESCA takes careful note that, according to estimates of the National Institute of Statistics and Census (INDEC), during the second quarter of 2022 the activity rate presented an increase of 2.0%, that is, it went from 45.9% in 2021 to 47.9% in 2022. As for the employment rate, it stood at 44.6%, an increase of 3.1% year-on-year, while the unemployment rate, which includes those people who have no occupation, are available for work and are actively seeking employment, was 6.9%, showing a reduction of 2.7% in the year-on-year comparison¹⁴⁵.

124. However, this Rapporteurship is particularly concerned about the increase in the rates of informality and labor precariousness in the country. In this regard, the INDEC reveals that among the salaried population there was an increase of 6.3% in the proportion of those who "do not have a pension discount" from 31.5% to 37.8% and, on the other hand, the portion of salaried workers with a pension discount decreased from 68.5% to 62.2%¹⁴⁶. In addition, a report published by the Center for Metropolitan Studies reveals that 45% of the total number of employed workers in the country work under precarious labor conditions¹⁴⁷. In view of this context, REDESCA takes note of the creation by the State of the "Bridge to Employment" program, which aims to gradually transform social, educational and employment programs into quality registered work in a federal manner. They also seek to improve employability and the generation of new productive proposals and promote the full social inclusion of those who are socially and economically vulnerable¹⁴⁸.

125. In addition, during the months of recovery from the pandemic, there would have been an increase in the number of labor sources among the Argentine population but generating a migration of salaried jobs to self-employment and with it a greater precariousness as a result of the real decrease in salaries and labor protection. Indeed, the arrival of new technologies, the emergence of jobs linked to digital delivery platforms, the increase in activities for professionals offering services abroad or the increase in jobs linked to the popular economy have made this paradigm shift in the labor field possible¹⁴⁹. Given this scenario, REDESCA calls on the State to make its best efforts to ensure the creation of genuine labor relations that

¹⁴² La Política Ambiental, Entre Ríos: High levels of Glyphosate detected in the Gualeguay River, September 08, 2022.

¹⁴³ Uno Santa Fe, Alarming contamination of the Salado River: pesticides, heavy metals and industrial waste, November 12, 2022.

¹⁴⁴ elDiarioAr, Companies with 100 or more workers will have to offer childcare spaces, March 23, 2022.

¹⁴⁵ INDEC, Labor Market. Rates and socioeconomic indicators (EPH), Second quarter 2022, September 2022.

¹⁴⁶ Ibidem

¹⁴⁷ Centro de Estudios Metropolitanos (CEM), Crece la informalidad y la precariedad laboral en Argentina, November 25, 2022.

¹⁴⁸ Ministry of Justice and Human Rights, Bridge to Employment Program, Decree 551/2022, August 2022.

¹⁴⁹ elDiarioAr, Precarización y nuevas tecnologías, el detrás de escena de un mercado laboral cada vez más "cuentapropista", January 15, 2022.

comply with the respect and guarantee of human rights, in particular, fair and equitable working conditions and labor rights of the working person, whether in terms of salary, working hours, social benefits, non-discrimination or health and safety in the framework of the productive activities they can perform in light of the particular context in which they find themselves.¹⁵⁰

126. Regarding the guarantee of equal work conditions, REDESCA observes a lower participation of women in the labor market. During the second quarter of 2022, the average participation rate of women was 51.7%, almost 20 percentage points below that of men, which reached 70.1% in the same period¹⁵¹. On the other hand, there is a higher unemployment rate among women (7.8%) than among men (6.1%). In this sense, in terms of the indivisibility and interdependence of human rights, REDESCA recalls that limitations on the exercise of women's right to work have repercussions on the exercise of all their human rights, including their economic, social and cultural rights in general. Equality in access to employment is not only limited to obtaining or getting a job, but also to equal opportunities in access to positions, including hierarchical positions. For example, in the area of justice in Argentina, only around 30% of women have access to the highest hierarchical positions at the top of the judiciary, despite the fact that they represent the majority at lower levels, reproducing an unequal distribution of positions¹⁵². It is therefore important that States not only refrain from discriminating or tolerating forms of discrimination in the labor sphere, including the trade union sphere, but also have a positive obligation to create all the conditions within their reach to facilitate the insertion and permanence of women in these areas¹⁵³.
127. In addition to the above, REDESCA is concerned about the trend in the overburdening of women in unpaid work, such as domestic work and care tasks for minors, the elderly, and even persons deprived of liberty, which have increased during the pandemic. In fact, according to a survey conducted by INDEC in 2021¹⁵⁴, 83.8% of Argentines perform some type of unpaid work, i.e. those types of household productive activities for their own members without receiving any remuneration for it. However, women are the ones who perform this type of tasks the most, reaching 92% compared to 75% of men; even women are the ones who dedicate more time to it (6:30 hs. compared to 3:40 hs. for men). As for care tasks, 31% of women perform this type of work without economic compensation and dedicate more than 6 hours to it, while only 20% of men perform this type of tasks and dedicate 3:30 hours of their time to it.
128. In view of these results, REDESCA observes the persistence of gender stereotypes that perpetuate the roles of care and household chores as a duty and an unpaid responsibility, which contributes to maintaining the gender gap. In addition, the Office of the Special Rapporteur calls on the Argentine State to articulate public policies that recognize the right to care as a human right, and to value care work and the labor rights of domestic workers, as well as the creation of national care systems with a focus on rights, gender, and intersectionality¹⁵⁵. The gender perspective and the realization of women's human rights today represent a challenge as great as the opportunity to make our societies fairer, more equal, and more caring.
129. The Office of the Special Rapporteur welcomes as a step forward the decision of the National Executive Power to send to Congress a bill called "Ley Cuidar en Igualdad" (Equal Care Act), which provides for a

¹⁵⁰ IACHR, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 369.

¹⁵¹ INDEC, Labor Market. Rates and socioeconomic indicators (EPH), Second quarter 2022, September 2022.

¹⁵² Caputi María, Florencia Burdeos, "Competitions exclusively for female candidates as an affirmative action measure tending to guarantee gender equality", La Ley, Judicial Management Supplement, November 30, 2022, page 8. Cite La Ley: TR LALEY AR/DOC/3241/2022.

¹⁵³ Written observations submitted by the IACHR on the request for an advisory opinion to the IACHR Court on the scope of States' obligations under the Inter-American system on guarantees to freedom of association, its relationship with other rights and its application from a gender perspective. June 2020.

¹⁵⁴ INDEC, National Time Use Survey 2021, October 2022.

¹⁵⁵ IACHR, Compendium on Economic, Social, Cultural and Environmental Rights, OEA/Ser.L/V/II., 31 December 2021, p. 58.

reform of the maternity and paternity leave system. The bill proposes an extension of leave for pregnant women from 90 to 126 days and for non-pregnant women, who currently only have two days of leave, it would progressively increase from 15 days to 90 in 8 years. This would also be extended to self-employed persons and adoptive persons, benefits that so far do not exist in the country¹⁵⁶.

130. On the other hand, the Special Rapporteurship is concerned about the working conditions of workers in the health sector. Indeed, several demonstrations and strikes of medical personnel and residents have been reported both in the city of Buenos Aires¹⁵⁷ and in Jujuy¹⁵⁸, Córdoba¹⁵⁹, Santa Fe¹⁶⁰ and Mendoza¹⁶¹, which have as common denominator the claim for salary improvements that, in an inflationary context, have become outdated, as well as the deficient working conditions and work overloads during the pandemic without being economically compensated. In this regard, REDESCA urges the State to effectively protect the rights of health personnel in accordance with international human rights standards on decent work, including ILO regulations. In this sense, the State must face the challenges of the labor market by promoting public policies that guarantee decent work and ensure its effective fulfillment, with an impact on the elimination of the lack of quality opportunities and precarious working conditions. Likewise, in a context of serious health crisis, in accordance with Resolution 1/2020 of the IACHR, the Argentine State must guarantee the labor rights of health professionals, who have been, and still are, at greater risk as a result of the pandemic. Indeed, it will be a priority to take measures to ensure sufficient economic income and means of subsistence for all workers, so that they have equal conditions to comply with the measures of containment and protection during the pandemic, as well as conditions of access to food and other essential rights. Those who will continue to work should be protected from the risks of contracting the virus and, in general, adequate protection should be given to jobs, wages, freedom of association and collective bargaining, pensions and other social rights interrelated to the labor and trade union sphere¹⁶².

E. Fiscal and Economic Policies

131. REDESCA notes that during 2021, economic activity showed signs of improvement, with a 10.4% increase in GDP after a 9.9% drop in 2020 as a result of the crisis unleashed by COVID-19. In turn, the fiscal deficit was reduced with respect to 2020, mainly as a consequence of the reduction in COVID-19-related spending such as the end of the Emergency Family Income (IFE) and the Emergency Assistance to Labor and Production Program (ATP). In parallel, different measures were adopted that implied extraordinary revenues, such as those coming from the tax on large fortunes, as well as a higher collection from export duties¹⁶³.
132. In addition, in order to contain the economic crisis and high inflation levels, the Argentine government adopted a series of fiscal and economic policy actions. Among the most relevant was the signing of an agreement with the International Monetary Fund (IMF) and the refinancing of a debt of more than US\$45

¹⁵⁶ Profile, [The Government announced a bill that extends parental leave](#), May 02, 2022.

¹⁵⁷ LaNación, [Los médicos residentes porteños volvieron a movilizarse y el conflicto con la Ciudad crece](#), November 08, 2022.

¹⁵⁸ Jujuy al momento, [Malestar en Salud: siguen los reclamos por mejoras salariales](#), November 15, 2022.

¹⁵⁹ ViaPaís, [Reclamo del personal de salud en Córdoba: así serán las asambleas en los hospitales provinciales](#), November 14, 2022.

¹⁶⁰ Página12, [Santa Fe: physicians of the public system announced a 48-hour strike for bargaining](#), July 31, 2022.

¹⁶¹ The Rapporteurship has received information on the situation of anesthesiologists in the Province of Mendoza who denounce the compulsory imposition and forced practice of anesthesia in public hospitals in the province of Mendoza. Information received by the Rapporteurship. REDESCA Archive.

¹⁶² IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020, operative part, para. 5.

¹⁶³ World Bank, [Argentina: overview](#), October 3, 2022.

million. Among the most important points of this agreement, a series of measures were agreed upon, such as reducing the fiscal deficit, lowering inflation levels, increasing the reserves of the Central Bank, and reducing subsidies in the provision of public services such as energy, gas, and water¹⁶⁴. In this context, in order to avoid the loss of purchasing power of the Argentine population, a bonus was implemented to reinforce the income of retirees, self-employed workers and informal workers¹⁶⁵, while the minimum living and mobile wage was increased by 45%, to be paid in four installments throughout the year¹⁶⁶. At the same time, a windfall income tax was created for those sectors of the economy that had experienced net profits in excess of one billion pesos as a consequence of the international crisis¹⁶⁷.

133. Other measures adopted by the Argentine government to mitigate the effects of inflation are the "Cared Prices" and "Fair Prices" programs. The former is based on the fact that certain products belonging to various items of mass consumption are marketed on the basis of reference prices¹⁶⁸. The second, understood as an agreement that fixes or freezes the prices of a set of mass consumption products for 120 days while establishing a price path for other essential products that do not exceed a 4% monthly increase¹⁶⁹.
134. Likewise, within the framework of the COVID-19 pandemic, the Government took the decision to provide a lifetime pension to those family members of health care, Armed Forces and other personnel who had died due to Covid-19 infection while performing functions where they were considered essential¹⁷⁰. In this regard, REDESCA welcomes this initiative as a show of support and recognition of the work and efforts made by health care personnel who are on the front line against COVID-19.
135. Finally, the Office of the Special Rapporteur takes careful note of the report presented by the United Nations Independent Expert on public debt, Attiya Waris, who stated that although the public debt contracted by the country over the years has served to maintain a stable economy, it has not translated into an investment in human rights. Indeed, the expert noted the high poverty rates and low quality of life; the successive budget cuts in education and housing; and the persistent wage gap between men and women and inequalities in access to employment.¹⁷¹
136. In this context, it is important to emphasize that the path towards a just and transformative transition with a human rights approach cannot fall on the most vulnerable sectors of society; on the contrary, an expansive fiscal policy must guarantee access to fundamental rights and translate into increased public spending in areas that have an impact on improving people's quality of life. For their part, multilateral financing institutions, as subjects of international law, should support States in increasing their capacity to raise and mobilize resources and to comply with their international human rights obligations.

¹⁶⁴ El País, [The Argentine Congress approves with a large majority the agreement with the IMF](#), March 17, 2022.

¹⁶⁵ Clarín, [El Gobierno anunció un bono para trabajadores informales, monotributistas y jubilados](#), April 18, 2022.

¹⁶⁶ Infobae, [The minimum wage will increase 45% in four installments and will end the year at \\$47,850](#), March 16, 2022.

¹⁶⁷ Infobae, [Alberto Fernández and Martín Guzmán announced a bonus for retirees and informal workers and a new tax on "windfall income"](#), April 18, 2022.

¹⁶⁸ Infobae, [Precios Cuidados: el Gobierno renovará el programa con aumentos mensuales de hasta 3 por ciento](#), April 04, 2022.

¹⁶⁹ Ministry of Economy, [Fair Prices](#).

¹⁷⁰ Perfil, [Pensión vitalicia para familiares de "esenciales" víctimas de Covid-19: quién la cobecan y cómo tramitarla](#), 26 January 2022.

¹⁷¹ OHCHR, [UN Debt Expert Urges Argentina to Maximize Resources to Defend Human Rights and Prevent Setbacks](#), October 05, 2022.

F. Education, science, technology: academic freedom and university autonomy

137. REDESCA notes that, in September 2021, after significant progress in vaccination rates against COVID-19 in the pediatric population, the Federal Council of Education recommended full attendance in all educational institutions at the mandatory level¹⁷². Likewise, it was learned about the beginning of the national vaccination campaign against coronavirus aimed at primary and secondary school students, their families, teachers, and non-teachers¹⁷³.
138. Regarding the impact of the COVID-19 pandemic on the enjoyment of the human right to education, REDESCA takes careful note of the data published by ECLAC, which shows that between February 2020 and March 2022, a total of 22 weeks of total closure and 60 weeks of partial closure were recorded¹⁷⁴. Indeed, it is noted that one of the main objectives of the Government was to reintegrate students into the educational system and sustain their educational trajectory, after registering 500,000 students who had not returned to educational establishments¹⁷⁵. Among the measures implemented for this purpose, the creation of the program "Volvé a la Escuela" (Back to School) was welcomed, which aimed at carrying out student-by-student follow-up actions to resume and reinforce their link with the educational system¹⁷⁶. At the beginning of the 2022 school year, some 300,000 boys and girls would have regained a stable link with primary and secondary school and kindergarten¹⁷⁷.
139. On the other hand, the results of the Learning Tests carried out during 2021, where students in 6th grade of primary school were evaluated in the subjects of Language and Mathematics, were reported. Regarding Language, the results showed a deterioration with respect to previous years by specifying that 4 out of 10 students were placed in basic and below basic performance levels. The report also revealed that this drop occurred both nationally and in each of the provinces, worryingly increasing the learning gap that had been steadily decreasing since 2013¹⁷⁸. Regarding the area of Mathematics, results similar to those achieved in 2018 are maintained, although this also means that the trend of improvement in performance initiated since 2013¹⁷⁹ comes to a halt. Likewise, the results of Aprender 2021 would show a widening of the performance gaps according to socioeconomic level in the two disciplines evaluated. In fact, in all provinces, students from private schools have better performance than students attending public state schools and those from lower socioeconomic strata have learning levels considerably lower than those of their more advantaged peers¹⁸⁰. Taking into account these results, REDESCA takes note of the national implementation of the "One more hour" program, which consists of extending class hours by one hour per day in public primary schools in order to reinforce the contents of Language and Mathematics¹⁸¹. The plan is in force in most of the provinces of the country, with the exception of San Luis, La Pampa, Neuquén and Misiones.

¹⁷² Ministry of Education, [Education recommends the return to full presentality in the 24 jurisdictions of the country](#), September 23, 2021; Federal Education Council, [Res. 404/2021](#).

¹⁷³ SwissInfo, [Argentina launches vaccination campaign to achieve classroom attendance](#), January 24, 2022.

¹⁷⁴ Economic Commission for Latin America and the Caribbean (ECLAC), [Social Panorama of Latin America and the Caribbean, 2022](#), Santiago, 2022, p. 100.

¹⁷⁵ Clarín, [After the controversy, the Government admitted that there are 500,000 children who lost contact with school](#), January 20, 2022.

¹⁷⁶ Ministry of Education, [National Back to School Program](#).

¹⁷⁷ ElDiarioAR, [Two years after the suspension of face-to-face classes, there are still 200,000 students without a stable link to school](#), March 19, 2022.

¹⁷⁸ Ministerio de Educación de la Nación, [Aprender 2021: Informe nacional de resultados](#), p. 81.

¹⁷⁹ Ministerio de Educación de la Nación, [Aprender 2021: Informe nacional de resultados](#), p. 91.

¹⁸⁰ Ministerio de Educación de la Nación, [Aprender 2021: Informe nacional de resultados](#), p. 102.

¹⁸¹ Ministerio de Educación de la Nación, [Una hora más](#).

140. At the same time, the Office of the Special Rapporteur notes with concern the situation of schools in the Province of Buenos Aires and the Autonomous City of Buenos Aires. In this regard, in the Province, the decision to reduce school hours or even the closure of many educational establishments during the winter due to the lack of gas for heating was reported, affecting more than 300,000 students¹⁸². On the other hand, it was learned about the claims made by groups of students in the City of Buenos Aires who demanded improvements in the building conditions of Buenos Aires schools, better conditions of meals in educational centers due to their poor condition and low nutritional content¹⁸³ and the end of the so-called Approximation Activities, i.e., mandatory curricular internships, but not paid¹⁸⁴.
141. Regarding access to education for people with disabilities, REDESCA welcomes the decision of the Court of the City of Buenos Aires that ordered the government of the City of Buenos Aires to implement public policies to end discrimination against people with disabilities in private schools when applying for enrollment¹⁸⁵.
142. REDESCA recalls that the human right to education is enshrined in a considerable number of inter-American and international human rights treaties. This right has been characterized as a "fundamental pillar to guarantee the enjoyment of a dignified life" and as an "indispensable means to realize other human rights". Likewise, education is necessary for the full intellectual development of one's identity, personality, talents and abilities, all of which provide individuals with valuable mechanisms for developing their full potential, such as tools for finding quality employment and avoiding falling into or escaping poverty.
143. With specific regard to the duty to guarantee the right to education, REDESCA considers that, in order to ensure its effective enjoyment, it is necessary to implement public policies backed by adequate and sufficient financial resources. Like all ESCER, the right to education imposes on OAS member states the obligation to respect, protect and comply with the interrelated characteristics of the right, i.e., availability, accessibility, acceptability, and adaptability, in the terms established by the United Nations Committee on ESCR. In this regard, States must ensure: *(i)* that there are educational institutions and programs in sufficient quantity in the State, with the proper conditions of safety and hygiene to be able to function, qualified teaching staff, with competitive salaries and adequate and sufficient materials, among other requirements; *ii)* guarantee the accessibility of education from a material and economic point of view, ensuring that there is no discrimination, especially with respect to groups in vulnerable situations; *iii)* acceptability must be guaranteed, both in terms of form and substance, including curricula and pedagogical methods that must be relevant, culturally appropriate and of good quality; *iv)* States must ensure the adaptability of education, in order to be able to serve specific needs in varied cultural and social contexts¹⁸⁶.
144. In the area of comprehensive sex education, the Special Rapporteur welcomes the decision of the Legislature of the province of Tucumán to approve accession to the Comprehensive Sex Education Law (ESI) passed by the National Congress in October 2006¹⁸⁷. In turn, the Office of the Special Rapporteur has learned of a complaint made by Amnesty International Argentina about a teacher training congress held in Chaco under the framework of a ministerial resolution that enabled alternative sex education proposals

¹⁸² Infobae, [Hundreds of Buenos Aires schools are without classes due to lack of gas](#), June 02, 2022.

¹⁸³ Página12, [CABA: denuncias por el servicio de viandas en los comedores escolares](#), April 25, 2022.

¹⁸⁴ Télam, [Students marched and maintain takeovers in several schools](#), October 04, 2022.

¹⁸⁵ ACIJ, [Landmark ruling: CABA private schools will no longer be able to exclude students with disabilities](#), June 29, 2022.

¹⁸⁶ Committee on Economic, Social and Cultural Rights, General Comment Number 13: The right to education (article 13 of the Covenant), E/C.12/1999/10, December 8, 1999, para. 6.

¹⁸⁷ EldiarioAR, [With 16 years of delay, Tucumán adhered to the Integral Sexual Education Law](#), August 30, 2022.

for teacher training and teaching at all levels, appealing to a content contrary to what is determined by the law¹⁸⁸.

145. In order to reduce the digital divide within the educational system, which was increased as a consequence of the pandemic, REDESCA welcomes the National Government's measure to implement again the "Conectar Igualdad" program, which facilitates the distribution of netbooks to students and teachers of public schools, state-run special education schools and teacher training institutes, a necessary measure to reduce the digital divide within the educational system¹⁸⁹. It also welcomes the measure to build 100 integrated buildings for technical-professional education distributed throughout the country¹⁹⁰.

146. In the area of cultural rights, REDESCA welcomes the decision of the National Congress to pass into law the bill that extends for 50 years the specific allocations for the support of activities such as those carried out in popular libraries, cinema, music and theater, whose term was to expire on December 31, 2022. This decision would avoid the defunding of organizations such as the Film, Theater and Music Institutes and is demanded by actors of the sector¹⁹¹.

G. Human Mobility and ESCER

147. According to UNHCR information, as of June 2022, Argentina had 15,914 refugees, applicants for refugee status and other persons of concern, and 165,102 persons in need of international protection¹⁹². Likewise, national media report that the Venezuelan community would have been the one that grew the most among the foreign people who entered the country between 2018 and 2021¹⁹³. Indeed, in 2021 there were more than 173,000 refugees and migrants from Venezuela residing in the country¹⁹⁴.

148. With regard to human mobility and its link to the guarantee of economic, social, cultural and environmental rights, the Office of the Special Rapporteur notes that the State continued to work on the development of public policies that actively promote the protection and integration of the migrant population in Argentine society. In this regard, the opening of new Integration Centers for Migrants and Refugees has been reported, such as in the city of Córdoba¹⁹⁵, La Plata¹⁹⁶ and La Quiaca, Province of Jujuy¹⁹⁷, which are strategic points for the attention of the migrant population and which are added to those already created in the city of Buenos Aires and Rosario.

149. Likewise, according to a report published by the Argentine Platform for Interagency Coordination for Refugees and Migrants from Venezuela (R4V), it reveals the greatest difficulties in terms of guaranteeing the ESCER of this population in a particularly vulnerable situation. In terms of access to health care, 6 out of 10 Venezuelan migrants and refugees do not have any coverage other than that provided by the

¹⁸⁸ Amnesty International, Attack against CSE in Chaco: Amnesty International demands that the sex education law be guaranteed, July 05, 2022.

¹⁸⁹ Página 12, Conectar Igualdad, el plan de entrega de notebooks a estudiantes, January 13, 2022.

¹⁹⁰ Ministry of Education, Fernández, Perczyk and Katopodis announced the construction of 100 Technical Schools of Secondary Professional Education throughout the country, February 17, 2022.

¹⁹¹ Infobae, Culture: the Senate signed into law the 50-year funding allocations, October 28, 2022.

¹⁹² UNHCR, Information available at: <https://www.acnur.org/argentina.html>

¹⁹³ Infobae, Casi la mitad de los nuevos migrantes que recibido Argentina son venezolanos, October 02, 2022.

¹⁹⁴ R4V, Diagnosis on the human rights situation of Venezuelan migrants and refugees in Argentina, January 21, 2022.

¹⁹⁵ Government of the City of Córdoba, The city will have a modern Center for the Care of Migrants and Refugees, October 14, 2021.

¹⁹⁶ UNHCR, Argentina: an Integration Center for refugees and migrants was inaugurated in La Plata, April 20, 2022.

¹⁹⁷ IOM Argentina, IOM was present at the inauguration of the Integration Center for Migrants and Refugees in La Quiaca, August 12, 2022.

Argentine State¹⁹⁸ ; in terms of access to housing, the report points out that this is one of the greatest challenges faced by Venezuelans due to the obstacles to access to rent given the requirements requested by real estate companies, which are impossible for many of them to comply with. In terms of labor rights, the Venezuelan population in a situation of mobility was affected as a result of the restrictions imposed by the Argentine government as a result of the pandemic. In addition, we note the challenges faced by Venezuelan women in accessing employment in Argentina, despite the fact that they have a higher general level of education than men. In terms of education, the schooling levels of Venezuelan children and young people amount to 8 out of 10, being the enrollment process in educational institutions one of the biggest obstacles to access to education.¹⁹⁹

150. In view of the above, REDESCA welcomes the measures that the Argentine State has been taking to guarantee the ESCER of the population in a situation of mobility, while encouraging the adoption of new measures and policies in this area, under a human rights approach and based on the principle of equality and non-discrimination, regardless of their migratory status or temporary stay in the country.

¹⁹⁸ R4V, Diagnosis on the human rights situation of Venezuelan migrants and refugees in Argentina. Published on January 21, 2022.

¹⁹⁹ R4V, Diagnosis on the human rights situation of Venezuelan migrants and refugees in Argentina. Published on January 21, 2022.

3) BAHAMAS

151. With respect to the situation of ESC rights in the Bahamas, the Office of the Special Rapporteur has followed up on the impact that the pandemic has had on the guarantee of these rights, especially on the country's economy. Likewise, REDESCA is closely following the challenges that climate change is generating. Each of these issues, which are strategic lines of action of the Office of the Special Rapporteur, are discussed in greater detail below.
152. With respect to the situation of poverty and inequality of DESCAs in the Bahamas, the Special Rapporteur notes that the country has one of the most stable economies among Caribbean countries. Notwithstanding this, the market is highly dependent on tourism and international financial services²⁰⁰, which is why the country has been economically affected, to a large extent, by the COVID-19 state of emergency and the subsequent global economic crisis. Although during the year 2022 the country's GDP indexes have increased, it has not yet been able to recover the pre-pandemic figures²⁰¹.
153. According to United Nations Development Program reports, poverty levels are low compared to other countries in the Caribbean region but are more than double the poverty rate typically found in high-income countries.²⁰² REDESCA also notes that the effects of the economic crisis have had a profound impact on the most vulnerable population, resulting in job losses and food insecurity, particularly affecting low-income households, women, and informal workers.²⁰³
154. REDESCA notes that the number of food insecure Bahamians has increased. This is due to the fact that 90% of the food consumed in the country is imported and has experienced price increases due to the global economic crisis.²⁰⁴ In this regard, note is taken of the efforts made by the authorities and civil society organizations to mitigate the figures, including The Bahamas Feeding Network, which works to organize finances and feeding programs²⁰⁵, and the National Food Distribution Task Force, which has assisted more than 76,000 people, distributing food to them.²⁰⁶ Nevertheless, according to the United Nations Sustainable Development Indices report, significant challenges remain in terms of eradicating hunger in the Bahamas, and more efforts are needed to end food insecurity.²⁰⁷

A. Right to Health and its Social Determinants

155. REDESCA has closely monitored the situation of the DESCAs in the country, and particularly the impact of the COVID-19 pandemic on the enjoyment of the right to health in the context of the health emergency. In this regard, as of November 10, the Bahamas has recorded 37,386 infections and 833 deaths as a result of the virus.²⁰⁸ As of October 21, the country had administered a total of 362,968 vaccines, which means that 41.65% of its population has been fully vaccinated.²⁰⁹

²⁰⁰ UNDP, MULTI COUNTRY OFFICE IN JAMAICA COUNTRIES WE SERVE SERVING JAMAICA, BERMUDA, CAYMAN ISLANDS, THE BAHAMAS, TURKS AND CAICOS ISLANDS, June 24, 2022.

²⁰¹ EYEWITNESS News, World Bank forecasts six percent real GDP growth for Bahamas in 2022, April 8, 2022.

²⁰² UNDP, MULTI COUNTRY OFFICE IN JAMAICA COUNTRIES WE SERVE SERVING JAMAICA, BERMUDA, CAYMAN ISLANDS, THE BAHAMAS, TURKS AND CAICOS ISLANDS, June 24, 2022.

²⁰³ OCHA, The Bahamas, Country Profile, May 2022.

²⁰⁴ International Trade Administration, Bahamas - Country Commercial Guide, October 19, 2022.

²⁰⁵ Borgen Project, FIGHTING FOOD INSECURITY IN THE BAHAMAS, December 21, 2021.

²⁰⁶ The Commonwealth of the Bahamas, National Food Distribution Task Force Feeding Thousands of People in Need.

²⁰⁷ Sustainable Development Report, The Bahamas, June 1, 2022.

²⁰⁸ Worldometers, "Bahamas: Coronavirus," November 10, 2022.

²⁰⁹ Datosmacro, Bahamas - COVID-19 - Vaccines administered, October 21, 2022.

156. In this regard, the low vaccination rates in the country are of concern, which is why the Office of the Special Rapporteur recalls that, in line with Resolution 1/2021 of the IACHR, States have the obligation to provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19, as well as to counteract public mistrust and misinformation with actions that contribute to strengthening security in public health institutions and scientifically based knowledge.²¹⁰
157. REDESCA also notes that international cooperation has been important in advancing the immunization process, highlighting the U.S. contribution of 32,400 doses of Pfizer vaccine for COVID-19 to the Bahamas²¹¹, as well as the delivery of \$1.5 million in assistance for the COVID-19 vaccine, including the Bahamas, which will receive \$750,000 in funding²¹². The Special Rapporteur also commends the work of the Bahamas which, in conjunction with the World Health Organization (WHO) and the Pan American Health Organization (PAHO), has developed a policy for the registration and importation of COVID-19 vaccines into the country.²¹³
158. The Special Rapporteur notes that after the significant drop in the number of active cases, the government has relaxed health measures to prevent the spread of the virus. In this regard, the use of masks would no longer be mandatory for the country's inhabitants, except in hospitals, educational institutions, and care facilities for the elderly²¹⁴. Likewise, the requirements for travelers have been eliminated, allowing entry into the country regardless of vaccination status.²¹⁵
159. In relation to the health system in general, REDESCA notes with concern reports of delays in non-urgent surgical procedures in Public Hospitals. In this regard, the Public Hospitals Authority (PAH) has acknowledged that the health network is collapsing due to the waiting times required by COVID-19 management protocols and should have had to take the decision to suspend non-urgent surgical procedures²¹⁶. In the same vein, the Bahamas Nurses Union warned that the situation may be prolonged due to the absence and desertion of nurses in the public system.²¹⁷ REDESCA notes that, in relation to the above, the Ministry of Health and Welfare is reportedly considering the creation of a new tax for the purpose of investing in improving the health system.²¹⁸
160. In this regard, the Office of the Special Rapporteur recalls the provisions of Resolution 1/2020, regarding the duty of States to ensure the guarantee of the right to health, strengthening the availability and timely provision of facilities and supplies, as well as the responsibility to make available and mobilize the maximum available resources to implement the ESCER, including taking fiscal policy measures that allow

²¹⁰ IACHR, Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, para.11.

²¹¹ BS.USEMBASSY.GOV, U.S. Embassy delivers 32,400 doses of Pfizer COVID-19 vaccine to the Bahamas, February 16, 2022.

²¹² EYEWITNESS News, U.S. will provide further \$1.5M in COVID-19 vaccine assistance to Caribbean countries, April 13, 2022

²¹³ World Health Organization, The Bahamas: Protecting the population with safe and effective medicines and vaccines, April 13, 2022.

²¹⁴ The Tribune, "UPDATED: MASK MANDATE LIFTED ON OCT 1...but requirement stays in classrooms, healthcare facilities and care homes." Sept. 22, 2022.

²¹⁵ Bahamas, Testing Requirements, September 20, 2022.

²¹⁶ EYEWITNESS News, "SIGNIFICANT WAIT TIMES: PHA attributes backlog of non-urgent surgical procedures to COVID protocols and nurse shortage", April 5, 2022.

²¹⁷ The Tribune, Nurses Warn Non-Urgent Surgery Delay May Be Long, April 6, 2022.

²¹⁸ Eye Witness News. "NEW TAX?: Darville says tax or other option needed to fulfill catastrophic healthcare pledge". July 01, 2022

for equitable redistribution, with the aim of mitigating the effects of the pandemic among the inhabitants of the country.²¹⁹

161. REDESCA notes with concern the information released by the Ministry of Health and Welfare, according to which the first case of malaria in more than 10 years was confirmed in July.²²⁰ Likewise, the Special Rapporteur is concerned about the confirmation of the first detected case of cholera in the Bahamas, a disease of which no contagion had been recorded in the country since 2017.²²¹

B. Climate Emergency and Human Right to Water

162. The Office of the Special Rapporteur recalls the importance of a human rights approach to climate change and its consequences. Such measures are even more necessary in countries such as the Bahamas, considering that the country has been particularly affected by natural disasters. In this regard, REDESCA takes note of the effects caused by Hurricane Nicole during the month of November.²²²
163. In addition, REDESCA notes with concern the results of the research conducted by Oxford Business Group, sponsored by the Bahamas, which places the country in last place in the region in renewable energy targets, with gasoline being the most used fuel, raising the percentage index to 40%, while the energy capacity from solar panels is 2W.²²³ In this regard, the Office of the Special Rapporteur recalls the provisions of Resolution 3/2021 of the IACHR, regarding the obligation of States to cooperate in good faith in order to prevent pollution of the planet, which implies concentrating efforts to build societies that operate in a low-emission environment, moving towards a clean and just energy transition and, thus, protect the rights of people.²²⁴
164. REDESCA welcomes the Government's partnership with the World Bank to publish the first Climate Expenditure Report, which would have revealed that projected government spending on climate change and disaster risk management was over \$126 million. This report will be used to make informed decisions and prioritize climate and disaster investments.²²⁵ The Bahamas government's decision to implement the Climate Change and Disaster Tagging tool, which ensures that climate and natural disaster related expenditures are tracked and monitored in the national budget, is also welcomed. This would enable the government to make informed decisions and prioritize climate and natural disaster investments.²²⁶
165. On the other hand, the Special Rapporteur is concerned about the oil spill produced during the month of July by a ship contracted by Sun Oil, dispensing about 30,000 gallons of oil into the waters of Exuma, where most of the population is economically sustained by tourism.²²⁷

²¹⁹ IACHR - REDESCA, Resolution 1/2020 on Pandemic and Human Rights in the Americas April 10, 2020.

²²⁰ SwissInfo, "Bahamas confirms its first malaria case in more than 10 years". July 13, 2022

²²¹ Reuters, The Bahamas records its first case of cholera since 2017, health ministry says, 13 October 2022.

²²² Reuters, Hurricane Nicole triggers flooding in Bahamas on way to Florida's Atlantic coast, November 10, 2022.

²²³ EYEWITNEE News, FAR TO GO: New study says country is lowest in region on renewables target, April 7, 2022.

²²⁴ IACHR - REDESCA, Resolution 3/2021 on Climate Emergency, Scope and Inter-American Human Rights Obligations March 4, 2022, para. 11.

²²⁵ Eye Witness News, "RISK MANAGEMENT: Ministry of Finance and World Bank collaborate on first ever Climate Spending Report". June 28, 2022

²²⁶ Eyewitness News, "RISK MANAGEMENT: Ministry of Finance and World Bank collaborate on first ever Climate Spending Report", June 28, 2022.

²²⁷ The Independent, A ship spills 30,000 gallons of oil in the Bahamas, July 21, 2022.

C. Labor and Union Rights

166. With respect to labor and trade union rights, REDESCA notes the growth of the employed population index by 1.82% according to International Labor Organization figures for 2021, despite the fact that pre-pandemic figures have not yet been recovered²²⁸. In view of this situation, it highlights that close to 60% of the Bahamian workforce is dedicated to areas related to tourism, which is why unemployment would have increased greatly during the COVID-19 health emergency, in the context of border closures and quarantines at a global level²²⁹.
167. The Special Rapporteur notes that the Government of the Bahamas has increased the weekly minimum wage from \$210 to \$260 dollars, an effort to mitigate the effects of the global economic crisis²³⁰. In this regard, REDESCA recalls that work must be performed under conditions that, including a fair wage regime, ensure life, health and a decent economic standard for the worker and his or her family²³¹.

D. Fiscal and Economic Policies

168. With respect to fiscal and economic policies, REDESCA notes that real GDP growth increased by almost 14% in 2021²³², with the World Bank forecasting a real Gross Domestic Product growth rate of 6% in 2022 and 4.1% in 2023²³³. This is the result of the recovery of commercial activity from the adverse effects of the COVID-19 pandemic. Within the economic activities that presented improvement is the tourism sector, specifically, the Central Bank delivered data showing a 50% increase in total room nights in short-term vacation rentals in February 2022, compared to the same period in 2021. In this sense, the Government intends to implement the collection of Value Added Tax (VAT) on the total cost of a vacation rental, in order to increase tax revenues²³⁴. In the same vein, the Specialized Rapporteurship notes that the country has managed to collect 588 million Bahamian dollars in Value Added Tax revenue, expanding tax revenue by more than 100% thanks to these measures²³⁵.
169. The Special Rapporteur notes the Bahamas' efforts to provide financial assistance to reduce the cost of living of the Bahamian people in the context of the global economic crisis. In this regard, there has been a 50% increase in the funds allocated to social assistance, compared to pre-pandemic figures, which are mostly allocated to the Conditional Cash Transfer Program (RISE)²³⁶. Notwithstanding the aforementioned efforts, REDESCA has been informed of price increases, particularly in fuel, which have affected the Bahamian population due to international inflationary pressures²³⁷, which is why the authorities have announced temporary price controls, as well as an increase in the minimum wage for workers²³⁸.
170. REDESCA welcomes the creation of the Pinecrest Project, as a Public Private Partnership initiative between the Government and Arawak Homes Limited, which aims to build more than 140 affordable homes in Grand Bahama²³⁹. Likewise, note is taken of the efforts for the repair of homes affected by Hurricane Dorian, in

²²⁸ Indexmundi, [The Bahamas - Employment to population ratio](#)

²²⁹ OCHA, [The Bahamas, Country Profile](#), May 2022.

²³⁰ ABC News, [Bahamas to increase minimum wage, implement price controls](#), October 12, 2022.

²³¹ IACHR - REDESCA, [Compendium DESCA: Inter-American Standards](#), December 31, 2021.

²³² EYEWITNESS News, [ON THE REBOUND: Real GDP growth up nearly 14 percent in 2021](#), April 1, 2022.

²³³ EYEWITNESS News, [World Bank forecasts six percent real GDP growth for Bahamas in 2022](#), April 8, 2022.

²³⁴ EYEWITNESS News, [DPM: Government to add VAT to vacation rental cost](#), April 6, 2022.

²³⁵ Caribenempresarial, [Bahamas increases tax collection by more than 100 percent](#), February 8, 2022.

²³⁶ Government of Bahamas, [Bahamas Budget 2022-2023](#), May 25, 2022.

²³⁷ Loop News, [The Bahamas confirms increases for monthly fuel charge](#), October 25, 2022.

²³⁸ ABC News, [Bahamas to increase minimum wage, implement price controls](#), October 12, 2022.

²³⁹ The Tribune, [Government Plans To Build 140 Affordable Homes In Gb](#), April 11, 2022.

2019, particularly for more vulnerable persons, such as those with special needs, single mothers with children and elderly persons²⁴⁰. In this regard, the Office of the Special Rapporteur recalls that, from a human rights perspective, it is particularly relevant for fiscal policy to ensure minimum essential levels, the mobilization of maximum resources for the progressive realization of ESCER, compliance with the principle of progressivity and non-regression, and the application of the principle of equality and non-discrimination²⁴¹.

E. Education, science, technology: academic freedom and university autonomy

171. In relation to the right to education, the Special Rapporteurship took note of the return to on-site classes as the conditions of the COVID-19 pandemic improved. In this context, it takes note of the calls of the Ministry of Health and Welfare reiterated the need for students, parents, and school staff to exercise extreme caution and comply with health measures to prevent further contagion²⁴². Notwithstanding this, REDESCA notes with concern the problems experienced by some schools due to the shortage of teachers on the island, which has forced some students to return to the virtual modality until there were enough teachers²⁴³.
172. REDESCA notes the learning gaps of students at all levels due to the effect of months of virtual schooling during the pandemic, particularly affecting low-income students. The Ministry of Education has identified that 8,000 students did not have access to virtual platforms during the pandemic, forcing them to drop out of school²⁴⁴.
173. The Office of the Special Rapporteur calls on the State to comply with the calls of Resolution 1/2020, in the sense that States must have mechanisms that allow children and adolescents access to education, with stimuli that their age and level of development require, in addition to concentrating efforts so that the measures adopted do not accentuate inequalities among people²⁴⁵.

F. Human Mobility and ESCER

174. In relation to the impacts of human mobility and ESC rights in the Bahamas, the Office of the Special Rapporteur notes that the country's proximity to the United States and other Caribbean islands contributes to the high rates of irregular migration in the country²⁴⁶. In this regard, REDESCA notes with concern the constant caravans of migrants passing through the island with the aim of reaching the shores of the United States, which has led to detentions of persons in a situation of human mobility in the maritime routes of the Bahamas.²⁴⁷ During this year, the country has detained more migrants than in the total of those carried out in 2019, 2020 and 2021.²⁴⁸ Likewise, there have been reports of returns made by the U.S. Coast Guard to the Bahamas.²⁴⁹ REDESCA takes note of the serious risks to the life and health of persons in human mobility when embarking on irregular maritime routes, specifically, the Special Rapporteur regrets the

²⁴⁰ Eyewitness News, [Grand Bahama Disaster Relief Foundation and SBP Bahamas donate \\$450K to launch new home repair program for Grand Bahama](#), April 14, 2022.

²⁴¹ IACHR, [Public Policies with a Human Rights Approach](#), September 15, 2018, para. 119.

²⁴² Eyewitness News, [IN-PERSON LEARNING IS BACK: Students to return to school campuses as of Monday, January 20, 2022](#).

²⁴³ The Tribune, [Ministry 'aware' of teacher shortage](#) April 12, 2022.

²⁴⁴ The Nassau Guardian, [The impact of COVID-19 and education](#), June 7, 2022.

²⁴⁵ IACHR - REDESCA, [Resolution 1/2020 on Pandemic and Human Rights in the Americas](#) April 10, 2020.

²⁴⁶ OACH, ["Bahamas Country Profile 2022,"](#) May 2022.

²⁴⁷ Infobae, [U.S. Coast Guard intercepts boat with 179 Haitians off Bahamas](#), March 1, 2022.

²⁴⁸ Reuters, ["Bahamas migrant arrests soar in 2022 amid spike in sea voyages,"](#) August 8, 2022.

²⁴⁹ ADVcuba, [Coast Guard returns 127 habitianos and three Cubans to Bahamas](#), March 14, 2022.

death of at least 17 people as a result of the capsizing of the boat in which they were traveling, off the coast of the Bahamas.²⁵⁰

175. The Bahamas receives more and more immigrants of Haitian and Cuban nationality, who arrive on the island mainly in search of work.²⁵¹ According to statistics from the International Organization for Migration (IOM), the country is home to approximately 20,000 to 50,000 undocumented immigrants, representing almost 12% of the total population, one of the highest percentages among Caribbean countries.²⁵² In this regard, REDESCA recalls that, regardless of the immigration status of the person who enters into an employment relationship, the protections conferred by law to workers must be applied without discrimination.²⁵³

²⁵⁰ InSight Crime, "Illegal migrants from Haiti die off Bahamas and Puerto Rico coasts," July 27, 2022.

²⁵¹ Caribbean Migration, "The Bahamas", May 2022.

²⁵² OACH, "Bahamas Country Profile 2022," May 2022.

²⁵³ IACHR - REDESCA, Compendium of Labor and Trade Union Rights: Inter-American Standards, October 30, 2020, para. 378.

4) BARBADOS

176. The Office of the Special Rapporteur has monitored the situation of ESCER in Barbados, analyzing especially the challenges regarding the enjoyment of the right to health, particularly with respect to access to vaccines and the situation of health workers, taking particular note of the economic and fiscal policies adopted to address this situation. Similarly, the Office of the Special Rapporteur has monitored the situation the country faces with respect to the climate emergency, as well as the enjoyment of the right to education and labor and trade union rights.
177. With respect to the situation of poverty and inequality in Barbados, it is noted that the latest national statistics on the subject date from 2017, in which it was estimated that 17.2% of persons and 25.7% of households were below the basic needs line.²⁵⁴ However, according to figures from the International Monetary Fund, from 2010, poverty would reach 19.3% of people in Barbados²⁵⁵. For the same year, the coefficient of Barbados in the Gini Index, on inequality in income distribution, would have stood at 0.47/1²⁵⁶. In this regard, the Rapporteurship emphasizes the importance of the population census conducted by the Barbados Statistical Service in 2021²⁵⁷, whose results would allow obtaining updated data on the socioeconomic situation of the Barbadian population and, especially, to measure the consequences of the pandemic on living conditions. The above, recognizing that updated and disaggregated indicators are required to enable the implementation of appropriate public policies.
178. Without detracting from the above, it is noted that, according to information obtained by the Inter-American Development Bank in 2021, as a result of the COVID-19 pandemic, average household income and expenditures would have been reduced by 20% and 29%, respectively²⁵⁸. In addition, 27.9% of households nationwide would have reported having at least one member who lost a job between March and June 2020; although, among households in poverty, the figure would have reached 39%²⁵⁹. In turn, 60% of middle-income households would have reported having difficulties to cover their financial obligations in April 2020, as well as 43% of low-income households²⁶⁰.
179. In this context, the Special Rapporteur notes with concern that the pandemic has had a significant impact on the non-monetary dimensions of poverty, given that the percentage of people living in multidimensional poverty has reached 34.2%²⁶¹. With regard to food security, the hunger rate in Barbados increased from 5.8% to 6.9% between January and October 2020²⁶².
180. It is also noted that inflation would have increased from the second half of 2021, due to the increase in oil and food prices worldwide²⁶³. According to the Central Bank of Barbados, the inflation rate would have reached a peak of 11.5% in the month of June, to drop to 7.8% between August and September 2022²⁶⁴.

²⁵⁴ World Bank, Poverty & Equity Brief - Barbados, October 2022.

²⁵⁵ International Monetary Fund, IMF Country Report No. 21/268 - Barbados, 2021.

²⁵⁶ Ibid.

²⁵⁷ Barbados Statistical Service, Population & Housing Census, 2021.

²⁵⁸ World Bank, Poverty & Equity Brief - Barbados, October 2022.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ United Nations Development Programme, Briefing note for countries on the 2022 Multidimensional Poverty Index - Barbados, 2022.

²⁶² World Bank, Poverty & Equity Brief - Barbados, October 2022.

²⁶³ Ibid.

²⁶⁴ Central Bank of Barbados, Review of Barbados' Economic Performance - January to September 2022, October 26, 2022.

This would have especially affected the prices of essential items for personal hygiene and food²⁶⁵ ; which would have a disproportionate impact on the poor population²⁶⁶ .

181. However, REDESCA notes that Barbados would remain on track for economic recovery in the context of the pandemic, driven by the revival of industries, which would have allowed for a 10.1% increase in GDP, as of September 2022²⁶⁷ .

A. Right to Health and its Social Determinants

182. With respect to the situation of the right to health in Barbados, REDESCA has closely monitored the consequences of the COVID-19 pandemic, as well as the measures adopted by the Government to mitigate its impact. In this context, it is noted that, as of December 13, Barbados recorded a total of 104,994 confirmed cases and 568 deaths due to COVID-19²⁶⁸ .

183. In this regard, the Office of the Special Rapporteur observes that, throughout the year, Barbados reportedly recorded three peaks in the rate of contagions recorded daily, in January, May and August, after which there were significant decreases in March, July and October²⁶⁹ . March was the month with the highest rate of weekly deaths, followed by May and August.²⁷⁰

184. On the other hand, regarding the measures adopted to reduce the levels of contagion, REDESCA notes that, with the stabilization of the levels of contagion, as of mid-February, some of the measures established to prevent the spread of the coronavirus were lifted; among them, the mandatory curfew between 12:00 and 5:00, which had been imposed since December 2020²⁷¹ , the capacity restrictions for religious events and celebrations, and the ban on the consumption of food and beverages in bars²⁷² .

185. The lifting of sanitary measures reportedly continued in the following months. Thus, in March, public sector employees were allowed to return to work in person²⁷³ ; and in June, the mandatory testing and vaccination requirements for attending social and sporting events were eliminated in June²⁷⁴ . The mandatory use of masks in public places was lifted in August and, in September, travel restrictions requiring proof or vaccination certificates to enter Barbados were lifted²⁷⁵ . In turn, the gradual elimination of restrictions would have been possible due to the establishment of biosecurity protocols for the different activities and spaces.²⁷⁶

186. On the other hand, the Office of the Special Rapporteur welcomes the efforts of the State of Barbados to continue with the vaccination process against COVID-19 in its population. Within this framework, it is noted that, as of October 14, 380,666 doses²⁷⁷ of five vaccines authorized for use in Barbados²⁷⁸ have been

²⁶⁵ Ibid.

²⁶⁶ The World Bank, *Poverty & Equity Brief - Barbados*, October 2022.

²⁶⁷ Central Bank of Barbados, *Review of Barbados' Economic Performance - January to September 2022*, October 26, 2022.

²⁶⁸ Johns Hopkins University - Coronavirus Resource Center, *Barbados Overview*, October 27, 2022.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ Barbados Government Information Service, *Curfew to be lifted from Valentine's Day*, February 12, 2022.

²⁷² Barbados Loop News, *Several COVID-19 restrictions to be lifted with new directive*, February 26, 2022.

²⁷³ Loop Barbados News, *PM announces public servants back in office from March 1*, February 26, 2022.

²⁷⁴ Crisis 24, *Barbados: Authorities ease some COVID-19 measures*, 27 June 2022.

²⁷⁵ Caribbean Journal, *Barbados just removed all of its travel restrictions*, September 23, 2022.

²⁷⁶ Barbados Government Information Service, *Change to next COVID-19 Directive*, August 27, 2022.

²⁷⁷ Barbados Government Information Service, *COVID-19 Dashboard Statistics*, October 15, 2022.

²⁷⁸ COVID19 Vaccine Tracker, *5 Vaccines Approved for Use in Barbados*, October 19, 2022.

administered. Thus, 163,707 persons, equivalent to 60.4% of the population, would have received at least one dose; and 154,689 persons (57.1%) would have received a complete vaccination schedule²⁷⁹. It should also be noted that the vaccination process for children between 5 and 11 years of age began in August, with the donation of 14,400 doses of Pfizer's pediatric vaccine by the Government of the United Kingdom²⁸⁰.

187. However, REDESCA is concerned that, as of March, the rate of vaccination has slowed down, especially for booster vaccinations, which have been reduced from 10,000 to 2,000 doses per month²⁸¹. In this regard, according to a study conducted by the Caribbean Development Research Services (CADRES), a part of the Barbadian population would refuse to be vaccinated due to a lack of confidence in the vaccines and their possible side effects, and due to the inaccurate dissemination of the vaccines through social networks²⁸².
188. In relation to the above, the Rapporteurship warns that, according to the study, public distrust towards vaccines is not limited to those against COVID-19; but, on the contrary, it would have extended to other diseases²⁸³. Some parents reported having doubts about vaccinating their children against diseases such as measles, rubella, and mumps (MMR vaccine), diphtheria, tetanus and pertussis (DTP vaccine), poliomyelitis and human papillomavirus, due to information received regarding the vaccine against COVID-19²⁸⁴. For the same reason, health authorities reportedly called on parents to have their children vaccinated, following a drop in the vaccination of children²⁸⁵.
189. In addition, REDESCA notes that Barbados recorded its first case of monkeypox in July, in a Barbadian citizen who reportedly arrived from abroad²⁸⁶. Authorities reported to have taken action to provide immediate medical care and supervision, as well as to establish contact tracing mechanisms²⁸⁷. The patient was discharged from the hospital at the beginning of August, with no new infections linked to the same patient²⁸⁸. By October, Barbados continued to report no new cases of monkeypox.²⁸⁹
190. In this regard, the Office of the Special Rapporteur notes that, prior to the confirmation of the first case, the Ministry of Health and Welfare had implemented public health surveillance measures at points of entry into the country, as well as training of health professionals for the surveillance and detection of monkeypox²⁹⁰.
191. In turn, REDESCA has kept a close watch on the situation of health workers in Barbados, following complaints registered in 2021 about possible mistreatment in health facilities. In January, health personnel held a protest in the city of Bridgetown to complain about issues such as inadequate working conditions and delays in the payment of their salaries²⁹¹. The nurses of the National Union of Public Servants reportedly requested the adoption of measures to improve the quality and opportunities for training²⁹².

²⁷⁹ Ibid.

²⁸⁰ Barbados Government Information Service, Barbados receive Pfizer COVID-19 vaccines for children, August 27, 2022.

²⁸¹ Barbados Today, Number of people coming for COVID vaccines at all time low, March 30, 2022.

²⁸² CADRES, COVID-19 Vaccine Hesitancy Survey Report 2021 - Barbados, 2021.

²⁸³ Barbados Today, Study finds vaccine hesitancy in Barbados extends beyond COVID-19 jabs, July 16, 2022.

²⁸⁴ Ibid.

²⁸⁵ Barbados Today, Concern about children not getting routine vaccines, March 31, 2022.

²⁸⁶ Caribbean News Weekly, Barbados records first case of Monkeypox virus, July 17, 2022.

²⁸⁷ Barbados Today, Health Ministry confirms first case of Monkeypox in Barbados, July 13, 2022.

²⁸⁸ Barbados Government Information Service, Update on monkeypox case in Barbados, August 8, 2022.

²⁸⁹ Centers for Disease Control and Prevention, Monkeypox - 2022 Global map & case count, October 27, 2022.

²⁹⁰ Barbados Government Information Service, Minister of Health's Statement on Monkeypox, July 13, 2022.

²⁹¹ Barbados Today, Striking health care workers take protest to Bridgetown, January 7, 2022.

²⁹² Barbados Today, Offer more training for nurses, Government urged, May 13, 2022.

Also, it is noted that the reception of nurses from other countries to work in the public health system was questioned, without the authorities having responded to the demands of the national health workers.²⁹³

192. Therefore, REDESCA reiterates to the State the need to promote, provide and guarantee the labor rights of health personnel; recalling that, according to Resolution 1/2020, States must protect the ESCER of workers who may be at greater risk due to the effects caused by the pandemic and its consequences²⁹⁴.

B. Climate Emergency and Human Right to Water

193. In monitoring the effects of the climate emergency in the region, REDESCA notes that, being located in a transatlantic hurricane belt, Barbados is particularly vulnerable to the impacts of climate change, especially in terms of tropical storms, floods and droughts²⁹⁵. It also notes that, according to a report published by the Ministry of the Blue Economy, urban areas in the south and east of Barbados are most at risk from the ecological and financial effects of climate change, due to their dependence on marine and coastal activities²⁹⁶.

194. In this regard, REDESCA learned that since February, the Barbados National Meteorological Service has issued flash flood warnings on an ongoing basis, identifying flood risks due to the existence of favorable conditions for the accumulation of water.²⁹⁷²⁹⁸²⁹⁹³⁰⁰ In turn, the frequency of these warnings would have increased between the months of September and October, due to the influence of tropical storms of the Atlantic hurricane season.³⁰¹³⁰²³⁰³³⁰⁴

195. In this context, the Special Rapporteur congratulates the Government of Barbados for its efforts to obtain resources and improve its capacities for climate adaptation and mitigation. It should be noted that Barbados was the first country to access a loan from the International Monetary Fund's Resilience and Sustainability Program, aimed at long-term financing for climate risk resilience strategies³⁰⁵. This would allow Barbados to access USD \$183 million, which would be used to promote climate adaptation and mitigation actions, as well as to contribute to the goal of achieving the transition to a fully renewable energy-based economy by 2030³⁰⁶. In particular, it is noted that, at the time of announcing the agreement, IMF officials reportedly highlighted the progress Barbados has made in implementing its Economic Recovery and Transformation Plan (BERT)³⁰⁷. In a context of climate emergency, the Special Rapporteur welcomes this initiative and encourages its implementation along the lines set out in Resolution 3/2021.

²⁹³ Barbados Today, [UWU nurses upset at plan to bring more nurses from Ghana](#), March 12, 2022.

²⁹⁴ IACHR - REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020.

²⁹⁵ World Bank - Climate Change Knowledge Portal, [Barbados](#), 2022.

²⁹⁶ The Commonwealth, [Climate risk assessment of southern and western coastal urban corridor of Barbados finds significant ecological and financial risk](#), August 12, 2022.

²⁹⁷ Barbados Today, [Flood Watch in effect for Barbados](#), February 25, 2022.

²⁹⁸ Barbados Today, [Flood warning remains in effect for Barbados](#), April 25, 2022.

²⁹⁹ Barbados Loop News, [Met Office Update: Flash flood watch extended](#), July 16, 2022.

³⁰⁰ Barbados Today, [Flash flood warning in effect](#), August 20, 2022.

³⁰¹ Barbados Loop News, [Flash flood warning issued as rains begin to pour](#), September 17, 2022.

³⁰² Barbados Today, [Flash flood watch in effect for some parishes](#), September 28, 2022.

³⁰³ Barbados Today, [Flash flood warning extended](#), September 29, 2022.

³⁰⁴ Nation News, [Tropical wave affecting Barbados](#), October 4, 2022.

³⁰⁵ France 24, [Barbados wins first loan deal from IMF climate change fund](#), September 28, 2022.

³⁰⁶ International Monetary Fund, [IMF Reaches Staff-Level Agreement with Barbados for a Resilience and Sustainability Trust \(RST\) program, with an accompanying Extended Fund Facility \(EFF\)](#), September 28, 2022.

³⁰⁷ Ibid.

196. In the same vein, the Rapporteurship notes that the Barbados Water Authority (BWA) has obtained a loan of USD \$350,000 from USAID for the financing and implementation of a groundwater monitoring system³⁰⁸. This initiative would seek to improve the management of water sources, which is an issue of particular importance to Barbados, which suffers from droughts and whose situation would be worsened by reduced precipitation frequency, saline intrusion and deficiencies in water distribution infrastructure³⁰⁹.
197. In relation to the above, REDESCA expresses its concern about the situation that Barbadian farmers would face, due to the difficulties in accessing water for crops; derived from the deficiencies in the provision of the service, such as constant interruptions³¹⁰, high costs³¹¹, and delays in repairs to the infrastructure³¹².
198. On the other hand, the Special Rapporteur has obtained information on the various actions implemented by the Government of Barbados in 2022 to strengthen climate adaptation and mitigation capacities. These include the development of an early warning system for multiple risks³¹³; the implementation of a humanitarian logistics and training center for disaster response, together with the World Food Programme³¹⁴; and the establishment of a national climate change and health unit³¹⁵.

C. Business and Human Rights

199. With regard to the business and human rights situation in Barbados, REDESCA is concerned that Barbadian companies are reportedly not providing the authorities with adequate information on their activities³¹⁶. As reported by Prime Minister Mia Mottley, some companies are reportedly not responding to requests for information from the Barbados Statistical Service for the preparation of reports on production and performance³¹⁷. In this regard, it should be noted that the information would be essential for the authorities to design policies that adequately respond to the needs of the population³¹⁸.
200. The Special Rapporteur highlights the participation of Barbados in the launch of the Program for the Implementation of Low Chemicals Sustainable Development in Small Island Developing States (ISLANDS), which would seek to provide US\$ 515 million for the management of chemicals and hazardous wastes in Small Island Developing States³¹⁹. In particular, the initiative would seek to involve companies in the management of wastes that are routinely dumped into the oceans³²⁰.

D. Labor and Union Rights

201. Regarding the labor rights situation in Barbados, REDESCA notes that, according to reports from the Central Bank of Barbados, the unemployment rate is reported to have dropped to 9.3% for the month of

³⁰⁸ U.S. Embassy in Barbados, The Eastern Caribbean, and the OECS, USAID and Barbados addressing climate change through better water resources management, September 25, 2022.

³⁰⁹ Ibid.

³¹⁰ Loop, "Water outage expected in the north of the island," March 22, 2022.

³¹¹ Barbados Today, "BAS CEO urges Government to act on its pledge to lower water rates for farmers," January 27, 2022.

³¹² St Lucia Times, "WASCO Announces Delay In Restoring Water," March 24, 2022.

³¹³ Nation News, Barbados developing early warning systems June 24, 2022.

³¹⁴ Un News, Barbados: New UN disaster preparedness hub built on 'frontlines of climate change' August 11, 2022.

³¹⁵ Barbados Today, Climate change and health unit being set up, September 29, 2022.

³¹⁶ Barbados Today, PM urges businesses to provide data, September 10, 2022.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ UN Environment Programme, Island nations get new lifeline to beat pollution, 7 June 2022.

³²⁰ Ibid

September³²¹ ; compared to the 10.4% recorded at the end of 2021³²² . In particular, it is noted that the increase in employment rates would have been driven by the public and private sectors, with the recovery of tourism industries, wholesale and retail trade, transportation and communications³²³ .

202. On the other hand, REDESCA takes note of the claims made to the Government by workers in different sectors due to their dissatisfaction with their working conditions. Particularly, it is noted that some of the personnel of the National Assistance Board (NAB), would be prevented from accessing social security benefits due to the contractual modality under which they provide their services³²⁴ . In October, the workers of the Health Service Authority (SSA) called a two-day protest to demand an increase in their salaries, compensation for risks, and the subsidy for laundry³²⁵ . However, the measure has been lifted, with the start of a negotiation process between the Ministry of the Environment, the SSA and the workers, to evaluate the improvement in working conditions³²⁶ .

E. Fiscal and Economic Policies

203. With respect to the fiscal and economic policies implemented in relation to ESCER in Barbados, the Special Rapporteur takes note of the measures put in place by the Government to mitigate the increase in the cost of living. In particular, it is noted that surcharges on 44 essential personal hygiene and food items have been reduced; and the VAT rate on electricity has been reduced from 17.5% to 7.5% for 250 KWh used by households over a six-month period³²⁷ . In addition, the temporary limits imposed on the cost of freight, for the purpose of calculating customs duties, as well as on VAT for gasoline and diesel fuel, have been extended³²⁸ . REDESCA notes that, because of these measures, there has been a decrease in the prices of products such as bread, cereals, meat, cheese, eggs and personal care items³²⁹ .

204. In turn, the International Monetary Fund recognized the progress made in the implementation of the Economic Recovery and Transformation Plan (BERT); as well as the progress in structural reforms -such as the institution of the Central Bank-, achieved under an Extended Fund Facility (EFF) program, between 2018 and 2022³³⁰ . By virtue of this, Barbados was able to access a new EFF credit of USD \$110 million; which would be destined to maintain and strengthen macroeconomic stability, and continue with the agenda of structural reforms³³¹ . In this regard, BERT's contribution to safeguarding the social and financial sectors, while restoring macroeconomic indicators, is highlighted .³³²

F. Education, science, technology: academic freedom and university autonomy

205. REDESCA welcomes the efforts made by Barbados to improve the education system at the national level, highlighting the intention to replace the Education Act, in force since 1983, with new legislation that is up

³²¹ Central Bank of Barbados, Review of Barbados' Economic Performance - January to September 2022, October 26, 2022.

³²² Macrotrends, Barbados Unemployment Rate for 1991-2022, 2022.

³²³ Ibid.

³²⁴ Barbados Today, Workers left outside social security net, May 21, 2022.

³²⁵ Barbados Today, SSA workers off the job for second straight day, October 18, 2022.

³²⁶ Barbados Today, SSA workers back to work, October 19, 2022.

³²⁷ Central Bank of Barbados, Review of Barbados' Economic Performance - January to September 2022, October 26, 2022.

³²⁸ Ibid.

³²⁹ Ibid.

³³⁰ International Monetary Fund, IMF Reaches Staff-Level Agreement with Barbados for a Resilience and Sustainability Trust (RST) program, with an accompanying Extended Fund Facility (EFF), September 28, 2022.

³³¹ Ibid.

³³² The World Bank, Poverty & Equity Brief - Barbados, October 2022.

to date with current developments and challenges in the education system³³³. Among the main changes, the new legislation would seek to introduce teaching models based on problem solving, critical thinking and lifelong learning; create schools of excellence for the teaching of arts, science, commerce, ICT and technical skills; and eliminate the Secondary School Entrance Examination, replacing it with a middle school system³³⁴.

206. On the other hand, it is noted that the country's educational centers resumed face-to-face activities in the month of February³³⁵, after having been suspended at the end of 2021 due to the increase in COVID-19 infections. For this purpose, the Ministry of Education's biosecurity protocols were updated, establishing a physical distance of one meter between students and the implementation of random COVID-19 testing for students and teachers³³⁶.
207. In addition, note is taken of the implementation of an *online* assistance program, aimed at students in the fourth grade of primary school considered vulnerable, in preparation for the Secondary School Entrance Examination³³⁷. In this way, the Ministry of Education would seek to serve students with special needs, who have interrupted their education due to the pandemic or with socio-economic constraints³³⁸.
208. In line with the above, the Office of the Special Rapporteur highlights the Government's decision to continue providing school meals during the summer, given the risk that many students would not have access to adequate food during those months³³⁹. In relation to this, it is noted that the provision of school meals would have had delays in the first weeks of the new school year, due to deficiencies in the equipment of the School Meals Department (SMD); although it would have been normalized by the end of October, having provided maintenance to the kitchen implements³⁴⁰.
209. Without detriment to the foregoing, the Special Rapporteurship expresses its concern about the reduction in the school enrollment rate recorded in 2022, which would have decreased by 22% since the 2014-2015 school year³⁴¹. In this regard, it notes that this decrease would not be equal throughout the national territory; as there are districts with more pronounced decreases, as well as districts with an increase in enrollment³⁴². Therefore, REDESCA calls on the State of Barbados to promote strategies to prevent student dropout and to guarantee effective access and enjoyment of the right to education without discrimination.

G. Human Mobility and ESCER

210. The Rapporteurship followed up on the situation of 34 Haitian nationals, including children and a pregnant woman, who arrived irregularly in Barbados, in transit to Guyana, in February³⁴³. In this regard, it is noted that while they were waiting for visas to enter their country of destination, while the authorities investigated the case, they were allegedly held on private property until they were evicted in April³⁴⁴. In this context, REDESCA is concerned that the 34 persons reportedly had difficulty in affording another

³³³ Barbados Loop News, [Academic Shift: Education Act to be replaced](#), February 4, 2022

³³⁴ Ibid.

³³⁵ Barbados Today, [Face-to-face classes resume](#), February 21, 2022.

³³⁶ Nation News, [Protocols set for back to school](#), February 9, 2022.

³³⁷ Barbados Today, [Online assistance for students taking 11-Plus](#), June 22, 2022.

³³⁸ Ibid.

³³⁹ Barbados Today, [BUT welcomes Govt's decision on school meals, raises questions](#), July 16, 2022.

³⁴⁰ Ibid.

³⁴¹ Barbados Today, [Minister reports sharp decline in enrollment](#), March 18, 2022.

³⁴² Ibid.

³⁴³ Barbados Government Information Service, [Statement On Presence Of Haitian Nationals In Barbados](#), March 29, 2022.

³⁴⁴ Barbados Today, [Haitian nationals evicted and unsure of next steps](#), April 27, 2022.



residence and accessing essential food and hygiene products and other services³⁴⁵. Therefore, REDESCA recalls that persons in a situation of human mobility are in a situation of special vulnerability and require special measures to guarantee their ESCER.

³⁴⁵ Barbados Today, [Agencies, groups offer to help displaced Haitians](#), April 28, 2022.

5) BELIZE

211. Regarding the situation of poverty and inequality in Belize, REDESCA notes that the latest official figures on poverty rates in the country date from 2018³⁴⁶. According to those estimates, the poverty rate would have increased from 41% to 52% between 2009 and 2018, reaching 201,616 persons in the latter; while the number of persons in indigence or critical poverty would have been reduced by 5 percentage points in that period, to reach 9% - estimated at 35,663 persons - in 2018³⁴⁷. In addition, it would have been reported that 11% of the population would be vulnerable to poverty, which would imply that, due to the fragility of their situation, they could fall below the poverty line if they were to experience some type of economic affectation or natural disaster³⁴⁸.
212. In this context, the Special Rapporteur is concerned that poverty would have a higher incidence among children between the ages of 0 and 12, amounting to 60% of this age group; and would be reduced to 43% among older adults³⁴⁹. At the same time, it is noted that, due to structural differences, women and the Mayan population would have a higher probability of being self-employed and falling into poverty³⁵⁰. Additionally, it is taken into account that, according to 2015 estimates, multidimensional poverty would reach 40.23% of the population of Belize³⁵¹.
213. On the other hand, it is observed that the levels of inequality in income distribution would have increased between 2009 and 2018; as Belize's coefficient in the Gini Index increased from 0.38 to 0.49 in that period³⁵².
214. In this regard, REDESCA expresses its concern about the lack of updated official figures on poverty and inequality; and emphasizes the need to have information that allows us to know the real situation of the population after the COVID-19 pandemic.
215. In relation to this, it is taken into account that, according to information obtained in 2021 by the World Bank and the United Nations Development Program, the pandemic would have significantly deteriorated labor market conditions in Belize; given that, by mid-2021, a quarter of employed persons would have lost their jobs as a result of the health emergency, and 14.1% of formal workers would have become informal.³⁵³
216. In turn, two out of every three households in Belize reported a decrease in their total income, with a greater reduction observed among households located in rural areas, households with fewer assets and households with children³⁵⁴. This would have contributed to increased levels of food insecurity, considering that almost half of the households surveyed reported having gone without food in the 30 days prior to the survey³⁵⁵.
217. In light of the above considerations, the Office of the Special Rapporteur considers it pertinent to recall that poverty and extreme poverty cannot be confronted and eradicated without a broad framework of

³⁴⁶ Statistical Institute of Belize, Poverty Study release for 2018/19, June 30, 2021.

³⁴⁷ Ibid.

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ World Bank, Poverty & Equity Macroeconomics, Trade & Investment and Global Practices - Belize, October 2022.

³⁵¹ Our World In Data, Intensity of multidimensional poverty, 2011 to 2015 - Belize, 2022.

³⁵² Statistical Institute of Belize, Poverty Study release for: 2018/19, June 30, 2021.

³⁵³ World Bank and UNDP LAC High Frequency Phone Surveys: Results Phase II, Wave 1, COVID-19 IN LAC - BELIZE, April 2022.

³⁵⁴ Ibid.

³⁵⁵ Ibid.

redistributive policies that reduce the extreme levels of socioeconomic inequality³⁵⁶. Therefore, it is essential that the State of Belize ensure the urgent implementation of public policies aimed at protecting the ESCER of people living in poverty, extreme poverty and at risk of falling into this condition³⁵⁷.

A. Right to Health and its Social Determinants

218. In 2022, REDESCA monitored the impact of the COVID-19 pandemic on the population of Belize, as well as the policies implemented by the national authorities to contain and mitigate its effects. In this context, the Rapporteurship notes that, as of October, Belize reports a total of 60,694 cases and 678 confirmed deaths since the beginning of the pandemic³⁵⁸.
219. In this context, the Office of the Special Rapporteur is concerned about the high rate of infection recorded in Belize at the beginning of the year, which, according to the Pan American Health Organization, was the highest in Central America for the month of January³⁵⁹. In this regard, the highest number of daily infections was 754 new cases per day, recorded at the end of January, in contrast to the 4 cases reported daily in October³⁶⁰. On the other hand, the number of deaths from COVID-19 recorded daily would have remained between 0 and 2 during the entire year³⁶¹.
220. In view of the above, REDESCA highlights the efforts made by the State of Belize to immunize its population against COVID-19. In this regard, it notes that, as of October, 499,320 doses of SARS-COV-2 vaccine have been administered³⁶². In particular, it notes that, to date, Belizean authorities have approved the use of vaccines manufactured by Pfizer/BioNTech, Johnson & Johnson, Oxford/AstraZeneca, Serum Institute of India and Sinopharm³⁶³. In addition, the Rapporteurship highlights that, as of February, the administration of booster doses for children between 12 and 17 years of age, who would be eligible after three months of having received the second dose, would have begun³⁶⁴. It also notes that pediatric vaccines for children between 5 and 11 years of age arrived in Belize at the end of May, to be distributed in schools and vaccination centers nationwide³⁶⁵.
221. However, the Rapporteurship is concerned that the pace of the immunization process in Belize would be lower than the regional average; since, by October 2022, the vaccination rate would reach 51.3% of the population, while the authorities' goal is 70%³⁶⁶. Additionally, it is considered that the age groups with the highest vaccination rates would be adults between 55 and 59 years of age (92.6%), persons over 60 years of age (86.6%), persons between 50 and 54 years of age (79%) and persons between 45 and 49 years of age (73.1%); which would contrast with the percentage of 40.9% existing among young people between 12 and 17 years of age³⁶⁷.

³⁵⁶ IACHR. Poverty and Human Rights, OEA/Ser.L/V/II.164 Doc. 147, 7 September 2017, par. 493 and par. 502.

³⁵⁷ IACHR. Press Release No. 124/2020, IACHR and its REDESCA Urge States to Effectively Protect People Living in Poverty and Extreme Poverty in the Americas in the Face of the COVID-19 Pandemic, June 2, 2020.

³⁵⁸ Statistical Institute of Belize, Coronavirus (COVID-19), October 12, 2022.

³⁵⁹ Breaking Belize News, Belize reports highest rates of new COVID-19 infections in Central America, says PAHO, January 27, 2022.

³⁶⁰ Johns Hopkins University - Coronavirus Resource Center, Belize Overview, October 12, 2022.

³⁶¹ Ibid.

³⁶² World Health Organization, WHO Health Emergency Dashboard - Belize, 12 October 2022.

³⁶³ COVID-19 Vaccine Tracker, 5 Vaccines Approved for Use in Belize, October 12, 2022.

³⁶⁴ Government of Belize Press Office, COVID-19 Vaccine Now Available for Eligible Minors, February 8, 2022.

³⁶⁵ Government of Belize Press Office, COVID-19 Vaccines now available for Children Five to 11 years, May 28, 2022.

³⁶⁶ Ministry of Health & Wellness of Belize, myVaccine.bz Stats - Total Vaccinated, October 12, 2022.

³⁶⁷ Ibid.

222. In this regard, it should be recalled that States have the obligation to provide and disseminate adequate and sufficient information on vaccines against COVID-19, with parameters of quality, objectivity and timeliness and based on the best available scientific evidence, to address mistrust and misinformation in civil society³⁶⁸. They should also carry out public campaigns to counteract misinformation or distorted content about vaccines; and address doubts about the safety and effectiveness of vaccines, providing information about their side effects³⁶⁹.
223. In addition, REDESCA takes note of the various measures adopted by Belizean authorities in their efforts to control the pandemic. In this context, it was learned that, as of February, medical insurance with coverage of medical expenses and lodging related to COVID-19 was required for tourists entering the country³⁷⁰. Meanwhile, in March, the border between Belize and Mexico was reopened after two years of closure, establishing a series of requirements for entering and leaving the country³⁷¹. Among them, the requirement to have a complete vaccination schedule to enter the country by land³⁷². Migratory requirements were modified in April, so that all unvaccinated persons over 5 years of age must present a rapid test or negative PCR for COVID-19 to enter by air, land, or sea; and Belizeans over 12 years of age must have a complete vaccination schedule to leave the country³⁷³. The above, as a step prior to the total lifting of public health measures at the maritime and land borders, starting in July.³⁷⁴
224. In addition, the Office of the Special Rapporteur takes note of the decision of the Belizean authorities to set up permanent vaccination points in the Free Zone, on the border with Mexico, to allow the immunization of Mexican nationals visiting the commercial zone³⁷⁵. In this context, a large influx of citizens from Chetumal -including young people over 12 years of age- would have been registered, who would have accessed this benefit, due to the difficulties to get vaccinated in their country.³⁷⁶
225. REDESCA also welcomes the efforts of the Government of Belize to have the country certified as malaria-free, within the framework of the Regional Malaria Elimination Initiative (RMEI). In particular, the technical mission carried out by PAHO and WHO, the Inter-American Development Bank, the Ministry of Health of Belize, and the National Malaria Control Program in January, with the objective of updating the surveillance, diagnosis and treatment mechanisms available, and establishing future goals³⁷⁷ was noted. Likewise, note was taken of the training provided by PAHO/WHO to Belizean microscopists for the provision of technical assistance and the establishment of operational procedures for the early detection of malaria cases.³⁷⁸

³⁶⁸ IACHR, Resolution No. 1/2021, COVID-19 Vaccines in the Framework of Inter-American Human Rights Obligations, April 6, 2021, para. 10.

³⁶⁹ IACHR, Resolution No. 1/2021, COVID-19 Vaccines in the Framework of Inter-American Human Rights Obligations, April 6, 2021, paras. 11-12.

³⁷⁰ Travel Newspaper, Belize announces new entry requirements, January 17, 2022.

³⁷¹ Milenio, Belize reopens border with Mexico after nearly two years closed due to covid-19 pandemic, February 7, 2022

³⁷² Belize is requesting full anti-virus vaccination for entry from Quintana Roo, February 15, 2022.

³⁷³ Breaking Belize News, Cabinet approves new COVID-19 measures for foreigners ahead of lifting local restrictions, March 31, 2022.

³⁷⁴ Belize Tourism Board, Belize COVID-19 Travel Updates, July 12, 2022.

³⁷⁵ GaluCominication, Belizean authorities open vaccination days against COVID-19 to Mexican population in the Free Zone, January 23, 2022.

³⁷⁶ Radio Fórmula QR, Minors from Chetumaleños take advantage of vaccinations against COVID from Belize, January 28, 2022.

³⁷⁷ PAHO, Technical Mission in Belize for the Regional Initiative for the Elimination of Malaria, 26 January 2022.

³⁷⁸ PAHO, PAHO/WHO and Ministry of Health and Wellness conduct Malaria Microscopy Training in Belize, August 16, 2022.

226. In turn, the Special Rapporteur notes with concern that the rate of vaccination against polio in Belize has declined as a result of the pandemic.³⁷⁹ According to information provided by the Minister of Health in August, the percentage of children vaccinated against polio has dropped from 95% to 75% since the beginning of the health emergency.³⁸⁰ In this context, the detection of a case of paralytic poliomyelitis in the United States is said to have prompted the Belizean authorities to reinforce vaccination among its population³⁸¹. For this reason, an official communiqué from the Ministry of Health and Welfare emphasized that Belize has been polio-free since 1981; therefore, vaccines against this disease would be available in health facilities and mobile clinics³⁸². In this context, REDESCA emphasizes that, especially in the context of the pandemic, States should avoid setbacks in public health campaigns such as general vaccination for children.³⁸³
227. On the other hand, REDESCA highlights the actions of the Belizean authorities in terms of smallpox prevention, considering that, until October, the country remained free of cases of this virus³⁸⁴. In this regard, it was noted that, following the detection of infections in Mexico and Guatemala, the Ministry of Health and Welfare strengthened its epidemiological surveillance strategy, including, among other measures, the testing and monitoring of persons suspected of having the virus³⁸⁵; and the purchase of 1300 doses of smallpox vaccine in August³⁸⁶.
228. In addition, REDESCA congratulates the efforts undertaken by the Government of Belize to strengthen the capacities of the public health system. In particular, it takes note of the cooperation processes established between Belize and Taiwan, which would facilitate the exchange of information between hospitals in both countries³⁸⁷; as well as the initiation of projects for the prevention of non-communicable diseases³⁸⁸. In addition, the project for the construction of a hospital for the town of San Pedro, which would begin in January 2023; and would facilitate access to health services for its inhabitants, so that they would not need to go to other cities for this purpose³⁸⁹.

B. Climate Emergency and Human Right to Water

229. During 2022, REDESCA continued to monitor the effects of climate change in Belize, as well as the adaptation and mitigation actions initiated by its authorities, due to the direct relationship between the climate emergency and the exercise and enjoyment of ESCER. In this context, it is especially relevant that Belize is the eighth country with the highest climate risk in the world; and has a high vulnerability to sea level rise, flooding associated with hurricanes and tropical storms, and extreme temperature events.³⁹⁰ In addition, factors such as the dependence of its economy on natural resources, the presence of critical

³⁷⁹ Breaking Belize News, [Belize's Polio vaccinations fell by 20% during the COVID-19 pandemic](#), August 3, 2022.

³⁸⁰ Ibid.

³⁸¹ Government of Belize Press Office, [Detection of Vaccine-Derived Poliovirus Type 2 in the United States and Implications for Belize](#), July 22, 2022.

³⁸² Ibid.

³⁸³ IACHR, [Resolution No. 1/2021, COVID-19 Vaccines in the Framework of Inter-American Human Rights Obligations](#), April 6, 2021, para.6.

³⁸⁴ Love FM, [Belize Remains Free of Monkeypox](#), October 6, 2022.

³⁸⁵ Loop News, [Belize tests persons for monkeypox](#), August 17, 2022.

³⁸⁶ The San Pedro Sun, [GOB to acquire Monkeypox vaccines](#), August 5, 2022.

³⁸⁷ Breaking Belize News, [Taiwan and Belize sign Memorandum of Understanding for cooperation between hospitals](#), September 24, 2022

³⁸⁸ Breaking Belize News, [Health specialists from TaiwanICDF visit Belize](#), September 28, 2022.

³⁸⁹ The San Pedro Sun, [Construction for San Pedro hospital to start in early 2023](#), September 24, 2022.

³⁹⁰ The World Bank Group, [Climate Change Knowledge Portal - Belize](#), 2021.

infrastructure near coastal areas, and low altitude would exacerbate Belize's vulnerability to climate change³⁹¹.

230. In this context, the Special Rapporteur appreciates the efforts made by local authorities to increase climate resilience in the coastal and fishing zones of Belize. In this regard, the project "Enhancing Adaptation Planning and Increasing Climate Resilience in the Coastal Zone and Fisheries Sector of Belize", developed by the Ministries of Economic Development and Investment and Blue Economy and Civil Aviation; the Fisheries Department; the Coastal Zone Management Authority and the Belize Meteorological Service, in conjunction with FAO and the Green Climate Fund³⁹².

231. In particular, it is noted that, within the framework of this initiative, the Belizean authorities have reportedly carried out new studies and assessments on climate vulnerability and housing in the towns of Belize City, Dangriga and San Pedro³⁹³; including one to identify and analyze relevant gender issues in the fisheries sector and coastal zones, in order to develop a gender-sensitive strategy³⁹⁴. Also, note was taken of the initiation of the process for the development of a subway monitoring system for aquifers, which would allow recording the impacts of climate change on water sources and identify risks to the provision of water services³⁹⁵; and of a consultation on climate vulnerability and livelihoods in the communities of Belize City, Dangriga and San Pedro, for the development of climate adaptation strategies in coastal areas and fisheries³⁹⁶.

232. In turn, the Rapporteurship welcomes the efforts made by the authorities, civil society, and the population to restore the Belize Barrier Reef³⁹⁷. In 2022, UNESCO would have removed the Barrier Reef from the List of World Heritage in Danger after nine years, highlighting the Government's 'visionary' initiative to protect the second largest barrier reef in the world and, in particular, the establishment of a moratorium on oil exploration in the entire maritime zone of Belize and the strengthening of forestry regulations for the protection of the mangrove³⁹⁸. However, it takes into account that a preliminary report on reef health in Mesoamerica, by the Healthy Reefs Initiative, has shown a deterioration in the state of reefs in Belize; indicating that 31% of sites analyzed are in critical condition, while 49% are in poor condition, on the Reef Health Index scale³⁹⁹.

233. On the other hand, REDESCA obtained information regarding the high quantities of sargassum that have reportedly reached the beaches of Belize between the months of March and July, affecting the areas of Placencia, Hopkins, San Pedro and Caye Caulker⁴⁰⁰. In this regard, the Rapporteurship is concerned that this phenomenon could have adverse effects on Belize's economy, especially the tourism industry, by

³⁹¹ FAO, Enhancing adaptation planning and increasing climate resilience in the coastal zone and fisheries sector of Belize, January 24, 2022.

³⁹² Ibid.

³⁹³ Amandala News, Belize Conducts Climate Change Vulnerability and Livelihood Assessment consultations, October 8, 2022.

³⁹⁴ Government of Belize Press Office, Gender Responsive Engagement Strategy & Action Plan for the Fisheries Department and CZMAI, August 26, 2022.

³⁹⁵ Breaking Belize News, Groundwater monitoring system for aquifers to be developed in Belize, September 11, 2022.

³⁹⁶ Breaking Belize News, Government hosts Climate Vulnerability and Livelihood Assessment Validation Consultation, October 5, 2022.

³⁹⁷ Euro News, Why is the Belize Barrier Reef one of the most successful coral restoration projects in the world?, May 8, 2022.

³⁹⁸ Breaking Belize News, UNESCO praises Belize for 'visionary' steps to save coral reef as it removes the Belize Barrier Reef from the list of endangered World Heritage sites, June 28, 2022.

³⁹⁹ International Coral Reef Initiative (ICRI), Mesoamerican Reef Health report by the Healthy Reefs Initiative (HRI) shows decline for 2021, June 9, 2022.

⁴⁰⁰ Breaking Belize News, Sargassum- plagued Belizean beaches make international news, July 5, 2022.

compromising the cleanliness of its beaches⁴⁰¹ ; in addition to requiring additional resources for the collection and treatment of the seaweed⁴⁰² .

234. In turn, the Rapporteurship takes note of the alert issued by the Ministry of Sustainable Development, Climate Change and Disaster Risk Management regarding the unauthorized sale of carbon credits by companies in Belize⁴⁰³ . According to the authorities, this situation would be affecting the national carbon quota and the requirements of the United Nations Framework Convention on Climate Change and the country's Nationally Determined Contribution⁴⁰⁴ . In this regard, an international investigation reported that carbon credits continue to be issued for the Boden Creek Ecological Reserve Forest Carbon Project (BCEP), despite the fact that CO₂ reduction actions have concluded in the area⁴⁰⁵ . In this regard, it is reiterated that States have the obligation, within their jurisdiction, to regulate, supervise and oversee activities that may significantly affect the environment, within or outside their territory⁴⁰⁶ .
235. On the other hand, it is noted that the Government of Belize has authorized the modification of the boundaries of some forest reserves and national parks in the south of the country, in order to regularize their borders and improve the management of these areas⁴⁰⁷ . The Minister of Sustainable Development, Climate Change and Disaster Risk Management announced that the modifications would seek to exclude farms, resorts, and other businesses, which have been in the area for approximately three decades, to protect the economy of the people who operate them; but no new authorizations would be granted⁴⁰⁸ .
236. The Rapporteurship is also concerned that during the hurricane season in the Pacific and Atlantic, Belize was affected by excessive rainfall and tropical storms, which would be aggravated by climate change. Thus, since May, the National Meteorological Service warned that activity in the Atlantic hurricane season would be higher than average, due to the prevalence of La Niña conditions and warm Atlantic temperatures⁴⁰⁹ . Between the end of May and the beginning of June, the influence of tropical cyclone Agatha would have caused intense rains in the northern part of the country, which would have been covered by more than four inches of water, generating the activation of flood warnings⁴¹⁰ .
237. These weather conditions were reportedly maintained during the months of June and July and intensified between August and October, when an increase in activity was expected⁴¹¹ . For example, in August, the University of Belize reportedly suspended classes for one day due to flooding caused by the passage of a tropical wave⁴¹² . However, the most serious damage was reportedly caused in October, due to the passage of Hurricane Julia through Belize. In this context, the National Emergency Management Organization issued

⁴⁰¹ Breaking Belize News, [Is Belize's beach tourism under threat due to Sargassum piling up on our beaches?](#), May 26, 2022.

⁴⁰² Euro News, [Foul-smelling seaweed covers pristine Caribbean beaches - is climate change to blame?](#), August 16, 2022.

⁴⁰³ Ministry of Sustainable Development, Climate Change and Disaster Risk Management, [Public Notice - Unauthorized sale of carbon credits in Belize](#), June 14, 2022.

⁴⁰⁴ Ibid.

⁴⁰⁵ Amandala News, ["Phantom" carbon credits being sold from Belize](#), June 18, 2022.

⁴⁰⁶ IACHR - REDESCA, [Resolution 3/2021, Climate Emergency: Scope of Inter-American Human Rights Obligations](#), December 31, 2021.

⁴⁰⁷ Breaking Belize News, [Boundaries of forests and national parks in South to be amended](#), April 7, 2022.

⁴⁰⁸ Love FM [Video on Facebook], [#CatchitFirstOnLove **Cabinet approves amendment of forest reserve boundaries**](#), April 9, 2022.

⁴⁰⁹ Amandala News, [Above-normal hurricane season predicted!](#), June 2, 2022.

⁴¹⁰ The Caribbean Catastrophe Risk Insurance Facility, [Covered Area Rainfall Event \(31/05/2022 to 02/06/2022\) Excess Rainfall](#), June 10, 2022.

⁴¹¹ Breaking Belize News, [Tropics Watch: Hurricane Center monitoring 4 tropical waves in the Atlantic](#), August 3, 2022.

⁴¹² Breaking Belize News, [University of Belize announces cancellation of classes](#), August 18, 2022.

a flood alert for almost the entire national territory, warning that heavy rains could increase the probability of flooding in vulnerable areas⁴¹³. Consequently, in the southern provinces of the country, such as Placencia and Middlesex, rainfall of between six and eight inches was recorded over the weekend; winds of between 15 and 25 knots and severe thunderstorms⁴¹⁴.

238. In addition, it is noted that, according to information from the Ministry of Sustainable Development, Climate Change and Disaster Risk Management, the Cayo District was the most affected area, especially in the agricultural sector, where it reportedly ruined crops and left livestock without livestock⁴¹⁵. On the other hand, in the provinces of San Ignacio and Santa Elena there were interruptions in the supply of drinking water, due to the destruction of a pump of the San Ignacio Water Intake, due to the rains⁴¹⁶; and, as a result, classes were suspended in schools in these areas⁴¹⁷. On the other hand, the Rapporteurship notes with concern the alert issued by the Ministry of Health and Welfare, regarding the possible increase in cases of dengue fever, vector-borne diseases, and gastrointestinal infections, due to the stagnation of flood waters⁴¹⁸. In view of the accumulation of mosquitoes and water contamination in the Belize District, the authorities have recommended the use of long-sleeved clothing, long pants, and repellent, as well as the treatment of water for consumption and domestic use with chlorine or purification tablets, while a plan is being developed to address the problem⁴¹⁹.
239. In this context, REDESCA stresses that the links between climate change and the occurrence of increasingly frequent environmental disasters threaten the exercise of several human rights, including the generation of forced displacement of people and the increase of inequality and poverty. It also notes that economic, social, cultural, and environmental rights, such as food, drinking water and sanitation, housing or health, are generally threatened and severely limited in these cases of humanitarian emergency, which also affects the right to development⁴²⁰. Therefore, in line with IACHR Resolution 3/2021 on Climate Emergency, it urges the State of Belize to redouble its efforts in the area of mitigation and adaptation, activating the mechanisms within its reach to have the necessary resources for the formulation and implementation of ambitious climate policies, within the framework of the obligation to mobilize the maximum of available resources for the effect⁴²¹.

C. Business and Human Rights

240. With respect to the business and human rights landscape in Belize, REDESCA notes that in April, the Belize Tourism Board (BTB) and AirBnb signed a memorandum of understanding to establish a joint

⁴¹³ Breaking Belize News, Most of Belize under flood warning as heavy rains from Julia continue, October 10, 2022.

⁴¹⁴ Amandala News, Julia causes flooding and damage across Belize, October 11, 2022.

⁴¹⁵ Breaking Belize News, Minister for Disaster Risk Management details worst-hit areas after Julia-related floods, October 13, 2022.

⁴¹⁶ Breaking Belize News, BWS: San Ignacio and Santa Elena to experience daily water interruption due to floods, October 14, 2022.

⁴¹⁷ Belize Ministry of Education, Culture, Science and Technology, Suspension of In-Person Classes San Ignacio/Santa Elena, October 14, 2022.

⁴¹⁸ San Pedro Sun, Health officials warn about an increase in dengue cases and gastrointestinal infections, October 12, 2022.

⁴¹⁹ Ibid.

⁴²⁰ IACHR - REDESCA, Press Release No. 276/2020, The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region and call on States and the international community to address the situation of the affected people, November 17, 2020.

⁴²¹ IACHR - REDESCA, Resolution 3/2021, Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

collaboration to promote sustainable tourism in Belize⁴²². This would allow for the continued recovery of Belize's tourism sector, which accounts for about 45% of GDP and 40% of employment.⁴²³

241. Also, it is noted that in October, Bowen and Bowen reportedly organized a mangrove seed planting with its workers on the Belize City waterfront⁴²⁴. This activity was executed in conjunction with the Coastal Zone Management Authority, and to improve the protection of the coastal zone from potential storms, as well as to benefit the ecosystem, with the growth of mangroves⁴²⁵. In addition, REDESCA obtained information on the signing of a memorandum of understanding between the Ministry of Economic Development and the Belize Marketing and Development Corporation, which would aim to implement the Resilient Rural Belize Program (RRB), for the promotion of sustainable and climate resilient agricultural practices⁴²⁶.
242. On the other hand, with respect to the expansion project of the Port of Belize by Waterloo Investment Holdings, REDESCA learned that a coalition of civil society organizations had sent a request to the Ministry of the Environment, questioning some stages of the administrative procedure for its authorization.⁴²⁷ In this regard, the organizations reportedly pointed out that there are some aspects regarding the possible socio-environmental impacts of the project that have not been duly clarified by the company.⁴²⁸ In addition, there would be questions about the presentation of a second environmental and social impact study of the project, before the appeal of the negative decision by the National Environment Appraisal Committee is resolved in 2021⁴²⁹. Thus, there would be a risk that the study presented would not consider all the possible social and environmental impacts of the project, which, together with the lack of a Marine Spatial Management Plan, could compromise the integrity of the coastal ecosystem and affect its communities.⁴³⁰
243. In turn, the Office of the Special Rapporteur followed up on the proposed limestone mining project in Gales Point Manatee by the U.S. company Vulcan Materials, which has raised concerns about its potential environmental impact⁴³¹. In response, the Gales Point Manatee Council has reportedly initiated the collection of 5,000 signatures among the people of the community to oppose the mining project⁴³². In this context, REDESCA welcomes the decision announced by the Government at the beginning of September, which ratified the non-authorization of mining activities of any kind in Gales Point Manatee, due to the concerns of the surrounding communities about the environmental impacts of the project⁴³³.
244. On the other hand, according to information provided by the Ministry of Sustainable Development, Climate Change and Disaster Risk Management, a used oil spill was reportedly reported along George Price Boulevard in the Benque Viejo del Carmen area due to the rupture of a container owned by Westline Bus

⁴²² Caribbean News Digital, [Belize and Airbnb sign memorandum of understanding](#), April 13, 2022.

⁴²³ Bermuda Real, [Airbnb Forges Home-Sharing Partnership With Belize](#), April 17, 2022.

⁴²⁴ Breaking Belize News, [Bowen & Bowen Corporate Citizens organize to plant over 300 mangrove seedlings along Southern sea front](#)
October 1, 2022.

⁴²⁵ Ibid.

⁴²⁶ Breaking Belize News, [The Ministry of Economic Development, through its Resilient Rural Belize \(RRB\) Program, signed a memorandum of understanding \(MOU\) with the Belize Marketing and Development Corporation \(BMDC\)](#), October 6, 2022.

⁴²⁷ Amandala News, [Coalition of NGOs: Waterloo hasn't answered key questions](#), September 28, 2022.

⁴²⁸ Ibid.

⁴²⁹ Ibid.

⁴³⁰ Amandala News, [TNC recommends deferral of Waterloo's project](#), October 8, 2022.

⁴³¹ Business & Human Rights Resource Centre, [Belize: Vulcan Materials Company mining project located in the Southern Lagoon of the Gales Point Wildlife Sanctuary raises concerns](#), October 10, 2022.

⁴³² Breaking Belize News, [Gales Point Manatee Village Council creates petition to stop mining operation by Vulcan Materials](#), August 24, 2022.

⁴³³ Government of Belize Press Office, [Cabinet Brief](#), September 8, 2022.

Co.⁴³⁴. Authorities estimated that about 1,100 gallons of used oil were spilled into a drain that flows into the Mopan River⁴³⁵. In this regard, the Special Rapporteur is concerned that, due to the lack of notification of the spill by the company, there is no information on the exact amount of oil spilled, nor on the time that the spill would have lasted⁴³⁶.

245. In this regard, REDESCA emphasizes that there is a close relationship between human rights, sustainable development, and the environment, so it is essential that companies take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity⁴³⁷. This is materialized in concrete actions, such as respect for environmental laws and international standards or principles on the matter; the implementation of due diligence processes regarding the impact of their activities on human rights and the climate; and the guarantee of access to environmental information, participatory processes, and accountability⁴³⁸.

246. In addition, it is recalled that, within the framework of the general obligation to guarantee human rights, States have the duty to prevent human rights violations in the context of business activities and, specifically, the duty to prevent significant environmental damage where companies may be involved⁴³⁹. Therefore, the State has the duty to regulate and supervise activities under its jurisdiction that may cause significant environmental damage; to carry out environmental impact studies when there is a risk of significant environmental damage; to establish contingency plans with safety measures and procedures to minimize the possibility of serious environmental accidents; and to mitigate significant environmental damage that has occurred⁴⁴⁰. In addition, prior socio-environmental impact studies must incorporate a human rights approach and be carried out by independent and technically capable entities, under the supervision of the State⁴⁴¹.

D. Labor and Union Rights

247. With respect to the situation of labor rights, the Special Rapporteur welcomes the efforts made by the Government to achieve a progressive increase in the minimum wage from \$3.30 to \$5 dollars per hour, starting January 1, 2023⁴⁴². To this end, in March, the Ministry of Rural Transformation, Community Development, Labor and Local Government formed a Working Group, made up of representatives of the business sector, workers and the Government, to supervise the implementation of the wage increase⁴⁴³. In this process, dialogues were established with key actors at the national level to evaluate the impact of the wage increase for unskilled workers and workers in elementary occupations, as well as to analyze the actions necessary to ensure compliance by companies and strategies for possible gradual increases in specific sectors⁴⁴⁴.

⁴³⁴ Government of Belize Press Office, Oil Spill Response in Benque Viejo, October 12, 2022.

⁴³⁵ Ibid.

⁴³⁶ Amandala News, Oil spill in Benque caused by Westline Bus Co, says DOE, Oct. 15, 2022.

⁴³⁷ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, November 1, 2019, para.

46.

⁴³⁸ Ibid.

⁴³⁹ Ibidem, para. 92.

⁴⁴⁰ Ibidem, para. 92.

⁴⁴¹ IACHR, Situation of the human rights of indigenous and tribal peoples of the Pan-Amazon, OAS/Ser.L./V/II, September 29, 2019, para. 36.

⁴⁴² Breaking Belize News, Long awaited increase in minimum wage to be implemented this year, in phases beginning July 1st, March 24, 2022.

⁴⁴³ Breaking Belize News, Five-dollar minimum wage to be phased in; task force set up, March 2, 2022.

⁴⁴⁴ Government of Belize Press Office, Update on Five Dollar Minimum Wage Implementation, July 1, 2022.

248. On the other hand, the launching of the national policy and strategy on child labor for the period from 2022 to 2025, in July⁴⁴⁵. This policy, developed jointly with the International Labor Organization and UNICEF, would focus on the necessary legislative modifications to eliminate ambiguities regarding child labor; harmonize the definition of a child; as well as on the establishment of inter-institutional communication strategies on information on child labor cases; and on the formulation of codes of ethics to prevent abuse and child labor in the private sector⁴⁴⁶. In this context, note is taken of the signing of a memorandum of understanding between the Ministry of Labor and Fairtrade to coordinate actions for the eradication of child labor in the agricultural sector⁴⁴⁷. In this line, the Office of the Special Rapporteur highlights the importance of the standards developed by the IACHR, regarding State obligations to prohibit child labor, emphasizing the need to identify and pay attention to children in vulnerable situations, to carry out interventions focused on their protection needs, in order to give effect to their rights⁴⁴⁸.
249. In turn, it is noted that, as of July, the full salaries of civil servants were reestablished, following the Senate's approval.⁴⁴⁹ In 2021, public sector salaries would have been reduced by 10%, due to budgetary constraints.⁴⁵⁰
250. In this regard, the Rapporteurship has been following the situation between the members of the Christian Workers Union and the Government, starting with the protest at the Port of Belize in January⁴⁵¹. The workers at the Port of Belize gathered to complain about their disagreement with the Government's policies - especially regarding the privatization of the Port of Belize⁴⁵² - as well as with some of the company's decisions⁴⁵³. The measure was lifted after eight days, following the decision of an Arbitral Tribunal that ordered the initiation of negotiations on the payment of compensation for damages related to the transfer of sugar operations to another port⁴⁵⁴.
251. The Rapporteurship takes note of the signing of a memorandum of understanding between the Christian Workers Union and the Government, in later days, in which some measures were agreed to compensate the longshoremen, including the payment of a compensation of 1.5 million dollars⁴⁵⁵. This agreement would have been approved by Congress, with the adoption of the General Revenue Supplementary Appropriation Bill #4, in March⁴⁵⁶. However, it is noted that the disbursement of this compensation is still pending, due to a lawsuit filed by the Port of Belize against the union and the Government, which is expected to be processed in November⁴⁵⁷.
252. In this context, REDESCA emphasizes that the protection of the right to strike, together with freedom of association and collective bargaining, are fundamental pillars to guarantee the right to work and its fair

⁴⁴⁵ Government of Belize Press Office, Ministry of Labour Launches New National Child Labour Policy and Strategy, July 18, 2022.

⁴⁴⁶ Ibid.

⁴⁴⁷ Confectionery News, Belize launches new initiative to tackle child labor in farming communities, August 13, 2022.

⁴⁴⁸ IACHR - REDESCA, Compendium on Labor and Trade Union Rights. Inter-American Standards, October 30, 2020, para. 44.

⁴⁴⁹ Amandala News, 10% salary cut reinstated, July 20, 2022.

⁴⁵⁰ Caribbean National Weekly, Belize Parliament approves legislation reinstating public servants' ten percent salary cuts, July 17, 2022.

⁴⁵¹ Channel 5 Belize, Stevedores Protest at Port, January 20, 2022.

⁴⁵² Amandala News, Stevedores sign MOU with GOB, February 9, 2022.

⁴⁵³ Channel 5 Belize, Stevedores Protest at Port, January 20, 2022.

⁴⁵⁴ Breaking Belize News, Christian Workers Union Confirms stevedores working at Port of Belize Limited, January 28, 2022.

⁴⁵⁵ Amandala News, Stevedores sign MOU with GOB, February 6, 2022.

⁴⁵⁶ Amandala News, Senate approves stevedores' 1.5 million payment, March 21, 2022.

⁴⁵⁷ Amandala News, PBL's blockage of stevedores' payment stretched to Nov., Sept. 14, 2022.

and equitable conditions, as it is a right to which workers and their organizations can have recourse in defense of their economic, social, and professional interests⁴⁵⁸.

253. Additionally, REDESCA welcomes the establishment of Belize's first Labour Complaints Tribunal in October⁴⁵⁹. Pursuant to the Labour Act, the Tribunal will seek to ensure fairness and due process of complaints on untimely dismissal and other labour matters; and will consist of five members, appointed by the Chief Justice, the Chamber of Industries, the National Union Congress of Belize, and the Ministry of Labour⁴⁶⁰. This is particularly important considering that, in line with constant inter-American jurisprudence, the provision of suitable and effective remedies for the protection of rights is one of the immediate and enforceable obligations that exist in the area of ESCER⁴⁶¹.

E. Fiscal and Economic Policies

254. With respect to fiscal and economic policies, the Rapporteurship takes note of the information provided by the International Monetary Fund that Belize would continue to have a strong post-pandemic economic recovery, driven by the reactivation of construction, retail, commerce, transportation, communication, and tourism activities⁴⁶². This would be reflected in a 5.3% increase in GDP, equivalent to \$61.3 million, in the first four months of the year⁴⁶³. Furthermore, in line with the economic recovery, Belize's fiscal balance would have increased from -8.5% of GDP, recorded in 2020, to 1.5% of GDP, by the end of 2021⁴⁶⁴.

255. On the other hand, it is noted that, according to IMF recommendations, in addition to implementing measures to achieve economic recovery and improve the fiscal situation, Belize would need to promote reforms that promote structural growth; adopt a disaster resilience strategy; and consolidate the search for financing for its climate mitigation and adaptation plan, within the framework of the Nationally Determined Contribution⁴⁶⁵.

256. Along the same lines, the Office of the Special Rapporteur emphasizes that the problems of poverty and extreme poverty cannot be confronted and eradicated without a broad policy framework aimed at reducing the extreme levels of socioeconomic inequality that characterize the region. In this regard, although economic growth plays a key role in reducing poverty, it is insufficient in itself to eradicate poverty and generate structural changes in terms of equity⁴⁶⁶.

257. However, REDESCA is concerned that, according to the Statistical Institute of Belize, the Consumer Price Index registered an average increase of 5.8% in the price of goods and services between January and July 2022, compared to the same period in 2021⁴⁶⁷. This price increase was mainly due to the transportation

⁴⁵⁸ IACHR - REDESCA, Compendium on Labor and Trade Union Rights, Inter-American Standards, October 30, 2020, para. 1115.

⁴⁵⁹ Loop News Belize, Belize establishes historic labor complaints tribunal, October 16, 2022.

⁴⁶⁰ Ibid.

⁴⁶¹ IACHR - REDESCA, Compendium on Economic, Social, Cultural and Environmental Rights: Inter-American Standards, December 31, 2021, para. 45.

⁴⁶² International Monetary Fund, Belize: Staff Concluding Statement of the 2022 Article IV Mission, February 24, 2022.

⁴⁶³ Amandala News, Belize's GDP increased by over \$60M for first quarter of 2022, July 2, 2022.

⁴⁶⁴ International Monetary Fund, Belize: Staff Concluding Statement of the 2022 Article IV Mission, February 24, 2022.

⁴⁶⁵ Ibid.

⁴⁶⁶ IACHR, Report on Poverty and Human Rights in the Americas, September 7, 2017, para. 493.

⁴⁶⁷ Breaking Belize News, Inflation up by more than 5 percent for the first seven months of 2022, September 1, 2022.

sector, which registered an inflation rate of 18.4%, which would have had an impact on a generalized price increase.

F. Education, science, technology: academic freedom and university autonomy

258. Regarding the situation of the right to education, the Rapporteurship notes that, in January, schools in Belize resumed their activities under the hybrid education modality, after the suspension of face-to-face activities in 2021, due to an upturn in COVID-19 infections⁴⁶⁸. However, the return to face-to-face activities would have motivated the concern of the National Union of Teachers, linked to the possible lack of disinfection and biosecurity implements in some schools, and to the presence of the Omicron variant in the country⁴⁶⁹. In this context, the adoption of protocols and information mechanisms between the Ministry of Education and the Ministry of Health would have allowed 60.3% of schools to resume their activities in a hybrid manner⁴⁷⁰.
259. In the following months, the Ministry of Education continued to distribute disinfection supplies to schools, with the support of contributions from the private sector⁴⁷¹. This, together with the absence of significant contagions reported in schools and the lifting of biosecurity measures such as the mandatory use of masks in public spaces, allowed the gradual return to full attendance in all schools to be announced in April⁴⁷². Thus, educational institutions could choose to end the school year with the schedules they maintained before the pandemic, depending on their capacities; and, it is expected that, for the 2022-2023 school year, all schools will return to full attendance⁴⁷³. In this regard, it is noted that at the end of August, face-to-face activities resumed in secondary schools⁴⁷⁴; while preschools and elementary schools returned to face-to-face activities at the beginning of September⁴⁷⁵.
260. In this context, in July, the Ministry of Education, Culture, Science and Technology approved a new National Curriculum Framework, after a consultation process with the education sector and other key actors⁴⁷⁶. REDESCA welcomes the fact that the new curriculum plan is based on principles of equity, creativity, and empowerment, and seeks to address problems of the old curriculum, such as emotional stress in students and the excessive workload of teachers⁴⁷⁷. Access to quality education enables children to enjoy other rights by providing them with the knowledge, skills, and abilities necessary to do so, while preparing them to lead a full, satisfying, and responsible life in a free society⁴⁷⁸.
261. In turn, the Rapporteurship highlights the "Let's Catch Up" program, implemented by the Ministry of Education and international agencies, to level the students affected by the pandemic, during the summer⁴⁷⁹. This program would be aimed at students from 5 to 9 years old who, for eight weeks, could attend learning

⁴⁶⁸ Amandala News, [Schools finally reopen](#), January 12, 2022.

⁴⁶⁹ Breaking Belize News, [Minister of State for Education says schools are safer environment despite COVID-19; Teachers' Union Raises concern](#), February 1, 2022.

⁴⁷⁰ Amandala News, [Challenges arise after reopening of schools](#), January 15, 2022.

⁴⁷¹ Breaking Belize News, [Ministry of Education receives sanitization equipment for schools](#), March 5, 2022.

⁴⁷² Amandala News, [Face-to-face learning will soon resume -MoE](#), April 6, 2022.

⁴⁷³ Ibid.

⁴⁷⁴ Breaking Belize News, [High school students in Belize return to face-to-face classes](#), August 22, 2022.

⁴⁷⁵ Breaking Belize News, [New school year begins today](#), September 5, 2022.

⁴⁷⁶ Breaking Belize News, [Ministry of Education launches National Curriculum Framework for schools](#), July 28, 2022.

⁴⁷⁷ Breaking Belize News, [Minister of State Dr. Louis Zabaneh: Curriculum relieves burden in education system](#), July 28, 2022.

⁴⁷⁸ IACHR, [Derecho del niño y la niña a la familia. Alternative care. Ending institutionalization in the Americas](#). OEA/Ser.L/V/II.Doc.54/13, October 17, 2013, para. 632.

⁴⁷⁹ Breaking Belize News, [Ministry of Education launches "Let's Catch Up" Summer Camp](#), June 24, 2022.

centers located in their districts, to receive language and arithmetic lessons taught by YouTube, with the support of teachers in a face-to-face format⁴⁸⁰. In this regard, in its SACROI COVID-19 Practical Guide on guaranteeing the right to education in the context of the pandemic, the IACHR and REDESCA emphasized the need to have mechanisms that allow access to education with the stimuli and methodologies that the age and level of development of children and adolescents require; especially considering that, in the context of the pandemic, it is possible that the significant increase in inequalities has left a significant number of children and adolescents without access to education, which would increase their vulnerability⁴⁸¹.

262. On the other hand, REDESCA is concerned that in August, representatives of the National Student Association requested an increase in security inside and outside the University of Belize, following the death of a student who was stabbed outside the institution⁴⁸². By virtue of this, it is emphasized that States have the obligation to protect academic communities against acts of violence, since aggressions against people because of their participation or the exercise of activities in the same, restrict academic freedom; this implies the duty to prevent and investigate these acts, punish the perpetrators, protect the victims and ensure adequate reparation⁴⁸³.

G. Human Mobility and ESCER

263. Regarding the situation of human mobility and ESCE rights in Belize, REDESCA welcomes the implementation of the Amnesty Program 2022, to regularize irregular migrants and asylum seekers in the country⁴⁸⁴. This program would seek to benefit between 40 and 60 thousand people in a situation of human mobility, who could have access to permanent residency status and, eventually, citizenship, if their application is accepted⁴⁸⁵.

264. In this regard, it is noted that the program would seek to improve the living conditions of irregular migrants in Belize, who are especially vulnerable to being victims of human trafficking and modern slavery⁴⁸⁶. In addition, irregular migration would have impacts on the economic, social, cultural, and environmental rights of people in human mobility, who are often hired at very low wages, work in inadequate conditions, and encounter obstacles in accessing social and health services⁴⁸⁷. It should be noted that migrants contribute positively to the Belizean economy, for example, by operating small and medium-sized enterprises, which increase economic activity and generate employment.⁴⁸⁸

265. Notwithstanding the above, information was obtained that the Amnesty Program received a low number of applications -about 10%-, which could be due to the fact that the costs of the application process - especially when it comes to obtaining personal documents- could be prohibitive for some people⁴⁸⁹. In this regard, the Rapporteurship is concerned that, according to data from the Office of the International

⁴⁸⁰ Ibid.

⁴⁸¹ IACHR - REDESCA - RELE, SACROI COVID-19 Practical Guide No. 2 How to guarantee access to the right to education for girls, boys and adolescents during the COVID-19 pandemic, December 16, 2020.

⁴⁸² Breaking Belize News, National Student Union calls for greater security measures on and around school campuses following stabbing death of Belmopan youth, August 18, 2022.

⁴⁸³ IACHR - REDESCA - RELE, Inter-American Principles on Academic Freedom and University Autonomy, adopted by the Commission during the 182nd Regular Period of Sessions, held from December 6 to 17, 2021, Principle V.

⁴⁸⁴ Amandala News, Amnesty 2022 has begun, August 2, 2022.

⁴⁸⁵ Belize Immigration, Amnesty 2022 - Amnesty Background Information, 2022.

⁴⁸⁶ Ibid.

⁴⁸⁷ Ibid.

⁴⁸⁸ Ibid.

⁴⁸⁹ Breaking Belize News, About 10 percent of estimated unregulated migrant population applied for amnesty; some being left behind, September 6, 2022.

Organization for Migration in Belize, there are around 4,000 people in a situation of human mobility who cannot afford to pay for the procedures to access the amnesty⁴⁹⁰.

266. In this context, REDESCA welcomes the fact that the State of Belize encourages the regularization of migration; and invites it to formulate responses that take into account the specific vulnerabilities that accompany people from their country of origin and that are aggravated by their condition as persons in a context of human mobility, with special consideration for DESCA.⁴⁹¹

⁴⁹⁰ Ibid.

⁴⁹¹ IACHR, Resolution 04/19 Inter-American Principles on the Human Rights of All Migrant, Refugee, Stateless Persons and Victims of Trafficking in Persons, December 7, 2019, Section IV, Principle 16: Protection of Migrants in Situations of Vulnerability.

6) BOLIVIA

267. REDESCA takes note of the official extreme poverty indexes published by the National Statistics Institute (INE) which show that in 2020 this indicator stood at 13.7% and moderate poverty at 39.0%; while in 2021 extreme poverty was reduced to 11.1% and moderate poverty to 36.3%⁴⁹². According to the report presented by the agency, the progress in these indicators is due to certain measures adopted by the current administration, such as the implementation of the Bono contra el Hambre -reaching more than 4 million people- or the payment of social bonds. On the other hand, ECLAC reports that during 2021, extreme poverty fell by 3.6% compared to 2020, while the percentage of people living in poverty was 3.3%⁴⁹³. In addition, REDESCA notes that extreme poverty is mainly found in rural areas where 3 out of 10 people live in such condition⁴⁹⁴.
268. On the other hand, the Office of the Special Rapporteur has been closely monitoring the situation of the pandemic in the country and expresses its special concern regarding its impact on the guarantee of the ESCER of the Bolivian population, deepening the existing inequalities. In this regard, a report published by the Center for Labor and Agrarian Development Studies (CEDLA) concluded that the measures adopted by the State, mainly during the months with the highest levels of contagion, have deepened multidimensional poverty in the territory, understood as the precariousness or lack of access to resources - monetary and non-monetary - and opportunities for access to health, work, and education⁴⁹⁵.
269. At the same time, the pandemic has had a particular impact on the increase in inequality levels as a result of the fall in labor income; the reduced availability of monetary resources; the increase in unemployment and labor inactivity; the decline in social protection and the widening of the gap in access to ICTs⁴⁹⁶. In particular, 6 out of 10 households have seen their incomes decrease; 8 out of 10 households claim that they can no longer make ends meet or have just enough to make ends meet and 5 out of 10 households claim to be in debt⁴⁹⁷. This situation also had a direct impact on access to a varied and nutrient-rich diet. In this regard, available information shows that 4 out of 10 households decreased their consumption of nutritious foods (meats, fruits, vegetables, and greens); 2 out of 10 households reported not having enough food for breakfast, lunch, or dinner; and 1 out of 10 families had a person who slept hungry.⁴⁹⁸
270. REDESCA reminds the State that in its report on poverty and human rights in the Americas, the Commission considered - in accordance with Article 1.1 of the Convention ratified by the country and regional jurisprudence - that the situation of poverty or extreme poverty of a person, group or community constitutes a prohibited category of discrimination⁴⁹⁹. In addition, poverty brings with it a heightened exposure to human rights violations, i.e., vulnerability increased by the restrictions derived from the socioeconomic situation of individuals which, in certain cases, could also imply human rights violations attributable to the international responsibility of the State⁵⁰⁰. For this reason, REDESCA calls on the State to adopt in its public policies for the eradication of poverty a human rights approach based on the recognition of individuals, groups and communities living in poverty as holders of human rights and agents of change.

⁴⁹² Ministerio de Economía y Finanzas Públicas, Periódico mensual, Year 2, No. 10, February 2022.

⁴⁹³ Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America and the Caribbean, 2022, Santiago, 2022, p.57 and 58.

⁴⁹⁴ UNDP, Eliminating poverty, an undisputed obligation, October 16, 2022.

⁴⁹⁵ Centro de Estudios para el Desarrollo Laboral y Agrario (CEDLA), Pobreza multidimensional y efectos de la crisis del COVID-19 en Bolivia 2021. Available at: <https://cedla.org>

⁴⁹⁶ Ibid.

⁴⁹⁷ Centro de Estudios para el Desarrollo Laboral y Agrario (CEDLA), Alerta Laboral No. 90, April 2022.

⁴⁹⁸ Ibid.

⁴⁹⁹ IACHR, Poverty and Human Rights Report, 2017, para. 152.

⁵⁰⁰ IACHR, Poverty and Human Rights Report, 2017, para. 91.

A. Right to Health and its Social Determinants: Pandemic

271. REDESCA has been constantly monitoring the situation and the impacts that the COVID-19 pandemic has generated in Bolivia. Regarding the enjoyment of the right to health, the Office of the Special Rapporteur notes that, as of December 15, 2022, the country had more than 1,127,000 confirmed cases and 22,262 deaths⁵⁰¹, going through the sixth wave of COVID-19 declared by the Ministry of Health⁵⁰². In this regard, during the fifth wave, the country experienced peaks of infection reaching 24,000 cases in one week⁵⁰³. Furthermore, in mid-December and in the middle of the sixth wave, there was again a considerable increase in positive cases for COVID-19 in most of the territory, reaching 13,289 cases in one week, an increase of 120% at the national level.⁵⁰⁴
272. Regarding the number of doses of vaccines applied against COVID-19, the Rapporteurship notes that as of December 16, 2022, 15,588,229 doses had been applied counting the first, second, third, unidosis and fourth doses to the different age groups with Sputnik V, AstraZeneca, Sinopharm, Pfizer and Janssen vaccines throughout the national territory⁵⁰⁵. However, public information shows that Bolivia is still one of the last countries in South America with complete vaccination records against COVID-19⁵⁰⁶. In this sense, REDESCA observes that skepticism and fear, mainly among indigenous peoples, have been relevant dissuasive factors in the inoculation processes. In view of this, the Rapporteurship welcomes the vaccination campaigns carried out by local authorities with the support of the Pan American Health Organization (PAHO) and the Government of Canada, where workshops and information campaigns on the positive impacts of vaccination have a positive influence on access to and acceptance of vaccines, within a framework of respect for local worldviews⁵⁰⁷.
273. For its part, REDESCA notes that, during January 2022, the country showed a significant increase in coronavirus cases as a result of the entry of the Omicron variant, reaching 11,000 infections per day⁵⁰⁸. In this context, the Government issued a decree establishing the control of the COVID-19 vaccination card in all places with crowds of people⁵⁰⁹. While the provision was in force, between January 1 and 6, 2022, the inoculation points went from being sites with few people to showing a large influx⁵¹⁰. Subsequently, the Special Rapporteur learned about the measure adopted by the national government to suspend the requirement to present the COVID vaccination card and negative PCR tests for the duration of the sanitary emergency declaration⁵¹¹. In effect, the card or certificate would not be required by the authorities in basic services such as health, pharmacy services, educational enrollment, interprovincial transportation, markets, identification procedures and police services, access to justice, attention to financial institutions and recruitment for military and pre-military service.

⁵⁰¹ DatosMacro, [Evolution of the coronavirus in Bolivia](#). Information consulted on December 15, 2022.

⁵⁰² PáginaSiete, [Health confirms the start of the sixth wave of Covid-19](#), December 05, 2022.

⁵⁰³ La Razón, [La quinta ola sigue con un 'incremento exponencial' de contagios, subieron 62% en la última semana en el país](#), 18 de julio de 2022.

⁵⁰⁴ Bolivia.com, [The sixth wave of COVID-19 in Bolivia caused the rise of infections in all departments](#), December 20, 2022.

⁵⁰⁵ Ministry of Health and Sports, [COVID-19 vaccination report](#), December 16, 2022.

⁵⁰⁶ DatosMacro, [Comparative: COVID-19 - Vaccines administered](#), Information accessed December 15, 2022.

⁵⁰⁷ PAHO, [COVID-19 vaccination campaign overcomes cultural differences and increases vaccine uptake](#), December 14, 2022.

⁵⁰⁸ Télam, [Bolivia: record number of daily cases and more than 20,000 deaths due to Covid](#), January 12, 2022.

⁵⁰⁹ La Razón, [The anti-covirus vaccination card enters into force in Bolivia](#), January 1, 2022.

⁵¹⁰ Los Tiempos, [Long lines at Hospital del Norte for Covid-19 vaccination](#), January 1, 2022.

⁵¹¹ Ministry of Health and Sports, [GOVERNMENT SUSPENDS PRESENTATION OF VACCINATION CARD DURING HEALTH EMERGENCY AND ISSUES REGULATIONS](#), January 19, 2022.

274. Following the provisions of IACHR Resolution 1/2021 on vaccines against COVID-19 and taking into account the escalation of positive cases for COVID by the end of 2022 and the low inoculation rates recorded in the country compared to other countries in the region, REDESCA recalls that the State has a reinforced duty in the application of Inter-American standards on transparency, access to public information and combating corruption. This in relation to information related to the mechanisms of acquisition, distribution, and application of the vaccine against COVID-19, as well as the resources available and mobilized to ensure access to vaccines for its population, in conditions of equality and without discrimination. For the IACHR as for its REDESCA, the availability of information on vaccines saves lives and contributes to qualify public deliberation and decision making during the pandemic.
275. For its part, REDESCA became aware of the increase in cases of COVID during the fourth wave, especially affecting health workers -50% of health personnel in general and 20% of medical personnel in particular⁵¹². As a result, given the high rate of sick leave⁵¹³, there was an increase in work overload and exhaustion within the sector, added to the lack of medicines and medical supplies or their supply in defective conditions⁵¹⁴ and fewer intensive care units available for the attention of critical cases, reaching 1% of the available hospital beds destined for therapy⁵¹⁵. REDESCA reminds the State that, in line with Resolution 4/2020 of the IACHR, it is required that health and care personnel have the necessary and sufficient personal protective equipment to deal with the pandemic, especially in view of the considerable increase in cases throughout the year.
276. In turn, the Rapporteurship is concerned about the existence of underreporting in the numbers of deaths from COVID-19. A study conducted by the Universidad Privada Boliviana (UPB) indicates that between March 2020 and January 2022, three times as many deaths from Covid-19 were projected (64,542) while official data counted a total of 20,907 deaths⁵¹⁶. In view of this, REDESCA makes a special call to the State to ensure access to public information in the context of the emergency generated by the COVID-19⁵¹⁷ and recalls that the discrepancy of information against the COVID-19 directly affects the possibilities of people to access adequate health services, and that in addition to making vulnerable groups invisible, it prevents knowing the magnitude of the crisis and, thus, the design of public policies to overcome it.
277. At the same time, REDESCA is closely monitoring the spread of monkeypox, declared by the World Health Organization (WHO) as an international public health emergency⁵¹⁸. In this regard, Bolivia declared a health emergency in May⁵¹⁹, and by October a total of 237 patients with the disease and two deaths had been reported⁵²⁰. Additionally, the Rapporteurship learned about the resurgence of the coqueluche disease (also called whooping cough), which up to November had already identified 6 contagions⁵²¹.
278. Likewise, REDESCA warns about the building deficiencies and saturation of services in some hospitals such as the Hospital de la Mujer Dr. Percy Boland in Santa Cruz. In this regard, it has been known about cases of

⁵¹² Los Tiempos, [High casualties: 20% of physicians are affected by 4th wave of Covid](#), January 12, 2022.

⁵¹³ El Deber, [Necesitan 70 ítems para brindar atención en el Hospital de Niños](#), July 28, 2022.

⁵¹⁴ Los Tiempos, [Hay 250 trabajadores en salud con baja; Alcalde pide ampliar horario](#), January 24, 2022; El Deber, [Trabajadores del hospital San Juan de Dios ingresan en un paro de 72 horas](#), March 08, 2022.

⁵¹⁵ El Deber, [El país enfrenta la quinta ola con las terapias disminuidas y los contratos vencidos](#), 09 June 2022.

⁵¹⁶ Página Siete, [Estudio halla 64.542 muertos covid, el triple del registro oficial](#), 05 April 2022.

⁵¹⁷ IACHR - REDESCA, [Resolution 1/2020, Pandemic and Human Rights in the Americas](#), April 10, 2020.

⁵¹⁸ UN News, [WHO declares monkeypox an international health emergency](#), July 23, 2022.

⁵¹⁹ Ministry of Health and Sports, [GOVERNMENT ASKS HEALTH DEPARTMENTS TO APPLY EPIDEMIOLOGICAL ALERT AND NOT TO GENERATE ALARM IN THE POPULATION ABOUT MONKEY VIRUELA](#), May 26, 2022.

⁵²⁰ SwissInfo, [Bolivia reports a second death from monkeypox](#), October 22, 2022.

⁵²¹ Ministry of Health and Sports, [The Ministry of Health activated an epidemiological surveillance protocol due to the resurgence of coqueluche in Bolivia](#), November 10, 2022.

overcrowding of newborn children where several of them share the same crib or inability of the neonatal wards to accommodate newborns for their attention and care⁵²².

279. Regarding the health conditions of persons deprived of liberty, and after the visit to the country of the United Nations Special Rapporteur on the Independence of Judges and Lawyers⁵²³, this Special Rapporteur is concerned about the overcrowding of detention centers and the conditions of overcrowding in which this population group is found, in a context of high contagion, which would facilitate the spread of the virus for COVID-19. In addition, REDESCA is aware of the response of the State of Bolivia to the request for information made by the IACHR regarding the situation of persons deprived of liberty on hunger strike. As a result, the Office of the Special Rapporteur expresses its concern regarding the absence of information from the State on the existence of specific domestic protocols that guarantee the right to social and peaceful protest of persons deprived of liberty. Particularly worrisome is the lack of protocols that contemplate the adoption of measures to guarantee the rights of persons deprived of liberty to health, personal integrity, and well-being in the context of hunger strike protests.⁵²⁴
280. On the other hand, the Office of the Special Rapporteur has been closely following the events related to the citizen strikes in the Santa Cruz region in response to the National Government's decision to suspend the population and housing census. In this regard, it has learned that the generalized strike situation in the region, together with the decision of sectors of the national government to encircle or isolate the region as a deterrent effect, has seriously affected the right to health. In particular, it is noted that this situation has prevented the supply of oxygen to hospitals or fuel to ambulances, hindering medical attention⁵²⁵. These facts have begun to be investigated by the Ombudsman's Office.⁵²⁶
281. Finally, REDESCA welcomes the initiative to launch the first insurance protection for women with cervical cancer, given the increase in cervical cancer mortality rates in the country⁵²⁷.

B. Climate Emergency and the Human Right to Water

282. The DESCA Special Rapporteur's Office has followed with special concern the effects of the climate crisis affecting the country. In this regard, it has learned about the heavy rains that occurred between January and March, which caused major flooding and landslides, flooding of roads and bridges, destruction of homes and damage to electricity and water systems in most of the country's departments. In this regard, REDESCA learned about the case of the Uru Chipaya community, located in the department of Oruro, which suffered especially from the consequences of flooding and waterlogging as a result of extensive periods of rainfall⁵²⁸. In addition, 45 municipalities were declared disaster areas and 190 were more or less affected, with at least 27 fatalities and 14 missing persons⁵²⁹. Subsequently, at the end of February, the department of Tarija again suffered the impact of floods after the Itayuro stream overflowed its banks in the municipality of Entre Ríos, leaving at least four people dead, ten missing and almost 300 families affected,

⁵²² El Deber, [Overcrowding suffocates the maternity ward; award for 6 holds up to 18 newborns](#), April 04, 2022.

⁵²³ OHCHR, Visit to the Plurinational State of Bolivia, [Report of the Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, A/HRC/50/36/Add.1](#), 24 June 2022.

⁵²⁴ Government of Bolivia, Report of the State of Bolivia to the IACHR regarding the request for information on the situation of persons deprived of liberty on hunger strike, March 4, 2022.

⁵²⁵ El Diario, [Ambulances run out of fuel hospitals on alert due to lack of oxygen](#), November 01, 2022.

⁵²⁶ Defensoría del Pueblo, [LA DEFENSORÍA DEL PUEBLO INVESTIGA 18 CASOS DE VULNERACIÓN DE DERECHOS REGISTRADOS DURANTE EL PARO CÍVICO EN SANTA CRUZ](#), 02 November 2022.

⁵²⁷ La Razón, [Lanzan al mercado el primer seguro de protección para mujeres con cáncer de cervical uterino](#), April 25, 2022.

⁵²⁸ El Deber, [Inhabitants of Uru Chipaya suffer from floods and ask the Government for a place to relocate](#), February 08, 2022.

⁵²⁹ La Razón, [La Paz is the region with more families and communities affected by the rains](#), February 08, 2022.

in addition to the destruction of homes and public buildings⁵³⁰. In light of this, the Office of the Special Rapporteur expresses its concern and solidarity with the people affected as a result of the floods and landslides, and welcomes all actions taken by the authorities to provide rapid response and care to those affected. It also makes a special call to the corresponding local authorities to articulate and implement effective prevention plans to deal with this type of climatic events.

283. In addition to the above, REDESCA notes with concern the situation of severe droughts that the country has been experiencing as a result of the extension of the dry season, affecting, as of December 2022, 180 municipalities in seven departments⁵³¹. In fact, since 2021, the Special Rapporteur has been documenting long periods of drought in several areas as a result of prolonged hot seasons, affecting the main sources of water for human consumption, animals and irrigation.
284. The impact generated by the extension of drought as a consequence of climate change constitutes a certain threat both to the environment and to people and their rights. Those people who are part of groups in vulnerable situations, due to the particular condition or situation in which they find themselves, are those who are most affected by the climate crisis, especially women and girls. Particularly, following the standards of Resolution 3/2021⁵³², the Commission and the Special Rapporteur DESCA recall that the risk of harm is particularly high for those segments of the population that are currently in a situation of marginalization or vulnerability or that, due to discrimination and pre-existing inequalities, have limited access to decision-making or resources, including women, girls, boys, and adolescents. In particular, REDESCA notes how prolonged droughts have modified the habitat and environment of the Uru indigenous people due to the virtual disappearance of Lake Poopó, as well as the desertification of soils, added to the context of the COVID-19 pandemic. This has had a severe impact on the traditional livelihoods of these communities, such as fishing, farming and livestock raising, affecting their economy and -mainly- their family supply⁵³³. In this context, REDESCA positively values the implementation by the State of the Plurinational Plan for Immediate Response to Drought, which aims to achieve water supply not only for human consumption but also for animals and irrigation.⁵³⁴
285. On the other hand, the lack of rainfall has also exacerbated the number of forest fires. Although the figures have not exceeded those of 2021-where more than 3.6 million hectares are estimated to have been affected⁵³⁵ -, in 2022 900,000 hectares of vegetation cover would have been destroyed, according to information released by the National Civil Defense⁵³⁶. REDESCA notes that as of September there were more than 500 hot spots in the country, with the department of Santa Cruz being one of the most affected with 260 active hot spots⁵³⁷, including Otuquis National Park and Noel Kempff Mercado National Park -

⁵³⁰ El Deber, [Tragedia en Entre Ríos deja luto, desaparecidos y familias sin viviendas ni servicios](#), 23 February 2022; El Deber, [Coem de Entre Ríos confirma que el cuarto cuerpo encontrado corresponde a un niño de Tomatirenda](#), 24 February 2022.

⁵³¹ Los Tiempos, [Drought in 2022 hit 180 municipalities in seven departments of the country](#), December 21, 2022.

⁵³² IACHR, [Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations](#), December 31, 2021.

⁵³³ World Food Program (WFP), [Bolivia: Ongoing droughts due to climate crisis threaten Uru livelihoods](#), June 17, 2022.

⁵³⁴ Ministry of Environment and Water, [Minister of Environment and Water Juan Santos Cruz reports on the Plurinational Plan for Immediate Response to Drought](#), December 06, 2022.

⁵³⁵ Mongabay, [Bolivia's environmental debts 2022: deforestation, increased gold mining and the drama of forest fires](#), December 15, 2022.

⁵³⁶ Bolivia al Día, [Civil Defense reports that fires affected 900 thousand hectares in four departments](#), September 17, 2022.

⁵³⁷ El Deber, [Civil Defense reports almost one million hectares burned and there are more than 500 active hot spots](#), September 18, 2022.

both protected natural areas- affecting more than 40,000 hectares⁵³⁸. In addition, various health problems -such as respiratory problems and conjunctivitis- were reported among the population as a result of the burns.⁵³⁹

286. The Office of the Special Rapporteur notes that the fires are a direct consequence of the extension of the agricultural frontier as a result of the excessive land grabbing of intercultural communities or extractive industries, which are responsible - in many cases - for the deforestation of large areas of forest in the country⁵⁴⁰. To this must be added the existence of flexible legal frameworks that facilitate these forms of access to land where the borders of protected areas and indigenous territories are lost in the hands of individuals or private individuals⁵⁴¹. In this regard, REDESCA notes with concern the study published by Global Forest Watch which states that the fires that occur in the country are mostly anthropogenic, with the sole purpose of deforesting the land and that they spread uncontrollably due to the climatic conditions of the country, exacerbated by climate change.⁵⁴²
287. Therefore, following the standards set out in Resolution 3/2021, REDESCA reminds the Bolivian State that the impacts of climate change that limit access to and use of land, water and forests interfere with the enjoyment of human rights such as life, health, food, work, culture, water and sanitation, and self-determination of all people and, in particular, as mentioned above, of people and groups in vulnerable situations, such as indigenous peoples and women and girls. In this sense, these groups face greater risks, threats, and violations of their human rights, such as the right to life, personal integrity and health, in the face of the adverse effects of climate change, which increase all existing inequalities. That is why the State must adopt differentiated measures to address, prevent and eradicate all related violations when they are exposed to natural disasters such as floods, storms, landslides, or fires.
288. Notwithstanding the above, not only the State has direct responsibility for regulatory and supervisory actions, but also private actors and companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples and rural or peasant populations⁵⁴³.
289. Finally, this Office of the Special Rapporteur has received information about different protests that have been held at the gates of the Santa Cruz Government regarding the Las Cruces - Buena Vista highway construction project which, according to the Santa Cruz Departmental Government, would directly affect the aquifers of the Güenda-Urubó reserve (which is protected by Departmental Law 208) and would jeopardize the drinking water supply of the Santa Cruz people⁵⁴⁴. For their part, the protesters requested the abrogation of the law because it would violate their right to property and to decide what economic activity to carry out on their lands⁵⁴⁵. In this regard, REDESCA affirms that the right to water and to a healthy environment in general are being seriously compromised as a consequence of the global climate emergency, causing an unprecedented social crisis, in addition to that generated by the pandemic. For this

⁵³⁸ Mongabay, Fires in Bolivia: more than 40 thousand hectares burned inside Noel Kempff Mercado National Park, September 08, 2022.

⁵³⁹ El Deber, Hay alerta por vientos, el fuego no cesa y el humo impacta en la salud, September 08, 2022.

⁵⁴⁰ Mongabay, Bolivia's environmental debts 2022: deforestation, increased gold mining and the drama of forest fires, December 15, 2022.

⁵⁴¹ Quintanilla, Marlene, Carmen Josse, Alicia Guzmán León. 2022. La Amazonía a contrarreloj: un diagnóstico regional sobre dónde y cómo proteger el 80% al 2025. Available at: <https://amazonia80x2025.earth/>.

⁵⁴² Global Forest Watch, Forest loss remained stubbornly high in 2021, April 28, 2022.

⁵⁴³ IACHR and REDESCA. Report Business and Human Rights: Inter-American Standards, November 1, 2019, para. 46.

⁵⁴⁴ Information received by the IACHR and REDESCA. IACHR archives.

⁵⁴⁵ El Deber, Campesinos piden abrogación de ley, que protege acuíferos que dotan del 60% de agua a los cruceños, por una carretera, 04 de octubre de 2022.

reason, all OAS Member States are encouraged to place human rights and the adverse impact that climate change has on the enjoyment of these rights, especially for the most vulnerable individuals and groups, at the center of their negotiations and decisions, in accordance with the obligations assumed within the Inter-American system⁵⁴⁶.

C. Business and human rights

290. Regarding issues related to business activities and the guarantee of human rights, REDESCA is aware of a series of challenges that still persist in Bolivia. In this regard, in the framework of the 183rd Period of Sessions of the IACHR⁵⁴⁷, the Commission and its Special Rapporteur on DESCA held a Public Hearing where they received information detailing with great concern the various impacts caused by extractive activities on the environment and on the health of the people living in the natural environments subject to such exploitation, especially women and girls⁵⁴⁸.
291. The organizations requesting the Hearing reported on the situation currently faced by indigenous peoples in Bolivia as a result of the use of mercury in artisanal and small-scale gold mining activities - used mainly for the extraction of gold - contaminating the soil, rivers and their fish, the main source of food and economic livelihood, being a flagrant violation of their traditional and ancestral way of life. In addition to this, they exposed the results of a study conducted on 350 people from indigenous communities, carried out between October and November 2021, which shows high concentrations of mercury in blood, with an average of 7ppm (part per million), significantly exceeding the international limits and criteria of the World Health Organization (of 1ppm), and in some cases reaching 27ppm. Among the most recurrent effects reported by contaminated people are memory loss, hand tremors, sensory problems and cognitive developmental impairment, which can affect the development of thousands of indigenous children.
292. During the hearing it was also reported that Bolivia is the second largest importer of mercury in the world and the most important in the region, which has a serious impact on the environment and the rights of the indigenous population. In this context, the organizations denounced the passivity of the Bolivian government in adopting actions to limit these actions, such as environmental impact studies, as well as the lack of specific and effective legal provisions to control the entry, commercialization and proper use of mercury in the country and the approval of internal regulations that promote low-scale gold mining activities. Additionally, it is of great concern the information provided that about 50% of the mercury entering the country is exported through smuggling to other countries in the region, with severe impacts on human rights, frustrating the objective of the Minamata Convention, as well as the efforts of the countries of the Amazon Basin.
293. In turn, the United Nations Rapporteur on Toxic Substances and Human Rights, Marcos Orellana, pointed out the urgent need to implement an Action Plan in Bolivia to regulate the use of mercury, with clear measures and deadlines, in compliance with the Minamata Convention, and taking into account the

⁵⁴⁶ Press Release No 291/2021, In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions, November 04, 2021.

⁵⁴⁷ IACHR, 183rd Period of Sessions, Hearing No. 1 BO Situation of the human rights of indigenous peoples in the context of extractive activities in Bolivia, March 14, 2022.

⁵⁴⁸ See Report of the Special Rapporteur on the human rights implications of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, Mercury, small-scale gold mining and human rights, A/HRC/51/35, 8 July 2022.

consultation and involvement of indigenous peoples and mining communities, who suffer the impacts of mercury on their bodies and families⁵⁴⁹.

294. For its part, the State reported that it is working on the enactment of regulations to reduce the importation of mercury and its use in the context of gold mining activities. Also, the authorities mentioned the development of a National Action Plan for the mining sector, mainly linked to artisanal and small-scale gold mining in compliance with the Minamata Convention; bilateral cooperation measures with other States to comply with the Convention; environmental monitoring and various mercury treatment programs⁵⁵⁰. In April, REDESCA also learned of the signing of the International Inter-institutional Cooperation Agreement between the Embassy of the Swiss Confederation, representing the State Secretariat for Economic Affairs (SECO) and the Ministry of Mining and Metallurgy with the objective of promoting joint activities and cooperation to strengthen institutional capacities and support the Ministry in the implementation of public policies and actions that promote the incorporation by mining actors of responsible practices in gold mining production⁵⁵¹.
295. Notwithstanding the above, the Rapporteurship still notes with concern the persistence of actions by the State that would continue to make mining exploitation of protected lands available to private companies, as in the case of the Madidi Park and the Pilón Lajas Park⁵⁵². In this regard, in November, indigenous groups mobilized to demand the annulment of an agreement signed between government authorities and mining representatives, without the consent of the inhabitants, which stipulated the handing over of protected areas to mining cooperatives for exploitation⁵⁵³.
296. REDESCA also notes that illegal mining is not only an activity that damages ecosystems and people's health but is also characterized as an activity linked to different types of illicit operations. According to publicly available information, the northern area of La Paz and part of the Beni region are critical points where the presence of mafias linked to human trafficking, child prostitution, drug trafficking and smuggling have increased and are intimately linked to gold mining⁵⁵⁴. In addition, women and children are the most vulnerable groups that are most affected by this type of activity, given the weakening of state institutions to exercise adequate control over these crimes in mining centers⁵⁵⁵.
297. On the other hand, this Office of the Special Rapporteur follows with special attention the processes of industrialization of lithium by State-owned companies. Although this mineral is considered strategic for the energy transition, the impact of this industry is still unknown and there are concerns about the socio-environmental consequences that this could entail. In this sense, it has been reported that the beginning of exploitation of this mineral in the Salar de Uyuni by the state-owned company Yacimientos del Lito Boliviano (YLB) has not been carried out after free, prior, and informed consultation, as recognized in the National Constitution. In this sense, the Government has not promoted a sufficiently broad and participatory space for dialogue, in which all stakeholders, mainly the indigenous peoples of the region,

⁵⁴⁹ IACHR, 183rd Period of Sessions, Hearing No. 1 BO Situation of the human rights of indigenous peoples in the context of extractive activities in Bolivia, March 14, 2022.

⁵⁵⁰ IACHR, 183rd Period of Sessions, Hearing No. 1 BO Situation of the human rights of indigenous peoples in the context of extractive activities in Bolivia, March 14, 2022.

⁵⁵¹ Swiss Responsible Gold Initiative, International Interinstitutional Cooperation Agreement between the Embassy of the Swiss Confederation and the Ministry of Mining and Metallurgy, April 7, 2022.

⁵⁵² La Razón, Indigenous people take over Madidi Park offices against mining, November 07, 2022.

⁵⁵³ ANF, Indigenous people are unaware of the agreement between the Government and cooperativists, they do not rule out protests and going to international organizations, November 06, 2022.

⁵⁵⁴ El Deber, El aterrador pacto entre la minería ilegal y la trata de personas atrae otros delitos, April 11, 2022.

⁵⁵⁵ InformeExclusivo, Sexual exploitation and prostitution: impacts of illegal mining that persist in Bolivia, December 09, 2021.

can participate and learn about the possible effects that such exploitation could have on the guarantee of their human rights, mainly environmental.⁵⁵⁶

298. Regarding the situation of human rights defenders, REDESCA is concerned about data reflecting a worsening of attacks against them. According to a mapping carried out by the Documentation and Information Center of Bolivia (Cedib) that compiles attacks on environmental defenders in Bolivia from 2017 onwards, an increase in attacks against human rights defenders has been recorded, not only in relation to the quantity, but also in relation to the intensity and use of violence⁵⁵⁷. In this report, Cedib reports on the constant judicialization to which they are subjected⁵⁵⁸, as well as the deinstitutionalization of the entities in charge of protecting Nature and protected areas and the persecution for strictly political reasons. The aggressions identified range from threats with firearms to blocking the access of defenders to their communities, most of the victims being women. To this effect, between the months of April, May and June 2022, the cases of attacks against human rights defenders have increased, accounting for a total of 11 attacks, mostly against environmentalists. According to the organization, this is due to the illegal advance of extractive activities in an unrestricted manner and the increase in violence by irregular armed groups linked to illegal mining and drug trafficking⁵⁵⁹. Furthermore, according to information provided by the United Nations Rapporteur on Toxic Substances and Human Rights, indigenous peoples fear that violent incursions will lead to the militarization of their lands by the State and further marginalization of their traditional rights, practices, and autonomy⁵⁶⁰.
299. For all of the above reasons, REDESCA continues to monitor with concern the impact of business activities on the right to a healthy environment, health, water and life, regardless of their size, sector, operational context, owner and structure. In this regard, in the Report on the human rights situation of indigenous and tribal peoples of the Panamazonia⁵⁶¹, the IACHR has already expressed itself about the changes to the way of life that implied the arrival of business activities in the region in a clear violation of the human rights of indigenous communities, as well as their worldview. In this regard, this Office of the Special Rapporteur reminds the State of Bolivia of its obligation to respect, protect and recognize the traditional and ancestral way of life of indigenous peoples, not only on the basis of inter-American standards applicable to the matter, but also in accordance with ILO Convention 169. Likewise, the State has the obligation to provide mechanisms that guarantee the effective participation of indigenous peoples in decisions related to any measure that affects them, including those of a business nature, whether public or private, through respect for the right to consultation and free, prior and informed consent; the carrying out of environmental and social impact studies by independent entities to protect the special relationship of these groups with their territories, as well as the right to reasonable participation in the benefits of the project that affects them, and in general, respect for their self-determination⁵⁶².
300. In addition, the State must take affirmative measures to address human rights impacts caused by climate change and environmental degradation in which companies, regardless of their size, are involved, including effective environmental mitigation and adaptation measures; effectively protect environmental defenders

⁵⁵⁶ IWGIA, Lithium industrialization in Bolivia and social participation, May 20, 2022.

⁵⁵⁷ CEDIB, Mapa de ataques a Defensoras Ambientales, April 2022; Mongabay, Bolivia: estudio revela que se han registrado 191 ataques contra defensores de la naturaleza en los últimos cinco años, 05 May 2022.

⁵⁵⁸ See for example: ANF, Oruro: Procesan a dirigentes indígenas que denunciaron a empresa minera por desertificación y contaminación, May 26, 2022.

⁵⁵⁹ CEDIB, REPORT ON HUMAN RIGHTS IN BOLIVIA (APRIL TO JUNE 2022), 2022.

⁵⁶⁰ OHCHR, Mercury, small-scale gold mining and human rights - Report of the Special Rapporteur on the human rights implications of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, A/HRC/51/35, 8 July 2022.

⁵⁶¹ IACHR, Situation of the human rights of indigenous and tribal peoples of Panamazonia, OAS/Ser.L/V/II. Doc. 176, September 29, 2019.

⁵⁶² IACHR and REDESCA, Report Business and Human Rights: Inter-American Standards, November 1, 2019, para. 343.

as human rights defenders; and ensure respect for and application of the principle of equality and non-discrimination in such measures to combat and remedy the disproportionate effects that this phenomenon has on the most vulnerable groups.⁵⁶³

301. Finally, REDESCA reminds the State of Bolivia, as a State Party to the American Convention and signatory of the Additional Protocol of San Salvador, which recognizes in particular the right to a healthy environment, that actions aimed at protecting the right to a healthy environment not only imply formal recognition of this right but must also be accompanied by compliance and effective enforcement of its content. The Bolivian State must adopt transparent and effective internal mechanisms for monitoring, surveillance, control, and oversight of these extractive activities, providing, as appropriate, effective sanctions and adequate reparations and apply the necessary criminal and administrative actions for the protection of the life and livelihood of the population.

D. Labor and Union Rights

302. Regarding the guarantee of labor and trade union rights, this Special Rapporteurship takes careful note that, according to the National Institute of Statistics (INE), the labor occupation rate in Bolivia stood at 70, 6% during 2022, i.e. one and a half points higher than in 2021; while in the urban area the unemployment rate was 4.2% which meant a decrease of two points compared to 2021 (6.3%)⁵⁶⁴. However, the global economic crisis and the health emergency unleashed by the coronavirus disease have deepened the precariousness of employment and the increase in informality in the country. In fact, according to available information, only 10% of the total Bolivian population has formal jobs⁵⁶⁵.

303. On the other hand, REDESCA has given special follow-up to the demands made by health personnel for improvements in their working conditions. In this regard, many professionals who provided services for public institutions during the months of greatest coronavirus infection did not receive a salary for their work and, in many cases, worked without adequate personal protective equipment⁵⁶⁶. Likewise, the Rapporteurship takes note of the measures of force adopted by workers in the sector⁵⁶⁷, who, represented by the Bolivian Medical Association, demanded more items, better working conditions, an increase in the number of personnel given the number of casualties due to COVID-19 and more equipment and supplies⁵⁶⁸. Structural problems such as poor salary conditions, lack of stability in terms of social security, non-compliance with working hours, non-compliance with professional scales and the institutionalization of positions, among others, have also been reported⁵⁶⁹.

304. In light of this, REDESCA calls on the State to adopt public policies that guarantee the effective protection of the rights of health personnel in accordance with international human rights standards, including ILO regulations. Likewise, in a context of health crisis, the State is called upon to guarantee the labor rights of

⁵⁶³ IACHR and REDESCA. Report Business and Human Rights: Inter-American Standards, November 1, 2019, para. 247.

⁵⁶⁴ Agencia Boliviana de Información, Occupancy rate in Bolivia reaches 70.6% in the third quarter of 2022, November 15, 2022.

⁵⁶⁵ Bloomberg, 90% of Bolivians have informal jobs and lack health insurance, August 19, 2022.

⁵⁶⁶ Amnesty International, Annual Report 2021/22: The State of the World's Human Rights, 2022.

⁵⁶⁷ Eju!, Debido al paro médico, este jueves solo se atienden las emergencias en los hospitales públicos de Bolivia, 24 de febrero de 2022; RedUno, Salud inició paro médico nacional por 48 horas, 02 de junio de 2022; RedUno, Médicos anuncian paro de 72 horas para la próxima semana, 07 de junio de 2022.

⁵⁶⁸ RedUno, Children's Hospital: "Authorities are blind and deaf to our needs", July 27, 2022.

⁵⁶⁹ El Deber, Trabajadores del hospital San Juan de Dios llevan 16 días en huelga de hambre, 11 February 2022; El Deber, Trabajadores de salud van al paro de 48 horas tras ausencia de diálogo con el Gobierno, 05 April 2022; El Deber, Consejo Médico Nacional de Salud espera fecha y hora para el diálogo con el ministerio en torno a 15 demandas, 26 April 2022.

health professionals who, in accordance with Resolution 1/2020 of the IACHR, may be at greater risk as a result of the pandemic. Indeed, it will be a priority to take measures to ensure sufficient economic income and means of subsistence for all workers, so that they have equal conditions to comply with containment and protection measures during the pandemic, as well as conditions of access to food and other essential rights. Those who will continue to work should be protected from the risks of contracting the virus and, in general, adequate protection should be given to jobs, wages, freedom of association and collective bargaining, pensions and other social rights interrelated to the labor and trade union sphere⁵⁷⁰.

E. Fiscal and Economic Policies

305. According to available information, despite the impacts caused and still being caused by the pandemic, Bolivia has shown signs of economic recovery with a certain speed that has not been seen in other countries in the region⁵⁷¹. In a context of rising inflation in neighboring countries, Bolivia presented, as of June 2022, an inflation rate of 1.9% year-on-year, as a response to a policy based on the application of subsidies to tariffs both in hydrocarbons and in the food and electricity sector, thus enabling the Bolivian population to have access to fair prices and its possible supply⁵⁷². However, the International Monetary Fund (IMF) has observed that maintaining certain policies in the long term, such as hydrocarbon subsidies, could be counterproductive as it would produce a larger fiscal deficit in the long term⁵⁷³.
306. Within this framework of state assistance, and in a year characterized by a decrease in wheat exports from Russia and Ukraine due to the war, REDESCA learned of the National Government's decision, through the Food Production Support Company (Emapa), to provide wheat flour to bakers for the production and supply of bread at an affordable price to the local population⁵⁷⁴.
307. On the other hand, in relation to the fiscal and economic policies that the country has carried out specially to respond to the impacts of the climate crisis, REDESCA takes note of the implementation by the Government of the Plurinational Plan of Immediate Response to the Drought for Bs 122 million to address the drought emergency, where Bs 27 million have been executed so far in order to guarantee the water resource⁵⁷⁵. In addition, the initiative also proposes the delivery of seeds, the construction of dams and the distribution of urea and humus (organic fertilizer) to affected producers⁵⁷⁶. It was also learned that the Government will take actions to combat the problem of lack of water in more than 153 municipalities throughout the national territory. For this purpose, it is planned to purchase and provide 700 water tanks, rent cisterns and drill wells to guarantee water consumption for the inhabitants and livestock of the different municipalities affected by the droughts⁵⁷⁷.
308. The Office of the Special Rapporteur recognizes the measures implemented by Bolivia to mitigate the effects of the international economic crisis in favor of the progressive development of economic, social, cultural, and environmental rights. However, REDESCA calls on the State not to lose sight of the fact that human rights principles constitute a fundamental framework within the framework of fiscal policy and

⁵⁷⁰ IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020, operative part, para. 5.

⁵⁷¹ International Monetary Fund, [Press Release No.22305](#), September 16, 2022.

⁵⁷² Los Tiempos, [Subsidies lead to higher prices and lower production](#), June 06, 2022.

⁵⁷³ International Monetary Fund, [Press Release No.22305](#), September 16, 2022.

⁵⁷⁴ Ministerio de Desarrollo Productivo y Economía Plural, [Gobierno garantiza provisión de harina a panificadores y anuncia coordinación de Emapa con el sector panificador de Santa Cruz](#), June 30, 2022.

⁵⁷⁵ Ministry of Environment and Water, [Minister of Environment and Water Juan Santos Cruz reports on the Plurinational Plan for Immediate Response to Drought](#), December 06, 2022.

⁵⁷⁶ Eju, [Drought hit Bolivia hard, affected municipalities approach 180](#), December 20, 2022.

⁵⁷⁷ La Razón, [Gobierno destina 700 tanques de agua a la región del Chaco boliviano para mitigar la sequía](#), 09 December 2022.

taxation in the construction of its national fiscal policy. In this sense, from a human rights perspective, the following principles and obligations are particularly relevant for fiscal policy: ensuring minimum essential levels; mobilization of the maximum available resources for the progressive realization of ESCER; progressive realization and non-regression of these rights; and the principle of equality and non-discrimination⁵⁷⁸.

F. Education, science, technology: academic freedom and university autonomy

309. Regarding the right to education, the DESCA Special Rapporteur notes that in February, in the midst of the fourth wave of coronavirus infections, the 2022 school year began. In fact, different teaching modalities were established: classroom, blended and distance learning, depending on whether the educational units were located in central areas of large cities or in rural areas⁵⁷⁹. In this context, REDESCA learned about the lack of furniture in schools in Santa Cruz and Warnes or asked parents to send children with their own seats⁵⁸⁰. A similar situation was also recorded in the city of La Paz where 90% of the city's public schools were in a position to change their school furniture due to its poor condition⁵⁸¹. At the same time, the lack of items for teachers and students, the absence of biosafety material in educational units to ensure the health of teachers and students or an improvement in the educational platform and internet connectivity in schools were also noted. In this regard, according to available information, it was the students' families who had to pay the expenses to cover the missing items in public schools⁵⁸².
310. Additionally, REDESCA became aware of the four-week extension of the winter vacation period due to the large increase in COVID-19 cases during the fifth wave and the low vaccination rate among the student population⁵⁸³.
311. In light of the above, it is necessary to remind the Bolivian State that the Commission and this Office of the Special Rapporteur have developed practical guides to ensure access to education for children and young people in the context of the pandemic and where specific recommendations are developed in terms of public policies to be adopted by the States⁵⁸⁴. Therefore, REDESCA encourages the State to implement these recommendations and to focus its efforts on transforming education systems into inclusive and resilient systems in a structural manner.
312. In addition, REDESCA follows with concern the situation of teachers' rights in the country. In this regard, during the month of March, teachers marched in front of the Ministry of Education, mainly demanding a greater budget allocation for education -even more so in a context of new waves of COVID-19 infections-, an increase in items, salary increase and leveling of hours⁵⁸⁵. In addition, REDESCA learned of acts of

⁵⁷⁸ IACHR, Poverty and Human Rights, September 7, 2017, para. 502.

⁵⁷⁹ Bolivia.com, Back to school in Bolivia: all the modalities and necessary information for this February 1, January 28, 2022.

⁵⁸⁰ El Deber, La falta de pupitres obliga a escolares a pasar clases de pie y a comprar sus asientos, March 17, 2022.

⁵⁸¹ La Razón, According to school boards, 90% of schools require furniture, January 11, 2022.

⁵⁸² El Deber, Parents protest for lack of items for teachers and seek meeting with the Minister of Education, January 27, 2022.

⁵⁸³ Ministry of Education, Educación dispone ampliación del descanso pedagógico por una semana más, July 21, 2022.

⁵⁸⁴ IACHR, SACROI COVID-19 Practical Guides How to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic, December 16, 2020.

⁵⁸⁵ El Deber, 300 teachers from Santa Cruz travel to La Paz; they announce a national march for this Tuesday, March 07, 2022; El Deber, Se inicia la 'gran marcha' de maestros que exige más presupuesto e ítems, March 08, 2022.

violence and repression by the security forces against teachers⁵⁸⁶. In light of this situation, REDESCA urges the Bolivian State to continue strengthening spaces for dialogue that not only allow for consensus between the parties, but also guarantee that the agreements are based on a human rights approach. In the same vein, a priority call is made to protect the life and personal integrity of teachers and union leaders, recalling the State's obligation to investigate, prosecute and punish the perpetrators of the aforementioned aggressions and threats.

313. On the other hand, REDESCA has received information regarding the legal prohibition that would prevent private entities from opening teacher training schools or education/pedagogy courses in the country, which, according to the information received, would imply a violation of the right to education and especially a restriction of the right to academic and teaching freedom. In this regard, the Avelino Siñani Law provides that teacher training is an exclusive competence of the State, thus prohibiting non-State entities from providing professional teacher training, which is why the closure of the country's non-State teacher training colleges was ordered⁵⁸⁷. In this regard, REDESCA recalls that for the enjoyment of academic freedom, the autonomy of higher education institutions is essential to strengthen democratic structures and avoid pressures or intervention of a political nature. In addition, States must ensure a broad and diverse public offer of higher education, facilitating the free and voluntary concurrence of privately managed higher education institutions as a legitimate manifestation of the right to freedom of association⁵⁸⁸. Similarly, privately managed institutions of higher education should seek and protect pluralism and diversity of perspectives within their respective academic communities; give wide publicity to the principles and values that guide their academic activities and share with their academic community in advance and explicitly those matters that openly contradict their identity⁵⁸⁹.
314. Additionally, REDESCA is concerned about the data revealed by an investigation of the Ombudsman's Office on access to education for people with some type of disability. In the aforementioned report, the Ombudsman's Office points out that the Avelino Siñani Law presents a structural problem in terms of discrimination, as it generates segregation between people with disabilities and those without. In this sense, the study emphasizes that within the education systems, access to education for people with disabilities has been hindered. In this regard, only 35% have completed primary school; 15% have only reached secondary school; 4% have technical training and only 3% have university studies. The study also refers to the lack of infrastructure in educational units at all levels of education⁵⁹⁰. In view of these facts, REDESCA calls on the State to adopt all necessary measures to guarantee access to education for all people, recalling the principles of progressivity and non-regression in order to achieve quality education with access without any type of discrimination.

G. Human Mobility and ESCER

315. According to UNHCR information, as of June 2022, Bolivia was home to 14,694 refugees and applicants for refugee status of more than 10 nationalities, and 13,776 applicants for international protection⁵⁹¹.

⁵⁸⁶ El Deber, [Policía reprime con gases a maestros que protestan en La Paz por ítems y presupuesto](#), March 09, 2022.

⁵⁸⁷ Information received by REDESCA. REDESCA files.

⁵⁸⁸ IACHR and REDESCA, [Inter-American Principles on Academic Freedom and University Autonomy](#), Principle XIII, December 2021.

⁵⁸⁹ Ibidem

⁵⁹⁰ Defensoría del Pueblo, [DEFENSORÍA DEL PUEBLO EVIDENCIA QUE EL SISTEMA DE LA EDUCACIÓN BOLIVIANA EXCLUDE Y SEGREGA A LAS PERSONAS CON DISCAPACIA](#), August 16, 2022.

⁵⁹¹ UNHCR, Information available at <https://www.acnur.org/bolivia>.

316. Likewise, REDESCA notes with concern the conditions of the majority of Venezuelans in a situation of human mobility who are forced to leave their country as a result of the social and economic policies implemented there and are subjected to dangerous journeys by land to reach, in this case, Chile. During 2022, the Venezuelan population in Bolivia increased by 14.1%⁵⁹². In this regard, information published by IOM, through a study carried out in 2021 on the flow of Venezuelan population in the country, shows that most of the mobile people of this nationality are unemployed (62%) and that, of the total number of unemployed people, most of them attribute it to the lack of job opportunities in Bolivia (66%)⁵⁹³. On the other hand, 48% of the people surveyed reported having problems accessing public health services (due to factors such as lack of necessary documentation, lack of access to the Unified Health System or economic problems); 63% indicated that minors did not have access to education services and 51% stated that they needed priority food assistance because they had little or no money to feed themselves⁵⁹⁴.
317. On the other hand, the Office of the Special Rapporteur follows with concern the situation of ESCER of migrants on the border of Bolivia with Chile, more precisely in the pass between Pisiga (Bolivia) and Colchane (Chile), where in 2021 at least 20 people died trying to cross the border⁵⁹⁵. Against this backdrop, REDESCA welcomes the implementation, under the leadership of the Pan American Health Organization (PAHO), of technical cooperation activities with the ministries of health of both Bolivia and Chile, in order to strengthen health systems at border crossing points, improve the conditions of care and epidemiological surveillance of migrants⁵⁹⁶.
318. In light of the above, REDESCA notes that there are still great challenges to promote and protect the social, economic, cultural and environmental rights of migrants in the country, particularly migrant workers, migrants in an irregular situation and refugees. In this sense, it is necessary to implement effective public policies that guarantee the dignity of migrants, given the situation of extreme vulnerability in which they find themselves, even more so in a pandemic context. For this reason, the Rapporteurship Especial calls on the State of Bolivia to take into account the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons with special attention to the ESCER of these populations. It also calls for the incorporation of a differentiated approach with a gender perspective, given the special impact faced by women, men, boys, girls and adolescents of both sexes or LGTBI persons in the context of human mobility⁵⁹⁷.

⁵⁹² UNHCR, SEMESTRAL STATISTICAL INFORMATION SHEET VENEZOLAN POPULATION, June 2022.

⁵⁹³ IOM, Monitoring the Flow of Venezuelan Population in Bolivia, Round 1. 2021.

⁵⁹⁴ Ibid.

⁵⁹⁵ Euronews, Venezuelan migrants run the risks of crossing to reach Chile, April 04, 2022.

⁵⁹⁶ PAHO, PAHO supports health protection of migrants transiting the Bolivia-Chile border in the context of the COVID-19 pandemic, September 09, 2022.

⁵⁹⁷ IACHR, Resolution 04/19: Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons, December 17, 2019.

7) BRAZIL

319. REDESCA has been monitoring the situation of inequality and poverty in Brazil, which has been strongly aggravated by the COVID-19 pandemic and has had repercussions on the enjoyment and exercise of ESCER. Given the number of confirmed cases, as well as the high levels of inequality, Brazil was one of the countries in the region and in the world that suffered the most from the consequences of the coronavirus, with a differentiated impact on people in particularly vulnerable situations, accentuating pre-existing inequalities.
320. According to information provided by the World Bank, at the beginning of the pandemic, three out of every ten Brazilians were living in poverty and 8% were living in extreme poverty, figures that had not changed significantly since 2012⁵⁹⁸. Likewise, the organization warned that, once the pandemic broke out, the economic aid measures adopted by the State served to momentarily attenuate the situation of poverty existing in the country, but once these benefits were withdrawn, the indexes went up again⁵⁹⁹, being the only country that presented an appreciable increase in extreme poverty and poverty in 2021⁶⁰⁰. In this regard, REDESCA notes with particular concern the results of a study that indicates that in 2021 almost 20 million Brazilian people were living in poverty in the 22 largest urban centers of the country⁶⁰¹. Furthermore, the report states that between 2020 and 2021 alone almost 4 million people would have entered this situation, while extreme poverty registered a historical record in 2021 reaching 5.3 million people in the Metropolitan Regions as a whole⁶⁰². In particular, in the city of São Paulo, the most populated urban center in the country, according to a survey conducted by the Municipal Secretariat of Assistance and Social Development (SMADS), in January 2022 there were 619,869 families living in extreme poverty, representing an increase of 30.82% compared to the same period in 2021. However, this number grew by 10.3% between January and July 2022, reaching a total figure of 684,295.⁶⁰³
321. On the other hand, the Special Rapporteurship continues to monitor with extreme concern the situation of hunger and food insecurity affecting the country. According to information surveyed by the National Survey on Food Insecurity in the Context of the Covid-19 Pandemic in Brazil (II VIGISAN), during November 2021 and April 2022 the total number of people who do not have enough to eat increased from 19.1 million at the end of 2020 to 33 million in April 2022. Among the main causes of the increase in hunger is the crisis caused by the COVID-19 pandemic, accompanied by the war in Ukraine, which has led to a rise in food prices, as well as the absence of effective government measures. The report also states that only four out of ten households have full access to food, i.e., more than half of the Brazilian population (58.7%) would live with some degree of hunger - mild, moderate, or severe hunger - especially affecting women, children and adolescents, the rural population, and people of African descent.⁶⁰⁴
322. Poverty is a human rights problem that translates into obstacles to the enjoyment and exercise of human rights in conditions of real equality for individuals, groups and communities living in this condition⁶⁰⁵. In this regard, REDESCA became aware of a study published by UNICEF which reveals that children and

⁵⁹⁸ World Bank, Pobreza e desigualdade no Brasil: pandemia complica velhos problemas e gera novos desafios para população vulnerável, July 14, 2022.

⁵⁹⁹ Ibid.

⁶⁰⁰ Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America and the Caribbean, 2022 (LC/PUB.2022/15-P), p.20, Santiago, 2022.

⁶⁰¹ Observatório das Metrôpoles, Pontifícia Universidade Católica do Rio Grande do Sul (PUCRS), Rede de Observatórios da Dívida Social na América Latina (RedODSAL), Desigualdade nas Metrôpoles. Porto Alegre/RS, n. 09, 2022.

⁶⁰² Ibid.

⁶⁰³ G1, Número de famílias em extrema pobreza na cidade de SP cresce 10% entre janeiro e julho de 2022, diz Prefeitura, September 27, 2022.

⁶⁰⁴ Rede Penssan (Rede Brasileira de Pesquisa em Soberania e Segurança Alimentar e Nutricional). Food Insecurity and Covid-19 in Brazil, 2022.

⁶⁰⁵ IACHR, Poverty and Human Rights Report, 2017, para. 91.

adolescents were the most affected by the economic and social impacts caused by COVID⁶⁰⁶. In addition, it shows that up to the beginning of 2020, 40% of Brazilian children and adolescents were living in monetary poverty compared to 20% of adults, and in terms of extreme monetary poverty, 12% and 6%, respectively. In particular, the most disadvantaged were non-white children and adolescents and/or those living in the North and Northeast regions, facing greater inequalities, since monetary poverty is twice as high compared to white children or those living in the South. With respect to people living in rural areas, hunger would have reached 21.8% of the households of farmers and small producers⁶⁰⁷. As for women, during the pandemic their labor force participation would have decreased significantly more than that of men, mainly due to traditional social gender roles that increased unpaid domestic work and children's educational burdens during school closures⁶⁰⁸.

323. Regarding the right of access to housing in habitable conditions, the IACHR highlighted, in the country report, the need and urgency of addressing this issue in its intersection with poverty and the situation of vulnerability that it generates, incentivized by other exclusion processes⁶⁰⁹. In this regard, during the official visit to the country in 2018, the IACHR and REDESCA received complaints about the situation of extreme vulnerability in which people living on the streets in large cities such as São Paulo find themselves, as well as the absence of strategies or public policies to guarantee their right to housing⁶¹⁰.

324. In this regard, the Office of the Special Rapporteur remains concerned about the lack of official disaggregated data that would shed light on the total number of people living on the streets, as well as the problems related to the housing deficit and access to adequate housing. According to information provided by the Brazilian Observatory of Public Policies with the Homeless Population, the number of homeless people would have grown by 16% between December 2021 and May 2022 alone, from 158,191 to 184,638 people, with the city of São Paulo having the highest number of homeless people -42,240-, followed by Rio de Janeiro -10,624- and Belo Horizonte -10,241-⁶¹¹.

325. REDESCA also notes that in Brazil, two out of every three people living on the streets are of African descent and are under 44 years of age⁶¹², making it necessary and urgent to adopt an intersectional and differentiated approach in the public policies implemented for this population group. Along these lines REDESCA notes that despite protests by social movements⁶¹³, the Supreme Federal Court of Brazil decided to terminate the court order preventing evictions and expulsions, in force since the beginning of the pandemic, and which alleviated the housing deficit in Brazil⁶¹⁴. affecting almost one million people throughout Brazil, of whom 154 thousand are children and adolescents, 151 thousand elderly and 600 thousand Afro-descendants⁶¹⁵.

326. Considering the close relationship between the phenomenon of homelessness and the structural racism faced by the country, as can be seen from the available data, it is urgent for the State to address the demands of civil society organizations so that homeless people are counted, recognized, and respected through a

⁶⁰⁶ UNICEF, Child Monetary Poverty in Brazil - Impacts of the pandemic on the income of families with children and adolescents, March 2022.

⁶⁰⁷ Midia Ninja, Alarming! Hunger doubles in families with children up to ten years old, August 29, 2022.

⁶⁰⁸ World Bank, Pobreza e desigualdade no Brasil: pandemia complica velhos problemas e gera novos desafios para população vulnerável, July 14, 2022.

⁶⁰⁹ IACHR, Report on the Situation of Human Rights in Brazil, OEA/Ser.L/V/II. Doc. 9, para. 120, 12 February 2021.

⁶¹⁰ IACHR, Report on the Situation of Human Rights in Brazil, OEA/Ser.L/V/II. Doc. 9, para. 117, 12 February 2021.

⁶¹¹ CNN Brazil, Homeless population in Brazil grows 16% from December to May, according to survey, June 10, 2022.

⁶¹² France 24, Brazil's homeless, a problem behind the authorities' back in Sao Paulo July 19, 2022

⁶¹³ Telesurtv, Landless workers demand to extend eviction ban in Brazil June 21, 2022

⁶¹⁴ CNN Brazil, Barroso extends clearance suspension until October 31 June 30, 2022.

⁶¹⁵ CUT, Barroso does not extend limit that prohibits clearance of almost one million people, November 1, 2022.

National Census, and are no longer violated, stigmatized and criminalized.

327. For all of the above reasons, poverty is a problem that translates into obstacles to the enjoyment and exercise of human rights in conditions of real equality for individuals, groups and collectives living in such a situation⁶¹⁶, so there is no way to provide an effective guarantee of ESCER without combating this problem efficiently and with a focus on human rights, gender and intersectionality.

A. Right to Health, its Social Determinants and Pandemic

328. REDESCA has monitored the implications of the COVID-19 pandemic in Brazil and its impacts on the enjoyment of health and its social determinants. Although social inequalities in health persisted before the pandemic, these were deepened mainly in the North-Northeast regions compared to the South⁶¹⁷. According to data collected, as of November 2022, Brazil had a total of 34,999,495 confirmed cases of infection and 688,907 deaths, making it one of the countries most affected by the pandemic⁶¹⁸. In addition, record numbers of infections and deaths were recorded during the first months of the year, driven by the impact of the Omicron variant⁶¹⁹, generating congestion of the health system and intensive care units, mainly pediatric⁶²⁰.

329. On the other hand, REDESCA notes that during the first months of 2022 there was an increase in the infection rate as a result of the Omicron variant, generating that out of the twenty-seven federative units of the country, only seven were outside the alert zone in relation to bed occupancy rates⁶²¹. In fact, many hospitals and health centers had to deal, on the one hand, with the lack of intensive care unit (ICU) beds, reaching an occupancy rate of 80% or more in nine states of the country⁶²², and on the other hand, with the increase of infections among health professionals, generating a greater workload within the sector⁶²³. On this last point, according to data provided by the Brazilian Medical Association (AMB), 87.3% of the professionals surveyed had contracted the disease during January and February alone, while half of the medical personnel reported that their mental health was affected with signs of exhaustion and/or anxiety⁶²⁴.

330. In addition, note is taken of the allegations of lack of action or omissions by the Brazilian government that have contributed to increasing the impacts of COVID-19, mainly in relation to the number of deaths that could have been avoided⁶²⁵. For example, information revealed by Public Services International indicates that the denialist attitude of government authorities regarding the pandemic and its effects would have caused the death of 4,500 health professionals during the first wave of the pandemic⁶²⁶. In turn, the Child

⁶¹⁶ IACHR, Poverty and Human Rights Report, 2017, para. 92.

⁶¹⁷ Fiocruz, [New index points out that social inequalities in health deepen in pandemic](#), June 30, 2022

⁶¹⁸ Datosmacro, [Brazil - COVID-19 - Coronavirus crisis](#), November 23, 2022.

⁶¹⁹ Folha de S.Paulo, [Brasil tem maior média de mortes por Covid desde agosto de 2021](#), 2 February 2022; DW, [Brasil registra novo récord de contagios de COVID-19](#), 4 February 2022.

⁶²⁰ Telám, [Brasília has 100% occupancy of intensive care for children with Ómicron](#), February 3, 2022.

⁶²¹ FIOCRUZ, [Technical Note Observatório Covid-19](#), February 10, 2022.

⁶²² CNN, [Fiocruz volta a alertar para altas taxas de ocupación de leitos de UTI para Covid-19](#), February 10, 2022.

⁶²³ G1, [Advancement of the Omicron up to health professionals in the workplace](#), January 13, 2022

⁶²⁴ Associação Médica Brasileira (AMB), [Veja a pesquisa inédita sobre Covid-19 e variante Ómicron](#), February 3, 2022.

⁶²⁵ Sociedade Maranhense de Direitos Humanos (SMDH), [Denúncia de violações dos direitos à vida e à saúde no contexto da pandemia da Covid-19 no Brasil](#), Passo Fundo: Saluz, 2021.

⁶²⁶ PSI, ["Survey reveals how Bolsonaro's denialism contributed to deaths of 4500 health workers in Brazil,"](#) October 14, 2022.

Health Observatory report indicates that, between 2020 and 2021, COVID-19 was the leading cause of mortality among girls and boys aged 6 months to 3 years with a total of 539 deaths within this age group⁶²⁷. Against this backdrop, REDESCA reminds the State of its duty to continue adopting all appropriate measures to protect the rights to life, health, and integrity of people in its jurisdictions in the face of the risk that the pandemic still represents, based on the best scientific evidence available and recommendations of accredited international organizations in the field. Likewise, it recalls the duty of the State to immediately and intersectionally adopt a human rights approach in any State strategy, policy or measure it implements to address the COVID-19 pandemic and its consequences.⁶²⁸

331. On the other hand, in terms of inoculation rates, by November 2022 Brazil had administered more than 470 million doses of COVID-19 vaccines, which represents more than 172 million people fully vaccinated (with two doses or single dose), that is, 81.7% of the total population⁶²⁹. As for the third or booster dose, only 49.05% of the population had been vaccinated⁶³⁰. In this regard, REDESCA salutes the State for having met the goal set by the WHO of immunizing 70% of its population by June 2022⁶³¹. In addition, REDESCA welcomes the production of the first AstraZeneca vaccine produced entirely domestically, manufactured by the Oswaldo Cruz Foundation (Fiocruz)⁶³², which represents a decisive step towards equitable access to the vaccine against COVID-19 for Brazilians. Thus, Brazil was able to produce a 100% Brazilian vaccine and facilitate access within the National Plan for Operationalization of Covid-19 Vaccination⁶³³.
332. Regarding homeless people and vaccination against COVID-19, according to information provided by civil society organizations, the Vaccination Plan presented by the Ministry of Health did not include all the people living on the streets. In fact, only 66,963 people were identified when there were a total of 155,085 who were of age to be inoculated according to the database of the Unified Registry of Social Programs of the Federal Government⁶³⁴. Regarding the immunization of children, the Special Rapporteur notes that the National Health Surveillance Agency (Anvisa) authorized in July the use of the Coronavac vaccine against Covid-19 in children aged 3 to 5 years in Brazil⁶³⁵ and in September approved the use of the Pfizer vaccine for children aged 6 months to 4 years⁶³⁶. However, REDESCA is particularly concerned about the various reports of prolonged delays in the distribution or lack of doses for this sector of the population, which would leave them unprotected against future waves of contagion⁶³⁷. In this regard, according to UNICEF, 3 out of 10 children did not receive the necessary vaccines to protect them from potentially fatal diseases, including COVID-19⁶³⁸. In fact, by November 2022, only 5.5% of children aged 3 and 4 would have been vaccinated with two doses, according to information from the Oswaldo Cruz Foundation⁶³⁹.

⁶²⁷ CNN Brazil. Covid-19 killed three times more children from 6 months to 3 years than other diseases July 25, 2022

⁶²⁸ IACHR - REDESCA, Resolution 1/2020, Pandemic and Human Rights in the Americas, April 10, 2020.

⁶²⁹ Our World in Data, Information available at: <https://ourworldindata.org/covid-vaccinations?country=BRA>

⁶³⁰ G1, Covid-19 vaccination map in Brazil, November 10, 2022.

⁶³¹ Datosmacro, Brazil - COVID-19 - Vaccines administered, November 21, 2022.

⁶³² Portal.Fiocruz, Fiocruz releases first national Covid-19 cow, February 22, 2022.

⁶³³ CNN Brasil, Vacina contra a Covid-19 100% brasileira está em fase final de desenvolvimento, January 29, 2022

⁶³⁴ "Dados referentes ao fenômeno da população em situação de rua no Brasil", Relatório técnico-científico, Plataforma de Atenção em Direitos Humanos, Programa Polos de Cidadania, Faculdade de Direito da Universidade Federal de Minas Gerais.

⁶³⁵ CNN Brazil. Anvisa unanimously authorizes the use of Coronavac in children from 3 to 5 years old, July 13, 2022.

⁶³⁶ Fiocruz, Covid-19: only 5.5% of 3- and 4-year-olds took two doses of vaccine, Nov. 11, 2022

⁶³⁷ BBC News, Covid-19: delay in vaccination of babies and children worries country amid fears of high number of cases, November 8, 2022.

⁶³⁸ UNICEF, 3 in 10 children in Brazil do not receive life-saving vaccines, UNICEF warns, April 27, 2022.

⁶³⁹ Fiocruz, Covid-19: only 5.5% of children aged 3 and 4 years took two doses of the vaccine, November 16, 2022.

333. In line with the above, the Office of the Special Rapporteur learned about some public statements of the Government linked to the denialism of the pandemic and the rejection of the application of vaccines against Covid-19 in children on the grounds of an alleged lack of safety⁶⁴⁰. Subsequently, the Ministry of Health issued a technical note rejecting the effectiveness of the vaccine against COVID-19, while at the same time attributing efficacy for the treatment of the disease to the use of the drug hydroxychloroquine⁶⁴¹. For its part, the Ministry of Women, Family and Human Rights also prepared another technical note opposing the issuance of the vaccination passport and the compulsory vaccination of children against COVID and made available the "Dial-100", the main government channel for denouncing human rights violations, to anti-vaccine people who suffer discrimination⁶⁴². On the other hand, statements were made comparing the restrictive measures adopted by governors and mayors to contain the spread of the COVID-19 virus to acts of the dictatorship⁶⁴³.
334. In this regard, REDESCA, in accordance with IACHR Resolution 1/2021, reminds the State of Brazil that information on the pandemic and vaccination must be of quality, objective and timely, and culturally appropriate, based on the best available scientific evidence, to prevent official voices from becoming vectors of disinformation⁶⁴⁴. In this regard, it is the obligation of States to ensure, on the one hand, that all persons under their jurisdiction have physical access to vaccines, and they must have and offer all the means at their disposal to strengthen the necessary infrastructure and logistics. Likewise, they must guarantee that persons under their jurisdiction are not discriminated against due to lack of inventory of goods and supplies for inoculation.
335. On the other hand, REDESCA is aware that the country's health system also had to deal with other rapidly transmitted diseases such as monkeypox. In this regard, since June, when the first positive case was confirmed⁶⁴⁵, there was an exponential increase in its transmissibility, with 9,905 confirmed cases, 4,406 suspected cases and 11 deaths⁶⁴⁶. In this regard, REDESCA salutes the State for the acquisition of vaccines against the disease⁶⁴⁷, as well as the creation of the Monkeypox Emergency Operations Center by the Ministry of Health, whose objective is to monitor the progress of the disease in the country, establishing tracking mechanisms, and organizing the lines of action of the Unified Health System for its eradication.⁶⁴⁸
336. In addition to smallpox disease, REDESCA takes careful note of the increase in the number of dengue fever cases in the country, with a total of 1,366,141 probable cases reported as of October, an increase of 183% compared to the previous year's figures⁶⁴⁹. In view of this situation, REDESCA calls on the State of Brazil to continue taking measures aimed at protecting the right to health of all people, while continuing to implement actions for surveillance, diagnosis, contact investigation and follow-up, clinical management, infection prevention and control and risk communication.
337. In the area of mental health, REDESCA calls for special attention to be paid to this problem, given the high levels of depression faced by the country. Indeed, according to a survey published by the Ministry of Health,

⁶⁴⁰ Euro News, [Bolsonaro rejects vaccination of children and criticizes Brazil's health regulator](#), January 07, 2022.

⁶⁴¹ G1, [Ministério da Saúde contraria cientistas e a OMS e diz que medicamentos sem eficácia comprovada contra a Covid funcionam, mas vacinas não](#), 22 de enero de 2022.

⁶⁴² Folha de Sao Paulo, [Damares ataca passaporte e abre disque-denúncia a antivacinas](#), January 27, 2022.

⁶⁴³ Uol, [Bolsonaro fala em 'ditadura' na pandemia e cobra signatários de 'cartinha'](#), August 3, 2022.

⁶⁴⁴ IACHR. Resolution 1/2021, [Covid-19 vaccines in the framework of inter-American human rights obligations](#), April 6, 2021, para. 11.

⁶⁴⁵ Agency Brazil, [First case of monkeypox confirmed in Brazil](#), June 10, 2022.

⁶⁴⁶ Governo do Brasil, [Card Situação Epidemiológica de Monkeypox no Brasil nº111](#), 22 November 2022.

⁶⁴⁷ SwissInfo, [Brazil announces purchase of monkeypox vaccine](#), July 23, 2022; Folha de Sao Paulo, [Anvisa libera importação de vacina e medicamento contra varíola dos macacos](#), Aug. 26, 2022.

⁶⁴⁸ Ministry of Health Brazil, [Centro de Operação de Emergências para Monkeypox](#), July 29, 2022.

⁶⁴⁹ [Ministry of Health](#), [Boletim Epidemiológico Vol.53 N°39](#), 30 October 2022.

11.3% of Brazilians suffer from this diagnosis⁶⁵⁰. In addition, the health crisis situation has been a determining factor in its escalation, from 9.6% before the pandemic to 13.5% in 2022⁶⁵¹. At the same time, an increase in suicide deaths has been reported in several cities, from 7,000 to 14,000 in the last 20 years⁶⁵², mainly affecting the Afro-descendant population, whose rates of self-inflicted deaths are 45% higher than those of the white population⁶⁵³.

338. In addition to the above, the Office of the Special Rapporteur takes note of the poor conditions in which prisons, psychiatric hospitals, therapeutic communities, or private clinics that house persons with mental illnesses are found, as well as the lack of dignified treatment in accordance with their diagnosis and the lack of official data regarding the number of persons who are interned in these establishments⁶⁵⁴. In addition, situations of special alarm were reported, mainly related to the lack of supplies and medicines in the country's health network. In particular, 49% of the clinics specializing in imaging would have difficulty in acquiring radiological contrast and 75% of the hemodialysis clinics would have problems in obtaining hospital serum⁶⁵⁵. In addition, there were reports of shortages of basic drugs in pharmacies, such as amoxicillin, azithromycin, prednisolone, and dipyron, as well as more complex drugs used, for example, in the treatment of leukemia. Most municipalities indicated that the shortage lasts between 30 and 90 days and that it has become a chronic problem⁶⁵⁶. The shortage of medicines in the country also affects the most vulnerable population groups, such as indigenous peoples. In fact, according to information gathered, in the Yanomami Indigenous People there are no medicines available for the treatment of diseases such as intestinal worms and malaria⁶⁵⁷. Faced with this scenario of shortages, REDESCA recalls that, according to General Comment No. 14 of the Committee on ESCER, among the obligations of States is to ensure compliance with the availability, quality, accessibility and affordability of medicines and essential products, in order to guarantee the right to health⁶⁵⁸.

339. Regarding sexual and reproductive rights, REDESCA expresses its concern about the case that occurred in the state of Santa Catarina when a health center refused to perform an abortion on an 11-year-old girl after she had been the victim of rape⁶⁵⁹. In this regard, REDESCA notes that in Brazil, abortion is permitted in the Penal Code in cases of sexual violence or risk to the life of the pregnant woman without the need for judicial authorization and with no limit on the number of weeks of gestation for its performance (art. 128 of the local Penal Code). Consequently, the State is reminded that in cases of forced pregnancy resulting from sexual violence, in accordance with current international human rights standards, all girls, adolescents and women should have access to a legal and safe termination of these pregnancies⁶⁶⁰. In this regard, the Office of the Special Rapporteur joins the Commission in reiterating the essential nature and indispensable character of sexual and reproductive health services for the effective protection of the rights

⁶⁵⁰ Gauchazh Salud, *Depressão atinge mais brasileiros do que diabetes; Porto Alegre lidera os diagnósticos entre as capitais*, April 25, 2022.

⁶⁵¹ Folha de S.Paulo, *Brazil lives '2nd pandemic' in mental health, with a multitude of depressed and anxious people* July 17, 2022.

⁶⁵² Ibid.

⁶⁵³ CNN, *"Como o preconceito racial afeta a saúde mental da população negra,"* September 14, 2022.

⁶⁵⁴ Folha de S.Paulo, *Brasil ainda tem pacientes isolados e teme 'cultura do hospício'*, July 31, 2022.

⁶⁵⁵ CNN, *Risco de desabastecimento de insumos médicos preocupa segmento de saúde*, June 20, 2022.

⁶⁵⁶ CNM, *"PESQUISA CNM: Desabastecimento de medicamentos e a obrigatoriedade do uso de máscaras"*, 21 June 2022.

⁶⁵⁷ CNN Brazil, *Without medicines, ianomâmis denounce that indigenous children are expelling worms through their mouths* July 18, 2022.

⁶⁵⁸ Committee on Economic, Social and Cultural Rights, *General Comment No. 14*, August 11, 2000, para. 12.

⁶⁵⁹ Midia Ninja, *Conduta de hospital de SC que negou aborto à menina de 11 anos estuprada será investigada pelo MPF 21 de junho de 2022.*

⁶⁶⁰ United Nations General Assembly. Report of the Special Rapporteur against Torture, Cruel, Inhuman and Degrading Treatment and Punishment, Juan Méndez. A/HRC/16/52, Human Rights Council, 16th session, Agenda item 3, 3 February 2011.

of women and girls and their right to life, equality and non-discrimination, personal integrity, health, dignity, access to information, among others⁶⁶¹. At the same time, REDESCA takes note of the difficulties that women in Brazil have in accessing abortion pills. This situation would force them to resort to drug traffickers for their acquisition⁶⁶², exposing their own health and even their lives in order to avoid the penalties that the Penal Code typifies⁶⁶³.

340. Taking into consideration the above, REDESCA recalls that the right to health also includes the protection of people's sexual and reproductive health; In particular, with respect to the latter area, this right implies the freedom to make informed decisions and to make free and responsible choices about sexual and reproductive health, as well as to have access to sexual and reproductive health facilities, goods, services and information.⁶⁶⁴
341. Finally, the DESCA Rapporteur's Office welcomes the approval by the National Congress of Bill 2033, which puts an end to the exhaustiveness of the list of procedures of the Agência Nacional de Saúde Suplementar (ANS) and expands the coverage of health plans with regard to examinations, medicines, treatments and hospitals⁶⁶⁵. Previously, the Superior Court of Justice (STJ) had decided that the ANS list of health procedures should be interpreted in an exhaustive manner, i.e., health plan operators were not obliged to cover any examination, treatment and medication not explicitly provided for in this list. This decision meant a certain risk of hindering access to health services for the population in general, and especially for people with disabilities, since they could see some benefits interrupted. With this approval of the bill, it is determined that the list of procedures of the ANS serves only as a reference for health plans and does not mean that the items contained in the document are the only ones that must be covered.

B. Climate Emergency and the Human Right to Water

342. REDESCA welcomes the State's response to the communication that was duly sent requesting information on the measures being implemented to address the impacts of climate change on human rights, especially in relation to the most vulnerable population⁶⁶⁶. In this regard, REDESCA takes note of the policies and legislation in force in Brazil on climate change. Among them, it recognizes that Brazil has a National Climate Change Policy that was instituted by Law 12.187 and a National Climate Change Adaptation Plan. In addition, it takes note of the contributions developed within the framework of the Interministerial Committee on Climate Change and Green Growth⁶⁶⁷. Regarding information on public policies, norms, or actions that the State has implemented or planned to protect the rights of indigenous peoples, Afro-descendants, members of tribal and peasant communities in the face of the impacts of climate change, the Rapporteurship notes the work that the National Indian Foundation (FUNAI) and the Quilombola Social Agenda are carrying out, respectively⁶⁶⁸. In relation to the government's most recent efforts, REDESCA welcomes the government's publication of the document "Guidelines for a National Climate Neutral Strategy", the launch of the Zero Methane Program through Decree No. 11,000, as well as Decree No. 11,075 establishing the procedures for the elaboration of Sectoral Climate Change Mitigation Plans and the

⁶⁶¹ IACHR, Press Release No. 217/2020, IACHR Urges States to Guarantee Sexual and Reproductive Health Services for Women and Girls in the Context of the COVID-19 Pandemic, September 14, 2020.

⁶⁶² New York Times, In Brazil, women have to buy abortion pills from drug traffickers, June 29, 2022.

⁶⁶³ Folha de Sao Paulo, Quando pílula abortiva foi proibida no Brasil, mulheres recorreram a traficantes de drogas, July 1, 2022.

⁶⁶⁴ IACHR, Report No. 9/20 CASE 13.378 merits report Beatriz vs. El Salvador. March 3, 2020, para. 97

⁶⁶⁵ Senado, Senado aprova obrigatoriedade de cobertura de tratamentos fora do rol da ANS, August 29, 2022.

⁶⁶⁶ Response from the Brazilian State, August 10, 2022. REDESCA Archive

⁶⁶⁷ Ibid.

⁶⁶⁸ Ibid.

establishment of the National Greenhouse Gas Emissions Reduction System. In this regard, the Rapporteurship will follow up on these actions in the hope of seeing their implementation⁶⁶⁹.

343. In the same vein, REDESCA welcomes the State's participation in the hearing on the human rights situation of indigenous peoples in Brazil during the 185th session of the IACHR. Although the State highlighted the implementation of public policies and projects related to the situation of indigenous peoples, such as the work being carried out by FUNAI and the federal police, the Special Rapporteur is concerned about the real effectiveness of the implementation of these initiatives as a result of the current situation of vulnerability in which indigenous peoples live and the impact on the natural environment in which they live and which they need for their subsistence.⁶⁷⁰
344. REDESCA also welcomes the ruling issued by the Supreme Federal Court (STF) of Brazil, which ordered the Brazilian government to fully reactivate its national climate fund, by recognizing the Paris Agreement as a human rights treaty that enjoys supranational status, being the first in the world with this declaration⁶⁷¹. In his vote, rapporteur Luís Roberto Barroso reinforced that climate protection is part of the constitutional duty of the Union, as well as the maintenance of a healthy environment and compliance with international commitments undertaken by Brazil⁶⁷².
345. Regarding deforestation in the country, REDESCA is dismayed by data revealing that a total of 16,557 km² of native vegetation cover was lost in all its biomes during 2021, according to the latest edition of the Annual Report on Deforestation in Brazil (RAD), by MapBiomass⁶⁷³. In fact, the Amazon was the most devastated biome in the country with 59% of the deforested area, followed by the Cerrado with 30%⁶⁷⁴. In addition, during the first six months of 2022, the Amazon deforestation record was broken after the loss of at least 3,987 kilometers of vegetation, i.e. 10.6% more than that recorded during the same period of the previous year⁶⁷⁵. In June 2022 alone, 1,120 square kilometers of vegetation were destroyed, representing an increase of 130% compared to June 2018⁶⁷⁶. Likewise, data from the Relatório Anual de Desmatamento (RAD) revealed that in the Amazon alone the rate of forest clearing was 1.9 hectares per minute, equivalent to about 18 trees per second; there were about 191 new deforestation episodes per day and agribusiness activity, gold extraction, mining and urban expansion were identified as the main drivers in deforestation⁶⁷⁷.
346. REDESCA also expresses particular concern about the fires that have occurred in the country, which reached their worst record in a decade.⁶⁷⁸ Indeed, between January and July 2022, the number of registered fires increased by 283%,⁶⁷⁹ with more than 85,000 simultaneous outbreaks of fire between January 1, 2022, and September 27,⁶⁸⁰ affecting more than 1,800 hectares of forest territory that is home to more than

⁶⁶⁹ Ibid.

⁶⁷⁰ IACHR, 185th Period of Sessions, Brazil: Human Rights of Indigenous Peoples, October 26, 2022.

⁶⁷¹ Change 16, Resounding ruling: Brazilian Court recognizes the Paris Agreement as a human rights treaty of supranational rank July 18, 2022.

⁶⁷² The Echo. Judgment on the government's omission in the Climate Fund already has a majority in the STF June 30, 2022

⁶⁷³ MapBiomass, Relatório Anual de Desmatamento 2021 - São Paulo, Brazil, 2022.

⁶⁷⁴ Ibid.

⁶⁷⁵ Deforestation in the Brazilian Amazon breaks records in the first half of the year July 10, 2022.

⁶⁷⁶ Ibid.

⁶⁷⁷ Folha de S.Paulo. The Amazon will lose 18 trees per second in 2021, and deforestation will increase by 20% in the country by July 18, 2022.

⁶⁷⁸ Human Rights Watch, "A Devastating Burning Season for the Brazilian Amazon," September 14, 2022.

⁶⁷⁹ CNN, Focos de incêndio incrementam cerca de 283% entre janeiro e julho no Brasil, July 27, 2022.

⁶⁸⁰ Midia Ninja, "Amazônia tem maior número de focos de queimadas desde 2010" October 5, 2022.

four thousand inhabitants in 15 communities⁶⁸¹. In addition, August 2022 reached a record number of outbreaks detected in a month since 2010, with 45,018 outbreaks compared to August 2021 which had 33,116⁶⁸². Furthermore, fires account for 81% of methane emissions caused by forest fires and are associated with deforestation by Brazil into the atmosphere, positioning it as the fifth largest emitter on the planet⁶⁸³.

347. In addition, REDESCA notes that fires are part of the deforestation process⁶⁸⁴. In fact, areas that have been illegally deforested are often set on fire to convert the forests into permanent pastureland to the detriment of the native communities that inhabit them⁶⁸⁵. An example of this is the arson attack in August in the rural settlement for landless peasants Terra Nossa⁶⁸⁶. Against this backdrop, the Special Rapporteur is concerned about the worsening air quality affected by forest fires in the Amazon⁶⁸⁷. In this regard, it has learned that a mass of smoke produced by the fire covered an area of 5 million square kilometers, affecting several countries in the region⁶⁸⁸.

348. In addition, the heavy rains and floods that hit Brazil are also a source of monitoring and special concern for REDESCA⁶⁸⁹. Up to December 2022, Brazil suffered a total of 11 rain disasters causing the death of at least 386 people, and around 232,530 were directly affected⁶⁹⁰. In particular, heavy rains in the cities of Petrópolis, Recife and Pernambuco, left hundreds of people dead, in addition to countless material damages and thousands of people homeless⁶⁹¹. These tragedies can be explained by climatic changes, and the problems of "favelization" of communities that choose to settle in dangerous and unregulated lands, as they have no other alternative⁶⁹². Indeed, although the disasters were caused by the rains, many of the problems would be the result of the lack of public policies on housing, basic sanitation and infrastructure⁶⁹³. In this context, the Office of the Special Rapporteur welcomes the actions undertaken by the State through its armed forces, local governments and civil society to support the assessment and recovery tasks, as well as rescue and assistance to the victims⁶⁹⁴; however, given the devastating effects that the climatic emergency represents, REDESCA makes a special call to the State authorities in the implementation of effective prevention plans against the occurrence of this type of climatic events.

⁶⁸¹ Midia Ninja, "[Greenpeace denuncia desmatamento de mais de 1,8 mil hectares no sul do Amazonas](#)", 20 August 2022.

⁶⁸² Swiss Info, "[A mass of smoke covers part of the Amazon due to fires](#)," September 6, 2022.

⁶⁸³ Midia Ninja, "[Desmatamento responde por 81% do metano emitido por queimadas](#)", October 21, 2022.

⁶⁸⁴ Human Rights Watch, "[A Devastating Burning Season for the Brazilian Amazon](#)," September 14, 2022.

⁶⁸⁵ Ibid.

⁶⁸⁶ Ibid.

⁶⁸⁷ Human Rights Watch, "[O ar é insuportável](#)", August 26, 2020; TeleSurty, "[Amazonía brasileña sufre mayor foco de quemadas en un día](#)", August 24, 2022; Globo, "[Aumento das queimadas faz qualidade do ar cair no AC e algumas cidades se aproximam da concentração de risco](#)", August 4, 2022; Globo, "[Fumaça de queimadas na Amazônia chega a São Paulo, Paraná e Bolívia](#)", 7 September 2022; Globo, "[Rio Preto registra pior qualidade do ar no estado de São Paulo nesta segunda-feira](#)", 12 September 2022.

⁶⁸⁸ Swiss Info, "[A mass of smoke covers part of the Amazon due to fires](#)," September 6, 2022.

⁶⁸⁹ Globo, "[Chuva causa mortes, deixa carros submersos e bloqueia rodovias de SC](#)"; PHOTOS, 20 December 2022; CNN Brazil, "[Chuvas deixam mais de 113 mil pessoas fora de casa em oito estados](#)", 11 January 2022; Estadão São Paulo, "[Chuvas causam ao menos 31 mortes, deslizamentos e alagamentos na Grande SP e interior](#)", 30 January 2022; Defesa Civil Nacional, "[Twitter](#)", 3 February 2022;

⁶⁹⁰ Metropoles, "[Veja os principais desastres causados por chuvas em 2022 no Brasil](#)", December 4, 2022.

⁶⁹¹ Agencia Brasil, "[Death toll caused by rains in Pernambuco rises to 126](#)", June 3, 2022.

⁶⁹² Bloomberg, "[For Brazil, Devastating Rain Is an Urban Planning Problem](#)", November 11, 2022.

⁶⁹³ Folha de S.Paulo, "[Se tentasse salvar minhas coisas, ia morrer': o drama das famílias atingidas pelas chuvas em Alagoas](#)" July 7, 2022.

⁶⁹⁴ GOV.BR, Ministry of Regional Development. "[Federal Government authorizes transfer of another R\\$ 1.78 million for civil defense actions in Petrópolis](#)", March 03, 2022.

349. With respect to the human right to water, the Office of the Special Rapporteur learned of the drought situation in the country, which has brought the Amazon River to minimum flow levels, affecting 62 municipalities that are part of the state of Amazonas.⁶⁹⁵ Of this number, 41 are in a state of alert, 3 have declared a state of emergency and 18 have faced various problems of supply and productive performance - mostly agricultural and fishing.⁶⁹⁶ Another example of drought affectation was the death of 15 to 20 tons of fish possibly due to lack of water in the Lagoa do Peixe National Park in the state of Rio Grande do Sul⁶⁹⁷. In addition to the water crisis, REDESCA notes with concern the challenges faced by the country in terms of water distribution.⁶⁹⁸ According to the annual report of the Trata Brasil Institute, more than 40% of water is lost in various regions before it reaches people for consumption⁶⁹⁹ In this context, it is particularly worrying that the amount of liters of water lost would be enough to supply about 66 million Brazilians during a year.⁷⁰⁰
350. On the other hand, REDESCA also observes how illegal mining activity impacts local ecosystems and the lives of communities that depend on them for their livelihoods. According to Greenpeace, between 2016 and 2021, at least 700 kilometers of water were destroyed by illegal mining within the Munduruku and Sai Cinza indigenous lands, which represents a 2,000% increase in the extension of rivers destroyed within the territories⁷⁰¹. In addition, the Rapporteurship warns about the results of the study carried out by the Oswaldo Cruz Foundation that shows that 14,000 Munduruku indigenous people were contaminated with mercury⁷⁰²; among them, 60% have an average of intoxication above the levels acceptable by the World Health Organization (WHO) and 16% of the newborns suffered from neurological diseases. The Rapporteurship also takes note of the Report of the United Nations Special Rapporteur who has highlighted that the villages closest to small-scale gold mining activities registered higher levels of contamination as a consequence of mercury use, citing neurological symptoms, such as alterations in sensitivity to touch and pain, as well as motor and memory problems and delayed verbal fluency and neurodevelopmental disorders, anemia and malnutrition in children under 6 years of age⁷⁰³.
351. Given this scenario, REDESCA recalls that climate change and environmental degradation represent one of the greatest threats to the full enjoyment and exercise of human rights of present and future generations⁷⁰⁴, and therefore urges the State to protect the environment and mobilize for climate action that is committed to human rights. In turn, the Office of the Special Rapporteur reminds the State that, in Resolution 3/2021 on Climate Emergency, the IACHR and its REDESCA established that States must comply with their international obligations to protect and guarantee the enjoyment and exercise of the human rights of all persons who, as a result of environmental impacts, including those attributable to climate change, are significantly affected both individually and collectively.⁷⁰⁵ In this regard, it is important to point out that

⁶⁹⁵ Swissinfo, [Drought brings Amazon River to minimum levels as it flows through Brazil](#), 26 October 2022.

⁶⁹⁶ Ibid.

⁶⁹⁷ CNN, [Drought devastates fish population in Brazil](#), February 8, 2022; , [Drought hits Lagoa do Peixe National Park, Brazil](#), February 07.

⁶⁹⁸ Folha, [Más del 40% del agua se pierde antes de llegar al ciudadano](#), June 2, 2022; IPEA, [O Brasil precisa priorizar seu recurso mais precioso: a água](#), January 24, 2022; DW, [Mesmo com crise hídrica, Brasil perde 40% da água tratada](#), March 22, 2022.

⁶⁹⁹ Folha, [Over 40% of water is lost before reaching the citizen](#), June 2, 2022

⁷⁰⁰ Ibid.

⁷⁰¹ Greenpeace, [Estrada ilegal ameaça povo isolado na Terra Indígena Yanomami](#), December 12, 2022;

⁷⁰² Terra, [River contaminated by mercury puts Munduruku population at risk](#), March 24, 2022;

⁷⁰³ UN. [Mercury, small-scale gold mining and human rights](#), Report of the Special Rapporteur on the human rights implications of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, A/HRC/51/35, 8 July 2022, para. 59.

⁷⁰⁴ Press Release No. 291/2021, [In the framework of COP 26 of the Framework Convention on Climate Change, the IACHR and REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions](#), November 4, 2021.

⁷⁰⁵ IACHR. [Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations](#) December 31, 2021.

people living in poverty, extreme poverty, on the streets or living in informal settlements are more susceptible to the immediate and medium-term impacts of climate change, so States have the responsibility to generate public policies and all necessary measures to protect the rights of people living in poverty in a priority, reinforced and specific manner, while guaranteeing their participation in decision-making⁷⁰⁶.

352. Regarding the situation of pesticides in the country, REDESCA notes that in recent years 14,549 people were poisoned by pesticides in the country, resulting in the death of 439 people between 2019 and March 2022⁷⁰⁷. In this context, the Special Rapporteur expresses concern about the advance of the ruralist bench with the bill 1459/2022, known as the "Poison Package" that would authorize the use of more pesticides in the country⁷⁰⁸. In this regard, REDESCA emphasizes its rejection of this type of legislation and supports the demands of civil society organizations that have rejected this bill⁷⁰⁹.
353. Against this backdrop, the Office of the Special Rapporteur is particularly concerned about reports of the weakening of Brazil's indigenous affairs agency (FUNAI), the federal environmental protection agencies, the Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA) and the Institute for Biodiversity Conservation (ICMbio), leaving indigenous territories even more vulnerable to invasion processes⁷¹⁰. In addition, note is taken of regulatory projects promoted by the Executive Branch that would be detrimental to indigenous peoples and that would hinder the recognition of their traditional lands, as well as declarations of the creation of enabling environments that allow mining companies, logging companies, land grabbers and poachers to invade indigenous territories with impunity.⁷¹¹
354. REDESCA once again reiterates its concern about the situation of environmental defenders in Brazil. As reported by Global Witness, Brazil is the deadliest country for land and environmental defenders since they started collecting data, registering 342 murders between 2012 and 2021⁷¹². During 2021, 26 deaths were reported⁷¹³, an increase from 2020 -20 lethal attacks⁷¹⁴. In particular, REDESCA notes that in Brazil one third of these attacks were directed towards indigenous or Afro-descendants⁷¹⁵ and 85% of the killings occurred in the Brazilian Amazon⁷¹⁶. The Rapporteurship also notes that the main cause of killings of human rights defenders is due to conflicts over land rights and forests.⁷¹⁷ Given this scenario, REDESCA salutes and recognizes the important work that indigenous peoples carry out "as guardians of the Amazon rainforest", as well as their crucial role in the fight against the climate emergency.⁷¹⁸
355. In line with the above, REDESCA regrets the murders of indigenous activist Bruno Pereira and journalist Dom Phillips that occurred in early June in the Brazilian Amazon while they were on their way to an indigenous community as part of an investigation into the impacts of illegal mining and other illicit activities perpetrated by armed groups in the Vale do Javari.⁷¹⁹ The Rapporteurship also notes the inclusion

⁷⁰⁶ Ibid.

⁷⁰⁷ APublica, [14 thousand people were poisoned by pesticides during the Bolsonaro government](#). December 15, 2022.

⁷⁰⁸ Greenpeace, [Mais agrotóxicos do Congresso para a sua ceia!](#), December 19, 2022.

⁷⁰⁹ [Chega de Agrotóxico](#) (last visit December 21, 2022).

⁷¹⁰ Human Rights Watch, [Brazil: Indigenous Rights Under Serious Threat](#) August 9, 2022.

⁷¹¹ Human Rights Watch, [Brazil: Indigenous Rights Under Serious Threat](#) August 9, 2022.

⁷¹² Global Witness, [A Decade of Resistance](#), September 29, 2022, p. 17.

⁷¹³ Global Witness, [A Decade of Resistance](#), September 29, 2022, pg. 9.

⁷¹⁴ Global Witness, [A Decade of Resistance](#), September 29, 2022, pg. 11.

⁷¹⁵ Global Witness, [A Decade of Resistance](#), September 29, 2022, pg. 18.

⁷¹⁶ Global Witness, [A Decade of Resistance](#), September 29, 2022, pg. 11.

⁷¹⁷ Global Witness, [A Decade of Resistance](#), September 29, 2022, pg. 18.

⁷¹⁸ Global Witness, [A Decade of Resistance](#), September 29, 2022, pg. 18.

⁷¹⁹ CNN Brazil, [What drove Dom Phillips and Bruno Pereira to risk their lives in the Amazon](#), June 16, 2022.

of Brazil for the first time⁷²⁰ in the UN report "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights" due to threats and intimidation against Alessandra Munduruku following her participation in COP-26⁷²¹. Therefore, REDESCA urges the Brazilian State to take effective measures to protect the life and personal integrity of Alessandra Munduruku, as well as that of many other human rights defenders. In this context, REDESCA recalls the essential role that women play as environmental, land and territorial defenders in the organization and leadership of the processes of defense of a healthy environment in the continent, as well as the duty of the State to implement public policies and concrete measures that, in addition to recognizing their contribution, protect them against aggressions, attacks and other forms of harassment or gender-based violence in these contexts.⁷²²

356. In light of these situations, REDESCA recalls the State's obligation to protect human rights defenders and urges Brazil to ratify the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). This Agreement reinforces the principles and obligations established in the inter-American regulations and jurisprudence on the right to a healthy environment, highlighting the need to guarantee the so-called "access rights" to ensure their enforcement, such as the effective protection of the right of people to defend the environment. It also calls on the State to direct its actions in accordance with the provisions of Resolution 3/2021 of the IACHR, which states that in cases of abuses or violations of the rights of individuals or groups defending the Earth and Nature where companies or private actors related to the extractivist sector are involved, the States must strengthen transparent and transparent mechanisms to ensure that the rights of individuals or groups defending the Earth and Nature are respected, States should strengthen transparent and effective mechanisms for monitoring, surveillance and oversight of these, providing, as appropriate, effective sanctions and adequate reparations to implement the criminal and administrative actions available in the countries for the protection of the lives and livelihoods of the population⁷²³.
357. Finally, REDESCA welcomes the commitment made by the President Elect during the United Nations Conference on Climate Change (COP-27) to make the greatest efforts to achieve zero deforestation and degradation of its biomes by 2030⁷²⁴. In addition, the Rapporteurship welcomes its commitment to work to strengthen environmental oversight and monitoring systems⁷²⁵, as well as to create a Ministry of Indigenous Peoples⁷²⁶. Likewise, the Office of the Special Rapporteur welcomes the creation of the Multi-Donor Fund by the United Nations and the Amazon Legal Consortium, announced at COP-27⁷²⁷. For its part, REDESCA is committed to closely follow the efforts of the new administration to combat climate change and offers its technical support to the State as an inter-American mandate specialized in environmental rights.

⁷²⁰ UOL, [Pela 1ª vez, Brasil entra na "lista suja" da ONU de represálias a ativistas](#), September 21, 2022; Midia Ninja, [Brasil entra para "lista suja" da ONU](#), September 22, 2022.

⁷²¹ UN. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights Report of the Secretary-General, A/HRC/51/47, 14 September 2022, paras. 14-17.

⁷²² IACHR. [Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations](#) December 31, 2021, para. 30.

⁷²³ IACHR. [Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations](#) December 31, 2021, para. 31.

⁷²⁴ The Washington Post, ['Brazil is back': At COP27, Lula vows to be a global climate leader](#), November 16, 2022; [Mongabay. COP27: 'Brazil is back' to fight deforestation, Lula says, but hurdles await](#), November 17, 2022; Aljazeera, [At COP27, Brazil's Lula vows halt to rampant deforestation](#), November 16, 2022.

⁷²⁵ Aljazeera, [At COP27, Brazil's Lula vows halt to rampant deforestation](#), November 16, 2022.

⁷²⁶ [Mongabay. COP27: 'Brazil is back' to fight deforestation, Lula says, but hurdles await](#), November 17, 2022

⁷²⁷ UN Brazil, [UN and Consórcio da Amazônia Legal announce multi-doctorate fund for the region](#), November 16,

C. Business and Human Rights

358. In relation to business activities and their impact on the enjoyment of ESCER, the Office of the Special Rapporteur expresses its concern over the denunciations and complaints of environmental organizations in relation to exploration authorizations granted by the Brazilian government through the National Mining Agency (ANM). In this regard, REDESCA has learned of the report presented by the organization Amazon Watch and the Articulation of Indigenous Peoples of Brazil (Apib), which reveals the various requests for permits made by large mining companies to the ANM to carry out exploration activities and possible exploitation of gold and other minerals in the Amazon rainforest, directly affecting several protected indigenous reserves in the area⁷²⁸. In particular, the Office of the Special Rapporteur has learned that there are a total of 3,600 applications for mining exploration in the Brazilian Amazon to the ANM, of which 45% are in indigenous territories inhabited by uncontacted groups⁷²⁹. A study by Folha de S.Paulo reports a 156% increase in ANM approvals for niobium exploration in the region during the last administration. In February 2022 alone, authorization was requested for niobium exploration in an area of 215.6 thousand hectares in the Amazon, reaching protected areas⁷³⁰.
359. In line with the above, the Rapporteurship is concerned about reports indicating that informal mining has doubled in Brazil during the last decade, increasing the exploited area from 82,700 hectares in 2010 to 179,913 in 2021 and especially during the last three years, in which mining on indigenous lands intensified by 53.8%.⁷³¹ This situation draws REDESCA's attention as many of the activities linked to mining are concentrated in protected areas of the Amazon and not only contribute to the advance of deforestation but also to the violation of the fundamental rights of indigenous populations living in the area. In this regard, REDESCA has received information on the advance of illegal business practices of mineral extraction on the lands of the Yanomami people and the destruction of their natural habitat through mercury contamination of soil and rivers that cause serious health effects and provoke serious food insecurity, especially affecting children and women⁷³². In this context, according to a study presented by groups defending the rights of indigenous peoples, the Yanomami people are currently facing the worst moment of invasion since their territory was demarcated. In addition to deforestation and the destruction of bodies of water, illegal gold and cassiterite mining, there has been an increase in cases of infectious diseases such as malaria, with serious consequences for the health and economy of families, and a terrifying increase in violence against the indigenous people.⁷³³ In this regard, the report explains that illegal artisanal mining in Yanomami territory would have shot up by 3350% between 2016 and 2020, according to MapBiomas data. Likewise, during the 185th Period of Sessions of the IACHR, the Commission and REDESCA received information from civil society organizations who denounced the murders of Yanomami indigenous leaders in the months of September and October 2022 at the hands of criminal groups linked to extractive mining activity.⁷³⁴ The Office of the Special Rapporteur calls on the State of Brazil to take all necessary measures

⁷²⁸ Amazon Watch and the Articulação dos Povos Indígenas do Brasil (Apib), Cumplicidade NA Destruição IV: COMO MINERADORAS E INVESTORES INTERNACIONAIS CONTRIBUEM PARA A VIOLAÇÃO DOS DIREITOS INDÍGENAS E AMEAÇAM O FUTURO DA AMAZÔNIA.

⁷²⁹ Sara Villén-Pérez, S. Villén-Pérez, Luisa Anaya-Valenzuela, L. Anaya-Valenzuela, Denis Conrado da Cruz, D. Conrado da Cruz, & Philip M. Fearnside, P. M. Fearnside (0000). Mining threatens isolated indigenous peoples in the Brazilian Amazon. *Global environmental change*, 72, 102398. doi: 10.1016/j.gloenvcha.2021.102398.

⁷³⁰ Folha de S. Paulo, Microempresário ganhou direito de explorar nióbio em áreas do tamanho de São Paulo na Amazônia, February 9, 2022.

⁷³¹ SwissInfo, Informal mining doubles in a decade in Brazilian Amazon, September 27, 2022; CNN, Invasions and illegal exploitation of indigenous lands in Brazil tripled under Bolsonaro government, August 25, 2022.

⁷³² IACHR, 185th Period of Sessions, Brazil: Human Rights of Indigenous Peoples, October 26, 2022.

⁷³³ ASOCIACIÓN HUTUKARA YANOMAMI and ASOCIACIÓN WANASSEDUUME YE'KWANA, Yanomami under attack: illegal looting in Yanomami Indigenous Land and proposals to combat it, April 2022.

⁷³⁴ IACHR, 185th Period of Sessions, Brazil: Human Rights of Indigenous Peoples, October 26, 2022.

to protect the rights and territories of the Yanomami people from activities that threaten their survival, urgently guaranteeing access to water, food and health for its members.

360. On the other hand, the advance in Congress of certain bills such as PL 191/2020 and PL 490/2007, initiatives that further violate the human rights of indigenous peoples, mainly those related to the exploitation of their natural resources and restrictions on their land rights, is a matter of concern. In particular, PL 191/2020 would enable mining companies to operate freely in protected territories, establishing conditions not only for industrial and artisanal mining but also for other industrial-scale activities such as agricultural production and oil and gas exploration that violate indigenous peoples' right to exclusive use of their lands and destroy the ecosystems provided by these natural spaces. For its part, PL 490/2007 would alter the process of demarcation of indigenous lands based on the Temporary Framework thesis, understood as a limitation to the demarcation of indigenous lands occupied as of October 5, 1988, the date of entry into force of the Brazilian Constitution. This situation would reflect a clear relaxation of control and inspection measures in the context of business activities, in direct violation of one of its main obligations in the area of business and human rights, which is to incorporate substantive and procedural guarantees in the domestic legal system to ensure respect for human rights at stake⁷³⁵.
361. Notwithstanding the above, REDESCA notes that the illegal exploitation of natural resources on indigenous lands is not only reduced to illegal mining but have been affected by other related operations such as deforestation activities, agriculture and cattle ranching and different infrastructure projects. Regarding forest logging, publicly available information reveals that seven out of every ten hectares of forests with unauthorized logging in the Amazon are in Mato Grosso, covering between August 2020 and July 2021 103,000 hectares in the state, that is, 73% of illegal extraction in the Amazon region⁷³⁶. Similarly, the Special Rapporteur is concerned about the license granted by the country's environmental authority for the reconstruction of highway BR-319, which connects the cities of Manaus and Porto Velho in the heart of the Amazon rainforest, which, if implemented, would encourage deforestation in the area, allowing illegal loggers easier access to remote areas of the forest, causing environmentally adverse and irreversible effects⁷³⁷. There were even restrictions on the public hearings held to evaluate the environmental impact studies where, in the context of the pandemic, the opinion of the indigenous communities in the area was not taken into account⁷³⁸. Given this situation, the State of Brazil has the obligation to guarantee the effective participation of indigenous peoples in decisions regarding any measure that affects them, including those of a corporate or private nature, by respecting the right to consultation and free, prior and informed consent, as well as the performance of environmental and social impact studies by independent entities to protect the special relationship of these groups with their territories, and the right to reasonable participation in the benefits of the project, in respect for their self-determination⁷³⁹.
362. Meanwhile, the advance of business activities linked to agriculture and livestock have also been the subject of particular concern, as it has been reported that two of the world's largest grain trading corporations are reportedly trading with Brazilian suppliers linked to human rights abuses against the Kaiowá indigenous peoples⁷⁴⁰.
363. REDESCA has also learned of human rights abuses carried out by palm oil companies against indigenous communities, which in turn act as suppliers to large international business groups. In this regard, Global Witness called for urgent action by multinational companies to prevent violations of the human rights and

⁷³⁵ REDESCA. Report on Business and Human Rights: Inter-American Standards, para. 104-120.

⁷³⁶ Instituto Centro de Vida (ICV), Mato Grosso concentrates 70% of illegal logging in the Amazon, 2022

⁷³⁷ The Guardian, Paved highway to run through Amazon gains initial approval in Brazil, July 29, 2022.

⁷³⁸ EFE, Deforestation advances at the pace of bulldozers in Brazil's Amazon, September 18, 2022.

⁷³⁹ REDESCA. Business and Human Rights: Inter-American Standards Report, para. 343.

⁷⁴⁰ The Guardian, Leading grain traders 'sourcing soy beans from Brazilian farm linked to abuse', 20 September

territorial rights of indigenous peoples in the Amazon. The study reveals that these Brazilian palm oil companies have been accused of silencing, through violent actions, intimidation and threats, indigenous and traditional communities defending their ancestral lands against corporate operations, as well as operating without implementing accountability mechanisms, and engaging in fraudulent land grabs and evictions or displacement of communities.⁷⁴¹ The report indicates that these human rights violations against indigenous communities, quilombolas, riverine populations and peasants have intensified under the last government administration. In addition, according to information gathered, the palm oil company Agropalma was also accused by the indigenous and quilombola peoples of the Acará river region, in the northeast of the state of Pará, of committing acts of deprivation of liberty of workers, forced labor, child labor, excessive use of carcinogenic pesticides and environmental damage⁷⁴².

364. With respect to the situations previously indicated, the Office of the Special Rapporteur reminds the State that the 2019 Report on Business and Human Rights determined that the content of internationally recognized human rights and the effective application of the obligations of States to respect and guarantee them necessarily involve the legal responsibility of companies in terms of avoiding, or contribute to provoke, through their activities, abuses and violations of human rights, exercise due diligence on the activities of subsidiaries, business groups in which they participate, commercial relationships, value or supply chains, as well as not to engage in direct abuses against human rights extraterritorially⁷⁴³. In this sense, this Rapporteurship urges the State to act with due diligence in the framework of business activities and under the Inter-American standards for the protection of human rights. In particular, it should adapt its regulatory frameworks to regulate the actions of companies in the field of human rights, which in turn facilitates and reinforces the duty of prevention; as well as implement protection policies in cases of risky business activities; create strategies to overcome widespread violations related to the activities of certain industries or economic sectors; and establish and strengthen judicial protection mechanisms for cases of human rights violations involving companies, among others⁷⁴⁴.

365. For all of the above reasons, REDESCA calls on the State of Brazil to urgently apply a human rights perspective in its human rights and business policies that take into account the rights of indigenous communities, including the effective exercise of the right to free, prior and informed consultation and the effective participation of the population in business projects and activities that affect them. The Office of the Special Rapporteur is at the disposal of the State of Brazil to provide technical assistance in this area, in order to promote the implementation of inter-American standards and the recommendations contained in its thematic report on the subject.

D. Labor and Union Rights

366. Regarding labor rights in Brazil, REDESCA notes as a positive aspect the data showing a recovery in the labor market. In this sense, the unemployment rate in Brazil has been showing a steady decline throughout 2022 reaching 8.9% (9.5 million people) in the quarter ending September 2022, according to the Brazilian Institute of Geography and Statistics (IBGE)⁷⁴⁵. The highest unemployment rates have been registered in states such as Bahia (15.1%), Pernambuco (13.9%), and Rio de Janeiro (12.3%), while the lowest were in Santa Catarina and Mato Grosso with 3.8% respectively⁷⁴⁶. However, this Office of the Special Rapporteur is concerned about the increase in the rates of labor informality, with 40% of working people in the country

⁷⁴¹ Global Witness, [Amazon palm](#), September 26, 2022.

⁷⁴² Business and Human Rights Information Center, [Brazil: One of Nestlé's main palm oil suppliers is allegedly violating the rights of quilombolas and indigenous people in Pará](#), February 23, 2022.

⁷⁴³ REDESCA. Business and Human Rights: Inter-American Standards Report, para. 197.

⁷⁴⁴ REDESCA. Business and Human Rights: Inter-American Standards Report, para. 90.

⁷⁴⁵ Portal Gov.br, [Unemployment falls to 8.9% in the quarter ended August, highlights IBGE](#), October 31, 2022.

⁷⁴⁶ Uol, [Unemployment falls in six states in third quarter; see list](#), November 17, 2022.

reportedly in this condition, mainly in the states of Pará (60.5%) and Maranhão (59.1%) and Amazonas (57.1%)⁷⁴⁷.

367. On the other hand, the mandate is concerned about the reduction in real wages received by working people as a result of the inflationary process faced by the country. According to a survey conducted by the Organization for Economic Cooperation and Development (OECD), Brazil's minimum wage (R\$ 1,212) is the second lowest (US\$ 2.2 per hour) among the countries belonging to the organization⁷⁴⁸. In this sense, REDESCA notes the high vulnerability faced by the majority of the population, as the purchasing power of households consumes half of the basic salary to cover the basic food basket⁷⁴⁹.
368. Regarding child labor, available public information establishes that in 2021 around 1.3 million adolescents were in a situation of child labor in Brazil - that is, 44.8% of adolescents between 14 and 17 years of age - with agricultural activities being the ones that mostly employ them⁷⁵⁰. Also noteworthy are the tasks linked to domestic work: according to a survey published in 2022, around 84,000 children and adolescents between 5 and 17 years of age performed some type of domestic work during 2019, of which 85.2% are girls or female adolescents and 70.8% Afro-descendants⁷⁵¹. Faced with this scenario, REDESCA urges the Brazilian State to take all necessary measures to eradicate child labor, as well as to guarantee the labor rights and social protection of all people, particularly those in vulnerable situations.
369. Regarding gender gaps in the labor market, the Office of the Special Rapporteur notes the results of a survey conducted by the World Bank, which reveals that at the age of 18, Brazilian women accumulate more human capital than men, i.e., they reach adulthood better prepared and with better levels of education and health. However, women are less integrated and less in demand in the labor market, reflecting the persistence of labor inequalities by gender in the country⁷⁵². In addition, the gaps and inequalities are also accentuated in relation to Afro-descendant workers. While recognizing and saluting the State of Brazil for its ratification earlier this year of the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance as a constitutional amendment⁷⁵³, REDESCA is concerned that the Afro-descendant population occupies only about 4% of managerial positions, and their salaries are, on average, 44% lower than those of the white population⁷⁵⁴.
370. Regarding the LGBTI community, REDESCA welcomes the approval of Resolution CSMPT 198/2022 that allows the reservation of vacancies for transgender people in the competitions to enter the Public Ministry of Labor⁷⁵⁵. This implies a positive action of vital importance in the fight against discrimination of the LGBTI collective in the country, since according to available information 90% of the transvestite and transsexual population only has prostitution as a source of income, due to the difficulties in accessing the formal labor market and also to the precarious professional qualifications derived from the permanent social exclusion to which the collective is subjected⁷⁵⁶. REDESCA recalls that one of the primary measures

⁷⁴⁷ Ibid.

⁷⁴⁸ Folha de S.Paulo, Salário mínimo no Brasil é o segundo menor entre 31 países; compare, October 20, 2022.

⁷⁴⁹ CNN, Cesta básica consome, em média, 55% do salário mínimo no Brasil, June 21, 2022.

⁷⁵⁰ CNN, Trabalho infantil é realidade de 1,3 milhão de adolescentes no Brasil, diz Abrinq, 12 June 2022.

⁷⁵¹ Folha de S.Paulo, 84 thousand children and adolescents, mostly girls, do domestic work in Brazil, October 6, 2022.

⁷⁵² The World Bank, Quanto talento é desperdiçado no Brasil, August 11, 2022.

⁷⁵³ Brazil, Decree No. 10,932, January 10, 2022.

⁷⁵⁴ BBC, "Brazil at work: Black and held back." April 6, 2022.

⁷⁵⁵ GGN, MPT designates quotas for trans people in contest for Labor Attorney, by Sandra Lia Simon, August 29, 2022.

⁷⁵⁶ Ibid.

for the protection of trans and gender-diverse people in relation to their right to work is the enactment of regulations that explicitly prohibit discrimination based on gender identity and gender expression.⁷⁵⁷

371. The IACHR and REDESCA note that discrimination in the workplace is often related to discrimination based on gender, sexual orientation, gender identity or gender expression. In turn, in the Americas, the most unequal region on the planet, discrimination and structural exclusion in the labor market are central elements that contribute to an endless cycle that contributes to structural poverty and inequality.⁷⁵⁸ For its part, the Inter-American Court of Human Rights has pointed out that the principle of non-discrimination in the area of labor law takes on special relevance, since the very nature of this branch of law is based on the protection of workers as the most vulnerable parties in the unequal relationship with the employer⁷⁵⁹. Indeed, the Commission and REDESCA urge the State of Brazil to adopt inclusive measures at various levels to ensure decent employment for people in vulnerable situations, without discrimination.
372. Concerning situations of forced labor and/or slavery-like conditions, REDESCA became aware of a survey by the Public Ministry of Labor indicating that the rescues of people working in a situation similar to slavery in Brazil grew by more than 100% in 2021 compared to the previous year⁷⁶⁰. This trend is also present in the labor courts, since, according to data from the Labor Court, from 2017 to June 2022, all labor instances judged 10,482 cases related to the recognition of the employment relationship of workers in slavery-like conditions⁷⁶¹. Similarly, the Undersecretariat of Labor Inspection (SIT) of the Ministry of Labor and Welfare indicated that, in the last 10 years, more than 13,600 workers in slavery-like conditions were rescued in Brazil and that in 2020 it received 835 complaints of slave labor, a number that rose to 1,415 in 2021, an increase of almost 70%⁷⁶².
373. At the same time, REDESCA salutes the actions of the authorities of the Federal Public Prosecutor's Office, the Attorney General's Office, the Labor Public Ministry, among others, in carrying out a mega anti-slavery operation, rescuing 337 workers in 15 states, considered the largest operation to combat slave labor in the history of the country given the diversity of actions deployed as intervening agencies⁷⁶³. In this regard, REDESCA again points out that, in the case of Workers of the Brasil Verde Farm vs. Brazil, the IACHR Court decided on the responsibility of the State to protect workers against forced labor and its duty to provide reparations to victims and measures of non-repetition. Therefore, it is reiterated that the Brazilian State is internationally obliged to adopt positive measures to protect people exposed to these conditions and to address the conditions that generate the exploitation of these conditions, as well as to prevent, investigate and punish cases of servitude or slavery⁷⁶⁴. Additionally, although the COVID-19 pandemic and the consequent worsening of social conditions in the country may have increased this type of practices linked to labor exploitation, it is the State's obligation, in a context of health crisis, to protect the ESCER of workers, ensuring the protection of their economic income, means of subsistence, and avoiding the risks of contagion of the virus, as well as to adopt a human rights approach in any strategy, policy or State measure to address Covid-19⁷⁶⁵.

⁷⁵⁷ OAS/IACHR, Report on Trans and Gender Diverse Persons and their Economic, Social, Cultural and Environmental Rights, August 7, 2020.

⁷⁵⁸ IACHR, Violence against LGBTI persons, 2015, para. 371, p. 216.

⁷⁵⁹ IACHR Court. Juridical Condition and Rights of Undocumented Migrants. Advisory Opinion OC-18/03 of September 17, 2003. Series A No. 18, para. 149.

⁷⁶⁰ CNN Brazil. [Brasil precisa avançar em políticas públicas contra trabalho escravo, diz procurador](#) July 27, 2022.

⁷⁶¹ CNN Brazil. [Brazil has more than 13,000 people rescued by work analogous to slavery in 10 years](#) 26 July 2022.

⁷⁶² Ibid.

⁷⁶³ Repórter Brasil, [Maior operação de combate à escravidão do país resgata 337 em 15 estados](#), July 28, 2022.

⁷⁶⁴ Inter-American Court of Human Rights. Case of Workers of the Brasil Verde Farm v. Brazil, Judgment of October 20, 2016, paras. 315-321.

⁷⁶⁵ IACHR - REDESCA, [Resolution 1/2020, Pandemic and Human Rights in the Americas](#), April 10, 2020.

374. At the same time, REDESCA closely observes the labor situation of health professionals in Brazil. First, it notes that, despite having been approved in July the law establishing salary floors for nurses, nursing technicians and midwives; its entry into force has been suspended by the Supreme Court (STF)⁷⁶⁶. On the other hand, the Special Rapporteurship is concerned about the high rates of infection among health personnel, particularly after the appearance of the Omicron variant, which in some cases has led to their dismissal⁷⁶⁷. In this regard, the Office of the Special Rapporteur recalls that, in accordance with Resolution 1/2020, States have the duty to protect the human rights, and particularly the ESCER, of those workers most at risk from the pandemic and its consequences.⁷⁶⁸
375. On the other hand, REDESCA notes with concern that, based on a study conducted by the MPT during the last ten years, 22,954 people died as a result of work-related accidents in the country⁷⁶⁹. In parallel, in 2021 alone, 571,800 accidents and 2,487 work-related deaths were reported, 30% more than in 2020, according to updated data from the Occupational Safety and Health Observatory⁷⁷⁰. Following this study, it is worth noting that in addition to the alarming figures, the MPT argues about the existence of an underreporting of occupational accidents.
376. Likewise, REDESCA has been following with special attention the situation of workers in the meatpacking industry, particularly in relation to the revision of Regulatory Norm (NR) n. 36, which establishes the minimum requirements for the evaluation, control and monitoring of risks in the activities carried out in the meatpacking industry. 36, which establishes the minimum requirements for the evaluation, control and monitoring of risks in the activities carried out in the refrigeration industry. In view of this, attempts to make health and safety standards more flexible within the sector would imply a threat to the health and safety of more than 500,000 workers in a sector where occupational injuries abound. In this regard, REDESCA takes note of the decision of the Labor Court to temporarily suspend the revision of NR-36.⁷⁷¹
377. On the other hand, REDESCA continues to receive information on complaints made by pregnant women suffering from different types of maternal disorders such as infections, hemorrhaging and excessive vomiting as a result of working conditions in the pork and poultry sectors. It was reported that about 220,000 women work in the country's meat sector and that they are at least twice as risky compared to all other employment sectors in Brazil⁷⁷². In this regard, REDESCA recalls that, according to General Comment 14 of the Committee on ESC rights, States should formulate, implement and periodically review a coherent national policy aimed at minimizing the risks of occupational accidents and occupational diseases, as well as formulate, implement and periodically review a coherent national policy aimed at minimizing the risks of occupational accidents and occupational diseases, as well as formulate a coherent national policy on occupational safety and health services.⁷⁷³
378. In view of the above, REDESCA recalls that discrimination in the workplace is often related to discrimination based on gender, sexual orientation, gender identity or gender expression. In turn, in the Americas, the most unequal region on the planet, discrimination and structural exclusion in the labor market are central elements that contribute to setting in motion an endless cycle that contributes to structural poverty and inequality.⁷⁷⁴ For its part, the Inter-American Court of Human Rights has pointed

⁷⁶⁶ Globo, [Piso da enfermagem: maioria do STF vota para manter suspenso piso da categoria](#), September 15, 2022.

⁷⁶⁷ Globo, [Avanço da ômicron afasta profissionais de saúde dos postos de trabalho](#), January 13, 2022.

⁷⁶⁸ IACHR - REDESCA, [Resolution 1/2020, Pandemic and Human Rights in the Americas](#), April 10, 2022

⁷⁶⁹ MPT, [SmartLab Decent Work 2022 Series: occupational accidents and accidental deaths grow again in 2021](#), April 20, 2022.

⁷⁷⁰ Ibid.

⁷⁷¹ MPT, [Justiça suspends revision of NR 36](#), January 27, 2022.

⁷⁷² The Guardian, [Brazil's meat plants could be putting pregnant workers at risk, say health experts](#) July 7, 2022.

⁷⁷³ Committee on Economic, Social and Cultural Rights, [General Comment No. 14](#), August 11, 2000, para. 36.

⁷⁷⁴ IACHR, [Violence against LGBTI persons](#), 2015, para. 371, p. 216.

out that the principle of non-discrimination in the area of labor law takes on special relevance, since the very nature of this branch of law is based on the protection of workers as the most vulnerable parties in the unequal relationship with the employer.⁷⁷⁵

E. Fiscal and Economic Policies

379. REDESCA notes that during the COVID-19 pandemic Brazil allocated more resources to the Bolsa Familia program and included 1.2 million additional new beneficiaries; while from April 2020 to October 2021 it introduced the Emergency Aid stabilization program (Auxílio Emergencial) in order to provide a coordinated response to the impacts of the economic, social and health crisis caused by the pandemic, offering social coverage to a third of the Brazilian population, especially those households with lower incomes⁷⁷⁶. In particular, according to estimates by the International Monetary Fund, the results achieved by the Auxílio Emergencial even surpassed those of the social protection system in place in the country before the pandemic⁷⁷⁷. However, despite the granting of economic aid and subsequent extensions of allocations⁷⁷⁸, it is noted that this assistance program would have partially addressed the needs of people living in poverty and extreme poverty in the country, as the main beneficiaries, not having an impact in real terms on the reduction of existing social gaps⁷⁷⁹. Indeed, according to ECLAC figures, Brazil was the only country in the region to register a marked increase in extreme poverty -3.2%- and poverty -6%- in 2021, after also being the only one in which both indicators fell in 2020 (by 0.7 and 1.8 percentage points, respectively).⁷⁸⁰
380. In this context, REDESCA recalls that poverty is a human rights problem that translates into obstacles and impediments to the enjoyment and exercise of human rights -especially ESCER- under conditions of real equality for individuals, groups and communities living in this condition⁷⁸¹. For this reason, faced with a complex economic, social and health scenario resulting from the pandemic, people in this situation are recognized as a group at special risk and therefore require special and differentiated treatment by the States in the public policies implemented to safeguard them⁷⁸².
381. Notwithstanding the above, it is important to note that both Brazil and the entire region of the Americas have faced an unstable global economic scenario in a context marked by a conjunction of recent successive crises, in particular, the COVID-19 pandemic and the context of the war in Ukraine. These events led to a slowdown in economic growth along with strong inflationary pressures reflected in rising food and energy prices. In turn, the decrease in wheat exports by Russia and Ukraine, as the main exporters worldwide, had an impact on the increase in the prices of most foodstuffs in Brazil's basic food basket due to the increase in wheat flour and its derivatives, including soybean oil⁷⁸³. There was also a considerable increase in gasoline prices⁷⁸⁴. As a result, during the first months of 2022, inflation in Brazil was above double digits, a maximum not recorded in the country in two decades⁷⁸⁵.

⁷⁷⁵ IACHR Court. Juridical Condition and Rights of Undocumented Migrants. Advisory Opinion OC-18/03 of September 17, 2003. Series A No. 18, para. 149.

⁷⁷⁶ International Monetary Fund, Fiscal Monitor, October 2022.

⁷⁷⁷ *Ibid.*

⁷⁷⁸ Brazil. Casa Civil, Prorrogado por mais três meses o pagamento do Auxílio Emergencial 2021, August 13, 2021.

⁷⁷⁹ IACHR REDESCA Annual Report 2021, May 26, 2022.

⁷⁸⁰ Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America and the Caribbean, p. 58, Santiago, 2022.

⁷⁸¹ IACHR, Poverty and Human Rights Report, 2017, para. 91.

⁷⁸² IACHR - REDESCA, Resolution 1/2020, Pandemic and Human Rights in the Americas, April 10, 2020.

⁷⁸³ CNN, Inflação de dois dígitos esvazia carrinho e não dá trégua, mostra pesquisa, March 21, 2022.

⁷⁸⁴ SwissInfo, Petrobras announces 18.8% increase in gasoline prices in Brazil, March 10, 2022.

⁷⁸⁵ CNN, IPCA: inflação fica em 1,06% em abril e atinge 12,13% em 12 meses, 11 May 2022.

382. This situation led the State to adopt a series of instruments to mitigate the impact of inflation on the most vulnerable population groups. In this regard, in June 2022 the National Senate approved a constitutional amendment (PEC 1/2022) that increased by 50% the subsidy to families below the poverty line and created bonuses for truck drivers in the midst of the cost of living crisis. This measure was complemented by "Auxílio Brasil" of 2021, which consisted of increasing the total amount of the subsidy from R\$400 to R\$600; created a R\$1,000 bonus for truck drivers in the face of fuel increases; and increased by R\$500 million the budget of the Alimenta Brasil program for the purchase of food from small producers and indigenous peoples, among others, by public agencies. In addition, this constitutional amendment created a subsidy for the purchase of liquefied petroleum gas by low-income Brazilian families, established a subsidy for the payment of the right to free transportation for senior citizens in urban, semi-urban and metropolitan public transportation and authorized the Union, the States, the Federal District and the Municipalities to reduce taxes on the prices of diesel, biodiesel, gas and electricity, as well as other taxes of an extra-fiscal nature⁷⁸⁶.
383. As a result of the measures adopted by the national government to remove fuel taxes, REDESCA notes that the Expanded National Consumer Price Index (IPCA) - the indicator that measures official inflation in the country - registered a consecutive drop in the months of July, August and September 2022⁷⁸⁷. However, it is observed that the adoption of these measures has not translated into an improvement in the general welfare of the Brazilian population, as the price of food, which has a greater weight in the expenses of lower-income families, continued to increase⁷⁸⁸. For example, essential foods in the diet of children and adolescents are said to have increased in price by more than 57%, affecting not only the right to healthy and nutrient-rich food, but also the right to enjoy good health⁷⁸⁹. On the other hand, REDESCA notes with concern how the increase in food prices affects people living in large cities, where the income of the poorest 5% is not enough to cover basic food needs⁷⁹⁰. In particular, the average price of the basic food basket in Brazil in June 2022 was R\$ 663.29, representing about 55% of the minimum wage set at R\$ 1,212, according to data published by the Brazilian Institute of Geography and Statistics (IBGE).⁷⁹¹
384. REDESCA also notes that, in December 2021, Congress approved the Budget Law for 2022 which established a minimum wage of R\$ 1,210, as well as the allocation of R\$ 89 billion for the social assistance program "Auxílio Brasil" for people living in poverty and extreme poverty for a total of; R\$ 147 billion allocated to the area of health; R\$ 113 billion to the area of education⁷⁹². However, the Rapporteurship notes with concern that, of the total approved budget, on the one hand, R\$ 4.9 billion were allocated to the electoral fund for political parties to finance their campaigns for the 2022 general elections and, on the other hand, R\$ 16.5 billion were reserved for "rapporteur's amendments", i.e., resources from the national budget directed to deputies and senators and their political bases⁷⁹³.
385. REDESCA has also become aware of the cuts that the 2022 budget has suffered, directly impacting the respect and guarantee of ESCER. In particular, public information reveals that among the main portfolios that suffered cuts are those of the Ministry of Labor, with cuts of R\$1 billion, and the Ministry of Education with a budget cancellation of R\$736 million⁷⁹⁴. Additional information reveals that the Executive Branch

⁷⁸⁶ Senate, Proposed Amendment to the Constitution No. 1 of 2022, approved June 30, 2022.

⁷⁸⁷ Portal Gov.br, Economia brasileira registra deflação pelo terceiro mês seguido, October 11, 2022.

⁷⁸⁸ G1, Concentrated in fuels, deflation does not alleviate market account; see highs and lows in 12 months, September 9, 2022.

⁷⁸⁹ CNN Brasil, Alimentação infantil encareceu 57,12% nos primeiros cinco meses desse ano, June 10, 2022.

⁷⁹⁰ Folha de S. Paulo, Income of the poorest 5% does not buy even two loans made per month June 25, 2022

⁷⁹¹ CNN Brasil, Cesta básica consome, em média, 55% do salário mínimo no Brasil, June 21, 2022-.

⁷⁹² Agência Senado, National Congress approves the Budget for 2022, December 21, 2021.

⁷⁹³ G1, Orçamento: Bolsonaro mantém fundo eleitoral de R\$ 4,9 bilhões e valor de R\$ 1,7 bilhão para reajuste de servidores, 24 January 2022.

⁷⁹⁴ Agência Senado, Bolsonaro vetoes R\$ 3.1 billion in the budget, which allocates R\$ 89.1 billion for Auxílio Brasil, January 24, 2022.

also vetoed resources approved for scientific research areas and for public policies aimed at indigenous and quilombola peoples, as well as projects for the consolidation of rural settlements, research in universities, agrarian reform and land regularization, and policies for equality and the fight against violence against women⁷⁹⁵.

386. In addition to the above, throughout 2022, the Office of the Special Rapporteur observed the adoption of various measures that had a direct impact on the availability of funds related to the enjoyment of the right to education, science, and technology. In effect, new blockades were adopted for universities and federal colleges of R\$ 328 million and R\$ 147 million respectively⁷⁹⁶. In the area of science and technology, it was learned that the National Fund for Scientific and Technological Development (FNDCT), the sector's main financing fund, would lose 44% of its resources after the blockade authorized by the Executive Branch, affecting programs such as Science in the Sea and Antarctic Science, research in bioinformatics, climate change mitigation, nutrition and sustainable agricultural pesticides, COVID-19, green hydrogen, among others⁷⁹⁷.
387. Regarding the 2023 Budget Bill that the Executive Branch sent to Congress in August 2022, the Office of the Special Rapporteur notes the 99% cut to programs aimed at mitigating natural disasters⁷⁹⁸. It is also particularly concerned about the 12% cuts to the budget of federal universities⁷⁹⁹.
388. For all of the above, REDESCA reminds the State that economic and financial resources are crucial for the realization of all ESCER, and for this, the State needs financing for the operation of its justice system or election of political authorities as well as for the implementation of its food, housing, health, education, sanitation, etc. systems. For this reason, ESCER are affected by the undermining and lower level of investment and availability of public funds necessary for their real effectiveness. These cases must be investigated and sanctioned, and measures must be taken for the restitution of the diverted funds.⁸⁰⁰

F. Education, science, technology: academic freedom and university autonomy

389. As a result of the impact of the Omicron variant in the course of 2022 and the low rate of vaccinated children, REDESCA became aware of the delay in the return to on-site classes. According to information obtained by the Rapporteurship, as of February 2022, 73.7% of Brazilian cities had not returned to the classroom⁸⁰¹. Likewise, the pandemic generated serious impacts on the guarantee of the right to education in the country, not only due to the impact on the learning of children and young people, but also affecting their permanence in educational centers.
390. Regarding the impact on learning, REDESCA notes that Brazil had one of the longest school closures in the region due to the pandemic. According to information published by the Brazilian Ministry of Education, during the 2020 school year, public schools were closed for an average of 287.4 days (9.5 months), while

⁷⁹⁵ G1, [Orçamento: Bolsonaro corta verbas voltadas para indígenas, quilombolas e para pesquisas científicas](#), January 24, 2022.

⁷⁹⁶ Uol, [Governo Bolsonaro fez novos cortes na educação dias antes do 1º turno](#), 5 de octubre de 2022.

⁷⁹⁷ MidiaNinja, [Bolsonaro autoriza o bloqueio de 44% dos recursos para financiamento da ciência no Brasil](#), 28 June 2022.

⁷⁹⁸ MediaNinja, [Governo corta até 99% do orçamento de 2023 para mitigação de desastres naturais](#), October 3, 2022.

⁷⁹⁹ CNN Brazil, [After institutes, federal universities are notified about 12% cut in the budget](#) July 7, 2022.

⁸⁰⁰ IACHR, Report on Corruption and Human Rights: Inter-American Standards. December 6, 2019.

⁸⁰¹ CNN, [Aulas presenciais ainda não retornaram em 73% dos municípios brasileiros, diz CNM](#), February 4, 2022.

private schools were closed for 248 days (8 months)⁸⁰². In this context, the most affected regions were the North and Northeast, which recorded even longer periods, such was the case of the state of Bahia with 366.4 days on average - the longest in the country, followed by the state of Roraima 349.4 days, then Rio Grande do Norte with 336.5 days, Acre with 332.7 days and Amapá with 332.4 days⁸⁰³. In addition to this, it is observed that the barriers to access to education were not only physical but also digital, since, despite the efforts of the State to facilitate distance classes, the inherent inequalities in access to digital tools and technology in many schools and homes prevented learning in conditions similar to the face-to-face modality, particularly in the North and Northeast regions of Brazil. According to the 2020 School Census, only 60% of public schools in Brazil have internet, being the situation even more serious in the North and Northeast regions of Brazil⁸⁰⁴.

391. The mandate is also concerned about the high illiteracy rates among six and seven year-old children, which have been aggravated as a consequence of the pandemic. In this regard, according to an analysis carried out by the organization Todos Pela Educação, based on data from the Continuous National Household Sample Survey (PNAD Continua), conducted by IBGE, the number of children in this age group who cannot read or write grew by 66.3% from 2019 to 2021, reaching a total of 2.4 million illiterate children⁸⁰⁵.
392. On the other hand, the Special Rapporteurship notes with concern the increase in school dropout rates. According to the results of the 2021 School Census by the National Institute of Educational Studies and Research (INEP), between 2019 and 2021, Brazil recorded a drop of 7.3% (650 thousand) in the number of children up to five years of age who dropped out of school. The study shows that the largest number of dropouts occurred in the private education sector without an increase in the public sector. Therefore, REDESCA calls on the Brazilian State to promote strategies to prevent student dropout and to guarantee the effective enjoyment of the right to education, especially in terms of accessibility, both in the virtual and face-to-face environments.
393. Regarding university education, REDESCA takes note of the review process to which the Quota Law, Law 12.711, will be submitted after 10 years since its enactment. This law, fundamental in the process of democratization of education, determines that 50% of vacancies in universities and federal institutes are intended for people who studied in public schools, and provides for the reservation of vacancies for specific groups, such as Afro-descendants, indigenous people, people with disabilities or low-income people. In this regard, the Rapporteurship calls upon the State to consider, in the upcoming process of revision of these regulations, the content of Article 13 of the Protocol of San Salvador, which establishes that everyone has the right to education and that it should enable all persons to participate effectively in a democratic and pluralistic society, achieve a decent livelihood, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and promote activities for the maintenance of peace.⁸⁰⁶
394. Regarding access to sexual education with a gender approach, REDESCA is concerned about the report published by Human Rights Watch, which analyzes 217 bills introduced and laws passed between 2014 and 2022 that aim to directly or indirectly prohibit, or even criminalize, education on gender and sexuality. In this regard, the study refers to a systematic plan aimed at discrediting education on gender, inequality, sexual and reproductive rights and exposes several cases of teachers who suffered threats, pressure,

⁸⁰² Ministério da Educação, Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, Censo Escolar 2021, July 8, 2022.

⁸⁰³ World Bank, "World Bank to support Education Recovery Strategy in Brazil", May 12, 2022.

⁸⁰⁴ Ministério da Educação, Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, Notas Estatísticas.

⁸⁰⁵ Todos Pela Educação, NÚMERO DE CRIANÇAS NÃO ALFABETIZADAS, NA PERCEPÇÃO DOS RESPONSÁVEIS. CRESCER 66% ENTRE 2019 E 2021, February 8, 2022.

⁸⁰⁶ Assembly of the Organization of American States. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights. San Salvador, El Salvador, November 17, 1988.

harassment and have even been denounced for addressing the issue in the classroom⁸⁰⁷. The Special Rapporteur recalls that the right to education is considered the epitome of the indivisibility and interdependence of all human rights, serving as a catalyst to generate a critical and participatory citizenship. In the same vein, it emphasizes that the academic freedom of teachers and students is a fundamental pillar for strengthening democratic structures and avoiding pressures or interventions of a political nature.⁸⁰⁸

395. Regarding the guarantee of cultural rights, REDESCA follows with concern the challenges faced by the population for their exercise, including what civil society organizations described as a serious, systematic, and structural picture of violations of rights to culture and its access, which was accentuated from 2019, under a phenomenon characterized by the choice of culture as the enemy of the State and by the ideological indoctrination of its institutions⁸⁰⁹. In particular, REDESCA regrets the information that would record at least 269 cases of censorship and dismantling of institutions dedicated to the protection of national culture and authoritarianism by the State against the artistic sector between the years 2019 and 2022.⁸¹⁰ According to the Brazilian Integrated Movement for Artistic Freedom of Expression (MOBILE), this is a pattern of behavior that has been escalating in the country and that would not be a "classic" censorship practice but rather it is necessary to take it as an authoritarian and targeted offensive against the arts and Brazilian culture as a whole, with conservative moral and religious biases⁸¹¹. The organization reports that among the main victims are artists and cultural agents who maintain an explicit political position and/or who introduce in their artistic manifestations aesthetic postures and identity contents, as in works related to sexual orientation, gender and race.
396. On the other hand, REDESCA takes careful note of the challenges faced by the population in the exercise of cultural rights, including what they described as the "total destruction of culture" through the weakening of cultural financing plans⁸¹². In this regard, the Rapporteurship welcomes the decision of the National Congress to finally approve the new Aldir Blanc bill⁸¹³ and the Paulo Gustavo bill⁸¹⁴, after the vetoes made by the Executive Branch⁸¹⁵. Both initiatives were established to encourage culture, mitigate the effects of the pandemic, and ensure emergency actions within the sector.
397. The Special Rapporteurship takes note of an action filed before the Federal Supreme Court (STF) by teachers and health professionals who denounced the instrumentalization of the "Disque 100" line by the federal government for political persecution and as a surveillance policy, requesting urgent measures to the Judiciary⁸¹⁶. Originally, Disque 100 was used as a denunciation tool created by the Ministry of Women, Family and Human Rights to support victims of domestic and family violence. However, during 2022 the government authorized the use of the hotline as a channel for complaints against the COVID-19 immunization process through a technical note from the Ministry of Women, Family and Human Rights, which understood that the requirement to present a vaccination certificate could result in a violation of human and fundamental rights.

⁸⁰⁷ Human Rights Watch, "I Became Scared, This Was Their Goal": Efforts to Ban Gender and Sexuality Education in Brazil, May 12, 2022.

⁸⁰⁸ IACHR - REDESCA Compendium DESCA: Inter-American Standards, December 31, 2021.

⁸⁰⁹ IACHR, 182nd Period of Sessions, Situation of cultural rights and freedom of expression in Brazil, December 13, 2021.

⁸¹⁰ Information provided by the Brazilian Integrated Movement for the Freedom of Artistic Expression (MOBILE). Available at: <https://movimentomobile.org.br/>. November 2022.

⁸¹¹ Ibid.

⁸¹² REDESCA, Minutes of meeting held with Brazilian civil society organizations, March 17, 2022.

⁸¹³ Agência Senado, Após Congresso derrubar veto, Lei Aldir Blanc 2 é promulgada, July 11, 2022.

⁸¹⁴ Agência Senado, Promulgada Lei Paulo Gustavo, para ações emergências à cultura, July 11, 2022.

⁸¹⁵ CNN Brazil, Congresso derruba vetos de Bolsonaro a leis de fomento ao setor cultural July 5, 2022.

⁸¹⁶ Uol, Governo é denunciado no STF por usar Disque 100 para perseguição política, 9 de febrero de 2022.

398. Finally, it was reported that the former Minister of Education was accused of corruption following the dissemination of recordings in the Brazilian press⁸¹⁷ where he claims to have prioritized the release of resources earmarked for education in favor of two influential evangelical pastors. Taking into consideration these reported cases, REDESCA recalls that the State has a reinforced duty to apply inter-American standards on transparency, access to public information and the fight against corruption⁸¹⁸.

G. Human Mobility and DESCA

399. Regarding human mobility, REDESCA notes that Brazil welcomed 1.3 million immigrants, registering an increase of 24.4% between 2010 and 2020, with one of the largest immigration flows corresponding to Venezuelan, Haitian, Bolivian, Colombian and U.S. nationals⁸¹⁹. Regarding the increase in migration of Venezuelan nationals in the region, the role played by Brazil in leading the VIII Joint Declaration of the Quito Process, a mechanism that seeks to find regional solutions for refugees and migrants from Venezuela⁸²⁰, as well as the efforts to renew the partnership between the Ministry of Citizenship and UNHCR in favor of Venezuelan nationals in a situation of human mobility⁸²¹. It is also noted that "Operation Acolhida", which allows the relocation of refugees and migrants from Venezuela, has surpassed the total of 84,460 Venezuelan people relocated in 887 Brazilian municipalities, with 18,206 relocations in 2022 alone. However, REDESCA has had access to public information that reveals failures in the reception program and in the corresponding controls, finding workers who continue to work under exploitative conditions⁸²².

400. On the other hand, the Office of the Special Rapporteur notes that, although there is an increase in access to employment and income, as migrants have taken up more jobs in the Brazilian market, from 62,423 in 2011 to 181,358 in 2020⁸²³, there are still marked differences between Venezuelan men and women, as the participation of men in socioeconomic reintegration is 96%, while for women it is 76%⁸²⁴. Notwithstanding this, REDESCA recalls that people in a situation of human mobility are more vulnerable to violations of their ESCER. For example, regarding the enjoyment and exercise of the labor rights of migrant workers, REDESCA has learned of a case where Paraguayan immigrants were kept in conditions analogous to slavery or labor exploitation, with low wages, for long hours, in overcrowded conditions, without ventilation and without being allowed to leave the workplace⁸²⁵.

401. Regarding the health conditions of migrants and asylum seekers, this Office of the Special Rapporteur is concerned about the data collected by Médecins Sans Frontières, which states that 69% of migrants who are treated at the border between Brazil and Venezuela have some symptoms compatible with the deterioration of their mental health, such as symptoms of depression, anxiety, and acute stress.⁸²⁶ The report also reveals that the health and sanitation system in the border cities is extremely precarious and

⁸¹⁷ Folha de S.Paulo, Ministro da Educação diz priorizar amigos de pastor a pedido de Bolsonaro; ouça áudio, March 21, 2022.

⁸¹⁸ IACHR, Resolution 1/18: Corruption and HRDs, March 16, 2018.

⁸¹⁹ Agência Brasil, "Number of new immigrants grows 24.4% in Brazil in ten years," December 7, 2021.

⁸²⁰ UN News, "Brazil leads search for regional solutions for Venezuelan refugees and migrants," July 2, 2022.

⁸²¹ UNHCR, "Brazil: UNHCR and Ministry of Citizenship renew partnership for Venezuelan refugees and migrants," January 26, 2022.

⁸²² Thomson Reuters Foundation News. Brazil jobs program puts migrants at risk of abuse, official warns July 6, 2022

⁸²³ Ibid.

⁸²⁴ CNN, Mulheres refugiadas têm maior dificuldade de inserção no mercado de trabalho, diz ONU, August 12, 2022.

⁸²⁵ G1, Paraguayans rescued in a situation analogous to slavery will be flown home on July 9, 2022.

⁸²⁶ Médecins Sans Frontières, Brazil: 69% of Venezuelan migrants we treat in Roraima present symptoms of depression, anxiety and acute stress, January 21, 2022.

makes it impossible to provide adequate health services, in addition to the different language barriers that prevent migrants from understanding how the local health system works.

402. In the same vein, the Office of the Special Rapporteur welcomes the creation of the Observatory on Violence against Migrants and Refugees through the National Committee for Refugees (CONARE), which aims to monitor complaints and procedures that affect them, as well as the articulation of public policies on the matter.⁸²⁷

⁸²⁷ Brazil Agency, Committee to oversee cases of violence against immigrants and refugees, February 07, 2022.

8) CANADA

403. With respect to Canada, REDESCA notes that the country has not been immune to the effects of the unstable global economic situation. Thus, June saw a record inflation rate of 8.13%, the highest in 40 years. As of September, the rate has dropped to 6.86%, which represents an increase of 2.2 points compared to the previous year at the same date⁸²⁸.
404. REDESCA notes that the Prime Minister, in his speech on Poverty Eradication Day, highlighted the government's efforts to help mitigate the effects of the rising cost of living in Canada by improving benefits for workers, increasing pensions for seniors, and providing housing subsidies. The Special Rapporteur also welcomes the Early Learning and Child Care programs, which seek to emphasize the importance of caregiving in order to facilitate the integration of women into the labor market⁸²⁹.
405. For its part, the Office of the Special Rapporteur takes note of the data provided by the 2022 Report of the National Advisory Council on Poverty, which highlights the decrease in the rate of people living below the poverty line in Canada, reaching 6.4% of the population in 2020. It is worth mentioning that, according to the Report, poverty affects people belonging to First Nations, immigrants, and racialized communities to a greater extent⁸³⁰. Notwithstanding this, it is important to consider that the figures were affected by a context of exceptional state contributions granted in response to the Pandemic⁸³¹.
406. The Special Rapporteur is concerned about the housing shortage in Canada, which has led to a rise in real estate prices, preventing many inhabitants from having access to housing⁸³². This phenomenon most severely affects indigenous populations⁸³³, women and children and adolescents⁸³⁴. Similarly, the Office of the Special Rapporteur is concerned about the growing number of deaths of homeless people, which has increased by 75% in the last year⁸³⁵. According to public information, in the city of Toronto, an average of 4.2 deaths per week were recorded in this group in 2022⁸³⁶. In this regard, REDESCA recalls that the shortage of housing consequently affects the rights to access to health, education, drinking water and other basic services, which is why access to decent housing is fundamental and decisive for the enjoyment of human rights⁸³⁷.

A. Right to Health and its Social Determinants

407. REDESCA has been monitoring the situation of the COVID-19 pandemic in Canada. In this regard, it should be noted that, as of November 4, 2022, a total of 4,384,773 confirmed cases and 46,931 deaths were reported⁸³⁸. On the other hand, the Rapporteurship takes note of the vaccination situation in the country, since as of the same date, 93,188,108 doses of vaccines against the virus have been administered, which

⁸²⁸ Statistics Canada, "[Canadian Economic Dashboard and COVID-19](#)," October 13, 2022.

⁸²⁹ Prime Minister of Canada, "[Statement by the Prime Minister on the International Day for the Eradication of Poverty](#)," October 17, 2022.

⁸³⁰ Government of Canada, "[Transforming our Systems: the 2022 Report of the National Advisory Council on Poverty](#)," October 17, 2022.

⁸³¹ Government of Canada, "[Government of Canada releases 2022 Annual Report from the National Advisory Council on Poverty](#)," October 17, 2022.

⁸³² CBC News, "[Average house price hit record \\$748,450 in January - up 21% in past year](#)," February 15, 2022.

⁸³³ CBC News, "[A colossal humanitarian failure': MPs hear about impacts of northern housing shortage](#)," March 23, 2022.

⁸³⁴ The Star, "[Homelessness in Canada is a human rights crisis](#)," September 12, 2022.

⁸³⁵ CTV News, "[Deaths of people suffering homelessness in B.C. rose by 75% in 2021](#)," Oct. 12, 2022.

⁸³⁶ CBC News, "[More than 200 unhoused people died in Toronto last year, city data shows](#)," April 9, 2022.

⁸³⁷ IACHR - REDESCA, [Poverty and Human Rights](#), September 7, 2019, para. 209.

⁸³⁸ Macro data, Canada - COVID-19 - Coronavirus Crisis November 4, 2022

means that 82.79% of the population is fully vaccinated⁸³⁹. It is worth mentioning that, of this total, 88% of the population over 12 years of age is fully vaccinated, while the number of fully immunized children between 5 and 11 years of age amounts to 41.6%⁸⁴⁰.

408. REDESCA has learned that the country has approved for use the Moderna, Pfizer, AstraZeneca, Janssen, and, recently, Novavax and Medicigo vaccines for inoculation of persons over 18 years of age⁸⁴¹. The Rapporteurship also notes, with respect to the National Immunization Plan, that the government has made available to its inhabitants booster doses and bivalent doses, aimed at combating the new variants of COVID-19⁸⁴². On the other hand, REDESCA commends Canada for the steps it has taken to promote pandemic response assistance around the world, having committed \$840 million to COVAX to procure and distribute vaccines to countries in need, and invested \$315 million to support vaccine research, development and production⁸⁴³. Such actions would be in line with Resolution 1/2021, which calls on States to coordinate effective regional actions based on a human rights approach and focused on international solidarity, with regard to the process of immunization against COVID-19⁸⁴⁴, and the Special Rapporteur welcomes such cooperative efforts by Canada and encourages it to deepen them.
409. The Special Rapporteur has noted that the COVID-19 pandemic has led to a significant decline in the life expectancy of the people of Canada. In 2020, life expectancy was 81.7 years, down 0.6 years from 82.3 years in 2019. This would be the steepest decline since national vital statistics began to be compiled in Canada in 1921⁸⁴⁵.
410. On the other hand, according to a study published in the Journal of the Canadian Medical Association (CMAJ)⁸⁴⁶, REDESCA is concerned that low-income communities, immigrants, and essential workers have been the hardest hit by the pandemic, both in terms of infections and its economic effects⁸⁴⁷. In the same vein, REDESCA takes note of the high contagions that have been recorded among the Eabamentoong, Pikangikum and Mishkeegogamang First Nations⁸⁴⁸. In this context, REDESCA recalls that, in accordance with IACHR Resolution 1/2020, States must adopt measures to combat the pandemic, States must adopt measures to combat the pandemic based on human rights and their principles of universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, gender perspective, diversity and intersectionality, and inclusion⁸⁴⁹.
411. The Office of the Special Rapporteur has also been made aware of changes in relation to restrictions and requirements imposed due to the COVID-19 pandemic. It is worth noting that in October, all restrictions for travelers entering Canada were lifted.⁸⁵⁰ Ontario has also eliminated the requirement to prove

⁸³⁹ Macro data, Canada - COVID-19 - Vaccines Administered November 4, 2022.

⁸⁴⁰ Government of Canada, Vaccines for COVID-19, October 20, 2022.

⁸⁴¹ Government of Canada, Approved COVID-19 Vaccines, August 5, 2022.

⁸⁴² Government of Canada, "Vaccines for COVID-19: How to get vaccinated.", October 20, 2022.

⁸⁴³ Government of Canada, "Canada's COVID-19 vaccine supply and donation strategy," November 3, 2022.

⁸⁴⁴ IACHR - REDESCA, Resolution 1/2021: COVID-19 Vaccines in the Framework of Inter-American Human Rights Obligations, April 6, 2021, para. 33. April 6, 2021, para. 33.

⁸⁴⁵ CTV News, "COVID-19 contributed to largest single-year decline of life expectancy in Canada: StatCan," January 24, 2022.

⁸⁴⁶ CMAJ Group Journal, Yiqing Xia, Huiting Ma, Gary Moloney, Hector A Velasquez Garcia, Monica Sirski, Naveed Z Janjua, David Vickers, Tyler Williamson, Alan Katz, Kristy Yiu, Rafal Kustra, David L Buckeridge, Marc Brisson, Stefan D Baral, Sharmistha Mishra and Mathieu Maheu-Giroux - "Geographic concentration of SARS-CoV-2 cases by social determinants of health in metropolitan areas in Canada: a cross-sectional study" - CMAJ Group, February 14, 2022.

⁸⁴⁷ CBC News, "Communities with low incomes, immigrants, essential workers hardest hit by COVID-19: study," February 15, 2022.

⁸⁴⁹ IACHR - REDESCA, Resolution 1/2020, Pandemic and Human Rights in the Americas, October 4, 2020.

⁸⁵⁰ Government of Canada, "COVID-19: Canada's response", October 1, 2022.

vaccination through a certificate, due to the drop in active cases of infection. In the State of Manitoba, the vaccination certificate is no longer mandatory for health care workers, which has generated a series of questions since there are some 1,500 unvaccinated workers who will no longer be required to take antigen or PCR tests to attend to patients. Without prejudice to the relaxation of the measures, experts recommend the continued use of masks and the application of booster doses to the population since infections in Canada could increase again⁸⁵¹.

412. With respect to the health care system, REDESCA is concerned that, as a result of the COVID-19 pandemic, there has been a high occupancy of health care facilities, which has consequently caused patients to present for treatment when their illnesses are more advanced. In addition, the rapid aging of the Canadian population is increasing the demand for health care⁸⁵². In this regard, the analysis of health care outcomes in Canada, carried out by the Canadian Medical Association, highlights that, although health spending is high, access and care figures lag behind other OECD countries, and that reforms and innovation are needed to improve the system⁸⁵³.
413. In line with the above, REDESCA is concerned about reports on the levels of burnout, absenteeism, and turnover of health personnel, which in turn affects patients, who experience long waits for surgery, causing closures of emergency services and difficulties in accessing family health services⁸⁵⁴. The Special Rapporteur takes note of the Canadian government's efforts to reverse the situation, particularly through the creation of the Action Coalition for Health Workers, a body that is working to provide answers to the problems of health workers, increase their supply and define the roles and responsibilities of the authorities in the face of the crisis, together with the funding to be allocated⁸⁵⁵. Likewise, note is taken of the monetary assistance of 2 billion dollars provided by the national government to the provinces and territories so that they can resume and carry out different procedures, treatments, and "elective" surgeries, given that hundreds of them were cancelled and/or suspended as a consequence of the pandemic.⁸⁵⁶
414. In addition, REDESCA closely monitored the protests carried out by truckers working on the Canada-US border, which have reportedly caused chaos in Ottawa since they began in late January⁸⁵⁷. According to the information gathered, the protests led to the declaration of a state of emergency in Ottawa⁸⁵⁸ given the difficult control of the protests by the authorities over the course of the days. In fact, the protests ended up spreading to other border crossings between Canada and the United States. In this regard, REDESCA is concerned about the possible effects that the truckers' protest and its modalities may have on the enjoyment of the right to health, given the current pandemic context.
415. The Office of the Special Rapporteur is concerned about the emergency powers invoked by the Canadian Prime Minister⁸⁵⁹, and is particularly concerned about their scope and their possible impact on various ESC rights, given that the government has announced that it will freeze the bank accounts of truck drivers who continue with the anti-vaccine protests.⁸⁶⁰ Federal authorities plan to imminently bring the emergency declaration to Parliament,⁸⁶¹ in order to be discussed and approved. With the emergency law

⁸⁵¹ Global News, "[6th COVID-19 wave: Experts urge masking, boosters to tackle latest surge](#)", April 4, 2022.

⁸⁵² Canadian Medical Association, "Measures to Address Health System Challenges." September 2022.

⁸⁵³ Canadian Medical Association, "Measures to Address Health System Challenges." September 2022.

⁸⁵⁴ Newswire, "[Health Canada announces Coalition for Action for Health Workers](#)," November 1, 2022.

⁸⁵⁵ Government of Canada, "[Coalition for Action for Health Workers](#)".

⁸⁵⁶ CBC News, "[Feds announce another \\$2B to clear surgical backlogs, promise more money for future health transfers](#)," March 25, 2022.

⁸⁵⁷ St Lucia Times, "[Truckers Cause Chaos In Ottawa After Second Day Of Protests](#)", January 31, 2022.

⁸⁵⁸ The Guardian, "[Ottawa declares state of emergency as Canada trucker protest gridlocks city](#)", February 7, 2022.

⁸⁵⁹ DW, "[Trudeau invokes emergency powers to control protests in Canada](#)," Feb. 14, 2022.

⁸⁶⁰ Business Insider, "[Canada says it will freeze the bank accounts of 'Freedom Convoy' truckers who continue their anti-vaccine mandate blockades](#)," February 15, 2022.

⁸⁶¹ CTV News, "[Feds bringing emergency declaration to Parliament 'imminently'](#)", February 15, 2022.

having passed through Parliament⁸⁶², several business owners expressed relief at being able to reopen their doors⁸⁶³, and the Prime Minister proceeded to revoke the emergency powers⁸⁶⁴, on the grounds that the end of the blockades.

416. REDESCA is concerned about the situation of Canada's mental health care system, given that it was already at a point of fragility before the pandemic, and the mental health of the population has been impacted since the beginning of the pandemic, putting even more pressure on the system. In this regard, the Office of the Special Rapporteur notes that 54% of people reported having suffered deterioration in their mental health, with women being the most affected⁸⁶⁵. REDESCA notes the efforts of the Canadian authorities to treat those suffering from anxiety or depression through the provision of resources⁸⁶⁶, and the "Wellness Together Canada" Program, which provides free and personalized access to direct counseling, community support and virtual resources⁸⁶⁷.
417. On the other hand, REDESCA expresses its concern for those terminal cancer patients who have been denied access to therapeutic treatment of their illness with "psilocybin", a compound found in certain mushrooms, to which they previously had access before the modification of health regulations in Canada⁸⁶⁸. Also of concern is the reappearance of syphilis in the country, with high rates of infection, particularly in the province of Saskatchewan.⁸⁶⁹
418. REDESCA takes note of the broad challenges to guarantee the right to health in the country, particularly in the face of a possible shortage of health personnel. In this context, REDESCA welcomes the efforts being made to close the gaps that exist in this area and also to guarantee full access to health for all people. In the same sense, it encourages comprehensive responses that allow the guarantee of all the rights involved in the face of social protests typical of health situations, such as those that broke out against the measures imposed by the COVID 19 pandemic.
419. To this end, REDESCA urges the State to ratify all human rights treaties of the Inter-American system to which it is not yet a party, especially the American Convention and the Protocol of San Salvador. These instruments are tools of undeniable value for the better recognition and protection of all human rights in contexts of health crisis. The Office of the Special Rapporteur is at the disposal of the State to provide technical assistance in this direction, as well as to ensure that, in the area of the right to health, public policies respond to the best standards of the inter-American human rights system.

B. Climate Emergency and Human Right to Water

420. In the area of Climate Emergency and the Human Right to Water, the Special Rapporteur takes note of the hundreds of forest fires that have affected Canada this year, damaging approximately 1.5 million hectares, according to official data⁸⁷⁰; and reportedly causing the evacuation of 2,000 members of the Manitoba First Nation during the month of July.⁸⁷¹

⁸⁶² CBC News, "[Emergencies Act passes crucial House of Commons vote with NDP support](#)," Feb. 21, 2022.

⁸⁶³ CBC News, "[Downtown business owners relieved to reopen their doors Social Sharing](#)," February 22, 2022.

⁸⁶⁴ AP News, "[Trudeau revokes emergency powers after Canada blockades end](#)," February 23, 2022.

⁸⁶⁵ CBC News, "[2 years into the pandemic, Canada's mental-health system is at a crisis point](#)," March 11, 2022.

⁸⁶⁶ Prime Minister of Canada, "[Statement by the Prime Minister on World Mental Health Day](#)," October 10, 2022.

⁸⁶⁷ Wellness Together Canada, "[Wellness Together Canada: Mental Health and Substance Use Support](#)".

⁸⁶⁸ CBC News, "[Terminal cancer patient denied magic mushrooms after Health Canada rule change](#)", February 28,

2022.

⁸⁶⁹ National Post, "[Syphilis, the centuries-old sexually transmitted scourge, is surging in Canada](#)," March 23, 2022.

⁸⁷⁰ Natural Resources Canada, "[National Wildland Fire Situation Report](#)," September 14, 2022.

⁸⁷¹ Global News, "[Manitoba First Nations almost entirely evacuated due to wildfire](#)," July 17, 2022.

421. At the same time, REDESCA has learned that Hurricane Fiona hit the Atlantic coasts of Canada during the month of September, causing flooding, landslides, utility outages and damage to coastal infrastructure⁸⁷². In this regard, the Rapporteurship welcomes the actions taken by the federal government to facilitate the evacuation and provide rapid attention to all those affected by the disaster, reducing the prolonged consequences of the storm, and avoiding great material and human losses⁸⁷³.
422. REDESCA has been able to observe, in certain cities of the State, the progressive abandonment of houses that will be destroyed by climate change. In this sense, local governments would be buying properties and preventively displacing citizens to areas where climate change does not have such a drastic impact⁸⁷⁴. In this regard, REDESCA recalls that, in accordance with Resolution 3/2021, States must guarantee, to the fullest extent possible, access to human rights for people who move for reasons directly or indirectly associated with climate change⁸⁷⁵.
423. In this regard, REDESCA takes note of the wide range of regulations that the State has in place to address the climate emergency situation from different approaches. In this sense, the Canadian Zero Emissions Accountability Act contains the regulatory framework that guides the State to reach its goal of being a zero-emitting State by 2050. In particular, REDESCA notes that the State's NDCs are expected to be 40 to 45% less than those proposed in the Paris Agreement. It also requires the Ministry of Environment and Climate Change to plan its emission reduction targets at least 10 years in advance.⁸⁷⁶
424. Additionally, REDESCA welcomes the implementation of Gender-Based Analysis Plus (GBA Plus), which serves as a government-wide analytical framework that is applied to various policy and decision-making processes, including those related to climate change adaptation and mitigation, to better understand how different people experience policies, programs, and initiatives. In this regard, it is noted that the framework applies an intersectional approach to decision-making and policy to identify, address and mitigate differential impacts based on different social identity factors, such as ethnicity, age, income level, mental or physical ability, socioeconomic status, geography, and educational level.⁸⁷⁷
425. Similarly, in order to continue to reduce the differentiated impact of the climate emergency, REDESCA notes that through the 2030 Emissions Reduction Plan, the Government of Canada committed to \$29.6 million to co-develop and implement a climate action partnership model that leverages Indigenous-led climate action; with the goal of leveraging the transition to a net-zero economy, which in turn supports efforts towards self-determination and mitigation of socio-economic inequalities; and supports the expression of Indigenous knowledge systems in national climate policy.⁸⁷⁸
426. In this regard, it is noted that, through the Low Carbon Economy Fund, a \$180 million Indigenous Leadership Fund will be established to support clean energy and energy efficiency projects led by First Nations, Inuit and Métis communities and organizations.⁸⁷⁹
427. In addition, the Special Rapporteur is aware that the State announced the contribution of up to \$1 billion to the Climate Investment Fund's Accelerated Transition from Coal initiative (CIF-ACT) to help developing countries move to clean energy sources as quickly as possible, seeking to make a socially inclusive and

⁸⁷² Government of Canada, "Support for Canadians affected by Hurricane Fiona," September 28, 2022.

⁸⁷³ The Conversation, "[Fiona was one of Canada's worst natural disasters, but evacuations prevented greater losses in Atlantic Canada](#)," September 27, 2022.

⁸⁷⁴ CBC News, "[Cities are abandoning homes that will be destroyed by climate change](#)," February 24, 2022.

⁸⁷⁵ IACHR - REDESCA, Resolution 3/2021: Climate Emergency: Scope and Inter-American Human Rights Obligations, December 31, 2021, para. 20.

⁸⁷⁶ Government of Canada, Response to REDESCA Letter 18 request, September 20, 2022.

⁸⁷⁷ Government of Canada, Response to REDESCA Letter 18 request, September 20, 2022.

⁸⁷⁸ Government of Canada, Response to REDESCA Letter 18 request, September 20, 2022.

⁸⁷⁹ Government of Canada, Response to REDESCA Letter 18 request, September 20, 2022.

gender-equitable transition. In addition, Canada announced a number of initiatives to support adaptation efforts in developing countries, including up to \$37.5 million for the Developing Countries Fund, up to \$10 million for the Adaptation Fund, and up to \$10 million for the Global Network of National Adaptation Plans (NAPs).⁸⁸⁰

428. On the other hand, the announcement made by the Quebec Minister of the Environment regarding the transfer of funds in the amount of 117 million dollars to the city of Montreal to collaborate in the fight against climate change, funds that will be used - among others - to increase the number of electric car charging stations, facilitate the purchase of cars by the population, and decarbonize municipal buildings.⁸⁸¹
429. REDESCA notes that, according to data revealed by the NGO Hot or Cool, Canada has one of the worst per capita carbon emissions rates in the world, reaching figures of 14.2 tons of CO₂ in 2019⁸⁸². Along these lines, REDESCA notes the Canadian government's efforts to lower the country's carbon emissions rates through the "2030 Emissions Reduction Plan: Clean Air, Strong Economy", which aims to serve as a guide to achieve the goal of reducing emissions to 40% below 2005 levels by 2030 and net zero emissions by 2050⁸⁸³. REDESCA also welcomes Canada's policies to promote the implementation of clean energy and fuels in the country. The Special Rapporteur is also closely following the project that seeks to ensure that the population can continue to enjoy a reliable and affordable electricity system.⁸⁸⁴
430. In line with the above, the Rapporteurship emphasizes the call in Resolution 3/2021 for States to adopt and implement policies aimed at reducing greenhouse gas emissions that reflect the highest possible ambition, promote resilience to climate change and ensure that public and private investments are consistent with low-carbon and climate-resilient development.⁸⁸⁵
431. Regarding access to the human right to water, REDESCA takes note of the Federal Court ruling requiring the government to take swift action to clean up contaminated drinking water on Indian reserves, adding vast financial compensation in favor of First Nations for the decades they have gone without access to safe drinking water.⁸⁸⁶

C. Business and Human Rights

432. A With regard to business activities and their impact on human rights, the Special Rapporteur notes the impact of the Net-Zero Emissions by 2050 Project on Canadian companies. Through this program, Canada seeks to have its companies develop cleaner ways of doing business, not only to reduce harmful emissions, but also to create more resilient and competitive business models in the 21st century economy⁸⁸⁷. Thus, more than 20 companies have committed to developing strategic plans to achieve the goal of eliminating carbon emissions by 2050.⁸⁸⁸
433. In this sense, REDESCA emphasizes that strategies against climate change and environmental damage should not be isolated, and that States should coordinate efforts to overcome the challenges posed by this

⁸⁸⁰ Government of Canada, Response to REDESCA Letter 18 request, September 20, 2022.

⁸⁸¹ Global News, "[Quebec to inject \\$117M to help Montreal fight climate change](#)", March 28, 2022.

⁸⁸² Hot or Cold, "[1.5-Degree Lifestyles: Towards a Fair Consumption Space for All](#)," October 8, 2022.

⁸⁸³ Government of Canada, "[2030 Emissions Reduction Plan: Clean Air, Strong Economy](#)," July 12, 2022.

⁸⁸⁴ Government of Canada, "[Clean Electricity Regulations](#)", July 26, 2022.

⁸⁸⁵ IACHR - REDESCA, Resolution 3/2021: Climate Emergency: Scope and Inter-American Human Rights Obligations, December 31, 2021, para. 1. December 31, 2021, para. 1.

⁸⁸⁶ New York Times, "[Canada to Pay Billions to Indigenous Groups for Tainted Drinking Water](#)," January 5, 2022.

⁸⁸⁷ Government of Canada, "[Launching the Net-Zero Challenge to recognize and support businesses transitioning to cleaner operations](#)", August 26, 2022.

⁸⁸⁸ Government of Canada, "[The Net-Zero Challenge](#)", November 10, 2022.

situation, including those related to business activity. Thus, any policy implemented in environmental matters must be carried out with a focus on rights and include the impacts and violations produced by companies, including financing and investment agents⁸⁸⁹.

434. On the other hand, the Office of the Special Rapporteur is concerned about the construction of gas pipelines in indigenous territories, which would not have the prior, free, and informed consent of the leaders of the Wet'suwet' community. Likewise, critics of the project accuse that the construction would be carried out under the Wedzin Kwa (Morice River), one of the last remaining clean sources of drinking water in the territory⁸⁹⁰. In the same vein, REDESCA notes reports that oil and gas companies in Canada are reportedly funding advertising campaigns to portray themselves as defenders of indigenous peoples in response to protests over projects on First Nations lands⁸⁹¹.

D. Labor and Union Rights

435. With regard to Canada, according to the information gathered, REDESCA notes that, according to Statistics Canada, as of October, the number of jobs has increased by 2.7% compared to last year⁸⁹², while the unemployment rate reached 5.2% in October⁸⁹³, showing a drop that has been stable throughout the year. It is also noteworthy that nearly 1.7 million Canadians hold hybrid work arrangements⁸⁹⁴.

436. On the other hand, REDESCA welcomes the legal reform made to the Canadian Labour Code, which came into force in December 2022, allowing workers to opt for 10 days of paid sick leave. This reform aims to protect workers and their families, ensuring that they do not have to choose between work and health⁸⁹⁵.

437. In the same vein, the State announced that, effective December 18, 2022, Employment Insurance (EI) sickness benefits were permanently extended from 15 to 26 weeks. In addition, to accommodate this change, on the same date, the maximum length of unpaid medical leave available to federally regulated private sector employees was also increased from 17 to 27 weeks under the Canada Labour Code.⁸⁹⁶

438. The Office of the Special Rapporteur also takes note of reports of a labor shortage currently affecting Canada, as well as the efforts being made to combat this crisis. Thus, immigration policies have been expanded with the aim of attracting new talent to the national territory. Along the same lines, the requirements for international students to take up jobs have been made more flexible, eliminating the requirement of a maximum of 20 hours.⁸⁹⁷

⁸⁸⁹ IACHR - REDESCA, Business and Human Rights Report: Inter-American Standards November 1, 2019, paras. 244 and 246.

⁸⁹⁰ Amnesty International, Canada: Construction of pipeline on Indigenous territory endangers land defenders October 3, 2022.

⁸⁹¹ The Guardian, Canadian pipeline groups spend big to pose as Indigenous champions, March 10, 2022.

⁸⁹² Statistics Canada, "Chart 1: Employment up in October," November 4, 2022.

⁸⁹³ Statistics Canada, "Chart 3: Unemployment rate unchanged in October," November 4, 2022.

⁸⁹⁴ Statistics Canada, "Labour Force Survey: October 2022," November 4, 2022.

⁸⁹⁵ Government of Canada, "Amendments to the Canada Labour Code to provide ten days of paid sick leave," July 15, 2022.

⁸⁹⁶ Government of Canada, Government of Canada improves sickness benefits under the Employment Insurance system, November 25, 2022.

⁸⁹⁷ Government of Canada, "New measures to address Canada's labour shortage", April 22, 2022.

E. Fiscal and Economic Policies

439. With regard to fiscal policies, REDESCA notes that Canada's Budget Plan 2022 has as its main objective to grow the economy and make life more affordable for its inhabitants. In this regard, the Special Rapporteur welcomes the magnitude of the emergency economic effort by the Canadian authorities to recover pre-pandemic levels. It particularly notes that employment levels have been restored, creating nearly 340,000 new jobs, a 112% improvement over February 2020⁸⁹⁸.
440. However, REDESCA is concerned about the effects of the economic uncertainty caused by the global recession resulting from the pandemic, which affects price increases in trade, the tightening of financial conditions and the fragility of confidence in the economy on the part of the country's inhabitants and businesses. The Rapporteurship notes that annual inflation is reported to have reached 5.7%, the highest rate since August 1991⁸⁹⁹. It also takes note of the increase in the interest rate by the Bank of Canada, which was raised to 1%, the highest figure in more than 20 years⁹⁰⁰.
441. The Special Rapporteur has noted that the Canadian budget for 2022 places special emphasis on making housing more accessible to the population, reversing the problem of housing shortages caused by high real estate prices. The average house has reached, in January 2022, a price of almost 750,000 Canadian dollars, 21% higher than last year⁹⁰¹. The strategy includes the construction of new homes, repair of units and financial assistance for families to finance access to a home of their own. It is also welcomed that the budget provides more facilities for low-carbon construction and promotes energy efficiency⁹⁰².
442. REDESCA highlights that the *Budget 2022* plan considers investments in Environment and Climate Emergency, recognizing its urgency and the need to address it. In this regard, the budget presents measures to facilitate the adoption of clean technologies by Canadian residents and businesses. Among the measures in this area, access to electric vehicles and their charging centers has been facilitated, and the energy transformation has been pursued, with the goal of eliminating coal-fired power by 2030. Along the same lines, the budget allocates resources for the protection of lands, forests, lakes, and oceans⁹⁰³.
443. On the other hand, the Office of the Special Rapporteur has been able to observe the progress of policies on early learning and child care systems, which has helped to boost economic growth and increase the participation rates of women in the labor force. In this regard, the 2022 Plan strengthens measures in this area, allocating a total of \$625 million over four years to the Employment and Social Development Canada program for an Early Learning and Child Care Infrastructure Fund⁹⁰⁴. In health, the budget provides for strengthening the system to combat the backlog and collapse of services experienced during the COVID-19 pandemic. Funds have also been earmarked for scientific research, mental health supports and access to the public health system.⁹⁰⁵

⁸⁹⁸ Government of Canada, "[Budget 2022: Economic Context](#)," April 7, 2022.

⁸⁹⁹ CBC News, "[Canada's inflation rate now at 30-year high of 5.7%](#)", March 16, 2022.

⁹⁰⁰ CTV News, "[Bank of Canada raises key rate to 1 per cent and warns further hikes still to come](#)," April 13, 2022.

⁹⁰¹ CBC News, "[Average house price hit record \\$748,450 in January - up 21% in past year](#)", February 15, 2022.

⁹⁰² Government of Canada, "[Budget 2022: Making Housing More Affordable](#)," 7 Apr

⁹⁰³ Government of Canada, "[Busget 2022: Clean Air and Strong Economy](#)," April 7, 2022.

⁹⁰⁴ Government of Canada, "[Budget 2022: Crating Good Middle Class Jobs](#)," April 7, 2022.

⁹⁰⁵ Government of Canada, "[Budget 2022: Strong Public Health Care](#)," April 7, 2022.

F. Education, science, technology: academic freedom and university autonomy

444. This Office of the Special Rapporteur takes note of the Ontario government's initiative to implement a new school curriculum for students from grades one to eight, which would have a more modern and up-to-date approach based on computer design, engineering, and coding⁹⁰⁶.
445. REDESCA has become aware of an increase in the number of reports of sexual abuse committed in a school context. According to a study published by the Canadian Centre for Child Protection, 548 alleged victims reported offenses, while 252 staff members have been accused of committing such crimes. In this regard, REDESCA is concerned that the admission, investigation, and discipline of school personnel lacks independent and transparent oversight⁹⁰⁷.
446. On the other hand, the Rapporteurship takes note of the paralysis of schools in Ontario due to the strike of 55,000 education workers, who are demanding the allocation of more resources to improve salaries and the number of frontline staff in schools, leaving nearly 247,000 students without classes⁹⁰⁸. In this regard, REDESCA recalls that the Inter-American Court of Human Rights has indicated that States have the duty to regulate and supervise services of public interest, such as education, regardless of their public or private nature, in order to prevent human rights violations⁹⁰⁹.

G. Human Mobility and ESCER

447. REDESCA takes note, in terms of Human Mobility and DESCA, that during 2022 the provinces of British Columbia⁹¹⁰ and Nova Scotia⁹¹¹ have ended immigration incarceration policies. This, thanks to the report by Human Rights Watch and Amnesty International⁹¹², which denounced that Canada has held more than 300 immigrants in detention, even in maximum security facilities, for months or years, with little or no contact with the outside world. Notwithstanding this, the Rapporteurship is concerned that the policy continues in other provinces.
448. On the other hand, the Special Rapporteur notes that Canada has expanded its immigration policies, seeking to welcome 500,000 new inhabitants by 2025, to address the acute labour shortage facing the country⁹¹³. The Immigration Tier Plan allows for granting permanent resident status to essential workers and international students already in Canada.⁹¹⁴ In the same vein, international students in the country are no longer limited to working a maximum of 20 hours per week, increasing the availability of workers to sustain the country's growth⁹¹⁵.

⁹⁰⁶ CBC News, "[Ontario unveils new science curriculum for students in Grades 1 to 8](#)," March 8, 2022.

⁹⁰⁷ Canadian Centre for Child Protection, "Child Sexual Abuse and Victimization by K-12 School Personnel in Canada," November 2, 2022.

⁹⁰⁸ Reuters, "[Ontario schools shut as some 55,000 education workers strike in Canada](#)".

⁹⁰⁹ IACHR - REDESCA, [Labor and Trade Union Rights: Inter-American Standards](#), October 30, 2020.

⁹¹⁰ Human Rights Watch, "[Canada: British Columbia to End Immigration Detention in Jails](#)," July 21, 2022.

⁹¹¹ Human Rights Watch, "[Canada: Nova Scotia To End Immigration Detention in Jails](#)," September 21, 2022.

⁹¹² Human Rights Watch, "[Canada: Jailing Immigration Detainees Infringes on Rights](#)," April 4, 2022.

⁹¹³ Reuters, "[Canada plans record immigration targets amid labor crunch](#)," November 1, 2022.

⁹¹⁴ Government of Canada, "[Budget 2022: Good Middle Class Jobs](#)," April 7, 2022.

⁹¹⁵ Newswire, "[International students to help address Canada's labor shortage](#)," October 7, 2022.

449. In addition, REDESCA has learned that Immigration, Refugees and Citizenship Canada (IRCC) has expanded family reunification policies, accepting up to 15,000 full applications for sponsorship under the Parent and Grandparent Program.⁹¹⁶
450. The DESCA Special Rapporteur notes the exodus of tens of thousands of residents of Toronto and Montreal to smaller cities and rural areas, due not only to the COVID-19 pandemic, but also to the large increase in remote work that has occurred as a corollary to it. A consequence of this mobilization has been price increases in the suburbs and small cities, with house prices in Canada rising by 34%.⁹¹⁷
451. With respect to migration as an effect of climate change, REDESCA has received information about the request made by the Canadian Climate Action Network (CAN-Rac) that seeks the regularization of people who must move due to the impact of the climate emergency. Currently, people who immigrate due to these factors must do so as students or international workers, but the initiative promotes the granting of protected status to climate migrants. This status is intended for people who do not qualify as refugees, but who face a significant risk if they return to their country of origin.⁹¹⁸

⁹¹⁶ Newswire, "[Reuniting families across the country.](#)" October 11, 2022.

⁹¹⁷ The St Kitts Nevis Observer, "[So Long Toronto: COVID-19 Pandemic Hastens Canada's Urban Exodus.](#)" January 14, 2022.

⁹¹⁸ National Observer, "[As the planet warms, people are moving. Will Canada welcome them?](#)", August 25, 2022.

9) CHILE

452. REDESCA salutes the Republic of Chile for the ratification of the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights and the effective commitment of the State to guarantee and enforce the ESCER that this act represents⁹¹⁹.
453. In relation to the situation of the ESCER in Chile, the Special Rapporteur notes that in the year 2020, the Ministry of Social Development and Family carried out the last poverty measurement, which revealed that 10.8% of the population lived below the poverty line and 4.3% lived in extreme poverty, increased by the health crisis unleashed by the pandemic and its economic effects⁹²⁰. However, national media have reported that by 2022 the poverty line would have risen by 24% since the last official measurement, mainly linked to the high inflationary⁹²¹ level. In this regard, the annual variation rate of the CPI (Consumer Price Index) in November 2022 was 13.3%, 5 tenths higher than the previous month and the accumulated inflation in 2022 was 12.5%⁹²⁰. REDESCA also notes that rising inflation levels have had a particular impact on the price of transport and food, limiting access to the basic food basket for many Chilean families. In particular, the Food and Agriculture Organization of the United Nations (FAO) reported that between 2019 and 2021, moderate or severe food insecurity affected 3.3 million people in Chile⁹²¹. In view of this, the Special Rapporteur welcomes the initiative of the bill that aims to enable the State to implement a strategy to permanently guarantee the right to food, food and nutritional security of the population⁹²².
454. Also of concern are the challenges faced by the country to effectively combat the high levels of inequality that differentially affect people and groups historically discriminated against, such as women, people in rural areas, indigenous peoples or Afro-descendants. In this regard, according to the World Inequality Report 2022, the richest people concentrate almost half of the wealth of the territory (49.6%), which represents 16% of the national Gross Domestic Product (GDP)⁹²³.
455. In addition, REDESCA takes note of the serious housing situation faced by part of the Chilean population. This problem can be explained by the increasingly limited access to housing as a result of the increase in demand, as well as circumstantial factors such as the pandemic, the migratory crisis and the social outbreak⁹²⁴. In particular, at the beginning of 2022, there was a housing deficit of 650,000 housing units in the country, which has led many families to seek alternatives such as living with relatives or friends or in precarious settlements, as is the case of the camps⁹²⁵. On this point, according to the National Cadastre of Camps of the Ministry of Housing and Urbanism, in October 2022 there were 1,091 camps nationwide housing 71,961 families, the highest figure recorded in 25 years. In turn, the Rapporteurship notes that those living in informal camps do so in extremely precarious conditions: overcrowding; lack of electricity connection; lack of access to the drinking water network or lack of connection to sanitation⁹²⁶. Along the same lines, the Office of the Special Rapporteur observes how the lack of housing has a differential effect on certain vulnerable groups, such as migrants, who account for 40% of the total population living in

⁹¹⁹ Ministry of Foreign Affairs, Chile deposits with the OAS the ratification of the Protocol of San Salvador, July 28, 2022.

⁹²⁰ Datosmacro, "IPC de Chile" 8, November 2022.

⁹²¹ FAO, IFAD, WHO, WFP and UNICEF. Abridged version of The State of Food Security and Nutrition in the World 2022. Adapting food and agricultural policies to make healthy diets more affordable. Rome, FAO. 2022

⁹²² Chamber of Deputies and Deputies, Fija un marco de promoción para la seguridad y la soberanía alimentaria y nutricional, July 19, 2022.

⁹²³ World Inequality Report 2022, World Inequality Report Lab, 2022. Available at: https://wir2022.wid.world/www-site/uploads/2022/01/CountrySheets_WorldInequalityReport2022.pdf

⁹²⁴ BíoBío Chile, "La mayor cantidad de campamentos en 25 años: la cruda realidad del déficit habitacional en Chile", February 27, 2022.

⁹²⁵ IPS, Explosion of precarious settlements in Chile, one third inhabited by migrants, November 1, 2022.

⁹²⁶ Ibid.

campes; figures that increase drastically in the Regions of Tarapacá, Antofagasta, and the Metropolitan Region, where nearly 83% are concentrated⁹²⁷.

456. For all of the above reasons, REDESCA calls on the State to invest in public policies and budgets that guarantee the right to decent housing for all people, especially those in the most vulnerable situations, such as children, women and the migrant community.

A. Right to Health and its Social Determinants: Pandemic

457. Regarding the guarantee of the right to health, in the particular context of the COVID-19 pandemic, REDESCA notes that, since the notification of its first confirmed case in March 2020 to the month of December, the country had a total of 4,987,847 confirmed coronavirus cases and 62,905 deaths, being one of the countries in the region with the highest number of deaths per million inhabitants -3,274 in December 2022-⁹²⁸. It also warns that, during the first months of the year, as a consequence of the impact of the new Omicron variant, record numbers of infections were recorded since the beginning of the pandemic, reaching more than 38,000 confirmed cases per day⁹²⁹.

458. In relation to the actions taken by the Government to continue with the immunization process against SARS-COVID-19, Chile has been one of the countries with the highest vaccination rate against the coronavirus⁹³⁰. Regarding the number of doses applied, REDESCA notes that as of December, more than 62 million vaccines had been administered, with more than 17 million people fully vaccinated, representing 92% of the population⁹³¹. It is also noted that the Ministry of Health authorized the administration of booster doses and fourth vaccines for people over 18 years of age⁹³², these being mandatory for accessing the mobility pass⁹³³. Regarding children and adolescents, the Ministry of Health reported that as of December 2022, 89% of the population under 18 years of age had been vaccinated⁹³⁴. Likewise, REDESCA learned about the start of inoculation with bivalent vaccines from Pfizer and Moderna, which would imply a fifth booster dose, which incorporates in its formula the Wuhan and Omicron strains against COVID-19, making Chile the first country in Latin America to add this vaccine to its National Immunization Plan⁹³⁵.

459. In a context marked by a decrease in the level of COVID-19 infections and deaths, and following the gradual plan established for the reopening and elimination of quarantine measures, the government adopted sanitary relaxation measures through the "Step by Step" de-escalation plan⁹³⁶. Thus, the use of masks is no longer mandatory, except in health establishments⁹³⁷, although their use is recommended in other areas. Likewise, the requirement of the Mobility Pass has been discontinued, and the capacity limitations in open and closed places have been eliminated⁹³⁸, to mention some examples. As a result, REDESCA notes

⁹²⁷ MINVU, *Cadastro Campamentos 2022*, October 25, 2022.

⁹²⁸ Datosmacro, *Information accessed on December 20, 2022*.
<https://datosmacro.expansion.com/otros/coronavirus>.

⁹²⁹ La Tercera, *Chile breaks new Covid infection record, registering 38,446 cases today and February 2022 becomes the month with the most cases of the entire pandemic*, February 11, 2022.

⁹³⁰ Datosmacro, *COVID-19 - Vaccines administered*, November 15, 2022.

⁹³¹ Datosmacro, *information consulted on December 18, 2022*.

⁹³² CNN, *Free application of the fourth dose of vaccines begins in Chile*, February 7, 2022.

⁹³³ MINSAL, *"Vaccination Campaign SARS-CoV-2. Total País"*, October 27, 2022.

⁹³⁴ Ministry of Health of Chile, *Vaccination Campaign SARS-CoV-2. Population aged 3 to 17 years, information consulted on December 18, 2022*.

⁹³⁵ Tele13, *COVID-19: ISP approved bivalent Pfizer and Moderna vaccines*, Sept. 29, 2022

⁹³⁶ TeleSur, *Chile flexibiliza medidas sanitarias anti-Covid*, April 5, 2022.

⁹³⁷ Government of Chile, *As of October 1, masks are no longer mandatory: learn about the exception and all the doubts about the measure*, October 1, 2022

⁹³⁸ MINSAL, *New Step by Step Plan*, September 25, 2022.

that, after the relaxation of health measures, the level of positivity increased in different areas of the country⁹³⁹, so it is necessary that the State of Chile maintain the necessary containment measures to address and prevent the effects generated by the coronavirus, with special emphasis on its differentiated and intersectional impacts on the realization of the DESCAs for certain groups and populations in special situations of vulnerability. Likewise, the Office of the Special Rapporteur recalls the provisions of Resolution 1/2020, which indicates that States must adopt all necessary measures to protect the rights to life, health, and personal integrity of persons⁹⁴⁰.

460. Regarding the effects caused by the pandemic, publicly available information indicates that many people were unable to access specific treatments for chronic or non-communicable diseases. In this regard, it has been reported that there has been a 47% decrease in cases of chronic diseases in the course of a year⁹⁴¹. On the other hand, REDESCA also warned about the high rates of absenteeism in the centers and establishments on the part of the professional health personnel who, in addition to the leaves that by law correspond to them, were added leaves linked to affectations to their mental health such as burnout syndrome, stress and emotional exhaustion⁹⁴². Along these lines, the Office of the Special Rapporteur is following with particular attention the bill that seeks to provide health personnel with compensatory leave in recognition of their work during the pandemic⁹⁴³. Therefore, REDESCA reiterates to the State the need to promote, provide and guarantee the right to physical and mental health of people, particularly health personnel; recalling that, according to Resolution 1/2020, States must protect the ESCER of workers who may be at greater risk due to the effects caused by the pandemic⁹⁴⁴.
461. Without prejudice to the effects caused by the pandemic, REDESCA notes that in June, the health authorities declared a health alert due to the detection of cases linked to the disease Symic Smallpox or mpox⁹⁴⁵, registering a total of 1,381 cases and 2 deaths⁹⁴⁶. The Rapporteurship welcomes the measure adopted by the State to begin the vaccination process against the disease, giving priority to close contacts of confirmed cases, immunocompromised persons, people living with HIV and pregnant women⁹⁴⁷.
462. On the other hand, REDESCA observes that Chile, despite being one of the countries that spends the most on health as a percentage of GDP in the region⁹⁴⁸, there are still clear inequality gaps in terms of health being a restricted or even non-existent right for certain people or certain groups, as there is still a strong commercialization in the provision of its services, where its quality depends mainly on the ability to pay that each citizen can afford⁹⁴⁹. This was reflected during the pandemic, where those most affected by the disease were the people with the least resources or those belonging to the lower income strata⁹⁵⁰. Against this background of inaccessibility, REDESCA welcomes the national government's announcement to end the co-payment of the National Health Fund (FONASA), allowing anyone affiliated to the public health

⁹³⁹ BioBio Chile, Región Metropolitana retrocede en el Paso a Paso por alza de contagios covid: conoce las medidas, 10 de mayo de 2022.

⁹⁴⁰ IACHR - REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020.

⁹⁴¹ La Tercera, Otro impacto de la pandemia: casos de salud crónicos registrados en el sistema público caen un 47%, February 09, 2022.

⁹⁴² La Tercera, Pandemic effect: on average each health official has three days of leave per month, April 17, 2022.

⁹⁴³ Senate, "Compensatory rest for private health care workers: they seek to expedite processing", October 21, 2022.

⁹⁴⁴ IACHR - REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020.

⁹⁴⁵ PAHO, Ministry of Health of Chile decrees health alert for monkeypox, June 30, 2022.

⁹⁴⁶ MINSAL, "Reporte Situación Epidemiológica de Viruela del Mono," information consulted on December 20, 2022.

⁹⁴⁷ 24 Horas, "Vaccination for monkeypox begins: who will be the first to receive it", October 19, 2022.

⁹⁴⁸ Amnesty International, Chile: Human Rights Context, April 25, 2022.

⁹⁴⁹ Swissinfo, Salud, educación y agua: anhelos que los chilenos quieren en nueva Constitución, May 14, 2022.

⁹⁵⁰ ECLAC, "La desigualdad social frente al COVID-19 en el Área Metropolitana de Santiago (Chile)", January 2021.

system to receive care at zero cost⁹⁵¹, being a fundamental step in the universalization of the human right to health. In addition, REDESCA observes as an advance the decision adopted by the Court of Appeals of La Serena which ordered the public health system to provide coverage for cystic fibrosis treatment medication, in view of the institution's refusal to cover it, for economic reasons⁹⁵².

463. Additionally, the Rapporteurship takes note of the deficiencies of the Public Health System in providing prompt and effective care to the Chilean population. Indeed, according to the report of the Undersecretary of Health Care Networks, during the first half of the year, more than 1.5 million people are waiting for specialist care; nearly 300 thousand are waiting for surgery and approximately 70 thousand are on the list for care for diseases identified as Explicit Health Guarantee (GES)⁹⁵³. These figures are of great concern to REDESCA, particularly since, during the year 2021, more than 20 thousand people died while waiting for medical attention in Chile, figures that are expected to increase during this year⁹⁵⁴.

464. Regarding the guarantee of women's reproductive rights, REDESCA has continued to monitor the increase in socio-sanitary barriers for women of childbearing age to access sexual and reproductive health services, especially in the public health system. In particular, with regard to the case that was reported on the distribution of contraceptive pills with flaws in their composition causing at least 269 women to become pregnant in an unwanted or unplanned manner, the Office of the Special Rapporteur takes note of the actions taken by the State in this matter. In this regard, it has been noted that the Ministry of Health together with the Ministry of Women and Gender Equity adopted measures directed to laboratories and practical recommendations for users, aimed at avoiding problems resulting from errors in the manufacture, labeling and sale of contraceptive pills⁹⁵⁵. The United Nations Working Group against Discrimination against Women; the United Nations Special Rapporteur on the Right to Physical and Mental Health; and the United Nations Working Group on Business and Human Rights have jointly called Chile to account for the barriers that women and girls in the country face in accessing contraceptive methods and abortion services, in accordance with its international obligations, and urged it to take measures to protect the sexual and reproductive rights of women and girls in the country.⁹⁵⁶

465. In this context, following the Report on Business and Human Rights, REDESCA calls on the State to reinforce its obligation to supervise and oversee private companies, particularly when these entities provide services related to goods of the highest social interest, such as health services, for which its responsibility arises from the omission of its duty to supervise the provision of such services⁹⁵⁷.

466. Regarding mental health, REDESCA has become aware of the results of an annual survey that reveals that mental health is the main health problem in the country⁹⁵⁸. In view of this situation, REDESCA welcomes the strategy implemented by the Ministry of Health called "Building Mental Health", which seeks to

⁹⁵¹ FONASA, "Copago Cero: La Salud Pública ya es Gratuita para las Personas que Pertenecen a FONASA", September 1, 2022.

⁹⁵² BíoBío Chile, "Justicia ordena a Fonasa dar cobertura a medicamento de alto costo para la fibrosis quística", October 18, 2022.

⁹⁵³ Ministry of Health, Gloss Report 06, II Quarter, July 29, 2022.

⁹⁵⁴ Ex Ante, Lapidary report on public health waiting lists: 20,000 deaths, 2 million pending surgeries and consultations and up to 600 days of delay, August 11, 2022.

⁹⁵⁵ Chilean Government, Ministers of Health and Women's Affairs launch measures to improve safety of contraceptive pills, May 18, 2022.

⁹⁵⁶ Mandates of the Working Group on discrimination against women and girls; the Working Group on the issue of human rights and transnational corporations and other business enterprises; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26430>

⁹⁵⁷ REDESCA-IACHR (2019), Report *Business and Human Rights: Inter-American Standards*, para. 98. OEA/Ser.L/V/II.

⁹⁵⁸ Ipsos, "World Mental Health Day 2022," October 11, 2022.

promote mental health, bring the issues closer to the community and improve the health care system to attend⁹⁵⁹. However, it is necessary that these services can be provided under equal conditions in the face of the serious effects of pandemic contexts and their consequences, implying the access and equitable distribution of such services and goods in the community, particularly of the populations that are more exposed or at greater risk of being affected, such as health professionals, elderly people or people with medical conditions that require specific attention to their mental health⁹⁶⁰.

467. Finally, REDESCA is concerned about the health conditions of persons deprived of their liberty. According to a report published in early 2022 by the National Institute of Human Rights (INDH)⁹⁶¹, with data from 2019, reveals inadequate hygiene and food conditions of persons deprived of liberty, as well as prolonged spaces between meals; lack of plates, trays, and cutlery for eating; in addition to overcrowded and overpopulated prison conditions, absence of drinking water and presence of pests. The Office of the Special Rapporteur welcomes the implementation of positive actions such as the application of a "Protocol Trans", which seeks to improve prison conditions in respect of gender diversity and dissidence⁹⁶². However, REDESCA notes with concern the persistent gaps in care for persons deprived of liberty and recalls that they are under state custody, i.e. under the responsibility of the State, so it is necessary and necessary to urgently take the necessary public measures with a human rights approach to improve their quality of life, guaranteeing their ESCER.

B. Climate Emergency and the Human Right to Water

468. REDESCA welcomes the government's decision to sign the bill to adhere to the Escazú Agreement⁹⁶³, a treaty that strengthens the protection of the rights of access to information, public participation, and access to environmental justice. This international instrument represents an important step forward in strengthening the protection of those who defend the environment and the land. The Office of the Special Rapporteur is at the disposal of the State of Chile to contribute to the effective implementation of this treaty, in line with the environmental rights standards of the Inter-American system.

469. REDESCA also welcomes the State's response to the communication sent to it requesting information on the measures being implemented to address the impacts of climate change on human rights, especially in relation to the most vulnerable population⁹⁶⁴. In this regard, the approval of the Framework Law on Climate Change No. 21.455, which aims to address the challenges posed by climate change, move towards a development low in greenhouse gas emissions, adapt to climate change, reduce vulnerability, and increase resilience to its adverse effects and comply with international commitments made by the State, stands out as a fundamental advance in the recognition of environmental rights. Likewise, this legal framework includes a human rights and gender focus for the attention of the people and communities in the most vulnerable and at-risk situations. At the same time, REDESCA received information on the processes of construction of its Nationally Determined Contributions (NDC) and the participation mechanisms implemented for such purposes; as well as the implementation of various specific projects to guarantee the rights of vulnerable persons and groups, namely: "Improving Resilience to Climate Change of Small Agriculture in the O'Higgins Region" Project; Sustainable Mediterranean Communities Project;

⁹⁵⁹ MINSAL, "[Minsal announces strategy "Building mental health"](#)", October 10, 2022.

⁹⁶⁰ IACHR. Resolution 1/2020: Pandemic and Human Rights, para. 11, April 2020.

⁹⁶¹ Instituto Nacional de Derechos Humanos, [Informe INDH sobre cárceles: en once recintos no hay camas para todos y existen variedad de plagas](#), January 23, 2022.

⁹⁶² Cooperativa.cl, [Cárceles Gobierno y Gendarmería aplicarán un "Protocolo Trans" en las cárceles](#), July 28, 2022.

⁹⁶³ Ministry of the Environment, "[Historic: Congress approves Chile's accession to the Escazú Agreement](#)", May 31, 2022.

⁹⁶⁴ Response of the State of Chile to REDESCA's request for information on the impact of the climate emergency on the human rights of the most vulnerable populations in the Americas, August 10, 2022. REDESCA Archive.

initial training programs for social leaders; Gender and Climate Change Roundtable; National Policy for the Inclusion of Grassroots Recyclers; Environmental Protection Funds (FPA); Project to Reduce Climate Vulnerability and Flood Risk in Urban and Semi-urban Coastal Areas in Latin American Cities of Chile-Ecuador. In addition, REDESCA takes note of the climate change policies and legislation implemented in Chile to protect especially vulnerable groups such as: women, especially women environmental defenders; children and adolescents; indigenous peoples; Afro-descendants; members of tribal, peasant or rural communities; and environmental defenders⁹⁶⁵.

470. Notwithstanding the foregoing, the Rapporteurship learned about the fire that occurred in June in the home of Lorena Donaire, a committed defender of the rights to water, land and environmental protection⁹⁶⁶. In this regard, the Office of the Special Rapporteur reiterates its rejection of the persecution and intimidation of environmentalists and defenders of economic, social, cultural, and environmental rights, urging the State to take all measures within its power to investigate the causes of the incident and to strengthen measures for the application of inter-American standards on the protection of defenders, as well as those referred to the recently ratified Escazú Agreement. In this sense, the Agreement is categorical in establishing the obligation of the States Parties to guarantee a safe and enabling environment in which individuals, groups and organizations that promote and defend human rights in environmental matters can act without threats, restrictions, and insecurity.
471. Regarding the climate emergency and the human right to water, REDESCA has been following with deep concern the context of the current water crisis that the South American country is going through as a consequence of climate change and extensive periods of droughts. In particular, it has become aware of the alarming condition of the Maipo and Mapocho rivers, natural watercourses that serve millions of people in the Metropolitan Region, being clear examples of watercourses that have been rapidly reduced in recent years.⁹⁶⁷ In view of this situation, note was taken of the implementation of the Water Rationing Protocol in the Metropolitan Region, which is home to almost half of the Chilean population, and which establishes a scheme of progressive alerts that depend on the supply systems of the Maipo and Mapocho rivers⁹⁶⁸. Likewise, the Rapporteurship learned about the situation of different towns in the Valparaíso Region that had to resort to daily rationing in the supply of drinking water, this due to the low level of the basins and wells that feed the production and distribution system for personal consumption.⁹⁶⁹
472. Against this backdrop, the reform and enactment of the new Water Code is considered a positive step, being a highly relevant regulation in terms of its comprehensiveness and linking social and environmental aspects⁹⁷⁰. Among the most important points, the new Code recognizes the right of access to water as an essential and inalienable human right, prioritizing its use for human consumption and sanitation, and allows laying the foundations for a just and sustainable water transition, preserving its importance in ecosystemic and productive conservation. In a context of water emergency, the Special Rapporteur welcomes this initiative and for considering climate change as a factor that affects the full enjoyment and exercise of human rights of present and future generations, following the guidelines established in Resolution 3/2021.

⁹⁶⁵ Ibidem

⁹⁶⁶ WerkenRojo, Attack: House of Lorena Donaire, water defender and national spokesperson for Modatima burned down, June 13, 2022

⁹⁶⁷ La Tercera, La dramática sequía de los ríos Maipo y Mapocho, March 22, 2022.

⁹⁶⁸ Metropolitan Regional Government of Santiago, Governor Orrego presents Water Rationing Protocol for Greater Santiago, April 11, 2022.

⁹⁶⁹ 24horas, Localidad de El Melón starts water rationing due to drought, February 14, 2022.

⁹⁷⁰ CNN Chile, "Prioritizes access for human consumption": President Boric signed the new Water Code, March 26, 2022.

473. In the same vein, REDESCA is closely following the proposed reform of the provision that would prohibit the acquisition of glacier water rights. A measure that, from the point of view of experts, is of great relevance to promote effective and sustainable water management, achieve water security and face climate change⁹⁷¹.
474. REDESCA also notes that, thanks to increased rainfall in the last quarter of 2022 and the efforts made by the government, water rationing has been ruled out in the main cities of the Coquimbo, Valparaíso and Metropolitan regions for spring 2022 and summer 2023⁹⁷². In addition, in view of the extensive periods of droughts experienced by the country, the initiative "Improving Resilience to Climate Change in Small Agriculture" was launched in the O'Higgins Region to help more than 2,000 farmers in the area through the installation of more than 560 harvesters that collect rainwater, solar panels and greenhouses in the farmers' homes⁹⁷³. Although this represents a relief from the water crisis, there are still localities in the country that are facing water shortages⁹⁷⁴, therefore it is necessary to create public policies that are long-term, with a human rights approach, allowing the generation of measures and capacities for education and awareness of climate change and its effects, as established by 3/2021 of the IACHR⁹⁷⁵.
475. On the other hand, REDESCA observes with concern the different outbreaks of forest fires that have occurred in Chile throughout 2022 and that, as of November, have affected almost 6,000 hectares in several regions of the country, that is, 21% more than in the previous year⁹⁷⁶. At the same time, experts are concerned about how the winds and high temperatures caused by climate change have brought forward the fires which, during the first week of November, had more than a dozen active outbreaks nationwide⁹⁷⁷. On the other hand, REDESCA regrets the outbreaks of fires on the island of Rapa Nui in October, which represented an unprecedented tragedy for the material and natural heritage of the trans-Andean country. In particular, the fires have left as a result about 100 hectares consumed by the flames, threatened homes and completely burned moais, as well as damage to the crater of the Rano Raraku volcano, where the quarry where the moais were made⁹⁷⁸.
476. Finally, the Office of the Special Rapporteur salutes the State of Chile for the commitments made in environmental matters that were announced in the framework of the COP 27 held in Egypt. In this regard, the State introduced the concept of Just Socio-Ecological Transition; updated its climate policies, including in this document the obligations of the Climate Change Law and the Long Term Climate Strategy 2050; committed to reverse the growing trend of national methane emissions by 2025 and pledged to expand the current area of official protection of terrestrial and inland aquatic ecosystems by at least 1 million hectares by 2030.⁹⁷⁹

⁹⁷¹ El Mostrador, [Avance en la Cámara de proyecto que prohíbe derechos sobre aguas de glaciares pone presión al Senado](#), September 8, 2022.

⁹⁷² La Tercera, ["Lluvias alivian situación hídrica y gobierno anuncia que no habrá racionamiento de agua en regiones de Coquimbo, Valparaíso y Metropolitana"](#), September 1, 2022.

⁹⁷³ Ministry of Agriculture, [Project on adaptation to climate change ends benefiting more than 2,000 farmers](#), July 23, 2022.

⁹⁷⁴ BíoBío, Water shortage declared for the municipalities of Lo Barnechea, Las Condes and Vitacura, September 7, 2022.

⁹⁷⁵ IACHR-REDESCA, Resolution 3/2021, Climate Emergency: Scope and Inter-American Human Rights Obligations, December 31, 2021.

⁹⁷⁶ Conaf, ["Daily situation of forest fires"](#), November 2, 2022.

⁹⁷⁷ La Tercera, ["Hay 11 incendios forestales activos a nivel nacional: Tohá encabeza mesa técnica junto a Onemi"](#), November 1, 2022.

⁹⁷⁸ Emol, ["Moais "totally burned" and quarry affected: "Irreparable damage" denounced after fires on Rapa Nui"](#), October 5, 2022

⁹⁷⁹ Government of Chile, COP27: Chile commits to Just Socio-Ecological Transition, increase protected areas and [reduce methane](#), November 14, 2022.

C. Business and human rights

477. With respect to the topic of Business and Human Rights, REDESCA has closely followed the activities related to lithium exploitation in Chile. According to an ECLAC report, 60% of the world's lithium is divided between Bolivia, Chile and Argentina, countries that do not yet have sufficient technologies to transform the resource into reserves and, subsequently, into effective production⁹⁸⁰. Likewise, its exploitation is causing increasing interest due to the strategic role that lithium has in the transition towards cleaner and more efficient energies.⁹⁸¹ However, the Office of the Special Rapporteur is concerned about the environmental and social impacts that would be associated with the intensive extraction of lithium in the country, especially in the Atacama Desert area. In this regard, it is noted that the technique used for its extraction increases the pressure on the already scarce water resources in the area, affecting communities and biodiversity⁹⁸². On this issue, the Office of the Special Rapporteur recalls what was indicated in IACHR Resolution 3/2021, in which, given that the transition to a low-carbon future requires the extraction of minerals necessary for the construction of products and infrastructure that allow the operation of the renewable energy matrix, it is essential that States comply with all their human rights and environmental obligations in the context of mining activities⁹⁸³. In addition, it bears in mind that the IACHR Court has pointed out that, although the American Convention cannot be interpreted in a way that prevents the State from issuing any type of concession for the exploration or extraction of natural resources, this depends on the social and environmental impact that a given activity may have, which must be demonstrated through environmental impact studies, prepared in accordance with inter-American standards⁹⁸⁴.
478. On the other hand, REDESCA became aware of the announcement of the closure of CODELCO's Ventanas Smelter plant, located in the town of Quintero, due to the continuous massive intoxications of the inhabitants of the area due to the high levels of polluting gases emitted by the plant⁹⁸⁵. This decision was adopted after 150 people, mainly children, suffered dizziness, headaches and other symptoms of intoxication in June due to the presence of a sulfur dioxide peak in the atmosphere⁹⁸⁶. In this regard, the Ventanas Smelter operations were closed, which, according to the Government, would be carried out through a gradual and responsible process with the population and workers, addressing the problems associated with the sacrifice zones, with actions to address the climate crisis with criteria of equity and social justice⁹⁸⁷. However, the Office of the Special Rapporteur noted that, almost a month after this announcement, operations resumed at the Ventanas Smelter, after the Ministry of the Environment approved the update of its Operational Plan.⁹⁸⁸
479. On this issue, REDESCA stresses that chronic and permanent exposure to toxic or hazardous substances represents a threat to the rights to life, personal integrity, and health⁹⁸⁹. Therefore, in order to protect

⁹⁸⁰ Economic Commission for Latin America and the Caribbean (ECLAC), Economic Survey of Latin America and the Caribbean, 2022 (LC/PUB.2022/9-P/Rev.1), Santiago, 2022.

⁹⁸¹ Ibid.

⁹⁸² NRDC, Lithium mining is leaving Chile's indigenous communities high and dry (literally), April 26, 2022.

⁹⁸³ IACHR - REDESCA, Resolution No. 3/2021, Climate Emergency: Scope and Inter-American Human Rights Obligations, December 31, 2021, para. 55.

⁹⁸⁴ I/A Court H.R., Advisory Opinion OC-23/17 on Environment and Human Rights, November 15, 2017, Series A No. 23, para. 138.

⁹⁸⁵ CODELCO, "Closing the Ventanas smelter was not an improvised decision, but has been under analysis for more than a decade", August 17, 2022.

⁹⁸⁶ El País, Massive poisoning in a Chilean industrial area: "Everything is contaminated: soil, water and air", June 15, 2022.

⁹⁸⁷ Dirección de Prensa de la Presidencia de la República de Chile, Presidente de la República Gabriel Boric Font anuncia inicio del proceso de cierre de Fundición Ventanas: "No queremos más zonas de sacrificio", June 17, 2022.

⁹⁸⁸ DW, Chile: "Ventanas Smelter" reopens pending final closure, July 2, 2022.

⁹⁸⁹ IACHR. Resolution 24/2019. Precautionary Measures No. 1498/18. Marcelino Díaz Sánchez et al. (Mexico). April 23, 2019, para. 24.

human rights in these circumstances, the State has, among others, the duties to generate, compile, evaluate and update adequate information; effectively communicate it to the population at risk; facilitate the participation of people in decision-making in these contexts; and implement actions so that companies involved in the management of such substances adopt due diligence in terms of human rights⁹⁹⁰. Likewise, the Office of the Special Rapporteur recalls that State obligations in the area of business and human rights -especially supervision and oversight- are reinforced when the companies involved have close ties with the State, as they are owned by it⁹⁹¹. In addition, the duty to prevent requires that the corresponding authorities adopt adequate measures to avoid that the real risks to human rights arising from the actions of companies of which they have or should have knowledge materialize⁹⁹².

480. In addition, REDESCA follows the situation of the salmon farming industry in Chile with special attention, particularly with respect to the impacts that intensive salmon farming is having on biodiversity and ecosystems, as well as on the communities and indigenous peoples that carry out traditional fishing activities. In this regard, it is noted that the presence of this industry in Chilean Patagonia implies the introduction of invasive exotic species to ecosystems recognized for their high biodiversity and the presence of vulnerable or endangered species⁹⁹³. In turn, the concentration of large numbers of fish in small spaces (pools) requires the use of high quantities of antibiotics, antiparasitics and other chemicals that are dumped into the waters and seabed, along with other waste⁹⁹⁴. In addition, the problem of massive fish escapes has been documented, which could lead to the transmission of associated diseases and generate competition and predation on native species⁹⁹⁵; according to a report by WWF Chile, between 2010 and August 2020, the escape of more than 4.6 million salmonids has been recorded in the regions of Los Lagos, Aysén and Magallanes⁹⁹⁶.

481. In relation to the above, REDESCA notes that one of the main criticisms of the salmon industry is the flexibility with which projects and concessions or modifications to aquaculture concessions are approved⁹⁹⁷. In fact, most of the projects are approved with environmental impact statements, in which the companies affirm that they do not represent risks for the environmental conditions and the population of the areas; but few have Environmental Impact Studies that address and evaluate the adverse effects of their activity and establish measures to eliminate or minimize them⁹⁹⁸. In this line, REDESCA notes that, according to a WWF report, as of October 2020, there were 1,357 salmon farming concessions in Chilean Patagonia, of which 191 were located in protected areas or in areas adjacent to them⁹⁹⁹. In consideration of the above, the Special Rapporteur emphasizes that the close relationship between human rights, sustainable development and the environment requires that companies take into account and respect the human right to a healthy environment within the framework of their activities, as well as the sustainable

⁹⁹⁰ IACHR, Report No. 330/20, Case 12.718, Merits Report, La Oroya Community v. Peru, OEA/Ser.L/V/II, Doc. 348, November 19, 2020.

⁹⁹¹ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II, IACHR/REDESCA/INF.1/19, November 1, 2019, para. 103.

⁹⁹² IACHR, Report No. 330/20, Case 12.718, Merits Report, La Oroya Community v. Peru, OEA/Ser.L/V/II, Doc. 348, November 19, 2020.

⁹⁹³ Greenpeace Chile, Is the salmon industry dangerous in Chile? Everything you need to know, November 11, 2022.

⁹⁹⁴ Greenpeace Chile, Patagonia without salmon farms, November 9, 2022.

⁹⁹⁵ El Tirapiedras, Industria Del Salmón Comienza 2022 Con Un Escape Masivo de Peces En Región de Los Lagos, January 9, 2022; Aqua, Sernapesca confirmó escape desde centro de cultivo y presentó denuncia ante la SMA, January 24, 2022; October 2021. Informe Industria Salmonera en Chile y Derechos Humanos | Evaluación de Impacto Sectorial, October 2021.

⁹⁹⁶ WWF Chile, Impacts of industrial activities in marine protected areas of Chilean Patagonia, 2022.

⁹⁹⁷ Ibid.

⁹⁹⁸ Sustainable Oceans, National Institute for Human Rights and Danish Institute for Human Rights, Informe Industria Salmonera en Chile y Derechos Humanos | Evaluación de Impacto Sectorial, October 2021.

⁹⁹⁹ WWF Chile, Impacts of industrial activities in marine protected areas of Chilean Patagonia, 2022.

use and conservation of ecosystems and biological diversity, with special attention to their relationship with indigenous peoples and communities¹⁰⁰⁰. This implies, among others, ensuring and respecting current environmental laws and standards, the implementation of due diligence processes on their environmental impact on human rights, and accountability and effective reparation to the victims of environmental degradation.¹⁰⁰¹

482. In this context, REDESCA welcomes the efforts of the Chilean State to address this problem, with the passage of the bill to modify the General Law on Fisheries and Aquaculture (No. 18.892), which would seek to tighten the regulation applied to massive fish escapes and make information on the use of antibiotics and antiparasitics, mortalities and production more transparent¹⁰⁰². It also takes note of the bill promoted by civil society organizations to prohibit new applications for salmon farming concessions in protected areas and to establish an exit period for those that are already in conservation areas.¹⁰⁰³ Similarly, note is taken of the fact that administrative decisions have been adopted to revoke environmental permits and sanction salmon farming companies for environmental damage, as occurred, for example, with companies operating in the Alberto de Agostini National Park, Magallanes Region.¹⁰⁰⁴

483. Finally, REDESCA takes note of Chile's ratification of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (TPP-11), a plurilateral economic integration treaty in the Asia-Pacific region, which involves eleven countries and, among its objectives, considers the promotion of economic integration, establishing predictable legal frameworks for trade, facilitating regional trade, among others¹⁰⁰⁵. This ratification, despite the benefits it brings to the country, has been criticized for the high benefits and decision-making power it grants to large companies and, consequently, the lack of protection for SMEs and the protection of the environment¹⁰⁰⁶. The Special Rapporteur will follow up on the possible impacts of this treaty.

D. Labor and Union Rights

484. Regarding the guarantee of labor and trade union rights, REDESCA notes that, according to the indexes of the National Statistics Institute (INE), during 2021 it was possible to recover 652 thousand jobs, and at the same time, the unemployment rate dropped in 2021 to 7.2%, compared to 10.3% in 2020¹⁰⁰⁷. During the June-August 2022 moving quarter, the total estimate of employed persons grew by 7.2%, mainly affected by women with 10.4% and men with 4.9%¹⁰⁰⁸. This figure represents a decrease of 0.6 percentage points over twelve months.

¹⁰⁰⁰ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II, IACHR/REDESCA/INF.1/19, November 1, 2019, para. 46.

¹⁰⁰¹ Ibid.

¹⁰⁰² Senate of the Republic of Chile, Greater controls to prevent salmon escapes: Commission concludes analysis, November 4, 2022.

¹⁰⁰³ Panorama Acuicola, Chile discusses bill that could prevent aquaculture activity in protected areas in the south of the country, November 24, 2021.

¹⁰⁰⁴ Redgol, "Histórico: SMA revoca permisos ambientales a salmonera en Magallanes por causar grave daño en Parque Nacional", July 6, 2022.

¹⁰⁰⁵ Ministry of Foreign Affairs, Transpacific Agreement - TPP11, October 4, 2022.

¹⁰⁰⁶ CIPER, El TPP-11: una distorsión de mercado, y una traición a principios y a un programa de gobierno, September 16, 2022.

¹⁰⁰⁷ El Mostrador, Gobierno valora caída de la desocupación del empleo en 2021 y la califica como "gran noticia": "Hemos recuperado el 80% de los trabajos que destruyó la pandemia y la recesión", 31 January 2022.

¹⁰⁰⁸ INE, "National unemployment rate was 7.9% in the June-August 2022 moving quarter," September 29, 2022.

485. Notwithstanding the above, REDESCA is concerned about the high rates of informal employment, which would reach a total of 26.7%, increasing by 5.3% in twelve months¹⁰⁰⁹. For its part, the Rapporteurship recognizes the efforts of the State of Chile to combat this problem, announcing a Monetary Bonus for the Formalization of Labor¹⁰¹⁰, which seeks to encourage incorporation into the regulated labor market. This is granted on a one-time basis in one installment to those over 18 years of age who enter the formal labor market for the first time and meet the other requirements. Likewise, REDESCA welcomes the extension of the Labor IFE as an incentive for workers to become formally employed, granting them a subsidy for the new labor relationship that is created, in addition this public policy puts a special focus on women¹⁰¹¹. In this regard, REDESCA emphasizes the need to guarantee respect for ESCER, such as the right to work, both for women in their diversity and for the different social groups in situations of vulnerability or historical discrimination in the country. According to the Compendium of Labor and Trade Union Rights, the State of Chile must fully guarantee these rights without discrimination and in conditions of equality, which is fundamental to eradicate poverty and ensure the autonomy and empowerment of women¹⁰¹².
486. Regarding the salaries received by workers in Chile, the Rapporteurship is concerned about the data offered by the study of Fundación Sol, where it is reported that, in 2021, 50% of workers received a remuneration of less than CLP \$458,000 liquid pesos (US \$480.00 approx.)¹⁰¹³. For its part, INE reported that in August 2022, the Nominal Remuneration Index registered a year-on-year increase of 11.1%¹⁰¹⁴. However, it should be taken into consideration that the increase in inflation has an impact on the Real Compensation Index, which, adjusted by the Consumer Price Index (CPI), decreased by 2.6% in the last twelve months. Likewise, the gender gap in the average remuneration per ordinary working hour was -8.9%¹⁰¹⁵. In this line, REDESCA welcomes the Chilean government's effort to increase the minimum wage to CLP \$400,000 (US \$420.00 approx.), the largest increase in the last 23 years following an agreement with the Central Unitaria de Trabajadores¹⁰¹⁶. Notwithstanding this, the Rapporteurship notes that there is still progress to be made in terms of wages that allow workers and their families to live in dignity, with Chile still lagging behind the main OECD member countries in terms of minimum wage¹⁰¹⁷. Against this backdrop, REDESCA emphasizes that work is a right and a social duty, it gives dignity to those who perform it and should be provided in conditions that, including a fair wage regime, ensure life, health and a decent economic level for the worker and his family¹⁰¹⁸.
487. In addition, REDESCA takes careful note of Chile's initiative to move forward with a reform of the Labor Code with the aim of reducing the working week to 40 hours, a project that the Rapporteurship is following with special attention due to the principles of social co-responsibility, reconciliation of work and family, with special priority given to caregivers, and economic responsibility that inspire the project¹⁰¹⁹. In addition, this Office welcomes the gradual progress that has been made in the "40 Hour Seal" project, a type of certification granted by the Ministry of Labor to those companies committed to start applying the workday reduction measure. To do so, companies must have at least 80% of their working personnel working an ordinary working day of no more than 40 hours and no less than 30 hours per week, together

¹⁰⁰⁹ Ibidem

¹⁰¹⁰ Chile Atiende, "[Bono por Formalización del Trabajo](#)", August 3, 2022.

¹⁰¹¹ La Tercera, "[Government will extend the labor IFE until September with special focus on women](#)", April 04, 2022.

¹⁰¹² IACHR, Compendium on Labor and Trade Union Rights: Inter-American Standards, p. 85, 2020.

¹⁰¹³ Fundación Sol, "[Los Verdaderos Sueldos de Chile: Panorama actual del Valor de la Fuerza de Trabajo usando la Encuesta Suplementaria de Ingresos ESI \(2021\)](#)", August 9, 2022.

¹⁰¹⁴ INE, "[Boletín Estadístico: Índices de Remuneraciones y Costo de la Mano de Trabajo](#)", October 6, 2022.

¹⁰¹⁵ INE, "[Boletín Estadístico: Índices de Remuneraciones y Costo de la Mano de Trabajo](#)", October 6, 2022.

¹⁰¹⁶ Government of Chile, "[A partir de hoy aumenta el sueldo mínimo: Know the new amounts](#)", August 1, 2022.

¹⁰¹⁷ SwissInfo, "[Boric enacts historic minimum wage hike: 'Let no one be left behind'](#)", May 23, 2022.

¹⁰¹⁸ IACHR - REDESCA, Compendium of Labor and Trade Union Rights: Inter-American Standards, October 30, 2020.

¹⁰¹⁹ MINTRAB, "Project 40 Hours," November 2, 2022.

with other requirements¹⁰²⁰. As of October, 290 companies have the decree that makes them worthy of the seal, 171 in the Metropolitan Region and 119 in other regions.¹⁰²¹

488. Regarding the working conditions of teachers in Chile, REDESCA has been monitoring with special attention the different mobilizations that have taken place during the course of the year, motivated by various claims related to salary arrears and lack of resources, especially infrastructure¹⁰²². In addition, after the COVID-19 pandemic, medical leave for teachers has increased up to 353% in the Metropolitan Region, as a result of emotional fatigue and the wear and tear caused by the low levels of schooling and socialization of students¹⁰²³. In the same line, the Elige Educar Study projects a deficit of twenty-six thousand teachers by 2025¹⁰²⁴ and that the decrease in interest in teaching is due to the precarious working conditions of teachers¹⁰²⁵.
489. Regarding the working conditions of recyclers in Chile, the Extended Producer Responsibility Law (Law 20920 of 2016), establishes that grassroots recyclers are part of waste management, being the first regulation in the country that mentions them, although it does not grant them a formal labor status. It also creates as a requirement to be validated as such the certification of labor competencies in the matter that can cost between \$250,000 and \$700,000 pesos¹⁰²⁶. Considering the average income of a recycler (\$124,000 and 300,000 Chilean pesos)¹⁰²⁷ and the absence of subsidy programs for the sector, it is clear that this measure is only a nominal "inclusion", although in reality it is an obstacle that jeopardizes the permanence in the trade and therefore the right to work, since it cannot be covered by them.
490. Bearing in mind the Inter-American instruments on the subject, the DESCA Rapporteur's Office urges the Chilean State to eliminate the obstacles that prevent the certification of recyclers, so that, by eliminating them, their inclusion in waste management goes from being nominal to becoming a reality.
491. Finally, REDESCA congratulates the State of Chile for ratifying ILO Convention 190, an international standard focused on achieving a world of work free of violence and harassment. In this way, Chile is committed to having better tools to address equality and non-discrimination in the world of work for workers¹⁰²⁸. It also welcomes the State's ratification of ILO Convention 176, on health and safety in mines, to avoid risks during the execution of the activity¹⁰²⁹, a matter of vital importance for the country, as mining is one of its main economic activities.

¹⁰²⁰ BíoBío Chile, "Gobierno entrega el "Sello 40 Horas" a H&M, primera empresa del retail en adoptar dicha jornada", October 13, 2022.

¹⁰²¹ Ibid.

¹⁰²² La izquierda Diario, Teachers. Teachers mobilize throughout Chile: The education crisis is structural, October 21, 2022. <https://www.laizquierdadiario.com/Docentes-se-movilizan-a-lo-largo-de-todo-Chile-La-crisis-de-la-educacion-es-estructural>

¹⁰²³ Tele13, "De 2021 a 2022: Licencias médicas de profesores aumentaron hasta un 353% en la RM", 17 October 2022.

¹⁰²⁴ Elige Educar, "Estudio proyecta que podrían faltar más de 26 mil docentes idóneos para el 2025", 12 January 2021.

¹⁰²⁵ BíoBío Chile, "Día del Profesor: estudio de Elige Educar proyecta déficit de 26 mil docentes para 2025", October 16, 2022.

¹⁰²⁶ Reference costs taken from leaders in different regions of Chile, members of ANARCH.

¹⁰²⁷ Socioeconomic Survey of ANARCH Members October 2022.

¹⁰²⁸ DiarioUChile, "Government ratified ILO Convention 190 on violence and harassment at work", August 29, 2022.

¹⁰²⁹ MINTRAB, "President Gabriel Boric announces start of ratification process of ILO Convention 176 on safety and health in mines", August 10, 2022.

E. Fiscal and Economic Policies

492. The Special Rapporteur takes note of Chile's fiscal target for 2022, which is based on a transition to sustainable, non-inflationary growth, in the context of the current global economic crisis¹⁰³⁰. However, according to data from the International Monetary Fund (IMF), a 2.1% GDP growth is projected for 2022 and -1.3% for 2023¹⁰³¹, figures that would respond to an economic adjustment after the post-pandemic recovery and inflationary pressures¹⁰³².
493. Notwithstanding the above, the country's new administration announced in early April 2022 the implementation of the Chile Apoya Inclusive Recovery Plan, which among its main axes establishes the reincorporation to formal paid work; public investment; support to sectors lagging behind in the recovery; boost to SMEs; income and cost of living¹⁰³³. This is in addition to new aids for families such as the Chile Apoya de Invierno (Chile Supports Winter Bonus), to help the most vulnerable sectors to face the rise in food prices; the Extension of the Postnatal Parental Leave and the extension of the Protege and IFE Labor Subsidy¹⁰³⁴. REDESCA reports that as of October, the Chile Supports Plan has 92% of its 25 measures fulfilled or in execution¹⁰³⁵. In view of the above, the Rapporteurship considers of vital importance the efforts made by the State to continue providing assistance to its inhabitants in order to improve the quality of life and recover the local economy.
494. On the other hand, REDESCA warns that during the year 2022 the Budget Law for the coming period has been debated, positively observing an increase of 32.3% over last year on total resources to combat poverty¹⁰³⁶. However, there is concern about the implementation of cuts that would have been made to funds for Initiatives to Overcome Poverty with a decrease of 23.8%, such as the Solidarity and Social Investment Fund (FOSIS) with a decrease of 9% compared to 2022 or the Action Program: family and community work plan with a 15% decrease; the same situation applies to civil society organizations that work complementing the actions of the State in the search for its eradication and in addressing problems that are difficult to achieve for the public sector.¹⁰³⁷
495. The Rapporteurship takes note of the new subsidiary policy of Guaranteed Minimum Income, a benefit granted by the State so that workers, employed in an ordinary working day, can improve their income, guaranteeing a liquid salary of CLP \$340,817.¹⁰³⁸ On the other hand, in January 2022 a bill was approved that seeks to create a Universal Guaranteed Pension (PGU), financed with public resources through the Tax Reform¹⁰³⁹. In the same line, REDESCA follows with special attention the Pension System reform project announced by the government, which can be presented as an alternative to the problems resulting from the current system where 72% of pensions are lower than the minimum wage and one in four retirees

¹⁰³⁰ Ministry of Finance, "Ministerio de Hacienda, "Ministerio de Hacienda establece su meta fiscal con compromiso anual y anclaje de parámetro"", May 4, 2022.

¹⁰³¹ IMF, "World Economic Outlook Database: Chile," October 11, 2022.

¹⁰³² Diario Financiero, "FMI y caída del PIB en Chile el próximo año: "Ese proceso lo consideramos necesario, importante, pero va a ser costoso", November 2, 2022.

¹⁰³³ BiobioChile, "Price containment, extension of IFE Labor, among others: Boric announces "Chile Apoya" plan", April 07, 2022.

¹⁰³⁴ Government of Chile, "Chile supports your community. Available at: <https://www.gob.cl/chileapoya/#medidas>

¹⁰³⁵ Government of Chile, "Measures fulfilled and in execution of the Chile Apoya Plan reach 92%: Learn about the benefits of this plan", October 22, 2022.

¹⁰³⁶ La Tercera, "Gobierno reduce recursos de programas contra la pobreza en Presupuesto 2023 y desata crítica de expertos", October 13, 2022.

¹⁰³⁷ Ibidem

¹⁰³⁸ Government of Chile, "Subsidio Ingreso Mínimo Garantizado", November 9, 2022.

¹⁰³⁹ El Mostrador, "Deputies approve PGU and it is ready to become law: Minister Melero highlights that it is "a milestone in the history of social security"", January 26, 2022.

receive pensions that are below the poverty line, aiming to increase the pensions of current and future retirees, with special emphasis on women¹⁰⁴⁰.

496. Notwithstanding the above, REDESCA salutes Chile for the creation of the Green Finance Office, as a specialized office within the Ministry of Finance which will be in charge of functioning as an advisory body and channeling investments towards green assets, as well as promoting investment for sustainable development and supporting the Ministry in relations with international bodies in ecological matters¹⁰⁴¹. In this sense, it is warned that the Office has determined that Chile will have to increase its investment to comply with the objectives established in the ratified international treaties on climate change, requiring US\$50 billion within 30 years.¹⁰⁴¹

F. Education, science, technology: academic freedom and university autonomy

497. Regarding the situation of the right to education, REDESCA notes that Chile was the OECD member country that kept its educational centers closed the longest during the pandemic, negatively impacting student performance and the quantity and quality of the academic content taught¹⁰⁴². In response, the Ministry of Education developed a plan to mitigate the impact of the health crisis on education during 2020 and 2021, in which students were evaluated three times a year, in addition to requiring schools to carry out a diagnosis of the progress of children and adolescents in order to readjust and improve education plans to the weakest areas.¹⁰⁴³ For its part, the OECD also recommended the country to have a clear recovery strategy in the field of education to address the impacts on learning, development and mental health of children and adolescents.¹⁰⁴⁴

498. Finally, during the month of March 2022, schools throughout the country resumed attendance, being mandatory the opening of all educational facilities, as well as the attendance of students and teaching staff¹⁰⁴⁵. In particular, the plan for the return to classrooms contemplated that schools should maintain various measures to prevent the spread of the virus, such as the ventilation of spaces, hand washing routines and the use of masks. In addition, due to the high vaccination rates in Chile, it was decided to eliminate the capacity restrictions¹⁰⁴⁶. In this context and taking into account the increase in the number of infections in the last quarter of 2022¹⁰⁴⁷, REDESCA recalls the need for States to adapt the reopening of educational establishments and buildings taking into account the measures to prevent infection and following the decisions of health authorities, based on the regulations and scientific evidence.¹⁰⁴⁸

499. However, beyond having implemented measures to ensure the return to classes, REDESCA is concerned about the high rates of school absenteeism seen during 2022. Indeed, during the first semester of 2022, 39% of students attended less than 85% of classes, which represents an increase of 130% compared to

¹⁰⁴⁰ Government of Chile, "Conozca los detalles de la Reforma de Pensiones y cómo aumentará sustantivamente las jubilaciones de los chilenos", November 3, 2022.

¹⁰⁴¹ La Tercera, Hacienda estimates that Chile needs US\$ 50 billion in investment over 30 years to meet international commitments on climate change, January 31, 2022.

¹⁰⁴² OECD, Education at a Glance 2022: OECD Indicators, Paris, October 3, 2022.

¹⁰⁴³ La Tercera, "Clases presenciales: las medidas del Mineduc para revertir el impacto académico de la pandemia en los estudiantes en 2022", November 11, 2021.

¹⁰⁴⁴ OECD, "Education at a Glance 2022," October 3, 2022.

¹⁰⁴⁵ MINEDUC, "Conoce los protocolos de prevención para la vuelta a clases 2022", February 21, 2022.

¹⁰⁴⁶ Ibid.

¹⁰⁴⁷ Infobae, Chile recorded a 65% increase in COVID-19 cases in 14 days, October 28, 2022.

¹⁰⁴⁸ IACHR - SACROI COVID-19, SACROI COVID-19 02 Practical Guides: How to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic, December 2020.

previous years¹⁰⁴⁹, affecting more than one million children and adolescents¹⁰⁵⁰. In addition, according to the National Survey of Educational Monitoring in Pandemic, conducted by the University of Chile and the Catholic University, in conjunction with the Centro de Estudios del Mineduc, during the month of August 2022, the average daily attendance at educational establishments was 74% (compared to 68% reported in June and similar to the attendance levels reported during April and May, 72%-77%). However, this is still low compared to a normal pre-pandemic year when it averaged 90%¹⁰⁵¹.

500. Likewise, REDESCA follows with special attention the bill for the approval of a National Policy on Comprehensive Sex Education applied to all levels of education, with the purpose of combating episodes of gender violence, considering that this problem can only be effectively addressed through education and through an adequate and efficient dissemination of information by accessible means and with appropriate language, in order to reach all children and adolescents in their diversity¹⁰⁵².

G. Human Mobility and ESCER

501. Regarding issues related to guaranteeing ESCER in the context of human mobility, Chile continues to be an important destination for migrants, particularly Venezuelan, Peruvian, Haitian, Colombian and Bolivian nationals. According to figures from the National Institute of Statistics (INE), the foreign population habitually residing in Chile as of December 2021 was composed of 1,482,390 people, representing an increase of 1.5% over 2020, and an increase of 14.1% compared to 2018¹⁰⁵³. Regarding irregular entries or through unauthorized crossings, they rose in 2021 to at least 56,586, compared to the record of 2,905 entries in 2017¹⁰⁵⁴. In this regard, the Balance of Human Mobility in Chile of the Jesuit Migrant Service (SJM) analyzes that the military presence at the border and the collective expulsions carried out during 2021 did not meet the objective of reducing irregular entries¹⁰⁵⁵.

502. On the other hand, REDESCA has received information on the situation faced by migrants in an irregular situation, many of them minors, who arrive at shelters, many of which are not in suitable conditions to receive these groups in a situation of extreme vulnerability¹⁰⁵⁶ and do not have adequate medical assistance¹⁰⁵⁷, nor food or access to drinking water¹⁰⁵⁸. It should be noted that this situation affects women and girls even more, which is why it is necessary to generate public policies with a gender perspective and intersectionality¹⁰⁵⁹. Although REDESCA recognizes the efforts made by the State of Chile, it is necessary to adopt mechanisms to prevent the re-victimization of migrants and to implement multidisciplinary and comprehensive strategies to meet their basic needs in safe and dignified conditions.

¹⁰⁴⁹ La Tercera, "[El preocupante ausentismo escolar en Chile](#)", August 8, 2022.

¹⁰⁵⁰ Independent, "[Chile struggles to resume school attendance](#)", July 27, 2022.

¹⁰⁵¹ Center for Advanced Research in Education, "[MONITORING SCHOOLS IN PANDEMIA: ATTENDANCE IMPROVES, BUT STAYS BELOW PRE-PANDEMIA LEVELS](#)", August 31, 2022.

¹⁰⁵² La Tercera, "[¿A qué apunta la Política Nacional de Educación Sexual Integral anunciada por el Presidente Boric?](#)", June 1, 2022.

¹⁰⁵³ INE, October 12, 2022.

¹⁰⁵⁴ SJM, "[Migration in Chile: Lessons and Challenges for the coming years](#)", June 9, 2022.

¹⁰⁵⁵ Ibid.

¹⁰⁵⁶ El Mostrador, "[Crisis migratoria en Iquique: 'Las mujeres migrantes sufren el triple de violencia, y si son madres, la situación es aún más compleja'](#)", 07 February 2022.

¹⁰⁵⁷ El Mostrador, "[SJM reveals harsh reality of migrants: one in five has no access to Fonasa and 16% have no pension system](#)", February 7, 2022.

¹⁰⁵⁸ La Tercera, "[One meal a day and a four-hour walk from the city: the conditions of Lobito, the shelter for irregular migrants in Iquique](#)", January 17, 2022.

¹⁰⁵⁹ El Mostrador, "[Crisis migratorio en Iquique: 'Las mujeres migrantes sufren el triple de violencia, y si son madres, la situación es aún más compleja'](#)", February 7, 2022.

503. REDESCA notes that in February, the new Migration and Alien Law came into force, whose main objective is to regulate the flow of migration in the country. This new regulation promotes the rights of foreigners, as well as their duties and obligations, while creating the National Migration Service and its regional directorates, seeking to provide better responses to the needs of people in human mobility throughout the national territory¹⁰⁶⁰. It should also be added that the new law provides that foreigners who are regularly in the country will have the same rights as nationals in terms of access to rights such as health, education, housing, among others¹⁰⁶¹. However, the Special Rapporteur is concerned that, in practice, many migrants do not have effective access to these rights because they cannot officially regulate their migratory situation. REDESCA has learned that the National Migration Service has backlogs of up to 500,000 visa applications that, in some cases, amount to more than two years since the permit was first requested¹⁰⁶².
504. In addition to the above, REDESCA notes that the National Employment Survey of INE reports that the unemployment rate among the foreign population in Chile during the July-September 2022 quarter was 7.8%, while informal employment rose to 29.7%¹⁰⁶³. In this regard, the Office of the Special Rapporteur expresses its concern due to the context of vulnerability of migrants in an irregular situation, and the correlative generation of abusive conditions within the labor market, with an increase in informal, precarious and poorly paid jobs¹⁰⁶⁴. In particular, one out of every five migrants with higher education is employed in the informal sector, while in the case of Chileans in the same situation, the rate rises to only 14%¹⁰⁶⁵. Likewise, 33.7% of the working migrant population indicates having suffered labor discrimination, having performed the same tasks as their co-workers for a lower salary¹⁰⁶⁶. The Office of the Special Rapporteur recalls that, regardless of a person's immigration status when entering into an employment relationship, the protections conferred by law on workers, with the full range of rights and obligations covered, should apply to all workers without discrimination, whether documented or undocumented.¹⁰⁶⁷
505. Regarding access to health services for the migrant community in the country, REDESCA is concerned that, despite the progress made, the migrant population still does not have the same access to health care as the rest of the Chilean population. This is due to the fact that 11% of migrants are not enrolled in the social security system¹⁰⁶⁸, as well as the gaps in access to information and, on occasions, discriminatory treatment in the same health centers that make such access impossible¹⁰⁶⁹.

¹⁰⁶⁰ Chile Atiende, "Nueva Ley de Migraciones", June 8, 2022.

¹⁰⁶¹ Library of the National Congress of Chile, "Ley N° 21.325: Ley de Migración y Extranjería", February 12, 2022.

¹⁰⁶² SJM, "Avances y desafíos: Inédito balance analiza cifras y evolución de la migración en Chile en los últimos cuatro años", June 9, 2022.

¹⁰⁶³ INE, "Boletín Estadístico: Empleo Población Extranjera", November 3, 2022.

¹⁰⁶⁴ SJM, "Migration in Chile: Lessons and Challenges for the coming years", June 9, 2022.

¹⁰⁶⁵ Ibid.

¹⁰⁶⁶ CENEM Universidad de Talca, "Dificultades para la inclusión laboral de los inmigrantes en Chile", June 21, 2022.

¹⁰⁶⁷ IACHR - REDESCA, "Compendium of Labor and Trade Union Rights: Inter-American Standards", October 30, 2020, para. 30.

¹⁰⁶⁸ SJM, "Informe CASEN y Migración: Avances y brechas en el acceso a la salud de la población migrante residente en Chile", January 31, 2022.

¹⁰⁶⁹ SJM, "Migration in Chile: Learnings and Challenges for the coming years", June 9, 2022.

10) COLOMBIA

506. REDESCA takes note of the high rates of poverty and inequality in the country and observes how these have a direct impact on the guarantee of the ESCER of the population, particularly for people in situations of vulnerability and historical discrimination, such as indigenous peoples, Afro-descendants, people in rural areas, women, among others. This is because, as has been previously established, poverty constitutes a human rights problem that translates into obstacles to the enjoyment and exercise of human rights in conditions of real equality for individuals, groups and collectivities living in this condition¹⁰⁷⁰.
507. Thus, according to information from the National Administrative Department of Statistics (DANE), in 2021 monetary poverty reached 39.3% and extreme monetary poverty 12.2%, with a total of 19,621,330 people in monetary poverty and 6,110,881 people in extreme monetary poverty¹⁰⁷¹. In terms of departmental poverty in 2021, it is observed that there are departments with extremely high monetary poverty rates, such as La Guajira (67.4%) and Chocó (63.4%)¹⁰⁷². This is in a context of a rural-urban gap in which monetary poverty reached 37.8% in the municipal capitals and 44.6% in population centers and dispersed rural areas¹⁰⁷³. It is also important to note that for indigenous groups, monetary poverty reached 61.6%, while extreme poverty reached 33.7%¹⁰⁷⁴. Likewise, for the black, mulatto, Afro-descendant and Afro-Colombian ethnic groups, monetary poverty was 46.1% and extreme poverty was 17.3%¹⁰⁷⁵.
508. Without detriment to the foregoing, the Office of the Special Rapporteur notes that at the national level, monetary poverty would have been reduced by 3.2% by 2021 compared to 2020¹⁰⁷⁶, based on welfare and employment generation programs, along with measures implemented by the State in the framework of economic recovery¹⁰⁷⁷. REDESCA notes that multidimensional poverty would also have decreased, going from 18.1% by 2020 to 16% in 2021¹⁰⁷⁸. Despite these advances, it is observed that a large percentage of the population would still be in poverty, as well as an increase of 1.7% in monetary poverty in population centers and dispersed rural areas (from 42.9% in 2020 to 44.6% in 2021)¹⁰⁷⁹. It is worth noting that by

¹⁰⁷⁰ IACHR, Poverty and Human Rights Report, 2017, para. 91.

¹⁰⁷¹ National Administrative Department of Statistics, Press Release: In 2021, in the national total monetary poverty was 39.3%, April 26, 2022.

¹⁰⁷² National Administrative Department of Statistics, Monetary Poverty and Extreme Monetary Poverty, Departmental.

¹⁰⁷³ National Administrative Department of Statistics, Press Release: In 2021, in the national total monetary poverty was 39.3%, April 26, 2022.

¹⁰⁷⁴ National Administrative Department of Statistics, Press Release: In 2021, the incidence rate of monetary poverty for the population victimized by the conflict was 10.8 percentage points (p.p.) higher than the incidence rate of the national total, while the incidence rate of extreme poverty, June 2, 2022.

¹⁰⁷⁵ Ibid.

¹⁰⁷⁶ National Administrative Department of Statistics, Press Release: In 2021, in the national total monetary poverty was

39.3%, April 26, 2022.

¹⁰⁷⁷ Opinión Caribe, Según el DANE, Colombia habría reducido índices de pobreza monetaria, April 26, 2022.

¹⁰⁷⁸ National Administrative Department of Statistics, Press Release: In 2021, multidimensional poverty in the country was 16.0%, April 28, 2022.

¹⁰⁷⁹ National Administrative Department of Statistics, Press Release: In 2021, in the national total monetary poverty was

39.3%, April 26, 2022.

2021, multidimensional poverty in population centers and dispersed rural areas reached 31.1%, while in the capitals it was 11.5%¹⁰⁸⁰.

509. In this scenario, it is noted with concern that, by March 2022, it is estimated that hunger will affect 54% of the country's population, with half a million children suffering from malnutrition¹⁰⁸¹. REDESCA draws attention to the alarming number of children under 5 years of age who die from preventable causes. Thus, for example, due to causes associated with malnutrition, approximately 293 children would have died nationwide between January 1, 2022, and the beginning of December. It should be noted that only in La Guajira 78 children would have died and in Chocó 34¹⁰⁸².

510. In this regard, REDESCA notes that the UN has identified political instability, the impact of the COVID-19 pandemic, the regional migratory crisis and internal displacement¹⁰⁸³ as factors contributing to the increase in hunger in Colombia. Likewise, hunger has been aggravated by the rise in prices that has occurred in the country during the year, as the inflationary phenomenon has had a direct impact on the purchasing power of households. The DESCA Rapporteurship observes that this inflationary phenomenon has a differentiated effect on people in situations of economic vulnerability and worsens inequality in the country. This, taking into account the variation in the Consumer Price Index (CPI) between high-income and low-income people, since while high-income families would have experienced an annual variation of 10.57%, low-income families experienced an annual variation of 14.1%¹⁰⁸⁴.

511. In this context, REDESCA welcomes the national anti-hunger shock plan implemented by the Government, which began on December 7, 2022¹⁰⁸⁵ and consists of an extraordinary monetary transfer of 500 thousand pesos per household through the Solidarity Income, Families in Action and Youth in Action programs¹⁰⁸⁶. It should be noted that the initiative seeks to benefit close to 2 million households living in poverty and that the beneficiary group will be mainly female-headed households with a higher poverty index¹⁰⁸⁷. In addition to this transfer, a strategy of awareness-raising activities on how to exercise the right to food has been announced¹⁰⁸⁸.

A. Right to Health and its Social Determinants: Pandemic

512. REDESCA has monitored the various measures implemented by the State to contain the pandemic and its socioeconomic impacts, as well as the effects of the health crisis on the health sector and the population, with special attention to its disproportionate impact on people living in poverty and extreme poverty¹⁰⁸⁹. In this regard, by the end of April 2022, the Commission and REDESCA emphasize that the country would

¹⁰⁸⁰ National Administrative Department of Statistics, Press Release: In 2021, multidimensional poverty in the country was 16.0%, April 28, 2022.

¹⁰⁸¹ La Vanguardia, With hunger in the neighborhoods, Gustavo Petro is favorite for Colombian presidential election, March 15, 2022

¹⁰⁸² Ministry of Health and Social Protection. National Institute of Health. Weekly Epidemiological Bulletin. Week 49, December 10, 2022

¹⁰⁸³ UN, Food insecurity will worsen in Colombia, Honduras and Haiti, January 27, 2022.

¹⁰⁸⁴ Departamento Administrativo Nacional de Estadística (DANE), Boletín Técnico, Índice de Precios al Consumidor (IPC) Octubre 2022, pg.8.

¹⁰⁸⁵ Social Prosperity, #Hambrezero (last visit December 13, 2022).

¹⁰⁸⁶ Prosperidad Social, Prosperidad Social anuncia plan de choque contra el hambre, November 9, 2022.

¹⁰⁸⁷ Ibid.

¹⁰⁸⁸ Ibid.

¹⁰⁸⁹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, paras. 478-506.

have managed to control the most devastating effects of the pandemic and overcome the peaks it had experienced, in part, thanks to the immunity achieved by this date, in which, by May 1, 2022, 69.5% would have a complete vaccination schedule, 83% with a first dose and 32% with a booster¹⁰⁹⁰. In this scenario, due to the high vaccination rates and a significant drop in terms of deaths and infections, the country would have lifted several measures, such as the use of face masks in closed spaces and the daily report of cases and deaths from COVID-19 carried out by the INS¹⁰⁹¹. It should be noted that it was a priority to maintain care while the virus had not disappeared. Therefore, due to the increase in cases towards the end of the year, the Minister of Health pointed out that the use of masks continues to be mandatory in public transportation, medical services, and nursing homes¹⁰⁹².

513. In relation to infections and deaths, the Special Rapporteur notes the significant impact of this situation, since as of December 22, 6,323,357 cases of COVID-19 and 141,943 deaths from COVID-19 were reported¹⁰⁹³. Regarding vaccination, REDESCA highlights that the country implemented a vaccination plan that prioritized groups of special attention, taking into account age, comorbidities and occupation, which would have protected the most vulnerable groups against the pandemic, such as the elderly and health personnel¹⁰⁹⁴. Thus, this measure would have been taken in accordance with Resolution 1/2021 of the IACHR, which established that States had the duty to ensure the distribution of vaccines through the development and implementation of a national vaccination plan; along with prioritizing the inoculation of people at higher risk of infection and those who experience a higher risk of the pandemic¹⁰⁹⁵.
514. Despite the devastating effects of the pandemic, REDESCA welcomes the measures taken by the State to respond in a timely manner to the pandemic, including quarantine measures and the resources allocated to expand the capacities of the health system. Thus, it highlights that during the pandemic, the capacity of intensive care was doubled and ensured the articulation of different actors of the health system for a timely response¹⁰⁹⁶.
515. Without detriment to the above, two aspects are of particular concern to the Office of the Special Rapporteur: on the one hand, that there would have been a slow reopening for the attention of affectations other than COVID-19, which, among others, would have had a significant impact on the care, control and diagnosis of chronic diseases¹⁰⁹⁷. On the other hand, the risk situation of health personnel and medical missions, which, as evidenced during the visit of the IACHR to the territory in June 2021, would be affected by violence (both in the context of the conflict and social demonstrations in the country).¹⁰⁹⁸
516. Regarding the first point, REDESCA notes that the high strain on the health system during the pandemic (when it was reported at times that some emergency centers were at up to 400% of their capacity), led to

¹⁰⁹⁰ La Silla Vacía, THE PANDEMIA HAS COME TO AN END (FOR NOW). COLOMBIA PASSED RASPANDO, May 1, 2022

¹⁰⁹¹ La Silla Vacía, THE PANDEMIA HAS COME TO AN END (FOR NOW). COLOMBIA PASSED RASPANDO, May 1, 2022

¹⁰⁹² National Institute of Health and Social Protection, Minsalud makes clarifications on the use of face masks, December 2, 2022.

¹⁰⁹³ National Institute of Health and Social Protection, COVID-19 in Colombia, December 22, 2022.

¹⁰⁹⁴ La Silla Vacía, THE PANDEMIA HAS COME TO AN END (FOR NOW). COLOMBIA PASSED RASPANDO, May 1, 2022

¹⁰⁹⁵ IACHR, Resolution 1/2021: Covid-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, paras. 1, 7.

¹⁰⁹⁶ La Silla Vacía, THE PANDEMY HAS COME TO AN END (FOR NOW). COLOMBIA PASSED RASPANDO, May 1, 2022.

¹⁰⁹⁷ La Silla Vacía, THE PANDEMY HAS COME TO AN END (FOR NOW). COLOMBIA PASSED RASPANDO, May 1, 2022/

¹⁰⁹⁸ IACHR, Working visit to Colombia, Observations and recommendations Visit: June 2021, July 7, 2021; REDESCA, Meeting with Colombian health sector organizations, June 14, 2021.

people with chronic diseases, such as diabetes, hypertension, and cancer, not having adequate access to the health system to treat their condition¹⁰⁹⁹. As an example, it is noted that, compared to 2019, major diagnostic studies for cancer screening would have decreased by approximately 39% during 2020¹¹⁰⁰. In addition, a survey by the Colombian Leukemia and Lymphoma Foundation shows that 38% of patients would have had to suspend or postpone their chemotherapy, 20% their surgeries and 46% their appointments with specialists during the pandemic¹¹⁰¹.

517. In relation to the second point, REDESCA notes that, based on the report of the International Committee of the Red Cross (ICRC) on the humanitarian situation in Colombia during 2021, not only has violence in the country increased, but particularly in the case of medical missions, there were 553 attacks against health personnel during 2021 - the highest number recorded in the last 25 years¹¹⁰². It also notes that there was an increase in violence against health care in the first half of 2022 -especially in the context of armed conflict-, in which 3 patients and 2 health professionals were killed, in addition to fighting and the presence of explosive devices in the vicinity of health facilities, which would have substantially affected the functioning of health services in areas such as Arauca, Cauca and Norte de Santander.¹¹⁰³ In addition to expressing its deep concern for the acts of violence and threats against health workers¹¹⁰⁴, REDESCA notes that this situation would result in affecting health services in some areas where there is greater intensity of armed conflict.¹¹⁰⁵
518. In the context of the social demonstrations, and based on the working visit to the territory, we took note of the complaints filed by health sector organizations, in which they reported attacks on the life and integrity of health personnel, obstacles to the regular transit of emergency health vehicles, transport of medical supplies and food, as well as threats and harassment of medical units and health personnel, especially those who would be providing support to the people on the front line.¹¹⁰⁶ Therefore, REDESCA emphatically rejects the attacks on medical missions and health personnel and reiterates its call to guarantee their reinforced protection, including recognition for their humanitarian work. It also reiterates the State's obligation to investigate, prosecute and punish the perpetrators of these attacks.
519. In relation to access to health services in general terms, the Rapporteurship follows closely how people would need to resort to the courts to have their rights guaranteed. Thus, there would have been a substantial increase (58.31%) in the monthly average of tutelas between January and September 2022 compared to 2021¹¹⁰⁷. In view of these conditions, the Ombudsman called the attention of the Benefit Plan Administrators (EAPB), the Special Regime Administrators and the Health Service Provider Institutions (IPS), which "inhumanely" persist in denying certain services or medicines, especially vital medicines such as oxygen, medicines for the control of diabetes or arterial hypertension, consultations by specialized medicine, treatments for the treatment of cancer and various surgical procedures.¹¹⁰⁸

¹⁰⁹⁹ [La Silla Vacía, THE PANDEMIC LEAVES DEATHS BEYOND COVID, July 15, 2021.](#)

¹¹⁰⁰ [La Silla Vacía, THE PANDEMIC LEAVES DEATHS BEYOND COVID, July 15, 2021.](#)

¹¹⁰¹ Ibid.

¹¹⁰² International Committee of the Red Cross (ICRC), [Update on the humanitarian situation in Colombia](#), July 08, 2021.; Semana, [ICRC reveals that the armed conflict worsened in Colombia during 2021](#), March 23, 2022.

¹¹⁰³ ICRC, [Update on the humanitarian situation in Colombia](#), July 27, 2022.

¹¹⁰⁴ RCN Radio, [Atacan a la misión médica en Cartagena](#), September 16, 2022; RCN Radio, [Autoridades rechazan ataque a misión médica en hospital infantil de Cartagena](#), October 28, 2022.

¹¹⁰⁵ ICRC, [Update on the humanitarian situation in Colombia](#), July 27, 2022.

¹¹⁰⁶ IACHR, Working visit to Colombia, Observations and recommendations Visit: June 2021, July 7, 2021; REDESCA, Meeting with Colombian health sector organizations, June 14, 2021.

¹¹⁰⁷ Ombudsman's Office, [Tutelas en salud increased 58.31% in the monthly average as of September 2022 vs. 2021](#), December 4, 2022.

¹¹⁰⁸ Ibid.

520. Regarding sexual and reproductive health, REDESCA welcomes the Constitutional Court's decision to completely decriminalize abortion up to 24 weeks of gestation¹¹⁰⁹. The above taking into account that it is the duty of the State to respect the reproductive autonomy of women, so that the American Convention on Human Rights absolutely prohibits any arbitrary interference, both public and private, in the rights to private life,¹¹¹⁰ understanding that within the rights to private life is included the right to develop the personality and the possibility of exercising personal autonomy over future events relevant to the quality of life of individuals, such as fertility planning and motherhood¹¹¹¹. Without detriment to this, the Rapporteurship expresses its concern about the discrimination and xenophobia that Venezuelan migrants and refugees in Colombia would face when trying to access a voluntary interruption of pregnancy (IVE) or other sexual health services.¹¹¹²
521. REDESCA is aware that the guarantee of the right to health is intrinsically related to the level of satisfaction of its basic and social determinants, which include the right to a healthy environment and the right to water, the right to food, the level of income and social protection, access to housing, among others. Therefore, REDESCA reiterates that high levels of poverty constitute a serious obstacle to the enjoyment and exercise of human rights on equal terms¹¹¹³. Therefore, the monetary and multidimensional poverty affecting millions of Colombians has resulted, among other issues, in a situation of hunger and food insecurity¹¹¹⁴.
522. Thus, the situation of food insecurity in the country is of great concern, and REDESCA takes note of the estimates that indicate that 54.2% of the population lives in a situation of food insecurity¹¹¹⁵, indicating that before the pandemic, 89% of households in Colombia ate three meals a day, but that by December 2021 only 69% had access to those three meals, so that by the end of the year, 14 million 400 thousand people would have eaten only twice a day; 1 million 445 thousand only once a day and 154 thousand less than once a day¹¹¹⁶. In addition, it has been reported that 10.8% of children under 5 years of age live in a situation of chronic malnutrition¹¹¹⁷. According to the Colombian Food Bank Association, in October 2022, 22 million people in the country would have used the crisis coping strategy, which includes reducing the quality of food or skipping one or two meals a day¹¹¹⁸.
523. In this context, it is also noted with great concern that, despite the T-302 ruling declaring the state of unconstitutionality and the precautionary measures granted by the IACHR in favor of certain beneficiary groups of the Wayuu people,¹¹¹⁹ there continues to be a serious impact on the DESCA of the population and deaths due to malnutrition - and other preventable causes - in La Guajira¹¹²⁰. It should be noted that,

¹¹⁰⁹ Constitutional Court of Colombia, Sentence C-055 of 2022, February 21, 2022; [BBC News, Abortion in Colombia: Constitutional Court decriminalizes it up to 24 weeks of gestation, February 21, 2022.](#)

¹¹¹⁰ American Convention on Human Rights, article 11.2

¹¹¹¹ I/A Court H.R., Case of Artavia Murillo et al. v. Costa Rica. Judgment of November 28, 2012, para. 142-146.

¹¹¹² Swissinfo, [Venezuelan migrants in Colombia are discriminated against in sexual health](#), September 7, 2022.

¹¹¹³ IACHR, [Annual Report 2021, Chapter V](#)

[Follow-up](#) of recommendations made by the IACHR in its country or thematic reports Colombia, para. 185.

¹¹¹⁴ Ibid.

¹¹¹⁵ El Universal, Colombia is indeed in food crisis: experts after FAO report, February 1, 2022

¹¹¹⁶ [W Radio, Chronic malnutrition, the irreversible disease that affects more than 500,000 children in Colombia, March 1, 2022](#)

¹¹¹⁷ [W Radio, Chronic malnutrition, the irreversible disease that affects more than 500,000 children in Colombia, March 1, 2022](#)

¹¹¹⁸ Boyaca 95.6, [Increasing hunger in Colombia according to ABACO](#), October 18, 2022.

¹¹¹⁹ MC 51.15 - Wayuu Indigenous People Settled in the Department of La Guajira vs Colombia.

¹¹²⁰ REDESCA, [Visit to Colombia: REDESCA observes serious challenges for the guarantee of DESCA in La Guajira](#), November 30, 2022; [El Tiempo, Denuncian muerte de dos menores wayú por desnutrición, January 11, 2022](#); RCN, [Indígenas wayúu advirieron a la C. Constitucional que su comunidad está a punto de desaparecer](#), August 2, 2022; El Espectador, [Hambre en La Guajira: cinco años de una promesa incumplida](#), August 23, 2022; Infobae, [En los últimos seis años alrededor de 1,700 niños menores de 5 años han muerto en Colombia por hambre](#), September 25, 2022; Radio Nacional de Colombia, [En 2022 han muerto 63 niños por desnutrición en La Guajira, según el INS](#), November 4, 2022.

according to data from the National Institute of Health (INS) and until March 2022, since 2014, 578 children under five years of age would have died from causes associated with malnutrition (374 of them since the declaration of the State of Unconstitutional Things through the ruling)¹¹²¹. Likewise, in 2022 alone, at least 85 children would have lost their lives due to malnutrition, more than twice as many as in 2021 - with 41 deaths registered in official data - and without counting the underreporting of this situation¹¹²².

524. In response to this and based on REDESCA's working visit to the Department of La Guajira - particularly, to Manaure, Maicao, Uribia, Albania and Riohacha between October 1 and 3, 2022-, the Office of the Special Rapporteur reiterates that, if immediate measures are not taken to guarantee their human rights, and particularly their DESCAs, the physical and cultural survival of the Wayuu People and other communities is put at risk, in addition to increasing preventable deaths of elderly people, children and children of the Wayuu People.¹¹²³
525. In this line, an urgent call is made to the State to adopt the 11 recommendations of REDESCA established in its press release, as well as to the companies and international financial institutions with operations in La Guajira to effectively implement the standards and recommendations addressed to companies and international financial institutions contained in its report Business and Human Rights: Inter-American Standards, as well as to cooperate with the State of Colombia to eliminate poverty in La Guajira, contributing with their operations and programs to the sustainable development of the Department, based on business models that place the well-being and rights of the people who inhabit it at the center, such as the protection of its ecosystems.¹¹²⁴
526. On the other hand, and in more general terms, measures are essential to effectively combat the high levels of poverty and inequality in the country, which, in addition to especially affecting women, people in rural areas, indigenous peoples and Afro-descendants, among other vulnerable groups¹¹²⁵, have been decisive in the impact of the pandemic. As previously addressed by this Office of the Special Rapporteur, deaths from Covid-19 were highly related to the purchasing power of households, with lower-income households accounting for most of the deaths in the country.¹¹²⁶
527. Against this backdrop, REDESCA highlights the importance of the launching of the National Observatory of Equity in Health (ONES), which took place at the beginning of March 2022. In this regard, the ONES, under the leadership of the Ministry of Health, would be responsible for analyzing, consolidating, and disseminating information, evaluating public policies, and managing alliances to strengthen this sector¹¹²⁷; tasks in which it will place special emphasis on monitoring the reduction of social inequalities and the progressive achievement of health equity in the national territory.¹¹²⁸

¹¹²¹ DeJusticia, Hunger in La Guajira, an unpaid debt, March 28, 2022

¹¹²² REDESCA. Visit to Colombia: REDESCA observes serious challenges for guaranteeing ESCR in La Guajira, November 30, 2022; National Institute of Health, Boletín Epidemiológico, December 19, 2022.

¹¹²³ REDESCA. Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCR in La Guajira, November 30, 2022.

¹¹²⁴ REDESCA. Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCER in La Guajira, November 30, 2022.

¹¹²⁵ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 508.

¹¹²⁶ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, 2021, paras. 495-496.

¹¹²⁷ Infobae, Government launches National Health Equity Observatory, March 2, 2022

¹¹²⁸ Paho, Colombia presents its National Atlas of Sustainable Health Equity, March 3, 2022

528. In addition, REDESCA welcomes the issuance of Resolution 2492, which regulates Law 2120 of 2021 - Junk Food Law -, which established the obligation of a front warning label on ultra-processed foods so that consumers are aware of the excess of trans fats, sugars, and sweeteners in the products¹¹²⁹.

B. Climate Emergency and the Human Right to Water

529. REDESCA highlights the State's measures in the face of the climate emergency, such as: the creation of a commission to minimize the risks caused by climate phenomena; the climate roadmap to be implemented over the next 10 years to reduce greenhouse gas emissions by 51% through the implementation of nearly 200 mitigation, adaptation and implementation measures; the enactment of the Climate Action Law¹¹³⁰ and actions to prevent and address forest fires, including inter-institutional coordination bodies that allow the development of prevention and management actions, such as the creation of the National Technical Advisory Commission for Forest Fires and the creation of the Hot Spots Monitoring Board¹¹³¹. The Ministry of Environment has also highlighted other environmental strategies in international forums, including the Colombia Heritage program, which aims to finance 32 million hectares of protected areas for 10 years¹¹³². In addition, the country managed to declare 37% of its marine areas and 31% of its terrestrial areas under protection.¹¹³³

530. In this line, REDESCA urges the State to continue adopting measures to combat climate change, paying special attention to deforestation in the country, to the impacts of the climate emergency on groups in situations of vulnerability or historical discrimination, and to the effective protection of people who defend the environment. The above, since it is important to highlight that Colombia is one of the countries with the highest deforestation during 2021¹¹³⁴, losing 174,103 hectares of forest throughout the year and representing the second consecutive year in which the level of deforestation increased¹¹³⁵. Likewise, in 2022 the situation continues to be critical, as between January and March alone 50,400 hectares would have been deforested, exceeding the 45,500 hectares reported for the same period in 2021. Thus, the figure for the last 21 years would already exceed 3 million hectares¹¹³⁶. According to the Comptroller General of the Republic, there is a very worrying environmental diagnosis, which shows that deforestation has increased over the years and that every day 500 hectares of forest would be destroyed, which would translate into approximately 170,000 hectares per year, with the Amazon being the region of the country most affected by this practice¹¹³⁷. According to this entity, irreparable damage would be caused to the

¹¹²⁹ El Colombiano, [Así será el nuevo etiquetado frontal de la comida chatarra: MinSalud anunció su reglamentación](#), 13 December 2022; MinSaludCol, [Twitter](#), 14 December 2022.

¹¹³⁰ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021.

¹¹³¹ Infobae, [Colombian Government prepares actions to prevent and confront forest fires, February 10, 2022](#)

¹¹³² Ministry of Environment and Sustainable Development, [Minister Correa, on international agenda on Sustainable Development Goals and climate](#), July 19, 2022.

¹¹³³ Ministry of Environment and Sustainable Development, [Historic: Colombia declares 34% of its territory a protected area](#), July 26, 2022.

¹¹³⁴ El Espectador, [The Colombian Amazon was the fourth most deforested in 2021](#), 01 June 2022.

¹¹³⁵ SwissInfo, [Deforestation increased in Colombia in 2021 for the second consecutive year](#), July 15, 2022.

¹¹³⁶ WWF, [Increased deforestation in Colombia in 2022 requires urgent action](#), September 09, 2022.

¹¹³⁷ [Colombia.com, Comptroller General's Office publishes terrible environmental diagnosis in Colombia, March 23, 2022](#)

environment by breaking the cycles of biotic connectivity in the ecosystems. In addition, it was pointed out that 60% of the CO₂ emissions emitted by the country would be the result of deforestation processes¹¹³⁸.

531. In this framework, the Rapporteurship is pleased to note that, in March 2022, the Institute of Hydrology, Meteorology and Environmental Studies (IDEAM) would have signed an agreement with the National Police to monitor and combat deforestation¹¹³⁹. Notwithstanding this, REDESCA stresses the urgency of continuing to take action to halt deforestation and to mitigate its serious impacts - both on biodiversity loss and on diverse communities.

532. These measures are especially relevant when considering that, as has been previously addressed by the Office of the Special Rapporteur, the country is among the most vulnerable to the effects of climate change, which would imply higher temperatures every day, extreme weather incidents and disturbances in ocean patterns that would jeopardize energy, food, water, and sanitation security¹¹⁴⁰. For example, the islands of San Andres, Providencia, and Santa Catalina -recently affected by Hurricane Iota- would have a very high vulnerability to this type of extreme events due to the physical conditions of the hurricanes themselves, as well as the social conditions of exposure, fragility and capacity for adaptation and resilience with respect to the types of housing and existing drainage systems on the island¹¹⁴¹.

533. In the same vein, the Office of the Special Rapporteur reiterates the urgency that, in order to guarantee the right to a healthy environment and the ESCER of the population, the State should adopt effective measures against the murder and criminalization of environmental defenders; comprehensive and timely attention to people affected by deforestation, extractive activities and natural disasters, along with the full implementation of ILO Convention 169¹¹⁴². In this regard, the Office of the Special Rapporteur is available to contribute to these efforts and urges that special consideration be given to IACHR Resolution 3/2021.¹¹⁴³

534. Without detriment to the above, REDESCA welcomes the announcements made by the Executive and its environmental portfolio indicating the suspension of spraying with glyphosate in view of the social and environmental risks generated¹¹⁴⁴, as well as the filing of a bill to prohibit its use for the control of illicit crops.¹¹⁴⁵ In this same line, REDESCA highlights that the Ministry of Mines and Ministry of Environment has filed a bill that would prohibit the exploration and production of hydrocarbons from unconventional deposits; the granting of contracts, concessions and licenses for fracking and reform the policy on energy

¹¹³⁸ [Colombia.com, Comptroller General's Office publishes terrible environmental diagnosis in Colombia, March 23, 2022](#)

¹¹³⁹ Instituto de Hidrología, Meteorología, y Estudios Ambientales de Colombia, [National Police and IDEAM Sign Contract to Contribute to Monitoring and Combating Deforestation](#), March 2, 2022.

¹¹⁴⁰ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021.

¹¹⁴¹ [Weather, San Andres and Providencia, highly vulnerable to extreme weather events](#), January 13, 2022

¹¹⁴² San Salvador Protocol Working Group, [OBSERVATIONS AND FINAL RECOMMENDATIONS TO THE REPUBLIC OF COLOMBIA](#), OAS/Ser.L/XXV.2.1 GT/PSS/doc.52/21, July 2021, para. 104; REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021,

¹¹⁴³ Inter-American Commission on Human Rights, Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, [Resolution No. 3/2021: Climate Emergency, Scope and Inter-American Human Rights Obligations](#), 2021.

¹¹⁴⁴ [WWF, Prohibición de la aspersión con glifosato: es el momento de Colombia](#), August 19, 2022; [InfoBae, Ministerio de Ambiente radicará proyecto para prohibir la aspersión con glifosato en Colombia](#), August 17, 2022; [El País, Se radicará nuevo proyecto para prohibir la aspersión con glifosato: Ministra de Ambiente](#), August 17, 2022; [Página 12, Colombia avanza en la prohibición de glifosato para eliminar cultivos ilícitos](#), December 10, 2022.

¹¹⁴⁵ *Ibid.*

transition.¹¹⁴⁶ REDESCA highlights the importance of these initiatives for the protection of the ESCER of the population and considers that they would be in line with its call for a discussion of these practices from a human rights approach. Likewise, the Office of the Special Rapporteur congratulates the ratification and approval of the Escazú Agreement¹¹⁴⁷, as a key instrument that complements the instruments and obligations of the Inter-American system in this area.

535. In this regard, REDESCA reiterates that in all measures adopted in this area, the State must heed the principles of precaution and prevention of environmental damage recognized by the Inter-American Court of Human Rights -through its advisory opinion no. 23/17-, as well as recognize in all its actions that the right to a healthy environment is intrinsically related to the right of every person to the enjoyment of the highest level of physical and mental health, in accordance with the International Covenant on Social, Economic and Cultural Rights. Likewise, that, in accordance with the Inter-American standards on business and human rights, established in its 2019 report, both the States, when exercising their regulatory, supervisory and judicial functions, as well as the companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples, Afro-descendant communities, and rural and peasant populations.
536. While there would be substantial challenges to protect various communities throughout the country in the context of the climate emergency and corporate activities - among other situations - REDESCA highlights, among others, its concern about the impact of mercury dumping from illegal mining on the health of the Miraña and Bora communities living in the Caquetá River in the Amazon¹¹⁴⁸. Thus, it has been denounced that there are indigenous people with six fingers, without saliva and with mental illnesses¹¹⁴⁹. According to the First Section of the Administrative Court of Cundinamarca, the mercury levels in the hair of members of the Bora and Miraña communities would be fifteen times higher than normal records, which would put their lives and the ecosystem around them at serious risk¹¹⁵⁰. Due to this situation, the Administrative Court of Cundinamarca has ordered the Presidency and three ministries to eradicate illegal mineral extraction in the Caquetá river basin¹¹⁵¹.
537. On the other hand, the Rapporteurship takes note of the impacts and effects on indigenous peoples of the activities of multinationals, mining and drug trafficking in the Cauca region¹¹⁵², in relation to which, among other things, there have been reports of accusations, persecution, forced displacement, territorial uprooting and illnesses due to the use of agrochemicals and chemicals in extractive activities, which have even led to acid rain in some sectors and the loss of water sources due to extractive activities¹¹⁵³.
538. In relation to the flooding in the Mojana, REDESCA expresses its concern about the humanitarian crisis that the population has been facing due to the collapse of a dam located in San Jacinto del Cauca, Bolivar, and

¹¹⁴⁶ Ministry of Environment and Sustainable Development, Bill filed to close the door to fracking in Colombia, August 10, 2022.

¹¹⁴⁷ Ministry of Foreign Affairs, President Gustavo Petro sanctions the law approving the Escazú Agreement, November 5, 2022.

¹¹⁴⁸ Noticentro, Indigenous people with six fingers, no saliva and mental illness: the sentence documenting the consequences of mercury in the Caquetá River, September 5, 2022.

¹¹⁴⁹ Ibid.

¹¹⁵⁰ El Tiempo, Bebés con seis dedos: los efectos del mercurio en indígenas del Amazonas, September 6, 2022; El Espectador, El fallo que revela los estragos de la minería ilegal en el Amazonas, September 7, 2022.

¹¹⁵¹ El Espectador, El fallo que revela los estragos de la minería ilegal en el Amazonas, September 7, 2022.

¹¹⁵² Asociación de Cabildos Indígenas del Norte de Cauca Report for the IACHR. Colombia. September 2022

¹¹⁵³ Ibid.

the strong impacts of the winter wave¹¹⁵⁴. In this context, it is important to note that, in Colombia, the rainy season has left 271 people dead in 2022 due to the La Niña phenomenon - with the Mojana region being the most affected by the heavy rains.¹¹⁵⁵ In addition, the Special Rapporteur notes that not only are the lives, health, and well-being of the communities at risk, but there are reports of 80% school dropouts due to flooding and rains¹¹⁵⁶. In this regard, REDESCA welcomes the measures taken by the national government, including the deployment of a contingent of the National Army's Task Force Aquiles to facilitate the arrival of a corps of military engineers and a technical team from the Disaster Risk Management Unit -UNGRD- to assess the real situation in the region and take immediate action to reduce flood levels¹¹⁵⁷. Likewise, note was taken of the announcement of a technical team to review the conditions of registration and registration of bank accounts of the JACs, in order to allocate the necessary resources so that community kitchens can be built in urban centers and villages, as well as provide hot meals for people¹¹⁵⁸. While recognizing these efforts, REDESCA calls for a redoubling of efforts to find a permanent solution to the floods and ensure the DESCA of the population. It should be noted that floods have been occurring in this sub-region of the country for 12 years.¹¹⁵⁹

539. In addition to the above, REDESCA received reports that in Chocó, the company Minera Cobre SAS wants to soon begin exploration for copper, gold and 30 other minerals without complying with the free, prior and informed consultation¹¹⁶⁰. Likewise, information was received regarding impacts on the DESCA in the collective territory of ACADESAN, due, among others, to illegal mining after mechanized exploitation that would use polluting chemicals that would impact the health and environment of the communities, together with the illegal exploitation of timber¹¹⁶¹.
540. For its part, based on REDESCA's visit to Colombia, it notes with concern the application of the proportionality test - which was established by Presidential Directives 10 of 2013 and 08 of 2020 - for the community of the village of Cañaverales during the Best Coal Company's mining project, which would have been detrimental to their right to free, prior, and informed consultation¹¹⁶². Noting that this decision was recently revoked by the First Mixed Administrative Court of Riohacha, REDESCA calls for the respect of Inter-American standards on the matter, prioritizing the guarantee of the human rights of the communities and the protection of a healthy environment in the framework of the business activities that are carried out, in the context of all these situations - and others that were not addressed in this report.
541. Finally, highlighting the role that recyclers play in protecting the environment through waste management, REDESCA emphasizes the importance of recognizing their work and ensuring their labor rights. In this regard, it is noted that there are 28,112 recyclers and 1,139 street dwellers in the country.¹¹⁶³ Of the

¹¹⁵⁴ Infobae, La Mojana: National government announced measures to address the humanitarian crisis caused by the winter wave, November 22, 2022.

¹¹⁵⁵ Voice of America,

Rainy season leaves 271 dead this year in Colombia, November 22, 2022.

¹¹⁵⁶ El Tiempo, School desertion at 80% in La Mojana due to floods, December 02, 2022.

¹¹⁵⁷ INFOBAE, La Mojana: National Government announced measures to address the humanitarian crisis caused by the winter wave, November 22, 2022.

¹¹⁵⁸ Ibid.

¹¹⁵⁹ UNGRD, UNGRD convenes expert advisory commission to evaluate solutions for La Mojana region, September 9, 2022.

¹¹⁶⁰ Reunion Territories notes, pgs. 1-3.

¹¹⁶¹ Ibid. Pgs. 5-7.

¹¹⁶² IACHR. Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCER in La Guajira, November 30, 2022.

¹¹⁶³ UAESP, Caracterización de Recicladores de Oficio que viven en calle (last visit December 15, 2022).

recyclers, approximately 40.29% are women and 59.69% are men,¹¹⁶⁴ it is necessary to have a gender focus when developing measures to protect and guarantee their human rights.

C. Business and human rights

542. REDESCA highlights the efforts to advance in the transition to renewable energies. Without detriment to this, it reiterates the importance of ensuring that any climate action has at the center of its actions the guarantee and protection of people's rights, with special attention to groups in situations of greater vulnerability and/or historical discrimination. In this context, it notes with concern the displacement of various communities in La Guajira due to the construction of 65 wind farms, which are planned for the next ten years, with 9 already licensed in the ancestral territory of the Wayuu People, who claim not to have been informed of the true scope of the project¹¹⁶⁵. Even so, during the visit it was indicated that the territories would have been granted in perpetuity¹¹⁶⁶.
543. Regarding the serious deforestation situation, REDESCA notes that it is mostly related to illegal logging and mining, along with illicit drug cultivation¹¹⁶⁷. Some 7,585 hectares of forest have been lost to illegal activities in just the first six months of 2022. Thus, between January and June alone, 117 people were prosecuted in 48 operations against deforestation, illegal exploitation of minerals, wildlife trafficking and illegal exploitation of natural resources¹¹⁶⁸. In this context, it has also been reported that the French supermarket chain Casino is not acting with due diligence in its meat supply chain and thus fueling deforestation¹¹⁶⁹.
544. In addition, the Special Rapporteur notes that illegal mining activity would contribute significantly to this phenomenon. Thus, during the year 2021, some 65% of alluvial gold mining would have been illegal, according to a report by the United Nations Office on Drugs and Crime¹¹⁷⁰. Furthermore, of the 98,576 hectares of alluvial gold mining detected in 2021, 35% occurred in the Pacific Forest Reserve, which is home to one of the most diverse forests on the planet¹¹⁷¹.
545. Regarding the protection of human rights defenders, REDESCA notes with concern that Colombia continues to be one of the most dangerous countries for human rights defenders, environmentalists and trade unionists. For example, between January 2020 and December 2021, 58 cases of attacks against trade unionists, activists or human rights defenders who questioned business practices in the country were reported¹¹⁷². Additionally, between January 2020 and November 2022, 199 leaders, social leaders and human rights defenders have been murdered¹¹⁷³. In particular, it emphasizes the great risk faced by

¹¹⁶⁴ UAESP, Caracterización de Recicladores de Oficio que viven en calle (last visit December 15, 2022).

¹¹⁶⁵ Semana, Wind energy: a high voltage issue for the Wayú, January 14, 2022.

¹¹⁶⁶ REDESCA, Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCER in La Guajira, November 30, 2022.

¹¹⁶⁷ BluRadio, Deforestation and illicit crops: the great threat to Colombia's Natural Parks, June 5, 2022.

¹¹⁶⁸ Fiscalía de la Nación, Investigative actions by the Attorney General's Office have revealed deforestation equivalent to 8,925 soccer fields, June 15, 2022.

¹¹⁶⁹ Le Monde, NGOs accuse Casino of contributing to deforestation in the Amazon, proposed judicial mediation, July 09, 2022.

¹¹⁷⁰ BluRadio, 65% of gold mining in Colombia during 2021 was illicit: UN, June 2, 2022.

¹¹⁷¹ Ministry of Mines and Energy, Informe de Explotación de Oro de Aluvión 2021 found 98,567 hectares with evidence of this practice in Colombia, June 02, 2022.

¹¹⁷² El Espectador, "En Colombia hay una clima de intimidación sistémica a los líderes sociales, CIEDH", June 09, 2022.

¹¹⁷³ Network of National Institutions for the Promotion and Protection of Human Rights of the American Continent, Between January and November 199 leaders, social leaders and human rights defenders were murdered, December 10, 2022.

environmental defenders in the country. According to Global Witness, 33 land and environmental defenders were killed in Colombia in 2021.¹¹⁷⁴ Between 2012 and 2021, 322 land and environmental defenders were killed.¹¹⁷⁵ Likewise, Global Witness has highlighted that land disputes "are a driving force behind the killings".¹¹⁷⁶

D. Labor and Union Rights

546. With regard to this strategic line, the Special Rapporteur notes that the Colombian Federation of Education Workers (FECODE) has denounced the violation of labor and union rights for members of the union, as well as their stigmatization, since it has been pointed out that they are the main cause of children and adolescents being deprived of education¹¹⁷⁷. In view of the above, and taking into account the dialogues that the National Government has had with FECODE, REDESCA urges to continue strengthening these spaces for national dialogue, which not only seek consensus between the parties, but also ensure that the agreements are based on a human rights approach, through which the protection of the best interests of children and adolescents is enabled, along with the labor and trade union rights of teachers.
547. Likewise, the Office of the Special Rapporteur notes that the protection of the right to strike, freedom of association and collective bargaining are fundamental pillars to guarantee the right to work and its fair and equitable conditions,¹¹⁷⁸ so that when adopting measures, it is required that they be in accordance with inter-American standards on the matter.
548. REDESCA notes with concern that Colombia is reported to be among the 10 worst countries in relation to labor rights, noting the high level of death threats and assassinations against trade unionists, their arbitrary detention and anti-union practices and dismissals, according to the annual report of the International Trade Union Confederation.¹¹⁷⁹ As an example, in early August, in Santander, five trade unionists have denounced that they were threatened by the Autodefensas Gaitanistas de Colombia for their activities in defense of water.¹¹⁸⁰

E. Fiscal and Economic Policies

549. The Special Rapporteur notes that one of Colombia's main challenges is that its current tax system does not produce changes in the distribution of income, which has a direct impact on the high levels of inequality¹¹⁸¹ and the guarantee of ESCER. Likewise, despite the increase in the minimum wage in the

¹¹⁷⁴ Global Witness, *A Decade of Resistance*, September 29, 2022, pg. 9.

¹¹⁷⁵ Ibidem, pg. 17.

¹¹⁷⁶ Ibidem, pg. 12.

¹¹⁷⁷ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021.

¹¹⁷⁸ Inter-American Court of Human Rights, Advisory Opinion 27/21, May 5, 2021.

¹¹⁷⁹ International Trade Union Confederation, *ITUC Global Rights Index 2022: The Worst Countries for Workers*, 28 June 2022.

¹¹⁸⁰ MSN, Five union members from Santander denounce that they were threatened, August 16, 2022.

¹¹⁸¹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021.

country, the country is facing high inflation, which has considerably affected the purchasing power of households, especially to access the basic food basket.¹¹⁸²

550. In this context, the new government presented in early August a tax reform aimed at raising \$25 billion by 2023, and gradually increasing tax collection to \$50 billion by limiting tax benefits to the top 2% of the population and increasing controls on tax evasion. The reform is aimed at financing social programs¹¹⁸³. The tax reform will take effect on January 1, 2023, and is expected to raise close to \$20 billion in its first year¹¹⁸⁴. In this context, REDESCA welcomes the State's interest in advancing the guarantee of ESCER through the tax reform, as it has been mentioned that the resources would be destined, among others, to investment in education, drinking water, subsidies for mothers who are heads of household, land purchases and productive investment¹¹⁸⁵. In addition, REDESCA welcomes the initiative of the incoming government to prioritize investment in the Pacific Coast in order to guarantee human rights, including education, health, housing, and potable water, in one of the most excluded and under-resourced regions of the country¹¹⁸⁶.

F. Education, science, technology: academic freedom and university autonomy

551. REDESCA welcomes the fact that at the beginning of 2022 the return to face-to-face classes took place in the country, and the Ministry of Education stated that it had allocated about \$1.2 billion to provide support to the regions to advance in the reestablishment of the face-to-face educational service through guidance, management support, technical assistance, and allocation of additional resources for the implementation of biosafety conditions and adequacy of the headquarters¹¹⁸⁷. Without detriment to the above, it is noted with concern that nearly 2% could not return on the date indicated - end of January - due to infrastructure problems¹¹⁸⁸, in view of which the Ministry indicated that the territorial entities certified in education would have to provide the necessary actions to ensure regular and unrestricted access to the on-site educational service for all students¹¹⁸⁹.

552. In the same vein, REDESCA notes that the Constitutional Court ordered the national government to update, formulate and implement a plan of strategies to assess the impact of the pandemic on education at the national level within a period not exceeding six months, including "psychological support, content leveling, reduction of dropout rates and targeting of the connectivity strategy in areas where children and adolescents live in situations of greater vulnerability"¹¹⁹⁰. In view of this decision, the Ministry of

¹¹⁸² La Vanguardia, with hunger in the neighborhoods, Gustavo Petro is favorite for Colombian presidential election, March 15, 2022

¹¹⁸³ Presidency of the Republic, Press release: Tax reform of the National Government aims to raise an additional \$25 billion in 2023 and increase to \$50 billion with anti-avoidance rules and elimination of exemptions, August 8, 2022.

¹¹⁸⁴ Infobae, Gustavo Petro sanctioned the tax reform and expects to propose a budget increase in 2023, December 13, 2022.

¹¹⁸⁵ LA Fm, Tax reform will be invested in education, drinking water and subsidies for heads of household, November 2, 2022.

¹¹⁸⁶ Presidency of the Republic, Press Release: President Petro announces that his government will prioritize investment in the Pacific Coast, the poorest region of Colombia, August 10, 2022.

¹¹⁸⁷ Ministry of Education, Government of Colombia, El retorno a la presencialidad de los niños, niñas, adolescentes y jóvenes es una prioridad del Gobierno y una garantía para el derecho a la educación, January 9, 2022; El Espectador, Así será el regreso a clases de siete millones de niños y niñas en Colombia, January 20, 2022; Sputnik News, Colombia comienza la presencialidad en colegios, January 17, 2022; Semana, Con el regreso de clases presenciales, Colombia conmemora el Día Internacional de la Educación, January 24, 2021.

¹¹⁸⁸ El Espectador, Así será el regreso a clases de siete millones de niños y niñas en Colombia, January 20, 2022

¹¹⁸⁹ El Espectador, Así será el regreso a clases de siete millones de niños y niñas en Colombia, January 20, 2022

¹¹⁹⁰ Infobae, National government to assess impact on education during pandemic, February 4, 2022.

Education pointed out that, together with experts and the education secretariats, it has been working on different strategies for formative assessment and based on this, to generate strategies to close the gaps and effects¹¹⁹¹. Taking into account the serious impacts of the pandemic on the right to education, and particularly on children and adolescents living in poverty and extreme poverty, as well as on those in remote and rural areas that would not have had connectivity or technological means, REDESCA stresses the importance of these measures to ensure equitable access to education and the closing of social gaps generated by the closure of schools.

553. This is even more pressing considering that, as an example, a research by the Center for Research, Innovation and Technological Development oriented to Academic Management (Ceinfes), indicated that Colombian students would have stopped learning on average almost half (48%) of what they studied in their classes during the year 2020 - period of virtuality and distance education as a result of the pandemic¹¹⁹². In addition to the above, it is noted that only 54% of students completing secondary education would access university education, due to the lack of places in public universities and the high costs of private universities¹¹⁹³. In view of these challenges, REDESCA welcomes the launching by the Ministry of Education of the Observatory of Educational Trajectories, a statistical information consultation tool to track and identify the needs of students' transit through each educational level¹¹⁹⁴.
554. Likewise, the Office of the Special Rapporteur notes with concern that Colombia is considered the second highest country among the members of the Organization for Economic Cooperation and Development in terms of "ninis" - young people between the ages of 18 and 24 who neither study nor work - with a figure of 27.1% (3.2 million young people), 67% of whom are women¹¹⁹⁵. In view of this situation, Colombia is called upon to redouble its efforts to generate and implement public measures and policies aimed at strengthening this population's access to education and employment, from a gender and intersectional perspective.
555. Without detriment to the above, REDESCA welcomes the announcement of the reinforcement of the School Feeding Program through the allocation of \$1.2 billion in 2023¹¹⁹⁶, which would seek to support 5.8 million children and adolescents who are beneficiaries of this program.¹¹⁹⁷

G. Human Mobility and DESCA

556. Finally, REDESCA is closely monitoring the pressure that the Colombian State is experiencing in the face of the constant and diverse migratory flows that are occurring in the country, which are mainly in two directions. On the one hand, by migrants coming from Venezuela - being one of the countries with the largest number of people coming from that country - and, on the other hand, by people coming from the Caribbean - mainly Haiti and Cuba - as well as from Africa and Asia, who would have as their main objective

¹¹⁹¹ Ministry of National Education. Government of Colombia. Communiqué to the public on the ruling of the Constitutional Court, March 2, 2022.

¹¹⁹² El Tiempo, Colombian students failed to learn 48% of what they learned in class, March 01, 2022

¹¹⁹³ El País, La vida sin plata de Patricia y otros 19 millones de colombianos, July 18, 2022.

¹¹⁹⁴ Ministry of National Education, Ministry of Education presents the Observatory of Educational Trajectories, a tool to track the transit of students through the different levels and their insertion into the labor market, July 15, 2022.

¹¹⁹⁵ LR La República, Colombia is the second country among OECD members with the highest rate of "ninis", October 31, 2022.

¹¹⁹⁶ Infobae, School Feeding Program to receive \$1.2 billion in 2023 from the national government, December 15, 2022.

¹¹⁹⁷ El Tiempo, PAE universal and on vacations, the ambitious bet of Mineducación. October 24, 2022.

to start their journey to North America. This route involves exposure to extremely difficult and inhumane conditions when crossing the Darien Gap¹¹⁹⁸.

557. REDESCA notes with concern the large number of people arriving in Panama from Colombia through the Darien Gap and the difficult conditions they experience during the journey, including exposure to violence such as sexual abuse, trafficking, and exploitation, as well as lack of safe food and water, insect bites, attacks by wild animals and overflowing rivers¹¹⁹⁹. Likewise, the routes to reach Panama have diversified, in which, both through the Caribbean and the Pacific, there would be a high risk due to the possibility of shipwrecks and the activities of armed groups¹²⁰⁰. In this scenario, the Panamanian Red Cross reports that some 15% of migrants who cross through the dangerous bottleneck suffer sexual violence¹²⁰¹. Likewise, REDESCA warns that this massive influx of people could accelerate environmental degradation in the sector, putting at risk the enjoyment of the ESCER of the indigenous peoples that inhabit the sector.
558. It should be noted that, although Panamanian authorities initially indicated at the beginning of 2022 that the flow of migrants leaving Colombia for Panama had been reduced, it was noted that the opening of borders that would have occurred with the socioeconomic reactivation would have led to an increase in the number of migrants taking the route¹²⁰². REDESCA notes that the situation of the migration crisis in the Darien has worsened¹²⁰³ and that between January and October 2022 alone, 32,488 children have crossed the Darien Gap towards the United States - an increase of 10% of the total figure for 2021 -¹²⁰⁴. In this context, the importance of ensuring that coordination actions with the Panamanian authorities include measures for the protection of these people and the guarantee of their DESCAs, and not only to facilitate transit and guarantee security at the borders is highlighted¹²⁰⁵.
559. On the other hand, regarding the challenges that migrants from Venezuela experience in the country, REDESCA stresses the importance of continuing to adopt all necessary measures to ensure the guarantee of their DESCAs in respect of the principle of equality and non-discrimination. In this regard, the Rapporteurship welcomes the measures taken by the Colombian State in relation to regularization processes and access to rights, such as the Temporary Statute of Protection for Venezuelan Migrants (ETPMV); the recognition of the nationality of sons and daughters of Venezuelan parents born in Colombia, access to education for children and adolescents, and emergency medical care¹²⁰⁶. Likewise, it is noted that one of the State's goals is to affiliate the migrant population to the social security and health system with a view to permanence, so that care is not only provided in emergencies. Thus, the goal of the Ministry of Health would be to affiliate a total of 945,169 migrants by December 31, 2022, from which it has been

¹¹⁹⁸ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPOREUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021.

¹¹⁹⁹ UN, Some 32,500 children have crossed the Darien Gap into the United States this year, setting a record, November 19, 2022.

See also Caracol Radio, "La Selva del Darién se está convirtiendo en un cementerio de migrantes", 18 October 2022.

¹²⁰⁰ El País, La ruta del Darién ahora tiene más migrantes venezolanos que haitianos, March 1, 2022; El Diario, Panamá alerta de nuevas rutas y nacionalidad de los migrantes por Darién, February 1, 2022; Infobae, No ceden los migrantes en la ruta del Pacífico para pasar hacia Panamá, Jan. 20, 2022

¹²⁰¹ El Nacional, Panamá Red Cross estimates that 15% of migrants crossing the Darien Gap suffer sexual violence, July 19, 2022.

¹²⁰² Infobae, Migrant flows through Panama to the U.S. soar, Venezuelans lead, April 12, 2022

¹²⁰³ Swissinfo, Colombian authorities warn of worsening migration crisis in Darien, October 12, 2022.

¹²⁰⁴ UN, Some 32,500 children have crossed the Darien Gap into the United States this year, setting a record, November 19, 2022.

¹²⁰⁵ El Espectador, El (des)Tapón del Darién: la "otra migración", October 28, 2021.

¹²⁰⁶ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPOREUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021.

indicated that there would be 740,000 migrants affiliated to the Health Promoting Entities (EPS) at the beginning of June 2022¹²⁰⁷.

560. Although these are very positive advances, the Office of the Special Rapporteur notes that only about 15% of Venezuelans in the country have a Special Permit to Stay (PEP), so that most Venezuelan migrants continue to experience serious challenges in accessing work, education, health care, among others. Thus, for example, 85% would have difficulties to have a paid job, with informality being the main modality of work and women experiencing the greatest obstacles¹²⁰⁸.
561. In turn, REDESCA expresses its concern because it has been reported that along the migration route to Colombia, Venezuelan women often encounter serious violations of rights, including extortion, theft, sexual exploitation, recruitment for labor trafficking and that, upon arrival in Colombia, they do not receive sufficient protection to ensure that these rights are not violated in their new home¹²⁰⁹. The Office of the Special Rapporteur highlights the differentiated impact on the situation of Venezuelan women, as they are exposed to sexual exploitation and xenophobia in the workplace¹²¹⁰. This situation would be aggravated by the fact that in the country only people working in the formal economy would have access to labor jurisdiction mechanisms, excluding de facto thousands of Venezuelan migrant women, who are exposed to discrimination and gender-based violence in the workplace¹²¹¹.
562. In the same vein, REDESCA notes that 39.9% of children and adolescents between 5 and 17 years of age from Venezuela would not attend an educational institution in Colombia, meaning that 86,000 children and adolescents would not have access to formal education as of March 2022¹²¹². Likewise, access to education for migrant girls and adolescents would be complicated by xenophobia in the classroom and gender violence, along with other barriers, such as teenage pregnancies and stigmatization of women's education¹²¹³.
563. The challenges for the guarantee of the ESCER of these persons in the country increased due to the fact that at the beginning of the year the Colombian State reportedly cancelled the identity cards and registrations of approximately 43,000 persons without prior notification, a measure from which many persons indicated that they had lost access to health care and their bank accounts, among others¹²¹⁴. Therefore, taking into account the serious impact of these measures on the guarantee of human rights, particularly ESCER, the Special Rapporteur calls for administrative or any other type of action in this area to be adopted with a human rights approach and under the principle of legality. Likewise, it reiterates its call to guarantee the ESCER of this population, under an intersectional and differentiated approach, centered on a human rights

¹²⁰⁷ [La República, Más de 21.000 migrantes fueron afiliados al sistema de salud, informó la cartera, 9 February 2022](#); [Infobae, 740.000 migrantes venezolanos están afiliados a seguridad social y la meta es llegar a 900.000 en Colombia, 17 June 2022](#).

¹²⁰⁸ [El País, Nearly 85% of Venezuelans in Colombia do not have a Special Permit to Stay, April 12, 2022](#); [RTVC, Solo el 15% de la población migrante en Colombia tiene el PEP, April 12, 2022](#);

¹²⁰⁹ [El Diario, Colombia and Peru fail to protect Venezuelan women's rights, according to AI, July 12, 2022](#).

¹²¹⁰ [Amnesty International, Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru, July 12, 2022](#).

¹²¹¹ [Amnesty International, Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru, July 12, 2022](#).

¹²¹² [Caracol News, 86 thousand Venezuelan children in Colombia have not been able to access formal education, March 18, 2022](#)

¹²¹³ [News2, Barriers in Education for Migrant Girls, May 20, 2022](#).

¹²¹⁴ [CNN, Venezuelans tell of the problems they face after Colombia annulled 40,000 resident ID cards, February 22, 2022](#); [BBC, "I'm not leaving my house for fear of being arrested": the plight of thousands of Colombian-Venezuelans whose ID cards were annulled in Colombia, February 16, 2022](#).



approach and based on the principle of equality and non-discrimination, allowing for their protection, regardless of their migratory status or temporary stay in the country.

11) COSTA RICA

564. According to the results of the last National Household Survey of 2022, the poverty rate in Costa Rica reached 23%, which would represent a decrease of 3.2 percentage points with respect to 2020; while the extreme poverty rate stood at 6.4%, reflecting an increase of 0.1 percentage points with respect to 2021¹²¹⁵. For its part, the incidence of multidimensional poverty would have been reduced to 14.3%, compared to the 16.4% recorded the previous year¹²¹⁶.
565. Likewise, according to a study conducted by the College of Economic Sciences of Costa Rica revealed that 3 out of 10 households live in poverty, due to asymmetries between territories that present a low production index and, consequently, high levels of unemployment¹²¹⁷. In the same line, it is noted that the Ombudsman's Office warned the authorities that poverty remains at 20%, which is why they consider that there must be a paradigm shift and move from welfare to the creation of conditions for people to be inserted in the economic life¹²¹⁸.
566. The Office of the Special Rapporteur has learned of the processing of more than 300 files on farms that would be returned to indigenous communities under the National Plan for the Recovery of Indigenous Lands¹²¹⁹. On the other hand, REDESCA notes with concern the eviction of numerous families living in poverty and mostly Nicaraguans, who were forced to settle in an old idle pit due to the lack of housing¹²²⁰.
567. REDESCA recognizes the various initiatives carried out by the State in terms of inequality. On the one hand, the Legislative Assembly proposed a reform of the Constitution to recognize connectivity, information technologies and telecommunications with universal access throughout the country; in order to eliminate social gaps¹²²¹; and, on the other hand, the Public Services Regulatory Authority announced a differentiated rate for water service for users in poverty and extreme poverty¹²²².
568. The Office of the Special Rapporteur notes with concern the results of a study by the University of Costa Rica, which reports a possible risk of food insecurity¹²²³. This is due to the fact that, according to the Household Survey 2021, it was detected that 16 out of every 100 households in the country had moderate to severe food insecurity and out of every 100 households, severe food insecurity. This problem has been invisible and has been increasing among women heads of household and the migrant population¹²²⁴.
569. Along the same lines, the Food and Agriculture Organization of the United Nations (FAO), identified that, in the period between 2019 and 2021, the prevalence of severe food insecurity reached 2.8%, reflecting an increase of one percentage point compared to the 2014-2016 period. In turn, moderate or severe food insecurity reached 15.9% of the Costa Rican population, with an increase of 3.7 percentage points in the same period¹²²⁵.

¹²¹⁵ INEC, Encuesta Nacional de Hogares 2022 - Situación socioeconómica de Costa Rica, October 20, 2022.

¹²¹⁶ Ibid.

¹²¹⁷ TeleSur. "Three out of ten families in Costa Rica live in poverty". June 16, 2022

¹²¹⁸ El Mundo. "Defensoría insists on leaving behind "asistencialismo" as a strategy to eradicate poverty". June 28,

2022

¹²¹⁹ Presidency of the Republic of Costa Rica, Press Release - Conformed 310 files of farms that would be returned to indigenous communities, April 20, 2022.

¹²²⁰ 100% News, Hundreds of people evicted in Carpio Costa Rica, most of them Nicaraguans, March 09, 2022.

¹²²¹ El Mundo. "Diputados plantean acceso a tecnologías como Derecho Humano". May 09, 2022

¹²²² CR Today. "ARESEP tramita tarifa diferenciada en agua para población en pobreza". May 16, 2022

¹²²³ El Mundo. "UCR warns about an eventual risk of food insecurity in the country." July 13, 2022

¹²²⁴ University of Costa Rica. "Your right, my right, our right to food!". July 11, 2022

¹²²⁵ FAO, The state of food insecurity and nutrition in the world, 20 October 2022.

A. Right to Health and its Social Determinants

570. In relation to the impact of the pandemic on the enjoyment of the right to health, REDESCA notes that, as of November 14, Costa Rica has recorded a total of 1,140,864 cases and 9,019 deaths from COVID-19 since the beginning of the pandemic¹²²⁶. During the month of January 2022, REDESCA noted a marked increase in daily cases of COVID-19, reaching the highest number of daily infections of the entire pandemic¹²²⁷. This increase in cases led to an extension of the COVID-19 restrictions for the month of February 2022.¹²²⁸
571. The reduction in the levels of contagion allowed the authorities to begin, in the following months, with the gradual relaxation of the measures¹²²⁹. Thus, at the beginning of March, the vehicle health restriction established between 00:00 and 05:00 was lifted, as well as the prohibition for commercial establishments to operate during those hours¹²³⁰. At the same time, the capacity limitations for activities, events and establishments serving the public; and the requirements for entry into the country, such as the 'Health Pass' and medical insurance with COVID-19 coverage for travelers, were eliminated as of April¹²³¹. Likewise, the state of emergency decreed since March 2020 was lifted in August.¹²³²
572. As of November 14, 12,320,607 doses have been administered, reaching 88% of the population with the first dose, 82.1% with the complete initial schedule, 52% of the population with the first booster dose, and 9.3% with the second booster¹²³³. REDESCA recognizes the efforts of the Costa Rican government to immunize its population, including obtaining US\$120 million in financing from the World Bank to strengthen the vaccination process.¹²³⁴
573. The Rapporteurship notes that, as of January, the immunization process for children under 12 years of age began, and the vaccine against COVID-19 was included in the basic vaccination schedule, making it mandatory for children under 18 years of age¹²³⁵. In February, the National Commission on Vaccination and Epidemiology (CNVE) introduced a change in the national vaccination schedule, making the third dose of the vaccine mandatory for children between 12 and 18 years of age¹²³⁶. Likewise, in May it was agreed to include the population between 5 and 11 years of age within the groups that will receive the third dose¹²³⁷. Another change introduced by the CNVE was the minimum interval for the COVID-19 booster, which was reduced to five months after the second dose¹²³⁸.
574. In August, the Ministry of Health requested the National Emergency Commission to expedite the purchase of the vaccine for children between six months and four years of age¹²³⁹. With this, the Costa Rican Social

¹²²⁶ WHO, [Costa Rica - WHO Coronavirus \(COVID-19\) Dashboard](#), updated as of November 14, 2022.

¹²²⁷ Costa Rica News 24, [For the first time, Costa Rica exceeds 7,000 cases per day of COVID-19](#), January 31, 2022

¹²²⁸ Tico Times, [Costa Rica Covid-19 Sanitary Restrictions Now Until February 28](#), February 14, 2022.

¹²²⁹ Presidency of the Republic of Costa Rica, [Two years after the pandemic: Costa Rica stands strong and hopeful thanks to the teamwork of the entire country](#), March 6, 2022.

¹²³⁰ Swiss Info, [Costa Rica lifts last restrictive measure and moves towards "normalcy"](#), March 8, 2022.

¹²³¹ The Republic, [Learn about the sanitary restrictions that end in April](#), March 31, 2022.

¹²³² TeleSUR, [Costa Rica lifts state of national emergency due to Covid-19](#), August 10, 2022.

¹²³³ Caja Costarricense del Seguro Social and Ministry of Health, [Vaccination against COVID-19](#), updated as of November 14, 2022.

¹²³⁴ El Mundo. "WB approves \$120 million financing to support COVID-19 vaccination efforts in Costa Rica." June 13, 2022

¹²³⁵ Swiss Info, [Costa Rica begins vaccinating children under 12 years of age against covid](#), January 10, 2022.

¹²³⁶ Tico Times, [3rd Dose Required For Costa Rica Public Employees and Minors 12 to 18](#), February 14, 2022.

¹²³⁷ Delfino. "National Vaccination Commission approves third dose for minors aged 5 to 11 years." May 27, 2022

¹²³⁸ The Tico Times, [Costa Rica Allows 3rd Covid Vaccine Dose 5 Months after 2nd Dose](#), February 3, 2022.

¹²³⁹ El País.cr. "[Request in Costa Rica to expedite purchase of pediatric anti-Covid vaccine](#)". 05 August 2022.

Security Fund began the vaccination process for 328,000 children under five years of age, starting in October.¹²⁴⁰

575. On the other hand, REDESCA obtained information about the controversy generated with respect to the obligatory nature of the vaccine against COVID-19, which, in May, was eliminated by the Government, without having consulted the CNVE, as established in the National Vaccination Law¹²⁴¹. The decision was confirmed in August, when the Government of Costa Rica announced the end of the mandatory vaccination against Covid-19; and, in addition, informed about the initiation of investigations to the contracts for the purchase of vaccines, in relation to a possible excessive acquisition of the same.¹²⁴²
576. Regarding the vaccination of workers, the Rapporteurship notes that, as of February 11, the third dose was declared mandatory for public sector employees; and private sector companies were empowered to establish internal labor regulations that incorporate the third dose as mandatory in their workplaces¹²⁴³. Although, in April, the authorities of the new Government announced that they would reevaluate the obligatory nature of vaccination against COVID-19 for public employees,¹²⁴⁴ in May, the CNVE agreed to maintain this measure and authorized the optional administration of a second booster for first responders¹²⁴⁵.
577. REDESCA notes that the imposition of the vaccine reportedly resulted in some unvaccinated health workers being suspended without pay¹²⁴⁶; and learned of the opening of disciplinary proceedings against civil servants who had refused to be vaccinated against COVID-19¹²⁴⁷. For its part, the Ministry of Health ruled out the dismissal of workers for refusing to be vaccinated; but confirmed that one official had an open process for not being vaccinated and that three had been sanctioned with suspension without pay¹²⁴⁸.
578. On the other hand, the Office of the Special Rapporteur received information on the allegations of the National Union of Nurses that the Costa Rican Social Security Fund did not have a contingency plan to meet the needs of hospitals after the disconnection of its systems due to a *hacking*¹²⁴⁹. This would have caused the hospital centers to have a shortage of stationery supplies, as they were forced to handle the records of the insured in physical format.¹²⁵⁰
579. REDESCA is also concerned about the situation of people with HIV/AIDS, who have been affected by the shortage of antiretroviral drugs (dolutegravir and abacavir) in the Costa Rican Social Security Fund (Caja

¹²⁴⁰ Semanario Universidad, País prepares to vaccinate 328,000 under-fives against COVID-19, September 30, 2022.

¹²⁴¹ CR Today. "Representative confirms: Government did not consult with commission decree eliminating mandatory vaccination". May 10, 2022

¹²⁴² SwissInfo. "Costa Rica eliminates mandatory anti-covid vaccine and will investigate purchases". August 03, 2022

¹²⁴³ Semanario Universidad, Tercera dosis de vacuna contra la COVID-19 será obligatoria para funcionarios públicos y menores entre 12 y 18 años, February 11, 2022.

¹²⁴⁴ La Nación, "Ministra de Salud designada responde si vacunas serán obligatorias para funcionarios y niños", 22 April 2022.

¹²⁴⁵ Ministry of Health, Vaccination Commission maintains mandatory COVID-19 vaccine, May 27, 2022.

¹²⁴⁶ La Nación, 15 employees of Hospital San Carlos suspended without pay for refusing vaccine, February 9, 2022.

¹²⁴⁷ La Nación, ICE opens disciplinary proceedings against personnel who refuse to be vaccinated against covid-19, March 14, 2022.

¹²⁴⁸ CR Today. "Ministry of Health rules out having fired officials for refusing COVID-19 vaccine". June 01, 2022

¹²⁴⁹ CR Today. "Union denounces that there is no contingency plan and paper begins to be scarce in hospitals". June 01, 2022

¹²⁵⁰ CR Today. "Union denounces that there is no contingency plan and paper begins to be scarce in hospitals". June 01, 2022

Costarricense del Seguro Social)¹²⁵¹. In this regard, it is noted that, according to citizen complaints, the lack of medicines responds to problems of communication and transparency, and a possible stigmatization of the situation by the authorities.¹²⁵² The Special Rapporteur calls on the State of Costa Rica to guarantee access to antiretroviral drugs without discrimination, in accordance with inter-American and international standards on the right to health.

580. In relation to sexual and reproductive health, the Rapporteurship took note that in June, government authorities made a commitment to the Catholic Church to form a commission to review the technical norm that regulates therapeutic or unpunished abortion¹²⁵³. It was reported that the review would seek to 'close loopholes' to prevent the law from deviating from its objective, limiting its application to those cases in which the termination of pregnancy is indispensable to protect and save the life of the mother¹²⁵⁴. For their part, organizations dedicated to the defense of women's rights have questioned the involvement of the Church in the revision process and have warned of possible setbacks in the matter¹²⁵⁵.
581. Regarding other communicable diseases, REDESCA is concerned about the increase in the number of dengue cases reported in Costa Rica. In June, it was reported that the 1,546 registered cases reflect an increase of 12% compared to the same period of the previous year¹²⁵⁶. This trend continued in the following months, reaching 4,434 cases in September¹²⁵⁷. In view of this situation, the Ministry of Health decreed a preventive health alert in the municipality of Turrialba and the regions of Huetar Caribe and Central Sur, to reduce the risk of the disease spreading to the rest of the country¹²⁵⁸.
582. In addition, the Office of the Special Rapporteur notes that the first case of monkeypox was confirmed on July 20¹²⁵⁹; and by November 10, 15 cases had been reported nationwide.¹²⁶⁰ In this regard, in October, the CNVE indicated that no monkeypox vaccines would be purchased, due to the containment of cases at the national level and the declining trend in the Americas.¹²⁶¹
583. Finally, in relation to the right to health in general, REDESCA has followed the National Mental Health Law, which has been questioned on the grounds that it is based on an obsolete biomedical model to support people with mental health crises and is not in harmony with the fundamental principles of human rights in the field of mental health.¹²⁶²
584. With all of the above, REDESCA welcomes the efforts made by the State to strengthen its response to the pandemic, especially with regard to vaccination against COVID-19. However, it is concerned about the various allegations that have been made of possible regressions in the guarantee of the right to health. In particular, the aspects related to the right to sexual and reproductive health of women may not be based on technical aspects and international standards on the subject. In this regard, REDESCA recalls that sexual

¹²⁵¹ El Mundo. "[Juventudes PAC denounces the shortage of antiretrovirals in the CCSS](#)". July 13, 2022.

¹²⁵² El Mundo. "[Juventudes PAC denounces the shortage of antiretrovirals in the CCSS](#)". July 13, 2022

¹²⁵³ CR Today. "[Government promises Church to create commission to review technical norm on therapeutic abortion](#)". May 19, 2022

¹²⁵⁴ Ibid.

¹²⁵⁵ La República, "[Guerra](#)" a Rodrigo Chaves declaran feministas por revisión de norma técnica del aborto, May 23, 2022.

¹²⁵⁶ TeleSur. "[Dengue cases in Costa Rica increase in 2022](#)". June 28, 2022

¹²⁵⁷ El País Costa Rica, "[Declaran en Costa Rica alerta sanitaria preventiva por dengue](#)", September 17, 2022.

¹²⁵⁸ El País Costa Rica, "[Declaran en Costa Rica alerta sanitaria preventiva por dengue](#)", September 17, 2022.

¹²⁵⁹ SwissInfo. "[Costa Rica confirms first case of monkeypox in U.S. man](#)." July 20, 2022

¹²⁶⁰ Centers for Disease Control and Prevention, "[Monkeypox | 2022 Global Map & Case Count](#)", updated November 10, 2022.

¹²⁶¹ Semanario Universidad, "[País descarta -por el momento- adquirir vacunas contra la viruela simica](#)", October 17, 2022.

¹²⁶² Human Rights Watch, "[Costa Rica mental health bill, a step backward for human rights](#)," May 5, 2022.

and reproductive health is certainly an expression of health that has particular implications for women due to their biological capacity for pregnancy and childbirth.¹²⁶³ To this must be added that such services must have due access to the information necessary to make free, autonomous and informed decisions in this area.

585. Moreover, in accordance with the Convention of Belém do Pará, this implies recognizing that the serious barriers to accessing adequate and timely medical treatment is yet another form of violence against women, characterized by the differentiated impact that occurs precisely because of their gender or because they are women. Indeed, the IACHR has also considered that the lack of positive measures to guarantee all the characteristics of the right to health can also have repercussions on the principle of equality and non-discrimination, which permeate the inter-American system.¹²⁶⁴
586. With the above, REDESCA encourages Costa Rica to consider the standards of the Inter-American system in this area and makes itself available to the State to provide the technical assistance required to harmonize public policy with the norms of the system in order to guarantee the protection of women's right to health and sexual and reproductive health.

B. Climate Emergency and Human Right to Water

587. Regarding the climate emergency and the human right to water, REDESCA has followed the various measures and initiatives taken by the Government of Costa Rica in the framework of climate action. In this regard, the Office of the Special Rapporteur takes note of the processing of a new bill to declare Costa Rica a territory free of oil and natural gas exploration and exploitation.¹²⁶⁵ REDESCA also welcomes the adoption by Costa Rica's socioeconomic regions, with support from the Ministry of National Planning and Economic Policy, the Ministry of Environment and Energy and UNEP, of action plans that prioritize the adoption of measures and actions to adapt to the climate crisis, thus promoting climate-resilient regional planning and development.¹²⁶⁶
588. Likewise, the Office of the Special Rapporteur takes note of the bill presented to regulate artisanal and small-scale mining activity, in order to provide a comprehensive solution and benefit those who carry out this activity with due safety for human health and the environment¹²⁶⁷.
589. Similarly, REDESCA welcomes the launch of the first National Climate Change Adaptation Plan in April.¹²⁶⁸ This Plan outlines a roadmap for the implementation of actions to increase climate resilience in the period 2022-2026¹²⁶⁹. In this way, it seeks to provide a comprehensive response to the impacts of the climate crisis, based on six priority areas: knowledge management, promotion of resilience conditions in human

¹²⁶³ IACHR, Precautionary Measure Precautionary Measure No. 150-19. Concepción Palacios Maternity Hospital with respect to Venezuela (March 18, 2019), para. 16.

¹²⁶⁴ IACHR, Precautionary Measure Precautionary Measure No. 150-19. Concepción Palacios Maternity Hospital regarding Venezuela (March 18, 2019), para. 19.

¹²⁶⁵ El Mundo, [Prendas announces 1,000 motions to ban oil exploration bill](#), 01/24/2022

¹²⁶⁶ Ministry of National Planning and Economic Policy, [Regiones de Costa Rica priorizan medidas de adaptación para impulsar desarrollo resiliente al clima](#), January 31, 2022.

¹²⁶⁷ El Mundo, [Gobierno presenta proyecto para regular la actividad minera artesanal y de pequeña escala](#), March 06, 2022.

¹²⁶⁸ Presidency, ["Costa Rica launches its first National Climate Change Adaptation Plan"](#), April 25, 2022, Government of Costa Rica, Costa Rica Inputs pursuant to REDESCA request, DGPE-1475-2022, August 24, 2022.

¹²⁶⁹ Ibid.

and natural systems, management of biodiversity and natural resources, public services, productive systems, and investment and financial security for climate action¹²⁷⁰.

590. Additionally, REDESCA notes that for 2020 in the preparation of the Nationally Determined Contributions (NDC), public consultations were held from November 27 to December 11, led by the Climate Change Directorate of the Ministry of Environment and Energy. In November and December 2020, the State organized a series of conversations with communities and groups that are vulnerable to the climate crisis and have less representation in decision-making spaces. In total, the consultation process yielded more than 165 comments, which the Ministry of Environment and Energy's team processed between December 11 and December 18, which can be consulted on the Ministry's website.¹²⁷¹
591. In this regard, REDESCA also welcomes the fact that the NDCs submitted to the United Nations Framework Convention on Climate Change (UNFCCC) in 2020 include a chapter on "Just transition, social and climate justice", in which Costa Rica recognizes that the social, economic and historical conditions of some populations increase their vulnerability to the impacts of climate change. For this reason, a just transition and a perspective of social and climate justice are central to not widen existing social gaps, but rather to reduce them.¹²⁷²
592. REDESCA is pleased that this position of the State is reflected in international spaces. In particular, it encourages Costa Rica to continue promoting measures at the national and regional levels for the adoption of measures that place human rights at the center of climate action, with particular attention to the recommendations of Resolution 3/2021 of the IACHR and REDESCA.
593. Also, it is noted that, at the end of April, the Costa Rican Government reported full compliance with the commitments assumed under three instruments issued by the Organization for Economic Cooperation and Development (OECD), regarding the flow of materials, resource productivity and oil spills at sea.¹²⁷³
594. Highlighting Costa Rica's commitment to the environment, REDESCA urges the State to ratify the Escazú Agreement; and emphasizes that this instrument, innovative for the region and the world, contributes to consolidate the recognition and effective protection of environmental rights and those who defend the environment in the region.¹²⁷⁴
595. On the other hand, the Rapporteurship notes with concern the serious impacts of the phenomena associated with the climate emergency in the country. At the beginning of the year, for example, the high temperatures, dryness, and winds facilitated the occurrence of forest fires that reportedly affected around 10,000 hectares of land;¹²⁷⁵ and led to the declaration of yellow and orange alerts in the cantons of Guanacaste.¹²⁷⁶

¹²⁷⁰ Ibid.

¹²⁷¹ Government of Costa Rica, Costa Rican inputs pursuant to REDESCA request, DGPE-1475-2022, August 24, 2022.

¹²⁷² Government of Costa Rica, Costa Rican inputs pursuant to REDESCA request, DGPE-1475-2022, August 24, 2022.

¹²⁷³ Ministry of Energy and Environment, [Costa Rica reports 100% compliance with three OECD legal instruments](#), April 29, 2022.

¹²⁷⁴ IACHR and REDESCA, [Press Release No. 098/2021, On Earth Day, IACHR and REDESCA welcome the entry into force of the Escazú Agreement and call on the States of the region to strengthen their environmental public policies in the face of the climate emergency](#), April 22, 2021.

¹²⁷⁵ CR Hoy, [Yellow alert in Guanacaste cantons due to forest fires](#), February 28, 2022.

¹²⁷⁶ Ibid.

596. In July, heavy rains associated with tropical storm Bonnie led to the declaration of a state of emergency at the national level, having caused damage to homes and public infrastructure.¹²⁷⁷ Although the damage was less than expected by the authorities, 276 houses were affected, 151 landslides were reported, and 1,600 people were evacuated.¹²⁷⁸¹²⁷⁹ In early October, the indirect influence of Hurricane Julia generated floods and landslides nationwide, causing 769 people to take refuge in temporary shelters.¹²⁸⁰
597. With respect to the human right to water, REDESCA welcomes the decision of the Constitutional Court to provide drinking water immediately to 45 residents of the community of Valle Azul, who were deprived of this right.¹²⁸¹ Likewise, REDESCA welcomes the initiative of the Costa Rican Institute of Aqueducts and Sewers and the United Nations Development Program (UNDP) to guarantee drinking water services in the event of emergencies and natural disasters.¹²⁸²

C. Business and Human Rights

598. In relation to the impact that business activities may have on the enjoyment of ESCER, the Rapporteurship obtained information that in March, workers of the digital platforms Uber and DiDi initiated actions to express their dissatisfaction with the fares charged to users and the percentages retained by the operators, even calling for 'disconnection days'.¹²⁸³ In this regard, REDESCA recognizes the contribution that these activities represent for the national economy.¹²⁸⁴ while taking note of the legislative proposals that would seek to regulate the operation of digital platforms to guarantee the rights of people who provide their services for them¹²⁸⁵, calling to put at the center of the legal reforms the inter-American and international principles and standards on the right to decent work.
599. On the other hand, the Office of the Special Rapporteur is concerned about what happened at the La Luz Plant, located on the Abangares River, where the collapse of a lagoon that stored mining waste caused the discharge of sludge - possibly contaminated with cyanide or mercury - into the environment, causing the massive death of fish and shrimp.¹²⁸⁶ It was reported that the plant had already been closed in 2011, when it was operated by MCC Mining, when cracks were detected in the same structure where the collapse occurred.¹²⁸⁷ However, the current operator allegedly claimed that the incident occurred due to heavy rains in the sector, so it could not have been foreseen.¹²⁸⁸

¹²⁷⁷ TeleSur TV, Costa Rica declares national emergency due to rains, July 9, 2022.

¹²⁷⁸ Tele Sur, "Costa Rica declares national emergency due to rains". July 09, 2022

¹²⁷⁹ University Weekly, Storm Bonnie left property damage and a stark reminder to improve prevention, July 4, 2022.

¹²⁸⁰ CR Today, 769 people remain in shelters due to the ravages of Julia, October 10, 2022.

¹²⁸¹ CR Hoy, Sala IV orders municipality to provide drinking water to community in Turrialba, February 23, 2022.

¹²⁸² El Mundo, Costa Rica and UNDP seek to guarantee access to drinking water in emergencies, March 11, 2022.

¹²⁸³ Business & Human Rights Resource Centre, "Costa Rica: Uber and Didi workers call for two-day work stoppage via social networks due to low wages," March 31, 2022.

¹²⁸⁴ Semanario Universidad, Digital platform drivers say they have an average monthly income of \$428,000, while delivery drivers have an average monthly income of \$220,000, November 10, 2022.

¹²⁸⁵ La República, Drivers and delivery drivers of digital platforms would have full labor rights, October 25, 2022.

¹²⁸⁶ Semanario Universidad, Plant responsible for environmental disaster in Abangares was closed due to cracks in waste pile in 2011, July 21, 2022.

¹²⁸⁷ Ibid.

¹²⁸⁸ Semanario Universidad, Abangares fearfully faces a tragedy that exposes mining risks, July 20, 2022.

D. Labor and Union Rights

600. Regarding labor and union rights, the Office of the Special Rapporteur has obtained information that the application of the new law on strikes by the Costa Rican Social Security Fund¹²⁸⁹ and the Ministry of Public Education,¹²⁹⁰ would have implied a reduction in the wages of striking workers.
601. On the other hand, with respect to the labor situation of teachers, REDESCA noted that the salary reduction that could have been applied was avoided thanks to a draft law adopted to overcome a legal antinomy¹²⁹¹. On this issue, REDESCA has also taken note of the administrative and judicial claims that have been filed by teachers to demand payment of amounts owed by the Ministry of Public Education¹²⁹². Likewise, the claims made by the Independent Union of Costa Rican State Workers (Siteco), regarding the payment of the general increase to the base salary of all categories of the public sector, corresponding to the year 2020, which is still pending on the part of the Ministry of Finance, were also noted.¹²⁹³
602. Also, in the area of salaries, REDESCA welcomes the decision of the Ministry of Labor and Social Security to increase minimum salaries in the private sector by 6.62%, starting in 2023.¹²⁹⁴ Likewise, it takes note of the establishment of an additional increase of 2.33% for domestic service; as well as the adjustments implemented to give continuity to the salary homologation of the Semi Qualified Monthly, Qualified by Workday and Specialized Monthly categories.¹²⁹⁵
603. In the area of leave, REDESCA welcomes the bill 21.149 approved by Congress, which establishes paid paternity leave to share the tasks of responsibility and care for newborn children, as well as other leave for adoption or the prohibition of dismissal of workers on paternity leave.¹²⁹⁶ This law introduces a gender approach to parental leave and represents a further step towards real equality between women and men.
604. Likewise, it welcomes the reform of the Law to Regulate Teleworking (Bill 22.230) which guarantees the right to digital disconnection of teleworkers, as well as rest time, vacation and leave.¹²⁹⁷ According to the information gathered, the Special Rapporteurship has learned of the reform of the Costa Rican public employment system (Law No. 10159), which establishes a salary equalization for similar positions in the public sector, the reduction of the payment of annuities and salary bonuses or incentives for performance.¹²⁹⁸
605. On the other hand, REDESCA takes note of two legislative proposals on labor issues that are currently being processed: on the one hand, the project to create flexible working hours in the food industry, which would lead to the creation of more jobs and better working conditions.¹²⁹⁹ On the other hand, another legislative

¹²⁸⁹ La Nación, Caja aplica rebaja salarial de hasta ₡142.000 por día a 1.150 huelguistas, February 1, 2022.

¹²⁹⁰ La Nación, MEP clarifies that it also reduced salaries to teachers on strike, February 1, 2022.

¹²⁹¹ CR Today, <https://www.crhoy.com/nacionales/diputados-evitan-rebajas-de-hasta-200-mil-en-salarios-de-educadores/>, February 15, 2022.

¹²⁹² La Nación, Docentes ganaron ₡66,000 millones en tres años por reclamos de pluses, February 16, 2022.

¹²⁹³ CR Hoy, Union asks Treasury to pay 2020 salary increase, September 12, 2022.

¹²⁹⁴ Delfino, Adjustment to private sector minimum wages will be 6.62 percent, October 24, 2022.

¹²⁹⁵ Ibid.

¹²⁹⁶ La República, "Diputados aprueban nueva licencia de paternidad que daría ocho días libres a los trabajadores", April 20, 2022.

¹²⁹⁷ The Observer, "Deputies approve law that guarantees digital disconnection to people in teleworking.", March 14, 2022.

¹²⁹⁸ Presidency of the Republic of Costa Rica, Press Release - Public Employment Framework Law Signed, March 8, 2022; Efe, Costa Rica approves public employment reform, key plan in agreement with IMF, March 7, 2022.

¹²⁹⁹ El Mundo, "Industria Alimentaria califica de positivo convocatoria del Gobierno de proyecto sobre jornadas laborales flexibles". May 09, 2022

project proposes to eliminate the eight-hour workday and extend it to 12 hours, which could constitute a step backwards in terms of labor rights.¹³⁰⁰ In this regard, it is noted that the Working Group of the Convention on the Elimination of All Forms of Discrimination against Women expressed its opposition to the bill, considering that it violates labor rights, especially the rights of women.¹³⁰¹

606. On the other hand, in April, it was reported that a group of hackers, called Conti, carried out cyber-attacks on different State systems,¹³⁰² thus affecting the payment of teachers, as it has prevented the incorporation into the institutional payroll of data on lesson increases, surcharges, some salaries and other movements.¹³⁰³ As a result, throughout the month of May, REDESCA monitored the demonstrations staged by teachers from 50 schools due to the lack of payment of their salaries as a result of the disabling of the Integra II system of the Ministry of Public Education.¹³⁰⁴
607. In light of this situation, the Office of the Special Rapporteur notes that the government committed to pay the salaries of 88,000 educators who suffered delays due to the hacking¹³⁰⁵. In addition, the Ministry of Public Education and the Ministry of Finance reported that it reached an agreement with the teachers' unions to pay retroactively and through an extraordinary payroll the 25,618 pending payments¹³⁰⁶. Finally, in June, it was reported that a second extraordinary payroll payment was approved to settle the salary arrears of 13,000 teachers.¹³⁰⁷
608. However, REDESCA is concerned about the reported case of labor violence at the YSR chain. Through videos released by the press in August 2022, two female employees of one of the stores are shown being physically punished by their coworkers. Witnesses testified that the workers were allegedly following the orders of the owner of the store chain, who ordered the assaults as punishment for an alleged theft of money by the female employees. The accusation of theft has already been declared false by the police. Investigations also revealed that both victims were pregnant at the time of the assault and are Nicaraguan nationals.¹³⁰⁸
609. In this regard, REDESCA notes that the Costa Rican authorities, through the competent entities, have initiated the necessary procedures by intervening at the chain's locations. Among the possible violations were non-payment of overtime, hiring of minors, failure to provide breaks, and failure to pay the mandatory minimum wage required by law.¹³⁰⁹ In addition, the company's legal representative was arrested and charged by the prosecutor's office with torture, and was remanded in custody for two months until the investigation is concluded.¹³¹⁰
610. REDESCA condemns any act of violence and urges the State to continue to carry out the necessary investigations. At the same time, it urges that institutional protection be extended to workers in all sectors,

¹³⁰⁰ TeleSur. "Rechazan en Costa Rica extensión de jornada laboral". June 02, 2022

¹³⁰¹ World. "CEDAW: Jornadas 4-3 represents a clear detriment to labor rights and especially women's rights." June 01, 2022

¹³⁰² La República. "A month after the hacking in Costa Rica this is all you need to know". May 23, 2022

¹³⁰³ Delfino. "Conti hacking has affected payments of 12 thousand teachers, MEP will return to manual payroll to solve crisis". May 17, 2022

¹³⁰⁴ CR Today. "Teachers from all over the country protest outside the MEP". May 17, 2022

¹³⁰⁵ CR Today. "Government agrees with unions to pay educators affected by Conti hacking". May 21, 2021

¹³⁰⁶ El Mundo. "Hacienda and MEP pay outstanding through extraordinary payroll". May 31, 2022

¹³⁰⁷ Ministry of Public Education. "MEP and Treasury will make second extraordinary payment to teachers and civil servants affected by salary arrears due to hacking". June 02, 2022

¹³⁰⁸ Centro de Información de Empresas y Derechos Humanos, Costa Rica: Video of torture and mistreatment of pregnant and immigrant workers at SYR store triggers investigation leading to arrest of company owner, Nov. 15, 2022

¹³⁰⁹ CRHoy, Ministry of Labor inspects SYR store in Guápiles, November 22, 2022

¹³¹⁰ La Prensa, SYR store's legal representative is accused of torture, November 23, 2022

providing opportunities for them to learn about their rights and file the required complaints. It is important that workers, in any sector, have the tools to access efficient and effective protection mechanisms.

E. Fiscal and Economic Policies

611. With regard to the implementation of fiscal and economic policies to achieve the progressive development of DESCAs, the Special Rapporteur notes that in November, the International Monetary Fund authorized a new disbursement of US\$270 million under the Extended Fund Facility (EFF) for Costa Rica; and approved an agreement under the new Resilience and Sustainability Program, which will allocate approximately US\$725 million to finance the country's climate agenda.¹³¹¹ In this context, the institution recognized the actions taken by the Costa Rican authorities to achieve post-pandemic economic recovery, and to face the external impacts of the international economy.¹³¹²
612. In addition, it was indicated that adequate measures had been adopted to mitigate the impact of inflation on the most vulnerable individuals and groups; and the need to implement actions to strengthen social protection, encourage formal employment and promote the participation of women in the labor force was emphasized, on the road to a more dynamic and equitable economy.¹³¹³
613. For its part, the World Bank has indicated that, although in 2021 the Costa Rican economy recovered faster than expected, reaching 7.8% GDP growth, inflation is offsetting the effects of economic growth and putting pressure on the purchasing power of lower income groups.¹³¹⁴ Consequently, it emphasized the need to adopt specific social assistance measures for vulnerable groups and especially for people living below the poverty line.¹³¹⁵
614. In this regard, according to the National Institute of Statistics and Census of Costa Rica, the inter-annual inflation rate reached its highest levels in the months of July and August, with 11.48% and 12.13%; although it began to decrease until reaching 8.99% in October¹³¹⁶. In this context, the Central Bank of Costa Rica has sought to halt inflation by increasing the Monetary Policy Rate (TPM) from 8.5% to 9% annually and maintaining the Basic Lending Rate (TBP) at 6.02%.¹³¹⁷ However, this could have a disproportionate impact on low-income sectors.¹³¹⁸
615. Against this background, the Office welcomes the creation of the "Inflation Benefit" -announced in September by the Executive-, consisting in the delivery of 60 thousand colones per month for three months, destined to the households most affected by inflation.¹³¹⁹ Within this framework, the Instituto Mixto de Ayuda Social (IMAS) began transferring around 20 million colones to 111,000 households in poverty and extreme poverty, starting in November.¹³²⁰

¹³¹¹ IMF, IMF Executive Board Concludes the Third Review of Costa Rica's Extended Fund Facility and Approves the Request for the Resilience and Sustainability Facility, November 14, 2022.

¹³¹² Ibid.

¹³¹³ Ibid.

¹³¹⁴ World Bank, Costa Rica: overview, October 4, 2022.

¹³¹⁵ Ibid.

¹³¹⁶ INEC Costa Rica, Índice de precios al consumidor de setiembre 2022, October 7, 2022.

¹³¹⁷ La República, How does the increase in the Basic Lending Rate and Monetary Policy Rate affect my loan, November 14, 2022?

¹³¹⁸ Ibid.

¹³¹⁹ Delfino, Government announces "Inflation Benefit": Will give c60 thousand bonus for three months to "most affected households", September 1, 2022.

¹³²⁰ Presidency of the Republic of Costa Rica, IMAS initiates deposits of the temporary inflation subsidy, November 9, 2022.

616. On the other hand, note is taken of the report "OECD Study on Integrity in Costa Rica. Protecting democratic achievements", published by the OECD on July 18, according to which Costa Rica lacks a strategic framework to guarantee integrity in the public sector and fight corruption.¹³²¹ Consequently, the OECD recommended the State to promote transparency in public processes,¹³²² ensure a coherent and coordinated public integrity system, implement the National Integrity and Corruption Prevention Strategy, strengthen the management of conflicts of interest and develop a coherent disciplinary system.¹³²³
617. With the above, REDESCA calls on the State to take into consideration the recommendations made by the OECD, taking into account the obligation to mobilize the maximum available resources to guarantee ESCER. In addition, REDESCA recalls that, although human rights obligations do not establish specific fiscal policies, the different human rights treaties provide certain limits to the discretion of States in the formulation of these policies.¹³²⁴ It is therefore important that economic, fiscal and tax policies are formulated taking into consideration the obligations arising from the inter-American treaties, in particular those derived from the American Convention and the Protocol of San Salvador.

F. Education, science, technology: academic freedom and university autonomy

618. Regarding the right to education, REDESCA recognizes the efforts of the Costa Rican authorities to resume face-to-face classes in schools, after they were suspended due to the effects of the third wave of COVID-19. In this regard, it is noted that in early January, the Ministry of Public Education (MEP) announced the resumption of face-to-face educational services -both in public and private schools- for the 2022 school year, from February to December¹³²⁵. For this purpose, protocols endorsed by the Ministry of Health were implemented, with the objective of guaranteeing a safe return to the classroom and continuing with the pedagogical recovery to close the gaps widened by the pandemic.¹³²⁶
619. This is particularly important for students from rural areas, from low-income households -and especially indigenous students- who were disproportionately affected by the school closures, the digital divide, and the conditions of inequality they have historically endured¹³²⁷. For example, according to United Nations data, only 13% of indigenous students graduate from school and, of this group, 41% are behind in school.¹³²⁸
620. In this context, REDESCA also takes note of the decision of the Ministry of Public Education not to require the vaccination of students against COVID-19 as a requirement to return to classes, so as not to hinder the education of unvaccinated students.¹³²⁹ Likewise, the Special Rapporteurship has been informed of the requests for information presented by the Ombudsman's Office to the different Regional Education Directorates to learn about the suitability of the conditions of the educational centers for the return to on-site classes.¹³³⁰

¹³²¹ OECD. "[OECD Study on Integrity in Costa Rica. Protecting Democratic Gains.](#)" July 18, 2022

¹³²² El Mundo. "[OECD: Costa Rica lacks a strategic framework to fight corruption.](#)" July 18, 2022

¹³²³ OECD. "[OECD Study on Integrity in Costa Rica. Protecting Democratic Gains.](#)" July 18, 2022

¹³²⁴ IACHR, Poverty and Human Rights, OEA/Ser.L/V/II.164 Doc. 147, 7 September 2017, para. 493.

¹³²⁵ Ministry of Public Education, [Curso lectivo 2022 tendrá presencialidad completa](#), January 4, 2022.

¹³²⁶ Ibid.

¹³²⁷ UN News, [Indigenous students in Costa Rica struggle to continue their education during COVID-19 pandemic](#), January 26, 2022.

¹³²⁸ Ibid.

¹³²⁹ La Nación, [MEP will not require vaccination against covid-19 for students to return to classes](#), February 9, 2022.

¹³³⁰ El Mundo, "[Ganas de estudiar, mascarillas y docentes vacunados: todo listo para las clases presenciales en Cartago](#)", February 17, 2022.

621. Without detriment to the above, the Office of the Special Rapporteur notes that, according to reports, Costa Rica teaches, on average, two hundred fewer hours of classes per year at the preschool level, compared to the rest of the OECD countries.¹³³¹
622. In turn, REDESCA notes with concern the situation that the students of the Cedros de Montes de Oca School are going through, who have denounced recurrent problems of the presence of weapons, alcohol and drugs, as well as fights and frequent loss of class hours.¹³³² In October, students and parents of said institution reportedly called for a peaceful demonstration at the school's facilities; and addressed a letter to the authorities of the Ministry of Public Education, requesting urgent solutions to the problem.¹³³³
623. On the other hand, in relation to higher education, REDESCA learned of the protests carried out by university students in August, following the announcement of a 23% cut in the budget of public universities.¹³³⁴ In this regard, it is noted that after a meeting held between the rectors of public universities, regarding the so-called Special Fund for Higher Education (FEES), the Minister of Education and the Minister of Finance announced that the Government would desist from the cut and maintain the budget allocated in 2022, for the following year.¹³³⁵
624. Regarding university autonomy, the Rapporteurship took note of the statements made by the National Council of Rectors (Conare), in rejection of a bill presented by the President to regulate the FEES, since it would seek to increase the interference of the Executive Branch in the management of public universities.¹³³⁶ The new law would propose the creation of a commission to incorporate the ministers in the work plan of the public universities; and would designate the Central Bank for the administration of the resources of the higher education institutions.¹³³⁷ In addition, it was denounced that it would seek to eliminate the National Council of Rectors, as the forum that defines the long-term plans of public universities.¹³³⁸ REDESCA calls on Costa Rica to give special consideration to the Inter-American Principles on Academic Freedom in all legal reforms and measures adopted in relation to the country's universities.

G. Human Mobility and ESCER

625. In relation to human mobility and its impact on ESC rights, the Office of the Special Rapporteur has closely monitored the increase in migratory flows, mainly from Venezuela, arriving in Costa Rica to seek refuge or in transit to the United States. In this context, REDESCA recognizes the efforts made by the authorities and civil society organizations to provide assistance to persons in a situation of human mobility.¹³³⁹
626. In this context, the Office of the Special Rapporteur obtained information that the number of Venezuelan nationals arriving in Costa Rica increased tenfold between December 2021 and May 2022.¹³⁴⁰ As a result,

¹³³¹ La Nación, Costa Rica gives fewer hours of class to preschool children than the average of OECD countries, October 3, 2022.

¹³³² CR Hoy, Students close school, denounce fights, drugs and teacher absences, October 3, 2022.

¹³³³ Ibid.

¹³³⁴ Tele Sur, Gobierno de Costa Rica pretende recorte de recursos para educación, August 13, 2022.

¹³³⁵ Swiss Info, Students protest and Government desists from Education cuts in Costa Rica, August 16, 2022.

¹³³⁶ La Nación, Rectores afirman que Gobierno 'irrespeto orden constitucional' con plan para regular FEES, October 7, 2022.

¹³³⁷ Ibid.

¹³³⁸ El Mundo, Poder Ejecutivo pretende muordazar la libertad académica, afirma UCR, October 13, 2022.

¹³³⁹ El País, Costa Rica, a small haven for Venezuelans on their way to the United States, October 14, 2022.

¹³⁴⁰ CNN, Thousands of Venezuelan migrants cross through Costa Rica on their journey to the U.S., September 26, 2022.

there has been a greater presence of migrant families, who settle on the sidewalks with tents and mattresses, to rest and seek resources to continue their journey.¹³⁴¹

627. REDESCA welcomes the decisions adopted by the Costa Rican authorities to ensure dignified treatment and guarantee the human rights of people in transit, taking into account the circumstances of special vulnerability in which they find themselves, through coordinated action between institutions such as the Ministry of Health, the Costa Rican Social Security Fund and the public forces.¹³⁴² This is particularly important given that people arriving in Costa Rica are often injured or ill, or lack resources for their subsistence.¹³⁴³

628. In this regard, border-to-border (south-north) transportation strategies have been implemented, as well as shelter services with health care and food for persons who remain in Costa Rica on a temporary basis.¹³⁴⁴ At the same time, the Office of the Special Rapporteur notes that the Costa Rican government has sought to obtain more support from the international community in order to continue providing these services.¹³⁴⁵ In this regard, REDESCA takes note of the coordination initiatives undertaken between Costa Rica and the United States to promote safe, orderly and regular migration, focusing on the flow of migrants from the south of the continent and those seeking refuge.¹³⁴⁶

629. On the other hand, REDESCA welcomes the consolidation of the National Comprehensive Framework of Response to Refugees for refugee-related issues in Costa Rica,¹³⁴⁷ and highlights the relevance of these policies that regularize the situation of people in human mobility and make it possible for them to enjoy economic, social and cultural rights more quickly and effectively.

630. In addition, the Office of the Special Rapporteur notes that Costa Rica will grant temporary work permits to Nicaraguans working in the agricultural sector, valid for eleven months, in order to regulate migration, guarantee labor rights and provide better social security conditions.¹³⁴⁸

631. On the other hand, REDESCA expresses its concern over reports regarding the situation of agribusiness workers in Costa Rica, most of whom are migrant workers from Nicaragua. According to a journalistic investigation, they are not guaranteed their right to safe and well-paid work, and mutilations and other serious injuries to workers have been documented.¹³⁴⁹ It has also been reported that this occurs in a context of outsourcing of services through "contractors", companies in charge of subcontracting people to work in the fields. According to authorities, there are controls in place to ensure that the individuals and companies that are accredited as such comply with certain requirements.¹³⁵⁰ In view of this situation,

¹³⁴¹ Ibid.

¹³⁴² Voice of America, [Costa Rica announces plan to expedite transit of Venezuelans seeking to reach the U.S.](#), Oct. 12, 2022.

¹³⁴³ Delfino, [Chaves on migration crisis: "what we are going to do is let them pass, help them"](#), October 12, 2022.

¹³⁴⁴ La Republica, [Costa Rica can "do more" to help Venezuelans fleeing their country, according to Ticos](#), November 13, 2022.

¹³⁴⁵ UN News, [Costa Rica requires the support of the international community in the face of the migration challenge](#), September 21, 2022.

¹³⁴⁶ Prensa Latina, ["Costa Rica and the United States for safe, orderly and regular migration"](#). July 28, 2022

¹³⁴⁷ El Mundo, ["País consolida política pública para atención integral a la población refugiada"](#), January 19, 2022.

¹³⁴⁸ La República, [Costa Rica will grant Nicaraguans an 11-month work permit for agricultural activities](#), October 20, 2022.

¹³⁴⁹ La Voz de Guanacaste, [El labertinto de la explotación laboral a migrantes nicas en Costa Rica](#), December 12, 2022

¹³⁵⁰ La Voz de Guanacaste, [El labertinto de la explotación laboral a migrantes nicas en Costa Rica](#), December 12, 2022



REDESCA reminds Costa Rica of its obligation to prevent, monitor, investigate and sanction, in accordance with Inter-American standards on business and human rights.

12) CUBA

632. The Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) welcomes the approval in September of the Family Code, which brings with it a broadening of the concept of family free of prejudices and stereotypes, improving the protection of the rights of children and the elderly. Within the set of approved provisions, REDESCA highlights the recognition of the economic value of domestic and care work; the legalization of same-sex marriage; the adoption of children and adolescents by LGBTI people and the regulation of surrogacy.¹³⁵¹
633. REDESCA has been constantly monitoring the situation of economic, social, cultural, and environmental rights (ESCER) in Cuba. In general terms, it warns of a worsening of the conditions for the enjoyment and guarantee of these rights in the country, which have become the central object of the social and peaceful protests that took place on July 11, 2021 (hereinafter, "11J Protests").¹³⁵²
634. In this sense, according to information gathered, during 2022 protests would have continued throughout the country, registering in the months of September and October an increase in the number of street demonstrations related to DESCAs affectations, reaching a total of 137¹³⁵³ and 326¹³⁵⁴ mobilizations respectively, following the same trend with respect to previous months. REDESCA notes that the main demands are linked to the worsening of the socioeconomic situation on the Island; the exponential increase in poverty; the deterioration of essential public services; the energy crisis; shortages of food, basic necessities, medicines and medical supplies; restrictions on the freedom of professional choice or violations of fundamental labor rights.
635. As a consequence of the above, there is a worrying generalized increase in poverty and extreme poverty rates, in a context of economic crisis in the country as a result of a high inflationary process that impacts on the fall in the purchasing power of the local currency and, therefore, on the purchasing power of basic necessities.¹³⁵⁵ According to information published by the Cuban Observatory for Human Rights, 72% of the Cuban population lives below the poverty line, that is, they have less than USD 1.90 per day - international threshold used by the World Bank - for personal sustenance¹³⁵⁶. In addition, in the month of September, the country was ranked second among the countries with the highest inflation, reaching 194%.¹³⁵⁷ For this reason, the IACHR and REDESCA have underscored their concern regarding the socioeconomic situation in Cuba and its impact on the ESC rights of women and other vulnerable populations, emphasizing the existence of a context of feminization of poverty resulting from the inequitable division of the burden of care and the relegation of women to informal jobs.¹³⁵⁸
636. Along the same lines, the context of poverty and growing inequality has been aggravated because of the restrictions implemented by the national government to face the health crisis unleashed by the HIV/AIDS pandemic. In this regard, according to the Economic Commission for Latin America and the Caribbean

¹³⁵¹ TeleSurTv, Cuba: the new Family Code, September 21, 2022.

¹³⁵² IACHR, Press Release 177 "[IACHR and its Special Rapporteurs condemn state repression and the use of force in the context of peaceful social protests in Cuba, calling for dialogue on citizens' grievances.](#)" July 15, 2021.

¹³⁵³ Observatorio Cubano de Conflictos, [CUBA: 364 PROTESTS IN SEPTEMBER CUBA. MORE THAN 4 MILLION CUBANS REJECT SOCIALISM IN URNS AND THOUSANDS IN THE STREETS.](#) October 03, 2022.

¹³⁵⁴ Observatorio Cubano de Conflictos, [CUBA: 589 PROTESTS IN OCTOBER. CUBANS TAKE BACK THE STREETS.](#) November 01, 2022.

¹³⁵⁵ Diario de Cuba, [Inflation in Cuba breaks the 200% barrier and remains out of control.](#) October 03, 2022.

¹³⁵⁶ Cuban Observatory for Human Rights, [Fifth Report on the State of Social Rights in Cuba.](#) October 20, 2022.

¹³⁵⁷ CyberCuba, [Cuba returns to second place in list of countries with the highest inflation.](#) September 28, 2022.

¹³⁵⁸ IACHR and REDESCA, Press Release No. 291/2021, [IACHR and REDESCA: Concerns about the socioeconomic situation in Cuba that impacts the ESCER of women and other populations.](#) JUNE 6, 2022.

(ECLAC), the contraction affected all countries in the region in a heterogeneous manner, representing in the Cuban case a drop of more than 10% of GDP per capita in 2020¹³⁵⁹.

637. On the other hand, there is still concern about the precariousness and lack of basic and essential foodstuffs on the Island, which has become a chronic or structural problem¹³⁶⁰. The shortage of these products has caused an exponential increase in their prices both in freely convertible currency (LCM) stores and in the informal market, making them practically inaccessible for a large part of the Cuban population affected by the inflationary situation¹³⁶¹.

638. In addition to the above, it is observed that there are still long lines at the doors of stores to access food or basic necessities¹³⁶². Although REDESCA welcomes the efforts made by the State to implement a national plan for Food Sovereignty that establishes a legal framework to guarantee full food and nutritional security for its population¹³⁶³, it is observed that this measure would not be sufficient to respond to the persistence of situations of malnutrition and decreased frequency of meals in most Cuban households, affecting in a differentiated manner persons or groups in a special situation of vulnerability¹³⁶⁴. In this regard, according to a survey published by the Cuban Observatory of Human Rights, the quality of family food continues to be highly deficient in the country, while the majority of the population only eats two meals (or less) a day, in a trend that has been worsening with respect to previous years.¹³⁶⁵

639. Finally, another aspect affected by the effects of poverty and inequality is the housing vulnerability in which the Cuban people live. In this regard, the IACHR and REDESCA take note of the high housing deficit as well as the low level of execution of housing construction plans, which are essential to reduce social gaps. In this context, the Cuban Ministry of Construction (Micons) acknowledged having completed only 42% of the houses it planned to build in 2021 and 41% of the planned renovations, that is, only 18,645 houses of the state plans were completed, out of the nearly 44,400 planned, and 14,400 were renovated. 400 planned, and 14,245 were refurbished, when the plan aimed at some 34,745.¹³⁶⁶ Likewise, in December 2022, the state-owned newspaper Granma reported that the housing construction plan in Cuba was again not fulfilled during 2022, as only 58% of the total stipulated was executed.¹³⁶⁷ This situation has caused many homeless people and groups to denounce the lack of transformative policies on the part of the State and to opt for temporary shelters¹³⁶⁸, which are not in decent conditions of habitability, or to occupy empty or disused buildings to avoid falling into a street situation.¹³⁶⁹

¹³⁵⁹ Economic Commission for Latin America and the Caribbean (ECLAC), Preliminary Overview of the Economies of Latin America and the Caribbean, 2021, Santiago, 2021.

¹³⁶⁰ Radio Televisión Martí, Escasez de alimentos toca fondo en Cuba: "La gente está loca de hambre", April 18, 2022.

¹³⁶¹ Radio Televisión Martí, Buying food and medicines, a luxury in the midst of the crisis, Cubans say, March 22, 2022.

¹³⁶² Cibercuba, Odyssey to buy food in Havana: "Two days without sleep and no security of anything", May 23, 2022.

¹³⁶³ Law No. 148, Food Sovereignty and Food and Nutritional Security Law, July 2022.

¹³⁶⁴ IACHR, Hearing on the "Human Rights Situation of Groups in Situations of Vulnerability in Cuba", 183rd Period of Sessions. Held on March 15, 2022.

¹³⁶⁵ Cuban Observatory for Human Rights, Fifth Report on the State of Social Rights in Cuba, October 20, 2022.

¹³⁶⁶ Periódico Cubano, Authorities acknowledge 42% non-compliance in the housing construction plan for 2021, March 18, 2022.

¹³⁶⁷ Granma, Analizan el cumplimiento de la política de la vivienda, December 11, 2022.

¹³⁶⁸ Diario Las Américas, Cuba: a hell for people with disabilities, December 03, 2022.

¹³⁶⁹ Observatorio Cubano de Conflictos, Cuba: 263 protests in July; 1,713 in the first semester; 3,266 since 11J, 1 Aug 2022.

A. Right to Health, its Social Determinants and Pandemics

640. REDESCA has been monitoring the implications of the COVID-19 pandemic in Cuba and its impact on the enjoyment of various human rights, particularly the right to health and its social determinants. In this regard, according to figures published by the Ministry of Public Health, as of December 2022, a total of 1,111,000 people had contracted the disease and 8,530 people died¹³⁷⁰, being one of the highest figures in terms of number of population.¹³⁷¹ Likewise, during the months of May and July there was a significant increase in the infection rate due to the circulation of the Omicron virus variant in the country, with more than a hundred cases per day¹³⁷².
641. However, REDESCA continues to be concerned about information that would reveal the opacity of the information provided by the Government regarding the number of people killed by COVID-19, the underreporting of the figures and an alleged political manipulation in the background. Studies suggest that there could be an increase of 600% over the official number of people killed, as a result of inadequate testing and a possible underestimation of deaths by the Cuban government¹³⁷³. Indeed, REDESCA recalls the duty of States to guarantee access to public information, in the context of the emergency generated by COVID-19, without any limitations¹³⁷⁴, and in a reliable and disaggregated manner, avoiding the promotion of disinformation¹³⁷⁵.
642. Regarding the vaccination process against coronavirus disease, as of December, more than 42 million doses of the Cuban vaccines Soberana 02, Soberana Plus and Abdala have been applied, of which more than 10 million Cubans have received at least one dose of one of the aforementioned vaccines, more than 9,400,000 received two doses and more than 9,100,000 received a third dose¹³⁷⁶. On the other hand, it is noted that more than 10 million people have a complete vaccination schedule, which represents 90.3% of the total Cuban population¹³⁷⁷. Consequently, REDESCA recognizes the importance of the vaccination rate against COVID-19 achieved by Cuba, placing it among the countries in the region with the highest percentage of the population vaccinated with two doses¹³⁷⁸, which is in line with Resolution 1/2021 of the IACHR, which emphasizes the importance of universal and equitable access to vaccines, which constitutes an obligation of immediate compliance by the States¹³⁷⁹. Additionally, REDESCA welcomes the progress made in the national biopharmaceutical industry regarding the creation of an antigen against the Omicron variant of SARS-COV-2, to be formulated in a vaccine candidate to those already approved.¹³⁸⁰
643. During the months of increased contagions and greater demand for medical supplies, REDESCA became aware of the shortage of medical oxygen on the island to assist people who contracted the COVID-19

¹³⁷⁰ Ministry of Public Health. Information available at: <https://salud.msp.gob.cu/>.

¹³⁷¹ Radio Televisión Martí, Cuba among the 20 countries with the highest death toll from the pandemic, concludes The Economist, August 04, 2022.

¹³⁷² Infobae, Cuba surpasses 100 daily covid cases for the first time in 2 months, July 23, 2022.

¹³⁷³ The Economist, Covid-19 has damaged the reputation of Cuban health care, August 03, 2022.

¹³⁷⁴ IACHR - REDESCA, Resolution 1/2020, Pandemic and Human Rights in the Americas, para. 32, April 10, 2020.

¹³⁷⁵ IACHR - REDESCA, Resolution 4/2020, Human Rights of Persons with COVID-19, July 27, 2020.

¹³⁷⁶ Ministerio de Salud Pública, ACTUALIZACIÓN DE LA ESTRATEGIA PARA EL DESARROLLO DE LAS VACUNAS CUBANAS, Información consultad el 26 de diciembre de 2022.

¹³⁷⁷ Ibid.

¹³⁷⁸ Statista, Percentage vaccinated and doses administered against coronavirus (COVID-19) in Latin America and the Caribbean as of June 27, 2022, by country.

¹³⁷⁹ IACHR, Resolution 1/2021: Covid-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, para. 1.

¹³⁸⁰ Granma, Cuba develops antigen against Omicron variant of SARS-COV-2, July 24, 2022.

disease.¹³⁸¹ In this regard, according to public information from state media, the mandate welcomes the start of the construction of an oxygen plant in the eastern province of Granma in 2022, whose installed capacity of 30 tons of liquid oxygen per day will make it the second largest of its kind in the country and will allow, in addition to providing coverage to the entire eastern part of Cuba, greater security to the rest of the national production.¹³⁸²

644. On the other hand, the Office of the Special Rapporteur is concerned about the shortage of medicines, calling for urgent attention.¹³⁸³¹³⁸⁴ ¹³⁸⁵ ¹³⁸⁶
645. In addition to continuing its monitoring of the consequences of the COVID-19 disease as well as the infection curve and the availability of vaccines, REDESCA has been following with special attention the sustained increase of dengue cases in several provinces of the island in recent months. In particular, the provinces with the highest incidence rate of suspected cases of dengue in the country were Santiago de Cuba, Havana, Guantánamo, Las Tunas, Matanzas and Mayabeque, as well as the special municipality of Isla de la Juventud;¹³⁸⁷ a situation that has been described by the Government itself as the "most complex" health problem facing the country.¹³⁸⁸ In this regard, the Office of the Special Rapporteur has learned of the large number of documented outbreaks of infection, which during the month of July 2022 would have increased by 21.7% over the same period of the previous year.¹³⁸⁹ In addition, the Special Rapporteur is concerned about the growing incidence of infections in pediatric age groups.¹³⁹⁰
646. In addition, REDESCA takes note of the report published by the National Center for the Prevention of STD/HIV/AIDS, which, with the support of UNDP, reports on the effects caused by HIV on the Island, mainly on persons and groups with sexual orientations and identities in a disproportionate and differentiated manner. In particular, the report reveals the discrimination due to sexual orientation and gender identity suffered by these groups in labor, education and health spaces, through limited access to treatment and friendly health services and the absence of basic information on protection, use of condoms and other prevention measures, while they must hide their sexual orientations and gender identities to avoid rejection¹³⁹¹. In view of this, the Office of the Special Rapporteur makes a special call to the State to promote public norms and policies that guarantee the human rights of people living with HIV in a comprehensive manner, promoting their social inclusion and effective participation in the decisions that affect their lives, eradicating any kind of stigma and/or prejudice that may occur as a result of the disease.¹³⁹²
647. At the same time, REDESCA is following with special attention the increase in reported infections caused by monkeypox, also known as monkeypox, declared by the World Health Organization as a public health emergency of international importance¹³⁹³. In this regard, the Rapporteurship learned that as of October, a total of eight positive cases of this disease had been reported¹³⁹⁴. Faced with this scenario, the Office of

¹³⁸¹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021.

¹³⁸² Granma, Un "respiro" vital para la zona oriental de Cuba, August 30, 2022.

¹³⁸³ Radio Televisión Martí, Cuba recognizes that the drug crisis is worse than that of 2021, September 15, 2022.

¹³⁸⁴ Granma, Solo se produce el 59 % de un cuadro básico de medicamentos ajustado, 14 May 2022.

¹³⁸⁵ Cuban Observatory for Human Rights, Fifth Report on the State of Social Rights in Cuba, October 20, 2022.

¹³⁸⁶ Observatorio Cubano de Derechos Humanos, El Estado de los derechos sociales en Cuba, September 26, 2021.

¹³⁸⁷ Ministry of Public Health of Cuba, Ante el dengue tenemos que actuar de forma acelerada en todos los escenarios, September 19, 2022.

¹³⁸⁸ SwissInfo, Cuba calls dengue the "most complex" health situation in the country, September 22, 2022.

¹³⁸⁹ Granma, Adopt measures to curb the increase of dengue transmission in the country, July 07, 2022.

¹³⁹⁰ Radio Televisión Martí, Dengue fever strikes Cuba's child population, November 02, 2022-

¹³⁹¹ National Center for STI/HIV/AIDS Prevention, Gender Inequalities and HIV in Key Populations, p.29, 2022.

¹³⁹² IACHR, IACHR calls on States to combat discrimination against all people living with HIV, February 27, 2015.

¹³⁹³ UN News, WHO declares monkeypox an international health emergency, July 23, 2022.

¹³⁹⁴ SwissInfo, Cuba raises monkeypox cases to eight, according to official media, October 12, 2022.

the Special Rapporteur, in line with the recommendations of the Pan American Health Organization (PAHO), calls for intensified response actions, prioritizing detection, surveillance and community participation to reduce new cases and put an end to the outbreak.¹³⁹⁵

648. In addition, REDESCA warns about the building and sanitary deficiencies in hospitals, as well as the shortage of medical personnel, the lack of supplies, medicines and ambulances to provide proper care to people who require some kind of medical assistance¹³⁹⁶. In fact, as an example, authorities of the Communist Party in the province of Ciego de Avila have recognized the negative impact on health indicators caused by the shortage of medical and nursing personnel in that territory.¹³⁹⁷
649. Another aspect of extreme concern for REDESCA is the detention and health conditions of the persons deprived of liberty as a consequence of the July 11 protests.¹³⁹⁸ In this regard, the mandate closely monitors the health conditions in which these persons are reportedly detained, the high levels of overcrowding, the lack of access to drinking water and adequate food, the lack of medical attention and the low use of isolation measures to prevent the spread of COVID-19.
650. Likewise, the Commission has issued precautionary measures in favor of demonstrators in which it has expressed its concern for their health conditions due to the lack of medical attention¹³⁹⁹. Along the same lines, a report published by the civil society organization Cubalex reports on the various violations of fundamental rights suffered by incarcerated persons in a clear affectation of their dignity¹⁴⁰⁰. This report reports cases of overcrowding, unsanitary conditions, insufficient food, lack of medicines and supplies or denial of medical care; as well as coercive practices in retaliation for complaints or hunger strikes suffered by these people, particularly those in special situations of vulnerability such as human rights defenders, women, LGBTI people, Afro-descendants or elderly people.¹⁴⁰¹
651. On the other hand, REDESCA has been informed about the increase in the frequency of power outages and the deterioration of the quality of housing and the supply and quality of drinking water. Regarding power outages, it is observed that this situation has worsened in recent months in several areas of the country as a result of the deficit in the public supply of electricity, as well as the damage caused by Hurricane Ian, which hit in September, causing the total collapse of the National Energy System¹⁴⁰². According to information received, 72% of households are affected by recurrent outages and only 3% would have access to the service on a continuous basis.¹⁴⁰³ This has brought about an increase in social discontent expressed in the increase of street protests and pots and pans in the capital city as well as in different cities of the interior, under the demand for better provision of a basic service¹⁴⁰⁴.

¹³⁹⁵ PAHO, [PAHO calls for more collaboration to stop smallpox outbreak in the Americas](#), September 27, 2022.

¹³⁹⁶ Cubanet, [Ambrosio Grillo Hospital in Santiago de Cuba collapsed due to dengue fever](#), October 01, 2022.

¹³⁹⁷ Invasor, [Analizan indicadores de la Salud Pública en Ciego de Ávila](#), November 18, 2022.

¹³⁹⁸ IACHR, Press Release 31/2022, "[IACHR expresses concern about the persons who continue to be detained and under judicial proceedings, for participating in the protests in Cuba](#)," February 16, 2022.

¹³⁹⁹ IACHR, Press Release 152/2022, "[IACHR grants precautionary measures in favor of Walnier Luis Aguilar Rivera and Ibrahim Domínguez Aguilar in Cuba](#)," July 09, 2022; IACHR, Press Release 172/2022, "[IACHR grants precautionary measures in favor of Félix Navarro Rodríguez, after being in poor detention and health conditions in Cuba](#)," July 29, 2022; IACHR, Press Release 178/2022, "[IACHR grants precautionary measures in favor of Luis Robles Elizástegui in Cuba](#)," August 10, 2022.

¹⁴⁰⁰ Cubalex, Report [A year without justice: patterns of state violence against 11 protesters](#), July 2022.

¹⁴⁰¹ Ibid.

¹⁴⁰² BBC, [Why there are more and more blackouts in Cuba and how an entire neighborhood took to the streets to protest](#), July 16, 2022; Infobae, [Protests continue in Cuba over blackouts that have been unresolved for days: a good part of the country has no electricity, water or internet](#), September 30, 2022.

¹⁴⁰³ Cuban Observatory for Human Rights, [Fifth Report on the State of Social Rights in Cuba](#), October 20, 2022.

¹⁴⁰⁴ El País, [El malestar social crece en Cuba tras el apagón por el huracán 'Ian'](#), September 30, 2022.

652. REDESCA notes that the constant interruptions of the electrical service that the country is experiencing have a notorious impact on the daily life of the Cuban people and also affect other ESCER such as access to food in conditions suitable for consumption, quality health or education in equal conditions. This situation reached its most critical point when on September 28 the entire island was in darkness after the impact of Hurricane Ian. The obsolescence of the energy network has a significant impact on the quality of life of Cubans, as well as on the economy of a country whose industries depend on it.

B. Climate Emergency and Human Water Rights

653. Regarding the impacts of climate change in the country, REDESCA expresses its concern given the current global context of climate emergency and Cuba's geographic vulnerability to it. During 2022, REDESCA evidenced that devastating climate events are increasingly recurrent in different parts of the country, during different times of the year, causing severe impacts to the DESCA in different scenarios; This is due to the close link between climate change, the occurrence of environmental disasters and the full enjoyment of human rights, especially ESCER,¹⁴⁰⁵ generating consequences such as forced displacement of people, increased inequality and poverty or direct effects on food, access to drinking water, sanitation, housing or health.

654. Considering the aforementioned, the country was particularly affected by the passage of Hurricane Ian in September, leaving at least 5 people dead, more than 100,000 homes damaged in the province of Pinar del Río alone, making up almost 60% of the total number of homes in the westernmost province of the country¹⁴⁰⁶ and the collapse of the public electricity network, causing the entire island to be without electricity service,¹⁴⁰⁷ even two weeks after the impact of the hurricane, some regions were still without electricity service.¹⁴⁰⁸ In addition, note is taken of the damage in the provinces of Pinar del Río and Mayabeque where there was damage to homes, public buildings, factories, fields, tobacco houses and roads, due to flooding -both by rainfall and by the entry of the sea in coastal areas- and the fall of trees and electric poles knocked down by the strong winds; in turn, schools and land and sea transportation were suspended¹⁴⁰⁹.

655. In addition to the above, REDESCA also learned about collapses, roofs, balconies, and facades blown off as a result of the cyclonic seasons that have occurred on the island¹⁴¹⁰, which would demonstrate the lack of infrastructure maintenance, as well as the absence of public policies or construction plans incapable of responding to the occurrence of these environmental disasters.

656. On the other hand, in the context of prolonged periods of drought that have hit the island, REDESCA learned about different outbreaks of large forest fires in the western region, more precisely in the province of Pinar del Río, during the months of March¹⁴¹¹ and April.¹⁴¹² According to available information, the greatest

¹⁴⁰⁵ IACHR. Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations December 31, 2021.

¹⁴⁰⁶ DW, Ian leaves Cuba with five dead and more than 100,000 homes damaged, October 02, 2022.

¹⁴⁰⁷ Diario de Cuba, 'Zero generation': All of Cuba in blackout due to a serious breakdown in the national electricity system, September 28, 2022; Agencia EFE, Cuba goes without electricity due to a breakdown related to Hurricane Ian, September 27, 2022.

¹⁴⁰⁸ Independent, Cuba: 15 days after Ian, 89 thousand houses damaged and lack of electricity, October 11, 2022.

¹⁴⁰⁹ BBC, Hurricane Ian strengthens to Category 4 and approaches Florida after leaving major damage in Cuba, September 26, 2022.

¹⁴¹⁰ AP News, Rains expose housing vulnerability in Cuba, June 22, 2022.

¹⁴¹¹ Infobae, Large forest fire controlled in westernmost part of Cuba, March 08, 2022.

¹⁴¹² DW, Cuba attempts to quell a major forest fire in Pinar del Rio, April 27, 2022.

responsibility for the fires would be the result of human action, reaching 93.66% of the reported cases, according to a study carried out in 2019¹⁴¹³.

657. Regarding the water crisis and how it affects the guarantee of the human right to water, a study issued by the National Institute of Hydraulic Resources (INRH) revealed that more than 400,000 Cubans have been left without water supply, with the provinces with the greatest shortages being the eastern provinces of Guantánamo, Santiago de Cuba, Holguín, Las Tunas and Camagüey, as well as western Havana¹⁴¹⁴. Indeed, during 2021, Cuba reported one of the most intense drought periods in the last 120 years, after only 85% of the historical average rainfall fell. The provinces where it rained the least were Camagüey, Ciego de Avila and Villa Clara, while the territories with the best statistics are the special municipality Isla de la Juventud, Matanzas and Granma.¹⁴¹⁵
658. Regarding the availability of drinking water service, REDESCA highlights that the situation continues to be especially worrisome as it is known that around 15% of Cuban households do not have access to drinking water supply¹⁴¹⁶. In addition, by the end of 2021, only 18% of the total Cuban population had access to water for 24 hours.¹⁴¹⁷
659. For all of the above reasons, in the context of a climate emergency, the Office of the Special Rapporteur sends its solidarity to the families of the persons who have died and who have been affected by these events and places itself at the disposal of the State authorities to collaborate, within the framework of its functions, with the initiatives that are put in place to overcome this critical situation that is being experienced in the country and the region. Likewise, the Office of the Special Rapporteur welcomes the actions undertaken by the armed forces, local governments, and civil society to support the assessment and recovery tasks, as well as rescue and assistance to the victims. Given the disproportionate effects that the climate emergency has on the countries of Central America and the Caribbean and taking into account the principle of common but differentiated responsibilities, REDESCA urges the State of Cuba to implement all measures within its reach and that are relevant to mitigate the impacts and apply a human rights approach that prioritizes the most vulnerable persons and groups.¹⁴¹⁸
660. Finally, in the framework of the recent COP 27 held in Egypt, REDESCA welcomes the Government's decision to strengthen international cooperation mechanisms, supporting the efforts of developing countries to secure the financial mechanisms required to address the loss and damage caused by climate change and to accelerate efforts and better focus the discussions for the definition of a new financial target, based on the needs of developing countries.¹⁴¹⁹

C. Business and Human Rights

661. With respect to the relationship of business activities and the enjoyment of human rights, the Rapporteurship notes that, according to data published by the National Office of Statistics and Information (ONEI), as of June 2022, a total of 12,486 business entities on the Island, an increase of more than two thousand entities with respect to 2021, which would be directly related to the approval of the first micro, small and medium-sized enterprises (MSMEs) during the second half of the same year, through the

¹⁴¹³ El Nuevo Diario, [A large forest fire breaks out in western Cuba](#), March 07, 2022.

¹⁴¹⁴ DW, [Cuba: more than 400,000 people affected by drought](#), 04 March 2022.

¹⁴¹⁵ CiberCuba, [More than 400 thousand people affected by drought in Cuba](#), March 04, 2022.

¹⁴¹⁶ Cuban Observatory for Human Rights, [Fifth Report on the State of Social Rights in Cuba](#), October 20, 2022.

¹⁴¹⁷ Observatorio Cubano de Derechos Humanos, [El Estado de los derechos sociales en Cuba](#), October 20, 2021.

¹⁴¹⁸ IACHR. [Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations](#) December 31, 2021.

¹⁴¹⁹ Ministry of Science, Technology and Environment (CITMA), [Cuba defends common but differentiated responsibilities and cooperation at COP 27](#), November 6, 2022.

enactment of Decree-Law 46.¹⁴²⁰ According to available information, most of the MSMEs that have been approved would be of a private nature.¹⁴²¹

662. Notwithstanding the foregoing, REDESCA notes that, by virtue of the provisions of its regulations, the approval of MSMEs as economic actors and the granting of enabling licenses for their operation would continue to be conditioned to state control, taking into account the type of activity they carry out. This would prevent small and medium-sized companies from being able to trade freely or access foreign investment without State intervention.¹⁴²² In fact, it is observed that the Cuban State would still have a high level of participation not only in activities that require greater investment and specialized human resources, but also in local activities, in which, in addition to participating as a regulatory agent, it would do so as a provider of goods and services, including, for example, travel agencies and tourist guides¹⁴²³.
663. Regarding business activities linked to foreign investment, the Special Rapporteur learned of the Cuban government's approval in August 2022 of foreign investment in wholesale trade and -through joint ventures- also in retail trade. In that sense, in the wholesale sector, foreign companies would sell those inputs to improve the country's agricultural and industrial production, according to the government's plan, while the retail sector will focus on supplying the population with basic products¹⁴²⁴. This announcement is part of a package of measures aimed at making the economy more flexible and dynamic.
664. Notwithstanding the above, REDESCA warns that although foreign investments are regulated in the National Constitution of Cuba,¹⁴²⁵ their regulation both in specific laws (Law 118) and in other similar instruments (Decree-Law 34 of 2021) impose certain restrictions that are not consistent with the recognized constitutional principles and guarantees, particularly affecting the guarantee of fundamental labor rights of male and female workers.
665. In this regard, according to the Cuban domestic law, foreign companies operating in the country would not be allowed to freely hire the local labor force, unless the Cuban personnel is hired directly by an entity - employer entity- created by the State. In addition, this Cuban employing entity has a series of functions that include, among others, the selection and supply of personnel to provide services for the company; the payment to the worker of his or her salary after agreement with the company of the price for the services rendered; replacing the worker who has been returned by the company; drawing up the disciplinary regulations and applying the corresponding measures. Thus, workers residing in Cuba who provide services for a company with foreign capital, whatever the type of activity, both in the country and abroad - such is the case of medical missions or work on cruise ships- are not hired by the company but have a direct and exclusive labor relationship with the State through the State entity.
666. On the other hand, it has been reported that the workers of foreign capital companies only receive a minimum of the total wages paid by the companies to the employing entities, while the remainder is retained by the latter¹⁴²⁶. In addition to this, REDESCA takes note of the persistence - mainly in the

¹⁴²⁰ According to information from ONEI, the total number of entities does not include political and mass organizations, non-profit institutions (ISFL), joint ventures, wholly foreign capital companies, branches in Cuba of foreign companies, the Chamber of Commerce or collective law firms. It is the sum of state enterprises, wholly Cuban-owned commercial companies, cooperatives and budgeted units.

¹⁴²¹ Cubadebate, [Ministry of Economy and Planning approves 82 new MSMEs](#), July 14, 2022.

¹⁴²² IACHR, Public Hearing on the "[Situation of Labor and Trade Union Rights in Cuba](#)", 184th Period of Sessions, June 23, 2022.

¹⁴²³ Diario de Cuba, [Travel agencies and private tour guides banned in Cuba, government responds to entrepreneurs](#), January 13, 2022.

¹⁴²⁴ BBC, [Cuba announces opening its trade to foreign investment for the first time in 60 years](#). August 17, 2022.

¹⁴²⁵ Constitution of the Republic of Cuba, art.27, 2019.

¹⁴²⁶ Information expanded by Prisoners Defender, REDESCA Minutes, February 24, 2022.

framework of business activities linked to the hotel and tourism industry - of violations of workers' labor rights, linked to long working hours, serious forms of exploitation such as forced labor and discrimination at the time of hiring and in employment¹⁴²⁷. In this regard, the Cuban Observatory for Human Rights reports that around 55% of the Cuban population considers that there is some type of discrimination when working in the sector, with political ideas, sexual orientation, race and sex being some of the main reasons for exclusion.¹⁴²⁸

667. In view of the above, REDESCA notes with concern the challenges that the business context faces on the island. In this regard, through its Report on Business and Human Rights, specific guidelines have been formulated that allow the State and the business sector to adopt specific guidelines and standards to become respectful actors committed to guaranteeing the right to work of Cuban people. For this reason, one of the first conclusions reached is that whatever business activity is carried out -whether State or non-State- will not generate reasonable results by itself if the State does not take into account the applicable human rights norms and standards based on the inter-American experience and their correct adaptation to the domestic legal system¹⁴²⁹. To this end, the Cuban State must not only establish a domestic legal framework to regulate the behavior of the business sector in the territory but must also ensure that this legal framework allows and requires companies to respect human rights.

D. Labor and Union Rights

668. With regard to the protection and guarantee of labor and trade union rights on the island, despite the fact that the country has ratified international labor conventions and enacted its respective domestic laws, REDESCA observes that the enjoyment of human labor and trade union rights in Cuba is directly affected by the current context of generalized crisis in the country, aggravated by the HIV/AIDS pandemic, as well as by the particularities of the political and economic dynamics adopted by the country. In particular, there is an absence of official data on the formal and informal labor market as well as disaggregated official statistical data that would provide a better understanding of the situation of working people, especially people and groups that have been historically invisible, such as women, LGBTI people, Afro-descendants or the rural population, among others, taking into special consideration the peculiar socioeconomic context of the country.¹⁴³⁰

669. In turn, the Commission and its REDESCA have been informed of the existence of inequalities in the Cuban Labor Code where -despite recognizing broad labor rights for all persons, such as the regulation of maternity and paternity leave- there are important inequalities depending on the type of employer involved, i.e. state or non-state. In particular, within the non-state sector, labor rights are restricted, without guarantees or regulations and without institutional mechanisms to guarantee workers' rights.¹⁴³¹

670. In terms of gender equality, the employment rate for women is 38.9%, while for men it is 61.1%. In turn, women represent 45.9% of those employed in the state sector and 24.3% in the non-state sector¹⁴³². In terms of unemployment, the unemployment rate for Cuban women according to the latest official data available -corresponding to 2021- would amount to 1.6% while that of men would be 1.3%¹⁴³³. For all

¹⁴²⁷ British Institute of International and Comparative Law (BIICL). Human rights responsibilities of multinational enterprises and State in the Cuban Tourism, London 2021.

¹⁴²⁸ Observatorio Cubano de Derechos Humanos, Report IV: The State of Social Rights in Cuba, 2021.

¹⁴²⁹ IACHR and REDESCA, Business and Human Rights: Inter-American Standards, OEA/Ser.L./V/II, para. 29, Nov. 1, 2019.

¹⁴³⁰ IACHR, Press Release 185/2022, IACHR and REDESCA express concern about the precariousness of work and the lack of trade union rights in Cuba, 24 August 2022.

¹⁴³¹ IACHR, Hearing on the "Situation of Labor and Trade Union Rights in Cuba", 184th Period of Sessions. Held on June 23, 2022.

¹⁴³² ONEI. Statistical Yearbook of Cuba 2021. Employment and wages. Edition 2022.

¹⁴³³ ONEI. Statistical Yearbook of Cuba 2020. Edition of 2021, p. 177 et seq.

these reasons, the role of women would continue to be linked to the lowest paid activities, as well as to directly unpaid tasks -related to family and domestic care-, which contributes to generate a greater wage gap¹⁴³⁴.

671. Likewise, according to information provided by civil society organizations, there are clear obstacles or patterns of systematic violation of labor human rights such as: worsening labor conditions of working people and the decrease of decent and dignified work; increase of informal work, with a differentiated affectation of women; persistence of discriminatory stereotypes based on gender, persisting the preponderant role of women in care and household tasks, thus contributing to deepen and perpetuate the existing gender gap on the island; acts of structural and institutional racism towards certain population groups -such as the Afro-Cuban population, LGBTI people, people with disabilities or the rural population- who encounter serious difficulties in accessing employment; lack of freedom of expression in the labor context, which gives rise to discriminatory behavior; disciplinary sanctions, expulsions and even unjustified dismissals based on political grounds; persecution, harassment and bullying against those workers who express opinions different from those of the Cuban regime or non-compliance by the State and the private sector -as in the case of the tourism sector- of existing international and Inter-American standards on business and human rights.¹⁴³⁵
672. In accordance with the above, REDESCA emphasizes the need for an adequate guarantee and respect for the labor rights of workers in Cuba, especially for the different social groups in special situations of vulnerability or historical discrimination. According to the Compendium of Labor and Trade Union Rights, the State must fully guarantee these rights without discrimination and in conditions of equality, which is a key tool for eradicating poverty and extreme poverty and ensuring the autonomy and empowerment of women as well as other excluded groups¹⁴³⁶.
673. With regard to trade union rights, the Office of the Special Rapporteur has received information on the lack of guarantees for the exercise of freedom of association and the right to freedom of association in the country¹⁴³⁷. In effect, the enjoyment of collective labor rights is non-existent on the island, given the politicization and monopoly exercised by the only trade union center in the country, which is controlled by the State -the Central de Trabajadores Cubanos or CTC-. This situation would have led to repressive actions against those who dissent from the official unions and try to freely join independent unions, being victims of attacks, harassment and persecution -with arrests, aggressions and dismissals among other acts of discrimination and anti-union interference-, as shown in Active Case No. 3271 followed before the ILO Committee on Freedom of Association¹⁴³⁸.
674. At the same time, taking into account the economic crisis, REDESCA welcomes the Cuban government's decision to expand and recognize new non-state actors with their own forms of ownership and management, such as MSMEs¹⁴³⁹. However, within the framework of non-state work, it takes note of the situation of private sector or self-employed workers, who in addition to facing a large number of legal, fiscal and bureaucratic restrictions imposed by the State to carry out their activities or enterprises in a

¹⁴³⁴ IACHR, Hearing on the "Situation of Labor and Trade Union Rights in Cuba", 184th Period of Sessions. Held on June 23, 2022.

¹⁴³⁵ IACHR, Hearing on the "Situation of Labor and Trade Union Rights in Cuba", 184th Period of Sessions. Held on June 23, 2022; IACHR/REDESCA. Minutes of the 7th Cuba Network, Meeting on the ESCER of persons and groups in situations of vulnerability or historical discrimination in Cuba, May 4, 2022; IACHR/REDESCA. Minutes of the 8th Cuba Network, Meeting on Trade Union Freedom, Freedom of Expression and Freedom of Association in the Cuban Labor Context, September 21, 2022.

¹⁴³⁶ IACHR. Compendium of labor and trade union rights, October 30, 2020, para. 45.

¹⁴³⁷ IACHR/REDESCA. Minutes of the 8th Cuba Network, Meeting on Trade Union Freedom, Freedom of Expression and Freedom of Association in the Cuban Labor Context, September 21, 2022.

¹⁴³⁸ ILO. Committee on Freedom of Association, Interim Report No. 397, March 2022.

¹⁴³⁹ Official Gazette, Decree Law 46, August 19, 2021.

legal manner, are seriously harmed as a result of the shortage of raw materials and inputs, inflation and the monetary exchange rate¹⁴⁴⁰.

675. Regarding the situation of labor and trade union rights of health personnel in international medical missions, REDESCA expresses its concern about the working conditions to which health personnel in international missions are exposed, as there are still allegations of labor exploitation and wage confiscation. Although the support that Cuba provides to other countries through its medical brigades is well recognized, it is essential to take into account the human rights situation in which the health personnel of such missions would find themselves. According to information received, the State of Cuba would withhold up to 90% of the salary that other governments pay for medical collaboration.¹⁴⁴¹
676. In addition, health professionals would be subjected to other types of violations such as long working hours, working approximately 64 hours a week -including 16 hours on call-; pressure to participate in the program without receiving a copy of their work contract; insufficient payments for a decent life due to high retentions, along with reprisals for staff and their families in case of non-compliance with the conditions¹⁴⁴². To this must be added the serious limitations to personal freedom, freedom of expression and freedom of association established and legitimized in its internal order, as is the case of Resolution 368 of 2020 of the Ministry of Foreign Trade and Foreign Investment,¹⁴⁴³ which considers as disciplinary infractions acts such as the fact of developing friendly, loving or any other type of relationship with any person with positions contrary to the Cuban Revolution, as well as the prohibition of making statements to the media about internal situations at work without prior authorization or that compromise Cuban collaboration¹⁴⁴⁴.
677. With respect to workers in the tourism sector, REDESCA is particularly concerned about information received that shows that their salaries are being withheld.¹⁴⁴⁵ According to the information sent, the joint ventures or foreign capital companies do not pay the salary directly to the workers but to the employing or intermediary entity as labor¹⁴⁴⁶. In this operation, the employing entity would retain between 80 and 90% of the salary paid by the joint venture or foreign capital company to the worker and it would be paid in national currency, the devaluation of which would have a negative impact on the purchasing power of the workers.¹⁴⁴⁷ This situation would also occur within the framework of the "internationalization missions" with respect to Cuban workers providing services in other countries.¹⁴⁴⁸
678. Regarding the so-called "Internationalization Missions", in 2019, a group of civil society organizations submitted to the United Nations Office in Geneva and to the International Criminal Court a complaint accompanied by 110 cases as evidence of the conditions of slavery to which the qualified labor force

¹⁴⁴⁰ Asociación Sindical Independiente de Cuba (ASIC) and Asociación Cubana de Trabajadores Autónomos y Emprendedores (ACTAE), Encuesta: Situación del sector cuentapropista cubano en 2022, September 2022.

¹⁴⁴¹ Prisoners Defenders, Report The Military Truth Behind Cuban Medical Missions in Mexico, August 25, 2022.

¹⁴⁴² IACHR, Public Hearing on the "Situation of Labor and Trade Union Rights in Cuba", 184th Period of Sessions, June 25, 2022.

¹⁴⁴³ Official Gazette No. 85 Ordinary, Resolution 368 of 2020 of the Ministry of Foreign Trade and Foreign Investment, dated December 1, 2020. This Resolution replaces Resolution 168 of 2010 of the Ministry of Foreign Trade and Foreign Investment.

¹⁴⁴⁴ IACHR, Public Hearing on the "Situation of Labor and Trade Union Rights in Cuba", 184th Period of Sessions, June 25, 2022.

¹⁴⁴⁵ REDESCA, Minutes of meeting held with Prisoners Defenders, February 24, 2022. REDESCA archive.

¹⁴⁴⁶ This is established in Article 9.d) of the Regulation on Labor Regime in Foreign Investment, published in Official Gazette No. 69 Extraordinary of December 10, 2020. The purpose of such regulation is to regulate the specifics governing labor matters in the foreign investment modalities.

¹⁴⁴⁷ Meeting with ASIC. IACHR, Working meeting with ASIC members. IACHR archives.

¹⁴⁴⁸ Prisoners Defenders and CADAL. 1,111 Cuban professionals vs. Cuban Government. Internationalization missions in Cuba. January 2022.

participating in these missions was subjected¹⁴⁴⁹. As a result of all this, on November 6, 2019, the United Nations Special Rapporteurs on contemporary forms of slavery, including its causes and consequences, and on trafficking in persons, especially women and children, asked the Government for information on the different human rights violations suffered by health personnel when they are sent on international missions, since they had information that would allow them to elevate their working conditions to "forced labor" taking into account personal exploitation, together with inadequate wages, labor harassment and coercion¹⁴⁵⁰. Subsequently, in 2020, an expansion of the initial complaint was filed, providing the total number of 622 testimonies¹⁴⁵¹. In January 2022, the testimonies reached 1,111 victims¹⁴⁵² which would confirm the existence of a systematic pattern of slave labor to which Cuban health personnel would be subjected through the execution of these types of contracts.

679. According to available information, on the occasion of the COVID-19 pandemic, since 2020, the Cuban Government would have sent 3,800 Cuban workers - doctors, nurses, technicians and "logistical" personnel - in medical brigades to 39 countries to support the responses of the health systems at the local and regional level¹⁴⁵³. For this reason, and while these missions made up of health workers face a great number of risks to face the current pandemic in the region and in accordance with the guidelines issued in Resolution 4/2020¹⁴⁵⁴, for REDESCA it is essential that they receive reinforced protection in which all their rights and especially their DESCAs are guaranteed. Therefore, the State is urged to adopt public policies and measures that guarantee the effective protection of the rights of health personnel providing services in Cuba, as well as in international missions, in accordance with international human rights standards in this area, including ILO standards.
680. On the other hand, REDESCA notes with concern the provisions of the Cuban Penal Code that criminalize - with imprisonment of three to eight years - the abandonment by any public employee of an international mission or when they refuse to return to the country once the mission is over (art. 176 of the new Penal Code and art. 135 of the old Penal Code). Indeed, according to information provided by Prisoners Defenders, this provision is applicable to any labor discipline involved in a mission abroad, whether they are medical professionals, teachers, elite athletes, marine personnel working in international shipping companies or artists, who, in the event of deserting a mission, would be considered inadmissible by the Cuban authorities, and prohibited from entering Cuba for a period of 8 years.¹⁴⁵⁵
681. In view of the above, REDESCA recalls that human labor and trade union rights are inseparable and inherent to human dignity. In this regard, the American Declaration of the Rights and Duties of Man establishes that everyone has the right to work under decent conditions and to receive remuneration that, in relation to his capacity and ability, ensures a decent standard of living for himself and his family¹⁴⁵⁶. Consequently, the Office of the Special Rapporteur urges the State of Cuba to guarantee decent work under fair conditions and in compliance with the principles of equality and non-discrimination. In addition, it is the duty of the State to respect the Inter-American standards established in this area and to adopt all measures for the effective protection of the human labor rights of workers, regardless of whether they are

¹⁴⁴⁹ Information available on the website of the CSO Prisoners Defenders, [Internationalist Missions](#).

¹⁴⁵⁰ IACHR-REDESCA, [Annual Report 2020](#), March 30, 2021, p. 106.

¹⁴⁵¹ Prisoners Defenders, [622 testimonies show pattern of mass enslavement in Cuba's "Internationalist Missions,"](#) September 22, 2020.

¹⁴⁵² Prisoners Defenders, [1,111 Cuban professionals vs. Government of Cuba": Complaint against Cuba for slavery and forced labor before the ICC and the United Nations](#), January 26, 2022.

¹⁴⁵³ Elaine Acosta González, [Overview of Cuba's communist medical brigades in Latin America](#), p. 11. 2021.

¹⁴⁵⁴ IACHR - REDESCA, [Resolution 4/2020, Human Rights of Persons with COVID-19](#), July 27, 2020.

¹⁴⁵⁵ IACHR, Public Hearing on the ["Situation of Labor and Trade Union Rights in Cuba"](#), 184th Period of Sessions, June 25, 2022.

¹⁴⁵⁶ American Declaration of the Rights and Duties of Man, art. XIV, 1948.

serving in the territory, in the framework of internationalization missions or providing services in other countries through State-owned companies.

E. Fiscal and Economic Policies

682. In terms of fiscal and economic policies, REDESCA observes a generalized increase in poverty, in a context of widespread economic and social crisis resulting from high inflation and as a result of a strong contraction of national and household income sources generated by the restrictions implemented to cope with the impacts of the COVID-19 pandemic.
683. According to official information available, the Cuban regime estimated that in the month of October 2022 inflation reached 28.76% so far this year, while the increase in prices in 12 months reached 40%,¹⁴⁵⁷ producing a significant impact on the purchasing power of the population on the island. Likewise, according to ECLAC estimates, the reopening of borders for international tourism, the elimination of restrictions on domestic economic activity, as well as the relaxation of certain prohibitions by the United States -which had been in place since the Trump administration- generating greater sources of income in the private sector, would generate a 3.0% increase in GDP by 2022.¹⁴⁵⁸
684. For its part, the implementation of policies such as the expansion of economic actors in the non-state sector through the creation of MSMEs, undoubtedly generated a certain impact on the incorporation of more Cubans into the labor market. According to available information, it is estimated that around 65% of the total number of employed people will work in the state sector in 2022, a figure similar to that of 2021; while in the non-state sector, growth is expected with respect to the previous year, mainly due to the creation of MSMEs, non-agricultural cooperatives, and the increase in self-employment.¹⁴⁵⁹
685. On the other hand, the Office of the Special Rapporteur notes that in May 2022, the Government of the United States announced a series of measures aimed at relaxing some of the restrictive measures that were implemented during the previous administration¹⁴⁶⁰. Thus, commercial flights to the different provinces of Cuba from the United States were reestablished; the restriction or limit of US\$1,000 per quarter on sending family remittances was lifted; support was announced for broad access to the Internet on the Island and the sending of remittances to persons outside the family group. Certain general licenses have also been adopted for some categories of travel by U.S. persons to Cuba -family visits, journalistic activities, academic activities, among others-.¹⁴⁶¹ however, tourist travel to Cuba is still not authorized under current U.S. legislation¹⁴⁶². Although these measures are positive, they are limited in scope, as the country continues to be included on the U.S. State Department's list of countries sponsoring terrorism, which hinders financial transactions with the island.¹⁴⁶³
686. By virtue of the above, REDESCA, consistent with its previous pronouncements, continues to reiterate its concern over the persistence of the economic embargo imposed on Cuba by the United States of America and the importance of ending it in order to guarantee the human rights that are affected by its enforcement¹⁴⁶⁴. In particular, REDESCA notes that this external circumstance limits the capacity of the

¹⁴⁵⁷ Prensa Latina, Cuba expects better economic performance in 2023, December 11, 2022.

¹⁴⁵⁸ ECLAC, Economic Survey of Latin America and the Caribbean, 2022.

¹⁴⁵⁹ Ibidem

¹⁴⁶⁰ BBC, Cuba-US: Biden administration relaxes its policy toward the island and undoes measures adopted by Trump, May 17, 2022.

¹⁴⁶¹ Voice of America, U.S. eases restrictions on travel and remittances to Cuba amid criticism over Summit, June 08, 2022.

¹⁴⁶² Embassy of the United States in Cuba, Travel to Cuba. Information accessed on December 20, 2022.

¹⁴⁶³ ECLAC, Economic Survey of Latin America and the Caribbean, 2022.

¹⁴⁶⁴ IACHR and REDESCA, Press Release 136/2021, La CIDH y su REDESCA expresan su preocupación por la persistente escasez de alimentos en Cuba, May 25, 2021; IACHR, Cuba, OEA/Ser.L/V/II. Doc. 2, 3 February 2020, para. 49.

State to achieve the progressive development of ESCER in its country, including the right to food and access to medicines for its population.

F. Education, science, technology: academic freedom and university autonomy

687. Regarding the right to education, the country has 1,697,299 students enrolled in primary, secondary, pre-university and technical-vocational education, and a university enrollment of 280,000 students, representing 32% of young people between 18 and 24 years of age¹⁴⁶⁵. In this regard, REDESCA notes that after registering a decrease in cases of coronavirus infection and after achieving widespread immunization of the pediatric population, the 2021-2022 school year began in March in a gradual manner, starting first with basic secondary, pre-university, technical, professional, and pedagogical training¹⁴⁶⁶ and later for elementary school students¹⁴⁶⁷.
688. Notwithstanding the above, REDESCA notes that during the year 2022 the teaching of classes as well as the level of attendance in classrooms could be interrupted for various reasons such as prolonged power outages - which could last between 18 and 20 hours in towns in the interior of the country, making it impossible for students to attend school; shortages of rationed food in schools; sustained increase in the prices of both food and school supplies or concern about the health emergency caused by dengue fever¹⁴⁶⁸.
689. REDESCA recognizes and welcomes the efforts made by the Cuban government to achieve a quick and safe return to the classroom and calls on the State to continue implementing measures to guarantee access to education, recalling the principles of progressivity and non-regression of the DESCAs, in favor of achieving quality education without any type of discrimination.
690. On the other hand, during the period under review, REDESCA has monitored with special concern the persistence of actions and conduct on the part of the Government that threaten access to education, academic freedom, university autonomy and other related human rights. In particular, the Office of the Special Rapporteur has received complaints about specific cases of university professionals and academic staff who have been victims of unjustified or illegal dismissals,¹⁴⁶⁹ all under a systematic and structural policy implemented by the Cuban authorities based on criminalization,¹⁴⁷⁰ persecution, harassment, unjustified dismissals¹⁴⁷¹ and even imprisonment,¹⁴⁷² both of teaching staff and students who express themselves against the regime.
691. Likewise, according to the 26 reports published by the Observatory of Academic Freedom (OLA) and Aula Abierta, as of October 2022, a total of 86 cases have been registered that demonstrate the arbitrary actions of the Cuban authorities against academic freedom, freedom of thought and freedom to work.¹⁴⁷³ Among the total number of incidents recorded, REDESCA notes that the most recurrent (77 incidents) is discrimination for reasons of political orientation and/or affiliation, which implies an affectation of the right to dignity and personal integrity and academic freedom; followed by harassment; censorship and

¹⁴⁶⁵ Cubadebate, [Cuba resumes 2021-2022 school year](#), September 5, 2022.

¹⁴⁶⁶ Infobae, [The 2021-2022 school year starts in Cuba for secondary education](#), March 07, 2022.

¹⁴⁶⁷ CiberCuba, [2021-2022 school year begins for primary school students in Cuba](#), March 14, 2022.

¹⁴⁶⁸ Diario de Cuba, [Blackouts, dengue fever and sky-high inflation: a school year full of obstacles for families starts in Cuba](#), September 06, 2022.

¹⁴⁶⁹ IACHR, Public Hearing on the "[Situation of Labor and Trade Union Rights in Cuba](#)", 184th Period of Sessions, June 25, 2022; Meetings of the Network of Civil Society Organizations on the Situation of Human Rights in Cuba (RED CUBA).

¹⁴⁷⁰ Observatory of Academic Freedom (OLA), [Report 12](#), August 2021.

¹⁴⁷¹ Observatory of Academic Freedom (OLA), [Report 22](#), June 2022.

¹⁴⁷² Observatory of Academic Freedom (OLA), [Professor Pedro Albert Sanchez transferred to hospital after a week on hunger strike](#), September 21, 2022.

¹⁴⁷³ Observatory of Academic Freedom (OLA), [Report 26](#), October 2022.

unjustified or illegal dismissal. In addition, among the most violated rights within Cuban educational institutions, the right to freedom of expression, opinion and access to information, the right to education and the right to freedom of thought, conscience, worship, or religion are the most violated rights.¹⁴⁷⁴

692. Regarding the guarantee of cultural rights, REDESCA follows with special concern the situation of the right to culture and artistic work, in particular, the repressive, persecutory and harassing actions taken against the collective of artists, independent journalists and human rights defenders, who have been affected in their most basic rights for the mere fact of peacefully exercising their freedom of expression and artistic creation in the country. Proof of such facts are the precautionary measures that the IACHR granted in favor of members of the San Isidro Movement, after considering that -as human rights defenders- they are in a serious and urgent situation of risk of irreparable damage to their rights.¹⁴⁷⁵
693. On the other hand, the Office of the Special Rapporteur has observed that this pattern of conduct on the part of state authorities has worsened as a result of the peaceful protests of July 11, 2021, and with it the intensification of repressive practices such as arbitrary arrests, imprisonment, summary trials without respect for due process guarantees, forced exiles, censorship or confiscation of artistic works.
694. In addition, REDESCA takes note of the document published by the Observatory of Cultural Rights (ODC) which reports on how visual artists, musicians, playwrights, intellectuals and artistic and cultural projects have been subjected to violations of their human rights in general and cultural rights in particular as a result of the repressive actions of the State, which are not due to an isolated or sporadic conduct but to a policy established by the central level of government, sustained over time, with clear strategies and uniform tactics¹⁴⁷⁶. In addition, the report denounces a quasi-monopoly by the State over cultural circuits and spaces, as well as over the resources available for artistic activity, making it almost impossible to carry out any type of artistic activity outside the official institution, facilitating not only the exercise of censorship by the authorities, but also constituting a situation of permanent censorship and invisibilization of the artistic production that the regime is interested in suppressing.¹⁴⁷⁷
695. REDESCA maintains its concern regarding the limitations and restrictions imposed by Decree No. 349 of 2018, as well as the power it grants public authorities to promote prior censorship of cultural expressions.¹⁴⁷⁸
696. In short, the situation currently faced by Cuban artists is contrary to inter-American human rights standards that guarantee the right to freedom of expression and dissemination of thought and the right to benefit from the benefits of culture, as well as the right to artistic work in conditions of dignity and freedom. In this sense, it is essential that the Cuban State exercise effective protection of the right of all persons to participate in cultural life in freedom and to benefit from the moral and material interests of all artists in their works, without discrimination. Furthermore, it must recognize and protect the right to peaceful assembly and freedom of expression, without discrimination for reasons of political opinion, as well as to put an end as soon as possible to the practice of harassment of artists and any attack on their artistic works.

¹⁴⁷⁴ Observatory of Academic Freedom (OLA), Report 26, October 2022.

¹⁴⁷⁵ IACHR, Press Release 032/2021, IACHR grants precautionary measures in favor of 20 identified members of the San Isidro Movement (MSI) regarding Cuba, February 12, 2021; IACHR, Press Release 078/2021, IACHR decides to extend precautionary measures in favor of two persons associated with the San Isidro Movement in Cuba, March 30, 2021.

¹⁴⁷⁶ Observatorio de Derechos Culturales (ODC), Informe II sobre la vulneración de los derechos culturales en Cuba, October 2022.

¹⁴⁷⁷ Ibid.

¹⁴⁷⁸ IACHR, Cuba, OEA/Ser.L/V/II. Doc. 2, 3 February 2020, paras. 314-316.

G. Human Mobility and ESCER

697. In general terms, REDESCA notes that the socio-economic crisis the island is going through, added to the effects generated by the pandemic - especially the impact on international tourism flows, one of the main economic activities of the country - and the U.S. sanctions, have generated a favorable framework for an increase in the number of people who decide to seek better opportunities abroad for themselves and their families. In this regard, the Center for Democracy in the Americas (CDA) reported that almost 178,000 Cubans arrived in the United States in fiscal year 2022, surpassing combined records such as the Mariel exodus (1980) and the "rafter crisis" (1994), the two largest migratory waves from Cuba to date. A similar situation has occurred with respect to the arrival of Cuban persons in Mexico and Nicaragua, where, in the first case, a total of 23,526 Cubans have been intercepted between January and June 2022, the highest number since records have been kept,¹⁴⁷⁹ and in the second case, about 40,000 Cuban citizens arrived at the Nicaraguan southern border between November 2021 and February 2022.¹⁴⁸⁰
698. On the other hand, regarding the human rights situation of persons in a situation of mobility on Cuban soil, the Office of the Special Rapporteur notes with concern that, although these persons have access to free health and education services, they cannot participate in income-generating activities, which makes them totally dependent on the assistance of international organizations.¹⁴⁸¹
699. Likewise, during the economic crisis associated with the COVID19 pandemic, the socioeconomic situation of this particularly vulnerable group was considerably aggravated, given the obstacles to access food, hygiene items and medicines¹⁴⁸². Against this backdrop, UNHCR support was required to ensure access to the government rationing system and the national COVID-19 vaccination program, on equal terms with nationals.¹⁴⁸³
700. In this context, REDESCA continues to observe in the exercise of its mandate, that people in a situation of mobility are in a situation of special vulnerability and face the lack of access and enjoyment of the ESCER, both at the border crossing and in Cuban territory. Therefore, REDESCA urges the Cuban State to implement effective measures to develop a national policy that guarantees the dignity and access to the ESCER of migrants, both in the context of the pandemic and in migration processes in general.

¹⁴⁷⁹ DW, [The record and unstoppable exodus of Cubans to the United States](#), September 02, 2022.

¹⁴⁸⁰ BBC, ["It's a silent Mariel": the thousands of Cubans using Nicaragua as a route to the United States](#), March 22, 2022.

¹⁴⁸¹ UNHCR, [Cuba Fact Sheet](#), September - October 2022.

¹⁴⁸² Ibid.

¹⁴⁸³ Ibid.

13) DOMINICA

701. With respect to Dominica, the Office of the Special Rapporteur has monitored the situation of ESCER in the country, focusing mainly on the enjoyment of the right to health, analyzing its social determinants and the impacts of the pandemic. Likewise, REDESCA has followed the particular situation related to the climate emergency in the country, as well as the enjoyment of the right to education. In the following paragraphs, the aforementioned lines of work will be developed in detail.
702. Dominica's economy was strongly affected by the COVID-19 pandemic, particularly by the restrictions that had to be imposed on the tourism industry worldwide to avoid contagion and protect people's health. Dominica's national GDP is 36.3% dependent on tourism, and it is estimated that up to 33% of the population is employed in the sector.¹⁴⁸⁴
703. The United Nations Development Program positions Dominica as a country with high levels of human development; however, REDESCA notes that 28.8% of the population lives below the poverty line¹⁴⁸⁵. With respect to inequality, the Special Rapporteur is concerned that the richest 10% of the population accounts for 36.2% of the country's consumption, while the poorest 10% of the population consumes only 2%.¹⁴⁸⁶

A. Right to Health and its Social Determinants

704. With respect to the COVID-19 pandemic, Dominica would have begun to experience the pandemic and its impacts by the end of March 2020. As of November 11, 2022, the country has a total of 15,760 confirmed cases and 74 deaths due to the virus¹⁴⁸⁷. With regard to inoculation, the country has administered, as of October 7, 67,647 doses of COVID-19 vaccine, reaching a complete vaccination rate of 42.48% of its population¹⁴⁸⁸. In view of the low rate of fully immunized population, REDESCA recommends that the State of Dominica, in accordance with Resolution 1/2021 on "Vaccines against COVID-19 in the framework of inter-American human rights obligations", increase its efforts to increase the coverage of fully vaccinated persons, taking into consideration data on the safety and effectiveness of vaccines based on the best available scientific evidence and, thus, address the mistrust and misinformation that may arise among the inhabitants.¹⁴⁸⁹
705. The Special Rapporteurship takes note of the creation of the National Vaccination Registry (EIR), promoted by the Ministry of Health and Welfare. This is intended to improve data management and facilitate the monitoring of individual vaccination schedules, in order to improve the performance, coverage and efficiency of the Expanded Program on Immunization.¹⁴⁹⁰ In this context, the Office of the Special Rapporteur recalls that, subject to the obligation of active transparency, States should proactively disclose data on registries, studies, vaccination plans and vaccine procurement.¹⁴⁹¹
706. REDESCA takes note of the relaxation of sanitary measures in Dominica, due to the sustained decrease of active cases in the country. In this regard, the Government decided to make changes in the protocols and restrictions related to the COVID-19 pandemic as of April, including the removal of all restrictions on

¹⁴⁸⁴ OCHA, Dominica: Country Profile, June 2022.

¹⁴⁸⁵ Green Climate Fund, Country Programme: Dominica, May 18, 2022.

¹⁴⁸⁶ Ibid.

¹⁴⁸⁷ Datomacro, Dominica - COVID-19 - Coronavirus crisis, November 11, 2022.

¹⁴⁸⁸ Datosmacro, Dominica - COVID-19 - Vaccines administered, October 7, 2022.

¹⁴⁸⁹ IACHR - REDESCA, "Resolution 1/2021 on COVID-19 vaccines in the framework of inter-American human rights obligations," April 6, 2021, para. 11.

¹⁴⁹⁰ Zero Gap, Ministry of Health of Dominica creates National Vaccination Registry, September 5, 2022.

¹⁴⁹¹ IACHR - REDESCA, "Resolution 1/2021 on COVID-19 vaccines in the framework of inter-American human rights obligations," April 6, 2021, para. 20.

religious gatherings, the full capacity of public transportation and the return to classes at almost all levels¹⁴⁹². In the same vein, the Office of the Special Rapporteur takes note of the elimination of restrictions on entry and exit from the country, signifying the reopening of Dominica to tourism, one of its most important sources of income.¹⁴⁹³

707. The Special Rapporteurship takes a close look at the high rates of food insecurity in Dominica. The rates have been on the rise, and the country is no stranger to global economic instability, in addition to the damage to harvests as a result of increasingly frequent natural disasters due to climate change.¹⁴⁹⁴ In this regard, more than 40% of Dominica's inhabitants are vulnerable to food insecurity, especially those below the poverty line, farmers, and members of Indigenous Peoples¹⁴⁹⁵.

B. Climate Emergency and Human Right to Water

708. Regarding the climate emergency, REDESCA takes note of the great impact that climate change is having on the country, positioning it as the 12th most vulnerable country in terms of climate vulnerability, according to the United Nations Development Program (UNDP), due to the impact of tropical storms and the rise in sea level in recent years.¹⁴⁹⁶

709. REDESCA celebrates the joint work between the government of Dominica, the United Nations Development Programme (UNDP), Barbados and the Eastern Caribbean, together with the Kalinago people, with the aim of mitigating the effects of climate change and encouraging the preservation of the ancient ways of life and culture of the original people¹⁴⁹⁷. This is of great relevance due to the role played by the Kalinago people in the protection and sustainable management of the fragile ecosystems of the Dominican rainforest¹⁴⁹⁸. In this regard, the Office of the Special Rapporteur recalls that, according to Resolution 3/2021, climate change generates differentiated effects among people, and States are responsible for strengthening the guarantee and protection of the rights of those who are particularly vulnerable to the adverse effects of climate change, due to existing structural inequalities.¹⁴⁹⁹

710. REDESCA is concerned about the situation of the Kalinago indigenous people, who are particularly vulnerable to climatic impacts, having been particularly affected by the tropical storms that have occurred in the country in the last decade. REDESCA also notes that 49.8% of the community members live below the poverty line, a rate higher than the national average.¹⁵⁰⁰

711. The Special Rapporteur notes with concern the floods and landslides that have affected the country in its eastern and southeastern areas, causing material damage and forcing the relocation of the population

¹⁴⁹² Dominica News Online, "[Dominica makes changes to COVID-19 protocols and restrictions; mask mandate remains](#)", March 29, 2022.

¹⁴⁹³ Loop News, "[Dominica announces full reopening of tourism sector](#)", March 28, 2022.

¹⁴⁹⁴ Dominican Today, "[Rapid action needed on food security](#)", June 15, 2022.

¹⁴⁹⁵ CARICOM, "[Caribbean COVID-19 Food Security & Livelihoods Impact Survey Dominica Summary Report | June 2022](#)", June 2022.

¹⁴⁹⁶ Green Climate Fund, "[Country Programme: Dominica](#)", May 18, 2022.

¹⁴⁹⁷ Dominica News Online, "[Dominica government, with UNDP support, moves to make indigenous Kalinago communities more resilient to climate impacts](#)", February 10, 2022.

¹⁴⁹⁸ World Bank, "[The importance of Dominica's Indigenous Kalinago community in the protection and sustainable management of the fragile tropical rainforest ecosystems](#)", August 5, 2022.

¹⁴⁹⁹ IACHR - REDESCA, "[Resolution 3/2021 on Climate Emergency, Scope and Inter-American Human Rights Obligations](#)" March 4, 2022, para. 16.

¹⁵⁰⁰ World Bank, "[The importance of Dominica's Indigenous Kalinago community in the protection and sustainable management of the fragile tropical rainforest ecosystems](#)", August 5, 2022.

during the emergency¹⁵⁰¹. In this sense, REDESCA takes note of Dominica's efforts to face the consequences of climate change, orienting its policies towards the intention of becoming the first climate-resilient country in the world, an objective it is working towards through the modernization of its forestry sector, which covers 60% of the country's territory and is linked to the employability of 20% of the inhabitants. Dominica also seeks to create a long-term vision of sustainable forest management and entrepreneurship.¹⁵⁰²

712. In line with the above, the Special Rapporteur identifies that the Government of Dominica is in the process of establishing health centers and equipped shelters throughout the country to prepare for natural disasters¹⁵⁰³. Climate-smart agriculture projects have also been developed, in cooperation with UNDP and the Inter-American Institute for Cooperation on Agriculture¹⁵⁰⁴, and policies regarding climate education and awareness-raising for the country's inhabitants have been increased¹⁵⁰⁵.

713. It also highlights the project to install a geothermal power plant by 2023, which would make the country more energy independent, while reducing emissions of polluting gases into the environment, by opting for renewable energy sources¹⁵⁰⁶.

714. Therefore, REDESCA emphasizes that these efforts would be in line with the call to the States to make significant efforts to advance comprehensive, universal, and broad environmental education policies and programs, allowing people to acquire environmental awareness, modify their consumption and environmental care behaviors, as well as aimed at ensuring that authorities and companies adopt sustainable development and nature protection patterns.¹⁵⁰⁷

715. REDESCA is closely following Dominica's progress towards transitioning to a fully renewable energy system by 2030¹⁵⁰⁸, which would benefit both the environment and the economy of the inhabitants, allowing lower electricity prices in the country¹⁵⁰⁹. In this regard, REDESCA takes note of the progress of the 10-MW geothermal energy project located in the village of Laudet, in the Roseau Valley¹⁵¹⁰. In this line, it should be recalled that projects on energy transition must incorporate a human rights approach in the construction and implementation of them, ensuring States that the rules, policies, and climate actions are built in a transparent and participatory manner with all social acts.¹⁵¹¹

¹⁵⁰¹ Loop News, [Dominica: Persons affected by floods and landslides to be relocated](#), November 11, 2022.

¹⁵⁰² World Bank, [The importance of Dominica's Indigenous Kalinago community in the protection and sustainable management of the fragile tropical rainforest ecosystems](#), August 5, 2022.

¹⁵⁰³ OAS-IACHR, ["Meeting with the acting Prime Minister of Dominica and Permanent Secretary at the Ministry of Foreign Affairs, International Business and Disapora Relations"](#). June 22, 2022

¹⁵⁰⁴ Dominica News Online, [UNDP and IICA collaborate to build capacity in Climate Smart Agriculture in Dominica](#), July 25, 2022.

¹⁵⁰⁵ Dominica News Online, [Project to increase environment education and awareness in Dominica to be undertaken with support from GEF Small Grants Programme](#), April 11, 2022.

¹⁵⁰⁶ Government Information Service, ["GEOTHERMAL POWER PLANT FOR DOMINICA BY 2023"](#), January 24, 2022.

¹⁵⁰⁷ IACHR - REDESCA, [Resolution 3/2021 on Climate Emergency, Scope and Inter-American Human Rights Obligations](#) March 4, 2022, para. 5.

¹⁵⁰⁸ CARILEC, [Dominica on track to full renewable energy by 2030 says DOMLEC Chief Operations Officer](#), August 30, 2022.

¹⁵⁰⁹ Jamaica Gleaner, [Dominica hopeful of cheaper electricity from geothermal project](#), October 26, 2022.

¹⁵¹⁰ Think Geonergy, [Dominica PM gives updates on the progress of 10-MW geothermal project](#), July 31, 2022.

¹⁵¹¹ IACHR - REDESCA, [Resolution 3/2021 on Climate Emergency, Scope and Inter-American Human Rights Obligations](#) March 4, 2022, para. 2-3.

C. Labor and Union Rights

716. REDESCA notes that while the minimum wage increases were generally received positively, there is concern from the Division of Labor that these increases are not being complied with by some establishments, in line with the Standard Labor Law of 2017¹⁵¹². In this regard, the Specialized Rapporteurship recalls that work is a right and a social duty, gives dignity to those who perform it and must be provided in conditions that, including a fair wage regime, ensure life, health and decent economic level.¹⁵¹³

D. Fiscal and Economic Policies

717. REDESCA highlights the initiative of the government of Dominica in launching a program to provide access to credit for small businesses¹⁵¹⁴, with reduced interest rates and loan repayment terms of up to 10 years, in order to collaborate with their investment and expansion, and in an attempt to reduce the impacts suffered by these businesses during the COVID-19 pandemic. Along the same lines, the launching of a fund for the development and improvement of the social and economic situation of the Kalinago indigenous population, which also favors access to credit for its members, is also noteworthy¹⁵¹⁵.

718. The Special Rapporteur takes note of the economic policies adopted by the authorities of Dominica to help its inhabitants cope with the economic crisis. In this regard, fuel prices have been subsidized¹⁵¹⁶ and electricity, and road access and land transfer fees have been reduced, with the aim of reducing the cost of living for Dominicans¹⁵¹⁷. Along the same lines, the Government has announced the Housing of the Future Program, through which it would build houses that are resistant to climate change and economically affordable for young workers in the public and private sectors.¹⁵¹⁸

719. In light of these decisions, REDESCA stresses that States must adopt a human rights approach in any State strategy, policy or measure to address the COVID-19 pandemic, including plans for social and economic recovery. In this sense, any form of inequality must be prevented, ensuring effective social protection, and the granting of subsidies, basic income, or other economic support measures.¹⁵¹⁹

720. The Special Rapporteur notes that the World Bank has approved two credits in favour of Dominica, together amounting to US\$50 million, which aim to finance projects that will strengthen the country's resilience to economic shocks and sustainable post-pandemic growth.¹⁵²⁰ REDESCA also welcomes the agreements reached by the Government of Dominica, the Government of the United Kingdom and the Caribbean Development Bank to finance infrastructure projects that will increase resilience to climate

¹⁵¹² Dominica News Online, "Labour Division concerned about some establishments not complying with new minimum wage order", January 18, 2022.

¹⁵¹³ IACHR - REDESCA, "Compendium of Labor and Trade Union Rights: Inter-American Standards", October 30, 2020.

¹⁵¹⁴ Dominica News Online, "Government of Dominica launches \$27M small business loan facility at Aid Bank", March 7, 2022.

¹⁵¹⁵ Government Information Service, "GOVERNMENT LAUNCHES NEW KALINAGO DEVELOPMENT FUND", March 10, 2022.

¹⁵¹⁶ Dominica News Online, "Government of Dominica increases subsidy on petroleum products", August 20, 2022.

¹⁵¹⁷ Dominica News Online, "Decrease in electricity bill, road levy and land transfer fees among measures announced to ease the cost of living", August 4, 2022.

¹⁵¹⁸ Dominica News Online, "Government to launch Future Housing Programme this morning", July 16, 2022.

¹⁵¹⁹ IACHR - REDESCA, "Resolution 1/2020 on Pandemic and Human Rights in the Americas" April 10, 2020.

¹⁵²⁰ World Bank, "Dominica's Resilience and Sustainable Growth to be Strengthened by the World Bank", June 1, 2022.

change in Dominica, estimated at EC \$239 million.¹⁵²¹ REDESCA recalls that IACHR Resolution 3/2021 stresses that, in the face of limited resources, States must undertake an active search for resources for the formulation and implementation of ambitious public climate policies before public and private climate funds, such as multilateral banks, as well as mobilize their own resources for mitigation and adaptation actions.¹⁵²²

721. On the other hand, REDESCA takes note of the agreement reached between the Government of Dominica and TRON to create the Dominican digital currency with block-chain technology "DMC". Through this measure, Dominica seeks to boost economic development by adopting digital innovation, in addition to promoting the country's natural heritage and tourist attractions on other platforms.¹⁵²³

E. Education, science, technology: academic freedom and university autonomy

722. The ESCER Special Rapporteur highlights the return to on-site classes at all levels, which began on April 25. In this regard, the Special Rapporteur welcomes the fact that the authorities have decided to carry out a series of evaluations to verify the degree of learning and loss of learning by students, given that during the pandemic, classes were taught virtually, and many students -due to limited access to technology due to their location and other issues- may not have been able to maximize and take advantage of the benefits of learning through these tools¹⁵²⁴.

723. REDESCA takes note of the emphasis that the authorities of Dominica have placed on early childhood education, investing in four new primary schools, and strengthening the technological and material equipment in the existing ones, as well as working to make the infrastructure of the schools resistant to storms and other natural disasters. These measures seek to promote opportunities for children to succeed, encouraging them to be academically and humanely committed to their communities in the future.¹⁵²⁵ Likewise, the Government's initiative to develop Internet access programs for the island's inhabitants is welcomed, allowing vulnerable students and families in Dominica to access virtual services with the help of the State.¹⁵²⁶

¹⁵²¹ Dominica News Online, [Contracts for \\$239M climate resilience projects in Dominica expected to be signed later this year - PM Skerrit](#), April 17, 2022.

¹⁵²² IACHR - REDESCA, [Resolution 3/2021 on Climate Emergency, Scope and Inter-American Human Rights Obligations](#) March 4, 2022, para. 6.

¹⁵²³ Loop News, [Dominica enters agreement with TRON to adopt blockchain technology](#), October 14, 2022.

¹⁵²⁴ Dominica News Online, ["Students to undergo assessment as full-time face-to-face learning officially resumes,"](#) April 25, 2022.

¹⁵²⁵ Dominica News Online, [Education minister highlights government's emphasis on early childhood education](#), May 12, 2022.

¹⁵²⁶ Zero Gap, [Dominica develops Internet access program](#), February 2, 2022.

14) ECUADOR

724. Regarding the poverty situation and its impact on the quality of life of the population in Ecuador, REDESCA notes that, by June 2022, Ecuador's Gini coefficient stood at 0.453¹⁵²⁷. According to the National Institute of Statistics and Census (INEC), this would represent a statistically significant reduction in the levels of inequality, compared to the scores of 0.493 and 0.466 recorded in June and December 2021, respectively¹⁵²⁸.
725. However, it is still of concern that 1 out of every 4 people in Ecuador lives in poverty, while extreme poverty reaches 10.7% of the population¹⁵²⁹. This implies that approximately 4.5 million Ecuadorians have an income of US\$87.57 per month; and at least 1.9 million Ecuadorians live on US\$49.59 per month¹⁵³⁰. In addition, the Rapporteurship draws attention to the existing gap between urban and rural areas; poverty and extreme poverty are found in 16.7% and 5.2% in urban areas; and rise to 42.9% and 22.7% at the rural level¹⁵³¹. Therefore, the Office of the Special Rapporteur emphasizes that, although Ecuador has experienced a considerable decrease in poverty and extreme poverty - in relation to the statistics registered in December 2020¹⁵³² -, it has not yet been able to recover the conditions it had before the COVID-19 pandemic¹⁵³³.
726. On the other hand, regarding the implications of inflation on people's cost of living, the Office of the Special Rapporteur notes that, for the month of October, the inflation rate reached 4.02%, reflecting an increase of 0.4 percentage points over the same month in the previous year¹⁵³⁴. With this, the Consumer Price Index (CPI), increased from 105.80¹⁵³⁵ to 110.06, in one year¹⁵³⁶.
727. In June, the price of the Basic Family Basket -which is the set of 75 goods and services essential to satisfy the basic needs of a 4-member household- reached an all-time high of US\$751.04;¹⁵³⁷ and continued to increase through October, reaching US\$756.51¹⁵³⁸. The categories that registered the highest levels of inflation were food and non-alcoholic beverages (7.14%), transportation (6.61%), furniture and household goods and ordinary household maintenance (5.62%), and education (4.62%).¹⁵³⁹ REDESCA is concerned that low- and middle-income households would be disproportionately affected by this situation, given that they spend about 60% of their resources on food and transportation.¹⁵⁴⁰

¹⁵²⁷ National Institute of Statistics and Census, Ecuador, [Encuesta Nacional de Empleo, Desempleo y Subempleo 2022 \(ENEMDU\)](#), June, 2022.

¹⁵²⁸ National Institute of Statistics and Census, Ecuador, [Encuesta Nacional de Empleo, Desempleo y Subempleo 2022 \(ENEMDU\)](#), June, 2022.

¹⁵²⁹ National Institute of Statistics and Census, Ecuador, [Encuesta Nacional de Empleo, Desempleo y Subempleo 2022 \(ENEMDU\)](#), June, 2022.

¹⁵³⁰ Bloomberg Línea, [What is it like to live on less than \\$3 USD a day? The reality of 4.5 million Ecuadorians](#), July, 2022.

¹⁵³¹ National Institute of Statistics and Census, Ecuador, [Encuesta Nacional de Empleo, Desempleo y Subempleo 2022 \(ENEMDU\)](#), June, 2022.

¹⁵³² In December 2020, poverty reached 33% of the Ecuadorian population; and extreme poverty reached 14.7%.

¹⁵³³ National Institute of Statistics and Census, Ecuador, [Encuesta Nacional de Empleo, Desempleo y Subempleo 2022 \(ENEMDU\)](#), June, 2022.

¹⁵³⁴ National Institute of Statistics and Census, [Consumer Price Index \(CPI\) October - 2022](#), October 6, 2022.

¹⁵³⁵ National Institute of Statistics and Census, [Technical Bulletin No. 10-2021-IPC](#), October 2021.

¹⁵³⁶ National Institute of Statistics and Census, [Consumer Price Index \(CPI\) October - 2022](#), October 6, 2022.

¹⁵³⁷ Primicias, [Inflation reaches 4.23% in June due to food and transportation prices](#), July 6, 2022.

¹⁵³⁸ National Institute of Statistics and Census, [Consumer Price Index \(CPI\) October - 2022](#), October 6, 2022.

¹⁵³⁹ Central Bank of Ecuador, [Presentación Coyuntural | Estadísticas Macroeconómicas](#), October 2022.

¹⁵⁴⁰ Primicias, [Inflation is one of the three concerns in Ecuador](#), September 26, 2022.

A. Right to Health and its Social Determinants

728. Regarding the situation of the right to health in the country, REDESCA notes that, as of November 6, Ecuador registered a total of 1,009,004 cases and 35,934 deaths due to COVID-19, since the beginning of the health emergency. It also appreciates the efforts of the Ecuadorian State to continue with the immunization of the population, considering that, by the same date, 37,607,904 doses have been administered; reaching 14,170,460 people (84.55%) with a complete two-dose schedule, 7,408,084 (53.86%) people with a booster dose, and 2,309,010 people with two booster doses¹⁵⁴¹.
729. In this regard, the Office of the Special Rapporteur notes that, following the stabilization of infections associated with the Omicron variant in February, the authorities began to gradually lift the restrictions imposed to counteract the effects of the pandemic¹⁵⁴². Thus, measures such as capacity limitations in public spaces and events, the mandatory use of masks in open and closed spaces and the presentation of the vaccination certificate to enter the country, were eliminated in March, April, and May, respectively¹⁵⁴³¹⁵⁴⁴¹⁵⁴⁵. In October, the President even announced that 'the pandemic had ended in Ecuador', and therefore all measures would be eliminated, and efforts would no longer concentrate on inoculation¹⁵⁴⁶.
730. In a broader perspective about the right to health in the country, REDESCA has been monitoring the worrying situation of the public health system in Ecuador, where there are constant reports of problems related to the shortage of medicines and medical supplies, shortage of personnel and lack of resources in general.
731. In this regard, the Special Rapporteurship learned that, in an appearance before the National Assembly in January, the Minister of Health stated that 90% of the medicines in the National List of Basic Medicines (CNMB) were not catalogued; that the producers and distributors of the health system had a limited supply capacity; and that the traceability and auditing system was not working¹⁵⁴⁷. It also indicated that the provision of pharmaceuticals had decreased from 98% to 52% between 2018 and 2021, as the health budget had been reduced and public procurement processes had stagnated¹⁵⁴⁸. Faced with this situation, the Government announced that it would seek international support to improve the provision of medicines; hoping to increase the supply in public hospitals from 65% to 75%, between January and February¹⁵⁴⁹.
732. In March, the Ministry of Public Health and the National Public Procurement Service (SERCOP) launched a Corporate Reverse Auction of Medicines procedure, aimed at allowing the timely and efficient supply of quality, safe and effective medicines to the entire Integrated Public Health Network (RPIS)¹⁵⁵⁰. After that, a call for private pharmacies wishing to participate in the procedure for the acquisition of drugs and strategic health goods was made;¹⁵⁵¹ however, some companies denounced the existence of irregularities

¹⁵⁴¹ Ministry of Public Health of Ecuador, Vaccinometer COVID-19, Cut-off date 06/11/2022.

¹⁵⁴² GK, Covid infections fell by 82% in February 2022 in Ecuador, March 3, 2022.

¹⁵⁴³ Infobae, Ecuador eliminates gauging restrictions and reopens nightlife, March 18, 2022.

¹⁵⁴⁴ El Comercio, Ecuador removes the use of masks in all spaces, April 28, 2022.

¹⁵⁴⁵ La Hora, Where will the anticovid vaccine certificate no longer be mandatory in Ecuador, May 5, 2022.

¹⁵⁴⁶ Ecuavisa, Guillermo Lasso: "The pandemic is over in Ecuador", October 3, 2022.

¹⁵⁴⁷ Plan V, These are the reasons for the shortage of medicines in the public network (and what the government is doing to solve it), January 26, 2022.

¹⁵⁴⁸ Plan V, These are the reasons for the shortage of medicines in the public network (and what the government is doing to solve it), January 26, 2022.

¹⁵⁴⁹ Radio Pichincha, Ecuador, awaiting 12 million units of drugs for catastrophic diseases, January 26, 2022.

¹⁵⁵⁰ Ministry of Health, MOH, MOH and SERCOP are committed to a transparent and participatory drug supply, March 24, 2022.

¹⁵⁵¹ Ministry of Health, Call for the Acquisition of Pharmaceuticals and Strategic Health Goods, March 26, 2022.

in the process, because pharmaceutical companies and laboratories that were in default with the State were allowed to participate¹⁵⁵².

733. However, the pressing situation of the health system prompted the President to declare an emergency in the national health system in the context of the national mobilizations of June¹⁵⁵³. Thus, as of June 22, the Ministry of Health declared an emergency for a period of sixty days, due to the shortage of medicines and medical supplies which were out of stock and at risk of being out of stock at the national level¹⁵⁵⁴. According to the Ministry, the emergency would allow the purchase of all the drugs in the Basic List of Medicines and general use supplies, at 100%, for a period of six months¹⁵⁵⁵. The Ministry anticipated that the medicines would be received a little over a month after the declaration of emergency, and that the administrative processes would be completed in the remaining days¹⁵⁵⁶. The Ecuadorian Institute of Social Security (IESS), the Armed Forces (ISSFA), and the Police (ISSPOL), belonging to the Complementary Health Network, declared their respective emergencies almost a month later¹⁵⁵⁷.

734. In particular, the State responded to a statement by the Office of the Special Rapporteur on the allegations of shortages at the Enrique Garcés General Hospital in the city of Quito, and indicated that, by May, there was a 70% supply at this health center, and that the corresponding public procurement processes were being carried out, within the framework of the emergency declaration¹⁵⁵⁸.

735. At the end of the emergency, the Ministry of Health reported that four additional strategies were being implemented in addition to the direct purchases made during the emergency in order to achieve 100% supply: purchases by electronic catalog; the resumption of regular purchases through regional health coordinating offices; the plan to outsource the pharmacy service with the "Medicine Nearby" program; and the direct purchase of medicines from hospitals, ordered in judicial proceedings¹⁵⁵⁹. However, citizen reports and complaints continued about the lack of medicines and medical supplies in different health centers¹⁵⁶⁰¹⁵⁶¹¹⁵⁶². In this regard, in a new appearance before the National Assembly, the Minister of Health updated the figure and informed that for the month of December, the supply was expected to reach 90%.¹⁵⁶³

736. In this context, the Office of the Special Rapporteur warns with particular concern that the problem of shortages has disproportionately affected people who, due to their health condition, are in a situation of greater vulnerability. According to the Association of Parents of Children and Adolescents with Cancer, in the last fifteen months, more than 80 children with cancer and at least 100 kidney patients have died due to lack of timely medical attention, including lack of medicines, delays in carrying out treatments, and a

¹⁵⁵² [Teleamazonas, Pharmaceutical industry denounced irregularities in auction process](#), April 30, 2022.

¹⁵⁵³ [Firsts, Ministry of Health declares 60-day emergency](#), June 23, 2022.

¹⁵⁵⁴ [Ministry of Public Health, Resolution No. MSP-MSP-2022-0012-R](#), June 22, 2022.

¹⁵⁵⁵ [Ministry of Public Health, MSP undertakes actions within the framework of the health emergency declaration](#), June 20, 2022.

¹⁵⁵⁶ [Ibid.](#)

¹⁵⁵⁷ [Expreso, The emergency ends at the Ministry of Health, which has not yet finished supplying its hospitals](#), August 23, 2022.

¹⁵⁵⁸ [Permanent Mission of the Republic of Ecuador to the Organization of American States, Communication No. 4-2-185/2022](#), August 22, 2022.

¹⁵⁵⁹ [Expreso, The emergency ends at the Ministry of Health, which has not yet finished supplying its hospitals](#), August 23, 2022.

¹⁵⁶⁰ [La Hora, Is there a change with the end of the declaration of emergency in the health system](#), August 24, 2022.

¹⁵⁶¹ [Pichincha Comunicaciones, End of the emergency in the health system and the shortage continues](#), August 24, 2022.

¹⁵⁶² [Diario Correo, Terminó la emergencia y sigue sin medicina el Teófilo Dávila](#), August 28, 2022.

¹⁵⁶³ [El Universo, The supply in hospitals of the Ministry of Health will not be total in 2022; it will reach 90% in December, according to authorities](#), August 24, 2022.

decrease in the frequency of treatments¹⁵⁶⁴. In turn, people with HIV/AIDS have reportedly suffered serious deterioration and risks to their health, due to the interruption of antiretroviral treatments due to the lack of reagents¹⁵⁶⁵. Shortages of insulin and heparin, reported up to October, continue to affect people with diabetes and renal patients, who are unable to continue their treatments privately, due to the high costs or the specificity of the drugs¹⁵⁶⁶¹⁵⁶⁷. The shortage, linked to the lack of information, would be aggravated for people with rare and orphan diseases, given that Ecuador did not initiate a single registry on them until September 2022¹⁵⁶⁸¹⁵⁶⁹.

737. Similarly, the Special Rapporteurship notes that private health institutions, which maintain agreements with the public health system for the external provision of services such as dialysis and cancer treatments, have faced difficulties due to failures and delays in payments by the State¹⁵⁷⁰. For example, the Sociedad de Lucha contra el Cáncer (Solca) -which, in August, announced that it would not receive new patients referred by the Instituto Ecuatoriano de Seguridad Social¹⁵⁷¹ -, has outstanding payments since 2021, which are being gradually cancelled by the Ministry of Health¹⁵⁷². Likewise, there are 82 dialyzers that, between January and September, received US\$141.5 million for their services and outstanding payments; and, in October, they will receive US\$16.5 million more¹⁵⁷³.

738. In this context, the Office of the Special Rapporteur urgently calls on the State to guarantee the right to health of its population, recalling that, in the area of the right to health, there are obligations that are not subject to progressive development, but are of an immediate nature¹⁵⁷⁴. These include: the application of the principle of equality and non-discrimination with regard to the right to health; the obligation to take steps or adopt deliberate, concrete and targeted measures as clearly as possible to achieve the effective enjoyment of the right to health; and the obligation to satisfy essential or basic levels for the enjoyment of the right to health¹⁵⁷⁵.

739. On the other hand, the Office of the Special Rapporteur is aware of the recurrent allegations of overpricing and other irregularities in the procurement of medicines and medical supplies, which could have an impact on the problems of shortages in the public health system.¹⁵⁷⁶¹⁵⁷⁷¹⁵⁷⁸ In this regard, it emphasizes that when the State, as a result of different forms of corruption, has not been able to guarantee the ESCER fully and to

¹⁵⁶⁴ Teleamazonas, Más de 80 niños con cáncer habrían muerto por falta de atención médica oportuna, 7 de septiembre de 2022.

¹⁵⁶⁵ La Hora, HIV patients struggle with lack of reagents, October 12, 2022.

¹⁵⁶⁶ Primicias, Renal and diabetes patients suffer from lack of medicines, September 8, 2022.

¹⁵⁶⁷ El Universo, Insulin is life or death, but in short supply in public and private health network, Arcsa indicates that there are import options by exception, October 22, 2022.

¹⁵⁶⁸ Ministry of Public Health, Por primera vez, Ecuador contará con un Registro Único de Enfermedades Raras, September 22, 2022.

¹⁵⁶⁹ Defensoría del Pueblo Ecuador, Producto de las mesas de diálogo por la salud, surgen los primeros resultados en favor de las/los pacientes con cáncer y enfermedades catastróficas, raras y huérfanas, September 19, 2022.

¹⁵⁷⁰ Primicias, Solca announces that it will not receive new patients from IESS due to lack of payment, August 27, 2022.

¹⁵⁷¹ Primicias, Solca announces that it will not receive new patients from IESS due to lack of payment, August 27, 2022.

¹⁵⁷² Ministry of Public Health, MSP has cancelled 69% of overdue debts from years prior to 2021 and guarantees payment of new referrals to private providers, April 6, 2022.

¹⁵⁷³ Ministry of Public Health, USD 141.5 million was paid to dialyzers, October 19, 2022.

¹⁵⁷⁴ IACHR - REDESCA, Compendium on Economic, Social, Cultural and Environmental Rights - Inter-American Standards, OEA/Ser.L/V/IL, December 31, 2021, para. 45.

¹⁵⁷⁵ Ibid., para. 46.

¹⁵⁷⁶ El Universo, Comisión Anticorrupción advierte sobre estructura que 'está organizada para el asalto' en procesos de compra de medicinas e insumos, August 31, 2022.

¹⁵⁷⁷ Primicias, Corruption in hospitals includes some doctors, according to Garzón, February 25, 2022.

¹⁵⁷⁸ El Comercio, Five hospitals are in crisis and under analysis due to corruption, March 27, 2022.

the maximum of its resources, it is necessary to adopt measures to reverse this situation; and to establish reparations for the people affected by it. When corruption acquires systemic connotations, or a public service is co-opted by private interests in a way that prevents it from fulfilling its obligations, the State must adopt immediate measures to put an end to the irregular situation and provide the service with the resources to fulfill its purposes.¹⁵⁷⁹

740. In the same vein, REDESCA is concerned about the health situation of children with respect to vaccination against pneumonia and poliomyelitis. According to information received by the Special Rapporteur, the country is only applying the 10valent vaccine, which is inferior to the 13valent vaccine that protects against 13 pneumococcal serotypes.¹⁵⁸⁰ In this regard, it was denounced that, according to studies conducted in the country, show that there are children vaccinated against pneumonia with the PCV10 vaccine, who got sick, were hospitalized and became extremely resistant to antibiotics. These are three studies conducted by Ecuadorian doctors, one of them at the Baca Ortiz Pediatric Hospital¹⁵⁸¹, another study conducted in children of the Kichwa population¹⁵⁸² and the other is a study on the evaluation of *Streptococcus Pneumoniae* (pneumococcus) serotypes in Latin America and its relationship with the coverage of vaccination programs.¹⁵⁸³

741. Another issue of concern to REDESCA is the situation of health professionals, who have denounced massive layoffs and inadequate working conditions in public health institutions. For the month of April, it was reported that around 500 doctors and health workers were dismissed from hospitals in different cities of the country; which, according to the authorities, would respond to the expiration of their contracts or to institutional restructuring needs¹⁵⁸⁴¹⁵⁸⁵. The Special Rapporteur's attention is drawn to the fact that these dismissals occur in a context in which there are allegations of failures in health services due to staff shortages; and, in addition, they especially affect professionals who have been hired under temporary contracts, which do not offer job stability, for long periods of time¹⁵⁸⁶. For these reasons, several unions and other groups of health professionals have called for nationwide protests, including marches for Labor Day¹⁵⁸⁷ and national mobilizations in June¹⁵⁸⁸. In the same line, REDESCA also takes note of the denunciations made by unions and organizations that group health professionals, in which they point out persecution and threats to public hospital personnel who denounce the conditions of hospitals and medical centers.¹⁵⁸⁹

¹⁵⁷⁹ IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II, December 19, 2019, para. 517.

¹⁵⁸⁰ Movimiento Social por la Defensa de los Derechos de la Niñez, Adolescencia y Juventud del Ecuador, Oficio No. 128-EC, dated October 10, 2022.

¹⁵⁸¹ Adriana Arnao et al., Invasive pneumococcal disease in the largest pediatric hospital in Quito-Ecuador, 2013 to 2018, *Revista de la Asociación Colombiana de Infectología*, Vol. 26 Num. 3, July 25, 2022.

¹⁵⁸² Regalado L D, Rivera-Olivero IA, Garcia-Bereguian MA, Tana L, Hernandez I, Zurita J, Vidal JE, Terán E, de Waard JH. Pneumococcal Carriage Among Indigenous Kichwa Children From the Ecuadorian Andes After the 10-Valent Pneumococcal Vaccine Introduction. *Pediatr Infect Dis J*. 2021 Nov 1;40(11):e427-e433. doi: 10.1097/INF.0000000000003291. PMID: 34609109.

¹⁵⁸³ Fausto Gady et al, Evaluation of streptococcus pneumoniae serotypes reported in latin america and the caribbean and their relationship with immunization program coverage, *Rev. ecuat. pediatr* ; Vol. 18(1): December-17, 201706.

¹⁵⁸⁴ Wambra Medio Comunitario, 500 doctors and health workers laid off from public hospitals, April 4, 2022.

¹⁵⁸⁵ Radio La Calle, IESS fires more doctors: 30 professionals were notified yesterday, September 1, 2022.

¹⁵⁸⁶ Plan V, IESS disengages 450 health workers for "productivity", April 7, 2022.

¹⁵⁸⁷ El Comercio, Health professionals join Labor Day march, April 29, 2022.

¹⁵⁸⁸ El Universo, Gremios de salud anuncian apoyo a protestas sociales; colgarán sus mandiles, pero habrá atención, June 13, 2022.

¹⁵⁸⁹ El Comercio, Médicos presionan por soluciones ante la falta de fármacos e insumos, June 2, 2022. WAMBRA, Personal médico de Pichincha denuncia situación crítica en el sistema de salud, May 27, 2022.

742. In this regard, REDESCA reminds the State that part of the guarantee of the right to health is to provide the necessary tools and supplies so that medical personnel can perform their duties without any limitation and in an environment free of persecution. To this extent, REDESCA urges the State to ensure the construction of contexts and environments free of harassment or threats, without hindering the practice of medicine and to comply with its duty to guarantee the rights of health professionals and workers in the context of the pandemic and the crisis in the public sector.
743. In relation to this issue, the Office of the Special Rapporteur expresses its regret for the death of a medical student intern at the Ambato Hospital, who suffered from depression and took his own life, possibly as a result of harassment at work.¹⁵⁹⁰ On the other hand, with regard to sexual and reproductive rights, REDESCA notes that, On April 29, the law to regulate the voluntary interruption of pregnancy in cases of rape came into force, after the Constitutional Court decriminalized abortion for rape in April 2021.¹⁵⁹¹ This was after the president objected to almost 90% of the text initially approved by the National Assembly; and introduced substantial modifications in relation to the time limit and the requirements for access to voluntary interruption of pregnancy; and on the exercise of conscientious objection by health professionals.¹⁵⁹²
744. In this regard, the Office of the Special Rapporteur is concerned that these restrictions disproportionately affect vulnerable groups - especially girls, adolescents, rural women and women living in poverty - by imposing additional barriers to the voluntary termination of pregnancy¹⁵⁹³. This is particularly serious in a country like Ecuador, where two out of every ten pregnant women are minors and, of these, 78% are between 10 and 14 years of age.¹⁵⁹⁴
745. Therefore, REDESCA reiterates what the IACHR has stated regarding the State's obligation to eliminate all legal and de facto obstacles that impede access to sexual and reproductive health services required based on sex/gender and reproductive capacity, taking into consideration the special risk, lack of protection and vulnerability of girls and adolescents, as well as women in particular situations of exclusion¹⁵⁹⁵. It also recalls that the criminalization of the termination of pregnancy imposes a disproportionate burden on the exercise of rights, especially the rights of women, girls, and adolescents, and creates a context that facilitates unsafe abortions and high mortality rates.¹⁵⁹⁶
746. Finally, with regard to the social determinants of the right to health, REDESCA notes with alarm that, according to a report by the Food and Agriculture Organization of the United Nations (FAO), Ecuador is the second country in South America with the highest prevalence of undernourishment, with a rate of 15.4% of the population equivalent to about 2.7 million people. 4% of the population¹⁵⁹⁷ equivalent to about 2.7 million people.¹⁵⁹⁸ At the same time, 12.8% of the Ecuadorian population suffers from severe food insecurity; and 36.8% suffers from moderate or severe food insecurity.¹⁵⁹⁹

¹⁵⁹⁰ Vistazo, Medical intern took his own life due to workplace harassment; MSP says it provided care, Oct. 20, 2022.

¹⁵⁹¹ El Comercio, Official Gazette publishes the Law that regulates abortion in cases of rape, April 29, 2022.

¹⁵⁹² Ibid.

¹⁵⁹³ Alianza de Organizaciones por los Derechos Humanos, Rechazo al Veto Presidencial | Las sobrevivientes de violación merecemos una ley justa y reparadora, March 21, 2022.

¹⁵⁹⁴ Teleamazonas, En Ecuador 2 de cada 10 mujeres embarazadas son menores de edad, September 26, 2022.

¹⁵⁹⁵ IACHR, Press Release No. 208/2021, The IACHR expresses its concern over the adoption of regressive measures on sexual and reproductive rights in the region, August 11, 2021.

¹⁵⁹⁶ Ibid.

¹⁵⁹⁷ FAO, The State of Food Security and Nutrition in the World, 2022.

¹⁵⁹⁸ Firsts, Ecuador is the second hungriest country in South America, October 6, 2022.

¹⁵⁹⁹ FAO, The State of Food Security and Nutrition in the World, 2022.

747. This must be taken into account in the framework of the public policies that the State develops to address the high rates of malnutrition that can have serious impacts on it. In this regard, REDESCA recalls that the Working Group of the Protocol of San Salvador, in its observations to the third cycle of national reports, requested the State to prioritize the closing of existing gaps in access to health, especially for children up to 5 years old and people over 65 years old.¹⁶⁰⁰ This is especially important since these efforts should be concentrated in geographic areas where there are greater disparities and can exacerbate existing differences. For this reason, REDESCA urges the State to speed up the process of implementing public policies to address these needs as soon as possible, seeking to articulate cross-cutting actions and making the necessary economic resources available for this purpose.

B. Climate Emergency and Human Right to Water

748. Regarding the relationship between the climate emergency and DESCA, the Special Rapporteur learned of the oil spill that occurred on January 28, due to a rupture in the Heavy Crude Oil Pipeline, managed by the company OCP Ecuador, in the Piedra Fina sector, Napo province.¹⁶⁰¹¹⁶⁰² According to reports, more than one million liters of oil were spilled¹⁶⁰³, which reached the Piedra Fina, Quijos, Coca and Napo riverbeds¹⁶⁰⁴. According to preliminary reports from the Ministry of Environment, Water and Ecological Transition (MAATE), the Cayambe-Coca National Park was contaminated in an area of 21,007.91 square meters, of which 17,000 belong to the protection zone and 4,000 are in the buffer zone -.¹⁶⁰⁵

749. In a statement, the administration of the Heavy Crude Pipeline (HCP) announced that it had activated its emergency protocol for containment, assessment, and repair actions; and confirmed that the receipt and export of crude oil had not been suspended¹⁶⁰⁶. It also indicated that the rupture did not occur in an area directly exposed to rivers and that the flow of oil had been controlled to prevent it from reaching water sources¹⁶⁰⁷. However, media and civil society organizations disseminated videos that recorded the presence of oil in the Coca River, which would have reached other provinces, for example, affecting the Kichwa community of Panduyaku, in Sucumbíos.¹⁶⁰⁸

750. The company maintained that the rupture was caused by a landslide of stones related to the weakening of the soil in the area and to the rain, so it could not have been foreseen¹⁶⁰⁹; although this version was questioned by the authorities and residents of the affected communities.¹⁶¹⁰ In this regard, REDESCA takes note of reports that indicate that the spill is related to the process of regressive erosion of the Coca River,

¹⁶⁰⁰ Working Group of the Protocol of San Salvador, FINAL OBSERVATIONS AND RECOMMENDATIONS TO THE REPUBLIC OF ECUADOR, OAS/Ser.L/XXV.2.1 Working Group/PSS/doc. 53/21

¹⁶⁰¹ La Barra Espaciadora, A new spill adds to the chain of disasters caused by the erosion of the Coca River, January 31, 2022

¹⁶⁰² Mongabay LATAM, New oil spill in Ecuador adds to the chain of disasters caused by the erosion of the Coca River, January 31, 2022

¹⁶⁰³ France 24, Ecuador: oil spill in Amazon rainforest "could have been avoided", 27 February 2022.

¹⁶⁰⁴ Mongabay LATAM, New oil spill in Ecuador adds to the chain of disasters caused by the erosion of the Coca River, January 31, 2022

¹⁶⁰⁵ Ibid.

¹⁶⁰⁶ OCP Ecuador S.A., Press release : OCP confirms pipeline rupture and immediate start of containment work in Piedra Fina area, January 28, 2022.

¹⁶⁰⁷ Ibid.

¹⁶⁰⁸ GK, This is what we know about the new oil spill in the Amazon, January 29, 2022.

¹⁶⁰⁹ OCP Ecuador S.A., Press release : OCP confirms pipeline rupture and immediate start of containment work in Piedra Fina area, January 28, 2022.

¹⁶¹⁰ Mongabay LATAM, New oil spill in Ecuador adds to the chain of disasters caused by the erosion of the Coca River, January 31, 2022.

which has been warned about for more than two years, which caused the spill of more than 15,000 barrels in April 2020 and affected more than 27,000 people in Amazonian indigenous communities¹⁶¹¹¹⁶¹².

751. The Special Rapporteur notes that spills are said to be recurrent in the context of oil exploitation in Ecuador. As part of its monitoring activities, the mandate obtained information on three other incidents, which occurred in the provinces of Orellana,¹⁶¹³ Sucumbíos¹⁶¹⁴ and, again, in Piedra Fina, Napo,¹⁶¹⁵ in April and October.

752. In this regard, it is recalled that both the IACHR and the Inter-American Court have clearly indicated that States have the obligation to regulate, supervise and oversee activities under their jurisdiction that may cause significant damage to the environment, including extractive and development business activities that affect human rights; carry out environmental impact studies; ensure the establishment of contingency plans in order to have safety measures and procedures to minimize the possibility of environmental accidents; as well as to mitigate, investigate and repair any damage to human rights that may have occurred, and apply the corresponding sanctions to those responsible¹⁶¹⁶. In addition, in cases where such business activities are likely to directly affect indigenous, tribal and Afro-descendant peoples or communities, there is a special duty to ensure the participation of these peoples by respecting and guaranteeing the right to consultation and, where appropriate, free, prior and informed consent, as well as the preparation of prior social and environmental impact studies and the establishment of shared benefits in favor of guaranteeing the rights of these peoples.¹⁶¹⁷

753. On the other hand, REDESCA noted that, at the beginning of the year, the Ecuadorian authorities announced that oil production would be intensified to increase from 398,000 to 509,000 barrels per day, which would be equivalent to an increase in production of 28% by the end of 2022¹⁶¹⁸. To this effect, the state oil company Petroecuador EP would seek to multiply the production of block 43 or ITT (Ishpingo, Tambococho, Tiputini), from which 55,000 barrels per day are extracted; by focusing on the drilling of blocks A and B of the Ishpingo field, hoping to extract an additional 28,000 barrels per day¹⁶¹⁹. The drilling campaign would also be extended to the Oso-Yuralpa, Auca, Shushufindi fields, in Orellana and Sucumbíos; and Apaika and Nenke, belonging to Block 31, located in the Yasuní National Park.¹⁶²⁰

754. In this context, in February, the award of the first contract for the exploitation of the Ishpingo field to China National Petroleum Corp (CNPC) was confirmed; with a first drilling campaign in forty wells, during 18 months.¹⁶²¹ Exploitation of heavy crude oil in the Ishpingo field began on April 13, in charge of the contractor CNPC Chuanqing Drilling Engineering Company Limited (CCDC), with a rate of 3,600 barrels per

¹⁶¹¹ La Barra Espaciadora, [A new spill adds to the chain of disasters caused by the erosion of the Coca River](#), January 31, 2022.

¹⁶¹² France 24, [Ecuador: oil spill in Amazon rainforest "could have been avoided"](#), 27 February 2022.

¹⁶¹³ El Comercio, [An oil spill affected an estuary of the Añangu River in Orellana](#), April 15, 2022.

¹⁶¹⁴ Ecuavisa, [Oil spill contaminates river in Sucumbíos; Environment says 94% progress in cleanup](#), October 10, 2022.

¹⁶¹⁵ El Comercio, [Oil spill due to pipeline cut was recorded in Piedra Fina, Napo](#), October 14, 2022.

¹⁶¹⁶ REDESCA-IACHR, [Business and Human Rights Report: Inter-American Standards](#), OEA/Ser.L/V/II, November 1, 2019, para. 86; IACHR Court, [Advisory Opinion OC-23/17 on Environment and Human Rights](#), November 15, 2017, paras. 141-145.

¹⁶¹⁷ REDESCA-IACHR, [Business and Human Rights Report: Inter-American Standards](#), OEA/Ser.L/V/II, November 1, 2019, para. 49; IACHR - REDESCA, Press Release No. 184/2019, [IACHR and its REDESCA express high concern over oil spills in Peru and urge the State to take urgent prevention, mitigation and investigation actions](#), July 26, 2019.

¹⁶¹⁸ Firsts, [Petroecuador to increase production in six oil fields in 2022](#), March 15, 2022.

¹⁶¹⁹ Firsts, [Petroecuador to increase production in six oil fields in 2022](#), March 15, 2022.

¹⁶²⁰ Firsts, [Petroecuador to increase production in six oil fields in 2022](#), March 15, 2022.

¹⁶²¹ Reuters, [China's CNPC wins first oil drilling contract at Ecuador's Ishpingo field -energy minister](#), February 23, 2022.

day¹⁶²². Ishpingo is the last of the ITT Block to start oil exploitation¹⁶²³; and is also located in the Yasuní National Park, which was declared a biosphere reserve, being one of the most biodiverse areas on the planet, home to the Tagaeri and Taromenane indigenous peoples in voluntary isolation¹⁶²⁴.

755. REDESCA notes that the authorities reported that the exploitation of the Ishpingo field will remain outside the buffer zone of the Tagaeri-Taromenane Intangible Zone (ZITT), after the Constitutional Court declared the unconstitutionality of Executive Decree 751, which allowed the installation of oil platforms in the area¹⁶²⁵¹⁶²⁶. However, satellite images taken prior to the ruling show the proximity of the oil installations to the buffer zone, located up to 300 meters from the buffer zone.¹⁶²⁷

756. The Office of the Special Rapporteur obtained information that in early October, people from the Waorani community blocked roads and gained access to the platforms of blocks A and B of the Ishpingo field, which halted operations at¹⁶²⁸. This was to complain about the lack of execution of works -such as the installation of drinking water and sewage systems and the provision of internet- and the generation of jobs for its members, despite the income generated by the exploitation of Ishpingo¹⁶²⁹. Production was restarted a day later, after an agreement was reached between the community members and Petroecuador¹⁶³⁰.

757. In turn, REDESCA noted that, based on the agreements reached in the dialogue with the indigenous movement, the Ecuadorian government established a temporary moratorium on the awarding of new oil exploitation blocks in the so-called "Southeast Round", which will be maintained until a law is approved to regulate the free, prior and informed consultation of indigenous peoples¹⁶³¹. In September, the National Electoral Council granted the certificate of democratic legitimacy to the Yasunidos collective, as proponent of a popular consultation to prohibit the exploitation of the ITT Block indefinitely; and referred the question to the Constitutional Court for its constitutionality¹⁶³².

758. Against this background, the Office of the Special Rapporteur is aware that, as the Inter-American Court has indicated, the ACHR cannot be interpreted in such a way as to prevent the State from issuing any type of concession for the exploration or extraction of natural resources -although this depends on the impact that a given activity may have, as demonstrated through environmental impact studies-.¹⁶³³ However, it is important to reiterate that, in line with Resolution 3/2021 on climate emergency and human rights, it is indispensable that States adopt and implement policies aimed at reducing greenhouse gas emissions that

¹⁶²² Ministry of Energy and Mines, Start operations at the first well in Ishpingo with a daily production of 3.60 barrels of oil, April 13, 2022.

¹⁶²³ Ibid.

¹⁶²⁴ Diálogo Chino, Yasuní National Park: between exploitation and conservation, March 23, 2022.

¹⁶²⁵ Plan V, Court Ruling would halt oil exploitation in two areas of Yasuní, February 7, 2022.

¹⁶²⁶ Plan V, Court Ruling would halt oil exploitation in two areas of Yasuní, February 7, 2022.

¹⁶²⁷ Monitoring of the Andean Amazon Project, MAAP #150: Oil platforms approach the Intangible Zone (Yasuní National Park, Ecuador), January 31, 2022.

¹⁶²⁸ Firsts, Waoranis force Ishpingo platforms A and B to be shut down, October 4, 2022.

¹⁶²⁹ Ibid.

¹⁶³⁰ Primicias, Oil production restarts in Ishpingo after protests, October 5, 2022.

¹⁶³¹ Amazon Watch, Ecuador declares temporary moratorium on new oil and mining concessions, September 13, 2022.

¹⁶³² Teleamazonas, El CNE aprueba firmas de Yasunidos y envía consulta a la Corte Constitucional, September 28, 2022.

¹⁶³³ I/A Court H.R., Advisory Opinion OC-23/17 on Environment and Human Rights, November 15, 2017, Series A No. 23, para. 138.

reflect the highest possible ambition, promote resilience to climate change, and ensure that public and private investments are consistent with low-carbon and climate change-resilient development¹⁶³⁴.

759. Regarding the effects that the climatic emergency is having in Ecuador, REDESCA notes with concern that, at the beginning of the year, there was an intensification of the climatic conditions associated with the winter season, which facilitated the occurrence of disasters such as floods, landslides, landslides, floods, landslides and subsidence¹⁶³⁵. For example, at the end of January, a landslide in the sector of La Gasca, in the city of Quito, left 28 fatalities and 52 people missing; and affected more than one hundred families by collapsing and damaging the infrastructure of their homes¹⁶³⁶.
760. In turn, phenomena such as prolonged droughts, abrupt changes in temperature and heavy rains throughout the year severely affected Ecuadorian farmers, who suffered crop losses¹⁶³⁷. On the coast, a study determined that some localities in the Gulf of Guayaquil and in the coastal areas of El Oro, Esmeraldas and Manabí could totally or partially disappear as a result of flooding and rising sea levels, both accelerated by climate change¹⁶³⁸. The risks extend to the Galapagos Islands, which would suffer a decrease in the productivity of their marine ecosystems and in the availability of food from terrestrial ecosystems, which, in turn, would favor rapidly adapting invasive species¹⁶³⁹.
761. In this regard, REDESCA emphasizes the need to redouble efforts in climate adaptation and mitigation, taking into account gender and intersectionality perspectives, as well as differentiated approaches that make visible the aggravated risks of the climate emergency on the rights of people and groups in special situations of vulnerability and historical exclusion¹⁶⁴⁰.
762. On the other hand, the Office of the Special Rapporteur is pleased to note that, in the context of the fight against climate change, the State of Ecuador has promoted the transition to renewable energies, achieving that 87% of the energy it produces comes from hydroelectric plants¹⁶⁴¹. In this line, it has also started to build a National Transition Plan towards Decarbonization, with the objective of reducing greenhouse gas emissions generated by human activities¹⁶⁴². In addition, it has initiated the implementation of a program to improve climate resilience and sustainability capacities in the Galapagos Islands, in conjunction with the Development Bank of Latin America, the Food and Agriculture Organization of the United Nations (FAO) and the World Wildlife Fund (WWF)¹⁶⁴³.
763. Finally, REDESCA welcomes the granting by the National Assembly of 153 amnesties to defenders of community territories and 43 defenders of the rights of nature, who were criminally prosecuted for the exercise of their activity¹⁶⁴⁴. Land and nature defenders, and especially indigenous peoples, play a fundamental role in the protection of human rights and the environment and make a valuable contribution

¹⁶³⁴ IACHR - REDESCA, Resolution 3/2021, Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 1.

¹⁶³⁵ GK, The alluvium at La Gasca: a warning about climate change, March 14, 2022.

¹⁶³⁶ Expreso, Quito: At least 28 dead and 52 injured by flood in La Gasca sector, February 5, 2022.

¹⁶³⁷ El Comercio, Agro en Ecuador, afectado por La Niña, lluvias y cambio climático, August 30, 2022.

¹⁶³⁸ Infobae, In Ecuador, the results of the report of the Intergovernmental Panel on Climate Change were discussed, March 28, 2022.

¹⁶³⁹ Ibid.

¹⁶⁴⁰ IACHR - REDESCA, Resolution No. 3/2021, Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 17.

¹⁶⁴¹ Presidency of the Republic of Ecuador, Ecuador is a world reference in nature conservation and the fight against climate change, September 19, 2022.

¹⁶⁴² Infobae, Ecuador prepares a plan to reduce greenhouse gas emissions produced by human activities, August 12, 2022.

¹⁶⁴³ United Nations Ecuador, US\$117 million to fight climate change in the Galapagos Islands, May 24, 2022.

¹⁶⁴⁴ Swiss Info, Ecuador's Parliament grants amnesty to 268 indigenous people and activists, March 10, 2022.

to the fight against climate change; therefore, States must adopt immediate measures to promote and protect their rights, ensuring that they are not harassed, stigmatized, or criminalized for the work they do.¹⁶⁴⁵¹⁶⁴⁶

C. Business and Human Rights

764. With regard to the impacts that business activities can have on the enjoyment of ESCER, the Special Rapporteurship followed up on the problems surrounding the Coca Codo Sinclair hydroelectric power plant, which was run by the Chinese company Sinohydro. The project, inaugurated in 2016, has had serious environmental impacts on the Coca River basin and surrounding communities.¹⁶⁴⁷ According to a study published in 2022, the hydroelectric plant affected sediment and water flows in the river¹⁶⁴⁸; accelerating the phenomenon of regressive erosion that began in 2020, with the disappearance of the San Rafael waterfall¹⁶⁴⁹. Now, the regressive erosion threatens the structures of the water catchment plant, compromising the continuity of its operations.¹⁶⁵⁰
765. In addition, there are about eight thousand cracks in the turbine distributors of the powerhouse, which, although detected in 2014, could not be repaired¹⁶⁵¹. In the framework of the arbitration process initiated by the State, for damages related to the project, it was revealed that the company knew about the cracks but concealed the information¹⁶⁵². In addition, there are questions regarding the environmental impact study of the project, and its subsequent approval, because they would have ignored the high risks derived from the geological and ecosystemic conditions of the area.¹⁶⁵³
766. REDESCA takes note of the decision of the Constitutional Court in the case of the A'I Cofán de Sinangoe community, regarding the right to free, prior, and informed consultation in the context of mining activities¹⁶⁵⁴. This judgment, in addition to ratifying the violation of the rights of the community in the granting of mining concessions to the company All Metals S.A., developed important jurisprudential criteria on the right to prior, free, and informed consultation, in light of the standards of the Inter-American System.¹⁶⁵⁵
767. On the other hand, the Special Rapporteurship learned of a judgment issued by the Provincial Court of Tungurahua, which ordered the company Hidrotambo S.A. to make modifications to the infrastructure and environmental management of the San José del Tambo Hydroelectric Power Plant, due to the impacts generated in the Dulcepamba River basin and the surrounding communities.¹⁶⁵⁶ For, the company sought to leave without effect a resolution issued by the Water Secretariat, in 2019, which provided for the redesign and reconstruction of the work; prohibited the use of water from the river basin at certain times of the year; and set a minimum in the ecological flow¹⁶⁵⁷. This, by virtue of a technical report that

¹⁶⁴⁵ IACHR - REDESCA, Resolution No. 3/2021, Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 17.

¹⁶⁴⁶ IACHR - REDESCA, Press Release No.84/2022, It is urgent to protect environmental defenders, April 21, 2022.

¹⁶⁴⁷ Primicias, Study reveals true environmental impact of hydroelectric dams, February 22, 2022.

¹⁶⁴⁸ Ibid.

¹⁶⁴⁹ El Comercio, Celec faces new inconvenience for Coca Codo Sinclair, October 28, 2022.

¹⁶⁵⁰ Primicias, Celec must look for another solution to protect Coca Codo Sinclair, September 29, 2022.

¹⁶⁵¹ Ibid.

¹⁶⁵² Infobae, The Chinese company that built a dam in Ecuador concealed information about cracks in the hydroelectric plant, July 19, 2022.

¹⁶⁵³ El Comercio, Celec faces new inconvenience for Coca Codo Sinclair, October 28, 2022.

¹⁶⁵⁴ Constitutional Court of Ecuador, Ruling No. 273-19-JP/2022, January 27, 2022.

¹⁶⁵⁵ Ibid.

¹⁶⁵⁶ Mongabay LATAM, Ecuador: Justice upholds Dulcepamba River communities in their fight against a hydroelectric dam, March 23, 2022.

¹⁶⁵⁷ Ibid.

questioned the rigorousness of the construction and the studies on water availability of the plant, whose operation caused scour and erosion in the river. The neighboring communities have denounced that the hydroelectric plant takes all the water from the Dulcepamba River, and has caused recurrent flooding and landslides.¹⁶⁵⁸

768. On this issue, REDESCA was informed that, in January, a first instance sentence of the city of Ambato accepted the action proposed by Hidrotambo to annul the administrative decision, which would have affected the rights of the people of the San Pablo de Amalí community -who promoted the first process and have denounced the violations of rights in the framework of the project-, and had ignored the priority of the water of the Dulcepamba river basin¹⁶⁵⁹.

769. Similarly, REDESCA expresses its concern over reports of mining activities on the Napo River in the province of the same name. According to reports from various citizen groups and indigenous organizations, illegal operators are carrying out mining excavations in the riverbed.¹⁶⁶⁰ According to information from the Ministry of Interior, the reactivation of these illegal activities occurs after the military and police evicted some 700 informal miners from the community of Yutzupino (Tena), in February 2022. According to civil organizations, there is evidence of illegal mining operations in at least 12 indigenous communities along the river.¹⁶⁶¹

770. In view of the foregoing, the Office of the Special Rapporteur brings to mind what was indicated in the Report on Business and Human Rights, with respect to the fact that, in the framework of their activities and business relations, companies should take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples, Afro-descendant communities, and rural or peasant populations¹⁶⁶². It should be noted that respect for the right to a healthy environment is materialized in concrete duties, including, for example, ensuring and respecting the environmental laws in force and international standards or principles on the matter; the implementation of due diligence processes regarding the impact of the activity on human rights and the climate; and the effective reparation to the victims of environmental degradation¹⁶⁶³.

771. In the same vein, REDESCA recalls that it is the State's responsibility to regulate, supervise and sanction the activities that take place in its territory. Although civil society organizations can denounce the facts that arise, it is the State that has the primary obligation to ensure the integrity of ecosystems. In addition, the Office of the Special Rapporteur recalls that in these contexts, the work of those who defend the environment and environmental rights is of utmost importance. Therefore, it emphasizes that it is the duty of States to act forcefully and decisively to prevent attacks, threats, intimidation, or killings and to investigate and effectively punish those responsible, including those who are directly or indirectly related to companies in contexts of social conflict.¹⁶⁶⁴

772. In turn, REDESCA has obtained information on the progress of legal proceedings initiated against the company Furukawa Plantaciones C.A. in relation to the rights of its workers. In 2021, the Ecuadorian justice

¹⁶⁵⁸ Ibid.

¹⁶⁵⁹ Fundación Regional de Asesoría en Derechos Humanos, Acción Ecológica, Proyecto Dulcepamba and Comisión Ecuémica de Derechos Humanos, Communication sent to REDESCA on the San Pablo de Amalí case, January 13, 2022.

¹⁶⁶⁰ See Mongabay, Ecuador: illegal mining is wiping out two rivers in Napo province, February 17, 2022, Insight Crime, Napo province, Ecuador, example of illegal mining expansion into the Amazon, December 2, 2022.

¹⁶⁶¹ Primicias, Illegal mining grows unchecked in the Amazonian province of Napo, November 29, 2022

¹⁶⁶² REDESCA-IACHR, Report on Business and Human Rights: Inter-American Standards, November 19, 2019, para. 46.

¹⁶⁶³ Ibid.

¹⁶⁶⁴ IACHR and REDESCA, Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 28.

system determined that, in Furukawa's plantations, there was a form of modern slavery known as glebe servitude; and ordered the company and the State to adopt a series of measures of integral reparation, for the systematic violation of the rights of the victims¹⁶⁶⁵. In this context, the Special Rapporteur welcomes the fact that the Constitutional Court of Ecuador has selected the case to issue binding jurisprudence regarding the prevention and protection of contemporary forms of servitude, child labor and labor exploitation in Ecuador¹⁶⁶⁶. REDESCA is also closely following the development of the criminal proceedings initiated against the company and its directors for the alleged crime of human trafficking for the purpose of labor exploitation¹⁶⁶⁷.

773. Finally, the Office of the Special Rapporteur is concerned about the situation of human rights defenders on environmental issues in Ecuador, who are facing harassment, persecution and attacks linked to the activities of extractive companies. In this regard, a report by Global Witness identified that three land and environmental defenders were murdered in Ecuador in 2021¹⁶⁶⁸; which would be related to their opposition to mining¹⁶⁶⁹¹⁶⁷⁰ and oil exploitation projects¹⁶⁷¹. In 2022, the mandate learned of the death of Alba Bermeo Puin, a nature defender, who died from a bullet wound while in her fifth month of pregnancy¹⁶⁷². Civil society organizations denounced that this act was allegedly perpetrated by people involved in gold mining activities in the parish of Molleturo, province of Azuay¹⁶⁷³. REDESCA emphatically rejects the violence perpetrated against environmental and territorial defenders; and calls on the authorities to investigate these events effectively, impartially and with due diligence, in order to judge and, if necessary, punish those responsible¹⁶⁷⁴.

D. Labor and Union Rights

774. In relation to the enjoyment of the right to work, REDESCA notes that, in the third quarter of 2022, the unemployment rate reached 4.1%, reflecting a decrease of one percentage point compared to the same period in the previous year; thus, the number of economically active unemployed persons decreased from 426,268 to 351,201.268 to 351,201¹⁶⁷⁵. Meanwhile, the rate of adequate employment increased from 32.7% to 33.8%, while underemployment -inadequate employment due to insufficient income or working hours- decreased from 23.2% to 21.8% during this period¹⁶⁷⁶. In this regard, 51.3% of the employed population was in the informal sector of the economy¹⁶⁷⁷.

¹⁶⁶⁵ The Spacebar, [Advances in the Furukawa case: small steps in a story that shames Ecuador](#), February 7, 2022.

¹⁶⁶⁶ Selection Chamber of the Constitutional Court of Ecuador, [Selection Order in Case No. 1072-21-IP](#), January 18, 2022.

¹⁶⁶⁷ State Attorney General's Office, [Furukawa Case](#), updated as of February 4, 2022.

¹⁶⁶⁸ Global Witness, [A Decade of Resilience | Ten years of reporting on land and environmental activism around the world](#), September 2022.

¹⁶⁶⁹ Mongabay Latam, [Victor Guailas: the water and moorland defender who was murdered in prison while awaiting release](#), December 7, 2021.

¹⁶⁷⁰ El Comercio, [Environmental activist Andres Durazno was murdered in the Azuay community of Llantahuayco](#), March 19, 2022.

¹⁶⁷¹ GK, [The murder of Nange Yeti, Waorani sage, explained](#), April 1, 2022.

¹⁶⁷² Land is Life, [Land is Life Condemns the Murder of Alba Bermeo Puin, Indigenous Defender and Anti-Mining Activist in Ecuador](#), October 27, 2022.

¹⁶⁷³ Alianza por los Derechos Humanos, [URGENT PUBLIC DENUNCIATION | Murder of pregnant Nature Defender in Molleturo](#), October 23, 2022.

¹⁶⁷⁴ IACHR - REDESCA, [Press Release No. 84/2022, It is urgent to protect environmental defenders](#), April 21, 2022.

¹⁶⁷⁵ National Institute of Statistics and Census, [Encuesta Nacional de Empleo, Desempleo y Subempleo \(ENEMDU\) - Indicadores Laborales III trimestre de 2022](#), October 31, 2022. September 2022.

¹⁶⁷⁶ Ibid.

¹⁶⁷⁷ Ibid.

775. Notwithstanding, the Office of the Special Rapporteur observes that there are important differences between labor conditions in urban and rural areas. Although the unemployment rate is lower in rural areas (1.9%) than in urban areas (5.2%), the majority of the rural population is underemployed or has other non-full employment;¹⁶⁷⁸ in contrast to urban areas, where full employment reaches almost half of the population.¹⁶⁷⁹ Likewise, 75.2% of the employed rural population is located in the informal sector; compared to 38.6% of the urban population.¹⁶⁸⁰
776. In turn, September's statistics reflect the persistence of gender gaps in terms of women's labor conditions and labor market insertion. Regarding the former, only 26.6% of women have access to full employment, compared to 42% of men; and the median income of employed persons was US\$388.1 for men and \$271.6 for women.¹⁶⁸¹ These differences are even more pronounced among the young population, considering that in June, 26.5% of women between 15 and 24 years of age were neither studying nor working, compared to 11.2% of men.¹⁶⁸²
777. On the other hand, REDESCA takes note of the agreements reached in labor matters, within the framework of the dialogues initiated between the Government and the organizations of the indigenous movement, after the June mobilizations. In total, seventeen agreements were reached, among which the following stand out: the extension of occasional contracts for public sector employees for twelve months; an investment project for the payment of retirement compensation in the public sector; the strengthening of the Labor Inspectorates throughout the country; the updating of the road map on ILO Convention No. 97, concerning migrant workers.¹⁶⁸³
778. Also agreed were measures such as the provision of technical assistance by the Ministry of Labor for the hiring of health personnel; the creation of follow-up commissions on labor claims, labor rights in the context of the pandemic and registration procedures for directives; the establishment of a working group to update regulations on occupational health and safety; and reforms to the labor harassment protocols.¹⁶⁸⁴
779. The Special Rapporteurship notes that, at the moment, there are proposals for amendments to the labor legislation, coming from different sectors, which are being developed at different levels. In the National Assembly there is a draft of a new Labor Code, which is in the early stages of the legislative process;¹⁶⁸⁵ as well as proposals to reform the current Code, with respect to untimely and ineffective dismissal¹⁶⁸⁶, and work on digital platforms¹⁶⁸⁷. For its part, the Executive has announced its intention to propose a labor reform, which would address issues such as surcharges for temporary contracts, teleworking, the distribution of working hours and the employer's retirement; although its submission is still pending.¹⁶⁸⁸
780. On the other hand, REDESCA learned about the situation of the Agricultural, Banana and Farm Workers' Union Association (ASTAC), which is the first branch union to be formed in Ecuador. In this regard, it was

¹⁶⁷⁸ Ibid.

¹⁶⁷⁹ Ibid.

¹⁶⁸⁰ Ibid.

¹⁶⁸¹ Instituto Nacional de Estadísticas y Censos, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU) [Indicadores Laborales September 2022], October 25, 2022.

¹⁶⁸² Primicias, El 18.5% de jóvenes ecuatorianos ni estudia ni trabaja, August 4, 2022.

¹⁶⁸³ El Telegrafo, Mesa Técnica de Derechos Laborales closes with 17 agreements, October 13, 2022.

¹⁶⁸⁴ Ecuavisa, 17 agreements were reached at the Labor Rights roundtables, October 13, 2022.

¹⁶⁸⁵ Primicias, Without the Executive's proposal, the Assembly hastens its own labor reform, June 7, 2022.

¹⁶⁸⁶ National Assembly of Ecuador, Proyecto de Ley Orgánica Reformatoria al Código del Trabajo sobre el Despido Ineficaz y la Indemnización agravada en casos de Despido Intempestivo, updated as of November 8, 2022.

¹⁶⁸⁷ National Assembly of Ecuador, Bill that Reforms the Labor Code and the Social Security Law for the Recognition of the Labor Relationship of Workers of Companies that Operate through Digital Platforms, updated as of November 8, 2022.

¹⁶⁸⁸ Ministry of Labor, Minister of Labor presented proposed labor law in Cuenca, May 6, 2022.

reported that -after the Ministry of Labor denied the registration of the Association as a branch union-, a ruling issued by the Provincial Court of Pichincha in May 2021, recognized that this decision violated the union rights of its members and ordered its registration.¹⁶⁸⁹ Although the Ministry of Labor registered ASTAC in January, it reportedly sought to vacate the Pichincha Court's ruling by initiating a proceeding before the Constitutional Court, which is still pending resolution.¹⁶⁹⁰ Likewise, the entity reportedly indicated that the decision in the case of ASTAC would not be applicable for the registration of other branch unions, but that it would be an exceptional situation.¹⁶⁹¹

781. In this regard, the Office of the Special Rapporteur recalls that, in line with Advisory Opinion 27/21 of the Inter-American Court of Human Rights, the right to freedom of association obliges the State to guarantee that no prior administrative authorization is required that would nullify the exercise of the right of workers to create the unions they deem appropriate to form.¹⁶⁹² Freedom of association also implies that the State must not prohibit the creation of unions by professional or economic category or by company.¹⁶⁹³

E. Fiscal and Economic Policies

782. With respect to the implementation of fiscal and economic policies for the progressive development of ESC rights, the Rapporteurship is pleased to note that the pro-forma of the General State Budget for 2023 contemplates an increase in social investment, from US\$14.5 billion to US\$15.276 billion.¹⁶⁹⁴ If this budget proforma is approved by the National Assembly, these resources would be used, to a large extent, to comply with the agreements reached at the dialogue roundtables and other commitments such as the increase in the salaries of educators, as ordered by the Constitutional Court.¹⁶⁹⁵

783. Specifically, with regard to the coverage of social bonds for the population in vulnerable situations, US\$51 million more than in 2022¹⁶⁹⁶ will be allocated, reaching US\$1,307 million. An increase of US\$864 million is also foreseen for social security institutions; and, in particular, a budget of US\$2,354 million for the payment of retirement pensions and other items to the Ecuadorian Social Security Institute¹⁶⁹⁷. In turn, an increase of US\$1,223.7 is sought for the health and education sectors, which in 2022,¹⁶⁹⁸ had budgets of US\$3,402.06 million and US\$3,419.32 million, respectively¹⁶⁹⁹. For the fuel subsidy, an amount of US\$2,667 million is allocated -100.78% higher than that foreseen for 2022¹⁷⁰⁰ -, which should be focused on the next year¹⁷⁰¹.

784. Recognizing the State's efforts to allocate more resources to guarantee economic, social, cultural, and environmental rights, REDESCA notes that, according to public information, there were low levels of

¹⁶⁸⁹ Asociación Sindical de Trabajadores Agrícolas Bananeros y Campesinos (ASTAC), Letter to the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, February 14, 2022.

¹⁶⁹⁰ Ibid.

¹⁶⁹¹ Ministry of Labor, Oficio No. MDT-VTE-2022-0035-0 - Subject: Asociación Sindical de Trabajadores Bananeros, Campesinos A.S.T.A.C, Constitución, SL., January 10, 2022.

¹⁶⁹² I/A Court H.R., Advisory Opinion OC-27/21, Right to freedom of association, collective bargaining and strike, and its relation to other rights, with a gender perspective, Series A No. 27, May 5, 2021, para. 78.

¹⁶⁹³ Ibid.

¹⁶⁹⁴ Presidency of the Republic of Ecuador, Proforma 2023: Higher social investment, lower fiscal deficit, October 31, 2022.

¹⁶⁹⁵ Ibid.

¹⁶⁹⁶ Ministry of Economy and Finance, Proforma 2022, 2021.

¹⁶⁹⁷ Presidency of the Republic of Ecuador, Proforma 2023 | Higher social investment, lower fiscal deficit, October 31, 2022.

¹⁶⁹⁸ Ibid.

¹⁶⁹⁹ Ministry of Economy and Finance, Proforma 2022, 2021.

¹⁷⁰⁰ Ministry of Economy and Finance, Annex No. 3 Subsidies Proforma Budget 2023, October 2022.

¹⁷⁰¹ Firsts, State subsidies will break record of USD 7,463 million, November 3, 2022.

budget execution in 2022.¹⁷⁰² According to a report published in August, during the first semester, the percentage of budget execution of the Executive Function reached, on average, 38.7%; with some State portfolios having accrued less than 10% of their annual budget¹⁷⁰³. Regarding DESCAs, the Special Rapporteurship observed that, according to the information published by the governing entities of each area, for the month of October, the budget execution in health, education and social welfare reached percentages of 59.52%,¹⁷⁰⁴ 58.65%¹⁷⁰⁵ and 71.12%,¹⁷⁰⁶. During the same period, the budget for environment, water and ecological transition was executed at 47.71%¹⁷⁰⁷; and for labor, 47.37%¹⁷⁰⁸.

785. On this issue, the Office of the Special Rapporteur recalls that, in the framework of the obligation to adopt measures to achieve the progressive development of ESCER, the State has the duty to account for how it has mobilized, to the maximum extent possible, the available resources to progressively achieve the full realization of these rights¹⁷⁰⁹.

786. In this context, REDESCA welcomes the fact that, among the agreements reached by the Government and the indigenous movement, issues such as the implementation of an energy cross-subsidy for households with lower consumption ("dignity tariff"); the establishment of differentiated mobile telephone and internet tariffs for the most socioeconomically vulnerable population; and the targeting of fuel subsidies - according to criteria yet to be defined - to benefit people with fewer resources¹⁷¹⁰.

F. Education, science, technology: academic freedom and university autonomy

787. REDESCA was able to observe that, in view of the increase in COVID-19 cases recorded at the beginning of the year - with an average of 11,000 new cases per day - the Ministry of Education decided to suspend classes nationwide, in accordance with the traffic light system established by the National Emergency Operations Committee (COE)¹⁷¹¹.

788. In this context, the Special Rapporteur highlights the efforts made by the authorities to guarantee the right to education of children and adolescents, through the gradual return to face-to-face activities. In March, the

¹⁷⁰² Teleamazonas, Varias secretarías y ministerios no llegan ni al 10% de ejecución presupuestaria, August 25, 2022.

¹⁷⁰³ Fundación Ciudadanía y Desarrollo and Observatorio de Gasto Público, Gastar lo recaudado: Ingresos fiscales vs. Ejecución presupuestaria, August 1, 2022.

¹⁷⁰⁴ Ministry of Public Health, Transparency | g) Total information on the annual budget administered by the institution, specifying income, expenses, financing and operating results in accordance with the budget classifiers, as well as budget liquidation, specifying recipients of public resources delivery, updated as of September 30, 2022.

¹⁷⁰⁵ Ministry of Education, Transparency | g) Total information on the annual budget administered by the institution, specifying revenues, expenditures, financing and operating results in accordance with the budget classifiers, as well as budget liquidation, specifying recipients of public resources delivery, updated as of September 30, 2022.

¹⁷⁰⁶ Ministry of Economic and Social Inclusion, Transparency | g) Total information on the annual budget administered by the institution, specifying revenues, expenditures, financing and operating results in accordance with the budget classifiers, as well as budget liquidation, specifying recipients of public resources delivery, updated as of September 30, 2022.

¹⁷⁰⁷ Ministry of the Environment, Transparency | g) Total information on the annual budget administered by the institution, specifying income, expenses, financing and operating results in accordance with the budget classifiers, as well as budget liquidation, specifying recipients of public resources delivery, updated as of September 30, 2022.

¹⁷⁰⁸ Ministry of Labor, Transparency | g) Total information on the annual budget administered by the institution, specifying revenues, expenditures, financing and operating results in accordance with the budget classifiers, as well as budget liquidation, specifying recipients of public resources, updated as of September 30, 2022.

¹⁷⁰⁹ IACHR, Report on Poverty and Human Rights in the Americas, OEA/Ser.L/V/II.164, Doc.147, September 7, 2017.

¹⁷¹⁰ GK, These are the main agreements of the dialogue tables after the strike, October 16, 2022.

¹⁷¹¹ France 24, Covid-19: Ecuador suspends face-to-face classes again in the face of a surge in cases, January 17, 2022.

return to face-to-face activities was ordered for all educational levels in the Sierra-Amazon regime, while in the Costa-Galapagos regime, a voluntary return to the face-to-face modality was allowed in those courses that had a vaccination rate of over 85%, until the end of the current school year¹⁷¹². Finally, face-to-face attendance was completely and mandatorily resumed in all schools nationwide in May, at the beginning of the 2022-2023 school year in the Costa-Galapagos system¹⁷¹³.

789. On the other hand, REDESCA notes with concern the figures for school dropouts in Ecuador. According to the official figure published in July by the National Institute of Statistics and Census (INEC), 195,188 children and adolescents between the ages of five and 17 have left their schools and colleges, representing 4.1% of the 4.7 million children and adolescents who are of age to attend educational institutions¹⁷¹⁴. This is even more alarming when taking into account that in 2022, 56,675 fewer students were enrolled in the Sierra and Amazon than in 2021. This was attributed to causes such as migration, child labor and school dropout.¹⁷¹⁵
790. Likewise, the Office of the Special Rapporteur notes with concern that student performance in general is below the minimum acceptable levels, mainly in mathematics and language. This means that it is difficult for them to understand texts and perform simple operations¹⁷¹⁶. In spite of this, REDESCA highlights the implementation of the Learning Recovery Methodology proposed by the Ministry of Education, which seeks to identify aspects that require reinforcement in students, since this will allow prioritizing contents that promote learning in an adequate manner¹⁷¹⁷.
791. REDESCA observes the change made to higher education entrance in Ecuador. In September 2022, high school graduates took the "Transformar" test, the entrance exam for public universities in Ecuador, for the last time. As of that date, universities and polytechnic schools would be free to develop their admissions process¹⁷¹⁸. The Special Rapporteur notes with concern that, according to SENESCYT data, of the 260,000 high school graduates who took the exam in September, there are only 125,000 places available in higher education¹⁷¹⁹. In other words, the capacity of the higher education system could only cover 48% of the demand.¹⁷²⁰
792. In this regard, the Office of the Special Rapporteur recalls, in line with the indications of the Committee on Economic, Social and Cultural Rights, that the right to higher education also includes the elements of availability, accessibility, acceptability and adaptability, which are common to the right to education in all its forms and at all levels. In particular, the element of availability implies that educational institutions and programs exist in sufficient quantity; and, correlatively, accessibility requires that higher education be equally accessible to all persons, without discrimination and on the basis of each person's capacity¹⁷²¹.
793. The Office of the Special Rapporteur applauds the increase in the budget for the Secretariat for Bilingual Intercultural Education and Ethno-education, which will be 133 million dollars, as a result of an agreement

¹⁷¹² GK, [These are the new dates for mandatory face-to-face back to school](#), February 22, 2022.

¹⁷¹³ Ministry of Education, [The process of returning to face-to-face education throughout the country is scheduled for May 2022](#), February 21, 2022.

¹⁷¹⁴ Scoops, [11 causes of students dropping out of classrooms in the country](#), September 6, 2022.

¹⁷¹⁵ El Comercio, [There are 56,675 fewer students this school year in the Sierra and Amazon](#), September 5, 2022.

¹⁷¹⁶ El Comercio, [Ecuador faces four educational challenges](#), June 13, 2022.

¹⁷¹⁷ Ministry of Education, [Pasa la voz | Fascículo 4](#), May 2022.

¹⁷¹⁸ GK, [Everything you need to know about the Transform 2022 test](#), January 27, 2022.

¹⁷¹⁹ Firsts, [260,000 students took the last Transformar exam](#), September 2, 2022.

¹⁷²⁰ GK, [The agreements between government and organizations regarding Intercultural Bilingual Education, explained](#), September 27, 2022.

¹⁷²¹ Committee on Economic, Social and Cultural Rights, [General Comment No. 13: The right to education \(article 13\)](#), December 8, 1999.

reached in the dialogues held with the indigenous movement. REDESCA will also follow up on the curriculum review to be carried out by the Plurinational Education Council, which seeks to establish parameters for school programs for each nationality and school reinsertion¹⁷²².

794. REDESCA notes with concern that the education sector has a budget for projects for USD 495 million for the year 2022, but only 27% of that budget was executed until August of this year¹⁷²³. The Special Rapporteur invites the Ecuadorian State to invest in educational programs and projects; improve infrastructure and repair damages; and, in the creation of new schools to facilitate access to education throughout the territory.

795. Finally, REDESCA warns about the endemic nature of sexual violence in Ecuador's schools, both public and private. The Attorney General's Office of the State, civil society and the media regularly report cases of sexual violence in educational institutions. In this regard, it is noted that although Ecuador has protocols that include precise instructions for confidentially reporting sexual violence in the school environment and adopting immediate measures to protect students, these are not applied by school authorities in all cases¹⁷²⁴. Therefore, the Office of the Special Rapporteur reiterates what was established by the IACHR Court in the case of *Guzmán Albarracín v. Ecuador*, in the sense that an education that violates human rights is directly contrary to the objectives of favoring a dignified life and preventing unfavorable situations for children and adolescents and society; and, therefore, States must adopt appropriate actions to prevent human rights violations in the course of the educational process of children¹⁷²⁵.

G. Human Mobility and ESCER

796. REDESCA notes that, by September 2022, Ecuador was hosting half a million Venezuelan migrants and refugees¹⁷²⁶. The Office of the Special Rapporteur notes with concern that 86% of Venezuelans in Ecuador indicate that they do not have sufficient income for their basic needs¹⁷²⁷, such as food, housing, clothing, access to work and other services¹⁷²⁸.

797. REDESCA applauds the efforts of the Ecuadorian state in providing migrant and refugee children with access to public schools. This is evidenced by data provided by the Ministry of Education, which indicates that the number of students for the 2021-2022 school year increased from 10,768 in 2019 to 60,342 in 2022¹⁷²⁹. Despite this, the Special Rapporteurship notes with concern, that for the 2022-2023 school year, this number decreased to 31,054, mainly in adolescents¹⁷³⁰. Therefore, the State is invited to establish educational strategies for adolescents, as this group faces considerable barriers related to their permanence in schools.

¹⁷²² GK, The agreements between government and organizations regarding Intercultural Bilingual Education, explained, September 27, 2022.

¹⁷²³ Primicias, Investment in health and education falls by 80% in 2022, August 29, 2022.

¹⁷²⁴ Human Rights Watch, Cases of sexual violence in education reach alarming levels in Ecuador, September 7, 2022.

¹⁷²⁵ I/A Court H.R., Case of Guzmán Albarracín et al. v. Ecuador, Merits, Reparations and Costs, Judgment of June 24, 2020, Series C No. 405, para. 118.

¹⁷²⁶ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, Refugee and Migrant Needs Analysis 2022, October 2022.

¹⁷²⁷ UNHCR and IOM, Three-quarters of Venezuelan refugees and migrants in Latin America and the Caribbean continue to face difficulties in accessing basic services, October 12, 2022.

¹⁷²⁸ UNHCR, Protection Monitoring: Situation of Refugees and Other Persons in Human Mobility in Ecuador, Quito - 2022, August 2022.

¹⁷²⁹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, Refugee and Migrant Needs Analysis 2022, October 2022.

¹⁷³⁰ Firsts, For the first time in five years, the number of Venezuelan students drops, September 27, 2022.

798. The Office of the Special Rapporteur applauds the inter-institutional cooperation between the Ministry of the Interior, the Ministry of Foreign Affairs and Human Mobility, the Ministry of Economic and Social Inclusion and the General Directorate of Civil Registry, Identification and Identification to ensure that, by September 2022, more than 324,000 Venezuelans were able to normalize their migratory situation in the country, through the new regularization process for foreigners, which will grant residence permits for a period of two years¹⁷³¹.
799. REDESCA notes with concern that 71% of family groups surveyed during the Joint Needs Assessment of the Working Group for Refugees and Migrants reported having a health need, but 20% of this group reported not having timely access. The lack of access to health services among the population in a situation of human mobility is most prevalent in Manta, Guayaquil and Ambato¹⁷³².
800. The Office of the Special Rapporteur notes that unemployment among Venezuelans in Ecuador has dropped from 38.5% to 34.3%, but that informal work has risen to 79% among the Venezuelan working population. REDESCA notes with concern that 7 out of 10 Venezuelan households have a per capita labour income of less than \$85 per month, which places them at the poverty line¹⁷³³.
801. In this context, REDESCA welcomes the State's efforts to encourage the regularization of migration; and reiterates the IACHR's statement that migrants have the right, in conditions of non-discrimination and equal protection, to enjoy an adequate standard of living, which includes the right to the enjoyment of the highest attainable standard of physical and mental health and the underlying determinants of health; to work, under fair and favorable conditions and with full labor rights; to education and housing¹⁷³⁴.

¹⁷³¹ SwissInfo, [Regularization process begins for more than 324,000 Venezuelans in Ecuador](#), September 1, 2022.

¹⁷³² International Organization for Migration, [Migration and Health Briefing Paper](#), October 27, 2022.

¹⁷³³ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, [Refugee and Migrant Needs Analysis 2022](#), October 2022.

¹⁷³⁴ IACHR, [Resolution No. 04/19, Inter-American Principles on the Human Rights of All Migrant, Refugee, Stateless Persons and Victims of Trafficking in Persons](#), December 7, 2019.

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802. Regarding the situation of ESC rights in El Salvador, REDESCA notes with concern how the levels of poverty and inequality in the country constitute an obstacle to their guarantee and one of the underlying causes of the phenomenon of human mobility. In this regard, according to the Multipurpose Household Survey (EHPM), by 2021 monetary poverty would reach 24.6% of households, while extreme poverty would be at 7.8%¹⁷³⁵. In turn, it has been reported that 27% of households live in multidimensional poverty, most of which are located in rural areas¹⁷³⁶.
803. Regarding inequality levels, it is observed that, in 2019, El Salvador reached a score of 0.38 in the Gini Index, which would reflect the lowest levels of inequality in the region¹⁷³⁷. However, the World Bank maintains that an increase in inequality would be expected in 2022 due to the impacts of the pandemic and external economic pressures¹⁷³⁸.

A. Right to Health and its Social Determinants: Pandemic

804. In relation to the pandemic, it is welcomed that the State has taken various measures to contain the health emergency, including timely progress in the process of immunization of the population against COVID-19, especially during 2021, given that, by the end of the year, the first dose had been administered to 70.6% of the population¹⁷³⁹. Thus, by December 2022, it is estimated that 67.2% of the population has the complete Covid-19 vaccination schedule¹⁷⁴⁰. Despite these important advances, several organizations have denounced a lack of transparency in the management of information on cases and deaths -which would be associated with political management of the figures¹⁷⁴¹-; and would imply an underreporting of cases and deaths of up to 400%¹⁷⁴².
805. In this regard, when the country was immersed in the fifth wave of infections by mid-year and around 233 patients were confirmed daily, it was reported that the daily and cumulative infection figures were updated for the last time on August 29, which would have made it difficult to know the true extent of the fifth wave¹⁷⁴³. Similarly, during the last wave that was registered in the country by the end of 2022 - the sixth wave - the government announced the death of 16 people in the first 17 days of December (corresponding to an average of 1.5 per day), while the Institute for Health Metrics and Evaluation (IHME) estimated that there would be up to two deaths per day on average due to Covid-19 during this week¹⁷⁴⁴. Thus, according to projections by the University of Washington, by February 2023, El Salvador would reach 26,000 deaths from COVID-19; although only one-sixth of the figure would be recognized by the authorities¹⁷⁴⁵.

¹⁷³⁵ ElSalvador.com, More than 1.5 million Salvadorans live in poverty, according to Digestyc, August 24, 2022.

¹⁷³⁶ Ibid.

¹⁷³⁷ World Bank, El Salvador: Overview, updated October 4, 2022.

¹⁷³⁸ Ibid.

¹⁷³⁹ The Graphic Press, Vaccination and mistrust in figures marked the management of covid-19 in El Salvador in 2021, December 30, 2021

¹⁷⁴⁰ PAHO, COVID-19 Vaccination in the Americas. December 16, 2022

¹⁷⁴¹ El Salvador, Tras 14 días de espera, el Gobierno actualiza la cifra de infecciones diarias a causa de covid, February 13, 2022; La Prensa Gráfica, Dos años de pandemia: Opacidad y deudas con personal de salud, March 18, 2022.

¹⁷⁴² Diario El Salvador, "El Gobierno oculta 10 muertes por cada una que reporta", dice exviceministro, 9 de febrero de 2022; La Prensa Gráfica, Se elevan a 62 las muertes ocurridas en la sexta ola de covid en El Salvador, 19 de diciembre de 2022.

¹⁷⁴³ La Prensa Gráfica, MINSAL has not updated data for two months covid-19, October 31, 2022.

¹⁷⁴⁴ La Prensa Gráfica, Deaths in sixth wave of covid in El Salvador rise to 62, December 19, 2022

¹⁷⁴⁵ La Prensa Gráfica, El Salvador llegaría a 2023 con 26,000 muertes covid, November 7, 2022.

806. Likewise, the Special Rapporteurship is concerned about the opacity that would exist regarding the information related to the vaccination process - initiated on February 17, 2021 - so that, for example, it would not be clear how many people with a complete vaccination schedule required hospitalization or died from COVID-19; nor would there be data on immunization rates disaggregated by age, department or municipality and sex¹⁷⁴⁶.
807. In the same vein, there is also concern that, although the first case was discovered in the country in March 2020, by the end of 2021 there would be no information on the actual hospital capacity, the number of hospitalizations for COVID-19, or the number of people in intensive care units¹⁷⁴⁷.
808. Given this scenario, REDESCA recalls that States must ensure the right of access to public information in the context of the emergency generated by COVID-19 and, consequently, must proactively report on the impacts of the pandemic, in disaggregated form, in open formats and in a manner accessible to all groups in vulnerable situations, in accordance with international best practices and in accordance with the provisions of Resolution 1/2020 of the IACHR¹⁷⁴⁸.
809. Likewise, it is reiterated that the availability of information on vaccines saves lives and, therefore, it is the obligation of the States to provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19, as well as to proactively disclose data on registries, studies, vaccination plans and, in general, information related to the acquisition, importation, distribution, prioritization and application of vaccines, as well as on the surveillance and control processes and procedures applied¹⁷⁴⁹.
810. On the other hand, REDESCA makes a special mention and recognition to the health personnel who have been facing the pandemic and expresses its concern about the scarcity of information on the health personnel who have died from Covid-19. In this regard, as of February 2022, SITRASALUD counted the death of 267 workers in the public health network¹⁷⁵⁰. Likewise, it was learned that, although there are regulations that oblige the State to compensate the families of deceased personnel and create a registry to have traceability of deaths, it has not been complied with¹⁷⁵¹. In this regard, in March and July, it was reported that the relatives of the health professionals who died from COVID-19 are still waiting for the payment of the compensation of US\$30,000, which was established in Legislative Decree 723, approved in September 2020¹⁷⁵².
811. REDESCA, in turn, notes that when cases increased at the beginning of 2022¹⁷⁵³ -which would have been a peak similar to those that occurred in January and October 2021 and in August 2020-, it was denounced that there was not enough installed capacity for testing for Covid-19¹⁷⁵⁴. Likewise, the president of the

¹⁷⁴⁶ [The Graphic Press, Vaccination and mistrust in figures marked the management of covid-19 in El Salvador in 2021, December 30, 2021.](#)

¹⁷⁴⁷ [The Graphic Press, Vaccination and mistrust in figures marked the management of covid-19 in El Salvador in 2021, December 30, 2021.](#)

¹⁷⁴⁸ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 32.

¹⁷⁴⁹ IACHR, Resolution 1/2021: Covid-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, paras. 11, 20.

¹⁷⁵⁰ [La Prensa Gráfica, Two years of pandemic: Opacity and debts with health personnel, March 18, 2022](#)

¹⁷⁵¹ Ibidem

¹⁷⁵² [La Prensa Gráfica, Dos años de pandemia: Opacidad y deudas con personal de salud, March 18, 2022;](#) ElSalvador.com, ["Hoy los héroes son otros": familiares de médicos fallecidos por covid exigen compensación económica,](#) July 14, 2022; ElSalvador.com, [Familias de médicos fallecidos por covid aún esperan pago de seguro por parte del Gobierno,](#) July 13, 2022.

¹⁷⁵³ [El Economista, El Salvador: covid-19 deaths tripled in one week, January 24, 2022](#)

¹⁷⁵⁴ [El salvador, "Que Bukele nos mande más pruebas, estamos desde las tres de la mañana", ciudadanos exigen más pruebas en cabinas, 17 de enero de 2022;](#) [Efe, Salvadoreños abarrotan la capital por pruebas covid en medio del alza de casos, 18 de enero de 2022.](#)

Medical Association warned that, given the substantial increase in cases -considered as a fourth wave- 40% of health workers were incapacitated or infected, which would have hindered health care and led to a collapse of primary health centers, linked to the increase in emergency consultations for respiratory infections¹⁷⁵⁵.

812. Similarly, in mid-June, a fifth wave of infections was reported among medical personnel at the Ministry of Health (Minsal) and the Salvadoran Social Security Institute (ISSS), which resulted in the incapacity of dozens of health workers to work and caused an insufficient number of health personnel¹⁷⁵⁶. This situation would have resulted in an increase in working hours, night shifts and, therefore, fatigue in the physical and mental health of all health personnel¹⁷⁵⁷.
813. In this regard, REDESCA observed that, during the fifth wave of infection, there was a significant increase in hospital admissions and deaths due to 'atypical pneumonia' and 'influenza-like processes', although these are not included in the registry of COVID-19 cases¹⁷⁵⁸. Likewise, it was reported that the pneumonia case fatality rate increased by 38% in this period, which could be related to the increase in COVID-19 cases¹⁷⁵⁹. Similarly, there was a 71.7% increase in the number of acute respiratory infections (ARI) in these months, compared to the same period of the previous year¹⁷⁶⁰.
814. This situation is aggravated by the fact that, despite WHO recommendations to the contrary, the Ministry of Health's guidelines for COVID-19 included the antiviral molnupiravir and ivermectin, prompting social organizations to request the elimination of the measure¹⁷⁶¹. For this reason, REDESCA calls, in accordance with Resolution 1/2020 of the IACHR, to ensure that all measures to guarantee the right to life, health and personal integrity in the context of the pandemic are adopted in accordance with the best scientific evidence¹⁷⁶².
815. Likewise, in order to guarantee the protection of the right to health of persons with COVID-19, it is reiterated that, for the prevention, comprehensive treatment and care of such persons, States are required to adopt immediate measures aimed at ensuring, on a sustained, equal and affordable basis, the accessibility and supply of quality goods, services and information. Regarding the accessibility and supply of goods, it is emphasized that this includes access to medicines and drugs accepted according to the best existing scientific evidence for the preventive, curative, palliative, rehabilitative or care of persons with COVID-19¹⁷⁶³.
816. In addition to the above, the Special Rapporteurship learned that, in a survey conducted by the Movimiento por la Salud "Dr. Salvador Allende" (ALAMES), 46% of physicians reported that they had not noticed improvements in the infrastructure of their workplaces, mainly in areas where they treat acute respiratory infections (ARI), while 40% responded that they had noticed very few improvements¹⁷⁶⁴. In addition, the health professionals surveyed reported suffering persecution by the government, which allegedly dismissed personnel for having publicly complained about the conditions in the health centers, as well as the impossibility of unionizing¹⁷⁶⁵. For example, in November, two doctors at the Chalatenango hospital

2022 ¹⁷⁵⁵ [El Salvador, Health Units and Social Security clinics are saturated, warns the Medical Association, January 25,](#)

¹⁷⁵⁶ El Salvador newspaper. [Dozens of doctors with disability in fifth wave of Covid-19](#) August 8, 2022.

¹⁷⁵⁷ La Prensa Grafica. [Doctors see little improvement in El Salvador's health system](#) July 14, 2022.

¹⁷⁵⁸ Prensa Grafica. [Deaths due to covid-19 increase fivefold during July in El Salvador](#) July 19, 2022

¹⁷⁵⁹ Swissinfo. [El Salvador records 618 deaths from pneumonia in 2022, 38 % more than in 2021](#) August 3, 2022.

¹⁷⁶⁰ La Prensa Grafica. [Acute respiratory infections, at highest point in three years](#) August 15, 2022

¹⁷⁶¹ [Swissinfo, Salvadoran NGO calls for halt to delivery of antiparasitic drug to treat covid, March 24, 2022](#)

¹⁷⁶² IACHR, Pandemic and Human Rights in the Americas, Resolution No. 1/2020, April 10, 2020.

¹⁷⁶³ IACHR, Human Rights of Persons with COVID-19, Resolution No. 4/2020, July 27, 2020.

¹⁷⁶⁴ La Prensa Grafica. [Doctors see little improvement in El Salvador's health system](#) July 14, 2022.

¹⁷⁶⁵ Ibid.

were reportedly suspended for an indefinite period of time for having protested against changes in their working hours, which were allegedly imposed without consulting the workers¹⁷⁶⁶.

817. On the other hand, REDESCA notes that, according to PAHO figures, as of November 15, El Salvador has registered a total of 15,769 cases of dengue, including suspected, probable, confirmed, severe and non-serious cases, although only 96 laboratory-confirmed cases of the disease have been recorded¹⁷⁶⁷. In the epidemiological bulletin corresponding to November 10, MINSAL recorded 57 confirmed cases and 1,902 hospitalizations due to dengue¹⁷⁶⁸. In this context, the Office of the Special Rapporteur took note of reports indicating that the number of dengue cases was higher than in previous years¹⁷⁶⁹ and that not enough antigen tests were being carried out to detect dengue¹⁷⁷⁰.
818. In turn, the Office of the Special Rapporteur notes that, by November 10, El Salvador had registered 17 cases of smallpox¹⁷⁷¹; having confirmed the first infection in late August, in a person who had arrived from the United States¹⁷⁷². In this regard, REDESCA welcomes the prompt acquisition of 1,4000 doses of vaccine against this disease, which was announced by the Ministry of Health in October¹⁷⁷³. According to the guidelines of the entity, the vaccines would be destined for health personnel, people with medical indication and people with high exposure to develop the disease¹⁷⁷⁴. Without detriment to this, it is noted that the technical guidelines issued for the prioritization of vaccines have been questioned for excluding certain population groups from the prioritization¹⁷⁷⁵.
819. REDESCA is also concerned about reports of shortages of medicines to treat diabetes and blood pressure at the Ahuachapán Health Unit.¹⁷⁷⁶ In October, users reported that the delivery of glibenclamide, metformin and enalapril had been irregular for the past three months; this would be recurrent, given that the health unit is supplied with medicines on a quarterly basis, but there are occasions when they do not receive these medicines¹⁷⁷⁷.
820. On the other hand, the Office of the Special Rapporteur notes with particular concern the sexual and reproductive health situation of women in El Salvador. In this regard, it takes note of the sentences imposed on women for the crime of aggravated homicide, of up to thirty years of imprisonment, after having suffered a miscarriage or fetal death.¹⁷⁷⁸ Similarly, it has also been reported that the current legislation gives rise to the persecution of women, which begins with the stigmatization they suffer when they go to a hospital for pregnancy complications, where they are considered as suspects of having had an abortion.¹⁷⁷⁹

¹⁷⁶⁶ La Prensa Gráfica, Denuncian suspensión de miembros de SITRASALUD que se opusieron a cambios de horario en el hospital de Chalatenango, November 1, 2022.

¹⁷⁶⁷ PAHO | Health Information Platform for the Americas, Reported cases of dengue fever in the Americas, updated as of November 15, 2022.

¹⁷⁶⁸ Ministry of Health, Boletín Epidemiológico Semana 44 (30 de octubre al 5 de noviembre de 2022), 10 November 2022.

¹⁷⁶⁹ Periódico Digital Centroamericano y del Caribe, El Salvador, segundo con más casos de dengue en C.A., 26 de febrero de 2022; La Prensa Gráfica, El Salvador, segundo con más casos de dengue en C.A., 26 de febrero de 2022; La Prensa Gráfica, El Salvador surpasses 12,000 suspected cases of dengue fever, August 15, 2022.

¹⁷⁷⁰ La Prensa Gráfica, Advierten de poco testeo para dengue en El Salvador, February 25, 2022; La Prensa Gráfica, Testeo de dengue, el más bajo en seis años en El Salvador, March 13, 2022.

¹⁷⁷¹ Centers for Disease Control and Prevention, Monkeypox | 2022 Global Map & Case Count, updated November 10, 2022.

¹⁷⁷² Swiss Info, A 28-year-old woman is the first case of monkeypox in El Salvador, August 31, 2022.

¹⁷⁷³ Swiss Info, Toilets in El Salvador to be vaccinated against smallpox, October 25, 2022.

¹⁷⁷⁴ Swiss Info, Toilets in El Salvador to be vaccinated against smallpox, October 25, 2022.

¹⁷⁷⁵ La Prensa Gráfica, Cuestionan lineamientos para vacunar contra viruela simica, November 3, 2022.

¹⁷⁷⁶ La Prensa Gráfica, Denuncian escasez de medicina para diabetes, October 6, 2022.

¹⁷⁷⁷ Ibid.

¹⁷⁷⁸ BBC News, El Salvador: "I was sentenced to 30 years in prison for having a miscarriage" June 10, 2022

¹⁷⁷⁹ DW, To jail for losing a baby: El Salvador and the abortion law February 11, 2022.

In this scenario, El Salvador is one of the seven Latin American countries that prohibit abortion without exception.¹⁷⁸⁰

821. REDESCA agrees with the IACHR that the absolute criminalization of the termination of pregnancy, including cases where life is at risk and when the pregnancy is the result of rape or incest, imposes a disproportionate burden on the exercise of rights, especially the rights of women, girls and adolescents, and creates a context that facilitates unsafe abortions and high mortality rates¹⁷⁸¹; It would also disregard the international obligations of the State to respect, protect and guarantee women's rights to life, health and integrity¹⁷⁸².
822. Similarly, REDESCA has obtained information on reports of shortages of contraceptive methods in the health units of Zacatecoluca and San Luis La Herradura¹⁷⁸³. In addition, a study published in November by the organization Las Dignas indicated that around 80% of the people surveyed at the national level had not been able to access contraceptive methods in public health centers due to shortages¹⁷⁸⁴.
823. Similarly, the Rapporteurship notes with concern that, according to a report by the Organization of Salvadoran Women for Peace (ORMUSA), 61.4% of the LGBTI population has suffered some type of discrimination when receiving care in the public health network, with young people between 18 and 30 years of age being the most affected age group¹⁷⁸⁵.
824. Regarding the right to health of persons deprived of liberty, the Office of the Special Rapporteur follows with concern the allegations made about the health conditions and lack of medical care for detainees after the entry into force of the emergency regime, which was approved on March 26, 2022, and entered into force the following day; same that has continued to be extended until the end of 2022. In this regard, in the framework of the 185th Session, civil society organizations denounced that, as of October, approximately 80 inmates died under the custody of the State, which would be the result not only of acts of violence by State agents and/or by other persons deprived of liberty, but also due to the lack of medical attention and/or provision of medicines in case of illnesses acquired within the same detention centers or chronic illnesses¹⁷⁸⁶.
825. In this scenario, there are widespread complaints about the lack of health care, medicines and specialized treatments, which in addition to causing deaths and aggravation of diseases, have placed a burden on families to try to support their relatives deprived of liberty, with a disproportionate impact on women (who mainly have the role of caregivers), those in poverty and/or those seeking medication for psychiatric patients, for whom medical prescriptions are required to acquire the medicines.¹⁷⁸⁷
826. This situation has been recurrent under the State of Emergency decreed since March 2022. Thus, for example, in July it was reported that 36 inmates died in the Izalco prison, that is, double the number of deaths in 2020 when the Covid-19 pandemic was declared.¹⁷⁸⁸ Among the testimonies, the lack of medical

¹⁷⁸⁰ Articles 134 and 137 of the Penal Code of El Salvador, Decree No. 1030. https://www.oas.org/dil/esp/codigo_penal_el_salvador.pdf

¹⁷⁸¹ IACHR. Press Release: The IACHR expresses its concern about the adoption of regressive measures on sexual and reproductive rights in the region. August 11, 2021.

¹⁷⁸² IACHR. Press release: [IACHR urges El Salvador to end the total criminalization of abortion](#). August 7, 2018.

¹⁷⁸³ La Prensa Grafica. [Contraceptives, among the medicines out of stock](#) July 22, 2022

¹⁷⁸⁴ La Prensa Gráfica, [80% of Salvadorans perceive shortage of contraceptives in the public network](#), November 11, 2022.

¹⁷⁸⁵ La Prensa Grafica, <https://www.laprensagrafica.com/elsalvador/ORMUSA--61.4-de-las-personas-LGBTIQ-sufren-discriminacion-en-la-red-de-salud-publica-20221104-0037.html> November 4, 2022.

¹⁷⁸⁶ IACHR, hearing on arbitrary detentions and the situation of PPL in El Salvador, October 25, 2022

¹⁷⁸⁷ IACHR, hearing on arbitrary detentions and the situation of PPL in El Salvador, October 25, 2022

¹⁷⁸⁸ Diario El Salvador, [Muertes en el penal de Izalco en régimen de excepción duplican las de 2020](#), July 10, 2022.

attention to persons deprived of liberty was denounced, in which it was pointed out that they had not been allowed the entry of medicines required for the restoration of their health, as well as beatings and attacks in which people were not immediately attended.¹⁷⁸⁹

827. Likewise, it was reported that between March 27 and August 4, 69 prisoners died in different prisons in the country. Of these, the Institute of Legal Medicine (IML) reports that 22 prisoners died in prisons due to "negligence", that is, because they were not provided with medication for their illnesses, while 12 others were reported to have died of "undetermined cause".¹⁷⁹⁰

828. According to the Fundación de Estudios para la Aplicación del Derecho (Fespad), the prison population amounted to 84,233 persons deprived of liberty as of July 20, 2022, after the capture of more than 47,043 persons during the emergency regime; thus, prison overcrowding was estimated at 209.58% in those four months¹⁷⁹¹. This situation of overcrowding and overpopulation in the penitentiary centers would have generated, among others, illnesses, corporal punishment and psychological violence provoked by other inmates and/or authorities, with a consequent violation of their rights¹⁷⁹².

829. In addition, it is reported that the prison authorities have reduced meal times for inmates to two meals a day and that it is the inmates' families who make up for this deficit, as well as the supply of personal hygiene items and clothing; expenses that can reach up to one hundred and fifty U.S. dollars¹⁷⁹³.

830. Faced with this worrying panorama, REDESCA recalls that the State is in a special position of guarantor vis-à-vis persons deprived of liberty, and as such, assumes specific duties to respect and guarantee the fundamental rights of these persons; in particular, the rights to life and personal integrity, whose realization is an indispensable condition for the achievement of the essential purposes of the custodial sentence: the reform and social readaptation of convicted persons.¹⁷⁹⁴ Given this relationship between the person deprived of liberty and the State, the latter must assume a series of particular responsibilities and take various initiatives to guarantee the minimum conditions for a dignified life and contribute to the effective enjoyment of those rights that under no circumstances may be restricted¹⁷⁹⁵. Likewise, the State must provide adequate medical care to persons deprived of liberty, since this is an obligation that derives directly from the State's duty to guarantee their personal integrity (contained in Articles 1(1) and 5 of the American Convention and I of the American Declaration)¹⁷⁹⁶. Thus, failure to comply with this obligation could generate international responsibility for the violation of the right to health.¹⁷⁹⁷

831. Additionally, REDESCA emphasizes that the effective guarantee of the right to health depends on the attention to its basic and social determinants. In view of this, it is of particular concern that it is estimated that in El Salvador there are approximately 985,000 people suffering from hunger, making it one of the five countries in the region with the greatest challenges in this area¹⁷⁹⁸. In the same sense, it is noted that the rate of severe food insecurity reaches 14.7% of the population, while moderate or severe food insecurity

¹⁷⁸⁹ Ibid.

¹⁷⁹⁰ La Prensa Grafica. 35 captured in the regime of exception, killed in prisons August 10, 2022.

¹⁷⁹¹ El Mundo. Prison overcrowding is estimated to be around 200% due to the emergency regime July 21, 2022.

¹⁷⁹² IACHR, Hearing on arbitrary detentions and situation of PPL in El Salvador, October 25, 2022

¹⁷⁹³ Voice of America. The cost of having a family member detained in El Salvador's exceptional regime June 29, 2022.

¹⁷⁹⁴ IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas, 2011, OEA/Ser.L/V/II. Doc. 64.

¹⁷⁹⁵ IACHR Court. Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396. Paragraph 91.

¹⁷⁹⁶ IACHR. Report on the human rights of persons deprived of liberty in the Americas.... Page 199.

¹⁷⁹⁷ IACHR Court. Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395. Paragraph 95.

¹⁷⁹⁸ United Nations, Hunger now reaches 193 million people in the world, May 4, 2022

reaches 46.5%.¹⁷⁹⁹ In this context, the Office of the Special Rapporteur calls on the State to take urgent measures to guarantee the right to food of its population.

B. Climate Emergency and the Human Right to Water

832. The DESCA Special Rapporteur notes with concern the proliferation of forest fires at the beginning of the year; given that, according to the Ministry of Environment and Natural Resources (MARN), between January 1 and February 20, 2022, fires affected 3,489 hectares throughout the country, representing an increase of 238.9% over the previous year.¹⁸⁰⁰ In view of this, the Government of El Salvador issued a red alert - the maximum risk level - and called for extreme measures to avoid a possible fire.¹⁸⁰¹ Although the red alert was modified to yellow in April, due to the reduction of fire emergencies;¹⁸⁰² by September, more than 2,300 fires were reported, affecting more than 16,000 hectares of land¹⁸⁰³.

833. In June and July, the Office of the Special Rapporteur also followed up on the emergency situation resulting from the rainy season, which would increase the danger for 1.37 million people living in areas of vulnerability, that is, 21% of the population, with floods and landslides being the most significant risks¹⁸⁰⁴. With the passage of Hurricane Bonnie, during that season, two deaths were reported, at least 100 people were affected, and 188 homes were damaged. The infrastructure of hospitals and streets was also damaged, and a gully reopened in Las Brisas de San Francisco. This led to the decree of a national state of emergency as of July 4, 2022.¹⁸⁰⁵

834. The Office of the Special Rapporteur also closely followed the serious impacts of Tropical Storm Julia, which in October generated heavy rains, landslides and flooding, and caused the death of ten people¹⁸⁰⁶. In the city of Guatajagua, the overflowing of rivers led authorities to declare a state of emergency; in addition, eighty storm shelters were opened for those affected¹⁸⁰⁷. By November, the National Civil Protection System reported that, in one month, 1,066 incidents related to the heavy rains had been registered, including 12 deaths, 175 affected homes, 352 landslides, 45 river overflows and 423 obstructed roads¹⁸⁰⁸. It was also reported that 39 people were evacuated and remained in a shelter in Panchimalco, San Salvador, having lost all of their homes.¹⁸⁰⁹

835. In this context, REDESCA welcomes the measures adopted by the authorities to provide assistance and protection to the people affected by these climate events, while emphasizing the need to adopt decisive actions in the face of climate change and its impacts, highlighting that the increase in climate mitigation

¹⁷⁹⁹ FAO, [The State of Food Security and Nutrition in the World](#), 20 October 2022.

¹⁸⁰⁰ Ministry of Environment. [El Salvador is on Red Alert due to an increase in fires February 22, 2022](#).

¹⁸⁰¹ [Sputnik, El Salvador decrees maximum alert due to proliferation of forest fires, February 22, 2022](#)

¹⁸⁰² Ministry of Environment and Natural Resources, [Government maintains yellow alert for forest fires](#), April 7, 2022.

¹⁸⁰³ La Prensa Grafica, [Fires have devastated 16,000 hectares in 2022, twice the size of San Salvador](#), September 21, 2022.

¹⁸⁰⁴ Bloomberg. [Flood risk reaches 21% of the Salvadoran population](#) June 5, 2022.

¹⁸⁰⁵ La Prensa Grafica. [State of emergency approved for Hurricane Bonnie](#). July 6, 2022.

¹⁸⁰⁶ France 24, [At least 28 dead and thousands affected by the passage of Julia through Central America](#), October 12, 2022.

¹⁸⁰⁷ Infobae, [Storm Julia left more than 20 dead in Central America](#), October 11, 2022.

¹⁸⁰⁸ La Prensa Grafica, [Authorities report 12 deaths and more than 1,000 incidents caused by last month's rains](#), November 10, 2022.

¹⁸⁰⁹ Ibid.

and adaptation efforts contributes to greater development and social equity, inspired by values such as dignity, equality, solidarity and justice¹⁸¹⁰.

836. On the other hand, the mandate also notes that the country is suffering one of the worst water crises in the Central American region, in which it has been indicated that poor water management, coupled with climate change, has caused 80% of the Salvadoran land to be in a situation of "water stress"¹⁸¹¹. Although REDESCA notes that the government has issued the General Law on Water Resources, which recognizes the human right to water¹⁸¹², various organizations have indicated that it does not guarantee water as a public good, the right to participation, or sustainable management, but rather, on the contrary, it would facilitate the commodification of the resource¹⁸¹³. It should be pointed out that this regulation replaced the Water Law project, which had been worked on by the different legislatures in conjunction with environmental groups, and that it did not effectively and comprehensively address these issues¹⁸¹⁴.
837. Likewise, it was reported that the Environmental Fund of El Salvador (FONAES) will be closed to provide financing to the Salvadoran Water Authority (ASA), as of the entry into force of the new law. In this regard, civil organizations expressed concern that the new water authority would not be able to assume the tasks and commitments of FONAES, specifically, in terms of carrying out projects related to improving the conditions of communities and managing funds to implement plans, programs and projects for the conservation of natural resources and the environment, according to the National Environmental Strategy of El Salvador¹⁸¹⁵. After the entry into force of these regulations, it has been questioned that the appointments of the Salvadoran Water Authority (ASA), which is the entity that will apply the regulations, have not been made public, as well as the issuance of the regulations by the executive branch.¹⁸¹⁶
838. Given this situation, REDESCA recognizes that it is a priority to adopt measures focused on solving the problem of water stress at the national level, since in the framework of the Inter-American System, the human right to water imposes the obligation on States to guarantee access to safe and sufficient water as an unavoidable condition for the satisfaction and exercise of several human rights, such as the right to life, to personal integrity, to health, among others¹⁸¹⁷. Without detriment to this, it is necessary to emphasize that these measures should not imply setbacks in terms of environmental protection; on the contrary, it is necessary to adopt comprehensive policies and strategies to address the various impacts of the climate emergency.
839. At the same time, the mandate also notes with concern the complaints about the quality of the water of the Lempa River, which supplies 70% of the metropolitan area of San Salvador. In this regard, it is indicated that the water is undrinkable and cannot be made drinkable under conventional methods, so it would only be suitable for irrigation in 17.5% of its course, for recreational activities in 5% and for animal species in

¹⁸¹⁰ IACHR - REDESCA, Resolution No. 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

¹⁸¹¹ El Español, La guerra del agua marchita El Salvador: el acoso de las multinacionales aviva los "proyectos de muerte", February 16, 2022

¹⁸¹² Swissinfo, El Salvador Congress approves law recognizing the human right to water, December 22, 2021

¹⁸¹³ El Español, La guerra del agua marchita El Salvador: el acoso de las multinacionales aviva los "proyectos de muerte", 16 February 2022; Swissinfo, El Congreso de El Salvador aprueba ley que reconoce el derecho humano al agua, 22 December 2021; Telesurtv, Congreso salvadoreño aprueba cuestionada Ley del Agua, 22 December 2021.

¹⁸¹⁴ Telesurtv, Salvadoran Congress approves questioned Water Law, December 22, 2021

¹⁸¹⁵ La Prensa Gráfica, Environmentalists: FONAES closing is to finance the new Water Authority of El Salvador. May 21, 2022

¹⁸¹⁶¹⁸¹⁶ El Salvador Newspaper. UNES points out five loopholes in the Water Law that came into force this week July 17, 2022.

¹⁸¹⁷ IACHR, Press Release No. 077, IACHR and REDESCA express concern about the lack of electricity service and drinking water in Venezuela, March 22, 2019.

21%¹⁸¹⁸. For this reason, REDESCA welcomes the initiative taken in early March by the municipalities and border communities of Guatemala, Honduras and El Salvador to clean up the tri-national Lempa River¹⁸¹⁹ and urges the implementation of coordinated and efficient actions to ensure the protection of the resource, which is a source of life for present and future generations.

840. Likewise, the Office of the Special Rapporteur takes note of the complaints about the priority given to commercial and economic interests in accessing water. In view of this, REDESCA emphasizes that, in accordance with Inter-American human rights standards, the right to development must be sustainable, so it is essential to focus on the well-being and rights of individuals and communities rather than on economic statistics and commodities, bearing in mind that the definition of the right to development includes the right to a particular process in which all human rights and fundamental freedoms can be fully realized¹⁸²⁰.
841. REDESCA highlights that the climate adaptation and mitigation measures of the National Climate Change Plan (PNCC) and Nationally Determined Contribution (NDC) of El Salvador would contemplate the needs, opportunities and requirements of people and groups living in conditions of greater vulnerability; including approaches of inclusion, gender, equity, intergenerational justice, commitments with local communities and ancestral and local knowledge¹⁸²¹. In this regard, the State reported that, for the updating of the NDC, a participatory process was initiated with governmental and non-governmental actors, such as civil society, private enterprise, academia, trade unions and the diplomatic corps¹⁸²².
842. In line with the above, the Special Rapporteur welcomes that the updated NDC would aim to reduce greenhouse gas emissions in the energy sector, by increasing renewable energy production, while on the other hand; in the agriculture, forestry and land use sectors, actions to increase carbon sinks and reservoirs and adopt low-carbon practices¹⁸²³. In this line, the National Energy Policy 2020-2050 would seek to develop the country's renewable energy potential, to favor local commerce and industry, reduce electricity tariffs and improve the conditions of the population in general¹⁸²⁴.
843. The Special Rapporteur also welcomes the implementation of projects to increase the climate resilience capacities of the most vulnerable people and communities, among them: "RECLIMA", which seeks to benefit 225,000 people in 50,000 family farms in the dry corridor of the country; "Strengthening climate resilience of rural communities and ecosystems of Ahuachapán-Sur", focused on resilience against droughts.000 family farms in the dry corridor of the country; "Strengthening the climate resilience of rural communities and ecosystems of Ahuachapán-Sur", focused on resilience against droughts, soil erosion and flash floods; and "City Adapt", which aims to increase the capacities for climate adaptation in San Salvador, through urban planning, based on nature, in the medium and long term¹⁸²⁵.

¹⁸¹⁸ El Salvador. El Lempa sick: unhealthy water could generate massive migration in 25 years, March 13, 2022

¹⁸¹⁹ France24. Guatemala, Honduras and El Salvador join forces to clean polluted river, March 14, 2022

¹⁸²⁰ REDESCA-IACHR. Report on Business and Human Rights: inter-American standards, OEA/Ser.L/V/II, November 1, 2019, para. 45.

¹⁸²¹ Permanent Mission of El Salvador to the Organization of American States, Contributions of the State of El Salvador to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights on the impact of the climate emergency on the human rights of the most vulnerable populations in the Americas, MPOEA-OAS-149/022, September 7, 2022.

¹⁸²² Ibid.

¹⁸²³ Ibid.

¹⁸²⁴ Ibid.

¹⁸²⁵ Permanent Mission of El Salvador to the Organization of American States, Contributions of the State of El Salvador to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights on the impact of the climate emergency on the human rights of the most vulnerable populations in the Americas, MPOEA-OAS-149/022, September 7, 2022.

844. Without detriment to the above, REDESCA notes with concern the construction of the penitentiary center in the municipality of Tecoluca, about which it has been reported that the area where it will be located, known as El Perical, is surrounded by aquifers and fertile land, according to farmers who have been forced to sell their land and environmental defenders who see the work as a threat. In this regard, specialists warned that the construction represents several dangers without being finished, because to date it is not known how the bidding process, execution, construction plans, among other aspects that would help to clarify the doubts about this project. In addition, local farmers were denounced as being affected because, being an area of fertile land, jobs were generated for the community, which did not produce pollution¹⁸²⁶. This is in addition to reports that the Executive Branch stated that the center will house 40,000 people, which, according to experts, would affect the area even more and therefore the current environmental permit resolution granted by the Ministry of the Environment and Natural Resources (MARN) to the project is not viable.¹⁸²⁷
845. Likewise, civil society denounced the ecological impact on natural resources and the territory caused by the construction of the "Bitcoin City", which the government has promoted in Conchagua, 180 km east of the capital, very close to the volcano of the same name, which includes the construction of a geothermal plant to supply energy to the city¹⁸²⁸. This is in conjunction with the complaints made by the inhabitants of Nueva Concepción, in the department of Chalatenango regarding the lack of environmental and municipal permits for the construction of a plant to convert solar energy into electricity for bitcoin mining, which would be installed in an area of 43 manzanas (30.1 hectares) of natural forest, located in the canton of El Gavilán, in Nueva Concepción, according to the press.¹⁸²⁹
846. Along the same lines, REDESCA is concerned that women living in rural areas are the most vulnerable to climate change because they are responsible for food security and household health, as they make a large contribution to food production and are responsible for the domestic burden and childcare and constitute 53% and 52% of the rural population respectively.¹⁸³⁰
847. In light of these situations, REDESCA recalls that, according to Resolution 3/2021, States must consult and seek the consent of people whose rights could be violated by programs and projects that imply a risk of significant environmental damage¹⁸³¹, specifically peasants or people working in rural areas. In addition, States must ensure that climate norms, policies and actions are constructed, updated and/or reviewed in a transparent and participatory manner with all social actors, guaranteeing that climate actions do not negatively affect the rights of people.¹⁸³²

C. Business and human rights

848. REDESCA is concerned about the impacts of the Cerro Blanco mine project, located in Asunción Mita, some 14 kilometers from Lake Güija in Metapán, El Salvador. In December 2021, Elevar Resources, a subsidiary of Canada's Bluestone Resource, submitted an updated environmental impact study to the Guatemalan authorities. This, according to several environmental organizations, is a much more aggressive/polluting

¹⁸²⁶ La Prensa Gráfica. [Construction of new prison in Tecoluca will affect the environment](#) July 11, 2022.

¹⁸²⁷ La Prensa Gráfica. [Increase of capacity in new penitentiary does not have technical approval](#) July 26, 2022

¹⁸²⁸ Salvadoran ecologists fear environmental impact of bitcoin city June 7, 2022.

¹⁸²⁹ La Vanguardia. [Construction of bitcoin mining plant denounced in northern El Salvador](#) August 2, 2022.

¹⁸³⁰ International Organization for Migration (IOM), *La movilidad humana derivada de desastres y el cambio climático en Centroamérica*. 2021, Geneva.

¹⁸³¹ IACHR. [Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations](#) December 31, 2021.

¹⁸³² Ibid.

form of mining for the environment and dangerous for human health, which would require a new environmental impact study¹⁸³³.

849. Likewise, it was learned that, despite repeated requests by the government authorities of El Salvador to share the technical environmental impact studies developed by Guatemala as part of the mining concession in the area, as well as the technical reports on the levels of contamination of the rivers and streams that feed Lake Güija, there has been no response from the neighboring country¹⁸³⁴.
850. In this regard, the Office of the Special Rapporteur notes that the project could pose threats such as: the deforestation of 461 hectares for the Cerro Blanco sweep, the use of 38 million cubic meters of water, drilling 300 meters deep and 1,200 meters long for the open pit mine¹⁸³⁵, as well as having transboundary impacts by affecting the Lempa River and approximately three million people on Salvadoran soil¹⁸³⁶. Consequently, not only have environmental organizations in Guatemala and El Salvador denounced these developments and called for a new environmental impact study, but the Human Rights Ombudsman's Office (PDDH) urged the Vice-Presidency of the Republic and the Foreign Ministry to establish channels of dialogue with the Guatemalan State to stop the Cerro Blanco mine¹⁸³⁷. In response, it was reported that residents of the municipality of Asunción Mita, in the department of Jutiapa in Guatemala, presented a petition with four thousand signatures for the municipal government to carry out a "Municipal Consultation of Neighbors" to decide on the closure of the Cerro Blanco Mine¹⁸³⁸.
851. Against this backdrop, REDESCA emphasizes that in its report on Business and Human Rights it indicated that, given the complex forms of organization and operation of economic actors, as well as their relationship with the realization of human rights at the local, regional and global levels, the mechanisms, policies or regulatory frameworks aimed at addressing the challenges in this field should incorporate and recognize the extraterritorial application of the obligations arising from international human rights law, whether with respect to States or their effects on the same companies or non-State actors, so as not to leave the people and communities involved unprotected, whether, for example, by regulating, preventing or providing effective remedies for investigation and reparation, as appropriate¹⁸³⁹.
852. Likewise, we take note of the reports of persecution of environmental defenders by employees of a Canadian company seeking to activate operations at the Cerro Blanco mine, in which social networks are being used to defame those who are promoting a citizen consultation¹⁸⁴⁰.
853. Likewise, it has been reported that human rights defenders have faced criminalization and assassinations since the arrival of extractive and energy companies, reporting that in the last thirteen years, seven environmental defenders have been assassinated in El Salvador¹⁸⁴¹. The lack of a legal framework that

¹⁸³³ El Salvador, Río Lempa in danger! Environmentalists and the population demand that the governments of Guatemala and El Salvador stop the Cerro Blanco mine, February 8, 2022; HEINRICH-BÖLL-STIFTUNG, Las amenazas del proyecto minero Rio Blanco, en Guatemala, February 7, 2022.

¹⁸³⁴ El Salvador Newspaper. Guatemala does not deliver environmental study for Cerro Blanco mine to El Salvador June 25, 2022.

¹⁸³⁵ HEINRICH-BÖLL-STIFTUNG, The threats of the Rio Blanco mining project in Guatemala, February 7, 2022.

¹⁸³⁶ El Salvador, Lempa River in danger! Environmentalists and population demand the governments of Guatemala and El Salvador to stop the Cerro Blanco mine, February 8, 2022

¹⁸³⁷ La Prensa Gráfica, PDDH urges to stop Guatemalan Cerro Blanco mine due to dangers to the Lempa, February 15, 2022

¹⁸³⁸ HEINRICH-BÖLL-STIFTUNG, Future of Cerro Blanco Mine to "Consulta Municipal de Vecinos" May 30, 2022.

¹⁸³⁹ REDESCA-IACHR. Report on Business and Human Rights: inter-American standards, OEA/Ser.L/V/II, November 1, 2019, para. 52.

¹⁸⁴⁰ La Prensa Gráfica. Environmentalists denounce alleged persecution for opposing mining project in Guatemala July 12, 2022

¹⁸⁴¹ Ocote Agency. Defending water to end up criminalized by the State June 30, 2022.

recognizes environmental defenders has been denounced, as well as the criminalization and prosecution of defenders, both alive and dead, by the State using public security programs such as the Territorial Control Plan¹⁸⁴². Thus, it has been denounced that there is a context of lack of protection, persecution, criminalization and prosecution of hundreds of environmental defenders in El Salvador, who, among others, carry out actions to protect water, denounce logging and urbanization of water recharge areas, point out the drought and contamination of water sources, and maintain control of water boards that self-manage the service from the communities¹⁸⁴³. In addition, there are reports of stigmatizing discourse against human rights defenders, in which high-ranking authorities accuse human rights organizations of being "partners of gang members", for which the IACHR has called on the State to fully protect the right to defend rights¹⁸⁴⁴.

854. In this regard, the State reported that it has manuals and procedures to provide comprehensive care to persons who are victims of crimes, including human rights defenders; specifying that the Special Law for the Protection of Victims and Witnesses, in force since 2006, seeks to ensure that victims, witnesses and other persons involved in the investigation of a crime or in judicial proceedings are protected, to facilitate their search for justice and ensure the effectiveness of the prosecution¹⁸⁴⁵. In addition, it indicated that Salvadoran criminal legislation contemplates as an aggravating circumstance of criminal responsibility, that a criminal act falls on the victim given his or her "humanitarian work".¹⁸⁴⁶
855. In this regard, the Office of the Special Rapporteur recalls what was established in the Report on Business and Human Rights, that the criminalization and stigmatization of human rights defenders generate serious psychological, labor and material impacts on those who are victims and their families, break community ties, reduce the space for civic participation and the defense of human rights, weaken the rule of law, and in the case of the criminalization of environmental defenders, directly threaten the right to a healthy environment, reduce the space for civic participation and the defense of human rights, weaken the rule of law, and in the case of the criminalization of environmental defenders, directly threaten the right to a healthy environment and related human rights, by allowing a greater margin of impunity to both state actors and companies by affecting them¹⁸⁴⁷. Therefore, the State must act forcefully and decisively to prevent attacks, threats, intimidation or killings against environmental defenders, and effectively investigate and punish those responsible, including those who are directly or indirectly related to companies¹⁸⁴⁸.
856. Without detriment to the above, REDESCA welcomes the inclusion in El Salvador's National Climate Change Plan and Nationally Determined Contribution of climate adaptation and mitigation measures concerning companies in the agriculture, livestock, forestry, tourism and energy sectors¹⁸⁴⁹; as well as the inclusion of

¹⁸⁴² Ocote Agency. Defending water to end up criminalized by the State June 30, 2022

¹⁸⁴³ Ocote Agency. Defending water to end up criminalized by the State June 30, 2022

¹⁸⁴⁴ IACHR. Press Release: IACHR: High level of violence against human rights defenders in the first four months of 2022 urges States to protect the lives and work of human rights defenders 25 May 2022.

¹⁸⁴⁵ Permanent Mission of El Salvador to the Organization of American States, Contributions of the State of El Salvador to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights on the impact of the climate emergency on the human rights of the most vulnerable populations in the Americas, MPOEA-OAS-149/022, September 7, 2022.

¹⁸⁴⁶ Ibid.

¹⁸⁴⁷ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, November 1, 2019, para. 326.

¹⁸⁴⁸ Ibid.

¹⁸⁴⁹ Permanent Mission of El Salvador to the Organization of American States, Contributions of the State of El Salvador to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights on the impact of the climate emergency on the human rights of the most vulnerable populations in the Americas, MPOEA-OAS-149/022, September 7, 2022.

measures on the proper use of water, wastewater treatment and discharge, sanitation and integrated waste management for the entire business sector¹⁸⁵⁰.

D. Labor and union rights

857. The Office of the Special Rapporteur welcomes the approval by the Legislative Assembly of a law reform that obliges employers to register their employees in the social security system, without exempting from this obligation workers serving their probationary period or temporary workers¹⁸⁵¹. Likewise, the Office of the Special Rapporteur welcomes the "Love Converted into Food Law for the Promotion, Protection and Support of Breastfeeding", which obliges all public or private institutions where women of childbearing age, pregnant or breastfeeding women work or attend, to install breastfeeding rooms according to their capacities¹⁸⁵². It also establishes the right of all working women to a daily break of one hour during their working day to breastfeed or collect their milk during the six-month postpartum period¹⁸⁵³.
858. On the other hand, REDESCA takes note of different measures that would have affected the labor rights of workers in the education sector, among which the following stand out: the guidelines regarding the hiring of interim teachers, as well as delays in the payment of salaries of interim teachers, teachers who were elected to serve on the boards of the Teaching Career, the Qualifying Tribunal and the Tribunal of the Teaching Career¹⁸⁵⁴. Regarding this last point, it is noted that as of March 2022 and after taking office on January 1, there were estimates that there could be some 4,000 educators without salaries.
859. Although the matter had involved several meetings with the Ministry of Education in which it was stated that the owed payments were going to be cancelled and that at the beginning of April the Ministry of Education indicated that it had paid the salaries of 80% of interim teachers nationwide, different associations stated at the time that these estimates did not correspond to reality, since there were quite a number of people in a situation of non-payment¹⁸⁵⁵. In this regard, it was denounced that by the end of April, the corresponding payments had not been made to teachers who make up the Boards and Tribunals of the Teaching Career, which would have placed them in a vulnerable condition for the four months that they did not receive the payment¹⁸⁵⁶; however, the authorities indicated that the salaries were paid to most of them by the end of that month¹⁸⁵⁷.
860. In relation to the hiring of temporary teachers, the Special Rapporteur notes that at the beginning of the year, the Ministry of Education issued a directive through the document "Criteria for the Interpretation of the authority of the School Boards of Directors in the Selection of Teachers", which, according to various organizations of the sector, would go against the Law of the Teaching Career and the Constitution by

¹⁸⁵⁰ Ibid.

¹⁸⁵¹ El Salvador Newspaper. Assembly approves reform for temporary employees to be registered in the Social Security. July 19, 2022.

¹⁸⁵² Permanent Mission of El Salvador to the Organization of American States, Update on compliance with recommendations contained in the Report "Situation of Human Rights in El Salvador," MPOEA-OAS-178/2022, October 11, 2022.

¹⁸⁵³ Ibid.

¹⁸⁵⁴ El Salvador, Profesores denuncian que Educación adeuda tres meses de salario a sus representantes ante juntas y tribunales docentes, March 23, 2022; La Prensa Grafica, Gobierno salvadoreño, sin fecha para pagar salarios a organismos de docentes, March 29, 2022; El Salvador, Educación todavía adeuda salarios a profesores interinos, April 4, 2022

¹⁸⁵⁵ La Prensa gráfica, MINED says it has already paid interim teachers, April 7, 2022

¹⁸⁵⁶ El Salvador, Un grupo de profesores lleva casi 4 meses sin recibir salario de parte del Ministerio de Educación, April 25, 2022; La Prensa Gráfica, Exigen pagar salarios atrasados de Juntas y Tribunales de la Carrera Docente, April 28, 2022.

¹⁸⁵⁷ La Prensa Grafica. MINED is asked to catch up with salaries May 5, 2022.

establishing that the Ministry of Education would send a list of eligible teachers to the schools, despite the fact that Article 40 of said law establishes that the Ministry of Education would send a list of eligible teachers to the schools, would go against the Teaching Career Law and the Constitution by establishing that the Ministry of Education would send a list of eligible teachers to the schools, despite the fact that Article 40 of said law establishes that the School Board of Directors (CDE) is in charge of proposing the appointment of teachers on an interim basis¹⁸⁵⁸. As a result, interim teachers who had worked in previous periods in the schools were not hired and a deficit of teachers for the return to classes was reported¹⁸⁵⁹.

861. Despite these allegations, the then head of the Ministry of Education indicated that this directive had not taken away the CDE's authority, but that on the contrary, measures had been established to ensure the qualification of the teaching staff¹⁸⁶⁰. In this regard, union leaders pointed out that, in addition to exceeding its powers by issuing this directive, the list sent by the Ministry would only include teachers who underwent the evaluation process that the Ministry had carried out in 2021 in a process questioned by the unions because this process would imply a double evaluation and would take away the powers of the Qualifying Tribunal of the Teaching Career¹⁸⁶¹.
862. In view of this situation, and taking into account that trade unions of the sector indicated that due to the cessation of functions of interim teachers at national level there was a deficit of personnel to resume on-site education (as it was reported that some 100,000 students were affected on the first day of classes, according to estimates of the trade unions). 100,000 students were affected on the first day of classes, according to estimates of the unions¹⁸⁶², it is noted that leaders of Bases Magisteriales and Simeduco filed before the Administrative Chamber of the Supreme Court of Justice a lawsuit against the Minister of Education, Carla Evelyn Hananía de Varela, for violation of the Constitution of the Republic and the Teaching Career Law¹⁸⁶³. Although subsequently the authorities of the Ministry of Education, through a notice issued on February 2, instructed the CDEs to hire for only three months the interim teachers who worked in the school last year - while the positions went out to competition¹⁸⁶⁴ -, the organizations demanded that all interim teachers appointed by the CDE should terminate on December 31, 2022.
863. Although REDESCA notes that, on the one hand, the Legislative Assembly established that teachers who served as interim teachers until December 31 of last year should be rehired for a period of six months¹⁸⁶⁵, and that, on the other hand, in March the new head of the Ministry of Education indicated that teachers affected by the new rules for the election of interim teachers returned to the classroom,¹⁸⁶⁶ as well as that in May it was reported that interim teachers could now work until the end of the school year¹⁸⁶⁷, the Special Rapporteurship expresses its deep concern about the labor stability of the interim teaching staff and the

¹⁸⁵⁸ [La Prensa Gráfica, Docentes denuncian a ministra Hananía ante la Corte Suprema de Justicia](#), February 15, 2022; [La Prensa Gráfica, Bases Magisteriales y SIMEDUCO denuncian violación a Ley de Carrera Docente y exigen destitución de ministra de Educación](#), January 30, 2022.

¹⁸⁵⁹ [La Prensa gráfica, Bases Magisteriales y SIMEDUCO denuncian violación a Ley de Carrera Docente y exigen destitución de ministra de Educación](#), January 30, 2022; [El Salvador, Gremios de profesores demandan a ministra de Educación ante Sala de lo Contencioso de la Corte Suprema de Justicia](#), February 14, 2022.

¹⁸⁶⁰ [La Prensa Gráfica, Minister of Education warns unions to disclose alleged purchase of teaching positions](#), February 7, 2022

¹⁸⁶¹ [El Salvador, Teachers' unions sue Minister of Education before the Contentious Chamber of the Supreme Court of Justice](#), February 14, 2022

¹⁸⁶² [La Prensa Gráfica, Union claims for dismissal of interim teachers](#), February 4, 2022

¹⁸⁶³ [El Salvador, Teachers' unions sue Minister of Education before the Contentious Chamber of the Supreme Court of Justice](#), February 14, 2022

¹⁸⁶⁴ [El Salvador, Education authorizes schools to hire interim teachers for three months only](#), February 3, 2022

¹⁸⁶⁵ [La Prensa Gráfica, Ministry of Education to rehire interim teachers](#), February 17, 2022

¹⁸⁶⁶ [El Salvador, Education rehired all interim teachers left out after changes made by former minister](#), March 1, 2022

¹⁸⁶⁷ [El Salvador, Education extends work of interim teachers until the end of the year](#), May 1, 2022

impact that these temporary measures would have on their labor rights, and in turn, on the guarantee of the right to education.

864. In addition, REDESCA notes that, in mid-March and following the change in the ministerial cabinet, a significant number of managers (at least 50) and departmental directors were dismissed¹⁸⁶⁸, in response to which the mandate joins the call of the Ombudsman for the Defense of Human Rights to ensure that in this type of measure, compliance with due administrative process is verified in each case in accordance with the law¹⁸⁶⁹.
865. In view of the situations described above, REDESCA urges that the labor and union rights of education sector personnel be guaranteed at all times, for which clear guidelines adjusted to the standards of the inter-American system are essential, along with total adherence to the regulatory framework. Likewise, it calls for ensuring that when measures are adopted in this area, the operation of the education system is guaranteed without undue impact.
866. Another matter of particular concern to the Office of the Special Rapporteur is the criminalization of the defense of labor and trade union rights that occurred in the context of the commemoration of Labor Day in El Salvador, since the Government indicated that those who demonstrated on May 1 would be detained outside of the activity it had organized and the provisions implemented, while those who did so would be considered "criminals and gang members"¹⁸⁷⁰. In this regard, it is noted that at the end of April, the Ministry of Labor stated that the working class would be commemorated by means of a single event on May 1, indicating that more than 50 unions had indicated that they would commemorate this day with the Government in respect to the state of exception, and that "the authentic union movement" and "the real working class" stated that they would not march. Additionally, he indicated that "the opposition wants to use this day to defend the gangs" and that those who will march on this day "will be groups that will march in favor of the defense of the gangs in El Salvador (...) linked to criminal groups", for which they would be captured "at any time and under any circumstances".¹⁸⁷¹ In this sense, said Ministry urged the Attorney General's Office to investigate this type of actions that "strengthen criminal groups that want to denaturalize May 1st". These statements in turn would have been supported by the legal secretariat of the Presidency.¹⁸⁷²
867. REDESCA notes that, in line with these statements, during May 1, several roadblocks were reportedly carried out on different highways in the country, with which the security authorities reportedly prevented the participation of dozens of people¹⁸⁷³. In the framework of these checkpoints, it was reported that police officers searched passengers on buses to verify if they had tattoos¹⁸⁷⁴, which in the context of the state of emergency would have been used to prove alleged participation in gangs¹⁸⁷⁵. In this regard, participants in the marches emphatically rejected the link between their mobilization and the defense of gangs.¹⁸⁷⁶

¹⁸⁶⁸ [El Salvador, Departmental managers and directors fired in Education, March 16, 2022](#); [El Salvador, Education appoints new directors for its departmental offices after wave of layoffs, March 17, 2022](#)

¹⁸⁶⁹ [El Salvador, In Education departmental managers and directors are fired, March 16, 2022](#)

¹⁸⁷⁰ Voice of America, [El Salvador: Jail threat for anyone who celebrates Labor Day outside the Government](#), April 28, 2022

¹⁸⁷¹ Ministry of Labor, [Minister of Labor: trade union movement will not march on May 1st](#)". Press Conference, April 28, 2022

¹⁸⁷² Voice of America, [El Salvador: Jail threat for anyone who celebrates Labor Day outside the Government](#), April 28, 2022

¹⁸⁷³ La Prensa Gráfica, [VIDEO | Salvadorans march this May 1st to commemorate International Labor Day](#), May 1, 2022

¹⁸⁷⁴ El Salvador, [Authorities set up roadblocks at different points in San Salvador prior to May 1 marches](#), May 1, 2022

¹⁸⁷⁵ Human Rights Watch [El Salvador: Evidence of Serious Abuses During Emergency Rule](#), May 2, 2022

¹⁸⁷⁶ Swissinfo, [Salvadorans march for labor rights and reject links with gangs](#), May 1, 2022

Faced with this scenario, civil society organizations in El Salvador pointed out to the Commission and REDESCA that through these declarations and measures the Government would continue to instrumentalize the security regime to limit the guarantee of human rights in the country¹⁸⁷⁷.

868. REDESCA considers that these statements of stigmatization and threats of arrest would have generated risks for those who defend labor and union rights in the country, by creating a hostile and intimidating environment for the defense of these rights. Likewise, they would constitute an impediment to the free exercise of the right to freedom of expression and the right to freedom of association for labor purposes. Therefore, the mandate calls for the cessation of all types of threats and judicial or any other type of persecution against persons and organizations that exercise legitimate activities for the defense of labor and union rights in the country, as well as to guarantee an adequate environment for the legitimate exercise of the rights to freedom of opinion and expression, freedom of assembly and freedom of association, as legitimate means for the defense of labor rights.
869. In this scenario, the Office of the Special Rapporteur also expresses its concern about the reports on the situation of the right to work in state institutions, pointing out that there are illegal acts or acts that threaten labor stability, state tolerance of illegal dismissals and denial of benefits or labor rights. In this regard, the organizations denounce more than 14 thousand dismissals in the public sector since the change of government¹⁸⁷⁸.
870. Likewise, it was noted that in November, members of the Salvadoran Union Movement gathered outside the Ministry of Labor to demand respect for their union rights, including the freedom to form and join unions¹⁸⁷⁹. On that occasion, representatives of around thirty associations of autonomous, semi-autonomous and municipal public entities, denounced the non-compliance with judicial decisions of reinstatement for workers dismissed due to their judicial participation; and argued that they were not being included in the discussions regarding reforms to the pension law and collective bargaining agreements¹⁸⁸⁰. In addition, they indicated that, in the private sector, there are practices of harassment and obstruction of workers who express their desire to unionize¹⁸⁸¹.
871. Taking into account this panorama, REDESCA makes an emphatic call to the State of El Salvador to guarantee the application of Inter-American standards on labor and trade union rights, especially considering that, as previously indicated by the Commission and REDESCA, the right to work is a fundamental right inseparable and inherent to human dignity, and that its development is key to strengthening economic and social systems from a rights-based approach, with vital importance for the guarantee and enjoyment of other human rights and the autonomous development of the person¹⁸⁸².

E. Fiscal and economic policies

872. In relation to the regional and global inflationary increase in 2022, REDESCA takes note of the measures adopted by El Salvador to mitigate its impact, including measures for simplified imports and the elimination of import tariffs for 20 products of the basic food basket¹⁸⁸³. It also notes that the two subsidies for liquefied petroleum gas (LPG), estimated at \$200 million by 2022, would benefit more than 1.14 million

¹⁸⁷⁷ IACHR and REDESCA. Meeting with Civil Society Organizations of El Salvador (virtual format). April 29, 2022

¹⁸⁷⁸ La Prensa Grafica. PDDH Report: PNC the one that most violated rights in 2021 August 1, 2022

¹⁸⁷⁹ La Prensa Grafica, <https://www.laprensagrafica.com/elsalvador/Sindicalistas-piden-libre-derecho-a-sindicalizarse-20221108-0061.html> November 8, 2022.

¹⁸⁸⁰ Ibid.

¹⁸⁸¹ Ibid.

¹⁸⁸² IACHR and REDESCA, IACHR and REDESCA Publish Compendium on Labor and Trade Union Rights, December 30, 2020.

¹⁸⁸³ Bloomberg Linea, El Salvador to eliminate tariffs on basic food basket due to inflation, March 11, 2022

households by strengthening the family economy in the context of rising prices on the international market¹⁸⁸⁴.

873. On the other hand, the Office of the Special Rapporteur follows with special attention the impacts that the adoption of bitcoin as a legal currency in the country could have on the guarantee of ESCER, since, as warned by the IMF, this measure implies serious risks for financial and market integrity, financial stability and consumer protection, in addition to possible contingent fiscal liabilities¹⁸⁸⁵. In fact, due to the volatility of bitcoin, in November, it was reported that El Salvador would have lost around US\$67 million¹⁸⁸⁶. Likewise, REDESCA has warned of the impacts that this measure would have on the healthy environment¹⁸⁸⁷.

874. It was also noted that the ups and downs of the market along with the weakening of institutions in El Salvador would have cost the country its credit rating, which is largely used by the market to define the risk of debt default¹⁸⁸⁸. The above is even more pressing since, despite the fact that the Government has defended its use in the face of the IMF's call to stop using cryptocurrency as legal tender, there would be indications that the adoption of this recommendation would condition the credit lines that the Government negotiated with this institution, so that resources could be at stake to address the socioeconomic impacts of the pandemic¹⁸⁸⁹.

875. Thus, in July 2022, it was reported that, due to the recent downturn in the cryptocurrency market, the Salvadoran state's bitcoin holdings have lost about 60 percent of their assumed value.¹⁸⁹⁰ Furthermore, it is reported that these transactions have cost the country an approximate loss in value of about \$63 million, which is increasing as the government has difficulty subsidizing the rising costs of food and fuel imports, as well as meeting its debt payments¹⁸⁹¹.

876. In this scenario, the Legislative Assembly approved a mechanism for the State to purchase the bond maturing in January 2023 at the current market price. In this regard, it was announced that it would "buy back" the bonds maturing in 2023 and 2025, at market prices. For the payment of both issues, the government needs \$1,600 million¹⁸⁹².

877. In view of this situation, REDESCA calls for ensuring that the economic, budgetary and fiscal policy measures implemented in the country effectively contribute to the enjoyment of human rights, with special attention to the ESCER of the population. In this sense, particular attention and remedy is required in the face of any situation generated by these measures that may cause a setback in the guarantee of these rights.

¹⁸⁸⁴ Permanent Mission of El Salvador to the Organization of American States, Contributions of the State of El Salvador to the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights on the impact of the climate emergency on the human rights of the most vulnerable populations in the Americas, MPOEA-OAS-149/022, September 7, 2022.

¹⁸⁸⁵ [International Monetary Fund, IMF Executive Board Concludes 2021 Article IV Consultation with El Salvador, January 25, 2022](#); [El País, IMF urges Bukele to eliminate bitcoin as legal tender in El Salvador, January 25, 2022](#).

¹⁸⁸⁶ [Yahoo News, Bitcoin crash causes El Salvador to lose millions of dollars, November 13, 2022](#).

¹⁸⁸⁷ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 790.

¹⁸⁸⁸ [El País, The market predicts that El Salvador will default for having converted bitcoin into legal tender May 9, 2022](#).

¹⁸⁸⁹ [France24, El Salvador government defends use of bitcoin despite IMF warnings, Jan. 31, 2022](#); [ABC, El Salvador loses \\$22 million in four months with Bukele's bitcoin 'experiment', Jan. 26, 2022](#)

¹⁸⁹⁰ [New York Times, El Salvador adopted bitcoin to revolutionize its economy. It has not worked. July 5, 2022](#).

¹⁸⁹¹ *Ibid.*

¹⁸⁹² [La Prensa Gráfica, El Salvador's fiscal situation will remain fragile, despite bond buyback July 29, 2022](#).

Likewise, in line with what was indicated by the IACHR in its Resolution 1/2020, it is emphasized that, in the context of a pandemic, States must make available and mobilize the maximum available resources to realize the right to health and other ESCER, in order to prevent and mitigate the effects of the pandemic on human rights, including taking fiscal policy measures that allow for equitable redistribution¹⁸⁹³.

F. Education, science, technology: academic freedom and university autonomy

878. REDESCA has closely followed the impact of the pandemic on the guarantee of the right to education, as well as the measures implemented to guarantee this right and to bridge the digital divide. In this context, it is noted that by the end of January 2022, classes would have resumed in blended mode for public and private schools. Taking into account that this measure coincided with a peak in the number of cases in the country, it was clarified that families would have the option to decide whether children and adolescents (NNA) would attend classes in person or not¹⁸⁹⁴. Likewise, the Ministry of Education indicated that educational centers would have to respect the biosecurity protocol and that classrooms would not be filled to 100%¹⁸⁹⁵. Despite this, the leadership of the teachers' union Simeduco called for the start of classes to be held virtually due to the increase in the number of cases and the high infection rates among teachers and administrative personnel in public schools.¹⁸⁹⁶
879. Although REDESCA views the return to the classroom as positive as long as biosafety conditions are ensured, the mandate notes with concern reports of pressure on educators to return to work in person despite presenting symptoms, together with the difficulties they have experienced in taking antigen or PCR tests at the polyclinics of the Instituto de Bienestar Magisterial¹⁸⁹⁷.
880. In this context, the Office of the Special Rapporteur notes with alarm that, based on official figures on enrollment in 2021, it is estimated that around 30.2% of Salvadoran children and adolescents of school age have not been studying.¹⁸⁹⁸ This situation would have been particularly serious at the pre-school level, where only 8.8% of three-year-old children would have been enrolled; while, at the kindergarten level, a coverage of 21.4% and 49.8% was recorded for ages 4 and 5, respectively¹⁸⁹⁹. In addition, although coverage increased to 88% between the first and third grades, it began to decline in the fourth grade, reaching 38.6% in the third year of high school¹⁹⁰⁰.
881. On the other hand, REDESCA is concerned about reports made in July about the delay for several months in the disbursement of funds budgeted annually to schools, which are used to repair roofs, fix bathrooms or even buy stationery and other educational supplies. In this regard, it was pointed out that since 2021, under an unknown criterion, they began to give some schools US\$3,000 and others US\$1,500.¹⁹⁰¹
882. In turn, the Office of the Special Rapporteur takes note of the information provided by the Salvadoran State regarding the implementation of the reform of the primary education system, known as "Mi Nueva Escuela"

¹⁸⁹³ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 13.

¹⁸⁹⁴ [Infobae, El Salvador anuncia comienzo de año escolar el 31 de enero en semipresencial, January 10, 2022; Efe, El Salvador inaugura el año escolar en el sector público en medio del alza de covid, January 31, 2022](#)

¹⁸⁹⁵ [Efe, El Salvador opens public sector school year amidst covid hike, January 31, 2022](#)

¹⁸⁹⁶ [El Salvador, Up to 40 % of school teaching staffs are infected with covid-19, according to teachers' union, January 22, 2022](#)

¹⁸⁹⁷ [El Salvador, Up to 40 % of school teaching staffs are infected with covid-19, according to teachers' union, January 22, 2022](#)

¹⁸⁹⁸ La Prensa Gráfica, [Una de cada tres personas en edad escolar no estudia](#), October 26, 2022.

¹⁸⁹⁹ Ibid.

¹⁹⁰⁰ Ibid.

¹⁹⁰¹ La Prensa Gráfica, [Delay in disbursement worsens crisis in schools](#) July 17, 2022

(My New School), starting in September¹⁹⁰². REDESCA welcomes the fact that the program aims to provide quality teaching tools, decent infrastructure, attention to early childhood, health and nutrition; and contemplates a curricular reform focused on learning based on strengthening the qualities of each student¹⁹⁰³. In addition, the reform incorporates an inclusive approach to redefine the model of care and the curriculum of the special education modality, with the aim of guaranteeing the right to education of the student population with disabilities¹⁹⁰⁴.

883. In this context and taking into account that it has been reported that blended learning has led to significant educational backwardness - which, among other things, has exacerbated illiteracy in schools¹⁹⁰⁵ -, REDESCA urges that within the framework of policies for the sector, a plan be implemented to effectively reduce the learning gap under a human rights, differentiated and intersectional approach.

G. Human mobility and ESCER

884. The Office of the Special Rapporteur notes that the lack of guarantee of ESCER plays a preponderant role in the phenomenon of human mobility in the country, since, as previously addressed by the Commission, together with violence, poverty, and the lack of access to social rights, as well as to labor opportunities, are among the determining factors of forced internal displacement and migration in the country¹⁹⁰⁶.

885. In this thread, REDESCA takes note of the research conducted by the organization FUNPRES, which concludes that three out of four people in El Salvador would leave the country if they had the possibilities, motivated mainly by the economic situation of the country (80.9%)¹⁹⁰⁷. In turn, a study by the organization Ayuda en Acción identified that lack of employment (60.4%) and poverty (30.7%) are two of the main causes that drive Salvadorans to leave their country, in addition to violence or insecurity and climate change¹⁹⁰⁸. Likewise, the IOM has reported that potential migrants have the expectation that by doing so they will be able to improve their living conditions and those of their communities, even though many of the sources consulted already have an income in their places of origin¹⁹⁰⁹.

886. In addition, the Office of the Special Rapporteur is concerned that, according to the IOM, the migration of a household member decreases the likelihood that children will attend school¹⁹¹⁰, because they perceive less incentive to invest in education if their educational achievements are not recognized and the occupations available to them abroad do not require more formal education. In light of this, REDESCA joins IOM's calls for public policy actions to focus on school retention, as it is vital to maintain the interest and commitment of students from migrant households in order to maintain attendance and avoid school dropout. To this end, it recommends revising the contents of the school curriculum for both the labor

¹⁹⁰² Permanent Mission of El Salvador to the Organization of American States, Update on compliance with recommendations contained in the Report "Situation of Human Rights in El Salvador," MPOEA-OAS-178/2022, October 11, 2022.

¹⁹⁰³ Ibid.

¹⁹⁰⁴ Ibid.

¹⁹⁰⁵ La Prensa Gráfica, [Teachers warn of illiteracy and urge return to face-to-face teaching in El Salvador](#), December 19, 2022

¹⁹⁰⁶ IACHR, [Situation of Human Rights in El Salvador, El Salvador country report, OEA/Ser.L/V/II, October 14, 2021](#), para. 291.

¹⁹⁰⁷ El Salvador, [Three out of four Salvadorans would leave the country if they could: Funpres](#), April 10, 2022; FUNPRES, [mental health of Salvadorans and associated factors](#), April 8, 2022.

¹⁹⁰⁸ Ayuda en Acción, [Ayuda en Acción presents a report on human mobility in El Salvador](#), September 14, 2022.

¹⁹⁰⁹ Relief Web, [The reality of migration flows in northern Central America](#) March 22, 2022.

¹⁹¹⁰ International Organization for Migration (IOM), [El Salvador: Migration, Remittances and Education](#)", page 28.



market and the students themselves, and offering non-academic activities that promote student interaction with the educational environment¹⁹¹¹.

¹⁹¹¹ Ibidem, p. 29.

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887. The situation of poverty and inequality in the United States remains a latent challenge this year, which may be exacerbated by the pandemic and climate change. REDESCA notes that, according to the U.S. Census Bureau, in 2021, the poverty rate reached 11.6% of the population nationwide, equivalent to 37.9 million people¹⁹¹². In turn, poverty has a higher incidence in population groups that have historically endured structural inequalities, such as women (12.6% compared to 10.5% of men), Native Americans, people of African descent and Hispanics (24.3%, 19.5% and 17.1%, compared to 10% of whites)¹⁹¹³. It was also found that the age group most affected by poverty is children and adolescents under 18 years of age, who account for 15.3%¹⁹¹⁴.
888. To that extent, REDESCA notes that the United States Department of Agriculture estimates that about 10 percent of the U.S. population is food insecure, defined as households that obtain enough food to not substantially alter their eating patterns or reduce food intake by using different coping strategies, such as eating less varied diets, using federal food assistance programs, and obtaining food from community food pantries¹⁹¹⁵. Similarly, the Rapporteurship notes its concern about an expected increase in child hunger rates. Child nutrition assistance introduced at the onset of the COVID-19 pandemic will expire on June 30.¹⁹¹⁶¹⁹¹⁷
889. On the other hand, REDESCA takes note of the judicial conciliation between the civil society organizations of California and the city of Chico in the same state, regarding the elimination of the ordinance that criminalized homeless people and prohibited the realization of encampments in different areas of the urban center. Likewise, the city committed itself to the construction of shelters and other infrastructure that would allow people to have a safe and dignified space to live¹⁹¹⁸. Along the same lines, a city in the state of Colorado passed an ordinance establishing "Safe Outdoor Spaces," in which people are allowed to sleep in their vehicles, given the high cost of rentals¹⁹¹⁹. In addition, REDESCA is pleased to note that New York City has reformed its eviction policies, suspending evictions in over 31,000 non-payment cases¹⁹²⁰.
890. REDESCA recalls that, in the context of the pandemic and its consequences, it is imperative that States adopt clear policies and decisions to protect people living in poverty and extreme poverty and to guarantee their ESCER, especially to prevent the worsening of the extreme conditions that these people are forced to face in order to reach minimum subsistence levels¹⁹²¹. It also emphasizes that, in these contexts, there is a reinforced obligation to protect individuals and groups who, due to historical discrimination and structural inequality, are in a situation of special vulnerability and suffer disproportionate impacts from the increase in poverty and extreme poverty¹⁹²².

¹⁹¹² United States Census Bureau, Poverty in the United States: 2021 - Current Population Reports, September 2022.

¹⁹¹³ Ibid.

¹⁹¹⁴ Ibid.

¹⁹¹⁵ The Hill, Food prices skyrocketed in January, putting a heavy burden on the poorest, February 3, 2022.

¹⁹¹⁶ USDA Food and Nutrition Service, Child Nutrition Covid-19 Waivers, July 12, 2022.

¹⁹¹⁷ The Guardian, Free US school lunches were a dream come true. Now, a hunger crisis looms for 10 million children, July 4, 2022.

¹⁹¹⁸ District Court for the Eastern District of California, Case No. 2:21-CV-00640-MCE-DMC, January 13, 2022.

¹⁹¹⁹ City of Salida, Colorado, "City of Salida Acquires Properties to Provide Affordable Workforce Housing", press release. May 24, 2022.

¹⁹²⁰ NYC Housing Authority, "NYCHA discontinues more than 31,000 non-payment cases, reducing caseload by 90 percent" February 3, 2022.

¹⁹²¹ IACHR, Press Release No. 124/2020, IACHR and its REDESCA Urge States to Effectively Protect People Living in Poverty and Extreme Poverty in the Americas in the Face of the COVID-19 Pandemic, June 2, 2020.

¹⁹²² Ibid.

A. Right to Health and its Social Determinants

891. Regarding the guarantee of the right to health in the context of the pandemic, REDESCA commends the State for having continued its efforts to immunize the population against COVID-19. In this regard, it notes that by November 4, 629,073,496 doses of vaccines had been administered¹⁹²³ ; reaching 227.38 million people (68.49% of the population) with the full two-dose schedule, and 39.02 million people (11.6% of the population) with at least one dose¹⁹²⁴ . At the same time, 96,296,427 cases and 1,060,430 deaths from COVID-19 have been recorded since the beginning of the pandemic¹⁹²⁵ .
892. The bivalent booster doses manufactured by Pfizer-BioNTech and Moderna, which are designed to protect against the original virus (SARS-COV-2) and the Omicron BA.4 and BA.5 variants, have been available since September and October for persons over 12 years of age and children from 5 to 11 years of age, respectively¹⁹²⁶ . However, REDESCA expresses its concern about the facts recorded at the beginning of the year, in relation to the exponential increase in infections by the Omicron variant and the obligatory nature of the sanitary measures adopted to counteract its effects.
893. In January, delays in garbage and recycling collection services were reported in several cities, due to massive contagion among sanitation workers¹⁹²⁷ . However, this was not the only group of public servants affected, as high levels of infection were reported among teachers, police, firefighters and traffic officers¹⁹²⁸ . The New York City Mayor's Office announced in February that it would fire nearly 3,000 city workers if they did not get vaccinated by a deadline¹⁹²⁹ . Although some workers decided to get the vaccine because of the warning, the remaining 1,430 people -mainly employees of the Department of Education- were dismissed¹⁹³⁰ . The Office of the Rapporteur is following the appeal of the judgment handed down in October by Judge Ralph Porzio of the New York State Supreme Court, which ordered the reinstatement of jobs and payment of lost wages in favor of some of the unvaccinated workers¹⁹³¹ .
894. Therefore, in line with IACHR Resolution 1/2020, REDESCA emphasizes the need to strengthen the protection of the human rights, and particularly the ESCER, of workers most at risk from the pandemic and its consequences¹⁹³² . This is not limited to the right of workers to be protected from the risks of contagion, but includes the adoption of measures to ensure the economic income and means of subsistence of all workers, safeguarding, in general, jobs, salaries, pensions, and other interrelated social rights¹⁹³³ .
895. The above is framed within the debates that existed at the national level regarding mandatory vaccination requirements for certain activities ("vaccine mandates"). In this context, while the authorities of some states lifted measures such as the mandatory use of masks -due to the decrease of infections associated

¹⁹²³ World Health Organization, [COVID-19 | United States of America Situation](#), updated November 4, 2022.

¹⁹²⁴ Our World In Data, [Coronavirus \(COVID-19\) Vaccinations - United States](#), updated as of November 1, 2022.

¹⁹²⁵ World Health Organization, [COVID-19 | United States of America Situation](#), updated November 4, 2022.

¹⁹²⁶ Ibid.

¹⁹²⁷ AP News, [Garbage and recyclables pile up as omicron takes its toll](#), Jan. 14, 2022.

¹⁹²⁸ Ibid.

¹⁹²⁹ The New York Times, [New York could fire as many as 3000 unvaccinated city workers on Friday](#), February 11, 2022.

¹⁹³⁰ Bloomberg, [New York City Fires 1,430 Unvaccinated Workers Following Deadline](#), February 14, 2022.

¹⁹³¹ The Guardian, [Judge tells NYC to rehire workers fired for refusing vaccination](#), October 26, 2022.

¹⁹³² IACHR - REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020.

¹⁹³³ Ibid.

with the Omicron variant¹⁹³⁴; there were some groups that sought the elimination of all restrictions¹⁹³⁵. REDESCA became aware of a caravan of hundreds of trucks, which headed from California to Washington D.C., with the objective of pressuring federal authorities to eliminate mandatory vaccination.¹⁹³⁶

896. Given these circumstances, the Office of the Special Rapporteur reiterates that both the treatment and the administration of vaccines against COVID-19 must have the prior, free and informed consent of the persons who receive them¹⁹³⁷. This is inseparable from the State's obligation to provide and disseminate timely, complete, understandable, clear, culturally appropriate, and reliable information on vaccines to prevent COVID-19 and its side effects; and includes the implementation of public campaigns to counteract misinformation, distorted content or public distrust about them¹⁹³⁸.
897. In August, the CDC modified the biosecurity guidelines for communities and schools, relaxing the measures in response to changes in public health circumstances related to vaccination and the possibility that COVID-19 may be permanently maintained¹⁹³⁹. Recommendations such as the preventive isolation of persons who had been exposed to the virus and for unvaccinated persons were eliminated; however, the provisions on the use of masks in closed places with high risks of COVID-19 and the five days of isolation for persons with COVID-19¹⁹⁴⁰ were maintained. Likewise, the emphasis on physical distancing was reduced, removing the recommendation of two meters distance, and routine testing was no longer recommended for people without symptoms.¹⁹⁴¹
898. In addition, REDESCA notes with concern that during 2022, the United States recorded the highest number of cases of monkeypox in the world¹⁹⁴²; thus, by November 4, it counted a total of 28,657 cases and 9 deaths due to monkeypox¹⁹⁴³. The presence of the virus in the country was confirmed in Boston, Massachusetts, on May 19; and, by November, there were infections in all the states of the country, with the highest concentration in California (5,512), New York (4,119), Florida (2,751), Texas (2,744) and Illinois (1,391)¹⁹⁴⁴.
899. The Office of the Special Rapporteur was able to observe the rapid escalation of smallpox in the country, considering that in July, the United States led the global statistics, with 3,846 confirmed cases¹⁹⁴⁵. In response to this circumstance, the first public health emergency declarations were issued in the cities of San Francisco¹⁹⁴⁶ and New York¹⁹⁴⁷, and in the state of California¹⁹⁴⁸. At the federal level, a monkeypox

¹⁹³⁴ The New York Times, [State-wide mask mandates are lifting in many states as Omicron wanes](#), February 9, 2022.

¹⁹³⁵ CNN, [A convoy of truckers protesting Covid-19 measures is expected to arrive in the DC area this weekend. Here's what we know](#), March 5, 2022.

¹⁹³⁶ The New York Times, [A Truck Caravan With Far-Right Links Heads to Washington D.C.](#), February 24, 2022.

¹⁹³⁷ IACHR - REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020; IACHR - REDESCA - RELE, [Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations](#), April 6, 2021.

¹⁹³⁸ IACHR - REDESCA - RELE, [Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations](#), April 6, 2021.

¹⁹³⁹ The New York Times, [C.D.C. Eases Covid Guidelines, Noting Virus Is 'Here to Stay.'](#) August 11, 2022.

¹⁹⁴⁰ Ibid.

¹⁹⁴¹ Ibid.

¹⁹⁴² Centers for Disease Control and Prevention, [Monkeypox | 2022 Global Map & Case Count](#), updated November 4, 2022.

¹⁹⁴³ Centers for Disease Control and Prevention, [Monkeypox | 2022 U.S. Map & Case Count](#), updated November 4, 2022.

¹⁹⁴⁴ Ibid.

¹⁹⁴⁵ BBC, [Monkeypox: DC says US leads globally in most known cases](#), July 26, 2022.

¹⁹⁴⁶ AP News, [San Francisco declares emergency over monkeypox spread](#), July 28, 2022.

¹⁹⁴⁷ AP News, [New York City declares monkeypox a public health emergency](#), July 30, 2022.

¹⁹⁴⁸ AP News, [California Governor declares monkeypox state of emergency](#), August 2, 2022.

emergency was declared in early August, allowing the mobilization of the necessary resources to boost the federal response to the outbreak.¹⁹⁴⁹

900. In this context, REDESCA is particularly concerned that the dissemination of misinformation about smallpox is fueling stereotypes and discrimination against the LGBTIQ+ community, as there have been cases of hate speech and aggression against people of diverse gender identity linked to the disease¹⁹⁵⁰. In relation to infectious diseases, REDESCA notes with alarm the detection of the polio virus in New York's sewage, which would imply that the disease is circulating in the city¹⁹⁵¹. This follows confirmation of the infection of a man who was paralyzed by the disease.¹⁹⁵²
901. Given these circumstances, the Office of the Special Rapporteur considers it appropriate to recall that, given the real risk posed by outbreaks of infectious diseases, States should adopt immediate and diligent measures to prevent violations of the right to health, focusing as a priority on preventing contagion and providing adequate medical treatment to those who require it¹⁹⁵³. Likewise, setbacks should be avoided in public health campaigns and measures in general, taking into consideration the social determinants of the right to health¹⁹⁵⁴.
902. On the other hand, regarding non-communicable diseases, REDESCA notes with concern the increase and exacerbation of the opioid addiction epidemic in the country. In a recent report by the American Medical Association, the epidemic affects all states and is worsening due to illicit manufacture of fentanyl, methamphetamine and cocaine, often in combination or adulterated. Between January 2021 and January 2022, more than 107,000 deaths will be recorded in the United States.¹⁹⁵⁵ In this regard, REDESCA urges the State to implement an ambitious public policy based on scientific evidence and to address the social determinants that underlie the causes of addiction.¹⁹⁵⁶
903. For its part, with regard to the right to health, especially sexual and reproductive health, REDESCA regrets the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, which overturned the precedent established in *Roe v. Wade* (1973) regarding the recognition of the constitutional right to abortion¹⁹⁵⁷. In particular, the mandate is concerned that this decision, which constitutes a setback for sexual and reproductive rights and women's rights, could have a knock-on effect and strengthen the trend towards the adoption of more restrictive, and even prohibitive, legislation on the voluntary termination of pregnancy in different states¹⁹⁵⁸.
904. In this regard, the Office of the Special Rapporteur recalls that, prior to this decision, access to abortion was already restricted in at least 14 states, with legislation that, for example, imposed a six-week limit for the practice of voluntary termination of pregnancy¹⁹⁵⁹; allowed the initiation of legal proceedings against professionals and health service providers who performed abortions¹⁹⁶⁰; or criminalized the termination

¹⁹⁴⁹ Los Angeles Times, [U.S. declares public health emergency for monkeypox](#), August 4, 2022.

¹⁹⁵⁰ Blade, [Gay couple assaulted on D.C. street by attackers shouting 'monkeypox faggots'](#), Sept. 9, 2022.

¹⁹⁵¹ The New York Times, [Polio Has Been Detected in New York City Wastewater, Officials say](#), August 12, 2022.

¹⁹⁵² Ibid.

¹⁹⁵³ IACHR - REDESCA, [Resolution 1/2020: Pandemic and Human Rights in the Americas](#), April 10, 2020.

¹⁹⁵⁴ IACHR - REDESCA - RELE, [Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations](#), April 6, 2021.

¹⁹⁵⁵ American Medical Association, [Issue brief: Nation's drug-related drug overdose and death epidemic continues to worsen](#), December 22, 2022.

¹⁹⁵⁶ American Medical Association, [2022: Overdose Epidemic Report](#), December 2022.

¹⁹⁵⁷ U.S. Supreme Court, [19-1392 Dobbs v. Jackson Women's Health Organization](#), June 24, 2022.

¹⁹⁵⁸ Center for Reproductive Rights, [Dobbs v. Jackson Women's Health Organization](#), June 24, 2022.

¹⁹⁵⁹ The Washington Post, [Texas patients are rushing to get abortions before the state's six-week limit. Clinics are struggling to keep up](#), February 14, 2022.

¹⁹⁶⁰ NPR, [Idaho prepares to ban most abortions in the state as governor signs Texas-style law](#), March 24, 2022.

of pregnancy in all cases, except when it was to save the life of the pregnant woman, in a medical emergency¹⁹⁶¹. However, this did not prevent pregnant women from seeking abortions despite the limitations; for example, after the adoption of Act No. 8 in Texas, which prohibited the practice after six weeks of gestation, the demand for this service increased, exceeding institutional capacity and generating delays and waiting lists.¹⁹⁶²

905. In particular, REDESCA expresses its concern that, as a result of the decision, abortion is now prohibited or criminalized in thirteen states (Alabama, Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Dakota, Tennessee and Texas); while fourteen other states (Arizona, North Dakota, North Carolina, South Carolina, Georgia, Indiana, Iowa, Michigan, Nebraska, Ohio, Pennsylvania, Utah, Wisconsin and Wyoming) are in the process of passing legislation to make voluntary termination of pregnancy illegal¹⁹⁶³.

906. In contrast, there are only ten states (California, Connecticut, Hawaii, Illinois, Minnesota, New York, New Jersey, Oregon, Vermont, and Washington) that protect the right to abortion in their constitutions or statutes, and have legislation to guarantee and expand access to it; and eleven states whose legislation permits abortion with certain limitations (Alaska, Colorado, Delaware, Florida, Kansas, Maine, Maryland, Massachusetts, Montana, Nevada, and Rhode Island)¹⁹⁶⁴. Finally, in New Mexico, New Hampshire and Virginia, abortion is permitted, but has no legal protection.¹⁹⁶⁵

907. In this regard, REDESCA reiterates that laws that criminalize abortion impose a disproportionate burden on the exercise of the rights of women and girls -especially the right to life, personal integrity, health and the right to a life free of violence and discrimination- and create a context that facilitates unsafe abortions¹⁹⁶⁶. In this regard, it is noted that the criminalization of abortion has direct consequences on health in all circumstances and is linked to maternal mortality and morbidity figures, since many women may resort to dangerous or even fatal practices -in the absence of legal, safe and timely options- or refrain from seeking medical attention in the event of obstetric emergencies¹⁹⁶⁷.

908. In addition, it is recalled that the obligations of progressive realization and non-regression that govern the right to health prohibit the adoption of policies, measures and norms that, without adequate and convincing justification, worsen the situation of the rights of persons¹⁹⁶⁸. On the contrary, the standards of the Inter-American human rights system, as well as those of the universal system, are consistent in that the effective enjoyment of the right to health of women and girls requires the guarantee of sexual and reproductive rights; and the elimination of all de jure and de facto obstacles that impede access to the sexual and reproductive health services they require¹⁹⁶⁹.

909. Therefore, the Office of the Special Rapporteur salutes the Federal Government for having adopted measures aimed at guaranteeing the right to health in the face of this scenario¹⁹⁷⁰. On July 8, the President

¹⁹⁶¹ The New York Times, [Oklahoma Lawmakers Approve Near-total Ban on Abortion](#), April 12, 2022.

¹⁹⁶² The Washington Post, [Texas patients are rushing to get abortions before the state's six-week limit. Clinics are struggling to keep up](#), February 14, 2022.

¹⁹⁶³ Center for Reproductive Rights, [After Roe Fell: Abortion Laws by State](#), updated November 6, 2022.

¹⁹⁶⁴ Ibid.

¹⁹⁶⁵ Ibid.

¹⁹⁶⁶ IACHR, [Violence and Discrimination against Women, Girls and Adolescents: Good practices and challenges in Latin America and the Caribbean](#), OEA/Ser.L/V/II, Doc. 233, November 14, 2019, paras. 201 - 202.

¹⁹⁶⁷ Ibid.

¹⁹⁶⁸ IACHR-REDESCA, [Compendium on Economic, Social, Cultural and Environmental Rights: Inter-American Standards](#), OEA/Ser.L/V/II, Doc. 465, December 31, 2021, para. 56.

¹⁹⁶⁹ IACHR, [Press Release No. 165/2017, IACHR Urges all States to adopt comprehensive and immediate measures to respect and guarantee women's sexual and reproductive rights](#), October 23, 2017.

¹⁹⁷⁰ CNN, [Biden signs executive order aimed at safeguarding abortion rights](#), July 8, 2022.

signed an executive order aimed at ensuring access to sexual and reproductive health services, including abortion pills, emergency contraceptives and long-acting reversible contraception methods; increasing efforts to disseminate information and education on sexual and reproductive health; and strengthening legal counseling and sponsorship capabilities for persons seeking or offering voluntary termination of pregnancy services¹⁹⁷¹.

910. In August, following the first meeting of the Interagency Task Force on Access to Reproductive Health Services, the Task Force issued a second executive order to support individuals who must travel between states to access abortion; to implement actions to ensure nondiscrimination in access to sexual and reproductive health services; and to promote research and data collection on maternal health¹⁹⁷². In addition, the Department of Justice sued the State of Idaho to prevent the entry into force of a law that would prohibit emergency room physicians from performing abortions when necessary to protect the life of a pregnant woman in a medical emergency¹⁹⁷³. Finally, REDESCA is following the legal proceedings initiated in Indiana¹⁹⁷⁴ and Kentucky¹⁹⁷⁵, challenging the validity of state laws prohibiting abortion.
911. In this context, REDESCA urges the State to ratify the American Convention on Human Rights and its Protocol on Economic, Social and Cultural Rights (Protocol of San Salvador), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) and the Convention on the Elimination of All Forms of Discrimination against Women, in order to increase the commitment to protect and guarantee the rights of women, girls and adolescents in the context of the suppression of these rights.
912. In the context of the right to health of LGBTI children, REDESCA is concerned about the situation of trans children in the state of Texas, as some hospitals have stopped prescribing gender affirming hormone therapy, after the governor and the attorney general referred to it as a form of 'child abuse'¹⁹⁷⁶. Therefore, the governor ordered the Texas Department of Family and Protective Services to initiate investigations into all recorded cases of these procedures¹⁹⁷⁷. The Special Rapporteurship obtained information regarding the initiation of a legal action before a State District Court to vacate this order and the investigations initiated pursuant to this order.¹⁹⁷⁸
913. On the above, the Office of the Special Rapporteur recalls that the pathologization of diverse gender identities and expressions have a negative impact not only on the health of trans and gender-diverse people, but on all their human rights and is one of the main grounds for discrimination and violence against these people¹⁹⁷⁹. On the contrary, since 2018, the WHO changed the pathologizing paradigm of trans identities, removing them from the chapter on mental disorders of the International Classification of Diseases (ICD-11); and, instead, recognized the need to include certain situations related to sexual health

¹⁹⁷¹ The White House, [FACT SHEET: President Biden to Sign Executive Order Protecting Access to Reproductive Health Care Services](#), July 8, 2022.

¹⁹⁷² The White House, [FACT SHEET: President Biden Issues Executive Order at the First Meeting of the Task Force on Reproductive Healthcare Access](#), August 3, 2022.

¹⁹⁷³ The New York Times, [Justice Dept. Sues Idaho Over Its Abortion Restrictions](#), August 2, 2022.

¹⁹⁷⁴ ACLU Indiana, [Court temporarily blocks Indiana abortion ban](#), September 22, 2022.

¹⁹⁷⁵ The New York Times, ['Chaos and Confusion' in States Where Abortion Is On Again, Off Again](#), August 11, 2022.

¹⁹⁷⁶ The Washington Post, [In Texas, the nation's largest children's hospital is halting gender-affirming care for trans youths](#), March 9, 2022.

¹⁹⁷⁷ The Washington Post, [ACLU files lawsuit over Texas governor's order to treat gender-affirming care for kids as child abuse](#), March 1, 2022.

¹⁹⁷⁸ The Washington Post, [ACLU files lawsuit over Texas governor's order to treat gender-affirming care for kids as child abuse](#), March 1, 2022.

¹⁹⁷⁹ IACHR - REDESCA, [Report on Trans and Gender Diverse Persons and their Economic, Social, Cultural and Environmental Rights](#), OEA/Ser.L/V/II, Doc. 239, August 7, 2020, para. 326.

that may have health implications¹⁹⁸⁰. Likewise, REDESCA reiterates that the internal and individual experience of gender, as well as the expression of this, are characteristics of people that can be present from childhood and/or adolescence; consequently, States must facilitate the rapid, transparent, and accessible recognition of gender identity without abusive conditions for trans and gender-diverse children and adolescents¹⁹⁸¹.

914. Regarding access to the right to health, REDESCA highlights that, in 2022, the percentage of people without health insurance reached a historic low of 8%¹⁹⁸²; thanks to the implementation of policies aimed at ensuring coverage in the context of the pandemic and expanding the eligibility criteria for the Medicaid program¹⁹⁸³. According to the National Census Bureau, in 2021, the number of children and adolescents under 19 years of age without health coverage reached 5.0%, reflecting a decrease of 0.6 percentage points from the previous year; while, for people between 19 and 64 years of age, the figure decreased from 11.9% to 11.6%¹⁹⁸⁴. However, the Office of the Special Rapporteur warns that, according to reports, 43% of working age adults are inadequately insured; either because they lack health insurance, have had decreases in their health coverage, or have insufficient coverage to cover their health care expenses¹⁹⁸⁵.
915. Linked to the above, the Rapporteurship takes note of the difficulties faced by people with diabetes in accessing insulin treatments, due to the high cost of the medication and the limitations of medical coverage. According to reports, without adequate health insurance, the cost of the most common insulin treatment can exceed US\$1,000 per month¹⁹⁸⁶. This situation would be particularly serious for people whose income exceeds the requirements to benefit from Medicaid or qualify for private assistance programs; but remains insufficient to afford private insurance¹⁹⁸⁷. The high costs of insulin may force people to ration their medication, or prioritize it over other needs, all of which creates significant risks to their health and lives, and disproportionately affects the most socially and economically vulnerable groups¹⁹⁸⁸.
916. In this context, the Office of the Special Rapporteur notes that, in the framework of the extension of the Affordable Care Act under the Inflation Reduction Act, up to US\$64 billion¹⁹⁸⁹ is planned for measures related to guaranteeing the right to health, such as expanding health insurance coverage to 3 million people; maintaining health insurance premiums of US\$800, on average, for 13 million people; establishing a limit of US\$35 per month for the cost of insulin for 3.3 million Medicare beneficiaries with diabetes; and establishing up to \$2,000 per year drug coverage for 50 million Medicare Part D beneficiaries¹⁹⁹⁰.
917. The Office of the Special Rapporteur recognizes the importance of these measures to improve health coverage for all people, and stresses that the persistent gaps and high costs in the coverage and quality of health services reinforce the urgency of effective compliance by States in this area, especially in terms of guaranteeing the elements of availability, accessibility, cultural acceptability, and quality of the right to health¹⁹⁹¹.

¹⁹⁸⁰ Ibidem, para. 327.

¹⁹⁸¹ Ibidem, para. 99.

¹⁹⁸² The White House, BY THE NUMBERS: The Inflation Reduction Act, August 15, 2022.

¹⁹⁸³ The Commonwealth Fund, The State of US Health Insurance in 2022, September 29, 2022.

¹⁹⁸⁴ United States Census Bureau, Health Insurance Coverage in the United States: 2021, September 2022.

¹⁹⁸⁵ The Commonwealth Fund, The State of U.S. Health Insurance in 2022, September 13, 2022.

¹⁹⁸⁶ Ibid.

¹⁹⁸⁷ Ibid.

¹⁹⁸⁸ Ibid.

¹⁹⁸⁹ Senate Democrats, Inflation Reduction Act One Page Summary, 2022.

¹⁹⁹⁰ The White House, BY THE NUMBERS: The Inflation Reduction Act, August 15, 2022.

¹⁹⁹¹ IACHR - REDESCA, Press Release No. 124/2020, IACHR and its REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas in the face of the COVID-19 pandemic, June 2, 2020.

918. Finally, REDESCA regrets the failure to pass the Honoring Our PACT Act, which sought to extend health benefits for military retirees who were exposed to toxic chemicals during their service¹⁹⁹². The bill also included the Camp Lejeune Justice Act, which would have laid the groundwork for the initiation of tort claims against the government for toxic exposure at Camp Lejeune¹⁹⁹³.

B. Climate Emergency and Human Right to Water

919. Regarding the impacts of the climate emergency on human rights, the Office of the Special Rapporteur notes with concern that, during 2022, there was an escalation in extreme weather events, recorded in different parts of the country, whose effects caused serious impacts on the enjoyment of ESCER in various contexts.

920. During the winter season at the beginning of the year, snowstorms severely affected utility systems, transportation, homes and businesses in the Midwest, South and East. For example, in late January, some 70 million people were under a weather alert on the East Coast for a storm that was described as 'historic' and prompted emergency declarations in the states of New York and New Jersey¹⁹⁹⁴. In February, intensifying and moving storms caused this number to rise to 110 million people whose power, water and utility supplies, businesses, and transportation systems were compromised by high amounts of rain, snow, wind and ice¹⁹⁹⁵.

921. At the other extreme, between the months of May¹⁹⁹⁶ and September¹⁹⁹⁷, the summer season gave way to severe heat waves, with record-breaking temperatures being the highest on record in some states. By July, the National Weather Service warned that about 100 million people would be affected by above-normal temperatures, and 28 states issued heat warnings¹⁹⁹⁸. Temperatures as high as 46°C (115°F), were recorded in Tulsa, Oklahoma and Phoenix, Arizona;¹⁹⁹⁹ 43°C (110°F) in Abilene, Texas; and 42°C (119°F) in Dallas, Texas²⁰⁰⁰.

922. The National Aeronautics and Space Administration (NASA), noted that, in early September, a long-lasting heat dome occurred in the western part of the country, bringing temperatures that reached record highs²⁰⁰¹. More than 61 million people received extreme heat warnings; with up to 46.7°C (116°F) in Merced and Sacramento, California, reaching the highest temperature on record.²⁰⁰²

923. In this regard, REDESCA is gravely concerned that, as of the end of September, there were 117 deaths associated with extreme heat²⁰⁰³; a figure that would have exceeded the averages recorded annually over the last 10 and 30 years²⁰⁰⁴. According to the National Weather Service, high temperatures produce more deaths than other weather events such as hurricanes, tornadoes, floods and extreme cold;²⁰⁰⁵ which

¹⁹⁹² WECT, [PACT Act and Camp Lejeune Justice Act blocked by Senate](#), July 27, 2022.

¹⁹⁹³ Ibid.

¹⁹⁹⁴ Aljazeera, [Winter storm slams into eastern United States brings heavy snow](#), January 29, 2022.

¹⁹⁹⁵ NBC News, [More than 100 million people under weather alerts as massive storm moves east](#), February 24, 2022.

¹⁹⁹⁶ The Guardian, [US heatwave brings historically high temperatures to dozens of states](#), May 21, 2022.

¹⁹⁹⁷ NASA Earth Observatory, [A Long-lasting Western Heatwave](#), September 6, 2022.

¹⁹⁹⁸ The Guardian, [Extreme heat warnings in effect in 28 states across US](#), July 21, 2022.

¹⁹⁹⁹ Ibid.

²⁰⁰⁰ Ibid.

²⁰⁰¹ NASA Earth Observatory, [A Long-lasting Western Heatwave](#), September 6, 2022.

²⁰⁰² Ibid.

²⁰⁰³ National Centers for Environmental Information - National Oceanic and Atmospheric Administration, [Billion-Dollar Weather and Climate Disasters](#), updated November 5, 2022.

²⁰⁰⁴ World War Zero, [US Heat Deaths in 2022 Already Higher than 30-Year Average](#), August 4, 2022.

²⁰⁰⁵ National Weather Service, [Weather Related Fatality and Injury Statistics](#), 2021.

disproportionately affects Native American and black people, due to inequalities linked to the climate crisis.²⁰⁰⁶

924. In turn, high temperatures, added to other factors such as precipitation levels and the characteristics of the vegetation, generated favorable conditions for the occurrence of fires that devastated the west of the country. According to the National Interinstitutional Fire Center, between January 1 and October 28, there were 59,211 fires, which burned 29,194,220 hectares. These figures far exceed those recorded in the same period last year (48,833 fires; 6,523,921 hectares), as well as the average of the last ten years (48,193 fires and 6,736,603)²⁰⁰⁷. In California, fires in Yosemite National Park seriously threatened at least 500 giant sequoia trees, the oldest trees on the planet²⁰⁰⁸.
925. REDESCA notes with alarm that an estimated 1 in 6 people in the United States live in an area with significant fire risk, especially in the west and south of the country²⁰⁰⁹. Again, this situation would disproportionately affect Native Americans and Hispanics, with 44% of Native Americans and nearly 25% of Hispanics projected to live in high fire-prone areas by 2052, compared to 1 in 5 whites²⁰¹⁰.
926. This is closely related to the 'desertification' phenomenon that, according to the United Nations Environment Program (UNEP), is occurring in the western United States²⁰¹¹. For, the climatic conditions and the low precipitation levels that have been recorded in the area for the last twenty years, would reflect that aridity is already characteristic of the Colorado River basin²⁰¹². Such circumstances have caused Lake Mead and Lake Powell, two of the largest water reservoirs in the country, to have the lowest water levels in their history, compromising the supply of water and electricity for millions of people in six western states and Mexico²⁰¹³.
927. REDESCA also observed the intensification of other weather events, such as tornadoes and hurricanes, during the year. In Florida, Georgia and South and North Carolina, at the end of September, Hurricane Ian -equivalent to the fifth strongest hurricane to make landfall in the US-²⁰¹⁴, caused the evacuation of 2.5 million people; generated 3.4 power outages; and at least 130 deaths were recorded²⁰¹⁵. In March, 2.8 million people in Louisiana and Mississippi were also reported to be on alert for severe weather conditions, including tornadoes, heavy rainfall with hail and winds of up to 70 mph²⁰¹⁶. In Virginia, flooding in July left 40 people missing and 28 people dead;²⁰¹⁷ in addition to displacement and power outages for thousands.²⁰¹⁸

²⁰⁰⁶ NBC News, [Heat kills more in the U.S. each year than any other extreme weather event](#), August 2, 2022; Centers for Disease Control and Prevention, [Morbidity and Mortality Weekly Report \(MMWR\)](#), June 19, 2022.

²⁰⁰⁷ National interagency Fire Center, [National Fire News | National Preparedness Level 1 as of October 28 at 7:00 a.m. MDT](#), October 28, 2022.

²⁰⁰⁸ BBC, [Yosemite's giant sequoias: Wildfire threatens world's largest trees](#), July 11, 2022.

²⁰⁰⁹ The Washington Post, [1 in 6 Americans live in areas with significant wildfire risk](#), May 17, 2022.

²⁰¹⁰ Ibid.

²⁰¹¹ UN News, [American west faces water and power shortages due to climate crisis: UN environment agency](#), August 2, 2022.

²⁰¹² Ibid.

²⁰¹³ Ibid.

²⁰¹⁴ National Environmental Satellite Data and Information Service, [Hurricane Ian's Path of Destruction](#), October 4, 2022.

²⁰¹⁵ National Environmental Satellite Data and Information Service, [Hurricane Ian's Path of Destruction](#), October 4, 2022.

²⁰¹⁶ The New York Times, [Tornado Cuts Destructive Path Through New Orleans as Storms Threaten South](#), March 22, 2022; NWS New Orleans, [Video of a large tornado that was moving through New Orleans](#), March 22, 2022.

²⁰¹⁷ BBC, [Virginia floods: Dozens of people may be missing, says sheriff](#), July 14, 2022.

²⁰¹⁸ CNN Espanol, [Kentucky floods: dozens found dead, toll expected to rise](#), August 1, 2022.

928. The situations described above demonstrate the serious threat that the climate emergency poses to the enjoyment of a wide range of human rights, including life, food, housing, health, water and the right to a healthy environment, by triggering devastating consequences for people -especially those in situations of special vulnerability-, such as food crisis, forced displacement and the increase in diseases and other health problems²⁰¹⁹.
929. Therefore, REDESCA emphasizes that, in line with IACHR Resolution 3/2021, States must adopt and implement policies aimed at reducing greenhouse gas emissions that reflect the greatest possible ambition; promote resilience to climate change and ensure that public and private investments are consistent with a low-carbon and climate change-resilient development²⁰²⁰. Likewise, it is essential to incorporate a human rights approach in the construction and implementation of such policies; in transparent processes that guarantee the participation of social sectors, in order to avoid negative consequences on the rights of people²⁰²¹. The latter, in accordance with the reinforced obligation to guarantee and protect the rights of persons or groups particularly vulnerable to the damages or adverse impacts of climate change²⁰²².
930. In particular, the Office of the Special Rapporteur is concerned about information received regarding the forced displacement of indigenous peoples in the U.S. in the context of climate change²⁰²³. Representatives of the communities of Jean Charles Choctaw, Pointe-au-Chien, Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw, Atakapa-Ishak Chawasha and Kivalina explained the impacts that coastal erosion, rising sea levels and tropical storms, aggravated by climate change, have drastically reduced their territories, sinking them almost entirely, in some cases²⁰²⁴. In addition, it was stated that this situation, which implies risks to the integrity and life of the members of the communities, and threatens their very existence, is not being adequately addressed by the authorities, in terms of the resources allocated and the time taken for the relocation processes.²⁰²⁵
931. In relation to the above, the IACHR and REDESCA have warned that the adverse effects of climate change disproportionately affect indigenous peoples by impacting both the life cycles of ecosystems and the factors that allow them to enjoy a dignified life²⁰²⁶. Furthermore, the forced displacement of communities and the loss of ancestral lands due to climate change pose a serious risk to the very survival of indigenous peoples, considering the unique relationship that exists between indigenous peoples and their territories²⁰²⁷. Consequently, the Rapporteurship calls on the State to consider and address the implications of the climate emergency on the physical and cultural survival of indigenous peoples; their ability to live in harmony with nature; the full enjoyment of their rights over their lands, territories, and natural resources; and their right to live in a healthy, safe, and sustainable environment.²⁰²⁸
932. On the other hand, the Special Rapporteur regrets the decision of the U.S. Supreme Court in the West Virginia v. EPA case, which limited the authority of the Environmental Protection Agency (EPA) to impose

²⁰¹⁹ IACHR - REDESCA, Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

²⁰²⁰ IACHR - REDESCA, Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 1.

²⁰²¹ Ibidem, para. 3.

²⁰²² Ibidem, para. 16.

²⁰²³ IACHR, 185th Regular Session, Hearing No. 17 SR: The Situation of Indigenous Peoples and Forced Displacement in the Context of Climate Change in the United States, October 28, 2022.

²⁰²⁴ Ibid.

²⁰²⁵ Ibid.

²⁰²⁶ IACHR - REDESCA, Press Release No. 207/2017, On the World Day of Indigenous Peoples, IACHR and REDESCA urge States to redouble their efforts to protect indigenous peoples' territories as an essential measure to protect nature and biodiversity, as well as to guarantee their rights during the COVID-19 pandemic, August 9, 2021.

²⁰²⁷ Ibid.

²⁰²⁸ Ibid.

limits on the emission of greenhouse gases from coal and gas plants²⁰²⁹. Experts and civil society organizations questioned that the decision would make it difficult to achieve the emission reduction goals set by the federal government for 2030, which, in turn, would have significant implications for global climate action²⁰³⁰. REDESCA warns that, in the already fragile state of global environmental conditions, these unfavorable decisions are likely to result in accelerated environmental deterioration and have even more severe impacts on human rights²⁰³¹.

933. In turn, REDESCA welcomes the passage of the Inflation Reduction Act (IRA), which has been hailed as the most ambitious climate change legislation ever passed in the United States²⁰³². The IRA aims to reduce greenhouse gas emissions by one gigatonne - one trillion metric tons - as well as reduce air pollution from burning fossil fuels - measured in particulate matter composition - by 2030²⁰³³.
934. In this regard, the IRA sets out a strategy to underpin the energy transition by adopting measures to encourage the use of clean energy in homes and industry and reduce dependence on fossil fuels by investing \$60 billion in the manufacture of renewable energy technology²⁰³⁴. In addition, it incorporates a differentiated approach for sectors of the population that suffer disproportionate impacts from pollution and climate emergencies-especially communities of color and low-income communities-by allocating funds for monitoring and implementing community-based air pollution projects²⁰³⁵.
935. For conservation, the IRA allocates \$2.6 billion to fund projects to protect and restore coastal ecosystems and communities; \$250 million to implement recovery plans for endangered species and their habitats; and, \$1 billion to fund federal agencies' activities in conducting environmental reviews for projects that use federal resources or lands²⁰³⁶.
936. While commending the United States for its leadership in combating the climate emergency and highlighting the positive impact the IRA can have on global climate action²⁰³⁷, REDESCA notes that the bill also provides tax credits for carbon capture and sequestration (CCS) practices, which could hinder the energy transition at coal plants²⁰³⁸. In addition, it would condition investment in clean energy on the development of oil and gas projects in Alaska and the Gulf of Mexico, which would have adverse effects on communities and ecosystems in these areas and prolong dependence on fossil fuels²⁰³⁹.
937. In light of the above, REDESCA recognizes that these measures are in line with the obligation to mobilize the maximum available resources in order to move towards a gradual but decisive decarbonization of

²⁰²⁹ US Supreme Court, West Virginia v. EPA ruling, June 30, 2022.

²⁰³⁰ Human Rights Watch, US Supreme Court Deals Blow to Climate Action, July 1, 2022; Scientific American, Hope Dims that the U.S. Can Meet 2030 Climate Goals, July 8, 2022.

²⁰³¹ IACHR - REDESCA, Press Release No. 198/2020, The Americas: Governments must strengthen, not weaken environmental protection during COVID-19 pandemic, August 13, 2020.

²⁰³² Princeton University, Princeton energy and climate experts weigh the impact of the Inflation Reduction Act, August 25, 2022.

²⁰³³ *Ibid.*

²⁰³⁴ World Economic Forum, Why the US Inflation Reduction Act is an important step in the transition to clean energy, August 22, 2022; Earth Justice, What the Inflation Reduction Act Means for Climate, August 16, 2022.

²⁰³⁵ United States Environmental Protection Agency, The Inflation Reduction Act: A Big Deal for People and the Planet, August 26, 2022.

²⁰³⁶ Earth Justice, What the Inflation Reduction Act Means for Climate, August 16, 2022.

²⁰³⁷ World Economic Forum, Why the US Inflation Reduction Act is an important step in the transition to clean energy, August 22, 2022.

²⁰³⁸ Earth Justice, What the Inflation Reduction Act Means for Climate, August 16, 2022.

²⁰³⁹ Center for International Environmental Law, US Senate Locks in a Generation of Fossil Fuel Infrastructure, August 7, 2022; Healthy Gulf, Inflation Reduction Act Throws Gulf Communities Under the Bus, July 28, 2022.

economies²⁰⁴⁰. Likewise, they are in line with the recommendations of Resolution 3/2021, in relation to focusing efforts on strategies that promote forms of mobility and energy free of polluting emissions, the reduction of the use of fossil fuels and the creation of urban plans for adaptation and mitigation of climate change²⁰⁴¹. For its part, the Office of the Special Rapporteur invites the State to ensure that these actions are framed in a just transition plan, recognizing communities that maintain healthy ecosystems and ensuring that people in vulnerable situations are not excluded²⁰⁴².

C. Business and Human Rights

938. With respect to the impact that business activities may have on the enjoyment of ESCER, the Special Rapporteur expresses concern about the high levels of air pollution recorded in an 80-mile stretch of the Mississippi River in Louisiana, known as "Cancer Alley", linked to the presence of chemical processing plants, gas refineries and other industrial facilities in the area²⁰⁴³. For, due to the accumulation of industrial pollution from various sources, residents have an elevated lifetime risk of cancer, which, in some locations, is as high as 47 times that accepted by the EPA²⁰⁴⁴. Furthermore, this situation disproportionately affects black people, even constituting environmental racism²⁰⁴⁵.
939. For example, concentrations of chloroprene - a DNA-mutating carcinogen - in air samples collected at a school located within yards of Denka Performance Elastomer's chemical processing plant, located within 1,500 feet of a school and about dozens are, on average, 11 times higher than allowed by the EPA, although they have exceeded the limit by as much as 83 times²⁰⁴⁶. REDESCA keeps a close watch on air pollution monitoring activities to be implemented by the EPA, with the support of community members.²⁰⁴⁷
940. In relation to the above, REDESCA recalls what was indicated in its report on Business and Human Rights, regarding the fact that, in the context of business activities, the notion of due diligence is not limited to the actions required of the State to guarantee human rights; since, by virtue of their responsibility to respect human rights, companies must carry out continuous management processes to identify, prevent, mitigate and account for the harm they cause, in light of their circumstances²⁰⁴⁸. On the other hand, it is the State's responsibility to supervise and oversee these activities and, in the case of human rights violations, to investigate, punish and ensure access to full reparations for the victims. In this regard, it should be noted that, in the case of hazardous activities, the duty of supervision requires the activation of effective actions to prevent the realization of risks to human rights in the framework of business activities²⁰⁴⁹.
941. In addition, in consideration of the role that companies play in the climate emergency, REDESCA welcomes the proposal by the Securities and Exchange Commission (SEC) to amend its regulations to include climate-related information as a requirement for registrants' audited financial statements and disclosures to

²⁰⁴⁰ IACHR - REDESCA, Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 4.

²⁰⁴¹ Ibidem, para. 56.

²⁰⁴² Ibid., para. 51.

²⁰⁴³ The Washington Post, EPA announces 'bold' action to monitor pollution in 'Cancer Alley', January 26, 2022.

²⁰⁴⁴ UNDARK, EPA Cites Environmental Racism in Louisiana's Cancer Alley, October 25, 2022.

²⁰⁴⁵ AP News, EPA: Racial disparity in Louisiana's 'Cancer Alley', October 13, 2022.

²⁰⁴⁶ UNDARK, EPA Cites Environmental Racism in Louisiana's Cancer Alley, October 25, 2022.

²⁰⁴⁷ The Washington Post, EPA announces 'bold' action to monitor pollution in 'Cancer Alley', January 26, 2022.

²⁰⁴⁸ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, November 1, 2019, para.

²⁰⁴⁹ Ibidem, para. 102.

investors.²⁰⁵⁰ This would improve investment conditions by providing an overview of weather-related risks that could affect business operations.²⁰⁵¹

942. In addition, the Rapporteurship takes note of the Supreme Court ruling, which upheld a verdict against Bayer Pharmaceuticals, manufacturer of the herbicide "RoundUp", for failing to inform about the risks of the product, whose main active ingredient, glyphosate, has been classified as "probably carcinogenic to humans"²⁰⁵². The company announced that it will allocate US\$10 billion to pay compensation in this case and settle other existing or potential litigation regarding RoundUp²⁰⁵³. REDESCA recognizes that alternative mechanisms to judicial mechanisms can facilitate corporate accountability and due redress for victims; however, it emphasizes the need for States to ensure that such mechanisms meet the characteristics of accessibility, predictability, transparency and fairness, to guarantee the purpose of their operation and to generate confidence in the affected people.²⁰⁵⁴
943. Finally, REDESCA took careful note of the information presented at a Thematic Hearing held at the 185th Regular Session of the IACHR, regarding the obligations to respect and guarantee human rights in the activities of companies engaged in the production and trade of arms in the Americas²⁰⁵⁵. In it, figures were presented regarding the increase in the number of violent deaths registered in Mexico, most of which are perpetrated with weapons manufactured and sold legally in the United States but trafficked illegally out of the country²⁰⁵⁶. In relation to the companies, it was indicated that manufacturers and dealers have tools that could prevent the illegal distribution of arms, such as traceability mechanisms; but they do not implement them, although they know that this is a foreseeable result of their activity²⁰⁵⁷.
944. In addition, the Mexican State reported the rejection of a civil lawsuit for damages that sought to hold gun manufacturers liable for the effects of their marketing and distribution practices, by a federal judge, under the Immunities Law. The judge dismissed the lawsuit without ruling on the merits, finding that the defendant companies had immunity from civil lawsuits for damages.
945. In this regard, in line with its report on Business and Human Rights, the Office of the Special Rapporteur recalls that, through their conduct, States can influence or produce foreseeable effects on the enjoyment of human rights outside their territory²⁰⁵⁸. Thus, the jurisdiction of home States over companies under their jurisdiction has extraterritorial effects on the protection of human rights; in terms of the possibility of influencing their obligations of regulation, prevention, control, and accountability²⁰⁵⁹. In addition, REDESCA calls on the State to ensure that its courts have jurisdiction over claims of human rights abuses against companies domiciled in its jurisdiction; and recalls that the absence of investigation, sanction, and access to effective reparation for rights violations attributable to companies implies that these acts are aided by the public power by leaving them unpunished²⁰⁶⁰.

²⁰⁵⁰ U.S. Securities and Exchange Commission, SEC Proposes Rules to Enhance and Standardize Climate-Related Disclosures for Investors, March 21, 2022.

²⁰⁵¹ Ibid.

²⁰⁵² The Washington Post, Supreme Court rejects appeal from Roundup maker over cancer claims, 21 July 2022.

²⁰⁵³ The Washington Post, Bayer, maker of Roundup weedkiller, agrees to pay \$10 billion in cancer settlements, June 24, 2022.

²⁰⁵⁴ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, para. 144.

²⁰⁵⁵ IACHR, 185th Regular Session, Hearing No. 8 RE: Respect for and Guarantee of Human Rights in the Face of the Activities of Arms Production and Trade Companies in the Americas, October 25, 2022.

²⁰⁵⁶ Ibid.

²⁰⁵⁷ Ibid.

²⁰⁵⁸ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, para. 144.

²⁰⁵⁹ Ibidem, para. 152.

²⁰⁶⁰ Ibidem, paras. 130 and 159.

946. In addition, the Special Rapporteur takes note of the introduction of the "SLAPP Protection Act" by Congressman Jamie Raskin, which seeks to protect the rights of individuals in the context of public participation by introducing safeguards against Strategic Lawsuits Against Public Participation (SLAPPs)²⁰⁶¹. This is particularly important in the context of the climate emergency, as there are reports that more than 150 environmental activists and community leaders have been the target of SLAPPs initiated by fossil fuel industry companies²⁰⁶². In this regard, REDESCA has warned that the criminalization and public stigmatization of human rights defenders pose serious threats and impacts, which are often less visible because they appear to be a legitimate use of legal tools, although, in reality, they are aimed at manipulating public opinion or the justice system for private benefits²⁰⁶³.
947. Additionally, REDESCA welcomes the initiative of a group of senators who requested the mobilization of resources, through federal cooperation agencies and international funding, to support and protect the work of environmental defenders worldwide;²⁰⁶⁴ as well as the completion of the sentence of environmental defender Steven Dozinger who served a 3-year sentence, after a process that was litigated by a private firm and not by the federal prosecution²⁰⁶⁵.
948. Finally, the Office of the Special Rapporteur welcomes the process of updating the National Action Plan on Responsible Business Conduct, with the participation and contributions of key actors in the field²⁰⁶⁶. In this regard, the Office of the Special Rapporteur calls on the State to expressly incorporate the standards of the report on Business and Human Rights: Inter-American Standards, making itself available to provide the required technical assistance.

D. Labor and Union Rights

949. In relation to labor and union rights, the Office of the Special Rapporteur notes that, during 2022, the trend towards the resurgence of union movements in the various industries and companies in the U.S. continued. In this regard, the National Labor Relations Board (NLRB) noted that, in the first nine months of fiscal year 2022, it received 58% more petitions for the formation of unions, whose number (1,892) exceeded the total number of petitions filed in the same period of the previous year (1,197).²⁰⁶⁷ Likewise, a report by the pollster Gallup found that, in 2021, 68% of the population supported associations of working people, the highest figure recorded since 1965.²⁰⁶⁸
950. In this context, REDESCA highlights the formation of the first Congressional Workers Union, with workers from eight offices of the legislative house;²⁰⁶⁹ whose process was initiated after a survey by the

²⁰⁶¹ Earth Rights International, [An In-Depth Look at Congressman Raskin's Federal Anti-SLAPP Legislation](#), September 19, 2022.

²⁰⁶² Common Dreams, [As Climate Crisis Intensifies, Fossil Fuel Companies Seek to Silence their Critics](#), September 12, 2022.

²⁰⁶³ IACHR - REDESCA, [Report on Business and Human Rights: Inter-American Standards](#), para. 325.

²⁰⁶⁴ Ed Markey, [Senators Markey, Warren, Sanders, Merkley and Padilla Urge Biden Administration to Support Environmental Defenders Facing Violence, Persecution](#), August 2, 2022.

²⁰⁶⁵ Gizmodo, [Environmental Lawyer Targeted by Chevron Freed After More Than Two Years Under House Arrest](#), April 25, 2022.

²⁰⁶⁶ US Department of State, [National Action Plan on Responsible Business Conduct](#), June 22, 2021.

²⁰⁶⁷ National Labor Relations Board, [Correction: First Three Quarters' Union Election Petitions Up 58%, Exceeding All FY21 Petitions Filed](#), July 15, 2022.

²⁰⁶⁸ Gallup, [Approval of Labor Unions at Highest Point Since 1965](#), September 2, 2021.

²⁰⁶⁹ Congressional Workers Union, [Staff of Eight House Offices Celebrate Becoming First to Unionize](#), July 18, 2022.

Congressional Progressive Staff Association (CPSA) found that 91% of the institution's servers seek greater voice and protection in their work environment²⁰⁷⁰.

951. For their part, workers in the private sector have continued their unionization efforts, despite opposition, especially from large companies²⁰⁷¹. For example, in March, the first workers' association of the Amazon chain was formed in a warehouse located in Staten Island, New York; 47% of the company's independent investors voted in favor of freedom of association and collective bargaining²⁰⁷². This would be of particular importance, considering that the company has been pointed out by the Department of Labor and Industries for having unsafe labor practices, which would increase the risk of injuries in some trades²⁰⁷³.
952. In turn, workers at a Trader Joe's store located in Hadley, Massachusetts, unionized in July²⁰⁷⁴. This is in addition to the wave of unionization initiated by workers at chains such as Starbucks -in which 200 unionization processes have been initiated- and Apple²⁰⁷⁵.
953. However, the Special Rapporteur is concerned that companies have reportedly begun to direct retaliatory and dissuasive actions against workers who seek to organize. In February, it was reported that seven people were fired from a Starbucks location in Memphis, whose workers had filed a petition for the election of union representatives in recent months, although the company claimed that their dismissal was due to alleged violations of its safety policies²⁰⁷⁶. At the same time, a barista in Queens, New York, filed an unfair labor practice action against the company after being fired in the context of a unionization process²⁰⁷⁷. In addition, it was reported that two workers at Amazon's Staten Island warehouse, who were involved in the unionization process, were also fired²⁰⁷⁸.
954. In this context, REDESCA recognizes the work done by the NLRB in favor of the protection of union rights; having had information on the requests filed by the entity before district courts, to achieve the reinstatement of workers from Amazon²⁰⁷⁹ and Starbucks, who were separated from their jobs for having participated in unionization efforts. This is part of an initiative launched by the NLRB's General Counsel that would seek to promote prosecutions under Section 10(j) of the National Labor Relations Act in cases of threats or coercion related to union organizing campaigns²⁰⁸⁰.
955. On this issue, the Office of the Special Rapporteur recalls that freedom of association is of the utmost importance for collective interests to be adequately defended and vindicated, by allowing workers to have means of action to balance the employment relationship and to demand better working conditions from

²⁰⁷⁰ Congressional Workers Union, [Congressional Workers Union Announces Organizing Launch](#), February 4, 2022.

²⁰⁷¹ The Guardian, [US sees union boom despite big companies' aggressive opposition](#), July 27, 2022.

²⁰⁷² The New York Times, [Amazon Workers on Staten Island Vote to Unionize in Landmark Win for Labor](#), April 1, 2022.

²⁰⁷³ Washington State Department of Labor & Industries, [Amazon cited for unsafe work practices at Kent fulfillment center](#), March 21, 2022.

²⁰⁷⁴ CBS News, [Trader Joe's workers vote yes to first unionized store](#), July 28, 2022.

²⁰⁷⁵ Ibid.

²⁰⁷⁶ The Washington Post, [Starbucks fires 7 employees involved in union effort after TV interview at Memphis store](#), February 9, 2022.

²⁰⁷⁷ The Guardian, [US sees union boom despite big companies' aggressive opposition](#), July 27, 2022.

²⁰⁷⁸ New York Times, [Amazon Abruptly Fires Senior Managers Tied to Unionized Warehouse](#), May 6, 2022.

²⁰⁷⁹ United States District Court for the Eastern District of New York, [Kathy Drew King \(NLRB\) v. Amazon.Com](#), Case No. 01479, Filed March 17, 2022.

²⁰⁸⁰ National Labor Relations Board, [NLRB General Counsel Launches New 10\(j\) Injunction Initiative When Employers Threaten or Coerce Employees During Organizing Campaigns](#), February 1, 2022.

their employers.²⁰⁸¹ For the same reason, the guarantee that persons who associate for union purposes are protected against retaliation - such as dismissals, demotions, transfers, and other detrimental measures - is basic to the exercise of this right²⁰⁸². For, in addition to affecting the individual dimension of the right to freedom of association of the workers who are the object of such actions, retaliatory actions can have a chilling and intimidating effect on other persons²⁰⁸³.

956. In relation to the above, the Office of the Special Rapporteur notes that the number of unfair labor practice actions filed before the NLRB has increased by 16% between 2021 and 2022, rising from 11,082 to 12,819²⁰⁸⁴. However, it expresses its concern that the NLRB would not have sufficient resources to adequately fulfill its mission, since it has not had an increase in its budget since 2014, despite the increase in costs due to the inflationary situation²⁰⁸⁵. REDESCA recalls that, as part of its general obligation to guarantee the right to work, it is incumbent upon the State to provide suitable and effective resources for its protection²⁰⁸⁶.
957. On another issue, REDESCA notes that the states of Arizona, Idaho, Indiana, Nebraska, and South Carolina filed a lawsuit seeking to vacate an executive order from the President raising the minimum wage for federal contractors to US\$15 an hour²⁰⁸⁷. It challenged the alleged attempt to prevent Congress from rejecting the wage increase; the effects of which, according to the lawsuit, would be detrimental to some 500,000 businesses, which employ nearly one-fifth of the U.S. workforce²⁰⁸⁸.
958. On the other hand, it was noted that in September, workers in the railroad industry began to stop shipments in an effort to pressure Congress to adopt more favorable labor regulations²⁰⁸⁹. The workers denounced that, despite the fact that the industry's profits have increased significantly for several consecutive years, they have not received proportional increases in their wages or compensation; and, in addition, they would be exposed to an increasing risk of losing their jobs, due to the growing trend towards the automation of operations and the imposition of overly demanding standards and schedules²⁰⁹⁰.
959. REDESCA recalls that, within the framework of the inter-American system, labor rights comprise the right to work, the right to just, equitable and satisfactory conditions of work and trade union rights; and, in their essence, they seek to guarantee basic social and economic conditions so that working people have the means to enjoy a life of dignity and freedom²⁰⁹¹. To that extent, the notion of decent work implies respect for the rights of the human person, as well as the rights of workers in terms of job security and remuneration.²⁰⁹²

²⁰⁸¹ IACHR - REDESCA, Compendium on Labor and Trade Union Rights. Inter-American Standards, October 30, 2020, para. 49.

²⁰⁸² IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124, Doc.5, rev. 1, March 7, 2006, para. 73.

²⁰⁸³ IACHR, Report No. 117/10. Case 12.343. Merits. Edgar Fernando García. Guatemala. October 22, 2010, para. 163.

²⁰⁸⁴ National Labor Relations Board, Correction: First Three Quarters' Union Election Petitions Up 58%, Exceeding All FY21 Petitions Filed, July 15, 2022.

²⁰⁸⁵ National Labour Relations Board Union, The National Labor Relations Board, is in a crisis, October 24, 2022.

²⁰⁸⁶ IACHR - REDESCA, Compendium on Labor and Trade Union Rights. Inter-American Standards, para. 24.

²⁰⁸⁷ Bloomberg, Republican-Led States Sue Biden Over Federal Contractor Minimum Wage, February 9, 2022.

²⁰⁸⁸ Ibid.

²⁰⁸⁹ More Perfect Union, Rail strike by the numbers: railroad profits are soaring at workers' expense, September 12, 2022.

²⁰⁹⁰ Ibid.

²⁰⁹¹ IACHR - REDESCA, Compendium on Labor and Trade Union Rights. Inter-American Standards, paras. 58 and 61.

²⁰⁹² Ibidem, para. 34.

960. Finally, the Rapporteurship notes with alarm that child labor is reported to exist at the factory of a Hyundai Motor Co. subsidiary in Alabama²⁰⁹³. According to police reports, family members and current and former workers at the factory, children as young as 12 years of age were reportedly employed in a metal stamping plant for the assembly of automobiles²⁰⁹⁴. On this issue, in the report on Business and Human Rights, the IACHR and REDESCA emphasized that the impact of the lack of compliance with the State's human rights obligations on children and adolescents in the context of business activities can be long-lasting and even irreversible.²⁰⁹⁵ The Special Rapporteur recalls that States have an obligation to regulate and monitor working conditions and establish safeguards to protect children from economic exploitation and from work that interferes with or affects their development²⁰⁹⁶.

E. Fiscal and Economic Policies

961. With respect to the implementation of fiscal and economic policies to achieve the progressive development of ESC rights, the Special Rapporteur notes that the Inflation Reduction Act (IRA) established a series of measures aimed at reducing the costs of medical services and prescription drugs and expanding health coverage, as well as equalizing the tax balance by increasing the tax burden on individuals and companies with higher profits and ensuring that this burden does not increase for households with lower incomes²⁰⁹⁷. This is in addition to the measures related to the reduction of greenhouse gas emissions described above.

962. The law created a minimum tax on corporate profits, taxing 15% of the income of the largest and most profitable corporations²⁰⁹⁸, whose payout is projected to be US\$363 billion²⁰⁹⁹. This, while eliminating the possibility of raising taxes on families earning less than US\$400,000 per year.²¹⁰⁰ In this regard, REDESCA recognizes this effort to balance tax burdens, considering that, according to reports, in the U.S. tax system, individuals and businesses with higher profits pay lower tax rates than average taxpayers.²¹⁰¹

963. On this issue, the IACHR has recognized that the problems of poverty and inequality cannot be confronted and eradicated without a broad framework of redistributive policies; and that, although economic growth plays a key role in reducing poverty, it is insufficient in itself to achieve its eradication and generate structural changes in terms of equity²¹⁰². Within this framework, the Commission has identified that the low collection of public revenues - due to factors such as the low tax burden, the regressive profile of some taxes and the deductions, exemptions, legal loopholes and tax evasion and avoidance practices - reduce the capacity to reduce social inequalities²¹⁰³.

964. On the other hand, the Special Rapporteur is concerned about the impact that the high levels of inflation, which have continued throughout the year, have had on people's economies and, in particular, on their ability to access food, services and essential products. In March, the Consumer Price Index (CPI) reached

²⁰⁹³ Reuters, [EXCLUSIVE: Hyundai subsidiary has used child labor at Alabama factory](#), July 22, 2022.

²⁰⁹⁴ Ibid.

²⁰⁹⁵ IACHR - REDESCA, [Report on Business and Human Rights: Inter-American Standards](#), November 1, 2019, para.

86.

²⁰⁹⁶ IACHR - REDESCA, [Compendium on Labor and Trade Union Rights. Inter-American Standards](#), October 30, 2020, para. 115.

²⁰⁹⁷ The White House, [BY THE NUMBERS: The Inflation Reduction Act](#), August 15, 2022.

²⁰⁹⁸ The White House, [BY THE NUMBERS: The Inflation Reduction Act](#), August 15, 2022.

²⁰⁹⁹ Senate Democrats, [Inflation Reduction Act One Page Summary](#), 2022.

²¹⁰⁰ The White House, [BY THE NUMBERS: The Inflation Reduction Act](#), August 15, 2022.

²¹⁰¹ Pro Publica, [America's Highest Incomes and Taxes Revealed](#), April 13, 2022.

²¹⁰² IACHR, [Report on Poverty and Human Rights in the Americas](#), OEA/Ser.L/V/II.164, Doc.147, September 7, 2017, para. 493.

²¹⁰³ Ibidem, para. 494.

its highest point since 1981, with an increase of 8.5 percentage points, accelerated by the sudden rise in oil prices on the international market, particularly affecting fuel and housing prices²¹⁰⁴.

965. This record was surpassed in June, when the CPI reflected an increase of 9.1%²¹⁰⁵, far exceeding forecasts that projected an increase of up to 8.8%²¹⁰⁶. Energy and food prices, with respect to the last twelve months, rose 41.6% and 10.4%, reaching the highest level recorded since 1980 and 1981, respectively²¹⁰⁷. In addition, inflation-adjusted wages decreased by 1%, on an hourly basis, decreasing 3.6% compared to the same period of the previous year²¹⁰⁸. For September, the inflation rate reached 8.2%, which, despite reflecting a decrease from previous months, continued to be higher than expected²¹⁰⁹.
966. REDESCA notes that, in September, the overall increase in the CPI was largely due to the housing, food and health care indices, which reflected annual increases of 6.6, 11.2 and 6.5 percentage points, respectively²¹¹⁰. In this regard, it is of concern that -according to a survey on citizen perception of the most important problems in the country-, in October, 46% of the people identified the economy as their greatest concern; of which, 20% considered inflation to be the greatest problem²¹¹¹. This disproportionately affects low-income households, which, with the high costs of essential items, find it very difficult to meet their needs.²¹¹²
967. In this context, the Office of the Special Rapporteur notes that, in order to slow inflation, the Federal Reserve has sought to raise interest rates gradually, with six consecutive increases, reaching 4% in November²¹¹³; although the effects of this measure may take time to become visible.
968. REDESCA stresses that, under these circumstances, it is necessary to implement measures aimed at protecting people's ESCER, with emphasis on people living in poverty, extreme poverty and at risk of falling into this condition, taking into account the disproportionate impacts suffered by vulnerable groups.²¹¹⁴ These measures may include, for example, the direct delivery of economic amounts; the provision of food to targeted populations; the protection of labor and wages; the implementation of accessible unemployment insurance without discrimination; the identification and attention of food insecure populations and individuals²¹¹⁵. In addition, it is necessary to intensify efforts to guarantee progressive access to a minimum social protection that facilitates decent living conditions and makes it possible to cope with economic insecurities.²¹¹⁶
969. Finally, REDESCA notes the approval by U.S. District Judge Laura Taylor of a debt restructuring plan for Puerto Rico. The agreement for the restructuring plan aims to revitalize the economy of the commonwealth and reduce the risk by 135 billion dollars.⁹⁸ REDESCA urges the State to take the necessary measures so

²¹⁰⁴ The New York Times, [Inflation Continued to Worsen in March, as Gas and Rent Costs Rose](#), April 12, 2022.

²¹⁰⁵ U.S. Bureau of Labor Statistics, [Consumer Price Index News Release](#), July 13, 2022.

²¹⁰⁶ El País, U.S. [inflation spirals out of control, climbs to a new record of 9.1% and puts pressure on the Fed](#), July 13, 2022.

²¹⁰⁷ U.S. Bureau of Labor Statistics, [Consumer Price Index News Release](#), July 13, 2022.

²¹⁰⁸ U.S. Bureau of Labor Statistics, [The Economics Daily - Real average hourly earnings down 3.6 percent over the 12 months ending June 2022](#), July 19, 2022.

²¹⁰⁹ BBC, [US inflation rises more than expected in September](#), October 13, 2022.

²¹¹⁰ U.S. Bureau of Labor Statistics, [News Release Consumer Price Index - September 2022](#), October 13, 2022.

²¹¹¹ Gallup, [Most Important Problem](#), October 2022.

²¹¹² The Washington Post, ['Survival mode': Inflation falls hardest on low-income Americans](#), February 13, 2022.

²¹¹³ The Guardian, [Fed announces sixth consecutive hike in US interest rates to fight inflation](#), November 2, 2022.

²¹¹⁴ IACHR - REDESCA, [IACHR and its REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas in the face of the COVID-19 pandemic](#), June 2, 2020.

²¹¹⁵ Ibid.

²¹¹⁶ Ibid.

that its associated territories (including Puerto Rico), may have the fiscal sufficiency to meet the needs of their populations, most of which are in poverty and extreme poverty.

F. Education, science, technology: academic freedom and university autonomy

970. Regarding the guarantee of the right to education in the context of the pandemic, REDESCA notes that, for the month of June, in the full-time modality, 98% of public schools offered face-to-face classes, and 33% offered remote instruction, while the hybrid modality was available in 10% of schools²¹¹⁷. In addition, it is noted that the federal government spent US\$122 billion to implement measures to maintain face-to-face attendance at schools, mitigate learning loss and address the mental health of students²¹¹⁸.
971. However, in the context of guaranteeing academic freedom, REDESCA expresses its concern about the strengthening of the trend towards the adoption of legislation that would operate to the detriment of the rights of historically excluded and discriminated groups, such as the African-American population and the LGBTIQ+ community, in the educational context.
972. In Florida, HB 1557, dubbed the 'Don't Say Gay Bill' by its detractors, banned discussion of sexual orientation and gender identity issues in classrooms at least from preschool through third grade, or whatever level of education is deemed appropriate²¹¹⁹. Legislatures in Kansas²¹²⁰, Tennessee²¹²¹, Indiana²¹²² and Ohio²¹²³ would seek to replicate this regulation and extend it to materials used for instruction. In Oklahoma, Act 615 established that, in educational institutions from early education through twelfth grade, multiple-occupancy restrooms or locker rooms shall be for the exclusive use of female and male persons²¹²⁴. In Arizona, Law 2285 would seek to require parental consent to allow instruction related to sex, sexuality, and even HIV/AIDS²¹²⁵.
973. REDESCA reiterates that, by virtue of the principle of equality and non-discrimination, States must ensure that trans and LGBTI persons are not directly or indirectly marginalized within the educational system; and that neither public nor private institutions discriminate or promote hate speech and intolerance against them²¹²⁶. On the contrary, it is necessary that education systems incorporate a gender perspective, including age-appropriate sexual and reproductive health education that is based on scientific evidence and human rights standards.²¹²⁷
974. On the other hand, Ohio's Act 616 extended the prohibition to instruction on concepts related to Critical Race Theory, intersectionality, equity, and inclusion.²¹²⁸ In the same vein, Florida is moving forward with a law to prohibit 'uncomfortable discussions' about racial discrimination and the history of slavery and civil rights in the U.S. in schools;²¹²⁹ while the Indiana Senate did not pass a law prohibiting the teaching of

²¹¹⁷ National Center for Education Statistics, [Fast Facts - Back-to-school statistics](#), 2022.

²¹¹⁸ The White House, [FACT SHEET: BACK TO SCHOOL 2022: Giving Every School the Tools to Prevent COVID-19 Spread and Stay Safely Open All Year Long](#), August 16, 2022.

²¹¹⁹ NBC News, ['Don't Say Gay' bill: Florida Senate passes controversial LGBTQ school measure](#), March 8, 2022.

²¹²⁰ State of Kansas, [House Bill 2662](#), 2022.

²¹²¹ State of Tennessee, [House Bill 8](#), 2022.

²¹²² State of Indiana, [House Bill 1557](#), 2022.

²¹²³ State of Ohio, [Senate Bill 616](#), 2022.

²¹²⁴ State of Oklahoma, [Senate Bill 615](#), 2022.

²¹²⁵ State of Arizona, [Bill 2285](#), 2022.

²¹²⁶ IACHR - REDESCA, [Report on Trans and Gender Diverse Persons and their ESCER](#), OEA/Ser.L/V/II. Doc. 239, August 7, 2020, para. 167.

²¹²⁷ *Ibidem*, para. 166.

²¹²⁸ State of Ohio, [House Bill 616](#), 2022.

²¹²⁹ AP News, [Florida could shield whites from 'discomfort' of racist past](#), Jan. 18, 2022.

'divisive concepts' linked to CRT, although debate on it continues in the legislature²¹³⁰. In total, 42 states have taken action to limit CRT instruction to some extent; 17 of which have significantly restricted it²¹³¹. In addition, there are warnings about the growing number of books on topics such as racism, domestic violence, the Holocaust and the LGBTIQ+ community, which have been banned from schools in some states, as they are considered unsuitable for children or young people²¹³².

975. In this context, the Office of the Special Rapporteur emphatically rejects the bomb threats against historically Afro-descendant high schools and universities in various states, which were reported in February, and is closely following the police investigations initiated into these incidents²¹³³. In turn, the Office of the Special Rapporteur reiterates that teaching and education are necessary to combat prejudices that justify racial discrimination; and recommends reviewing the terminology of texts that contain stereotypical information about people of African descent and replacing them with content on dignity and equality²¹³⁴. It also emphasizes that the guarantees implemented to ensure non-discrimination of people of African descent in educational institutions serve to protect this population group from racism and hate speech or intolerance; and calls on the State to promote educational policies that prohibit the direct or indirect use of stereotypes or stigmatization based on the ethnic and racial origin of people of African descent in education, both in the use of support resources and in the content of the curricula²¹³⁵.
976. On the other hand, REDESCA takes note of the report of the American Federation of Teachers (AFT), regarding the shortage of teaching and auxiliary personnel in the country's educational system, which would be associated with factors such as excessive stress and workload, low salaries, and lack of support from the authorities²¹³⁶. According to the report, every year there are around 300,000 educators who choose to change their profession, while the number of people entering the teaching profession has decreased, which is aggravated in the context of staff cuts in educational institutions, which have taken place as a result of the pandemic²¹³⁷. In addition, there is a diversity problem in the educational system, having a majority white faculty (79%) for a diverse student population²¹³⁸.
977. In this regard, REDESCA reiterates that, in order to ensure the effective enjoyment of the right to education, it is necessary to implement public policies backed by adequate and sufficient financial resources, complemented by monitoring measures to evaluate their effectiveness²¹³⁹. It also emphasizes that the availability element of the right to education requires ensuring - among other issues - that there are qualified teachers, competitive salaries and adequate and sufficient materials; while the adaptability element seeks to ensure that education serves specific needs in varied cultural and social contexts²¹⁴⁰.
978. Regarding higher education, REDESCA is following up on the proposal to cancel up to US\$20,000 of the debt of millions of students who have accessed federal education loans by the federal government and

²¹³⁰ Indystar, Indiana Senate kills CRT-inspired legislation that created outrage among educators, Black Hoosiers, Feb. 28, 2022.

²¹³¹ The Economist, "Critical race theory is being weaponised. What's the fuss about?", July 14, 2022.

²¹³² The Atlantic, Read the Books that Schools Want to Ban, February 3, 2022.

²¹³³ CNN, Howard, Southern University and other HCBUs receive bomb threats, February 1, 2022.

²¹³⁴ IACHR, Economic, Social, Cultural and Environmental Rights of People of African Descent | Inter-American Standards to Prevent, Combat and Eradicate Structural Racial Discrimination, OEA/Ser.L/V/II, Doc. 109, March 16, 2021, para. 160.

²¹³⁵ Ibidem, para. 167.

²¹³⁶ American Federation of Teachers, Here Today, Gone Tomorrow? What America Must Do to Attract and Retain the Educators and School Staff Our Students Need, July 2022.

²¹³⁷ Ibid.

²¹³⁸ Ibid.

²¹³⁹ IACHR - REDESCA, Trans and Gender Diverse Persons and their Economic, Social, Cultural and Environmental Rights, OEA/Ser.L/V/II, Doc. 239, August 7, 2020, para. 164.

²¹⁴⁰ Ibid., para. 165.

notes that, according to a new estimate by the Congressional Budget Office (CBO), approximately US\$400 billion would be required for its implementation²¹⁴¹.

G. Human Mobility and ESCER

979. Regarding the guarantee of economic, social, cultural, and environmental rights in the context of human mobility, REDESCA welcomes the lifting of the restriction on the entry of migrants to the U.S. based on public health criteria, under the Title 42 mechanism, as of May²¹⁴². Prior to this, the Office of the Special Rapporteur learned that a ruling issued by a District of Columbia Court of Appeals questioned the effectiveness of Title 42 to protect public health and reestablished the protections granted to families so that they would not be removed without exposing their cases; at the same time, a federal judge lifted the exception established for the removal of unaccompanied children²¹⁴³.
980. According to the Center for Disease Control and Prevention (CDC), the change in public health conditions and the widespread availability of tools to combat COVID-19 allowed for the reestablishment of regular Title 8 entry procedures, along with the implementation of mitigation protocols, such as vaccination of migrants, by the Department of Homeland Security²¹⁴⁴. The cessation of mass expulsions of migrants was indispensable, by virtue of international obligations and national laws that protect people who, for various reasons, are forced to seek asylum in another country²¹⁴⁵.
981. In particular, REDESCA takes note of the situation faced by migrants in the State of Texas, considering that, in light of the repeal of Title 42, the Governor of this State issued an executive order authorizing the National Guard and the State Department of Public Safety to detain migrants who have entered in an irregular manner and take them back to the border²¹⁴⁶. While, as determined by the Customs and Border Protection Agency (CBP), in 2021, agents in that state used unnecessary force to prevent the passage of a group of Haitian migrants by using horses and forcing them back to the Rio Grande²¹⁴⁷.
982. Without detriment to the foregoing, the Office of the Special Rapporteur is concerned that, beginning in October, the governments of the United States and Mexico began implementing a new migration policy, under which Venezuelans who had crossed the border irregularly would be expelled, returning them to Mexico without the opportunity to apply for asylum in the U.S.²¹⁴⁸. In addition, the U.S. government announced that it would only accept 24,000 migrants from Venezuela who arrived by air, with prior permission, and had someone to receive them on U.S. soil²¹⁴⁹.

²¹⁴¹ The Washington Post, CBO: White House plan to cancel student loan debt costs \$400 billion, September 26, 2022.

²¹⁴² Center for Disease Control and Prevention, CDC Public Health Determination and Termination of Title 42 Order, April 1, 2022

²¹⁴³ Telemetro, USA: Courts issue conflicting rulings on asylum, March 5, 2022. For its part, REDESCA takes note of the order issued by the Chief Justice of the Supreme Court on December 19, 2022, noting the stay of the present order of the District Court of the District of Columbia until the pending cases are disposed of. *See United States Supreme Court, Case of Arizona et al v. Alejandro Mayorkas, Secretary of Homeland Security, Order of December 19, 2022.*

²¹⁴⁴ Center for Disease Control and Prevention, CDC Public Health Determination and Termination of Title 42 Order, April 1, 2022.

²¹⁴⁵ Human Rights First, Letter to President Biden and Vice President Harris on Two Years of Title 42, March 10, 2022.

²¹⁴⁶ Office of the Texas Governor, Governor Abbott Authorizes Texas National Guard, Texas Department Of Public Safety To Return Illegal Immigrants To Border, July 7, 2022.

²¹⁴⁷ BBC News, US border agent's horseback charge on Haiti migrants 'unnecessary', July 8, 2022.

²¹⁴⁸ Human Rights Watch, US/Mexico: Expelling Venezuelans Threatens Rights, Lives, October 21, 2022.

²¹⁴⁹ France 24, Venezuelan migrants crowd shelter in Panama due to ban on entry to the US, October 23, 2022.

983. The Special Rapporteur takes note of Human Rights Watch's report that, six days after the announcement of these measures (12/10 - 18/10), 4,050 Venezuelans were returned to Mexico²¹⁵⁰. In addition, it expresses its particular concern about what happened on October 31, when Customs and Border Patrol agents used rubber bullets - used in riot control - to prevent the passage of Venezuelans at the border between El Paso, Texas, and Ciudad Juarez²¹⁵¹.
984. In this context, REDESCA has observed that, far from reducing the flow of people seeking to enter the United States, the use of irregular routes and border crossings has increased²¹⁵², which exposes migrants to various risks. In this regard, it regrets the death of 51 people who were found in overcrowded conditions in a truck in San Antonio, Texas²¹⁵³. Therefore, the Office of the Special Rapporteur appreciates the participation of the United States in initiatives that seek to combat human trafficking, on the one hand²¹⁵⁴; and to establish formal routes of entry to guarantee the safety of persons in a situation of human mobility, on the other²¹⁵⁵.
985. In turn, REDESCA is concerned about the conditions that people are experiencing in Immigration and Customs Enforcement (ICE) detention centers, having obtained information that in May, migrants in an ICE facility in Tacoma, Washington, began a hunger strike in protest of the lack of clean facilities, good food, and adequate medical services²¹⁵⁶. It also notes with concern reports regarding the high vulnerability of people of African descent in detention centers, experiencing higher rates of deportation, solitary confinement, and sexual, physical, medical, and psychological abuse while in detention²¹⁵⁷.
986. In the same vein, REDESCA is following the situation of the fifty migrants who were transported by plane from San Antonio, Texas, to the tourist island of Martha's Vineyard, at the request of the Governor of Florida²¹⁵⁸. In this regard, reports were received that the people had been informed that they would be relocated to Boston; and that volunteers were collecting food, medicine, clothes and toys to assist the migrants, given the lack of planning for their situation²¹⁵⁹.
987. In this regard, the Office of the Special Rapporteur notes that the lack of coordination between federal and state authorities in the area of human mobility could have a negative impact on the conditions of reception and protection of persons in need of international protection who arrive in its territory²¹⁶⁰. Therefore, it reiterates the IACHR's call and urges the authorities at different federal levels to coordinate inter-institutional channels of communication, institutional coordination, and the design of public policies necessary to promote an environment of prevention of violations of rights and the protection of the human

²¹⁵⁰ Ibid.

²¹⁵¹ CNN, [US federal agents fired pepper ball projectiles at Venezuelan protesters near El Paso after border patrol agent was injured, officials say](#), November 1st, 2022.

²¹⁵² TRT Spanish, [Venezuelan migrants camp out in Central American countries in hopes of reaching the U.S.](#), October 21, 2022.

²¹⁵³ New York Times, [51 Migrants Dead After Overheated Truck Is Abandoned in Texas](#), June 8, 2022.

²¹⁵⁴ Panama America, [USA, Mexico, Guatemala and Honduras join forces to stop human trafficking](#), June 29, 2022.

²¹⁵⁵ France 24, [Latin American countries seek to establish safe routes for migrants with the U.S.](#), November 2, 2022.

²¹⁵⁶ The Seattle Times, [Detainees at Northwest immigration detention center on hunger strike over COVID concerns](#), May 18, 2022.

²¹⁵⁷ The Guardian, ["They don't have any humanity': Black immigrants in Ice custody report abuse and neglect"](#), July 22, 2022.

²¹⁵⁸ NPR, [Migrants on Martha's Vineyard flight say they were told they were going to Boston](#), September 15, 2022.

²¹⁵⁹ BBC, ["We came to the U.S. Thinking it was a country of laws": the Venezuelan migrants who sued Florida's governor for taking them to a tourist island](#), September 30, 2022.

²¹⁶⁰ IACHR, [Press Release No. 212/2022, IACHR: U.S. federal and state authorities must avoid stigmatizing migrants and coordinate policies and decisions to guarantee their rights](#), September 23, 2022.

rights of persons in mobility²¹⁶¹. It also recalls that, in line with the Inter-American Principles on the Human Rights of All Migrants, Refugees, Asylum Seekers, Stateless Persons and Victims of Trafficking in Persons, States must create conditions that provide an adequate standard of living compatible with the dignity of the human person and shall not create, by commission or omission, conditions that hinder or impede it.²¹⁶²

988. On the other hand, regarding the enjoyment of the DESCAs of migrants living in the U.S., REDESCA highlights that, as of October 31, the U.S. Citizenship and Immigration Services (USCIS) resumed accepting and processing applications for deferred action, employment authorization and deferred parole for beneficiaries of the Deferred Action for Childhood Arrivals (DACA) program²¹⁶³.

989. However, due to pending litigation regarding DACA, the Department of Homeland Security's Final Rule only allows for renewal, but not the processing of new initial applications for access to the program²¹⁶⁴. In this situation, thousands of DACA-eligible youth continue to lack protection from deportation and face significant barriers to accessing decent employment, education and health services²¹⁶⁵. In this regard, the Office of the Special Rapporteur takes into account a report by Rush University Medical Center, which predicts that by 2030, the number of older adults with an irregular immigration status will increase from 3,900 to 55,000, which would generate significant problems linked to the lack of access to social protection services they experience due to their immigration status²¹⁶⁶.

990. Therefore, REDESCA urges the United States to reestablish the DACA program in a comprehensive manner, and to create a path to regularize the status of migrants who have benefited from these policies, as well as other groups that should be included²¹⁶⁷. In addition, it recalls that under the principles of equality and non-discrimination and human dignity, States must guarantee, among others, the rights to health, food and nutritional security, potable water, housing, environmental sanitation, education, work, clothing and other necessary social services to migrants²¹⁶⁸.

991. Finally, the Rapporteurship recognizes the initiative of the National Labor Relations Board (NLRB) in establishing alliances with the governments of El Salvador, Guatemala and Honduras to coordinate the actions of embassies and consulates, with the objective of guaranteeing that migrants can exercise their right to work, protected by national labor legislation²¹⁶⁹.

²¹⁶¹ Ibid.

²¹⁶² IACHR, Resolution No. 04/19, Inter-American Principles on the Human Rights of All Migrant Persons, Refugees, Asylum Seekers, Stateless Persons and Victims of Trafficking in Persons, December 7, 2019.

²¹⁶³ U.S. Citizenship and Immigration Services, Consideration of Deferred Action for Childhood Arrivals (DACA) | Alert: Deferred Action for Childhood Arrivals (DACA) Final Rule Effective Oct. 31, 2022, Nov. 3, 2022.

²¹⁶⁴ U.S. Citizenship and Immigration Services, DHS Begins Limited Implementation of DACA Under the Final Rule, November 3, 2022.

²¹⁶⁵ Jamaica Observer, Advocates warn that court ruling on DACA 'cruelly endangers' Caribbean immigrants, Oct. 19, 2022.

²¹⁶⁶ Chicago Tribune, Aging in the shadows: A crisis of older undocumented workers awaits Illinois, March 15, 2022.

²¹⁶⁷ IACHR, Press Release No. 155/2017, IACHR expresses deep concern over decision to end the Deferred Action for Childhood Arrivals (DACA) Program and other legal channels for migrants and refugees in the United States, October 11, 2017.

²¹⁶⁸ IACHR, Resolution No. 04/19, Inter-American Principles on the Human Rights of All Migrant Persons, Refugees, Asylum Seekers, Stateless Persons and Victims of Trafficking in Persons, December 7, 2019.

²¹⁶⁹ National Labor Relations Board, National Labor Relations Board Inks Workplace Rights Partnerships with the Governments of El Salvador, Guatemala and Honduras, May 10, 2022.

17) GRENADA

992. REDESCA has followed up on the situation of Economic, Social, Cultural and Environmental rights in Grenada, paying special attention to the enjoyment of the right to health and its social determinants. Similarly, the Office of the Special Rapporteur has followed the situation in the country with respect to the climate emergency and its implications, as well as monitoring the enjoyment of the right to education and the challenges faced in this regard.
993. On the other hand, the Office of the Special Rapporteur has followed the measures adopted in Grenada with respect to economic and fiscal policies, as well as the enjoyment of labor and trade union rights in the country. All these issues are strategic lines of action for the Special Rapporteurship of REDESCA and are developed below.

A. Right to Health and its Social Determinants

994. REDESCA has monitored the situation and the impacts that the COVID-19 pandemic has had on Grenada. Regarding the enjoyment of the right to health, the Office of the Special Rapporteur notes that, as of October 24, the country had a total of 19,591 confirmed cases, which has implied a total of 237 deaths due to the virus²¹⁷⁰. Regarding the number of doses of COVID-19 vaccine applied, REDESCA notes that, as of September 30, 90,251 doses had been administered in the country, representing 34.40% of the population fully immunized²¹⁷¹. Given the low rates of fully vaccinated population, the Specialized Rapporteurship recalls that States should provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19 and, thus, combat misinformation and mistrust that may exist among the population regarding immunization²¹⁷².
995. The Office of the Special Rapporteur notes that in April, the Government of Grenada ended the state of emergency imposed to combat the COVID-19 crisis, ending restrictions on movement, the use of masks and physical distancing rules²¹⁷³. The country also lifted all restrictions on the entry and exit of tourists into and out of the country, regardless of their vaccination status. This brought about a change in the area of tourism, and REDESCA notes that as of April 4, the arrival of travelers to the country, regardless of their vaccination status, will be allowed without the obligation to carry a negative COVID-19 test either prior to arrival or upon arrival²¹⁷⁴.
996. REDESCA welcomes the cooperation that has been generated to confront the COVID-19 pandemic. In this regard, it takes note of the efforts of the Government of Grenada and St. George's University to work on the identification of new variants of the virus and, thus, avoid contagion²¹⁷⁵. Along the same lines, the Office of the Specialized Rapporteur welcomes the donations of vaccines from the international community, such as

²¹⁷⁰ WHO, Covid 19: Grenada, October 24, 2022.

²¹⁷¹ Datosmacro, Granada - COVID-19 - Vaccines administered, September 30, 2022.

²¹⁷² IACHR - REDESCA, Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, para. 11.

²¹⁷³ Loop News, Grenada lifts State of Emergency, April 5, 2022.

²¹⁷⁴ Jamaica Observer, Grenada ditches COVID testing requirement for all travelers, March 23, 2022.

²¹⁷⁵ St. George's University, New DNA Sequencing Ability At WINDREF Aids Grenada In Identifying New COVID Variants, January 19, 2019.

the United States²¹⁷⁶, China²¹⁷⁷ and Korea²¹⁷⁸, recalling the importance of international cooperation for the effective fight against the virus²¹⁷⁹.

997. The Office of the Special Rapporteur notes with concern the statements made by authorities regarding the near collapse of the Grenada Health System during the second half of 2021 due to the scarcity of resources and high infection rates among health care workers. This meant that certain surgeries had to be suspended due to the outbreak. In this line, REDESCA emphasizes the recommendations made by Resolution 1/2020 of the IACHR, reminding the States that they must protect the ESCER of the workers most at risk due to the pandemic, avoiding the risks of contagion of the virus. Likewise, States have the obligation to make available and mobilize the maximum available resources to implement the right to health and other ESCER²¹⁸⁰.
998. On the other hand, REDESCA has observed with attention the high levels of contagion of acute respiratory infections that have been registered in Grenada, identifying outbreaks of Influenza Type A, Rhinovirus and Adenovirus, diseases that mainly affect children and older adults. Faced with this scenario, the Ministry of Health, Welfare and Religious Affairs has called on citizens to adopt all possible health measures to avoid contagion²¹⁸¹.
999. The Specialized Rapporteurship takes note of the announcement by the Government of Grenada to create a Cannabis Legalization and Regulation Commission, which will aim to establish the legal and regulatory framework for the legalization of cannabis, as well as create policies to maximize its production, and that of its by-products²¹⁸². This body will be in charge of carrying out citizen consultations, preparing a final report on the design of the new legislative framework and providing recommendations on the institutional structure that will implement the provisions in case they are approved²¹⁸³.

B. Climate Emergency and Human Right to Water

1000. In relation to the climate emergency in Grenada, REDESCA takes note of the great impact of climate change in the country, ranking it as the 44th country with the highest climate vulnerability, according to the United Nations Development Programme (UNDP)²¹⁸⁴, because natural disasters, rising sea levels and temperature changes affect the main economic activities of the country, agriculture and tourism²¹⁸⁵. In the same vein, it is estimated that, without climate action, climate change could mean a loss of 46.2% of Grenada's GDP each year by 2050²¹⁸⁶.

²¹⁷⁶ US embassy in Barbados, the Eastern Caribbean, and the OECS, Grenada Receives Pediatrics Pfizer Vaccines Through US funded COVAX, July 29, 2022.

²¹⁷⁷ Now Grenada, China donates Covid-19 vaccines to Grenada, April 22, 2022.

²¹⁷⁸ Now Grenada, Grenada receives more coronavirus vaccines, September 2, 2022.

²¹⁷⁹ IACHR - REDESCA, Resolution 1/2021: COVID-19 Vaccines in the Framework of Inter-American Human Rights Obligations, April 6, 2021, para. 32.

²¹⁸⁰ IACHR - REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas April 10, 2020

²¹⁸¹ Now Grenada, Active outbreak of acute respiratory infections (ARI), September 29, 2022.

²¹⁸² Loop News, Grenada establishes Commission on Cannabis Legalisation & Regulation, September 21, 2022.

²¹⁸³ Caribbean News Now, Grenada Established A Commission On Cannabis Legalisation And Regulation, September 26, 2022.

²¹⁸⁴ UNDP Grenada: Latin America & the Caribbean, January 11, 2022.

²¹⁸⁵ ESRI, Climate Change Prompts Grenada to Create the First National Digital Twin, June 16, 2022.

²¹⁸⁶ Commonwealth Marine Economies Programme, Grenada fisheries: Adapting to climate change, May 18, 2022.

1001. REDESCA welcomes the Ministry's commitment to Climate Resilience by signing the global 30x30 conservation target to protect at least 30% of the planet's land and sea by 2030, and the commitment to play a role in preserving vital ecosystem resources for future generations²¹⁸⁷.
1002. Likewise, the Office of the Special Rapporteur takes note of the initiatives to combat the effects of climate change in Grenada, supported by the World Bank²¹⁸⁸ and the International Monetary Fund²¹⁸⁹, with the objective of forming plans and strategies for resilience in the face of natural disasters. In this regard, REDESCA recalls that, in the framework of the obligation to mobilize the maximum available resources to combat climate change, according to Resolution 3/2021 of the IACHR, States that are part of multilateral funding agencies should intensify their efforts to ensure that these institutions provide accessible credits or immediate grants for mitigation and adaptation²¹⁹⁰.

C. Business and Human Rights

1003. With regard to Business and its impact on human rights, the Special Rapporteur notes that climate change has also affected the fishing industry on a large scale, changing the distribution and abundance of fish, degrading marine habitats and increasing risks to the safety of fishermen, their equipment and the communities they support²¹⁹¹. The British Government's report on the subject examines the impacts on the fishing industry and a series of recommendations to address them²¹⁹².
1004. On the other hand, REDESCA notes the assistance provided by Argentine experts to encourage beekeeping in Grenada, in cooperation with the Ministry of Agriculture. In this way, techniques have been provided to strengthen capacity in queen rearing, hive disease management and bee monitoring²¹⁹³.

D. Labor and Union Rights

1005. Regarding the enjoyment of labor and trade union rights in Grenada, the Rapporteurship notes that Grenada varied in its pre-pandemic employment rate by -1.2% as reported by the International Labor Organization (ILO) during the period from the third quarter of 2019 to the third quarter of 2021²¹⁹⁴. Notwithstanding this, rates have recovered over the past few years, with over 13,000 new jobs created, and unemployment rates reduced by 11.8%, compared to 2020²¹⁹⁵.
1006. REDESCA takes note of the economic problems facing the National Social Security System (NIS), which is why the Government has presented a series of legal reforms to ensure the long-term sustainability of the funds, in addition to the implementation of an information campaign to justify the changes to the population.²¹⁹⁶ In this regard, there are plans to increase the retirement age for Grenadian workers, in addition to increasing the pension contribution amounts and modifying the clauses regarding the

²¹⁸⁷ NOW GRENADA, [Grenada commits to ambitious global 30x30 conservation target](#), March 25, 2022.

²¹⁸⁸ The World Bank, [Grenada secures \\$15 million to improve the resilience of the country's infrastructure](#), May 17, 2022.

²¹⁸⁹ IMF, [Grenada: Disaster Resilience Strategy](#), March 16, 2022.

²¹⁹⁰ IACHR - REDESCA, [Resolution 3/2021: Climate Emergency, scope and inter-American human rights obligations](#), December 31, 2021, para. 4.

²¹⁹¹ Commonwealth Marine Economies Programme, [Grenada fisheries: Adapting to climate change](#), May 18, 2022.

²¹⁹² Now Grenada, [Grenada-UK partnership takes action on climate change impacts to fisheries](#), August 4, 2022.

²¹⁹³ Now Grenada, [Argentine experts assisting apiculture industry](#), November 2, 2022.

²¹⁹⁴ International Labor Organization, [Labor Outlook 2021 Latin America and the Caribbean](#), February 3, 2022, p.

48.

²¹⁹⁵ Government of Grenada, [2022 Budget Statement](#) November 26, 2022.

²¹⁹⁶ Loop News, [Grenada: Gov't to take measures to prevent collapse of NIS](#), September 14, 2022

inheritability of the funds²¹⁹⁷. Currently, the retirement age in Grenada is 60, an age that is intended to be raised to 65 years of age gradually, to reach the target in 2031²¹⁹⁸. In this regard, the Office of the Specialized Rapporteur recalls that States must ensure that legislation, policies, programs and allocated resources facilitate access to social security, guided by Inter-American human rights principles and standards²¹⁹⁹.

E. Fiscal and Economic Policies

1007. With respect to the fiscal and economic policies adopted by the country, REDESCA takes note of the information provided by the International Monetary Fund (IMF) which reflects the recovery of the Grenadian economy, forecasting GDP growth of 3.6% during the year²²⁰⁰. Notwithstanding this, the country has not been immune to the effects of the financial crisis reported worldwide as a result of the war in Ukraine and the post-pandemic effects, which is why the Government has allocated economic efforts in various social protection initiatives, amounting to over EC\$16 million²²⁰¹.

1008. In addition, REDESCA notes that the World Bank Group has approved US\$15 million in funding to make Grenada's transport infrastructure more resilient to the effects of climate change and natural hazards. This will protect key transport corridors against coastal erosion caused by sea level rise and frequent flooding, as well as financially support the Government to generate investment strategies in other areas affected by the environmental emergency²²⁰².

1009. The Office of the Special Rapporteur has learned that the areas where the Government will focus most of its financial efforts over the next five years are health; educational reform; agriculture and food security; infrastructure; culture; and energy transition²²⁰³. In this way, Grenada seeks to stimulate industries other than tourism, which has been the focal point of the country's development so far²²⁰⁴.

F. Education, science, technology: academic freedom and university autonomy

1010. Regarding the enjoyment of the right to education, REDESCA takes note of the reopening of schools in Grenada, promoted by the Ministry of Education. It notes with attention the Ministry's calls for the reopening to be done guaranteeing the necessary measures of hygiene and social distancing, to protect children and adolescents, as well as educational and administrative personnel²²⁰⁵. The Office of the Special Rapporteur notes with concern that access to education is becoming more difficult for low-income children, reporting low school attendance due to economic problems²²⁰⁶, recalling that States must have mechanisms that allow all children and adolescents access to education, with stimuli that their age and level of development require²²⁰⁷.

²¹⁹⁷ CNW, Grenada Government to take measures to prevent collapse of NIS, September 15, 2022

²¹⁹⁸ Now Grenada, Increase in retirement age among changes to save NIS, September 13, 2022.

²¹⁹⁹ IACHR, Report on Trans and Gender Diverse Persons and their Economic, Social, Cultural and Environmental Rights, OEA/Serv.L/V/II, August 7, 2020.

²²⁰⁰ IMF, Economic Outlook: The Americas, October 2022.

²²⁰¹ Government of Grenada, 2022 Budget Statement November 26, 2022.

²²⁰² The World Bank, Grenada secures \$15 million to improve the resilience of the country's infrastructure, May 17, 2022.

²²⁰³ Now Grenada, Tourism is not direct priority over next 5 years November 1, 2022.

²²⁰⁴ CNW, Grenada will not focus directly on tourism for the next five years, November 2, 2022.

²²⁰⁵ NOW Grenada, Schools to reopen, adhering to 6-foot physical distancing, January 8, 2022.

²²⁰⁶ La Prensa, Problemas económicos afectan la asistencia de alumnos en colegios públicos de la Costa Caribe, January 26, 2022.

²²⁰⁷ IACHR - REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas April 10, 2020.

1011. The Special Rapporteur notes that the Ministry of Education has launched a new school sports program, through which it plans to teach primary school students the importance and fundamentals of sports and physical education. In this sense, it also seeks to support the physical health of girls and boys, combating the high rates of childhood obesity that have been recorded in the country after the pandemic²²⁰⁸.

²²⁰⁸ Associates Times, Grenada: Education Minister launches new sports program in schools to tackle obesity, March 20, 2022.

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1013. REDESCA notes with particular concern the warnings regarding the increase in inequality rates in the country. According to the Central American Institute for Fiscal Studies (Icefi), there is an exponential increase in the rates of inequality and poverty if the public policies that have been applied in the country so far continue, there is an increase in public debt and a relative increase in tax collection; however, such results would not show an improvement in the attention of the state apparatus²²⁰⁹.
1014. According to the report presented by the United Nations Development Program (UNDP), it was determined that the country has a medium human development with indicators below the Latin American averages, recommending actions focused by territory. According to the UNDP, Guatemala's human development index has a value of 0.663, below the 0.766 of the rest of the Latin American countries, except for Nicaragua (0.660) and Honduras (0.634). According to this report, the country ranks 127th out of 189 countries. Inequality is also denounced by the document regarding the country, where 59% of its 18 million inhabitants live in poverty according to official figures²²¹⁰.
1015. On the other hand, REDESCA is concerned about the statistics on youth, which show that economic poverty reaches six out of every ten young people; the figure increases when it comes to the indigenous population, since eight out of ten survive in poverty²²¹¹. In view of this issue, REDESCA urges that public policies applied to reduce poverty should aim at the full realization of the ESCER of the most vulnerable people in the country.

A. Right to Health and its Social Determinants

1016. In relation to the right to health, the Office of the Special Rapporteur has learned that, as of December 22, 2022, a total of 1,193,391 confirmed cases of COVID-19 have been registered in Guatemala, and 19,989 people have died from the disease²²¹². However, REDESCA notes with concern the information gathered by the Human Rights Ombudsman's Office (PDH), which estimates that the number of deaths from COVID-19 would be three times higher than the official figures, given that the official indicators do not take into account data such as hospital occupancy and the distribution of deaths by hospital, department and region²²¹³. In the same vein, the Rapporteurship notes with concern that life expectancy in Guatemala has fallen two years since the beginning of the pandemic²²¹⁴.
1017. Regarding the number of doses of COVID-19 vaccine applied, REDESCA notes that, as of December 22, 2022, 19,955,569 doses of vaccine had been administered, with 41.10% of the population fully vaccinated²²¹⁵, one of the lowest rates in the Americas²²¹⁶. On the other hand, it is noted that the vaccination process for children between 6 and 11 years of age began in Guatemala in February, and that, despite having the objective of inoculating 2.2 million children, as of August, 25.11% had been vaccinated with one dose and 3.23% with two doses, figures lower than expected²²¹⁷.

²²⁰⁹ Forbes, Icefi warns of possible increase in inequality in Guatemala, January 19, 2022.

²²¹⁰ Bloomberg, Guatemala widens its inequality in almost two decades, according to UNDP report July 12, 2022

²²¹¹ Free Press, Youth Day: Q6.52 is what Guatemala invests in each young person and adolescent as of August 12,

2022.

²²¹² Datosmacro, Guatemala: Coronavirus Crisis, December 22, 2022.

²²¹³ El Periódico, Deaths from COVID-19 in Guatemala could exceed 50 thousand June 25, 2022

²²¹⁴ Prensa Libre, La expectativa de vida en Guatemala cayo 2 años debido a la pandemia, February 15, 2022.

²²¹⁵ Datosmacro, Guatemala: Covid-19 Vaccines Administered, December 22, 2022.

²²¹⁶ SwissInfo, Less than 50% of the Guatemalan population has been vaccinated against covid-19, June 10, 2022.

²²¹⁷ Prensa Libre, Vaccination against covid-19 in children does not reach the expected numbers in Central Guatemala and this explains Salud, August 1, 2022.

1018. REDESCA takes note of civil society criticisms about the scarcity of information campaigns by authorities²²¹⁸, particularly those directed in Mayan language. According to data from the 2018 Census, three out of every ten people in Guatemala speak Mayan languages, however, REDESCA notes that only 8% of the budget allocated to information campaigns on COVID-19 and vaccination in that language²²¹⁹. REDESCA has learned that the lack of information in native languages would have had a direct impact on vaccination rates, taking into consideration that, while in the municipality of Guatemala, where the majority of the population speaks Spanish, the vaccination expectation was exceeded with two doses, in other areas of the country, where the indigenous population predominates, only about 5% of the inhabitants are inoculated²²²⁰.
1019. In line with the above, REDESCA is particularly concerned about reports of the expiration of vaccine doses in the country. According to the information gathered, as of June, approximately 8.3 million doses had expired without the Government having used them, which would mean a value in losses of close to 100 million dollars²²²¹. In view of this situation, the Office of the Special Rapporteur notes that, while the Government has blamed anti-vaccine groups for generating disinformation about the immunizers²²²², civil society organizations have pointed out that the expiration is also due to the deficient information campaign, which is not culturally or linguistically relevant²²²³. It should be noted that, as a result of the economic losses caused by the expiration of vaccines, the health personnel of national hospitals have requested that the resources transferred to the COVID-19 Emergency Fund be returned to the health portfolio to be invested in public hospitals²²²⁴.
1020. In this regard, the Office of the Special Rapporteur recalls that, according to the provisions of IACHR Resolution 1/2021, States have the obligation to provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19. The information disseminated must be of quality, objective and timely, and culturally appropriate, when appropriate. Likewise, States must, with respect to indigenous peoples, carry out information and vaccine distribution campaigns in their territories, in coordination and with their participation, through their representative entities, leadership and traditional authorities, in order to ensure the effectiveness and cultural appropriateness of the measures²²²⁵.
1021. The Office of the Special Rapporteur takes note of the approval of the Vaccination Law during the month of February, which aims to guarantee the Guatemalan population protection against immunopreventable diseases, while guaranteeing the right of citizens to decide on the application of vaccines in their bodies²²²⁶. Notwithstanding this, REDESCA has taken cognizance of the veto of the law by the Executive, arguing that the law would contain contradictions and generate a lack of legal certainty²²²⁷. REDESCA is concerned about this situation, especially considering that the country has not met the

²²¹⁸ Ocote Agency. Antivaccine religionists: disinformation from the lectern March 31, 2022.

²²¹⁹ Free Press. Vaccination campaigns in Mayan languages are rare January 20, 2022

²²²⁰ Free Press. Monkeypox messages should reach communities in their native language to counter rumors Aug. 10, 2022

²²²¹ SwissInfo, Less than 50% of the Guatemalan population has been vaccinated against covid-19, June 10, 2022.

²²²² Swissinfo, Guatemalan government blames antivaccine for expiration of one million doses Sputnik V, March 1, 2022.

²²²³ Prensa Latina, Polemica marca estrategia de vacunación antiCovid-19 en Guatemala, March 2, 2022; LaHora, Vence último lote de Moderna en Guatemala; 930 mil aún carecen de segunda dosis, April 10, 2022.

²²²⁴ El Periódico. Physicians request that resources transferred to the Emergency Fund be reintegrated to Health July 5, 2022.

²²²⁵ REDESCA - IACHR, Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, paras. 11 and 14.

²²²⁶ AGN, Guatemala proof of Vaccination Law, February 1, 2022.

²²²⁷ Prensa Libre, Gobierno veta Ley de Vacunas y señala "inconsistencias y vacíos legales", March 1, 2022.

vaccination goals proposed by the World Health Organization (WHO) as of June of this year²²²⁸, being one of the countries with the lowest vaccination rates in the region²²²⁹.

1022. On the other hand, note was taken of the relaxation of sanitary measures adopted by the Guatemalan authorities. During the month of July, the use of masks ceased to be mandatory, becoming a voluntary decision of each person, except in health centers, detention centers and public transportation, places where the measure remains²²³⁰. Along the same lines, in August, the Executive ruled that coronavirus tests, vaccination cards or the use of masks are no longer required for travelers at La Aurora International Airport²²³¹.
1023. The Office of the Special Rapporteur notes with concern the lack of medical supplies and basic medicines in various parts of the country, which has led to the suspension of patient care at the General Hospital in Guatemala²²³². In view of this situation, the Special Rapporteurship takes note of the protest carried out by the Union of Workers of the General Hospital San Juan de Dios, who reported that, due to the lack of medical supplies, COVID-19 cases have increased within the facilities²²³³. In the same line, REDESCA had reports that health centers have delivered incomplete medicine kits to people infected with Covid-19, registering cases where they are delivered without medical prescriptions or instructions for their supply.²²³⁴
1024. With regard to the right to health, the Office of the Special Rapporteur also took note of the difficulties that Guatemala has experienced in oncological detection, increasing mortality in the country due to the late detection of liver cancer, according to data from the International Agency for Research on Cancer (IARC) of the World Health Organization²²³⁵. In this sense, REDESCA takes note of the efforts of the State of Guatemala expressed in the Bill for Comprehensive Cancer Care, which aims to combat the increase in cases of this disease and create the basis for the technical-administrative specialization for the area of oncology in the country, through the creation of public policies, programs for its dissemination, patient care, a system of registration of cases, and guidance to patients and families²²³⁶.
1025. On the other hand, the Office of the Special Rapporteur has monitored the cases of smallpox that have been reported in Guatemala. As of November 23, 2022, 172 cases have been confirmed, of which only 2 have been in women²²³⁷. REDESCA also notes the difficulty in obtaining vaccines to combat the disease, given the low availability in the region²²³⁸. Regarding the information provided about the disease, the Office of the Special Rapporteur has learned that civil society organizations have demanded that the urban approach and the Spanish language be transcended, due to what happened with the COVID-19 information campaigns²²³⁹.

²²²⁸ La Hora. Guatemala failed to surpass WHO vaccination target July 11, 2022

²²²⁹ Soy502. Guatemala, among the worst in the Americas in vaccination against Covid-19, January 19, 2022.

²²³⁰ Free Press. Government retracts on the use of masks: Giammattei says that the use of masks will cease "compulsorily and it will be the responsibility of each person" July 14, 2022

²²³¹ Free Press. "It's up to travelers' discretion": Aeronautics eliminates mandatory use of masks and presentation of evidence at airport August 12, 2022

²²³² Prensa Libre, Hospital General deja de atender pacientes por falta de medicamentos, February 16, 2022.

²²³³ El Periódico. Hospital San Juan de Dios workers report lack of supplies June 30, 2022.

²²³⁴ Free Press. Health admits delivery of incomplete kits to covid-19 patients: what medications should they give? July 13, 2022

²²³⁵ Lared, Late detection of liver cancer increases mortality in Guatemala, February 4, 2022.

²²³⁶ Community Press. Mortality from late-diagnosed cancer cases could double; law urged 20 July 2022.

²²³⁷ SwissInfo, Guatemala reports 47 active cases of monkeypox, November 23, 2022.

²²³⁸ La Hora. "Monkeypox": Health warns of complications in acquiring vaccines August 12, 2022

²²³⁹ Free Press. Monkeypox messages should reach communities in their native language to counter rumors Aug. 10, 2022

1026. REDESCA welcomes the State's efforts to invest funds for the construction of national hospitals in the departments of Jutiapa and Suchitepéquez, whose financing comes from a loan signed by the Government of Guatemala with the Central American Bank for Economic Integration (CABEI) for the Hospital Infrastructure and Equipment Investment Program²²⁴⁰. Notwithstanding, the Special Rapporteur is concerned about the decision of the Ministry of Health and Social Assistance to relegate the construction of the national hospital planned in the department of Alta Verapaz, changing the project for the construction of a hospital in the department of Petén. The decision is noteworthy considering that the department of Alta Verapaz has the lowest levels of human development in the country, according to data from the United Nations Development Program (UNDP), and that it is the second most populated in the country, where seven out of ten people live in rural areas²²⁴¹.
1027. In terms of sexual and reproductive rights, REDESCA notes that, according to data from the Observatory of Reproductive Health of Guatemala (OSAR), in 2022 there were 67,688 births to mothers under 19 years of age, where about 3% corresponds to births to women between 10 and 14 years of age²²⁴². In the same vein, the Special Rapporteur welcomes the veto and the process of archiving Decree 18-2022, Law for the Protection of Life and the Family, which, among other issues, increased prison sentences for abortion and restricted the teaching of sexual and reproductive education in schools²²⁴³.
1028. The Special Rapporteur is also concerned that in Guatemala there are records of the Ministry of Public Health and Social Assistance on the diagnosis of "disorders of sexual preference" and "gender identity" as mental health morbidities. In this regard, information was obtained on 312 such diagnoses, in different parts of the country, between 2012 and 2021, despite the fact that the World Health Organization (WHO), in 1990, recognized that homosexuality is a natural variation of human sexuality, in the same way that in 2019 gender identity disorder was eliminated from the category of mental illnesses. In this regard, it was reported that the authorities of the National Mental Health Program (PNSM) have indicated that they had not been instructed to use the International Classification of Diseases and Related Health Conditions Manual, Version (ICD-11)²²⁴⁴.
1029. Likewise, REDESCA reports that it was present during the hearing of case 13,524 regarding 334 patients of the Federico Mora Hospital v. Guatemala. During the hearing, REDESCA obtained testimony from expert witnesses on the international standards on the guarantee of the DESCAs of persons with disabilities who are institutionalized in mental health care centers. In this regard, REDESCA notes that according to the petitioner, the Hospital should not be characterized in this way, since it does not provide any type of care to improve the mental health of persons with disabilities. In addition, testimonies pointed out the lack of implementation of social support programs to address the social determinants of the mental health of the hospital's patients.²²⁴⁵
1030. REDESCA has received information on the epidemiological alert issued by the Ministry of Health and Social Assistance with the objective of preventing the detection of the polio virus. This is due to the fact that, as of July, 38 suspected cases had been detected through the surveillance of symptoms of Acute Flaccid

²²⁴⁰ Free Press. Health prepares to invest US\$193.2 million in construction of three hospitals July 18, 2022.

²²⁴¹ Free Press. Ministry of Health relegates hospital construction in Alta Verapaz despite departmental urgency July 20, 2022

²²⁴² OSAR, Pregnancies and birth records of teenage mothers - year 2022, December 2022.

²²⁴³ France24, President of Guatemala asks to shelve law that stiffens penalties for abortion, March 11, 2022.

²²⁴⁴ Public Square. For Public Health, gender identity is still a disorder June 24, 2022

²²⁴⁵ See: IACHR, Hearing in Case 13.524-334 Patients of the Federico Mora Hospital v. Guatemala, 184th Regular Session, June 14, 2022.

Paralysis²²⁴⁶. REDESCA expresses its concern that, in the years following the detection of the first case of COVID-19, vaccination coverage of children against poliovirus has dropped below 80%²²⁴⁷.

1031. The Special Rapporteur notes with great concern the cases of malnutrition in the country, specifically, the Ministry of Public Health and Social Assistance (MSPAS) reported that the first six weeks of 2022 there were 3,230 cases of children under 5 years of age with acute malnutrition, increasing by 0.7% compared to the same period in 2021²²⁴⁸. This, together with the studies presented by World Vision and Joining Forces, highlighted that 4.6 million Guatemalan people are at risk of food insecurity²²⁴⁹. It should be taken into consideration that the main causes of infant mortality are pneumonia and acute diarrheal diseases and 54 percent of these diseases are associated with some degree of malnutrition²²⁵⁰. In the same sense, according to data provided by the health authority, the mortality rate due to acute malnutrition in Guatemala is 0.13 percent²²⁵¹.

B. Climate Emergency and Human Right to Water

1032. In terms of climate emergency and the human right to water, REDESCA has observed the actions being taken by the governments of Honduras and Guatemala to address the worrying situation of contamination of the Motagua River. In this regard, the Office of the Special Rapporteur notes that Guatemala has claimed to have controlled the flow of waste into the river during the month of January²²⁵². Notwithstanding this, as waste continues to reach the Honduran beaches²²⁵³, the Rapporteurship takes note of the agreements reached between the two countries, highlighting the role that the Central American Bank for Economic Integration (CABEI) would play in managing the necessary funds to carry out sanitation studies in the river and their implementation²²⁵⁴. REDESCA notes with concern the slow progress of negotiations and measures to address the situation, encouraging to prioritize them and making itself available to the States involved, as an inter-American mandate specialized in environmental rights⁴⁷.

1033. On the other hand, REDESCA notes with concern the situation of forest fires in the country, with more than 450 fires registered during the 2021-2022 season, which, in addition to having consumed more than 6,000 hectares of forest, have left more than a dozen people dead²²⁵⁵. The Special Rapporteur notes that, according to information from the National Coordinator for Disaster Reduction (CONRED), forest fires are one of the main causes of degradation of Guatemala's natural heritage, causing direct damage to fauna, flora, water and soil²²⁵⁶.

1034. REDESCA takes note of the heavy rains that have affected the Guatemalan territory, causing soil saturation and flooding. According to information provided by the National Institute of Seismology, Volcanology, Meteorology and Hydrology (Insivumeh), during the month of May and early June rainfall was

²²⁴⁶ Free Press. Health issues alert for poliovirus risk and gives these recommendations for the population July 25, 2022.

²²⁴⁷ Prensa Libre. Poliovirus Alert: Guatemala shows lag in polio vaccination and Health refers to case detected in another country July 27, 2022.

²²⁴⁸ Hola News, Guatemala records 3,230 cases of children with malnutrition during 2022, March 2, 2022.

²²⁴⁹ El Periódico. Study warns that 4.6 million Guatemalans are at risk of food insecurity 07 July 2022.

²²⁵⁰ El Periódico. Study warns that 4.6 million Guatemalans are at risk of food insecurity 07 July 2022.

²²⁵¹ El Periódico. Health reports 15 children died from acute malnutrition July 18, 2022

²²⁵² Forbes, Guatemala claims to have controlled waste flow from the Motagua River to Honduras, January 17, 2022.

²²⁵³ Free Press. PHOTOS: Honduran beaches begin to feel this year the impact of garbage dragged by the Motagua River June 19, 2022

²²⁵⁴ NEWSINAMERICA, CABEI to finance study to clean up the Motagua River in Guatemala, February 8, 2022.

²²⁵⁵ Swissinfo, Guatemala records 457 forest fires that have left 10 dead in 2022, 16 April 2022.

²²⁵⁶ Prensa Libre, Las imágenes que evidencian cómo los incendios forestales son una de las principales causas de degradación del patrimonio natural de Guatemala, April 5, 2022.

equivalent to what was expected for three months²²⁵⁷. A report released by the National Coordinator for Disaster Reduction (Conred) indicated that close to 30 people died as a result of incidents caused by the rains, while more than 2 million inhabitants were affected by the high rainfall²²⁵⁸.

1035. In this regard, REDESCA is closely monitoring the measures adopted by the authorities in response to the environmental emergency. On June 21, the Council of Ministers declared a state of calamity in the 8 departments most affected by the weather conditions²²⁵⁹. Likewise, the Congress of the Republic approved the increase of one billion Quetzals in the public fund to attend to emergencies, a decision that was not exempt from criticism regarding the improper use of public resources²²⁶⁰. The Special Rapporteur notes with concern that Guatemala is one of the countries most vulnerable to climate change due to its geographical location, a factor that adds to the lack of policies and planning for the prevention of climate disasters, to the extent that cities have expanded into areas not suitable for habitation due to the high risk involved²²⁶¹.
1036. REDESCA reminds States that, in accordance with the provisions of IACHR Resolution 3/2021, States should focus their efforts on all strategies that promote investments in climate-resilient infrastructure, and the creation and/or updating of urban plans for adaptation and mitigation to climate change, with special emphasis on the incorporation of these measures in favor of the most vulnerable people²²⁶².
1037. In relation to the above, REDESCA is aware of the situation of the controlled landfill at KM 22 on Guatemala's Pacific route. This landfill is located near the municipality of Villa Nueva and, like the "Zone 3" landfill, receives waste from Guatemala City and 13 other municipalities. It is administered by the Authority for the Sustainable Management of the Amatitlán Lake Basin (AMSA), which visited the landfill in September 2022 to learn about the work of the waste collectors in recycling and commercialization.²²⁶³ However, according to civil society organizations, changes were announced in the administration of the landfill, for example, the prohibition of entry and work of recyclers at the landfill was indicated. Additionally, the construction of a waste classification plant administered by the State was announced, which would have the possibility of offering 60 jobs in a first stage, which would be selected among the group of recyclers that had formal permission to enter the landfill; he added that perhaps in a second stage, 60 more could be integrated.²²⁶⁴
1038. Considering the above, REDESCA recalls that the processes of energy or climate transition, which may include the transition of solid waste management processes, must be carried out from a rights-based approach. This includes guaranteeing the rights of people working in these sectors, preserving their jobs and protecting their labor and union rights in these contexts.
1039. For its part, the Office of the Special Rapporteur notes with concern reports from communities in Polochic, in the department of Alta Verapaz, about threats from local representatives of institutions such as the National Coordinator for Disaster Reduction (Conred), the Secretariat for Food Security (Sesan) and

²²⁵⁷ Free Press. Weather in Guatemala: rains will continue in the next 2 days and are expected to increase over the weekend 20 June 2022.

²²⁵⁸ ElPeriódico. Rains leave 28 dead and more than 2 million affected 14 August 2022.

²²⁵⁹ Prensa Libre. Rains in Guatemala: Council of Ministers declares a State of Calamity in several departments of the country June 21, 2022.

²²⁶⁰ Free Press. Three reasons that generate doubts about the state of calamity and the increase of Q1 billion for the emergency fund June 24, 2022.

²²⁶¹ Free Press. La Niña phenomenon aggravates the country's vulnerability due to lack of prevention policies June 24, 2022.

²²⁶² IACHR - REDESCA, Resolution 3/2021: Climate Emergency, Scope and Inter-American Human Rights Obligations, December 31, 2021.

²²⁶³ WIEGO, Report on the situation of waste pickers in Guatemala's KM 22, September 2022 (REDESCA Archive).

²²⁶⁴ WIEGO, Report on the situation of waste pickers in Guatemala's KM 22, September 2022 (REDESCA Archive).

the Ministry of Agriculture, Livestock and Food (Maga), for having denounced to the Inter-American Commission on Human Rights (IACHR) and to the press the situation of indifference to the social consequences of the rains in June and June of this year, Livestock and Food (Maga), for having denounced to the Inter-American Commission on Human Rights (IACHR) and to the press the situation of indifference to the social consequences of the rains in the months of June to August, indicating to them that they would be imprisoned if they continued with the request for food supplies²²⁶⁵.

1040. In relation to the right to water, the Office of the Special Rapporteur obtained information on demonstrations in Zone 18 of the Guatemalan capital city due to the lack of water in the area, denouncing having spent 10 days without access to it²²⁶⁶. Similarly, in May 2022, it was reported that residents of the neighborhoods Las Ilusiones, Las Tapias, El Valle and Santa Faz, in Zone 18 of the capital, reported that they had not received drinking water in their homes for approximately two months²²⁶⁷.

1041. In line with the above, REDESCA takes note of the rulings issued by the Constitutional Court in relation to the amparo actions filed by the Human Rights Ombudsman in response to the threats of not supplying drinking water to that sector of the city. In them, the responsible parties are ordered to immediately supply drinking water to the affected people, allowing them to meet their hygiene and food needs, continue the maintenance actions to ensure the proper functioning of the well that supplies that sector and to review the rates and amounts that are charged to users of the drinking water service²²⁶⁸.

1042. On the other hand, REDESCA observes the momentum of legal initiatives that seek to transfer to the Ministry of Environment and Natural Resources (MARN) the steering role in environmental issues of institutions such as the National Council of Protected Areas (CONAP), the National Forest Institute (INAB), and the Office of Control of State Reserve Areas (OCRET). Civil society organizations denounce that this measure would concentrate environmental licensing processes in a single entity, reducing the independence of the approval process for construction projects in protected areas and community lands, and would exempt evangelical churches from environmental impact studies²²⁶⁹. For its part, the State has pointed out that this measure would strengthen environmental management processes, since the Ministry is the governing entity for environmental policy at the national level.²²⁷⁰ Civil society emphasized that environmental permits are now granted by entities where civil society is represented on the board of directors, which guarantees their independence.²²⁷¹

1043. REDESCA calls on the State of Guatemala to ensure that all measures it adopts to harmonize its environmental regulations adequately consider Inter-American standards on access to information and participation in environmental matters. In this regard, the Office of the Special Rapporteur reiterates its call to ratify the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), as it is a treaty that strengthens regional cooperation and compliance with existing inter-American obligations in this area.

C. Business and Human Rights

1044. In the context of business and human rights, REDESCA reports that in July of this year it held a meeting with the Guatemalan Mission to the OAS and with representatives of the Coordinating Committee of

²²⁶⁵ Free Press. Comunidades del Polochic denuncian amenazas por evidenciar carencias August 10, 2022.

²²⁶⁶ La Hora, Antimotines and neighbors clash in protest for drinking water, April 7, 2022.

²²⁶⁷ El Periódico. Neighbors of zone 18 denounce that they have not received water for two months May 2, 2022.

²²⁶⁸ Constitutional Court. EXPEDIENTE 2466-2021, judgment of September thirty of two thousand twenty-one; EXPEDIENTE 2717-2021, judgment of January twenty-six of two thousand twenty-two.

²²⁶⁹ Community Press. Two bills proposed by the president of Congress put protected areas at risk July 29, 2022

²²⁷⁰ Agencia Guatemalteca de Noticias, Reports on the importance of the 6054 law initiative,

²²⁷¹ Community Press. Two bills proposed by the president of Congress put protected areas at risk July 29, 2022

Agricultural, Commercial, Industrial and Financial Associations (CACIF). The meeting provided information on the work of the Office of the Special Rapporteur, as well as information on the standards on business and human rights that exist in the Inter-American system. In this sense, REDESCA welcomes the initiative of the State to promote these meetings and is available to carry out technical cooperation activities to strengthen the work of the State in this matter.

1045. On the other hand, REDESCA takes note of the existence of different business projects that would have direct impacts on the enjoyment of people's rights. In this regard, the Special Rapporteur notes with concern the implications of the Cerro Blanco mining project, run by the company Bluestone Resources, which aims to change the extraction of precious metals by subway mining to open pit mining, a highly polluting option²²⁷². It also notes that, despite the fact that the government authorities of El Salvador have repeatedly requested that technical environmental impact studies be carried out as part of the concession for mining in the area, to date the request has not been fulfilled²²⁷³.
1046. REDESCA notes the community's efforts to have the current subway mine closed and, consequently, to avoid the environmental impact on water, soil, and air²²⁷⁴. Likewise, the Special Rapporteur takes note of the request presented by representatives of the municipal councils of Asunción Mita, the church and environmental organizations to carry out a citizen consultation on the future of the mine²²⁷⁵. In this regard, REDESCA is concerned about the allegations made by the Central American Alliance Against Mining (ACAFREMIN), regarding the threats that environmental defenders promoting the citizen consultation have received, including their stigmatization through social networks²²⁷⁶.
1047. On the other hand, REDESCA notes that in July the first phase of consultation with the Xinca people for the mining right El Escobal, located in the municipality of San Rafael Las Flores, department of Santa Rosa, concluded. The activities have been carried out within the process of consultation with indigenous communities ordered by the Constitutional Court in 2018, based on Convention 169 of the International Labor Organization (ILO)²²⁷⁷.
1048. The Special Rapporteur is particularly concerned about the situation of resistance of the indigenous communities of Chiquimula to the establishment of extractive projects by transnational mining companies with Canadian capital, including Minerales Sierra Pacífico, owned by Volcanic Gold/Goldex and EXMINGUA. It is worth mentioning that this is part of the Guatemalan territory known as the "Dry Corridor" due to the droughts and loss of soil fertility affecting the area, which means that its inhabitants are, to a large extent, in a situation of poverty or extreme poverty²²⁷⁸.
1049. On the other hand, REDESCA expresses its solidarity with the president of the Gremial de Pescadores, and environmental defender, Cristóbal Pop, who was detained on charges of incitement to commit a crime, after being singled out by agents of the National Civil Police (PNC) in October last year, when he was part of the anti-mining resistance in El Estor²²⁷⁹. Notwithstanding the fact that the defender was released

²²⁷² Sv.Boell.org, The threats of the Rio Blanco mining project in Guatemala, February 07, 2022.

²²⁷³ El Salvador Newspaper. Guatemala does not deliver environmental study for Cerro Blanco mine to El Salvador June 25, 2022.

²²⁷⁴ Heinrich Böll Stiftung. Future of Mina Cerro Blanco to "Consulta Municipal de Vecinos" May 30, 2022.

²²⁷⁵ Heinrich Böll Stiftung. The Case of the Cerro Blanco Mine in Guatemala May 30, 2022.

²²⁷⁶ La Prensa Gráfica. Environmentalists denounce alleged persecution for opposing mining project in Guatemala July 12, 2022.

²²⁷⁷ Free Press. First phase of the consultation process for the mining right El Escobal, in Santa Rosa ends July 22, 2022.

²²⁷⁸ Community Press. Extractivism: mining threat persists over indigenous communities in Chiquimula. Part I June 16, 2022.

²²⁷⁹ Community Press. Second criminal proceeding against Cristóbal Pop begins; the judge granted him house arrest.

during the month of November²²⁸⁰, the Special Rapporteur recalls that the criminalization and stigmatization of human rights defenders generate serious psychological, labor and material impacts on those who are victims and their families, breaking community ties, reducing the space for civic participation and the defense of human rights, weakening the rule of law²²⁸¹.

1050. The Office of the Special Rapporteur notes with concern the complaints made in the media by the communities of the Poqomam Mayan people regarding the extraction of construction materials from the Primavera and Piedrinera San Luis sand pits, with authorization from the Ministry of Energy and Mines (MEM), even when it has been reported that the operating licenses have expired. REDESCA also takes note of complaints from the communities regarding threats of eviction if they continue to resist the continuation of the project²²⁸².

1051. Likewise, REDESCA had information that the company Kappes, Cassidy & Associates, KCA, sued Guatemala under the terms of the Free Trade Agreement, signed between the United States, Central America and the Dominican Republic, for 400 million dollars before the International Centre for Settlement of Investment Disputes (ICSID) since 2019, for non-compliance in the gold mining project that they intended to carry out in the region of San Pedro Ayampuc, Guatemala, where the community of Puya is located²²⁸³. In July 2022, it was reported that, through a letter signed by 12 U.S. congressmen, Secretary of State Antony Blinken and his embassy in Guatemala were requested to withdraw diplomatic services to the mining company Kappes, Cassidy & Associates, KCA, as well as protection for the members of the peaceful resistance in La Puya, against possible aggressions or attempts to manipulate the consultation process ordered by the Constitutional Court²²⁸⁴.

1052. Considering the above, REDESCA urges the State to implement conflict prevention measures in these contexts, demanding as a minimum compliance with applicable regulations on citizen participation. Particularly with regard to environmental rights, the Office of the Special Rapporteur reminds the State that according to what the IACHR Court indicated in its advisory opinion OC 23/17, the protection of the right to a healthy environment is also guaranteed through the protection of the rights of access, participation, information and justice in environmental matters. Therefore, REDESCA urges the State to strengthen its capacity to demand compliance with environmental regulations from the industrial sector in these contexts.

D. Labor and Union Rights

1053. Regarding guarantees in this area for the most vulnerable groups, REDESCA notes that, according to the report of the United States Department of Labor (USDOL), Guatemala is one of the countries with the most significant progress in the eradication of child labor and its worst forms, having implemented various strengthening and inspection actions at the national level²²⁸⁵. An important advance, taking into consideration that, according to the International Labor Organization, in 2002, at least 20% of Guatemala's

²²⁸⁰ Resumen Latinoamericano, Guatemala. Cristóbal Pop, Q'eqchi' leader in El Estor, cleared of charges in a case that criminalizes him, November 17, 2022.

²²⁸¹ IACHR - REDESCA, Business and Human Rights: Inter-American Standards, November 1, 2019, para. 326.

²²⁸² Latin American Summary. Guatemala. Communities of Chinautla suspend resistance, but do not stop defending their territory July 20, 2022

²²⁸³ Business and Human Rights. Guatemala: Organizations denounce lawsuit by mining company Kappes, Cassidy & Associates for attempting to undermine communities affected by its project 3 May 2019

²²⁸⁴ Community Press. U.S. Congressmen ask the White House not to support mining company that bypassed consultation in Guatemala July 22, 2022.

²²⁸⁵ Government of Guatemala, Guatemala among the 9 countries with the most significant progress in the fight against child labor and its worst forms, September 29, 2022.

economy, especially the agricultural export sector, depended on child labor²²⁸⁶. In this sense, more than 60 girls and boys were rescued during inspections for child labor during the year.²²⁸⁷

1054. Regarding exploitation, human trafficking and forced labor, REDESCA notes with concern the information reported by the Secretariat against Sexual Violence and Trafficking in Persons (SVET), which indicates that, after the COVID-19 pandemic, the rates have increased in terms of the number of cases and the severity of the crime²²⁸⁸. According to the State Report on Trafficking in Persons, the reduction of employment opportunities, the restriction of basic services and the increase in poverty are causes that have placed people in a situation of vulnerability to trafficking, affecting women and girls to a greater extent, who represent 63.9% of the victims²²⁸⁹.
1055. The Office of the Special Rapporteur has observed the protests carried out by health professionals during the month of April, who carried out road blockades and strikes at health facilities nationwide, claiming that they had maintained services and health care during the pandemic without the State complying with the collective bargaining agreement that guaranteed vacations, better working conditions, breastfeeding rooms and bonuses²²⁹⁰. Likewise, salary readjustments were requested for workers of the Ministry of Health, regardless of the sector to which they belong, given that many had not received an increase for years²²⁹¹. In this regard, REDESCA recalls the obligation of the States to protect the ESCER of the workers most at risk due to the pandemic, ensuring the protection of their economic income and means of subsistence²²⁹².
1056. Regarding the consequences of this year's economic inflation for workers, the report published by the International Labor Organization (ILO) explains that food and energy price increases erode workers' incomes and create more stress for the economy and labor markets, affecting real incomes, delaying economic recovery and increasing the risk of falling into poverty or food insecurity²²⁹³.
1057. REDESCA notes with concern the dismissal without specific justification of eight prosecutors by the Attorney General of Guatemala, an action that would be contrary to international human rights standards and would undermine the ability of prosecutors to carry out their work independently²²⁹⁴. In total there are 16 confirmed dismissals of professionals from the Secretariat of Criminal Policy, the Human Rights Prosecutor's Office, the Office against Organized Crime and the International Affairs Unit, in a broader context of transfers, dismissals and abusive criminal proceedings against independent prosecutors and judges²²⁹⁵.
1058. On the other hand, REDESCA takes note of the dismissals of workers at the Universidad de San Carlos de Guatemala (USAC) that reportedly occurred after a new rector of the university took office. In this regard, the Union of Workers of the University of San Carlos (STUSAC) denounced that the current administration has unjustifiably carried out dismissals, changes in working conditions, reprisals, and non-payment of salaries²²⁹⁶. In this regard, it is known that STUSAC has filed an appeal for protection before

²²⁸⁶ Progressive, The Other Americans: Child Labor, the Backbone of the Guatemalan Economy, February 2, 2022.

²²⁸⁷ Agencia Guatemalteca de Noticias, Más de 60 menores rescatados durante inspecciones por trabajo infantil, December 1, 2022.

²²⁸⁸ El Periódico. For every identified trafficking victim, it is estimated that there are 20 more by July 14, 2022.

²²⁸⁹ Government of Guatemala, Informe de Estado en Materia de Trata de Personas, August 2022.

²²⁹⁰ Prensa Libre, Salubristas anuncian bloqueos en carreteras y la capital este miércoles y dan a conocer los puntos afectados, April 5, 2022.

²²⁹¹ LaHora, Salubristas blockades reported; demand improvements, April 6, 2022.

²²⁹² IACHR - REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020.

²²⁹³ El Periódico. ILO: inflation affects real income and delays economic recovery 6 July 2022.

²²⁹⁴ Human Rights Watch. Guatemala: Attorney General arbitrarily fires prosecutors July 14, 2022.

²²⁹⁵ Free Press. Opponents: Is the dismissal of MP prosecutors legitimate? July 8, 2022

²²⁹⁶ Free Press. Walter Mazariegos starts with layoffs that could compromise USAC funds July 7, 2022.

the Eighth Court of Labor and Social Security, which granted a series of precautionary measures in its favor, such as the prohibition to dismiss any USAC worker without the corresponding judicial authorization, and the prohibition to make changes in the working conditions already agreed upon²²⁹⁷.

1059. Regarding the guarantee of social security, REDESCA has learned that in July 2021, the Constitutional Court (CC) issued a ruling and revoked the provisional suspension of the regulation contained in Governmental Agreement 89-2019, which allows part-time work in Guatemala, establishing that there is no social security coverage for this group of workers²²⁹⁸. REDESCA takes note of the efforts of the authorities to present a solution²²⁹⁹, taking into consideration the importance of the issue, to the extent that part-time work has increased after the pandemic, with more than 30 thousand contracts in this modality as of October²³⁰⁰.

1060. On the other hand, REDESCA has closely observed the minimum wage setting process in Guatemala. In this regard, it is noted that the National Wage Commission (CNS), made up of representatives of the government, employers, and labor sectors, has shown concern for the lack of results, especially because this is the first time that the minimum wage must be calculated under the model of economic districts. Two regions were created for this modality, known as Economic Constituency One (CE1), which includes the department of Guatemala, and Economic Constituency Two (CE2), which includes the rest of the country. Although it was approved in the same month who would integrate it, to date most of them have held only one or very few meetings, while others have not progressed because they have not been fully integrated or due to quorum issues²³⁰¹.

1061. REDESCA calls on the State to ensure that these wage determination processes take into consideration the rights of workers, while also seeking to protect collective bargaining spaces in the different spheres. At the same time, it reminds the State that any modification of labor rights must comply with the principle of progressivity and non-regression that governs them.

E. Fiscal and Economic Policies

1062. Regarding fiscal and economic policies, REDESCA notes with concern that Guatemala achieved an unfavorable rating in the corruption perception index, dropping to 150th place out of 180 nations evaluated²³⁰². In this regard, the Office of the Special Rapporteur has taken cognizance of various complaints and manifestations related to acts of corruption²³⁰³. Likewise, in June 2022, Guatemala obtained a score of 3.38 out of a total of 10 points, according to the Capacity to Combat Corruption Index (CCC), which places it in one of the three nations in the region with the least policies in this area.²³⁰⁴

²²⁹⁷ Community Press. [USAC: workers denounce dismissals and reprisals by the current administration](#) July 27, 2022.

²²⁹⁸ Free Press. [Some 20 thousand part-time workers do not have IGSS coverage, although employers request their affiliation Why?](#) July 13, 2022.

²²⁹⁹ Free Press. [IGSS presents proposal for affiliation and coverage of part-time workers, which differs from the one made by the business sector](#) July 22, 2022.

²³⁰⁰ Prensa Libre, [Part-time work registers an increase, as confirmed by more than 30 thousand contracts](#), October 26, 2022.

²³⁰¹ Free Press. [The analysis on the regional minimum wage for 2023 is not moving forward and these are the justifications](#) July 26, 2022.

²³⁰² ElPeriodico, [Guatemala reaches its worst score in the Corruption Perceptions Index](#), January 26, 2022.

²³⁰³ teleSURtv.net, [Organizaciones de Guatemala se movilizan contra la corrupción](#), April 5, 2022.

²³⁰⁴ Prensa Libre. [CCC Index: Between Jimmy Morales and Alejandro Giammattei the shielding of the political class and impunity deepened](#) June 22, 2022.

1063. In this regard, REDESCA takes into account what the IACHR indicated in its Resolution 1/17, that "...the scourge of corruption affects different countries in the region. In this regard, the Commission reaffirms the importance of the fight against corruption to guarantee the effective enjoyment of human rights, especially economic, social, cultural, and environmental rights, whose effectiveness depends on public policies and budgets".²³⁰⁵
1064. On the other hand, the Special Rapporteur notes with particular concern the statements made by the Minister of Public Finance and members of the Congress of the Republic of Guatemala regarding the low probability that the budget presented by the ministerial portfolio specifically for 2023 will be approved and that, as a result, the budget approved for 2022 will remain in force. In this regard, it was indicated that the reason for this improbability is that next year national elections will be held, having been pointed out that, politically, in pre-electoral years it is also complicated for a budget to be approved.²³⁰⁶
1065. In this regard, REDESCA recalls that the guarantee of ESCER responds to the principle of progressivity and depends on public policies and budgets, which must be prepared and approved by the corresponding national authorities in accordance with the needs for service coverage of the population, which change with each economic cycle. In this regard, the Commission has pointed out that, from a human rights perspective, the following principles and obligations are particularly relevant for fiscal policy: ensuring minimum essential levels; mobilization of the maximum available resources for the progressive realization of ESCER; progressive realization and non-regression of these rights; and the principle of equality and non-discrimination.²³⁰⁷
1066. On the other hand, in June 2022 it was reported that the general price level in Guatemala stood at 7.55% in June in interannual terms. The National Statistics Institute (INE) reported that this inflationary rhythm was driven by the behavior of fuel prices, which have maintained an upward trend since December 2021. For its part, the cost of the Basic Food Basket (CBA), which includes 34 basic goods, cost Q3,311.95 last month, for an increase of Q201.77 with respect to January. The Expanded Basket (CA), which in addition to food products includes transportation, footwear, clothing, recreation and other expenses, was at Q7,647.07 and has an increase of Q465.86 with respect to February²³⁰⁸. The International Monetary Fund (IMF), in its July report on World Economic Outlook (WEO), indicated that, for emerging and developing market economies, as is the case of Guatemala, inflation in 2022 is expected to reach 10.0% "from the third quarter to the fourth quarter"²³⁰⁹.
1067. In addition, REDESCA is aware of the increase in prices of the basic food basket in February 2022 as a result of the new electricity tariff in Guatemala²³¹⁰; according to the National Institute of Statistics (INE), both the food basket and the vital basket increased²³¹¹. This is of concern to the Rapporteurship given that this situation occurred in parallel with the expiration of the propane gas subsidy in the country²³¹², which meant that as of March 1, prices returned to their previous values. Although the subsidy compensated the companies, the price of gas rose by 16.3% as a result of the expiration of the subsidy²³¹³. All this has implied

²³⁰⁵ IACHR. Resolution 1/17 Human Rights and the fight against impunity and corruption. September 12, 2017.

²³⁰⁶ Free Press. The Ministry of Finance is working on the 2023 Budget, assuming that Congress will not approve it on July 27, 2022.

²³⁰⁷ IACHR, Report on Poverty and Human Rights, OEA/Ser.L/V/II.164 Doc. 147, Sept. 7, 2017, para. 502.

²³⁰⁸ Free Press. Inflation rose to 7.55% in June 7 June 7, 2022.

²³⁰⁹ The Hour. IMF: World economy continues to decline; inflation may reach 10% in countries like GT July 27, 2022

²³¹⁰ Resumen Latinoamericano, Guatemala. Prices of the basic food basket soar, February 2, 2022.

²³¹¹ America-Retail, Aumenta la canasta básica en Guatemala, February 7, 2022.

²³¹² Prensa Latina, Vence Vence subsidio al gas propano en Guatemala, February 28, 2022.

²³¹³ Swissinfo, Gas price rises in Guatemala due to temporary subsidio cessation, March 02, 2022.

that food prices have had progressive and recurrent increases, which disproportionately affects the most vulnerable populations²³¹⁴.

1068. On the other hand, the Office of the Special Rapporteur has received reports of the constant changes in the budget allocated for the fight against malnutrition. In this regard, civil society has denounced that there is a low execution in terms of attention to the food insecure population and the strengthening of family agriculture, and the ministries with the highest execution are those that do not have such direct actions to address the problem, such as the Ministry of Environment and Natural Resources, which exceeds 60 percent, while the Ministry of Social Development is at 39.42 percent in attention to the vulnerable population in food insecurity. At the same time, they stated that it is not only the low execution, but also the budget modifications that reduce resources to the main actions to fight malnutrition and help the population in food crisis²³¹⁵.
1069. It was also learned that the programs of the Ministry of Agriculture, Livestock and Food (Maga) aimed at supporting peasants show a low budget execution, according to the Integrated Governmental Accounting System (Sicoin). Specifically, program 11 on food access and availability with a current budget of Q549.8 million, as of mid-July shows an execution of 44.22%, the equivalent of Q243.1 million. Respectively, some subprograms, projects and activities show worrying figures. For example, the one related to assistance for food vulnerability, which has a current budget of Q1 million 651 with an expenditure progress of 2.82% as of July²³¹⁶.

F. Education, science, technology: academic freedom and university autonomy

1070. In the framework of guaranteeing the right to education, REDESCA takes note of the efforts of the Guatemalan authorities to return to the face-to-face modality in schools²³¹⁷. Notwithstanding the above, the increase in COVID-19 infections in children during the year, exposed by the lack of vaccines, and the lack of adequate sanitary conditions in some establishments, delayed the face-to-face mode, having to continue with learning in remote or hybrid format²³¹⁸.
1071. The Special Rapporteur is concerned about school dropout rates in Guatemala. According to data from the Statistical Yearbook of Education in Guatemala, of the Ministry of Education (Mineduc), approximately 187 thousand children and adolescents who enrolled in an educational center in 2021 did not complete the school cycle, figures that represent an increase of 71.6% compared to the previous year²³¹⁹. These figures could be explained by the lack of access to teaching materials provided for the remote education format, which would disproportionately affect people living in rural areas of the country²³²⁰. Likewise, the difficulty in accessing basic services, such as electricity, would have a direct impact on the high rates of migration of minors from Guatemala²³²¹.
1072. In this regard, REDESCA recalls that States must have mechanisms that allow access to education with the stimuli and methodologies that the age and level of development of children and adolescents require,

²³¹⁴ Prensa Libre, Food prices have been rising for months, although according to INE, inflation is under control, March 03, 2022.

²³¹⁵ Free Press. How constant changes in the budget slow down the fight against malnutrition July 19, 2022

²³¹⁶ Free Press. Maga's assistance programs to farmers show low execution July 16, 2022

²³¹⁷ Republic. [What the agreement authorizing face-to-face classes in red alert says](#), February 07, 2022.

²³¹⁸ Free Press. Covid infections in children triples and compromises, once again, the quality of education July 21, 2022.

²³¹⁹ Prensa Libre, [School dropout increased by 71 percent in 2021 Why should we care](#), October 17, 2022.

²³²⁰ UNICEF Guatemala, [Lack of equal access to distance education in the context of COVID-19 could aggravate the global learning crisis, according to UNICEF](#), June 5, 2022.

²³²¹ Prensa Libre, [Matrícula escolar cae mientras cifras de migración de niños y adolescentes aumentan](#), July 20, 2022.

as well as ensure that they have access to remote education without exclusion, through support systems, communication strategies and accessible content²³²².

1073. According to information gathered by ECLAC, in Guatemala there are still large gaps in access to the effective enjoyment of the right to education, particularly in the case of rural populations and indigenous peoples²³²³. The possibility of completing their studies is increasingly narrower as they advance to higher levels of education. In this sense, 25% fail to finish primary school, and only 8.5% pass some year of university²³²⁴.

1074. In relation to university autonomy, REDESCA is concerned about the events surrounding the election of the rector of the Universidad de San Carlos de Guatemala (USAC), the only public institution of higher education in the country. REDESCA takes note of the demonstrations by students, faculty²³²⁵, and administrative staff, many of them repressed by the National Civil Police²³²⁶, who denounced that the election had been fraudulent by the University Superior Council (CSU) and recorded anomalies during the election, such as the interruption of the transmission by social networks²³²⁷. In the same vein, REDESCA is concerned that, due to the conflict, the university facilities were closed and academic activities were suspended during the period²³²⁸.

1075. In this area, REDESCA recalls that according to the Inter-American Principles of Academic Freedom, university autonomy is a democratic pillar and the highest expression of self-government of academic institutions. Autonomy guarantees the exercise of teaching, research and extension services, as well as financial, organizational, didactic, scientific and personnel decisions.

G. Human Mobility and ESCER

1076. In the context of human mobility and the guarantee of ESCER, REDESCA takes note of the results presented by the report of the International Organization for Migration (IOM), which states that each year, more than 300,000 people attempt to migrate irregularly to the United States²³²⁹. Along the same lines, according to figures from Customs and Border Protection (CBP), between October 2021 and May 2022, 155,584 Guatemalans were apprehended at the southern border of the U.S. Of these, 22,944 people were traveling in families or family units, and 40,384 were unaccompanied minors²³³⁰.

1077. This situation is of particular concern since, in June 2022, the death of 53 people in a situation of human mobility was reported, 21 of them Guatemalans²³³¹, who were found suffocated inside a truck in the State of Texas, presumably trying to immigrate to the United States²³³². In view of this situation, REDESCA takes note of the creation of a working group with the objective of exchanging information and working in a

²³²² IACHR, SACROI COVID-19 Practical Guides: N° 2 How to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic, December 16, 2020.

²³²³ ECLAC, Brechas de acceso a la educación en Guatemala, October 28, 2022.

²³²⁴ Prensa Libre, Youth Day: Q6.52 is what Guatemala invests in each youth and adolescent per day, August 12, 2022.

²³²⁵ El Periódico. USAC teachers ask for transparency in the election of the rector July 14, 2022.

²³²⁶ La Hora. RECTOR-USAC: Repression to ensure key election for the ruling party May 14, 2022.

²³²⁷ Plaza Pública. The repression exercised by the PNC and the express appointment of Mazariegos June 30, 2022.

²³²⁸ Community Press. Diario Por La Dignidad y el Rescate de la USAC: Weekend June 18 and 19.

²³²⁹ Swissinfo, IOM warns Guatemalan village about risks of irregular migration, February 02, 2022.

²³³⁰ Free Press. The figures that show us that migration from Guatemala is unstoppable, June 21, 2022.

²³³¹ Swissinfo. Guatemala concludes repatriation of 21 migrants who died in Texas, July 29, 2022

²³³² Prensa Libre. There are seven Guatemalans among the 50 dead found in a container in Texas, according to Mexican authorities, June 28, 2022.

coordinated manner to dismantle human trafficking networks, promoted by the governments of the United States, Mexico, Guatemala and Honduras²³³³.

1078. Given this context, the Office of the Special Rapporteur is concerned with identifying the factors that motivate people to leave their territories, such as high rates of violence, poverty, corruption, discrimination, inadequate access to basic services and the scarcity of employment²³³⁴. REDESCA also notes the increase in the number of cases of people on the move in Guatemala due to climate change, as changes in temperature, droughts and floods severely affect crops, the main source of income for artisanal farmers in the country. Crop failures, and the consequent famine and poverty, force the population to make the decision to migrate in search of new opportunities, even risking their lives and integrity²³³⁵.
1079. REDESCA is particularly concerned about the migration of unaccompanied minors from Guatemala, which has increased by 33% compared to the previous year²³³⁶. According to UNICEF information, Guatemalan children and adolescents move as a result of poverty, violence and poor access to services, such as education and health, in their country of origin²³³⁷. The migratory projects of children and adolescents are one of the reasons for school dropout, projecting that 60% to 70% of young people who stay out of the classroom try to migrate to another country, especially to the United States of America²³³⁸.
1080. REDESCA notes that every year thousands of people of different national origins enter Guatemalan territory in order to transit to the southern border of the United States, mostly from Venezuela, Honduras and Haiti²³³⁹. The Special Rapporteur is very concerned about the situation of the ESCER of these people, who reach the Guatemalan border in conditions of exhaustion, without economic resources, and often affected by respiratory and skin diseases; they are threatened with being detained and expelled if they do not have the necessary visa for regular entry into the country²³⁴⁰. In this regard, REDESCA has become aware of the cooperation agreement between the Ministry of Foreign Affairs of Guatemala, the Guatemalan Institute of Migration and the United Nations System in Guatemala, to work on a comprehensive treatment plan regarding migration and refuge, in accordance with international standards on the subject²³⁴¹. The Office of the Special Rapporteur welcomes this agreement, while calling for special consideration of the causes and structural problems related to ESCER in its implementation.

²³³³ Panama America. [US, Mexico, Guatemala and Honduras join forces to stop human trafficking](#), June 29, 2022.

²³³⁴ Migration Policy, [New report examines the causes of migration from Guatemala and offers a policy-making vision for improving livelihoods and migration management](#), March 16, 2022.

²³³⁵ Guatemala: the impact of climate change on migration, July 10, 2022.

²³³⁶ Prensa Libre, [Las cifras que nos muestran que la migración desde Guatemala está incontenible](#), June 21, 2022.

²³³⁷ El Periódico. [Number of unaccompanied migrant children intercepted at southern border increases](#) August 14, 2022

²³³⁸ Free Press. [School enrollment falls while migration figures of children and adolescents increase](#) July 20, 2022.

²³³⁹ Los Angeles Times, [Police in Guatemala prevent transit for 400 migrants](#), September 24, 2022.

²³⁴⁰ Doctors of the World, [Urgent Attention and Protection for Migrants in Guatemala](#), October 27, 2022.

²³⁴¹ UN Guatemala, [Conforman Mesa Migratoria y de Refugio](#), December 22, 2022.

19) GUYANA

1081. REDESCA has followed up on the situation of ESCER in Guyana, closely monitoring the impacts of climate change in the country. The following are the most relevant situations identified in relation to some of the main strategic lines of the Special Rapporteur, i.e. the right to health and its social determinants, climate emergency and the right to water, business and human rights, fiscal policies, labor law, the right to education, and human mobility and ESCER.
1082. Given that poverty and inequality have a cross-cutting impact on the enjoyment of human rights, particularly ESCR, it is noted that although there has been a decrease in poverty in the country - from 61% in 2006 to approximately 48% in 2019 - Guyana remains one of the poorest countries in the region and that during the pandemic, poverty levels have increased.²³⁴² In turn, poverty has disproportionately affected Amerindians²³⁴³ and people living in sparsely populated areas of the country, who have limited access to opportunities, health and public services in general.²³⁴⁴
1083. 4. In addition, the 2022 Multidimensional Poverty Index identifies that 0.2% of Guyana's population lives in multidimensional poverty, and 6.5% is vulnerable to it.²³⁴⁵ In this regard, REDESCA is concerned that the main factor affecting multidimensional poverty is the standard of living (47.7%), followed by health (29.9%) and education (23.0%).²³⁴⁶ In relation to these points, it should be noted that, in terms of health, health outcomes are below the regional average and those of upper middle-income countries. Thus, by way of example, the infant mortality rate in 2019 was 24.4 per 1,000 births - compared to a rate of 13.9 at the regional level - and the under-five mortality rate was 29.3 per 1,000 births - compared to 16.3 at the LAC level. Likewise, non-communicable diseases would be the main burden of morbidity and mortality for the population, representing a total of 70% of the causes of death in 2017.²³⁴⁷
1084. As for education, despite significant progress in terms of access over the past 15 years, according to the World Bank, learning outcomes remain low at all levels. Thus, despite high enrollment rates at the pre-school and primary levels, according to the Human Capital Index, a child born in Guyana would only be 50% more productive when he/she grows up than he/she would have been if he/she had enjoyed a complete education and full health. Within this framework it has been established that the low human capital score is due in part to poor educational and health outcomes.²³⁴⁸
1085. On the other hand, Guyana's coefficient in the Gini Index, which calculates the level of inequality in income distribution, increased from 0.46 to 0.52, between 2006 and 2019; due to the fact that the income of the low-income population increased 40% less than the average²³⁴⁹.

A. Right to Health and its Social Determinants

1086. In relation to the right to health, REDESCA has been monitoring the impact that the pandemic has had on the enjoyment of this right. In this regard, it notes that, as of October 31, 2022, Guyana recorded a total of 71,431 cases and 1,281 deaths due to COVID-19, since the beginning of the pandemic²³⁵⁰. In turn,

²³⁴² The World Bank, *The World Bank in Guyana*, October 6, 2022.

²³⁴³ World Bank, *Macro Poverty Outlook for Guyana: April 2022*, abril de 2022

²³⁴⁴ Ibidem

²³⁴⁵ United Nations Development Programme, *Global Multidimensional Poverty Index 2022 - Unpacking deprivation bundles to reduce multidimensional poverty*, 2022.

²³⁴⁶ Ibidem

²³⁴⁷ The World Bank, *The World Bank in Guyana*, October 6, 2022

²³⁴⁸ The World Bank, *The World Bank in Guyana*, October 6, 2022

²³⁴⁹ World Bank, *Macro Poverty Outlook for Guyana: April 2022*, April 2022.

²³⁵⁰ World Health Organization, *WHO (COVID-19) Homepage - Guyana*, updated October 31, 2022.

947,496 doses of vaccine have been administered, reaching 461,605 persons (57%) with a complete initial vaccination protocol, and another 24,286 persons (3%) with at least one dose²³⁵¹.

1087. In this context, the Office of the Special Rapporteur recognizes the efforts made by the State to continue with the inoculation process, highlighting the acquisition of more than 132,000 doses, including 52,000 pediatric doses of the vaccine.²³⁵² In this regard, it is noteworthy that, by mid-2022, 86.5% of the adult population received the first dose, compared to 29% in the same period the previous year; while the rate of adults with two doses rose from 15% to 67% in the same period²³⁵³. In addition, the administration of the first dose for children aged 5 and 11 years began in June²³⁵⁴; and the second dose was administered in July²³⁵⁵. For its part, the Ministry of Health estimated that, by the end of 2022, 40,000 booster doses would be applied for the adult population; 25,000 doses for adolescents; and 52,000 doses for children between 5 and 11 years of age²³⁵⁶.
1088. Notwithstanding the above, it is noted that Guyana is not meeting the 70% vaccination goal set by the WHO²³⁵⁷. REDESCA expresses its concern regarding information on public distrust of vaccines, linked to lack of information or misinformation about them, which could be a determining factor in the low vaccination rates²³⁵⁸. In this regard, note is taken of the training programs for health professionals and religious and community leaders implemented by the authorities to combat mistrust of vaccination.²³⁵⁹
1089. Therefore, the Office of the Special Rapporteur considers it pertinent to recall that, in line with IACHR Resolution 1/2021, States have the obligation to disseminate quality, objective, timely and culturally appropriate information on vaccines and their side effects, based on the best available scientific evidence; and, in addition, they must conduct public campaigns to counteract misinformation or distorted content about vaccines, to ensure the availability and accessibility of information²³⁶⁰.
1090. REDESCA noted that the restrictions imposed to contain the pandemic were lifted gradually throughout the year. The curfew between 00:00 and 04:00, imposed since 2020, was lifted in February²³⁶¹; while the measures of mandatory physical distancing and capacity limitations for meetings and social events were lifted in March.²³⁶² Subsequently, measures such as the mandatory use of face masks, presentation of vaccination and/or testing certificates and travel requirements were lifted, so that by October, all restrictions were officially lifted²³⁶³.
1091. On the other hand, in the framework of its monitoring work, the Special Rapporteurship learned of the efforts made by the State to improve the mental health conditions of the population. In this regard, REDESCA salutes the National Assembly for the approval of the Law for the Protection and Promotion of

²³⁵¹ World Health Organization, [WHO \(COVID-19\) Homepage - Guyana](#), updated October 31, 2022.

²³⁵² Ministry of Finance Guyana, [Mid-Year Report 2022](#), August 29, 2022.

²³⁵³ Ibid.

²³⁵⁴ Department of Public Information. [First COVID-19 vaccination drive for children 5-11 years successful](#) June 13, 2022.

²³⁵⁵ Department of Public Information. [Second dose Pfizer vaccine to soon be administered to children 5-11 years](#) July 5, 2022.

²³⁵⁶ Ibid.

²³⁵⁷ WHO, [WHO releases global COVID-19 vaccination strategy update to reach unprotected](#), July 22, 2022.

²³⁵⁸ Guyana Chronicle, [Knowledge is best tool to combat vaccine hesitancy](#), March 15, 2022.

²³⁵⁹ Ibid.

²³⁶⁰ IACHR - REDESCA - RELE, Resolution No. 1/2021, [COVID-19 vaccines in the framework of inter-American human rights obligations](#), April 6, 2021, paras. 11 and 12.

²³⁶¹ Department of Public Information, [Guyana, National curfew lifted but restrictions on parties and social events remain in place](#), February 11, 2022.

²³⁶² CARICOM Today, [Guyana removes COVID restrictions](#), March 21, 2022.

²³⁶³ Crisis24, [Guyana: Authorities remove all COVID-19 related measures as of Oct. 9 / update 35](#), Oct. 8, 2022.

Mental Health, which replaced the Mental Hospitals Ordinance, which had been in force since 1930²³⁶⁴ ; as well as for the processing of the Suicide Prevention Bill, initiated in July²³⁶⁵ .

1092. REDESCA also takes note of the progress made in national legislation to bring it into line with international mental health standards. In particular, the creation of a multisectoral Mental Health Board is foreseen, which will include, among others, human rights specialists, users of mental health services, and family members or caregivers of persons affected in their mental health²³⁶⁶ . In addition to this, the authorities aim to decentralize mental health services, through the establishment of specialized clinics in hospitals in each region and the installation of Mobile Psychiatric Clinics for those people who cannot go to a specialized facility for treatment²³⁶⁷ . Finally, it was noted that training will be provided to health professionals throughout the country to improve their ability to identify cases of depression²³⁶⁸ . This is especially relevant when considering that the country registers around 44.2 suicides per 100,000 annually; which, compared to the world average of 16/100,000, makes Guyana one of the countries with the highest suicide rate in the world²³⁶⁹ .
1093. REDESCA celebrates these advances, taking into account that Resolution No. 1/2020 of the IACHR states that improving the availability, accessibility and quality of mental health services implies the equitable distribution of such services and goods in the community, particularly in the populations that are most at risk of being affected in their mental health in the context of the pandemic and its consequences.²³⁷⁰
1094. Regarding the guarantee of the right to health for children and adolescents in Guyana, the Rapporteurship notes with concern that, according to UNICEF, by 2020, the coverage of the triple vaccine against diphtheria, pertussis, and tetanus (DPT) was below 80%²³⁷¹ . In turn, the neonatal mortality rate reached 14.2 per 1,000 live births²³⁷² . In this context, the Office of the Special Rapporteur emphasizes that, in order to guarantee the effective enjoyment of the right to health in a comprehensive manner in the context of the pandemic, States must avoid setbacks in public health campaigns, including general vaccination of children²³⁷³ .
1095. Regarding the guarantee of the right to health in general, REDESCA notes that, as of June, \$3.5 billion was allocated to improve the equipment of health facilities, with the provision of medicines and adequate implements; as well as for the deployment of specialists in hospitals in eight out of ten regions²³⁷⁴ .
1096. On the other hand, with regard to the social determinants of the right to health, REDESCA notes that Guyana is leading the CARICOM agenda on food security, with the goal of reducing food imports, which represent about \$5 billion annually, by 25% by 2025²³⁷⁵ . In addition, it notes that, by 2022, \$32.6 billion was budgeted for the agricultural sector; of which \$15.8 billion was earmarked for the construction of

²³⁶⁴ Department of Public Information. [Mental Health Bill 2022 passed](#) August 9, 2022.

²³⁶⁵ Department of Public Information. [Gov't using multifaceted approach to tackle worrying suicide rate](#) July 21, 2022.

²³⁶⁶ Guyana Chronicle, [Mental health services more accessible](#), October 10, 2022.

²³⁶⁷ Guyana Chronicle, [Mental health services more accessible](#), October 10, 2022.

²³⁶⁸ News Room Guyana, [Doctors at all health centres will be trained to identify depression - Dr. Anthony](#), October 11, 2022.

²³⁶⁹ CNW Network, [Guyana to table legislation to decriminalize attempted suicide](#), July 21, 2022.

²³⁷⁰ IACHR, Resolution No. 1/2020, [Pandemic and Human Rights in the Americas](#), April 10, 2020, para. 11.

²³⁷¹ United Nations Children's Fund. [Country program document. Guyana and Suriname](#) First regular session 2022. February 11, 2022.

²³⁷² Ibid.

²³⁷³ IACHR, Resolution No. 1/2020, [Pandemic and Human Rights in the Americas](#), April 10, 2020, para. 6.

²³⁷⁴ Ministry of Finance Guyana, [Mid-Year Report 2022](#), August 29, 2022.

²³⁷⁵ News Room Guyana, [More money needed to push food security efforts - Pres. Ali](#), October 17, 2022.

infrastructure and provision of machinery and inputs, in the first six months of the year²³⁷⁶. However, it notes with concern the high levels of food insecurity that have been aggravated since April 2020 as a consequence of the health crisis unleashed by COVID-19²³⁷⁷. A survey conducted by FAO, in 2021, identified that 58% of participating individuals were moderately or severely food insecure and that rates of food insecurity were highest among low-income households²³⁷⁸. Faced with this situation, people adopted negative coping strategies, such as skipping meals and consuming less preferred foods, in order to cover their expenses at the end of the month²³⁷⁹.

1097. In this regard, in line with Commission Resolutions 1/2020 and 4/2020, REDESCA stresses that, in order to enable the physical, emotional and intellectual development of all people during the COVID-19 pandemic, States must guarantee nutritious and adequate food, especially those in situations of poverty and vulnerability.²³⁸⁰

B. Climate Emergency and Human Right to Water

1098. Regarding the climate emergency, REDESCA warns that Guyana is highly vulnerable to the effects of climate change, especially due to the risk posed by increased intensity and frequency of rainfall and associated flooding, rising sea levels and storm surges²³⁸¹. According to the World Bank, the impacts of climate phenomena expose 100% of coastal agriculture and 66.4% of coastal urban areas to high risks of flooding and erosion, which could represent losses of more than 46.4% of GDP²³⁸².

1099. In this context, the Office of the Special Rapporteur noted that between May and July, torrential rains and associated flooding severely affected Regions 5, 7, 8, 9 and 10²³⁸³²³⁸⁴. The influx of large amounts of water in short periods of time caused rivers to overflow, flooding the nearest residential areas and even reaching higher ground²³⁸⁵. Satellite images determined that, between May 25 and 29, around 3,900 km² of land were covered by water, which meant that between 22,000 and 50,000 were at risk of being exposed to flooding or living near flooded areas²³⁸⁶. As a result, dozens of homes were affected by flooding, and some families had to be evacuated and relocated to temporary shelters²³⁸⁷²³⁸⁸. Faced with this situation, the authorities deployed contingents to provide supplies and shelter to those affected, and to clean up the affected areas²³⁸⁹.

1100. Against this background, the Rapporteurship welcomes Guyana's Low Carbon Development Strategy 2030 (LCDS), which contains substantial measures to achieve resilient and environmentally responsible growth, including increased protection for forest areas and investment in renewable energy such as hydro

²³⁷⁶ Ministry of Finance Guyana, Mid-Year Report 2022, August 29, 2022.

²³⁷⁷ United Nations, Guyana COVID-19 Food Security & Livelihoods Country Report February 2022.

²³⁷⁸ FAO, Guyana COVID-19 Food Security & Livelihoods Country Report February 2022.

²³⁷⁹ Ibid.

²³⁸⁰ IACHR, Resolution No. 1/2020, Pandemic and Human Rights in the Americas, April 10, 2020, para. 4; IACHR - REDESCA - RELE, Resolution No. 4/2020, Human Rights of Persons with COVID-19, July 27, 2020, para. 16.

²³⁸¹ World Bank, The World Bank in Guyana, October 6, 2022.

²³⁸² Ibid.

²³⁸³ Floodlist, Guyana, Suriname and French Guiana - Overflowing Rivers Cause Widespread Flooding, June 1, 2022.

²³⁸⁴ News Room Guyana, Flooding in some areas as rains continue, July 15, 2022.

²³⁸⁵ Stabroek, Parts of Mahdia, Kwakwani flooded June 22, 2022

²³⁸⁶ Floodlist, Guyana, Suriname and French Guiana - Overflowing Rivers Cause Widespread Flooding, June 1, 2022.

²³⁸⁷ Stabroek, Parts of Mahdia, Kwakwani flooded June 22, 2022

²³⁸⁸ News Room Guyana, Significant flooding in Region 9, families relocated - CDC confirms, May 23, 2022

²³⁸⁹ News Room Guyana, Significant flooding in Region 9, families relocated - CDC confirms, May 23, 2022.

and solar²³⁹⁰. The Strategy also recognizes the important role that Amerindian and forest-dependent communities play in conservation by earmarking 15% of conservation revenues for priority attention to their needs²³⁹¹. In addition, the LCDS proposes actions to improve climate resilience and adaptation capacities, the progress of which has already been recognized by the international community²³⁹². For the same reason, the efforts made by the authorities to continue investing in issues such as disaster preparedness, coastal defenses, drainage and irrigation systems, and early warning systems for agricultural and livestock production, as well as to ensure climate financing²³⁹³ are highlighted.

1101. Without detracting from the above, REDESCA notes that the GDP growth recorded in Guyana in 2022 and projected for 2023 is fundamentally associated with the increase in the extraction of non-renewable natural resources and, in particular, oil²³⁹⁴. In this regard, the International Monetary Fund has emphasized that, although profits from oil production can serve to cover the needs of the population and improve the economy, it also faces risks linked to high price volatility, trends in the global economy and possible difficulties in the management of the resource²³⁹⁵; therefore, it is essential to implement prudent policies and structural reforms²³⁹⁶.

1102. In line with IACHR Resolution 3/2021, this Rapporteurship considers it pertinent to recall that, along with measures to improve adaptation and resilience to climate change, States should adopt and implement policies aimed at reducing greenhouse gas emissions that reflect the greatest possible ambition and ensure that public and private investments are consistent with low-carbon and climate change-resilient development²³⁹⁷. They should also mobilize the maximum available resources in order to move towards a gradual but decisive decarbonization of their economy²³⁹⁸.

1103. On the other hand, with regard to the human right to water, the Office of the Special Rapporteur welcomes the actions implemented by the State to improve access to and quality of water. In the first six months of the year, \$2 billion was allocated for the installation and maintenance of water supply networks, including wells and treatment plants, in the different regions of the country²³⁹⁹. In this way, drinking water service coverage in coastal areas is expected to increase to 98%, benefiting some 48,000 people, while coverage in the sparsely populated inland areas is expected to increase from 61% to 70%²⁴⁰⁰. In addition, more drainage pumps were installed throughout the country, to improve the sewerage system in the face of rainfall, especially in areas at high risk of flooding²⁴⁰¹.

C. Business and Human Rights

1104. Taking into account the relationship between corporate activities and DESCAs, the Rapporteurship has kept track of the progress of ExxonMobil's operations in Guyana. Since 2019, the company has been

²³⁹⁰ World Bank, The World Bank in Guyana, October 6, 2022.

²³⁹¹ Department of Public Information, Guyana, Gov't to dedicate 15 percent of all conservation revenues to Amerindians, forest-dependent communities, June 28, 2022.

²³⁹² INews Guyana, IMF lauds Guyana's progress in climate change mitigation, October 3, 2022.

²³⁹³ Ministry of Finance Guyana, Mid-Year Report 2022, August 29, 2022.

²³⁹⁴ International Monetary Fund, IMF Executive Board Concludes 2022 Article IV Consultation with Guyana, September 27, 2022.

²³⁹⁵ Reuters, IMF urges caution as oil-rich Guyana's economic growth nears 60%, September 27, 2022.

²³⁹⁶ Ibid.

²³⁹⁷ IACHR - REDESCA, Resolution No. 3/2021, Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 1.

²³⁹⁸ Ibidem, para. 4.

²³⁹⁹ Ministry of Finance Guyana, Mid-Year Report 2022, August 29, 2022.

²⁴⁰⁰ Ibid.

²⁴⁰¹ News Room Guyana, More pumps deployed countrywide as rains expected to continue, February 24, 2022.

engaged in oil extraction in drilling operations in the country's ultra-deep waters, in the project called "Liza Phase 1"²⁴⁰². In February, the company started operations at the "Liza Phase 2" project, increasing production capacity to more than 340,000 barrels per day²⁴⁰³. In addition, it has announced the discovery of five new ultra-deepwater oil fields, increasing its estimates to almost 11 million barrels²⁴⁰⁴²⁴⁰⁵.

1105. In this context, REDESCA notes the situation of some fishermen who are being prevented from accessing and carrying out their activities in the fishing zones due to the presence of vessels that are part of Exxon's operation²⁴⁰⁶. They also warn that they would not be able to carry out their activity in other areas, due to the scarce presence of fish²⁴⁰⁷.

1106. At the same time, the Rapporteurship is concerned about the allegations regarding the operations of "Liza 1", which would generate 4,000 barrels of wastewater daily, which would be discharged into the territorial sea of Guyana²⁴⁰⁸; as well as the lack of environmental impact studies in view of the increase in production (from 120,000 to 150,000 barrels per day)²⁴⁰⁹.

1107. In addition, information was obtained about the initiation of a legal action against the Environmental Protection Agency (EPA) for the granting of an environmental permit to Esso Exploration and Production Guyana Limited, an affiliate of ExxonMobil, which does not contain clauses on the company's responsibility for possible spills²⁴¹⁰. There are five other legal actions initiated against Esso/Exxon's operations in the country²⁴¹¹.

1108. On this issue, REDESCA recalls that States have the obligation, within their jurisdiction, to regulate, supervise and oversee activities that may significantly affect the environment within or outside their territory; in addition to establishing contingency plans, in order to have safety measures and procedures to minimize the possibility of major environmental accidents and mitigate significant environmental damage that could be generated²⁴¹². In turn, companies must comply with all environmental laws in force and make clear commitments in line with their responsibility to respect human rights; implementing due diligence processes with respect to human rights and the environment, in order to identify, prevent and mitigate their environmental impact, and allow for the remediation of negative impacts on human rights that they have caused or contributed to cause²⁴¹³.

1109. Furthermore, REDESCA notes with concern that legal and illegal gold and diamond mining by multinational companies and artisanal miners is causing sedimentation and contamination of water sources in the Marudi Mountains, affecting the Wapichan Amerindian communities²⁴¹⁴. In this context, it

²⁴⁰² ExxonMobil, [Guyana Project Overview](#), October 1, 2022.

²⁴⁰³ ExxonMobil Newsroom, [ExxonMobil starts production at Guyana's second offshore development](#), February 11, 2022,

²⁴⁰⁴ ExxonMobil Newsroom, [ExxonMobil makes three new discoveries offshore Guyana, increases Sabroek reserves estimate to nearly 11 billion barrels](#), April 26, 2022.

²⁴⁰⁵ ExxonMobil NewsRoom, [ExxonMobil makes two more discoveries offshore Guyana](#), July 26, 2022.

²⁴⁰⁶ Kaieteur News Online, [Fishermen say Exxon's operation is forcing them out of fishing zone](#), January 25, 2022.

²⁴⁰⁷ Ibid.

²⁴⁰⁸ Kaieteur News Online, [Guyana gets one barrel of sewage for every barrel of oil pumped at Liza 1 - Melinda Janki](#), October 9, 2022.

²⁴⁰⁹ Ibid.

²⁴¹⁰ Kaieteur News Online, [Guyanese take EPA to court to ensure Exxon covers all costs for oil spill disaster at Liza Phase 1 Project](#), September 25, 2022.

²⁴¹¹ Ibid.

²⁴¹² IACHR - REDESCA, [Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations](#), December 31, 2021, para. 40.

²⁴¹³ Ibid., para. 46.

²⁴¹⁴ IWGIA, [The Indigenous World 2022: Guyana](#), May 11, 2022.

should be recalled that the IACHR has held that, in the context of extractive activities, the guarantee of the rights of indigenous peoples requires the State to: i) design, implement and apply an adequate regulatory framework; ii) prevent, mitigate and suspend negative impacts on human rights; iii) have mechanisms for supervision and oversight of such activities, which offer effective responses and are culturally appropriate; iv) guarantee mechanisms for effective participation and access to information; v) prevent illegal activities and violence; and, vi) guarantee access to justice through the investigation, punishment and adequate reparation of human rights violations committed in these contexts²⁴¹⁵. In addition, States have the duty to ensure that restrictions on the use and enjoyment of indigenous peoples' lands, territories and natural resources, due to extractive activities, should not affect their survival, in accordance with their ancestral ways of life.²⁴¹⁶

D. Labor and Union Rights

1110. Regarding labor and union rights in Guyana, REDESCA notes that, in the first six months of 2022, the employment rate in the public sector decreased to 10.9%, linked to a 17.7% reduction in personnel in the Central Government; although employment in the rest of the public institutions increased by 4.3%.²⁴¹⁷. In parallel, the reactivation of the service industry, as a result of the elimination of restrictions associated with the pandemic, as well as the opening of new establishments and businesses, allowed for a rebound in private sector employment²⁴¹⁸.
1111. The Special Rapporteur welcomes the decision to increase the minimum wage in the public sector to \$60,147 Guyanese dollars, effective July²⁴¹⁹. This represents a 36% increase in the income of public servants, at a time when they are facing difficulties due to the rising cost of living.²⁴²⁰
1112. In this context, REDESCA urges the Guyanese State to continue implementing public policies that favor the progressive development of the right to work, in all its elements, with special emphasis on ensuring the minimum essential levels, the mobilization of the maximum available resources for its progressive realization; compliance with the principle of progressivity and non-regression; and, the application of the principle of equality and non-discrimination²⁴²¹.
1113. In addition, information was obtained that the Ministry of Labor has provided legal advice to approximately 300 workers who were terminated from private sector companies without receiving the corresponding labor benefits²⁴²². From these processes, approximately \$13 million Guyanese dollars were recovered for salaries, indemnities, overtime, vacations and other labor benefits²⁴²³. This is relevant considering that, as the Commission has indicated, the obligation to guarantee the right to work implies

²⁴¹⁵IACHR, Situation of the Human Rights of Indigenous and Tribal Peoples of the Pan-Amazon, OAS/Ser.L/V/II, Doc. 176, September 29, 2019, para. 33.

²⁴¹⁶IACHR, Indigenous peoples, Afro-descendant communities and natural resources: human rights protection in the context of extractive, exploitative and development activities, OEA/Ser.L/V/II, Doc. 47/15, December 31, 2015, para. 165.

²⁴¹⁷Ministry of Finance Guyana, Mid-Year Report 2022, August 29, 2022.

²⁴¹⁸Ibid.

²⁴¹⁹Jamaica Gleaner. 36% increase in Guyana minimum wage to take effect July 1 June 28, 2022.

²⁴²⁰Ibid.

²⁴²¹IACHR, Public Policies with a Human Rights Approach, OEA/SER.L/V/II, Doc. 191, September 15, 2019, para.

119.

²⁴²²Department of Public Information. Labour ministry recovers \$13M for employees treated unfairly June 23, 2022.

²⁴²³Ibid.

that the State must adopt a legal framework that ensures the protection of labor rights and provides effective access to remedies for the victims of such violations in the context of business activities²⁴²⁴.

E. Fiscal and Economic Policies

1114. In terms of fiscal and economic policies, the Rapporteurship notes that Guyana has experienced accelerated economic growth between 2021 and 2022, driven largely by increased oil production; this pace is expected to be maintained in the medium term, due to the introduction of new oil fields²⁴²⁵. According to the IMF, oil GDP will increase by 100% in 2022, and, on average, 30% annually between 2023 and 2026²⁴²⁶. Thus, if the goal of one billion barrels per day is reached, Guyana could become one of the countries with the highest per capita production rate²⁴²⁷.
1115. However, this growth faces risks linked to the volatility of oil prices in the international market, and challenges in the adequate management of resources at the local level²⁴²⁸. By virtue of this, this Rapporteurship warns that it is essential to adopt policies that allow the use of oil resources to improve the living conditions of the population, especially the most vulnerable groups, ensuring quality spending, and to achieve structural reforms,^{2429,2430}.
1116. In this context, REDESCA reiterates what was stated in IACHR Resolution 3/2021, regarding the fact that States must take into account their human rights obligations when designing and implementing policies related to a transition to a carbon-free future. This, in order to comply with their human rights obligations related to climate change mitigation and adaptation and, in turn, to reduce the risk of potential conflicts associated with an abrupt and unplanned transition²⁴³¹.
1117. Similarly, it is noted that, in the first six months of 2022, the non-oil sector grew by 8.3%, although its performance was limited by the prolonged effects of the floods recorded in 2021²⁴³². However, the removal of restrictions by COVID-19 had a positive impact on the services sector, which reached pre-pandemic levels of activity²⁴³³.
1118. On the other hand, regarding the impact of inflation on the country's economy, REDESCA notes that the Consumer Price Index registered an increase of 4.9% for the month of June; linked to the significant increase in food prices (8.1%), especially in products such as meat, fish, eggs, cereals, vegetables and fruits²⁴³⁴. In addition, high oil costs had a negative impact on the categories of transportation and communication and miscellaneous goods and services²⁴³⁵.

²⁴²⁴ IACHR - REDESCA, Compendium on Labor and Trade Union Rights. Inter-American Standards, OEA/Ser.L/V/II, Doc. 331, October 20, 2020, para. 144.

²⁴²⁵ World Bank, Macro Poverty Outlook for Guyana: April 2022 - Datasheet (English), April 2022.

²⁴²⁶ International Monetary Fund, IMF Executive Board Concludes 2022 Article IV Consultation with Guyana, September 27, 2022.

²⁴²⁷ Ibid.

²⁴²⁸ World Bank, Macro Poverty Outlook for Guyana: April 2022 - Datasheet (English), April 2022.

²⁴²⁹ World Bank, Macro Poverty Outlook for Guyana: April 2022 - Datasheet (English), April 2022.

²⁴³⁰ International Monetary Fund, IMF Executive Board Concludes 2022 Article IV Consultation with Guyana, September 27, 2022.

²⁴³¹ IACHR - REDESCA, Resolution No. 3/2021, Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 48.

²⁴³² Ministry of Finance Guyana, Mid-Year Report 2022, August 29, 2022.

²⁴³³ Bank of Guyana, Half Year Report 2022, August 24, 2022.

²⁴³⁴ Ibid.

²⁴³⁵ Ibid.

1119. Among the measures implemented to alleviate the pressure on citizens' economies, REDESCA notes the reduction of the petroleum tax from 20 percent to 0 percent between January and March; the elimination of VAT on cement to minimize construction costs; and the reduction of the tax on income from the mining sector from 3.5 percent to 2.5 percent²⁴³⁶. In addition, \$1 billion was earmarked for the purchase and distribution of fertilizers for farmers nationwide; and \$800 million was allocated to provide cash bonuses to households in coastal communities and in the interior of the country²⁴³⁷.

F. Education, science, technology: academic freedom and university autonomy

1120. Regarding the guarantee of the right to education, REDESCA recognizes the State's efforts to maintain the continuity of the educational system in the context of the pandemic. In this regard, it is noted that educational institutions at all levels resumed on-site activities as of April²⁴³⁸. However, this showed the severity of the impact of COVID-19 on the education of children and adolescents, with a reduction in the school enrollment rate from 97% to 64%²⁴³⁹.

1121. The Special Rapporteur notes with concern that, according to UNESCO, the inflexibility of class schedules was one of the main obstacles to access to education, since some students were unable to attend school because they were engaged in agricultural activities or faced difficulties associated with the climate²⁴⁴⁰. This is reflected in the percentage of students who complete each level of education, which drops from 98% in primary school to 86% in lower secondary school and 55% in upper secondary school²⁴⁴¹. This situation would particularly affect men, who complete secondary education in 47% of the cases; compared to the percentage of 67% achieved among women²⁴⁴².

1122. Consequently, REDESCA invites the Guyanese State to adopt policies and establish efficient strategies for coverage and accessibility to educational services, under equal conditions and without discrimination, for children and adolescents who belong to rural communities, reside in rural areas or live in situations of poverty and extreme poverty²⁴⁴³.

1123. Against this background, REDESCA welcomes the expansion of financial assistance for families with school-age children, with the increase of the "Because We Care" voucher from \$15,000 to \$25,000 and the uniform and school supplies grant from \$4,000 to \$5,000 Guyanese dollars, as measures to improve attendance levels and reduce the school dropout rate²⁴⁴⁴. This, with the objective of benefiting over 184,000 and 18,000 students in public and private schools, respectively²⁴⁴⁵.

1124. Finally, the Special Rapporteur notes that, in 2022, the budget allocated to education amounted to \$74.4 billion; and that, as of June, \$32.2 billion had been disbursed in the implementation of measures for the comprehensive improvement of the education system²⁴⁴⁶. In this period, \$2.3 billion was invested in the infrastructure of educational institutions, including the construction of primary schools in the

²⁴³⁶ Ibid.

²⁴³⁷ Ibid.

²⁴³⁸ Stabroek News, "Schools to be fully reopened on April 25," March 22, 2022.

²⁴³⁹ Ibid.

²⁴⁴⁰ United Nations Children's Fund. Country program document. Guyana and Suriname First regular session of 2022, February 11, 2022.

²⁴⁴¹ Ibid.

²⁴⁴² Ibid.

²⁴⁴³ IACHR - REDESCA - RELE, SACROI COVID-19 Practical Guide No. 2, How to guarantee access to the right to education for girls, boys and adolescents during the COVID-19 pandemic, December 16, 2020.

²⁴⁴⁴ Ministry of Finance Guyana, Mid-Year Report 2022, August 29, 2022.

²⁴⁴⁵ Ibid.

²⁴⁴⁶ Ministry of Finance Guyana, Mid-Year Report 2022, August 29, 2022.

Karabairu and Bamia/Amelia areas, which are expected to be completed by the end of 2022 and 2023, respectively²⁴⁴⁷. In addition, construction began on preschools in Kaslington and Vryheid Lust, and primary schools in Kaikan and Oronoque²⁴⁴⁸.

G. Human Mobility and ESCER

1125. Regarding the enjoyment of economic, social, cultural and environmental rights of persons in a situation of human mobility, REDESCA notes that Guyana hosts around 24,500 refugees and migrants from Venezuela; and, to a lesser extent, refugees and asylum seekers of other nationalities²⁴⁴⁹. On this issue, the Special Rapporteur is concerned about reports regarding the limited access that persons in a situation of human mobility have to health care services -including maternal health and vaccinations-, child protection, education, water, sanitation and social protection for children and adolescents²⁴⁵⁰. In particular, it is noted that the requirement of valid identity documents is a major barrier to the enjoyment and exercise of the ESCER of people in a situation of human mobility²⁴⁵¹.
1126. In addition, the Office of the Special Rapporteur observed that the number of people entering through irregular routes increased as a result of the closure of some borders, which especially affected children and adolescents, exposing them to greater risks²⁴⁵².
1127. Finally, REDESCA learned about the situation of more than 125 Warrau migrants, who were transferred by the Coast Guard from Region 2 - where they had been hosted by the Kabakaburi community - to Region 1 - where they were placed in less favorable reception sites -²⁴⁵³
1128. In this context, the Office of the Special Rapporteur considers it pertinent to recall that, in line with the Inter-American Principles on the Rights of All Migrant Persons, adopted by the IACHR, States should encourage the regularization of migration in order to avoid the consequences of irregular migration status, such as precarious working conditions and barriers to access to services²⁴⁵⁴. Likewise, they must create conditions that provide an adequate standard of living compatible with the dignity of the human person; which implies guaranteeing, among others, the rights to health, food and nutritional security, drinking water, housing, environmental sanitation, education, work, clothing and other necessary social services.²⁴⁵⁵

²⁴⁴⁷ Ibid.

²⁴⁴⁸ Ibid.

²⁴⁴⁹ UNHCR. Guyana Fact Sheet, March - April 2022 March to April 2022.

²⁴⁵⁰ UNICEF. UNICEF Children on the move, including Venezuelans and communities affected by COVID-19, Mid-year report for 2022 August 9, 2022.

²⁴⁵¹ Ibid.

²⁴⁵² Ibid.

²⁴⁵³ Stabroek News, "Warraus removal was to avoid exploitation," March 24, 2022.

²⁴⁵⁴ IACHR, Resolution No. 04/2019, Inter-American Principles on the Human Rights of All Migrant, Refugee, Stateless Persons and Victims of Trafficking in Persons, December 7, 2019.

²⁴⁵⁵ Ibid.

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1129. Regarding the situation of ESC rights in the Republic of Haiti, the Office of the Special Rapporteur has followed the particular context of the Haitian State in relation to ESC rights, characterized by systemic and structural problems; a very deteriorated economic situation that prevents access to basic goods and services for a large part of the population²⁴⁵⁶; a health crisis intensified by the effects of the pandemic and a special exposure of the country to phenomena related to climate change²⁴⁵⁷.
1130. Added to this framework are the challenges arising from the socio-political crisis that has been deepening since 2018 and the climate of crisis and exacerbated violence that have contributed to further destabilize the Caribbean country and deteriorate the enjoyment and guarantee of human rights²⁴⁵⁸. During the first quarter of the year, REDESCA was able to observe how the weakness of institutions and the lack of supplies led to multiple strikes in protest by different unions - such as the Haitian lawyers association (CADDHO)²⁴⁵⁹; justice officials²⁴⁶⁰; health workers²⁴⁶¹ or public transport²⁴⁶² - which, in turn, would have led to the paralysis of basic public services as is the case of justice²⁴⁶³.
1131. The deterioration of security in the country has been notable for the recurrent outbreaks of violence that have been occurring and multiplying throughout the year²⁴⁶⁴. From the end of April to mid-May, the country reportedly experienced an unprecedented escalation of violence by armed groups or gangs in the regions of Port-au-Prince, Croix-des-Bouquets, Cité Soleil, Tabarre and Pétion-Ville, affecting nearly 61 municipalities²⁴⁶⁵. This would have caused the total paralysis of the country²⁴⁶⁶ as well as a serious impact on the most basic human rights²⁴⁶⁷, resulting in the death of more than two hundred people²⁴⁶⁸ and the kidnapping of as many others²⁴⁶⁹. The volatility of the situation would have led to a new outbreak of

²⁴⁵⁶ Le Nouvelliste, "Blackout, la traversée sera longue", March 22, 2022. Le Nouvelliste, "Le centre-ville du Cap-Haïtien dans le noir complet depuis environ un mois", April 7, 2022.

²⁴⁵⁷ In this regard, OCHA, Aperçu des besoins humanitaires, March 2021.

²⁴⁵⁸ Diario Libre, "Living conditions deteriorate in Haiti, denounces NGO", March 30, 2022.

²⁴⁵⁹ Le National, "LE CADDHO craint les conséquences néfastes de la situation socio politique sur le système judiciaire", March 16, 2021.

Le Nouvelliste, "Les avocats exigent la relocalisation du palais de justice", April 11, 2022.

²⁴⁶⁰ Haitian Times, "Haiti's judicial clerks group plans to strike for better salaries, safer courthouses", April 13, 2022.

²⁴⁶¹ Haitian Times, "Haitian doctors call for countrywide strikes after two colleagues kidnapped", March 14, 2022.

²⁴⁶² Caribbean National Weekly, "Haiti braces for public transport shutdown following kidnapping spike", March 18, 2022.

²⁴⁶³ Le Nouvelliste, "Une carte de débit, la frontière entre les greffiers en grève et le ministre de la Justice", May 24, 2022. Le Nouvelliste, "Rentrée judiciaire : la Fédération des barreaux d'Haïti rejette la convocation du gouvernement", September 30, 2022.

²⁴⁶⁴ UN News, "Haiti is a country in 'state of emergency' and in political impasse, explains UN Security Council envoy", June 16, 2022.

²⁴⁶⁵ OCHA, "Haiti : Violence in the Port-au-Prince metropolitan area, Situation Report #3", May 26, 2022.

²⁴⁶⁶ BINUH, "Investigation into the gang armed confrontations in Cité-Soleil, Croix-des-Bouquets and Tabarre, 01 August 2022.

²⁴⁶⁷ UN News, "Haïti : l'ONU profondément troublée par la détérioration de la situation sécuritaire à Port-au-Prince", 17 May 2022.

UN News, "UN reports human rights abuses linked to gang violence in Haiti", August 02, 2022.

²⁴⁶⁸ RNDDH, "Rapport Plaine-du-Cul-de-Sac", June 26, 2022.

²⁴⁶⁹ OCHA, "Haiti: Impact of the deteriorating security situation on humanitarian access: Background note", July 08, 2022.

violence in the commune of Cité Soleil in July²⁴⁷⁰, where around 300 people died²⁴⁷¹ and many people lost their homes and had to take refuge in schools²⁴⁷² or other places.

1132. At the end of August, hundreds of Haitians took to the streets to protest against the multidimensional crisis affecting the country²⁴⁷³, characterized by rising fuel prices and with it, higher prices for transportation and basic necessities, as well as growing insecurity²⁴⁷⁴. These protests are said to have become increasingly violent²⁴⁷⁵, with looting of private companies, public bodies²⁴⁷⁶ and even humanitarian organizations such as Caritas and the World Food Program²⁴⁷⁷. All this would have led to the complete paralysis of the metropolitan region and the main cities of the country²⁴⁷⁸.

1133. The insecurity would have made it difficult to implement humanitarian programs²⁴⁷⁹, which would have led the United Nations to withdraw some of its non-essential personnel from the country²⁴⁸⁰ and to request the creation of a humanitarian corridor to allow access to the Varreux fuel terminal - located in Port-au-Prince and blocked by armed gangs since mid-September - and thus ensure the restoration of key basic services such as health, security and water²⁴⁸¹.

1134. In this particular context, the promotion and effective guarantee of ESCER continues to be a challenge. REDESCA has been monitoring the notable and worrisome increase in the situation of poverty and inequality, as well as the enjoyment of the right to health, taking special note of the impact of the pandemic and the lack of a safe environment to guarantee this human right. The Office of the Special Rapporteur has also monitored the situation of labor rights, access to and enjoyment of the right to education, and the country's fiscal and economic policies in a global context of high inflation. Furthermore, the mandate has followed with concern the situation of human mobility in Haiti -both internal and external- and the impact on the realization of ESCER in the face of the growing number of displaced persons and their situation of extreme vulnerability.

1135. According to World Bank data, 58.5% of the Haitian population lives below the poverty line, making Haiti the poorest country in the American hemisphere and one of the poorest in the world²⁴⁸².

1136. REDESCA is concerned about the food insecurity of the Haitian population. If almost half of the population is already food insecure according to data from the United Nations World Food Program²⁴⁸³,

²⁴⁷⁰ OCHA, [Aperçu humanitaire au 27 août 2022](#). 27 August 2022.

²⁴⁷¹ Le Nouvelliste, "[Plus de 450 tués et blessés dans la guerre des gangs à Cité Soleil, révèle Pierre Espérance du RNDDH](#)," July 17, 2022.

Human Rights Watch, "[Haiti: Wave of violence deepens human rights crisis](#)," July 22, 2022.

²⁴⁷² BBC, "[Haiti gang violence: Children take shelter in school](#)," July 22, 2022.

²⁴⁷³ Le National, "[Journée de protestations : des milliers de personnes ont investi les rues](#)", 08 September 2022.

Alter Presse, "[Vive effervescence antigouvernementale en Haïti](#)", September 07, 2022.

DW, "[Demonstrations and looting paralyze Haiti's capital](#)," September 15, 2022.

²⁴⁷⁴ Le National, "[Deux nouvelles journées de mobilisation programmées](#)," August 24, 2022.

²⁴⁷⁵ Le Nouvelliste, "[Insécurité: une adolescent et deux journalistes tués à Cité Soleil](#)", September 12, 2022.

²⁴⁷⁶ Le Matin, "[Vastes pillages en Haïti, dont celui d'un entrepôt de l'ONU](#)", September 17, 2022.

²⁴⁷⁷ Le Nouvelliste, "[Gonaïves: les locaux de la Caritas et du PAM pillés](#)", September 15, 2022.

²⁴⁷⁸ Le Nouvelliste, "[Port-au-Prince: paralysie totale des activités, une station de radio attaquée](#)", September 13,

2022. Le Nouvelliste, "[Pillages et manifestations continuent en province](#)", September 20, 2022.

Le National, "[Toutes les activités au point mort](#)", September 15, 2022.

²⁴⁷⁹ World Food Program, "[Gripped by spiraling hunger and violence, Haiti needs help now](#)," September 29, 2022.

²⁴⁸⁰ BINUH, [Press Release: HAITIAN PEOPLE REMAIN PRIORITY AS A COMMITS TO CONTINUING ITS SUPPORT](#), September 24, 2022.

²⁴⁸¹ UN News, "[UN calls for establishing humanitarian corridor in Haiti to circumvent armed gangs](#)," October 06, 2022.

²⁴⁸² World Bank, [World Development Indicators database](#), 2021.

²⁴⁸³ World Food Program, "[Multiple crises and rising gang violence worsen food insecurity in Haiti](#)," July 12, 2022.

the situation has worsened and at least 19,000 people are at the highest level of food insecurity²⁴⁸⁴. The insecurity crisis in the country, due to the lack of supply and shortages in many of the areas controlled by armed gangs²⁴⁸⁵, has worsened the situation. To this must be added the devastating effects of the earthquake and the increased incidence of natural disasters; the decrease in harvests due to the lack of rainfall and extreme temperatures and the decapitalization of the fields due to poor harvests, according to the National Food Security Coordinator (CNSA)²⁴⁸⁶.

1137. All of the above causes the Haitian population to suffer high levels of food insecurity and malnutrition. According to the most recent estimates, 4.5 million Haitians would suffer from hunger, of which 1.3 million would be in an emergency situation between March and June 2022²⁴⁸⁷. With regard to children and adolescents, according to UNICEF information, more than 250,000 infants in the Grand Sud area would not have continued access to drinking water and basic foodstuffs²⁴⁸⁸ and one in twenty children living in the commune of Cité Soleil would suffer from acute malnutrition²⁴⁸⁹.
1138. REDESCA also takes note of the fuel shortage situation in the country²⁴⁹⁰, the high level of unemployment, the high cost of living and the persistent lack of electricity supply in regions such as Gonaïves²⁴⁹¹, have contributed to deepen the structural situation of poverty in the country.
1139. The IACHR has issued country reports that make visible the relationship between situations of structural poverty, contexts of generalized violence, citizen insecurity and the lack of respect and guarantee of economic, social and cultural rights²⁴⁹². For this reason, REDESCA stresses the importance for the State to combat and carry out concrete actions to guarantee security and thus prevent the increase of poverty and food insecurity.

A. Right to Health and its Social Determinants: Pandemic

1140. In relation to the vaccination process, REDESCA notes the worrying state of the vaccination process, with Haiti being one of the countries in the world with the lowest vaccination rate²⁴⁹³. It is especially difficult to monitor the situation given the lack of official data and updated records that would allow knowing the number of people inoculated with the full regimen in the country²⁴⁹⁴. According to the latest available data provided by UNDP, only 1.9% of the Haitian population has been inoculated with two doses of the vaccine.²⁴⁹⁵
1141. As PAHO points out: *"Doubts about vaccination, lack of vaccination centers in areas far from large urban centers, insufficient personnel and limited cold chain infrastructure continue to be huge obstacles to*

²⁴⁸⁴ Swiss Info, "UN warns of 'catastrophic' levels of hunger in parts of Haiti," October 14, 2022.

²⁴⁸⁵ Le Nouvelliste, "L'action des gangs aggrave l'insécurité alimentaire," January 21, 2022.

²⁴⁸⁶ Le Nouvelliste, "La CNSA sonne l'alerte sur la situation de la sécurité alimentaire", 07 April 2022.

²⁴⁸⁷ World Food Program, *Analyse de l'IPC de l'insécurité alimentaire aiguë mars-juin 2022*, September 2021.

²⁴⁸⁸ UNICEF, "Une nouvelle flambée de violence menace la prestation de services de base pour des milliers d'enfants en Haïti," September 24, 2022.

²⁴⁸⁹ Unicef, "Haiti: Thousands of children at risk of dying from acute malnutrition if adequate therapeutic care is not provided, UNICEF warns," August 05, 2022.

²⁴⁹⁰ Haitian Times, "Gas shortages persist in Haiti despite recent fuel shipments", June 08, 2022.

²⁴⁹¹ Le National, "Gonaïves: huit mois sans électricité!", August 17, 2022.

²⁴⁹² IACHR, Report on Poverty and Human Rights in the Americas, OEA/Ser.L/V/II.164, 07/09/2017.

²⁴⁹³ CNBC, "These countries have the lowest vaccination rates in the world", February 02, 2022. El Diario de Coahuila, "Haïti país con menos vacunados del mundo", 25 February 2022.

²⁴⁹⁴ Loop News, "Plus de 30 mille cas, 820 décès, le bilan de la pandémie en Haïti," February 23, 2022.

²⁴⁹⁵ PAHO, "COVID-19 : Augmenter la couverture vaccinale en Haïti à travers la mobilisation communautaire," September 2022.

*vaccination in many [Caribbean] islands*²⁴⁹⁶. Therefore, REDESCA reminds the State of the obligation to provide and disseminate adequate, quality, objective, timely, sufficient and culturally appropriate information on vaccines to prevent COVID-19, as provided for in Resolution 1/2021 on pandemic and vaccines.

1142. On the other hand, the Office of the Special Rapporteur has been able to take note of the lack of laboratories that carry out tests for the detection and analysis of COVID-19²⁴⁹⁷, which has made it impossible to detect the variants present in the State of Haiti. REDESCA is concerned about the lack of laboratories as this puts at risk the life and health, not only of patients seeking care, but of all those who are in contact with the patients.

1143. Regarding the right to health in general, fuel shortages have posed a challenge to the provision of health services in the country throughout the year 2022²⁴⁹⁸. For example, the State University Hospital of Haiti, Saint-Damien Hospital, Saint-Luc Hospital, among others, would have serious difficulties in attending to the daily flow of patients, not having enough fuel to run the electric power generator on a regular basis²⁴⁹⁹. In turn, this would affect the operation of medical devices, so they would not have adequate conditions to perform certain operations²⁵⁰⁰. On this issue, REDESCA learned that in October, UNDP requested the creation of a humanitarian corridor to access the main fuel terminal, whose blockade by armed gangs forced the closure of hospitals and health centers and affected the distribution of water nationwide²⁵⁰¹.

1144. REDESCA is also deeply concerned about the appearance of a new outbreak of cholera, a disease that has been eradicated in the country for three years²⁵⁰². According to data reported by the Ministry of Health, as of October 31, 2022, there would be a total of 387 confirmed cases and 75 deaths²⁵⁰³. For its part, UNICEF warned that the resurgence of cholera would threaten the well-being and health of 1.2 million children and adolescents living in Port-au-Prince²⁵⁰⁴. In addition, the UN noted that difficulties in accessing clean water, resulting from fuel shortages, could lead to an exponential - and even explosive - increase in cholera cases²⁵⁰⁵. The Special Rapporteur noted that, with the support of the United Nations and organizations such as Médecins Sans Frontières, the Haitian authorities made efforts to contain the outbreak, mitigate the risks and encourage the adoption of preventive measures among the population.²⁵⁰⁶

1145. Also of concern is the lack of food, drinking water, medicines, and health care in the country's prisons²⁵⁰⁷. All this is said to have deteriorated the situation of persons deprived of their liberty, who are

²⁴⁹⁶ PAHO, "[PAHO Director: low COVID-19 vaccination rates in the Caribbean must be urgently addressed to stop its spread](#)," February 23, 2022.

²⁴⁹⁷ Abc News, "[Official: Haiti sees rise in COVID-19 cases; few vaccinated](#)," January 25, 2022.

²⁴⁹⁸ Le National, "[Rareté de carburant: des centres hospitaliers menacent de cesser leurs activités](#)", September 27, 2022.

²⁴⁹⁹ Ibid.

²⁵⁰⁰ Ibid.

²⁵⁰¹ UN News, "[UN calls for humanitarian corridor in Haiti to bypass armed gangs](#)," October 6, 2022.

²⁵⁰² Reuters, "[Cholera kills at least seven in Haiti as disease returns](#)," October 02, 2022.

²⁵⁰³ Ministère de la Santé Publique et de la Population, "[Situation épidémiologique du choléra](#)," 30 October 2022.

²⁵⁰⁴ UNICEF, Amid insecurity in Haiti, new cholera outbreak puts 1.2 million children and adolescents at risk, October 4, 2022.

²⁵⁰⁵ UN News, "[UN calls for humanitarian corridor in Haiti to bypass armed gangs](#)," October 6, 2022.

²⁵⁰⁶ BINUH, "[United Nations Supports Government Efforts Following Outbreak of Cholera in Haiti](#)," October 2, 2022; MSF, "[Haïti: MSF participe à la réponse contre le choléra en collaboration avec les autorités](#)," October 4, 2022.

²⁵⁰⁷ Le National, "[Les conditions de détention en Haïti de plus en plus abjectes](#)", 07 July 2022. Le National, "[La situation des prisonniers se détériore en Haïti](#)", 30 September 2022.

said to be living in inhumane conditions and have even lost their lives²⁵⁰⁸. This also contributed to the spread of cholera in Haitian prisons due to overcrowding and the lack of clean water²⁵⁰⁹, with 14 deaths reported in the Port-au-Prince prison²⁵¹⁰.

1146. The lack of supplies and satisfactory medical care in the country leads many Haitian women in labor to cross the border into the Dominican Republic to give birth in that country²⁵¹¹, often being victims of physical, verbal, sexual and psychological violence. According to information from the children's rights organization Plan International²⁵¹², pregnant women and girls are among those most affected by the lack of access to health services, violence and the food crisis in Haiti²⁵¹³. In August, UNFPA estimated that there would be around 85,000 pregnant women in Haiti -many survivors of sexual violence-; of which 30,000 would give birth in the last quarter of 2022, during the escalation of the crisis²⁵¹⁴. The Special Rapporteur notes that this situation is of particular concern, considering that Haiti has the highest maternal mortality rates in Latin America and the Caribbean, with around 521 deaths per 100,000 births²⁵¹⁵.
1147. REDESCA is also concerned about reports of high levels of lead detected in the blood of people in Haiti, and the health implications that this may have²⁵¹⁶. Among the various sources of contamination, some experts point to drinking water as the predominant source²⁵¹⁷. Similarly, an outbreak of a highly contagious infectious skin disease (scabies) was detected in the country in April.²⁵¹⁸
1148. Regarding medical personnel, the Special Rapporteurship has learned of the worrying situation experienced by health personnel due to insecurity, having become the target of kidnappings²⁵¹⁹, which would have led to the evacuation of some doctors from the country²⁵²⁰. It is worth mentioning the general strike of all health personnel initiated in March, which lasted for a month²⁵²¹, against insecurity²⁵²² and as a sign of protest against the lack of supplies in the laboratories or the lack of fuel to run the services²⁵²³. Incidents of violence - not only against medical personnel, but also against the patients themselves - are said to have hindered the population's access to healthcare and to have led to the closure of hospitals²⁵²⁴. Indeed, the situation of insecurity reportedly led Médecins Sans Frontières to suspend its activities in

²⁵⁰⁸ Local 10 News, "Haiti: 8 more inmates die for lack of food," June 23, 2022. Le Nouvelliste, "Les détenus meurent à la prison civile de Jacmel," September 07, 2022.

²⁵⁰⁹ San Diego Tribune, "Concern over spread of cholera in Haiti's prisons," October 11, 2022.

²⁵¹⁰ Ministère de la Santé Publique et de la Population, Situation épidémiologique du choléra, 30 October 2022.

²⁵¹¹ Listín Diario, "Parturientas haitianas pagan RD\$15,000 para cruzar a RD," 08 July 2022.

²⁵¹² Plan International. Pregnant women and girls among those most impacted in Haiti's hunger crisis says PlanInternational. July 20, 2022.

²⁵¹³ UN News, "Haiti's violence and economic collapse puts women and girls on the brink," August 16, 2022.

²⁵¹⁴ Ibid.

²⁵¹⁵ The Borgen Project, Maternal Mortality in Haiti Leaves Babies Vulnerable, June 1, 2022.

²⁵¹⁶ Le Nouvelliste, "Il y a du plomb dans le sang des Haïtiens", révèlent des chercheurs haïtiens et américains", 27 January 2022.

²⁵¹⁷ Le Nouvelliste, "L'eau potable, la première source de contamination au plomb en Haïti", February 16, 2022.

²⁵¹⁸ Ministère de la Santé Publique et de la Population, Avis n° 102 du Ministre à la population, 14 April 2022.

²⁵¹⁹ Sputnik, "Protests in Haiti after the kidnapping of a Cuban doctor," January 20, 2022. Le Nouvelliste, "Le directeur médical de l'hôpital général kidnappé ce mardi", 17 May 2022. Le Nouvelliste, "Le Dr Benetty Augustin kidnappée depuis 12 jours, les hôpitaux St-Luc et St-Damien restent fermés", 16 May 2022. Le Nouvelliste, "Kidnapping : le secteur de la santé touché pour la énième fois", July 12, 2022.

²⁵²⁰ Digital newspaper 14 y medio, "Repatrian de Haití a 78 médicos cubanos por el secuestro de una doctora", January 19, 2022.

²⁵²¹ Le Nouvelliste, "La grève est levée dans les hôpitaux publics, les syndicats ne décollèrent pas", April 01, 2022.

²⁵²² Le Nouvelliste, "Grève maintenue dans les hôpitaux publics, clament les syndicats", March 28, 2022.

²⁵²³ Le Nouvelliste, "Grève maintenue dans les hôpitaux publics, clament les syndicats", March 28, 2022.

²⁵²⁴ Médecins Sans Frontiers, "HAÏTI : LES ENLÈVEMENTS VISANT LE PERSONNEL DE SANTÉ METTENT EN PÉRIL L'ACCÈS AUX SOIN," May 25, 2022.

Drouillard, after having already left Martissant²⁵²⁵. In addition to the above, the Office of the Special Rapporteur has monitored staff strikes in the various public hospitals in the country to demand their labor rights²⁵²⁶.

1149. In view of this situation, REDESCA recognizes the serious challenges faced by the country in guaranteeing the right to health and a safe environment for it. However, it reiterates the importance, in line with Resolution 1/2020, of ensuring the guarantee and protection of the rights of health workers, as well as the provision of specific minimum resources to address this type of health emergency.²⁵²⁷ Likewise, in the context of the pandemic and the crisis in Haiti, it underscores the importance of international cooperation and solidarity to guarantee the right to health of the population, both within and outside the country's borders.

B. Climate Emergency and the Human Right to Water

1150. REDESCA has learned of various natural disasters that have occurred throughout the year, such as moderate earthquakes in the southwest of the country²⁵²⁸, and heavy rains in the north that have caused flooding and displacement of people²⁵²⁹. Specifically, the monitoring carried out by the Office of the Special Rapporteur has revealed and regretted the death of 6 people as a result of the floods that took place at the beginning of February²⁵³⁰ and the displacement to temporary shelters of nearly 2,500 families in the north and northeast of the country whose homes were affected²⁵³¹. In March, many cities in the northern region were once again under water, with two deaths.²⁵³²

1151. The Special Rapporteur notes with concern the shortages in shelter, sanitation or water supplies that have been caused by the heavy rains and seismic movements and urges the State to take measures and provide the necessary assistance so that all people can return to a situation of normality as soon as possible²⁵³³. In this sense, following PAHO, REDESCA makes a special call to intensify the surveillance of diseases related to contaminated water that tend to occur after floods²⁵³⁴.

1152. Regarding the right to water, REDESCA has learned of the water crisis in the Nord and Nord-Est departments, whose inhabitants do not have access to drinking water but to unsanitary and contaminated water²⁵³⁵. In addition, according to the organization Action Internationale pour les Droits Humains (AIDH),

²⁵²⁵ Le Nouvelliste, "Médecins sans frontières suspend ses activités à Drouillard à cause de l'insécurité," April 01, 2022.

²⁵²⁶ Le National, "L'HUEH agonise après 15 jours de grève," March 08, 2022.

Le National, "HUJ: le personnel de soutien entre en grève," March 09, 2022.

²⁵²⁷ IACHR - REDESCA, "Resolution 1/2020, Pandemic and Human Rights in the Americas," April 10, 2020.

²⁵²⁸ Diario Libre "Earthquakes shake Haiti; two deaths reported," January 24, 2022.

Miami Herald, "After moderate earthquakes kill two and injure dozens, Haiti seeks to educate public," January 25, 2022.

²⁵²⁹ Tele Sur Tv Net, "Floods in Haiti leave at least four dead," February 02, 2022.

Kob 4, "Haiti struggles to provide water, food after heavy floods," February 02, 2022.

Diario Libre, "Lluvias dejan más de 2,500 viviendas inundadas," 01 February 2022.

²⁵³⁰ Tele Sur TV Net, "Haiti reports six dead from floods," February 03, 2022.

²⁵³¹ The Haitian Times, "2,500 homes evacuated after 36 hours of rain in Haiti," February 01, 2022.

²⁵³² Le National, "Inondations dans le Nord: des sinistrés sollicitent l'intervention urgente de l'État," March 08, 2022.

²⁵³³ Le National, "Inondations à Cap-Haïtien: Les sinistrés attendent encore l'aide de l'État," February 04, 2022.

²⁵³⁴ PAHO, "**PAHO urges strengthened disease surveillance after floods**," February 24, 2022.

²⁵³⁵ Le National, "JOURNÉE MONDIALE DE L'EAU Certaines régions du pays n'ont toujours pas accès à l'eau potable, selon KAYLA et KJM," March 22, 2022.

only 54.8% of the Haitian population has access to drinking water, one of the lowest coverage rates in the Caribbean.²⁵³⁶ In addition, unrest and protests have reportedly halted the distribution of water in the country, leading to a severe shortage of drinking water²⁵³⁷.

1153. Likewise, according to the information gathered, waste management in Haiti is a problematic issue.²⁵³⁸ Waste of all types invade the streets, canals and coasts of the country and is generating an acute environmental crisis in the country.²⁵³⁹

C. Labor and Union Rights

1154. In labor matters, REDESCA has monitored the protests initiated by textile workers in mid-January, demanding a reevaluation of their salaries²⁵⁴⁰, set at 500 gourdes per day (approximately USD 5), which was not enough to cover basic living costs due to the depreciation of the local currency and the growing inflation²⁵⁴¹; social assistance and improvements in working conditions²⁵⁴².

1155. The protests, which lasted for several weeks²⁵⁴³ and were harshly repressed by the police²⁵⁴⁴, ended with an increase in the minimum wage by the Haitian government, setting a daily wage of 625 gourdes (approximately USD 7.5) for workers in the textile sector, an amount that falls far short of the 1,500 gourdes demanded by the unions²⁵⁴⁵. Similarly, there was a readjustment of the minimum wage in other sectors.²⁵⁴⁶

1156. In this regard, REDESCA takes note of the leading role of the country's trade union centers, which have mobilized to demand their rights. Among the challenges they describe in advancing the protection of rights is the political instability that exists in the country, which in the face of constant inflation and the security crisis impacts people's daily lives.²⁵⁴⁷

1157. They also point out that international subcontracting practices through maquilas, which are implemented in the country, promote the lack of labor guarantees, especially the right to work in safe and dignified conditions. According to union leaders, these industries, which should be transitional, have taken root in the country and are part of the main national industrial activities.²⁵⁴⁸

²⁵³⁶ Le Nouvelliste, "Près de la moitié de la population haïtienne n'a pas accès à l'eau potable, selon l'AIDH," March 22, 2022.

²⁵³⁷ La Tercera, "Haitians face severe water shortages due to unrest in Port-au-Prince," September 17, 2022.

²⁵³⁸ Le National, "Haiti: entre fragilité environnementale et insalubrité", 25 August 2022.

²⁵³⁹ Bocado, "The garbage that eats Haiti," March 10, 2022.

²⁵⁴⁰ The Haitian Times, "Caracol textile workers demand better pay, clash with police, during protests," January 31, 2022. Sputnik, "Haiti textile workers demand pay raises, are repelled by police," February 10, 2022.

²⁵⁴¹ Reuters, "Haitian garment workers protest to demand higher wages," February 18, 2022.

²⁵⁴² Efe, "**Workers in Haiti are considered 'wage slaves', February 26, 2022.**"

²⁵⁴³ Al Jazeera, "Factory workers in Haiti go on strike to demand higher wages," February 10, 2022.

²⁵⁴⁴ **Business and Human Rights Resource Center, "Haiti: Police repression of textile workers' demonstration", February 26, 2022.**

²⁵⁴⁵ CNN, "Haiti hikes minimum wage by up to 54% following worker protests," February 21, 2022.

²⁵⁴⁶ Loop News, "Voici la nouvelle grille des salaires minima en Haïti," February 21, 2022.

²⁵⁴⁷ Equaltimes. "Despite political and economic instability, Haitian unions continue to mobilize for better wages and working conditions, September 9, 2022.

²⁵⁴⁸ Equaltimes. "Despite political and economic instability, Haitian unions keep mobilizing for better wages and working conditions, September 9, 2022

1158. At the same time, the Trade Union Confederation of the Americas stated that, in the context of the country's crisis, union leaders in Haiti face the permanent risk of criminalization, threats by gangs and militias and persecution by the government.²⁵⁴⁹

D. Fiscal and Economic Policies

1159. The Office of the Special Rapporteur is concerned about the inflationary wave sweeping the country. Shortages and price increases of basic necessities²⁵⁵⁰ were reportedly the reason for the massive protests that took place at the end of August and during the month of September²⁵⁵¹. In this regard, according to the latest Bulletin of the Haitian Institute of Statistics and Informatics (IHSI), the year-on-year DPI in July 2022 would have reached 30.5%.²⁵⁵² Households are experiencing significant difficulties and their standard of living is deteriorating due to the increase in prices of the most basic foodstuffs, which determines the lack of access to them by households.²⁵⁵³ According to estimates by the Economic Commission for Latin America and the Caribbean (ECLAC), an increase in all forms of malnutrition is expected. In this regard, they estimate that 45% of the Haitian population will suffer severe hunger from March to June due to the increase in the price of cereal, 70% of which is imported.²⁵⁵⁴

1160. On the other hand, according to information published by the Superior Court of Accounts and Administrative Disputes in June 2022, a series of anomalies were reportedly detected in the management of more than 5 billion gourdes allocated to the Ministry of Public Health and Population (MSPP) under the Government's response to COVID-19, between March 2020 and January 2021²⁵⁵⁵.

E. Education, science, technology: academic freedom and university autonomy

1161. REDESCA is concerned that children and adolescents in the southern part of Haiti (Grand Anse and Nippes) are still unable to attend schools, which were destroyed by the earthquake that took place in August 2021²⁵⁵⁶. In addition, it should be noted that the opening of schools is a crucial issue for the mental health, nutrition and well-being of children and adolescents, according to UNICEF²⁵⁵⁷. In this context, REDESCA welcomes the World Bank's decision to mobilize funds to rebuild and rehabilitate many of the schools in the south of the country that were damaged by the earthquake.²⁵⁵⁸

1162. REDESCA is also concerned about the situation of children at risk of dropping out of school due to gang clashes, which have prevented them from attending school since the end of April²⁵⁵⁹ and all acts of violence affecting the enjoyment of the right to education. According to UNICEF data, one out of every three schools

²⁵⁴⁹ Trade Union Confederation of the Americas, International Alert for Haiti, 21 October 2022

²⁵⁵⁰ Le National, "Les ménages protestent contre les prix des produits de première nécessité," May 11, 2022.

²⁵⁵¹ DW, "Demonstrations and looting paralyze Haiti's capital," September 15, 2022.

²⁵⁵² Le Nouvelliste, "L'inflation atteint 30.5% en juillet 2022, selon l'IHSI," September 05, 2022.

²⁵⁵³ Le Nouvelliste, "L'insécurité alimentaire, un vrai problème absent des débats," March 09, 2022.

²⁵⁵⁴ Bloomberg Line, "Inflation would increase malnutrition in the region, 45% of Haiti will go hungry," April 12, 2022.

²⁵⁵⁵ Le Nouvelliste, "Utilisation des fonds Covid-19 : le MSPP rattrapé par la patrouille," 09 June 2022.

²⁵⁵⁶ Haitian Times, "UNICEF: 300,000+ children in Haiti still have no school buildings to attend," February 16, 2022.

²⁵⁵⁷ UNICEF, "Haiti: six months after the earthquake, more than 4 out of 5 schools destroyed or damaged are yet to be rebuilt," February 14, 2022.

²⁵⁵⁸ Le Nouvelliste, "La Banque mondiale a mobilisé 40 millions de dollars pour la reconstruction et la réhabilitation des écoles dans le grand Sud," September 13, 2022.

²⁵⁵⁹ UNICEF. Press Release: Haiti: La violence des gangs pousse un demi-million d'enfants hors de l'école à Port-au-Prince. 05 May 2022. UN News, "Haiti: Gang violence keeps half a million children out of school," May 6, 2022.

in the country would be the target of acts of violence²⁵⁶⁰. According to the assessment carried out by the Ministry of National Education, between April and May 2022, 31% of schools in Port-au-Prince were attacked and more than 50% were closed to students due to an increase in gang violence²⁵⁶¹. Similarly, according to the information gathered, some thirty schools - mainly in Artibonite²⁵⁶² - were reportedly vandalized and several employees of the Ministry of National Education in Port-au-Prince were reportedly kidnapped, which prevented the payment of teachers in the western department²⁵⁶³.

1163. In addition, the Office of the Special Rapporteur has learned that, given the difficult situation in the country, the *Association Professionnelle d'Écoles Privées* has called for a strike to protest against the violence that undermines the future of Haitian children and adolescents²⁵⁶⁴.

1164. Regarding the return to school for the 2022-2023 school year, REDESCA notes the decision of the Ministry of National Education and Vocational Training (MENFP) to postpone the start of the school year to October 3, 2022²⁵⁶⁵. However, according to the information gathered, the wave of protests and instability in the country would have prevented an effective return to the classroom on October 3²⁵⁶⁶. On this date, the MENFP issued a communiqué calling for a progressive return to classes²⁵⁶⁷.

F. Human Mobility and ESCER

1165. REDESCA has taken note of the situation of crisis and violence prevailing in Haiti, which has led thousands of Haitian nationals to move both internally and to other countries on the continent, especially to the Dominican Republic and the United States²⁵⁶⁸.

1166. In terms of external displacement, during the month of March 2022, hundreds of Haitians arrived on the shores of the United States²⁵⁶⁹, surpassing in just a few months the numbers reported in previous years²⁵⁷⁰. REDESCA is concerned about the growing number of Haitians who would risk their lives to reach the shores of the United States and flee the violence that prevails in the country²⁵⁷¹. On the other hand, the Office of the Special Rapporteur has learned of the large number of deportations of Haitian nationals by the

²⁵⁶⁰ TeleSurTv, "Unicef: one in three schools in Haiti targeted by violence," June 24, 2022.

²⁵⁶¹ UN News, "Haitian children at mercy of armed gangs as schools close," July 03, 2022.

²⁵⁶² Le Nouvelliste, "Une trentaine d'écoles vandalisée, la rentrée des classes maintenue au 3 octobre," September 21, 2022.

²⁵⁶³ Le Nouvelliste, "Le DG de l'ONAPE et trois autres employés du ministère de l'Éducation kidnappés," September 27, 2022.

²⁵⁶⁴ Le Nouvelliste, "L'Association professionnelle d'écoles privées lance un cri d'indignation," March 16, 2022.

²⁵⁶⁵ Government of Haiti, Press release: "La rentrée des classes désormais fixée au 3 octobre 2022 pour l'année académique 2022-2023", August 26, 2022.

²⁵⁶⁶ Le National, "Une rentrée des classes avortée," October 04, 2022.

²⁵⁶⁷ Government of Haiti, MENFP press release, October 3, 2022.

²⁵⁶⁸ Listín Diario, "La crisis y violencia en Haití desata una ola migratoria "desesperada" a EEUU," March 18, 2022.

²⁵⁶⁹ Al Jazeera, "Boat carrying 300 Haitian migrants capsizes near Florida coast," March 7, 2022.

²⁵⁷⁰ Miami Herald, "Coast Guard has returned to Haiti most of the 356 Haitians who arrived in Keys this week," March 11, 2022. Miami Herald, "Recent arrivals of hundreds of Haitians in the Keys is a sign of new trafficking routes," March 11, 2022.

²⁵⁷¹ Miami Herald, "Coast Guard returns 109 Haitian migrants who were stopped at sea days earlier," April 18, 2022. Haitian Times, "Haitian repatriations reached close to 25,000 in just over one year," April 04, 2022.

²⁵⁷¹ Le National, "Le nombre d'Haïtiens risquant leur vie en mer s'accroît," July 26, 2022. Miami Herald, "Another large group of Haitian migrants arrives off the Keys for second time in three days," August 10, 2022.

United States²⁵⁷² as well as the call by civil society organizations - such as *Human Rights Watch* - to all countries in the region to put an end to this situation²⁵⁷³.

1167. On the other hand, given its geographic proximity to the Dominican Republic, this country has become the largest recipient of Haitians, along with the United States²⁵⁷⁴. REDESCA observes with concern the restrictive migratory policy carried out by this neighboring country, consisting of the erection of a border wall²⁵⁷⁵ or the "shielding" of the border²⁵⁷⁶. Thus, fifty-seven thousand Haitian persons were deported from the Dominican Republic between January and July 2022²⁵⁷⁷; more than eighteen thousand persons in August 2021²⁵⁷⁸ and almost thirteen thousand persons during the month of September 2022²⁵⁷⁹.

1168. Similarly, note is taken of the abuses of Haitians that are reportedly taking place on the border with the Dominican Republic²⁵⁸⁰, with special concern for the situation of deported minors²⁵⁸¹ and women, who according to information gathered as early as 2021²⁵⁸², suffer situations of mistreatment²⁵⁸³, violence, discrimination or are deported when pregnant or after giving birth²⁵⁸⁴. Likewise, according to the information gathered, this restrictive policy would have led to only 31,000 Haitians living in a regular situation in the Dominican Republic²⁵⁸⁵.

1169. Regarding internal displacement, the increase in violence at the hands of armed gangs has led to the displacement of more than 20,000 people since June 2021²⁵⁸⁶. The displaced persons would correspond to both residents in the Martissant area and in other areas of the capital - Port-au-Prince - who would have abandoned their homes leaving everything behind²⁵⁸⁷. This has not only caused the death of civilians²⁵⁸⁸ but also the blockade of the country due to the presence of gangs in the most strategic areas²⁵⁸⁹. The Special Rapporteur is concerned about the inhumane conditions in which people displaced by the violence of

²⁵⁷² Le Nouvelliste, "Biden a expulsé autant d'Haïtiens en un an que ses trois prédécesseurs en 20 ans", 22 February 2022. Le National, "Haiti: migration repatriation of 282 Haitians to Cap-Haitien," March 16, 2022. Le Nouvelliste, "L'administration Biden s'inquiète de la situation en Haiti et poursuit les expulsions massives de migrants haïtiens", 10 June 2022.

²⁵⁷³ Human Rights Watch, "Des Haïtiens sont renvoyés vers un pays plongé dans le chaos," March 24, 2022.

²⁵⁷⁴ Expansión, "Datos Macro Haïti 2019".

²⁵⁷⁵ France 24, "Dominican Republic starts building a wall on the border with Haiti," February 21, 2022. BBC News, "The complex border between Dominican Republic and Haiti," May 9, 2022.

²⁵⁷⁶ Tele Sur Tv, "Dominican President affirms he will not take over Haiti", February 28, 2022.

²⁵⁷⁷ Le National, "Déportations d'Haïtiens de la République dominicaine : des jeunes réagissent", September 02, 2022.

²⁵⁷⁸ Le National, "18 872 migrants haïtiens rapatriés pour le mois d'août, selon le GARR," September 09, 2022.

²⁵⁷⁹ El País, "Casi 13 mil haitianos fueron devueltos de Dominicana en septiembre", 07 October 2022.

²⁵⁸⁰ Directorate General of Migration, Press release, May 5, 2022.

²⁵⁸¹ Today's Guardianes de la Verdad, "Dominican authorities deport 6 Haitian minors on their way to school", January 21, 2022.

²⁵⁸² Efe, "UN asks Dominican Republic to suspend deportations of pregnant women", November 06, 2021.

²⁵⁸³ Swiss Info, "UN denounces mistreatment of Haitian migrants in Dominican Republic," February 1, 2022

²⁵⁸⁴ CEDAW, "Concluding observations on the eighth periodic report of the Dominican Republic", (CEDAW W/C/DOM/8), February 28, 2022.

Swiss Info, "UN denounces mistreatment of Haitian migrants in the Dominican Republic", February 28, 2022.

²⁵⁸⁵ Le Nouvelliste, "Seuls 31 000 Haïtiens vivent en situation régulière en République dominicaine", March 30, 2022.

²⁵⁸⁶ IOM. Personnes déplacées internes, April 22, 2022.

²⁵⁸⁷ Miami Herald, "Chaos, gang violence again erupt in Haiti. Even human rights advocates are targets," April 27, 2022.

²⁵⁸⁸ RFI, "Haïti: l'inquiétude monte chez les déplacés, de plus en plus nombreux dû aux gangs," May 6, 2022.

²⁵⁸⁹ Relief Web, "Three questions about the recent violent clashes in Port-au-prince," April 29, 2022.



armed gangs - including many children - are reportedly living, having had to leave their homes with only what they were wearing, without access to drinking water or food²⁵⁹⁰ .

²⁵⁹⁰ Listin Diario, "[La guerra urbana se ensaña con los sectores desposeídos](#)", 29 August 2022.

21) HONDURAS

1170. REDESCA is concerned about the high poverty rates in the country. In June 2022, the National Institute of Statistics (INE) revealed that 73.6% of every 100 Honduran households are in poverty and 53.7% in extreme poverty²⁵⁹¹. On the other hand, it notes that Honduras has been strongly affected by the inflationary pressures resulting from the pandemic and the war in Ukraine. The monthly variation of Consumer Price Indexes (CPI) has shown an increasing pace. In June, the year-on-year variation of the CPI was 10.22%²⁵⁹², which imposes consumption restrictions on households and causes them to lose purchasing power due to constant product increases. REDESCA observes that in 65.7% of households the income received would not be sufficient to cover the costs of the basic food basket²⁵⁹³.
1171. On the other hand, the United Nations Development Program (UNDP) indicated in its Human Development Report 2022 that the State of Honduras faces a multifactorial crisis due to the fact that growth rates are insufficient to reduce inequalities and poverty, the high levels of informality and structural inequalities faced by women, indigenous peoples, afro-descendants and the population with disabilities. In addition, high rates of violence and the effects of the environmental crisis make Honduras one of the countries with the lowest Human Development Index (HDI) in the region²⁵⁹⁴.
1172. On the other hand, REDESCA is concerned about the figures surveyed by the Integrated Food Security Phase Classification (IPC) according to which, as of February, 24% of the Honduran population is unable to meet its food needs. These rates have been increased by the socioeconomic effects of the pandemic, a sharp rise in the price of basic food basket products and fuels as a result of the economic crisis and inflation, as well as the decrease in the production of basic grains such as corn, by 65%, and beans, by 75%, due to climatic reasons²⁵⁹⁵.
1173. In the same vein, the Office of the Special Rapporteur notes that the World Food Programme (WFP) and the Food and Agriculture Organization of the United Nations (FAO) have identified that the situation of acute food insecurity has worsened in Honduras due to the effects of climate change, particularly the scarcity of rainfall recorded during 2021²⁵⁹⁶. In this regard, Honduras has the second highest level of undernourishment in Central America after Nicaragua, with 49.9% of its population suffering from severe or moderate food insecurity and 15.3% suffering from undernourishment²⁵⁹⁷.

A. Right to Health and its Social Determinants

1174. In relation to the right to health, the Office of the Special Rapporteur has learned that, as of November 9, 2022, a total of 457,196 confirmed cases of COVID-19 have been registered in Honduras, and 11,039 people have died from the disease²⁵⁹⁸. Regarding the number of doses of COVID-19 vaccine applied, REDESCA notes that, as of November 4, 16,430,114 doses of vaccine had been administered, while 56.39% of the population is fully inoculated²⁵⁹⁹.

²⁵⁹¹ National Institute of Statistics. The National Institute of Statistics, in partnership with international and national organizations, commemorates World Population Day 11 July 2022.

²⁵⁹² Central Bank Honduras, "Consumer Price Index", June 2022.

²⁵⁹³ Government of the Republic of Honduras / Technical Unit for Food and Nutritional Security (UTSAN). Monitoring study of food and nutritional security indicators in the 18 departments of Honduras for the year 2022. May 2022

²⁵⁹⁴ La Prensa, Honduras has the lowest development index in Central America, July 12, 2022

²⁵⁹⁵ IPC, "Honduras: IPC Acute Food Insecurity Analysis," January 2022.

²⁵⁹⁶ United Nations, Food insecurity to worsen in Colombia, Honduras and Haiti January 27, 2022.

²⁵⁹⁷ FAO. The state of food security and nutrition in the world July 24, 2022.

²⁵⁹⁸ Datosmacro, "Honduras - COVID-19 - Coronavirus Crisis.", November 9, 2022.

²⁵⁹⁹ Datosmacro, "Honduras - COVID-19 - Vaccines administered.", November 4, 2022.

1175. On the other hand, REDESCA is concerned about the increase of dengue cases in the country. As of September, there were 16,318 cases of dengue fever in Honduras, 98% of which were reported with warning signs. Also, up to that month, 13 people had died from the disease²⁶⁰⁰. The Special Rapporteur notes that the sharp increase in infections could be another of the adverse consequences of the rains that have hit the country during 2022, because the accumulation of stagnant water increases the breeding grounds of mosquitoes, the animal responsible for the transmission of the virus²⁶⁰¹.
1176. The Office of the Special Rapporteur has also monitored the situation of the shortage of health workers in Honduras. In this regard, it was reported that on average there are 11 permanent doctors and nurses for every 10,000 inhabitants, a figure that does not meet the minimum international standards for providing essential health services²⁶⁰². In relation to the above, REDESCA takes note of the protests of medical personnel to enforce Legislative Decree 047-2020, which authorizes the Executive Branch, through different health service institutions, to issue agreements for the permanent appointment of medical and health personnel currently working under contract, in addition to granting more jobs in the country²⁶⁰³. Despite this, the Honduran government has requested the support of Cuban medical brigades, which would imply a cost of US\$2,000 to US\$3,000 for each professional, generating criticism from the medical profession, which maintains that the government should give the opportunity, with equal benefits, to nationals²⁶⁰⁴.
1177. REDESCA also notes with concern the complaints of health professionals who claim that for months their salaries have not been paid²⁶⁰⁵, reporting the work stoppage of more than 200 employees who demand their salaries²⁶⁰⁶. In this regard, the Office of the Special Rapporteur recalls that it is the responsibility of States to protect the ESCER of workers, particularly those most at risk from the pandemic, ensuring the protection of their economic income and means of subsistence²⁶⁰⁷.
1178. REDESCA is also concerned that 78% of hospitals do not have the necessary infrastructure conditions to attend patients²⁶⁰⁸, causing a serious crisis in access to health care, with long waiting lists for access to care²⁶⁰⁹. In addition to this, there is the problem of shortage of medicines in hospitals which, as of September, already reached 50%²⁶¹⁰. In this line, note is taken of the decision of the Ministry of Health to invest in the construction of 100 new clinics, located throughout the national territory, particularly in the poorest communities of the country. These centers would be intended for emergency and maternity consultations, and would require an investment of approximately 100 million lempiras.²⁶¹¹
1179. In relation to the above, REDESCA recalls that it is the duty of States to ensure the availability and timely provision of sufficient quantities of biosecurity equipment, essential medical supplies and supplements, as well as technical and professional training for health personnel²⁶¹². It also emphasizes that States have the duty to protect the ESCER of working people most at risk from the pandemic by

²⁶⁰⁰ Io Foundation, "September 2022. Dengue situation in Honduras", September 7, 2022., September 7, 2022.

²⁶⁰¹ Proceso Digital, "Aumento de casos de dengue, otra arista de las lluvias en Honduras", September 27, 2022.

²⁶⁰² El Heraldo. Analysis: Lack of doctors jeopardizes hospital care in Honduras August 8, 2022.

²⁶⁰³Criteria. Health personnel give ultimatum to the government to grant employment positions July 13, 2022.

²⁶⁰⁴ La Tribuna. CMH opposed to the arrival of Cuban medical brigades July 27, 2022.

²⁶⁰⁵ Proceso, "No hay justificación para que haya médicos con ocho meses sin salario, reclama expresidenta del CMH", September 13, 2022.

²⁶⁰⁶ El Heraldo. Honduran doctors have not received salaries for seven months July 21, 2022.

²⁶⁰⁷ IACHR - REDESCA, Resolution 1/2020 on Pandemic and Human Rights in the Americas April 10, 2020.

²⁶⁰⁸ BN Americas, "NGO describes bleak outlook for hospital infrastructure in Honduras.", October 26, 2022.

²⁶⁰⁹ La Prensa, "Cuatro hospitales como Catarino Rivas necesitan cubrir demanda", November 6, 2022.

²⁶¹⁰ La Prensa, "Desbastecimiento de medicinas en hospitales ya alcanza el 50%", September 9, 2022.

²⁶¹¹ El Heraldo. Health will build 100 clinics in Honduras with current budget August 11, 2022.

²⁶¹² IACHR, Resolution 1/2020: Pandemic and Human Rights, April 2020.

ensuring protection of their economic income, livelihoods, and avoiding the risks of contagion of the virus²⁶¹³.

1180. REDESCA takes note about reports of the criminalization of abortion in all its forms in Honduras. Similarly, Honduras continues to be the only country in the region where emergency contraception is prohibited, except in cases of rape victims²⁶¹⁴. In this regard, it is estimated that 40% of pregnancies in the country are unplanned or unwanted, and that there is an illegal abortion industry that performs between 50,000 and 80,000 clandestine abortions each year, which endangers the health of women who undergo this medical procedure, which would affect women in situations of poverty or vulnerability to a greater extent.²⁶¹⁵
1181. In this regard, REDESCA notes that the Honduran Ministry of Health announced that emergency contraceptive pills would only be available to people who have suffered sexual violence. Likewise, REDESCA has followed up on reports on the rate of pregnancies among girls and adolescents in Honduras, the second country in the region with the highest rates in this area²⁶¹⁶. This is evidence of the lack of access to quality health services and a comprehensive sexuality education system²⁶¹⁷. In this regard, REDESCA takes note of the call made by the National Human Rights Commission for the Government to approve the Protocol for the Care of Victims and/or Survivors of Sexual Violence²⁶¹⁸.
1182. In this regard, the Office of the Special Rapporteur reminds States that they should prioritize the adoption of measures necessary to ensure that women and girls enjoy their right to health and their sexual and reproductive rights, concentrating efforts on combating the high rates of maternal mortality, as well as the prevention of unwanted pregnancies and care for victims of sexual violence.²⁶¹⁹ On the other hand, the Office of the Special Rapporteur is concerned about the overcrowding of prisons in Honduras and its impact on the right to health of persons deprived of liberty. In this regard, it was noted that there is overcrowding in prisons with an overpopulation of at least six thousand people. The capacity of the country's prisons is 15 thousand, however, currently there are around 21 thousand persons deprived of liberty, according to data from the Center for the Prevention, Treatment and Rehabilitation of Torture (CPTRT). It was also reported that prisons are 70% overcrowded at the national level and that they have been saturated, and that this is even seen as one more punishment.²⁶²⁰ This situation may have an impact on the conditions of detention of persons deprived of liberty, especially on the health and food services to which they may have access. REDESCA recommends that the State take the necessary measures to guarantee the right to health and food of these persons, particularly through the issuance of public policies to address this situation, as well as the consideration of judicial measures that allow the reduction of the prison population, such as the commutation of sentences, among others.

B. Climate Emergency and Human Right to Water

1183. In relation to the climate emergency, REDESCA notes that the country has a wide range of regulations related to this issue; since 2013 it has a Climate Change Law that establishes the principles and regulations

²⁶¹³ IACHR, Resolution 1/2020: Pandemic and Human Rights, April 2020

²⁶¹⁴ Milenio, "[Píldora anticonceptiva de emergencia es autorizada en Honduras en caso de violación](#)", November 1, 2022.

²⁶¹⁵ The Guardian, "['I couldn't have the baby': Honduras's poor suffer most from draconian abortion laws](#)" June 30, 2022.

²⁶¹⁶ Milenio, "Emergency contraceptive pill is authorized in Honduras in case of rape." November 1, 2022.

²⁶¹⁷ Swissinfo. [Sex education, key to combat teenage pregnancies in Honduras](#) April 5, 2022.

²⁶¹⁸ Proceso, "[Conadeh sugiere al CEDAW que pida a Honduras eliminar la prohibición del uso de la PAE](#)", 17 October 2022.

²⁶¹⁹ IACHR, Democratic Institutionalality, Rule of Law and Human Rights in Venezuela. OEA/Ser.L/V/II. Doc. 209 (Dec. 31, 2017), para. 67.

²⁶²⁰ Criterion. [Overcrowding in Honduran prisons reaches 70% nationwide](#) July 23, 2022.

necessary to plan, prevent and respond in an adequate, coordinated and sustained manner to the impacts of climate change in the country.²⁶²¹ Additionally, it has a National Climate Change Strategy, Biodiversity Strategy and Action Plan, as well as national mitigation and adaptation plans.²⁶²² At the same time, in the Government Plan to Refound Honduras 2022-2026, point 6.2 states that the State's objective is the protection of the environment and agroforestry development, to respond to the adverse effects of the environmental crisis, climate change, the pandemic and tropical storms Eta and Iota.²⁶²³

1184. Similarly, with respect to the construction of its Nationally Determined Contributions (NDC), it is welcomed that the principles of social inclusion were included, such as respect for human rights, social and intergenerational equity, the promotion of citizen participation under criteria of social and intergenerational equity, gender and free, prior and informed consent. In this way, the intrinsic value of all social groups is recognized, particularly indigenous and Afro-Honduran peoples, women and young people.²⁶²⁴ These actions are being carried out under an Inter-Institutional Technical Committee on Climate Change made up of the different public institutions involved in the execution of climate change policies. To that extent, it was agreed that gender equality, intergenerational equity and the rights of indigenous and Afro-Honduran peoples will be the cross-cutting themes for updating the NDCs.²⁶²⁵
1185. Regarding the climate emergency and its impact on human rights, REDESCA is concerned about Honduras' vulnerability to climate change. Due to its geographical location, Honduras has historically been affected by earthquakes, displacements, droughts, hurricanes and floods²⁶²⁶. Notwithstanding this, the climate emergency makes these disasters increasingly frequent, meaning dangers for the population and great economic losses.²⁶²⁷
1186. In this regard, the Office of the Special Rapporteur takes note of the Government's statement that the country is in an environmental emergency as a result of environmental degradation, particularly in the area of deforestation, which affects more than 60,000 hectares of forest each year as a result of illegal logging, the advance of areas for cattle ranching and monocultures, and the urban sprawl²⁶²⁸. In response, REDESCA announced the implementation of a plan to rescue natural areas that involves the recovery of water zones, the creation of a plan to adapt to and mitigate the effects of climate change, and the establishment of a forest closure, among other measures²⁶²⁹. REDESCA also takes note of the Government's efforts in the promotion and conservation of natural protection areas in the country, allocating L 247 million to the recovery and sustainability of the environments.²⁶³⁰
1187. The Office of the Special Rapporteur takes note of the Government's decision to declare the Honduran territory free of open-pit mining, an industry that has serious effects on the contamination of water sources and the displacement of communities²⁶³¹. In this way, it has cancelled the approval of mining permits and

²⁶²¹ Government of Honduras, Response to REDESCA's request for information, Oficio No. SEDH-051-2022, August 11, 2022.

²⁶²² Idem

²⁶²³ idem

²⁶²⁴ Government of Honduras, Response to REDESCA's request for information, Oficio No. SEDH-051-2022, August 11, 2022.

²⁶²⁵ idem

²⁶²⁶ El Herald, [Honduras is increasingly fragile to floods and droughts](#), October 4, 2022.

²⁶²⁷ World Bank, Climate Change Knowledge Portal: Honduras October 2022.

²⁶²⁸ Criterio, [Xiomara Castro's Government Plan](#), September 2021

²⁶²⁹ Criterio, [Government of Honduras declares "environmental emergency" due to environmental devastation](#), March 21, 2022.

²⁶³⁰ Prensa Latina, [Gobierno de Honduras garantiza atención de áreas naturales](#), October 25, 2022.

²⁶³¹ Criterio, [Remind Serna that report on contamination of Carlos Escaleras National Park is still pending](#), November 11, 2022.

proceeded with a review, suspension and cancellation of environmental licenses, permits and concessions, as well as the immediate intervention of natural areas of high ecological value²⁶³².

1188. Given the worrying contamination affecting the Motagua River, REDESCA has been observing the approaches being made between the governments of Honduras and Guatemala to address the situation. In this regard, the Office of the Special Rapporteur is aware that, among the agreements reached, it was established that the Government of Guatemala will send Honduras information on the strategy or plan it will use to close the dumps, especially the one in the capital city. They also agreed to work on binational project proposals for the affected areas that can be presented to the Central American Bank for Economic Integration (CABEI), in order to manage the necessary funds for their implementation.²⁶³³ However, REDESCA notes with concern the slow progress of negotiations and measures to address the situation, encouraging to prioritize them and making itself available to the States involved, as an Inter-American mandate specialized in environmental rights²⁶³⁴.
1189. Information was also provided on the complaints of the mayors and highest authorities of the department of Gracias a Dios regarding the famine crisis resulting from natural disasters, for which they signed an agreement to strengthen the municipal system to prevent natural disasters during the 2022 hurricane season in the Mosquitia region, the most inhospitable and least populated in the country, where the rains have hit dozens of communities affecting thousands of hectares of crops, causing food to reach households in the six municipalities in a limited way.²⁶³⁵
1190. The Special Rapporteur takes note of the serious damage caused by tropical storms during the year, highlighting the situation of vulnerability to natural disasters faced by certain communities in Honduras, which were again impacted by rains and floods, as in 2020 with Tropical Storm Eta and Hurricane Iota²⁶³⁶. During the months of September and October unusually heavy rains affected more than 73 thousand people, with destroyed streets, collapsed bridges, washed away crops, flooded homes and landslides²⁶³⁷. In view of this situation, REDESCA takes note of the population's requests to the Government for the construction of embankments to guarantee their safety in the face of these lamentable and recurrent natural disasters²⁶³⁸.
1191. In this regard, the Office of the Special Rapporteur recalls that, in the framework of Resolution 3/2021 of the IACHR and REDESCA, States must adopt and implement policies aimed at promoting resilience to climate change, ensuring that public and private investments are consistent with this objective. For its part, in the same terms of the Resolution, REDESCA welcomes the efforts made by the State for the inclusive and participatory construction of the NDCs and other public policies on climate issues, making itself available to the State to offer its technical assistance in this area.

C. Business and Human Rights

1192. The Office of the Special Rapporteur welcomes the fact that, during the VII Regional Forum on Business and Human Rights for Latin America and the Caribbean, the State of Honduras presented the creation of

²⁶³² El Heraldo, Gobierno declara a todo el territorio hondureño libre de minería a cielo abierto, February 28, 2022.

²⁶³³ La Hota GT, CABEI to finance study to clean up the Motagua River, February 10, 2022

²⁶³⁴ Criterio, Honduras has had enough of Guatemala's garbage: not even bioswales will be able to stop a lawsuit for the country, March 30, 2022.

²⁶³⁵ La Prensa, Mayors of the Mosquitia ask for help to avoid famine July 13, 2022

²⁶³⁶ La Prensa, Two years after Eta and Iota: Honduras, more vulnerable to natural disasters, November 6, 2022.

²⁶³⁷ IOM, "Starting from scratch again and again: heavy rains and floods displace thousands in Honduras", October 28, 2022.

²⁶³⁸ La Prensa, Residents block the CA-13 in El progreso, Yoro, demanding the construction of curbs, October 5, 2022.

the National Action Plan on Business and Human Rights.²⁶³⁹ Through this program, the State of Honduras intends to assume responsibility for disseminating and implementing international principles and recommendations on the subject, seeking greater participation of civil society organizations, members of academia, businesses and the State to achieve the greatest possible legitimacy and openness of Honduran industries²⁶⁴⁰.

1193. Likewise, REDESCA takes note of the participation of various actors involved in business and human rights, as well as the establishment of the Roundtable on DESCA and Business and Human Rights, with the aim of seeking strategies to implement the UN Guiding Principles at the national level.²⁶⁴¹ REDESCA welcomes these advances, while reiterating to the State its willingness to provide technical assistance in this area, in order to ensure the incorporation of Inter-American standards on a par with those of the United Nations.

1194. In addition, REDESCA received information on the nullity action filed by the Committee of People Affected by Minosa and the Maya Chortí community of Azacualpa against the environmental licenses granted by that institution to the company Minerales de Occidente (Minosa), a subsidiary in Honduras of the transnational mining company Aura Minerals. According to reports, the environmental licenses were granted without due consultation with the indigenous population living in the area²⁶⁴². It is reported that the project has affected the ancestral cemetery of the Maya Chortí community, which is more than 200 years old and has exhumed hundreds of human remains for the exploitation of gold and silver²⁶⁴³. It was also reported that the Honduran Black Fraternal Organization (Ofraneh) denounced the intensification of ecocide in Tela Bay through the filling of the Los Micos lagoon for the construction of housing complexes.²⁶⁴⁴

1195. The Office of the Special Rapporteur also takes note of the complaint made by the Lenca Indigenous Council of San Isidro El Volcán due to the construction of a mountain hotel that would affect the Cueva Pintada, a sacred meeting place of the indigenous people living in the area. The indigenous leaders denounce that they have not been consulted and that those promoting the project have appropriated their lands²⁶⁴⁵.

1196. REDESCA welcomes the signing of the agreement between the National Commissioner for Human Rights in Honduras (Conadeh), the United Nations High Commissioner for Refugees (UNHCR), UN Women and the Irish NGO Trocaire to protect the work of human rights defenders in the country. As a result, more than 300 human rights defenders will receive specialized attention to reduce the risks they face in their daily work.²⁶⁴⁶ However, note is also taken of the complaints made by members of civil society, the Association of Prosecutors, the Association of Journalists of Honduras (CPH) and the Association of Honduran Press (APH) that make up the mechanism for the Protection of Journalists, Lawyers and Human Rights Defenders about the deteriorated situation of this protective body.²⁶⁴⁷

²⁶³⁹ SEDH, Government of Honduras presents action plan on Business and Human Rights at Regional Forum in Bogota, Colombia, July 14, 2022.

²⁶⁴⁰ SEDH, Estado de Honduras trabaja en la construcción del Plan de Acción Nacional en Materia de Empresas y Derechos Humanos, August 17, 2021.

²⁶⁴¹ Republic of Honduras, Report on compliance with country recommendations, October 27, 2022.

²⁶⁴² Criterio. Chortí Mayan people of Azacualpa file nullity action against Minosa July 28, 2022

²⁶⁴³ Criterio. Honduras "free of mining" only remained in a communiqué April 6, 2022.

²⁶⁴⁴ Criterio. Garifunas denounce ecocide in Los Micos Lagoon in Tela Bay July 21, 2022

²⁶⁴⁵ Criterio, Denuncian imposición de hotel de montaña que afectaría Cueva Pintada en Santa Elena, La Paz, July 29, 2022

²⁶⁴⁶ La Prensa. UN signs agreement to protect women human rights defenders in Honduras July 20, 2022.

²⁶⁴⁷ Criterio. Deterioration of the Protection Mechanism for journalists, lawyers and human rights defenders denounced July 21, 2022.

1197. In relation to the above, in the framework of the provisions of Resolution 3/2021, REDESCA recalls that States should strengthen transparent and effective mechanisms for monitoring, surveillance and oversight in cases of abuses of the rights of defenders, where companies or private actors are involved. In this way, effective sanctions and adequate reparations can be applied, facilitating the application of criminal and administrative actions for the protection of the lives and livelihoods of the population²⁶⁴⁸.
1198. On the other hand, REDESCA has monitored the start of the trial against six people for the crimes of fraud, abuse of authority, falsification of public documents and use of false documents in the concession of the Agua Zarca Project. Among them are former public officials and the former manager of the company Desarrollos Energéticos S.A. (DESA), David Castillo, sentenced to 22 and a half years in prison as co-perpetrator of the murder of Berta Cáceres.²⁶⁴⁹
1199. Considering the above, REDESCA welcomes the fact that the State is taking concrete actions to implement its business and human rights plan. In this regard, the Office of the Special Rapporteur encourages the State, in addition to the United Nations Guiding Principles, to take into special consideration the standards of the Inter-American system applicable to the matter. In this process, they urge the State to implement the recommendations of the REDESCA report on Business and Human Rights, with special attention to Recommendation 2.²⁶⁵⁰

D. Labor and Union Rights

1200. With respect to labor and union rights in the country, REDESCA notes that, according to information provided by the National Institute of Statistics, the number of people who constitute the labor force in Honduras exceeds four million, of which about 350 thousand are unemployed and 2.5 million people are visibly underemployed, i.e., they work less than 40 hours when they would like to work more²⁶⁵¹. Likewise, the report indicates that by 2021 almost one million young people between the ages of 12 and 30 were neither working nor studying²⁶⁵². Along the same lines, the figures surveyed by the World Bank indicate that 32% of employed people in Honduras lost or abandoned their jobs as a result of the pandemic²⁶⁵³.
1201. Also of concern are the figures provided by the Honduran Council of Private Enterprise (Cohep), indicating that more than 185,000 women are unemployed. In the global gender gap index, Honduras ranks 82nd out of 146 countries.²⁶⁵⁴ Likewise, the report indicates that women are mainly employed in the categories of private salaried workers, own account, and family workers; categories where the greatest informality and low productivity persist²⁶⁵⁵. This contributes to the fact that the participation rate of the working age population among women will barely reach 48.3% in 2021²⁶⁵⁶.

²⁶⁴⁸ IACHR and REDESCA, Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

²⁶⁴⁹ FIDH. [Honduras: International mission will observe "Fraude sobre el Gualcarque" case](#) 25 July 2022.

²⁶⁵⁰ REDESCA, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. IACHR/REDESCA/INF.1/19, November 1, 2019, Recommendation 2.

²⁶⁵¹ National Institute of Statistics. [The National Institute of Statistics, in partnership with international and national organizations, commemorates World Population Day](#) 11 July 2022.

²⁶⁵² National Institute of Statistics. [The National Institute of Statistics, in partnership with international and national organizations, commemorates World Population Day](#) 11 July 2022.

²⁶⁵³ National Institute of Statistics. [The National Institute of Statistics, in partnership with international and national organizations, commemorates World Population Day](#) 11 July 2022.

²⁶⁵⁴ ILO, [Women in Enterprise Development: WED Honduras Report](#), December 12, 2021.

²⁶⁵⁵ Ibid.

²⁶⁵⁶ Hondudiaro. [At least 185 thousand women are unemployed or unemployable in Honduras, according to Cohep report](#) August 6, 2022.

1202. In light of this situation, REDESCA emphasizes that the IACHR has identified women as a sector of society traditionally discriminated against, highlighting the importance and urgent need for States to adopt new and diverse actions to promote and protect equality in order to guarantee the enjoyment and exercise of rights without discrimination of any kind. Adequate respect for and guarantee of women's work is a key component for the eradication of poverty, the guarantee of access to ESC rights and, in general, their empowerment and autonomy²⁶⁵⁷.
1203. On the other hand, REDESCA takes note of the declaration of unconstitutionality of the Framework Law on Social Protection, in force since 2015, after criticism that it undermined public health and the unitary social security system²⁶⁵⁸. Without prejudice to this, the Special Rapporteurship views with concern the uncertainty generated by said measure, due to the delays in its publication, as well as of a new regulation governing the matter²⁶⁵⁹. In this regard, REDESCA takes note of the delay in the payment of subsidies for recently unemployed workers, as a result of the blocking of deposits from the Private Contributions Regime (RAP), as a consequence of the declaration of unconstitutionality²⁶⁶⁰.
1204. The Special Rapporteur notes the entry into force of the minimum wage increase for 2022, establishing payments from 30 to 60 lempiras per hour of work²⁶⁶¹, which represents a percentage adjustment of up to 7.5%, without prejudice to the fact that the amounts depend on the labor category and the size of the company²⁶⁶². REDESCA notes that, on average, Hondurans receive at least 11,278.75 lempiras per month, a figure that is of concern given that, as a result of the inflationary crisis the country is experiencing, the cost of the basic food basket covers 95% of the average salary²⁶⁶³. Along these lines, experts have pointed out that, in order to be able to afford a decent life for workers and their families, the minimum wage should rise to 20,000 lempiras²⁶⁶⁴.
1205. REDESCA also takes note of the repeal of the Hourly Employment Law, implemented in 2014 and intended to be a temporary rule to reduce unemployment rates in the country. In this sense, it is intended to end rules that limited the labor rights of workers who would perform in this model of work, such as union organization, payment of minimum wage, among others²⁶⁶⁵. Notwithstanding this, the creation of a new Partial Employment Law to regularize the situation of those who work seasonally in the country is being carefully observed²⁶⁶⁶.

E. Fiscal and Economic Policies

1206. Regarding the state of the country's fiscal and economic policies, REDESCA is aware that the objective of these policies for the State is economic and social development, as well as combating poverty, reducing social exclusion and inequality²⁶⁶⁷. The Office of the Special Rapporteur welcomes the progress that has been made in promoting public investment in areas that require greater attention to meet the needs of the

²⁶⁵⁷ IACHR and REDESCA, Compendium on Labor and Trade Union Rights, 2021

²⁶⁵⁸ La Prensa, Unconstitucionalidad de ley Marco aún no se aplica en el IHSS, June 12, 2022

²⁶⁵⁹ La Prensa, National Congress to discuss a new Social Protection Framework Law, August 5, 2022.

²⁶⁶⁰ The Tribune. RAP unlocks labor reserve August 5, 2022

²⁶⁶¹ La Prensa, "Minimum wage: know how much you should earn per day and hour." April 3, 2022.

²⁶⁶² Your Note, "Minimum wage in Honduras for 2022-2023 and value of the basic food basket", September 16, 2022

²⁶⁶³ Your Note, "Minimum wage in Honduras for 2022-2023 and value of the basic food basket", September 16, 2022

²⁶⁶⁴ El Heraldo, "20,000 lempiras debería ser el salario mínimo, según expertos", August 5, 2022.

²⁶⁶⁵ Criterio, Repeal of the Hourly Employment Law will go through popular consultation with workers, February 10, 2022.

²⁶⁶⁶ Time, Seasonal jobs endangered by lack of partial employment law, November 3, 2022.

²⁶⁶⁷ Presidency of Honduras, <https://www.presidencia.gob.hn/comunicadoscp.php#comunicados43>, September 13, 2022.

most vulnerable people. In this regard, it takes note of the approval of the new Special Law on Electric Energy by the National Congress in May, which aims to facilitate an electric energy service with more accessible prices for the population and, in this way, cooperate to resolve the crisis of the state electricity company, which has an accumulated debt of 75.6 billion lempiras (US\$3.102 billion). In this way, Honduras seeks to guarantee the electric energy service as a public good and a human right.²⁶⁶⁸

1207. According to World Bank data, Honduras' economy recovered, following the COVID-19 pandemic, to 12.5% growth in 2021 and is expected to grow by 3.5% in 2022. Notwithstanding the above, REDESCA notes that Honduras continues to be one of the poorest and most unequal countries in Latin America and the Caribbean²⁶⁶⁹. In this regard, REDESCA welcomes the progress in the implementation of a National Identification System (SIN) that Honduras has made with the support of the United Nations Development Program (UNDP), which will help the authorities to implement more comprehensive and inclusive public policies.²⁶⁷⁰
1208. In the same vein, the efforts of the Honduran government to support its population in the face of the effects of the current economic crisis have been observed. In this regard, the Special Rapporteur notes the positioning of "Ahorro Carpas" in different locations²⁶⁷¹. These are strategic points of sale of food and basic products, which seek to regulate the value of basic food basket products and thus curb the unjustified rise of some of them²⁶⁷², a policy that adds to the delivery of more than 2,000 food boxes promoted by the Solidarity Network Program of Honduras²⁶⁷³. Likewise, the Honduran authorities have implemented important subsidies to fuel prices to make them more affordable for the population, an investment that reaches L 3,663 million²⁶⁷⁴.
1209. REDESCA also notes that the Ministry of Finance reported that the country's fiscal policy is based on compliance with the Fiscal Responsibility Law (LRF) and the gradual return to the fiscal consolidation process, maintaining prudent levels of public indebtedness, as well as maintaining improvements in country risk ratings.²⁶⁷⁵
1210. In such sense, it is estimated that the deficit for the period 2023-2026, will be within the ceiling established in the LRF and in its Exception Clause reformed in Legislative Decree 30-2022, in Article 275-F, which establishes for 2022 and 2023 a deficit of the Non-Financial Public Sector of 4.9% and 4.4% of the Gross Domestic Product (GDP) respectively, for the period 2024-2026, it will be gradually reduced by 0.5 of the GDP. With the purpose of providing equal and equitable access to electric energy to the entire population, ensuring economic and social welfare, the Special Law is decreed to guarantee the electric energy service as a public good of national security and a human right of economic and social nature.²⁶⁷⁶
1211. In this context, REDESCA recalls that, in the framework of the recommendations promoted by Resolution 1/2020, States must make available and mobilize the maximum available resources to make ESCER effective, including by taking fiscal policy measures that allow for equitable redistribution. Likewise, they should adopt a human rights approach in any strategy, policy or State measure to address the pandemic, including plans for social and economic recovery²⁶⁷⁷.

²⁶⁶⁸ Swissinfo, [Honduran Parliament approves new Energy Law to renegotiate contracts](#) May 12, 2022

²⁶⁶⁹ World Bank, [Honduras: overview](#), October 2022.

²⁶⁷⁰ UNDP, [Combating Poverty in Complex Contexts](#), October 14, 2022.

²⁶⁷¹ Government of Honduras, [Government locates Savings Tents in several points of the capital](#), October 14, 2022.

²⁶⁷² La Tribuna, [IHMA and Banasupro: Unite against "coyotes" and set bean measure at L75](#), October 14, 2022.

²⁶⁷³ HCH, [Families in more than 2,000 villages in Honduras to benefit from food boxes](#), October 17, 2022.

²⁶⁷⁴ El Heraldo, [Honduras: Fuel subsidy totals L 3,663.1 million](#), October 27, 2022.

²⁶⁷⁵ Republic of Honduras, Report on compliance with country recommendations, October 27, 2022.

²⁶⁷⁶ Republic of Honduras, Report on compliance with country recommendations, October 27, 2022.

²⁶⁷⁷ IACHR - REDESCA, Resolution 1/2020 - Pandemic and Human Rights in the Americas, 10 April 2020.

1212. REDESCA notes with attention the implementation in Honduras of an International Commission Against Corruption and Impunity (CICIH), with the support of the United Nations (UN), in the context of numerous questionings that have occurred in recent years towards the authorities, who are accused of embezzlement of public funds²⁶⁷⁸. In this regard, welcomes the signing of the memorandum of understanding between the UN and the government of Honduras for the installation of the Commission in the coming months.²⁶⁷⁹
1213. The Special Rapporteur is concerned that, in Honduras, the country's hospital network has a budget deficit of approximately 11,000,000,000,000 lempiras. In this regard, more than 60% of the current health budget is allocated to pay salaries, without sufficient investment in the maintenance and acquisition of medical equipment, infrastructure improvements or the supply of medicines, taking into account the health crisis that the country is going through.²⁶⁸⁰

F. Education, science, technology: academic freedom and university autonomy

1214. In relation to the guarantee of the right to education, REDESCA notes that, in accordance with the Safe Return Plan 2022, developed by the Honduran Ministry of Education, which ensures biosecurity, psychosocial care and education for students²⁶⁸¹, in October, on-site classes resumed nationwide, with the exception of the departments affected by Hurricane Julia²⁶⁸². This was due to infrastructure problems, lack of access to water and scarcity of resources to conduct classes.²⁶⁸³
1215. The Special Rapporteur is concerned about the high levels of school dropouts in Honduras. According to INE figures, nearly 498,000 children did not participate in the 2022 school year, as a result of educational centers destroyed by natural phenomena, the economic needs of their families and the reduced access to platforms to access classes remotely during the COVID-19 pandemic. This affects young people between 15 and 17 years of age to a greater extent, where only 27.7% continue to attend schools.²⁶⁸⁴. In this regard, REDESCA encourages improving connectivity and resuming classes in person, as soon as conditions permit, recalling that the right to education is essential for the effective enjoyment of other human rights²⁶⁸⁵. Likewise, the Office of the Special Rapporteur recalls that, although distance education is an important tool, this is a measure that does not serve all children and adolescents equally, since access to computer equipment and the Internet is not universal²⁶⁸⁶.
1216. The Office of the Special Rapporteur notes that the Ministry of Education aims to reduce illiteracy in Honduras, focusing mainly on rural and remote areas, where the rate of people who cannot read and write is 17%. In this way, the goal is to reduce illiteracy to 6%, which is the same illiteracy rate as in urban areas of the country today.²⁶⁸⁷
1217. REDESCA is also concerned about the information revealed in reports of the Specialized Prosecutor's Unit Against Corruption Networks (UNERCO), which follows up on the resources destined for education. In this sense, it is denounced that, despite the fact that non-governmental organizations have contributed

²⁶⁷⁸ La Prensa, [Xiomara castro will send this week to the UN a request to install CICIH](#), January 31, 2022.

²⁶⁷⁹ EFE, [Honduras and UN seal memorandum to establish CICIH](#), December 15, 2022

²⁶⁸⁰ CNA, ["CNA presents findings on sanitary paralysis in Honduras"](#), October 18, 2022.

²⁶⁸¹ Secretaría de Educación de Honduras, ["Formato del Plan de Regreso Seguro a Clases 2022"](#).

²⁶⁸² El Heraldo, ["Reanudan las clases presenciales a nivel nacional; hay excepciones"](#), October 11, 2022.

²⁶⁸³ Swissinfo, ["Half-hearted start of face-to-face classes in public education in Honduras."](#), April 18, 2022.

²⁶⁸⁴ El Heraldo, ["Nearly half a million children were excluded from the 2022 school year."](#), October 12, 2022.

²⁶⁸⁵ IACHR, Practical Guide No. 2: How to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic; 2020.

²⁶⁸⁶ IACHR, [IACHR warns about the consequences of the COVID-19 pandemic on children and adolescents](#). April 27, 2020.

²⁶⁸⁷ La Prensa. [Education seeks to reduce illiteracy levels in Honduras](#) August 9, 2022.

funds for the reconstruction of 300 schools, only 22 properties have been effectively attended, calling for the follow-up, supervision and liquidation of funds.²⁶⁸⁸

G. Human Mobility and ESCER

1218. The Office of the Special Rapporteur is concerned that Honduras is one of the countries in the region with the highest number of people migrating from the country. In the first five months of 2022 alone, a total of 24,500 Hondurans began the route to migrate to the United States, according to the report Migration Trends in Central America, North America and the Caribbean of the International Organization for Migration (IOM)²⁶⁸⁹. With respect to the causes that lead thousands of Hondurans to migrate, the high levels of violence in the country and the lack of employment opportunities stand out²⁶⁹⁰.
1219. REDESCA also takes note of the impact that climate change has had on human mobility, causing thousands of people in Honduras to be displaced by heavy rains and floods that have occurred during the year, having to leave their homes in search of protection²⁶⁹¹, which is why the Honduran government has asked the United States to extend Temporary Protected Status (TPS) to people affected by hurricanes Eta and Iota²⁶⁹². In this regard, the Office of the Special Rapporteur recalls that States must guarantee due process during the procedure leading to the recognition of their migratory status and, in any case, guarantee the human rights of persons who move for reasons directly or indirectly associated with climate change²⁶⁹³.
1220. REDESCA observes the social and economic effects of human mobility in Honduras. Over the last ten years, more than one million Hondurans have left the country, most of them settling in the United States and Mexico. The emigrant population in Honduras contributes around 25% of the national GDP to the extent that they send family remittances annually, which in 2021 exceeded 8 billion dollars.²⁶⁹⁴ In this regard, the Office of the Special Rapporteur is closely following the draft Law on Forced Displacement²⁶⁹⁵, which aims to respond to the approximately quarter of a million people who have left their communities and require a legal instrument to protect their lives and the property they leave behind when they are forcibly removed from the places where they live.²⁶⁹⁶
1221. On the other hand, the Office of the Special Rapporteur has monitored the situation of other migrants transiting through Honduran territory on their route to the north of the continent. As of August 11, 2022, the National Migration Institute (INM) indicated that at least 72,428 migrants have been detained in Honduras for irregularly entering the national territory²⁶⁹⁷. In this regard, the IOM report identified that these people come mainly from Venezuela, Ecuador, Haiti, Cuba and Angola.²⁶⁹⁸ It should be noted that close to 35% of the migrant population in Honduras is of Venezuelan origin, and there is an unprecedented

²⁶⁸⁸ La Tribuna, "Drenaje de recursos a través de oenegés también se hizo en Educación", July 11, 2022.

²⁶⁸⁹ IOM, MIGRATION TRENDS IN CENTRAL AMERICA, NORTH AMERICA AND THE CARIBBEAN, June 2022

¹⁰³ Ibid.

²⁶⁹¹ IOM, "Starting from scratch again and again: heavy rains and floods displace thousands in Honduras," October 28, 2022.

²⁶⁹² Criterio, "Cambio climático orilla a hondureños a buscar refugio en un nuevo TPS", October 11, 2022.

²⁶⁹³ IACHR - REDESCA, Resolution 3/2021: Climate Emergency, Scope and Inter-American Human Rights Obligations, December 31, 2021.

²⁶⁹⁴ Swissinfo, More than 73% of Hondurans are poor, according to statistics agency July 11, 2022.

²⁶⁹⁵ Frontera, Anteproyecto de ley Para la prevención, atención y protección de las personas desplazadas forzadamente, February 2018.

²⁶⁹⁶ Swissinfo, Human Rights Commissioner asks Honduras to pass law to protect displaced persons, June 19, 2022; La Tribuna, Migration Commission: 250 thousand people affected by forced displacement, July 14, 2022.

²⁶⁹⁷ National Migration Institute, Irregular migratory flow August 11, 2022

²⁶⁹⁸ IOM, Migration Trends in Central America, North America and the Caribbean June 2022

migratory crisis with more than 44,000 people having entered the country irregularly in the last year alone²⁶⁹⁹.

1222. It should be noted that many of the people who attempt to cross through Honduran territory have had to remain there because they do not have the means to pay the fine equivalent to US\$220 for having entered the country clandestinely, which has kept them in a state of vulnerability²⁷⁰⁰. However, REDESCA welcomes the fact that on August 4, 2022, the legislative decree that exempts migrants in a situation of mobility who enter Honduras irregularly from paying the administrative fine entered into force²⁷⁰¹. Likewise, the Office of the Special Rapporteur on DESCA recalls that States must provide persons in a situation of human mobility with the conditions for an adequate standard of living compatible with dignity, and prevent those that hinder or impede the enjoyment of rights, regardless of their migratory situation or place of origin.²⁷⁰²
1223. Finally, REDESCA welcomes the approval by the Honduran Congress on December 22 of the Law for the prevention, care and protection of internally displaced persons, which establishes a basis for structurally addressing the humanitarian consequences faced by the more than 247,000 people internally displaced by violence, and to prevent new displacements.²⁷⁰³

²⁶⁹⁹ Voice of America, "[Arrival of Venezuelans provokes "unprecedented migratory crisis" in Honduras](#)", October 25, 2022.

²⁷⁰⁰ Swissinfo, [Honduras has detained 54,275 foreigners for irregular movement](#) 29 July 2022.

²⁷⁰¹ Swissinfo, [Amnesty of fine for irregular migrants enters into force in Honduras](#) August 4, 2022

²⁷⁰² IACHR, [IACHR Urges States to Protect Migrants in Pandemic Recovery](#), December 18, 2021.

²⁷⁰³ ICRC, [The adoption of the legislative framework is an important step in strengthening the humanitarian response and the search for durable solutions](#), 22 December 2022.

22) JAMAICA

1224. With respect to the situation of ESCER in Jamaica, the Office of the Special Rapporteur has made a special follow-up on the impact that the pandemic has had on the guarantee of the right to health and its social determinants. Likewise, REDESCA is following the fiscal measures to guarantee ESCER, the differentiated effects that climate change and extractive activities are having on the State, as well as the impact that the pandemic has had on the protection of the right to education and the right to work. The main results of the Special Rapporteur's monitoring of each of these strategic lines of its agenda are discussed in greater detail below.
1225. It should be noted that, REDESCA notes that the latest national estimates of poverty in Jamaica date from 2017, when the poverty rate at the national level reached 19.3%; with higher incidence in rural areas (20.1%) than in urban areas (17.3%)²⁷⁰⁴. In turn, Jamaica's latest coefficient assessment in the Gini Index, also from 2017, was 0.35²⁷⁰⁵. However, the living conditions of the Jamaican population would have changed with the COVID-19 pandemic and, again, with the economic revival following the health emergency. In this regard, according to the World Bank, poverty would have increased in 2020, reaching 23% of the population; which would especially affect working women²⁷⁰⁶.
1226. The reactivation of tourism and other economic activities, thanks to the reduction of COVID-19 cases and the easing of the restrictions imposed by the virus, would contribute to the recovery of the Jamaican economy; so that the GDP would have grown by 4.7% in 2021 and would be projected at 4.3% by 2022²⁷⁰⁷. This would have allowed the unemployment rate to be reduced to 6.6% by June 2022²⁷⁰⁸, after having reached its highest point (12.6%) during the pandemic. COVID-19 would be the main risk to the country's economic recovery, with the possible interruption of tourism and trade activities due to the occurrence of new waves of contagion²⁷⁰⁹. In addition, global inflationary pressures would have severe effects on the Jamaican economy, implying a 9.3% increase in the Consumer Price Index between September 2021 and September 2022²⁷¹⁰.
1227. In this context, the Office of the Special Rapporteur highlights the importance of the census conducted by the Statistical Institute of Jamaica in September 2022²⁷¹¹, the results of which would be essential to assess the current situation of the Jamaican population, with a view to implementing actions to improve living conditions.

A. Right to Health and its Social Determinants

1228. REDESCA has been monitoring the impact of the COVID-19 pandemic on people's right to health, as well as the measures adopted by the Jamaican authorities to address its impacts. In this context, it is noted that, according to the latest report of the Ministry of Health and Welfare, the country recorded a total of 151,991 infections and 3,320 deaths due to COVID-19²⁷¹². In turn, by October 18, 1,495,422 doses of

²⁷⁰⁴ Statistical Institute of Jamaica, Living Conditions and Poverty, 2017.

²⁷⁰⁵ Statistical Institute of Jamaica, Gini Coefficient, Jamaica, 2017.

²⁷⁰⁶ UNAIDS, Jamaica commits to improving social protection, May 5, 2022.

²⁷⁰⁷ International Monetary Fund, IMF Executive Board Concludes 2021 Article IV Consultation with Jamaica, February 15, 2022.

²⁷⁰⁸ Statistical Institute of Jamaica, Unemployment Rate, June 2022.

²⁷⁰⁹ International Monetary Fund, IMF Executive Board Concludes 2021 Article IV Consultation with Jamaica, February 15, 2022.

²⁷¹⁰ Statistical Institute of Jamaica, Consumer Price Index to Point Rate (%), September 2022.

²⁷¹¹ Statistical Institute of Jamaica, Population & Housing Census 2022, 2022.

²⁷¹² Ministry of Health and Wellness, COVID-19 Clinical Management Summary for Friday, September 30, 2022, October 3, 2022.

vaccines had been administered; reaching 715,138 people with one dose; 614,538 people with the complete initial scheme; and 40,483 people with a booster dose²⁷¹³.

1229. REDESCA notes that Jamaica has not met the WHO target of immunizing 70% of its population by June 2022; and expresses particular concern about the persistent challenges to vaccine acceptance and implementation among the population²⁷¹⁴. In addition, it warns that, according to information from the World Bank, the acceptance rate of the COVID-19 vaccine in Jamaica would be particularly low, mainly due to the lack of information regarding the risks and benefits of the vaccine and the distrust towards the vaccine and/or the authorities²⁷¹⁵.
1230. In this regard, REDESCA emphasizes what was expressed by the IACHR in Resolution 1/2021, in relation to the obligation of States to provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19, complying with parameters of quality, objectivity and timeliness and based on the best available scientific evidence²⁷¹⁶. In addition, it is incumbent upon States to conduct public campaigns to counteract misinformation or distorted content about vaccines, to ensure the availability and accessibility of adequate and sufficient information about vaccines²⁷¹⁷.
1231. On the other hand, the Office of the Special Rapporteur takes note of the actions implemented by the Government to contain the pandemic during 2022. In this regard, it notes that at the beginning of the year, the containment measures were reinforced due to the increase of infections registered at the end of 2021²⁷¹⁸; although they were gradually lifted during the year. In March, the curfew between 22:00 and 05:00, the prohibition of shows and the mandatory social distancing and use of masks in closed spaces were lifted²⁷¹⁹; while the requirement to present a negative COVID-19 test to enter the country and the mandatory use of masks in public spaces were eliminated in April²⁷²⁰.
1232. With regard to other violations of the right to health, REDESCA obtained information that the first case of smallpox in Jamaica was recorded in July and was imported from abroad²⁷²¹. The Rapporteurship also noted that community transmission of smallpox had begun in August, when a person who had not left the country, but had had contact with someone infected, was confirmed to have been infected²⁷²². As of November 19, the country had registered a total of 16 cases²⁷²³. REDESCA takes note of the efforts made by the Jamaican authorities to strengthen smallpox response and prevention strategies, especially following the declaration of the virus as a Public Health Emergency of International Concern by WHO²⁷²⁴. In this regard, measures were implemented by the Ministry of Health and PAHO to strengthen virus testing and detection capacities, and the adoption of biosecurity measures and information for the population were promoted²⁷²⁵.

²⁷¹³ Ministry of Health and Wellness, [COVID-19 Vaccine Tracker](#), October 18, 2022.

²⁷¹⁴ World Bank Group, [A Shot in the Arm: New Evidence from the World Bank High Frequency Surveys on COVID-19 Vaccine Acceptance and Uptake in the Caribbean](#), July 13, 2022.

²⁷¹⁵ Ibid.

²⁷¹⁶ IACHR, Resolution No. 1/2021, [COVID-19 Vaccines in the Framework of Inter-American Human Rights Obligations](#), April 6, 2021, para. 11.

²⁷¹⁷ Ibidem, para. 12.

²⁷¹⁸ Jamaica Information Service, [COVID-19 containment measures extended to Feb.10](#), January 26, 2022.

²⁷¹⁹ St Kitts & Nevis Observer, [Jamaica Ending Covid Restrictions](#), March 18, 2022.

²⁷²⁰ The Jamaica Gleaner, [Jamaica lifting COVID travel pre-test, mask in enclosed places rules](#), April 13, 2022.

²⁷²¹ EFE, [Jamaica confirms its first case of monkeypox](#) July 7, 2022.

²⁷²² Jamaica Information Service, [Jamaica Has a Locally Transmitted Case of the Monkey Pox](#), August 5, 2022.

²⁷²³ Centers for Disease Control and Prevention, [Monkeypox | 2022 Global Map & Case Count](#), updated as of November 19, 2022.

²⁷²⁴ Caribbean News Now, [Jamaica Strengthens Response and Prevention of Monkeypox](#), July 26, 2022.

²⁷²⁵ Loop, [Another case of monkeypox confirmed in Jamaica](#) July 24, 2022.

1233. On the other hand, the Office of the Special Rapporteur expresses its concern about the information received at a hearing held before the IACHR regarding the situation of sexual and reproductive rights of adolescents in Jamaica²⁷²⁶. At the hearing, it was reported that there are significant barriers to access to contraceptive methods and comprehensive sexual education, which affect the number of teenage and unplanned pregnancies²⁷²⁷. This, together with the conditions of socioeconomic vulnerability and gender-based violence present in Jamaican society, would increase the number of suicides and deaths among pregnant adolescents²⁷²⁸. In addition, the ban on abortion, in force since 1964, would force adolescents to resort to unsafe methods such as self-administration of drugs or clandestine surgical procedures to terminate the pregnancy²⁷²⁹.
1234. Against this backdrop, REDESCA stresses that, in the area of sexual and reproductive rights, States have a fundamental obligation to guarantee prompt and adequate access to the health services that only women, adolescents and girls need based on their gender and reproductive function, free of all forms of discrimination and violence, in accordance with existing international commitments on gender inequality²⁷³⁰. To this end, States have the duty to eliminate all de jure and de facto obstacles that impede women's access to the maternal health, sexual health and reproductive health services they require, including information and education in the area of sexual and reproductive health, taking into consideration the special risk, lack of protection and vulnerability of girls, adolescents and women in particular situations of exclusion²⁷³¹.
1235. In addition, it reaffirms the IACHR's statement that the absolute criminalization of abortion imposes a disproportionate burden on the exercise of the rights of women and girls, and creates a context that facilitates unsafe abortions²⁷³². In this regard, it emphasizes that the absence of legal, safe and timely options for the voluntary termination of pregnancy can lead women to submit to dangerous and even lethal practices; discourage them from seeking medical services in case of obstetric emergencies; or force them to endure prolonged and excessive physical and psychological suffering, in the event that they must proceed with the pregnancy²⁷³³.

B. Climate Emergency and Human Right to Water

1236. Regarding the climate emergency situation and the human right to water, REDESCA notes that Jamaica is particularly vulnerable to rising temperatures, frequent droughts, heavy rainfall, flooding and rising sea levels as a result of climate change²⁷³⁴. In addition, Jamaica's geographic location means that the rainy season coincides with the North Atlantic Hurricane Season and the period of peak activity of the Caribbean seas, which increases the likelihood of flooding associated with prolonged rainfall events²⁷³⁵.
1237. The Office of the Special Rapporteur monitored the consequences caused by the intensification of rainfall since July, due to the start of the hurricane season²⁷³⁶. The increase in the amount and frequency

²⁷²⁶ IACHR, 185th Regular Session, Hearing No. 10, RE Caribbean Region: Sexual and Reproductive Rights of Adolescents, October 26, 2022.

²⁷²⁷ Ibid.

²⁷²⁸ Ibid.

²⁷²⁹ Ibid.

²⁷³⁰ IACHR, Violence and Discrimination against Women, Girls and Adolescents: Good practices and challenges in Latin America and the Caribbean, OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 200.

²⁷³¹ Ibidem, para. 210.

²⁷³² Ibid., para. 202.

²⁷³³ Ibid., para. 202.

²⁷³⁴ World Bank - Climate Change Knowledge Portal, Jamaica - Vulnerability, 2022.

²⁷³⁵ Ibid.

²⁷³⁶ Loop News Jamaica, PM urges citizens to heed evacuation orders, June 29, 2022.

of rainfall caused flooding nationwide, prompting the declaration of alerts by the authorities, and affecting private and public property.²⁷³⁷ It should be noted that at the end of September, storms associated with Hurricane Ian caused blockages and flooding in the road system nationwide, which would have required around \$360 million to restore.²⁷³⁸

1238. In this context, REDESCA is particularly concerned about the situation of Jamaican farmers, whose activity has been severely affected by the effects of climate change²⁷³⁹. Changes in rainfall patterns, marked by unpredictable periods of intense rainfall and droughts, cause the loss of crops or, on the contrary, prevent the planting of products²⁷⁴⁰. Therefore, recalling the provisions of IACHR Resolution 3/2021, the State is urged to protect the rights of peasants and people working in rural areas, including the rights to adequate food, housing and work, in the face of weather phenomena or significant temperature variations²⁷⁴¹. Similarly, the importance of economic and financial support, such as subsidies, loans or donations, in the event of loss of crops due to floods or droughts, is underscored²⁷⁴².
1239. In turn, the Rapporteurship congratulates the State of Jamaica for its commitment to climate action, and the measures taken to that end. In particular, it highlights the updating of the 2015 Climate Change Policy Framework; to improve its approaches to mitigation and climate action, and align it with the goals of the Paris Agreement and the 2030 Agenda²⁷⁴³. In doing so, the new policy seeks to strengthen climate resilience and adaptation capacities; achieve low-carbon development and improve access to climate finance; promote education and public awareness of research and technology transfer for climate action²⁷⁴⁴.
1240. Similarly, REDESCA welcomes the creation of the Gender and Climate Change Strategy and Action Plan (GCCSAP), which seeks to lay the groundwork for the development of gender-sensitive climate actions to reduce disaster risks and improve strategic development planning.²⁷⁴⁵ By incorporating a practical analysis of the linkages between climate change impacts and gender in Jamaica, the new GCCSAP would facilitate concrete actions for vulnerable individuals and groups, as well as the mainstreaming of gender into project planning cycles²⁷⁴⁶.
1241. The Rapporteurship also welcomes Jamaica's incorporation into the 30x30 Goal, a conservation initiative that seeks to protect 30% of the land and ocean by 2030; with a view to mitigating the impacts of biodiversity loss, environmental degradation and climate change²⁷⁴⁷.
1242. Additionally, REDESCA salutes the Government of Jamaica's decision to ban bauxite mining and related activities in Cockpit Country and declare it a protected area²⁷⁴⁸. The Cockpit Country Protected Area encompasses 78,024 hectares of intact tropical forest²⁷⁴⁹, allowing for the conservation of its high

²⁷³⁷ Loop News Jamaica, [Flash flood warning in effect for some parishes, says Met Service](#), October 1, 2022.

²⁷³⁸ Jamaica Observer, [\\$360 million to clear roads after Tropical Storm Ian](#), September 29, 2022.

²⁷³⁹ UN Environment Programme, [In Jamaica, farmers struggle to contend with a changing climate](#), 27 May 2022.

²⁷⁴⁰ Ibid.

²⁷⁴¹ IACHR - REDESCA, [Resolution No. 3/2021, Climate Emergency: Scope of Inter-American Human Rights Obligations](#), December 31, 2021, para. 26.

²⁷⁴² Ibid.

²⁷⁴³ Jamaica Information Service, [Jamaica Strengthens Climate Action](#), May 11, 2022.

²⁷⁴⁴ Jamaica Information Service, [Jamaica Strengthens Climate Action](#) May 11, 2022.

²⁷⁴⁵ Ibid.

²⁷⁴⁶ Ibid.

²⁷⁴⁷ Caribbean 30x30, [Caribbean Nations Join International Movement to Protect 30% of Global Ecosystems by 2030](#), March 29, 2022.

²⁷⁴⁸ Jamaica Information Service, [No Mining in Cockpit Country Protected Area](#), March 19, 2022.

²⁷⁴⁹ Ibid.

biological diversity and the preservation of six rivers that supply 40% of Jamaica's freshwater²⁷⁵⁰. It also notes the announcement by the Prime Minister, Andrew Holness, on the entry into force of the declaration of the Black River Protected Area, which seeks to protect the cultural and natural heritage of the St. Elizabeth area, including swamp forests, mangroves, beaches and coral reefs; and urges the Government to continue with efforts to protect the area of Port Key in 2023²⁷⁵¹.

C. Business and Human Rights

1243. In relation to the impact that business activities can have on the enjoyment of economic, social, cultural and environmental rights, REDESCA is concerned about the contamination of the Copper River in St. Catherine by the spillage of chemicals from Winalco, operated by UC Rusal Jamaica Limited, in the context of bauxite mining.²⁷⁵² According to the National Environment and Planning Agency (NEPA), Winalco reportedly lost control of its production processes, causing thousands of liters of sodium hydroxide or caustic soda effluent from the Charlemont Stacking and Drying Plant to be discharged into the Copper River.²⁷⁵³
1244. The dumping of chemicals over several days at the end of July and beginning of August caused serious damage to the river's ecosystem, causing massive fish kills and preventing fishermen from fishing²⁷⁵⁴. It also caused the closure of the National Water Commission's Spanish Town treatment plant, leaving several communities without water.²⁷⁵⁵ In response, the authorities sent trucks with drinking water to the communities; and announced the suspension of Winalco's permits and licenses, as well as the initiation of legal action against the company for non-compliance with the Wildlife Protection and Natural Resource Conservation laws.²⁷⁵⁶
1245. On the other hand, the REDESCA takes note of the complaints made by the tourism operators of the Rio Grande, due to the damages they would suffer as a result of sand extraction activities²⁷⁵⁷. In this regard, it was reported that the unplanned extraction of sand would be occurring in areas where there are *rafting* businesses in the area, which would generate health risks for tourists, exposing them to holes and contaminated water.²⁷⁵⁸ This situation was submitted for consideration to the Government Cabinet, which would seek to reach an amicable solution.²⁷⁵⁹
1246. Also, REDESCA also takes note of the granting of precautionary measure No. 425-22 in favor of individualized Afro-descendants from peasant communities of Saint Ann, after considering that they are in a serious and urgent situation of risk of irreparable harm to their rights in Jamaica. According to the request, the proposed beneficiaries are suffering from various health problems because of the bauxite mining activities that are being developed in the vicinity of their communities. The Commission requested the State

²⁷⁵⁰ Save Cockpit Country, *Cockpit Country*, 2022.

²⁷⁵¹ Jamaica Information Service, *No Mining in Cockpit Country Protected Area*, March 19, 2022.

²⁷⁵² Radio Jamaica News, *Residents affected by Rio Cobre pollution say Gov't taking too long to help*, August 5,

2022.

²⁷⁵³ Jamaica Information Service. *Legal Action to be Taken Against Winalco* August 7, 2022.

²⁷⁵⁴ Ibid.

²⁷⁵⁵ Radio Jamaica News. *Residents affected by Rio Cobre pollution say gov't taking too long to help* August 5, 2022.

²⁷⁵⁶ Ibid.

²⁷⁵⁷ Jamaica Observer, *Rio Grande sand minig issue for Cabinet Monday - Samuda*, June 27, 2022.

²⁷⁵⁸ Ibidem

²⁷⁵⁹ Ibid.

to adopt measures to protect the rights to life, personal integrity, and health of the beneficiaries, including the guarantee of access to water free of contaminating agents.²⁷⁶⁰

1247. The above is particularly relevant since, according to information from civil society, several communities report problems with industrial waste from dust, air, water, and noise pollution, while bauxite mining areas face additional persistent challenges with land disputes and insecurity. In this regard, there is no certainty that pollution levels are sufficiently measured and controlled, and there are no standardized and equitable protocols to mitigate harmful effects. In the face of these challenges, 85% of people who participated in a survey called for fair compensation for environmental nuisance.²⁷⁶¹

1248. In this regard, REDESCA emphasizes that, within the framework of their general obligation to guarantee human rights, States have the duty to supervise and oversee business activities that may have an impact on human rights; this is reinforced in the context of extractive, exploitation, or development projects, as they may pose serious risks to human rights and the environment²⁷⁶². Likewise, companies are urged to respect existing environmental laws, to implement due diligence processes regarding the impact of their activities on human rights and the climate, and to guarantee accountability and effective reparation to the victims of environmental degradation; all of this, to ensure respect for the human right to a healthy environment in the context of their activities²⁷⁶³.

D. Labor and Union Rights

1249. Regarding the enjoyment of labor and trade union rights, the Office of the Special Rapporteur notes that, according to the Statistical Institute of Jamaica, in July 2022, the unemployment rate stood at 6.6%, a decrease of 1.9 percentage points compared to the same quarter of the previous year (8.5%)²⁷⁶⁴. With this, the number of employed persons increased from 1,215,000 to 1,268,000 in this period²⁷⁶⁵.

1250. However, REDESCA warns that gender gaps in the labor market persist, with unemployment falling more among men (from 6.3% to 5.2%) than among women (11.1% to 8.2%)²⁷⁶⁶. In addition, the difference widens among the young population, where it reaches 30.8% of women, compared to 18.4% of men²⁷⁶⁷. In this regard, REDESCA emphasizes that adequate respect for and guarantee of women's right to work - free from all forms of discrimination and under conditions of equality- is a key component for the eradication of poverty, empowerment, and autonomy of women; and, therefore, States have the obligation to create the conditions that facilitate the insertion and permanence of women in this area.²⁷⁶⁸

1251. On the other hand, the Office of the Special Rapporteur welcomes the increase in the minimum wage for the 40-hour work week, from USD \$7,000 to \$9,000²⁷⁶⁹. This change, established as of April 1,

²⁷⁶⁰ IACHR, Resolution No. 65/22: MC 425-22- Afro-descendant families from farming communities in the Saint Ann region of Jamaica, November 22nd, 2022

²⁷⁶¹ Mico Foundation, Situational Analysis of Access to Information, Participation, and Justice in Environmental Matters in Jamaica, March 31st, pg. 62

²⁷⁶² REDESCA-IACHR, Business and Human Rights Report: Inter-American Standards, November 1, 2019, para. 100.

²⁷⁶³ *Ibid.*, para. 46.

²⁷⁶⁴ Statistical Institute of Jamaica, Main Labour Force Indicators, Updated October 2022.

²⁷⁶⁵ *Ibid.*

²⁷⁶⁶ *Ibid.*

²⁷⁶⁷ *Ibid.*

²⁷⁶⁸ IACHR, Women's Work, Education and Resources: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights, OEA/Ser.L/V/II.143, Doc. 59, November 3, 2011, para. 17.

²⁷⁶⁹ Loop News Jamaica, Gov't grants increase in minimum wage, February 22, 2022.

represented an increase of 28.5% in the remuneration received by workers²⁷⁷⁰. The decision was based on recommendations made by the National Minimum Wage Commission, following consultations with key stakeholders since 2020.²⁷⁷¹

1252. Finally, REDESCA is concerned about child labor in Jamaica, as there are reports that some 38,000 children and adolescents between the ages of 5 and 17 are working in the country²⁷⁷². In this context, it is especially alarming that child labor exists mainly in the streets, where it is common for children to clean windshields in exchange for a fee²⁷⁷³. In this regard, the IACHR reiterates the right of children and adolescents to be protected from economic exploitation and from performing any work that may be dangerous or hinder their education, or that may be harmful to their health or to their physical, mental, spiritual, moral or social development; and urges the State to adopt legislative, administrative, social and educational measures to eradicate child labor, paying special attention to the needs and rights of children and adolescents in a particularly vulnerable condition²⁷⁷⁴.

E. Fiscal and Economic Policies

1253. REDESCA notes that the country continued its economic recovery in 2022, despite the impacts of the global inflationary phenomenon and the continuing effects of the pandemic²⁷⁷⁵. For the month of July, the Statistical Institute of Jamaica reported a growth in the Jamaican economy of 8.2% in fiscal year 2021/2022, compared to the previous year; linked to the boost in economic activities generated by the elimination of sanitary measures.²⁷⁷⁶

1254. In the same vein, the Bank of Jamaica reported that, in the third quarter of 2022, all industries grew by 2.5 to 3.5 percentage points -except for the mining industry-, exceeding previous projections of 1.5% growth²⁷⁷⁷. If this trend continues, it is projected that, by early 2023, GDP will recover its pre-pandemic levels of activity²⁷⁷⁸; after having declined by 10 percentage points in 2020²⁷⁷⁹.

1255. On the other hand, it is noted that the inflation rate reached 10.9% in the month of June, reflecting an increase of 7 percentage points compared to June 2021²⁷⁸⁰. In this framework, REDESCA notes that inflation was accentuated for processed food, energy, transportation and services, in line with the increase in the price of grains and freight in the international market²⁷⁸¹. In turn, for September, the Consumer Price Index registered an increase of 9.3% with respect to the same month of the previous year²⁷⁸².

1256. In this context, REDESCA notes that although inflation fell from 10.2% to 9.3% between August and September,²⁷⁸³ the cost of living increased for the Jamaican population²⁷⁸⁴. In this regard, the Director of

²⁷⁷⁰ Ibid.

²⁷⁷¹ Ibid.

²⁷⁷² Jamaica Observer, Child's labor growing concern in Jamaica, June 3, 2022.

²⁷⁷³ Jamaica Observer, Child labour's growing concern in Jamaica July 3, 2022

²⁷⁷⁴ IACHR, Report No. 25/18. Case 12.428. Admissibility and merits. Employees of the fire factory in San Antonio de Jesus and their next of kin. Brazil., OEA/Ser.L/V/II.167 Doc. 29. 2 March 2018, para. 109-110.

²⁷⁷⁵ Bank of Jamaica, Quarterly Monetary Policy Report, August 2022.

²⁷⁷⁶ Loop News Jamaica, Jamaica's economy grows by 8.2% in FY 2021/22, July 1, 2022.

²⁷⁷⁷ Bank of Jamaica, Quarterly Monetary Policy Report, August 2022.

²⁷⁷⁸ Ibid.

²⁷⁷⁹ International Monetary Fund, Jamaica Works to Maintain its Hard-Won Economic Stability, February 22, 2022.

²⁷⁸⁰ Bank of Jamaica, Quarterly Monetary Policy Report, August 2022.

²⁷⁸¹ Ibid.

²⁷⁸² Statistical Institute of Jamaica, Current Indicators - Consumer Price Index Point to Point Rate (%), updated October 29, 2022.

²⁷⁸³ Jamaica Gleaner, Cost of living rises in September, but annual inflation declines, October 19, 2022.

²⁷⁸⁴ Ibid.

the Statistical Institute of Jamaica explained that the elimination of the 20% subsidy established for the bills of consumers who use up to 200kWh, as of September, would have been a determining factor in the increase in the prices of housing, water, electricity, gas and other fuels²⁷⁸⁵.

F. Education, science, technology: academic freedom and university autonomy

1257. Regarding the guarantee of the right to education in Jamaica, REDESCA notes that the resumption of on-site classes in January was affected by the existence of infections among teaching and administrative staff in some schools²⁷⁸⁶. Some educational institutions reported that up to 20 teachers were absent in one day because they had tested positive or had symptoms of COVID-19, which meant that they had to teach their classes virtually²⁷⁸⁷. However, this would have generated complications for some schools, due to the overloading of their internet networks and computer systems²⁷⁸⁸.
1258. The Office of the Special Rapporteur recognizes that the opening of schools is a primary objective in guaranteeing the right to education in the context of the pandemic; however, it emphasizes that these decisions must include measures for the prevention of contagion, following the decisions of health authorities, regulations and the best scientific evidence; and have the necessary teaching and support staff to ensure adequate care for children and adolescents within the educational facilities²⁷⁸⁹.
1259. In relation to the above, REDESCA welcomes the efforts made by the Ministry of Education to improve Internet connectivity and reduce the digital divide in schools²⁷⁹⁰. In this regard, it notes that measures were implemented to increase connectivity in 362 schools that already had a network capacity similar to that of the Government; while efforts were made to improve the equipment of another 661 schools that had lower capacities²⁷⁹¹.
1260. It is also noted that in March, the Ministry of Education allocated \$430 million to assist schools in the resumption of their activities, especially to meet infrastructure and sanitation needs²⁷⁹².
1261. However, the Office of the Special Rapporteur is concerned about the high levels of school dropouts in Jamaica. According to the Ministry of Education, approximately 120,000 students stopped attending virtual classes during the pandemic²⁷⁹³. In this regard, although it was reported that by 2022, 87,446 students would have returned to school, REDESCA notes that the remaining children have not had any interaction with the education system since the suspension of face-to-face classes in March 2020²⁷⁹⁴.
1262. Finally, with regard to higher education, REDESCA congratulates the incorporation of languages into the curriculum of the University of the West Indies (UWI), in order to strengthen the skills of its graduates and improve their competitiveness in the labor market²⁷⁹⁵.

²⁷⁸⁵ Jamaica Gleaner, [Cost of living rises in September, but annual inflation declines](#), October 19, 2022.

²⁷⁸⁶ Loop News Jamaica, [Schools fighting COVID battle face-to-face with some teachers 'down'](#), January 27, 2022.

²⁷⁸⁷ Ibid.

²⁷⁸⁸ Ibid.

²⁷⁸⁹ IACHR, [SACROI COVID-19 Practical Guide No. 2, How to ensure access to education for children and adolescents during the COVID-19 pandemic](#), December 16, 2020.

²⁷⁹⁰ Loop News Jamaica, [More schools connected to internet; Gov't moves to cut digital divide](#), January 12, 2022.

²⁷⁹¹ Ibid.

²⁷⁹² Loop News Jamaica, [Gov't to give schools \\$430m to prep for full resumption of classes](#), March 1, 2022.

²⁷⁹³ Loop News Jamaica, [87,000 students previously unaccounted for found - Williams](#), April 13, 2022.

²⁷⁹⁴ Ibid.

²⁷⁹⁵ Loop News Jamaica, [UWI now multi-lingual](#), October 11, 2022.

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1263. REDESCA notes with concern the high rates of poverty and inequality in the country. According to 2020 World Bank statistics, the percentage of the population below the poverty line in Mexico is 43.9%²⁷⁹⁶. Likewise, the Rapporteurship notes with concern the World Inequality Lab's 2022 Global Inequality Report which states that Mexico is one of the most unequal countries in the world²⁷⁹⁷. The average national income of the adult population is 232,790 pesos, the bottom 50% of the population earns 42,700 pesos and the top 10% of the population earns 1,335,030 pesos, that is, more than 30 times more²⁷⁹⁸. In terms of inequality, the average household wealth in the country is 833,660 pesos - with the poorest half of the population having negative net wealth, that is, they have on average more debts than assets in contrast to the top 10% of the population who have an average of 6,561,490 pesos²⁷⁹⁹. On the other hand, the Rapporteurship expresses concern about female labor participation in income, which is 33%, a percentage below the average for Latin America (35%)²⁸⁰⁰,
1264. REDESCA notes that, during the first quarter of the year 2022, the country increased the percentage of the population receiving a salary below the cost of the food basket in 26 Mexican states²⁸⁰¹. In addition, it is noted that 38.8% of the Mexican population did not manage to cover the costs of the food basket with their salary during this period²⁸⁰². Similarly, REDESCA notes that, as of the third quarter of 2022, according to the National Occupation and Employment Survey of the National Institute of Statistics and Geography (INEGI), more than 39 million people were registered as non-economically active²⁸⁰³, that is, they are in the labor informality and therefore do not have full access to basic rights, such as social security, health or living wages, among others.
1265. Likewise, REDESCA notes that, according to the National Council for the Evaluation of Social Development Policy (CONEVAL), in December 2022, the extreme poverty line by income (food basket) rural was \$1,630.95 and urban was \$2,124.70²⁸⁰⁴. On the other hand, the income poverty line (food plus non-food) rural was \$3,051.80 and urban was \$4,246.06²⁸⁰⁵. Likewise, the Rapporteurship notes that the income poverty line in rural areas had an increase of 9.6% compared to December 2021, while the income poverty line in urban areas had an increase of 8.4% compared to December of the previous year²⁸⁰⁶.
1266. In light of this situation, REDESCA urges the State to take measures to reduce poverty rates in the country and guarantee that the population has the capacity to cover at least the cost of the food basket with its salary. In addition, the State is urged to apply these measures with a differentiated human rights approach that considers the situation of rural, indigenous or other vulnerable women, paying special attention to the lack of housing and access to social security, access to food and education, as well as access to health services.

²⁷⁹⁶ World Bank, [Poverty headcount ratio at national poverty lines \(% of population\)](#) (last visited January 22, 2023); Infobae, [La pobreza estructural de América Latina: el gráfico que muestra cómo está la región](#), December 28, 2022.

²⁷⁹⁷ World Inequality Lab, [World inequality Report 2022](#), pg. 207.

²⁷⁹⁸ Ibid.

²⁷⁹⁹ Ibidem, pg. 208.

²⁸⁰⁰ Ibid.

²⁸⁰¹ [Ámbito, Mexico: more workers do not cover the food basket with their salaries](#), August 01, 2022.

²⁸⁰² Ibid.

²⁸⁰³ INEGI, [National Survey of Occupation and Employment](#)

²⁸⁰⁴ Coneval, [Income Poverty Lines](#), December 2022, pg.2.

²⁸⁰⁵ Ibid.

²⁸⁰⁶ Ibidem, pg.5.

A. Right to Health and its Social Determinants

1267. In the framework of the guarantee of the right to health, given the context of the COVID-19 pandemic, REDESCA notes that Mexico has gone through six waves of infection²⁸⁰⁷. According to the Ministry of Health, the second wave was the most lethal and then from the third wave onwards, mortality began to decrease²⁸⁰⁸. However, REDESCA notes with concern that during the month of June 2022, Covid-19 infections increased by 132%²⁸⁰⁹. In response, the government's strategy was mass vaccination, with 77% of the national population vaccinated with at least one dose²⁸¹⁰. Likewise, in July, the National Institute of Statistics and Geography reported that there is an underreporting of infected persons, since a total of 424,509 persons died in Mexico, almost 100,000 more than the number reported by the Government's Health Secretariat.²⁸¹¹
1268. Likewise, the Rapporteurship notes that, as of January 17, 2023, there are 7,315,454 total cases, 331,605 deaths, as well as 34,561 active cases in the country²⁸¹². In this regard, REDESCA notes with concern that this number of deaths is the highest in the sixth wave of COVID²⁸¹³. In terms of vaccination, the Rapporteurship notes that, as of mid-December 2022, 84% of the eligible population has received a dose of the vaccine, 91% of those over 18 years of age, 64% of adolescents, as well as 60% of children aged 5 to 11 years.²⁸¹⁴
1269. On the other hand, REDESCA notes that the country was also affected by monkeypox in 2022 with its first confirmed case on May 28, 2022²⁸¹⁵. From that day until January 9, the Ministry of Health reported 3,696 confirmed infections.²⁸¹⁶
1270. Likewise, REDESCA notes that, in relation to non-communicable diseases, more than 30 million people in the country have high blood pressure - 1 out of every 4 people.²⁸¹⁷ However, regarding other infectious pathologies, the Rapporteurship notes with concern the situation of the meningitis outbreak in the country²⁸¹⁸. On November 4, 2022, Mexico's National Liaison Center (CNE) shared with PAHO/WHO that it detected 11 cases of meningitis of unknown origin that had in common being subjected to surgical procedures with administration of spinal anesthesia in private hospitals in Durango, Mexico²⁸¹⁹. P. As of December 8, 2022, 71 cases of meningitis have been reported, including 23 deaths related to this outbreak²⁸²⁰. So far, the cause of the outbreak has not been identified²⁸²¹. Therefore, REDESCA urges the

²⁸⁰⁷ Health Secretariat, 587. COVID-19 cases in Mexico increase slowly: Health Secretariat, December 13, 2022.

²⁸⁰⁸ Ibid.

²⁸⁰⁹ El País, Los contagios de la covid-19 se aceleran exponencialmente en México, July 12, 2022.

²⁸¹⁰ Ibid.

²⁸¹¹ El Financiero, COVID-19 in Mexico: Almost 100 thousand more people died than those reported by Health, according to Inegi, July 27, 2022.

²⁸¹² Secretaría de Salud, Subsecretaría de Prevención y Promoción de la Salud, Informe Técnico Semanal COVID-19 MEXICO, January 17, 2023.

²⁸¹³ Infobae, COVID-19 in Mexico: the highest number of deaths of the sixth wave was recorded, January 17, 2023.

²⁸¹⁴ Health Secretariat, 587. COVID-19 cases in Mexico increase slowly: Health Secretariat, December 13, 2022.

²⁸¹⁵ Mexico confirms first imported case of simian smallpox, May 28, 2022.

²⁸¹⁶ Secretariat of Health, 007. Decrease in the epidemic curve of mpox or smallpox is maintained: Secretariat of Health, January 10, 2023.

²⁸¹⁷ Secretaría Salud, En México, más de 30 millones de personas sufecen hipertensión arterial: Secretaría de Salud, 7 de diciembre de 2022.

²⁸¹⁸ PAHO, Meningitis of unknown origin Mexico, December 10, 2022; Ministry of Health, After the press conference, the General Directorate of Epidemiology reported that as of November 24 there were 61 cases; 12 people died, November 24, 2022.

²⁸¹⁹ PAHO, Meningitis of unknown origin Mexico, December 10, 2022.

²⁸²⁰ Ibid.

²⁸²¹ Secretariat of Health, After the press conference, the General Directorate of Epidemiology reported that as of November 24, 61 cases have been registered; 12 people died, November 24, 2022.

authorities to duly investigate the event and coordinate with all national and international authorities to prevent further contagion, as well as to provide medical care to those infected.

1271. REDESCA expresses concern about drug shortages in Mexico²⁸²². 2021 has been the year with the greatest shortage of medicines since 2017, impacting particularly diseases, such as cancer, diabetes, post transplants, hypertension, as well as mental health related diseases²⁸²³. In addition, the Association that supports cancer patients in Mexico reported that in the last three years the problem of drug supply, radiotherapies and early detection of cancer has not been solved²⁸²⁴. In view of this situation, there is the possibility of reactivating the manufacture of generic drugs in the country.²⁸²⁵
1272. Without detriment to the above, REDESCA notes that the Instituto de Salud para el Bienestar reported that it will hire around 11,000 health professionals to work at the first level of care²⁸²⁶. The purpose of this is to benefit the population without social security and to improve the job prospects of health services in Mexico²⁸²⁷. On the other hand, REDESCA notes that the Mexican government has opted for a unified health system so that all people have identical coverage in different states. For this reason, a process of centralization has been initiated, consisting of the signing of agreements between states and IMSS-Bienestar.²⁸²⁸
1273. In this regard, REDESCA welcomes the fact that the initiative was formalized with the creation of the Decentralized Public Body IMSS-Bienestar through a decree that was published in the Official Journal of the Federation on August 31, 2022²⁸²⁹. The objective of the Decentralized Public Agency IMSS-Bienestar will be to offer health services to people who do not have social security²⁸³⁰. IMSS-Bienestar has begun to provide free medical care to Mexicans without social security²⁸³¹. According to official data, by the end of 2022, IMSS-Bienestar had provided health services to 21.8 million people without social security²⁸³².
1274. On the other hand, REDESCA notes with concern the persistent criminalization of the exercise of women's sexual and reproductive rights²⁸³³, as well as multiple forms of violence such as obstetric violence by public health institutions²⁸³⁴. In this regard, REDESCA welcomes the approval by the Mexican Chamber of Deputies of substantial reforms to recognize obstetric violence as a type of violence against women.²⁸³⁵
1275. In this context, REDESCA urges the State to implement measures with reinforced protection for groups and persons in vulnerable situations, such as children and adolescents, the elderly, among others, and to

²⁸²² Swissinfo, [Parents of children with cancer denounce lack of medicines in Mexico](#), February 16, 2022; Nariz Roja, [World Cancer Day in Mexico](#), February 04, 2022.

²⁸²³ Swissinfo, [2021 was the year with the most drug shortages in Mexico since 2017](#), March 2, 2022.

²⁸²⁴ Red Nose, [World Cancer Day in Mexico](#), February 4, 2022.

²⁸²⁵ REDESCA, Meeting with Mexican civil society organizations, April 12, 2022.

²⁸²⁶ Government of Mexico, [Insabi will hire more than 11 thousand health professionals for the first level of care](#), February 09, 2022.

²⁸²⁷ Ibid.

²⁸²⁸ Expansión Política, [México apuesta por un sistema unificado de salud y homologar la atención](#), July 28, 2022.

²⁸²⁹ SEGOB, Diario Oficial de la Federación, [DECRETO por el que se crea el organismo público descentralizado denominado Servicios de Salud del Instituto Mexicano del Seguro Social para el Bienestar \(IMSS-BIENESTAR\)](#), August 31, 2022; Expansión Política, [IMSS-Bienestar: las claves del nuevo organismo público de salud](#), August 31, 2022.

²⁸³⁰ Expansión Política, [IMSS-Bienestar: las claves del nuevo organismo público de salud](#), August 31, 2022.

²⁸³¹ Swissinfo, [Inicia IMSS-Bienestar atención médica gratis a mexicanos sin seguridad social](#), September 21, 2022.

²⁸³² IMSS, [IMSS-Bienestar provides health services to 21.8 million people without social security; entities to be added in 2023](#), January 17, 2023.

²⁸³³ The press, [She spent 18 years in prison for an abortion resulting from a beating by her partner; today she is free](#), January 18, 2023.

²⁸³⁴ El Economista, [CNDH urges institutions to attend to and protect the rights of indigenous women](#), September 05, 2022.

²⁸³⁵ Congressional Channel, [Chamber of Deputies approved reforms on obstetric violence](#), March 16, 2022.

allocate the maximum resources for infrastructure and medical supplies that allow full access to the right to health, as well as to adapt internal regulations in accordance with inter-American and international standards that guarantee the right to sexual and reproductive health of women, especially women in vulnerable situations. In addition, it reiterates the importance that any reform to the health system must have the greatest possible transparency and guarantee citizen participation for the exercise of public control over the actions of the State.

B. Climate Emergency and Human Right to Water

1276. In terms of climate emergency, REDESCA takes note of the different natural disasters that hit the country in 2022, including volcanoes, earthquakes and hurricanes. However, REDESCA notes with concern that during the month of May, Mexico's National Water Commission reported that Hurricane Agatha is the strongest hurricane to make landfall during that month, which caused flooding, mudslides, overflowing rivers, cancellation of school classes and the closure of beaches²⁸³⁶. Hurricane Agatha has left at least 10 people dead and 20 missing²⁸³⁷.

1277. In addition to the above, the Rapporteurship takes note of the flooding and torrential rains in the country²⁸³⁸. REDESCA notes, among other events, that an orange alert was activated on October 5, 2022 in the eastern zone of Mexico City due to severe rains and flooding in Tláhuac, Iztapalapa, Tlalpan, Coyoacán and Venustiano Carranza²⁸³⁹.

1278. On the other hand, REDESCA takes note of the drought situation in the country. In July, the National Water Commission announced the beginning of an emergency due to the occurrence of severe, extreme or exceptional drought in river basins. In view of this, the following measures were taken: the temporary limitation of existing water rights and the provisional reduction of volumes to users of the basins that are in a condition of severe, extreme or exceptional drought²⁸⁴⁰. It was also announced that the states most affected by the drought are Sonora, Baja California, Coahuila and Chihuahua, since 90% of their territories are in a critical situation due to lack of water²⁸⁴¹. Another alarming situation was that the National Water Commission and the National Meteorological Service announced that as of December 31, 2022 the number of municipalities with moderate drought (D1) to exceptional drought (D4) were 706, the number of abnormally dry municipalities (D0) were 1077 and the municipalities without affectation were 688 out of a total of 2471 municipalities²⁸⁴².

1279. REDESCA notes with concern that the National Institute of Statistics and Geography (INEGI) reported that at least 4.5 million people in Mexico carry water from a community tap, river, well, lake, stream or collect rainwater and that 5.7 million people do not have access to sewage service²⁸⁴³. In addition, REDESCA notes that some people have been standing in line for hours to receive water from the

²⁸³⁶ La Vanguardia, [Flooding from heavy rains and 170 km/h winds: hurricane 'Agatha' arrives in Mexico](#), May 31, 2022.

²⁸³⁷ BBC, [Agatha leaves at least 10 dead and 20 missing after making landfall in Mexico as the most intense hurricane to hit the country in the month of May](#), May 30, 2022.

²⁸³⁸ Infobae, [Las imágenes de las inundaciones y encharcamientos que dejó la lluvia que dejó la lluvia al sur de la CDMX](#), 6 October 2022; Infobae, [Se activó alerta naranja en 4 alcaldías al oriente de la CDMX por severas lluvias e inundaciones](#), 6 October 2022; Infobae, [Advierten por depresión tropical que afectará México: qué estados tendrán lluvias torrenciales](#), 15 September 2022.

²⁸³⁹ Infobae, [Orange alert activated in 4 eastern CDMX municipalities due to severe rains and flooding](#), October 6, 2022.

²⁸⁴⁰ Infobae, [Conagua declared drought emergency in Mexico](#), July 12, 2022.

²⁸⁴¹ El País, [El norte de México se seca](#), July 18, 2022.

²⁸⁴² CONAGUA and SMN, [Mexico Drought Monitor](#).

²⁸⁴³ El Financiero, [Mexico 'is thirsty': Inegi estimates that millions of Mexicans lack drinking water](#), July 27, 2022.

government²⁸⁴⁴. In this context, REDESCA notes that the Mexican government announced that the National Water Commission will no longer issue concessions or permits for liquid exploitation in the areas affected by the drought²⁸⁴⁵. The Rapporteurship also notes the decree that the Diario El Diario Oficial de la Federación published on 29 July 2022, which aims to address the emergency due to the shortage of drinking water for urban and domestic public use in the municipalities affected by low availability in their supply sources and by drought in the state of Nuevo León, by which it decrees the right to water as a matter of public utility, public interest and national security²⁸⁴⁶. The decree ordered the "temporary use of existing water rights, through the modification or provisional reduction of concessioned volumes, destined for uses other than domestic and urban public"²⁸⁴⁷. Against this backdrop, REDESCA urges the State to take effective measures to address the drought and water scarcity in the country to ensure that the population, particularly vulnerable groups, can meet their basic water needs. The Special Rapporteur emphasizes that, in the context of the climate emergency, access to water is one of the most relevant measures to curb the impacts of climate change, especially to communities that are affected in an exacerbated way.

1280. On the other hand, regarding air quality, REDESCA expresses its concern about air pollution in the country²⁸⁴⁸. In this regard, the Special Rapporteur notes that in November 2022, the Environmental Commission of the Megalopolis (CAME) activated the environmental contingency for excess ozone in Mexico City due to the high risk to health²⁸⁴⁹. As a result, the authorities imposed several measures such as limiting traffic for some hours and recommending the population not to expose themselves, as well as not to exercise outdoors, particularly between 13:00 and 19:00 hours²⁸⁵⁰.

1281. Likewise, REDESCA notes with concern that environmental pollution kills 8,000 to 14,000 people annually²⁸⁵¹. In this regard, REDESCA reiterates and joins the request made by the WHO that urges the State to move as soon as possible towards clean energy, make the most of solar energy and leave behind dependence on fossil fuels to avoid premature deaths from air pollution²⁸⁵². However, it reiterates its call for such energy transition processes to be carried out in strict compliance with the human rights of the people affected by the area of influence of such projects. This also includes that the financing processes for these activities include risk analysis in terms of rights, in addition to the environmental impact studies.

1282. In addition to the above, the Rapporteurship reiterates its great concern for the situation of land and environmental defenders in the country²⁸⁵³. According to Global Witness, Mexico is the country with the

²⁸⁴⁴ New York Times, '[Hunting for water](#)': cruel drought hits Mexico, Aug. 3, 2022; Los Angeles Times, [Taps run dry in Monterrey, Mexico, where there is water for factories, but not for the population](#), July 22, 2022.

²⁸⁴⁵ TeleSur, Mexico announces that it will not issue water exploitation permits, August 01, 2022.

²⁸⁴⁶ Diario Oficial de la Federación, [DECRETO establishing the immediate action plan to address the emergency due to the shortage of drinking water for urban and domestic public use in municipalities affected by low availability in their supply sources and drought e](#), July 29, 2022.

²⁸⁴⁷ Ibid.

²⁸⁴⁸ El País, [La contaminación ambiental, el monstruo silencioso que mata cada año a más de 8.000 personas en Ciudad de México](#), November 23, 2022; El País, [Ciudad de México activa la contingencia ambiental por exceso de ozono: riesgo alto para la salud](#), November 12, 2022.

²⁸⁴⁹ El País, [Mexico City activates environmental contingency due to excess ozone: high health risk](#), November 12, 2022.

²⁸⁵⁰ Ibid.

²⁸⁵¹ El País, [La contaminación ambiental, el monstruo silencioso que mata cada año a más de 8.000 personas en Ciudad de México](#), November 23rd, 2022

²⁸⁵² REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1138.

²⁸⁵³ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1147.

most murders of land and environmental defenders with 54 murders in 2021²⁸⁵⁴. Furthermore, REDESCA is concerned that more than 40% of the people murdered were indigenous²⁸⁵⁵. It also expresses its concern and condemnation for the murder of five defenders of the Council of United Peoples for the Defense of the Río Verde (COPUDEVER) in 2021²⁸⁵⁶, among them Filogonio Martínez Merino who led protests against hydroelectric projects in Paso de la Reina and Río Verde²⁸⁵⁷. Faced with the situation of defenders in the country, REDESCA reiterates that, according to resolution 3/2021, States must act forcefully and decisively to prevent attacks, threats, intimidation or killings and effectively investigate and punish those responsible, including those directly or indirectly related to companies, in contexts of social and armed conflict²⁸⁵⁸.

1283. In this context, REDESCA urges the State to promote actions that respect the rights of self-determination, consultation, and participation of persons and peoples affected by environmental contamination, calling for the adoption of measures that allow for the prompt and urgent protection of the life and personal integrity of environmental defenders. REDESCA also recalls that Mexico is a party to the Escazú Agreement and calls for the implementation of its provisions in reinforcement of existing inter-American obligations.

C. Business and Human Rights

1284. A In relation to companies and the impact of their activities on human rights, REDESCA reiterates its concerns regarding the project known as the "Mayan Train"²⁸⁵⁹, against which there are various complaints from the affected population and civil society²⁸⁶⁰. Despite suspensions and other jurisdictional measures imposed, the President of the Republic has indicated that construction will continue²⁸⁶¹, as well as its inauguration in December 2023²⁸⁶². In 2022, the following injunctions were filed: 820/2022, 821/2022, 884/2022, 923/2022 and 1003/2022 before the First District Court in Yucatan in response to the damages caused by construction works and the lack of information on the environmental impact²⁸⁶³.

1285. REDESCA also notes that in August 2022, the National Fund for Tourism Development (Fonatur) indicated that 5 of the 6 suspensions against Section 5 that were in place were revoked by the authorities²⁸⁶⁴. Likewise, the Rapporteurship notes that more recently, on January 17, 2023, another

²⁸⁵⁴ Global Witness, *A Decade of Resistance*, September 29, 2022, pgs. 9-10.

²⁸⁵⁵ Ibid. pg. 10.

²⁸⁵⁶ Infobae, *Who was Filogonio Martínez, environmental activist murdered in Oaxaca*, October 27, 2022.

²⁸⁵⁷ Ibid.

²⁸⁵⁸ IACHR, Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, *Resolution No. 3/2021: Climate Emergency, Scope and Inter-American Human Rights Obligations*, 2021, para. 28.

²⁸⁵⁹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1157.

²⁸⁶⁰ Animal Politico, *Pese a amparos vigentes, gobierno reinicia obras en Tramo 5 del Tren Maya; "Están violando la ley", denuncian activistas*, 18 July 2022; El País, *Un juez suspende las obras del polémico tramo cinco del Tren Maya por falta de "permisos ambientales"*, 18 April 2022; El País, *El juez mantiene la suspensión definitiva al tramo 5 del Tren Maya y vuelve a ordenar que se frenen las obras*, 25 July 2022.

²⁸⁶¹ Proceso, *López Obrador defends the Mayan Train works and promises that there will be three natural parks*, March 9, 2022.

²⁸⁶² Infobae, *AMLO reiterated that Tren Maya will be inaugurated in December during supervision in Yucatan: "There is no suspension"*, January 21, 2023.

²⁸⁶³ Infobae, *Otorgaron nueva suspensión provisional para el Tramo 5 del Tren Maya*, January 19, 2023.

²⁸⁶⁴ Ibid.

provisional suspension of the construction of Section 5 north and south of the Mayan Train was granted, halting the logging and clearing of the land²⁸⁶⁵.

1286. Likewise, REDESCA notes that the Ministry of Agrarian, Territorial and Urban Development expropriated approximately 198 properties in Quintana Roo for the construction of the Mayan Train. For this reason, the Hotel Association requested a dialogue table because they claim that the section that passes through these properties affects areas where there is water treatment and fiber optics²⁸⁶⁶. This situation is particularly worrisome in the context of water scarcity in the country discussed in the previous section.
1287. The Special Rapporteur also notes that the Mexican government made a statement regarding the injunctions filed against the Tren Maya project, indicating that the objective is to plant 200,000 hectares of trees and create three natural parks along the route of the Tren Maya²⁸⁶⁷. In spite of this, the Office of the Special Rapporteur notes with concern the allegations regarding the restart of the construction work, despite the validity of the injunctions to stop section 5, which covers the Riviera Maya^{2868,2869}. The Office of the Special Rapporteur recalls that, according to Inter-American standards, public and private business activities must respect all human rights, including a healthy environment. In this sense, it will continue to monitor the project, with particular attention to the rights of the population and the environment.
1288. On the other hand, REDESCA notes that the company "Almaden Minerals" would still seek to extract gold and silver in the State of Puebla, despite the fact that the Supreme Court of Justice cancelled in February 2022 two concessions held by the company, for lack of prior consultation.²⁸⁷⁰
1289. REDESCA regrets the oil spill caused by vandalism to the infrastructure of Petróleos Mexicanos in the state of Chiapas, which caused the contamination of the Mezcalapa and Carrizal rivers, affecting around 600,000 people and in which the lack of timely attention by the company²⁸⁷¹ was denounced.
1290. On the other hand, REDESCA is concerned about what was reported by the National Network of Water Quality Measurement, which reported that 59.1% of rivers, streams, lakes, lagoons, dams and coastal areas are polluted, having found a greater presence of chemical pollutants caused by industries²⁸⁷².
1291. In this context, REDESCA urges the State to strengthen its policies and programs in the area of Business and Human Rights, by implementing the recommendations of the IACHR report and the Office of the Special Rapporteur on the matter, for which it offers its specialized technical assistance.

²⁸⁶⁵ Animal Político, [Nueva suspensión contra el Tren Maya: ordenan detener tramo 5 que va de Tulum a Cancún](#), January 19, 2023.

²⁸⁶⁶ El Herald de México, [New section of the Mayan Train would pass through water treatment and fiber optic zones, not feasible: Hoteliers](#), January 18, 2022

²⁸⁶⁷ Proceso, [López Obrador defends Mayan Train works and promises three natural parks](#), March 09, 2022

²⁸⁶⁸ Infobae, [Greenpeace protested the restart of the construction of the Mayan Train](#), July 19, 2022.

²⁸⁶⁹ Animal Político, ["Gobierno no puede incumplir suspensión de juez", abogados advierten sobre reinicio de obras del Tramo 5 del Tren Maya"](#), July 19, 2022

²⁸⁷⁰ El País, [Canada's Almaden expects to continue with the gold mine in Puebla despite the cancellation of its concessions](#), July 06, 2022

²⁸⁷¹ El Universal, ["Hydrocarbon spill leaves 600,000 people without water in Tabasco"](#), July 28, 2022

²⁸⁷² El Economista, ["Contaminated, 59.1% of Mexico's surface water"](#), August 01, 2022

D. Labor and Union Rights

1292. Regarding labor and union rights in the country, REDESCA notes the improvement in Mexico's labor rates. According to INEGI, in the third quarter of 2022, Mexico counted 59.5 million economically active persons, persons 15 years of age and older—an increase of 1, 2 million from the third quarter of 2021²⁸⁷³.
1293. REDESCA reiterates its concern over the number of child laborers in Mexico²⁸⁷⁴. According to the latest official statistics, the number of girls and adolescents between the ages of 5 and 17 who performed child labor was 1.3 million²⁸⁷⁵. In addition, REDESCA notes that 50.2% of them received up to one minimum wage, 12.2% more than one, but up to two minimum wages while 30.8% received no income²⁸⁷⁶. When children are added to the number of child laborers, the figure rises to more than 3.3 million²⁸⁷⁷. This situation has drawn the attention of the United States which, after a visit earlier this year to Mexico, announced an investment of 28 million dollars to support projects to combat child labor and strengthen the rights of Mexican workers in the north and south of Mexico²⁸⁷⁸. On the other hand, REDESCA notes that Mexico made moderate progress on measures to combat child and forced labor in 2021²⁸⁷⁹. Against this backdrop, REDESCA will continue to closely monitor the child labor situation in the country and hopes that updated statistics to be published in June 2023²⁸⁸⁰ will show an improvement in this situation.
1294. REDESCA notes that the United States filed a fifth labor complaint for alleged violations of union rights in Mexico, within the framework of the trade agreement between Mexico, the United States and Canada, T-MEC, which obliges these States to respect that their employees freely choose the union that represents them²⁸⁸¹. This request was admitted by the Ministry of Economy, which undertook to review the case to "determine whether or not there is a denial of labor rights (...)"²⁸⁸². The case was resolved and the workers of the VU Manufacturing auto parts plant in northern Mexico were able to choose the union of their preference²⁸⁸³. Subsequently, the Rapporteurship notes the resolution of a sixth labor complaint following a request for a rapid response mechanism in relation to a Saint Gobain facility in Mexico by the United States²⁸⁸⁴. The workers have obtained representation by the union of their choice while negotiating better working conditions.²⁸⁸⁵ REDESCA therefore welcomes the efforts of international cooperation to promote labor rights in the framework of the Mexico-United States-Canada Agreement (T-MEC).

²⁸⁷³ INEGI, *Encuesta Nacional de Ocupación y Empleo, New Edition, Third Quarter 2022*, November 23, 2022.

²⁸⁷⁴ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1160; INEGI, *Estadísticas a Propósito del Día Internacional de la Niña*, October 10, 2022; Infobae, *En México existen 1.3 millones de niñas y adolescentes realizando trabajo infantil: el 30% sin recibir ingresos*, October 11, 2022.

²⁸⁷⁵ INEGI, *Estadísticas a Propósito del Día Internacional de la Niña*, October 10, 2022, pg. 8.

²⁸⁷⁶ INEGI, *Estadísticas a Propósito del Día Internacional de la Niña*, October 10, 2022, pg. 8.

²⁸⁷⁷ ; Infobae, *En México existen 1.3 millones de niñas y adolescentes realizando trabajo infantil: el 30% sin recibir ingresos*, October 11, 2022.

²⁸⁷⁸ U.S. Embassy and Consulate in Mexico, *U.S. Under Secretary of Labor visits Mexico to discuss workers' rights and ending forced child labor; announces \$28m in investments to support projects*, April 4, 2022; Infobae, *Child labor in Mexico worries U.S.; \$28m to be invested to combat it*, April 5, 2022.

²⁸⁷⁹ El Economista, Mexico, among the nations with moderate progress in the eradication of child and forced labor, September 28, 2022.

²⁸⁸⁰ Secretaría de Gobernación, *Escuchar a niñas, niños y adolescentes implica atender lo que dice*, September 28, 2022.

²⁸⁸¹ The San Diego Union-Tribune, *U.S. files another labor complaint against Mexico*, July 21, 2022

²⁸⁸² Twitter, Economy Mexico, Press Release : Mexico, committed to the T-MEC, admits the review solution by the United States on Manufacturas VU, S. de R.L. de C.V., July 29, 2022.

²⁸⁸³ Reuters, *Mexico, U.S. close VU Manufacturing complaint in fifth USMCA labor probe*, September 14, 2022; Expansion, *Mexico concludes U.S. labor complaint in VU Manufacturing plant*, September 14, 2022.

²⁸⁸⁴ El Economista, Mexico and the U.S. avoid activating labor mechanism under the T-MEC, October 27, 2022.

²⁸⁸⁵ Ibid.

1295. REDESCA observes the protests for better working conditions and medical supplies by health workers in Tlaxcala who believe that the IMSS-Bienestar model is not providing them²⁸⁸⁶. The Office of the Special Rapporteur is also monitoring the labor reform in Mexico, which is in its third phase, which seeks to eliminate "coyotaje" and reduce labor lawsuits²⁸⁸⁷.
1296. On the other hand, REDESCA takes note of the decree reforming articles 76 and 78 of the Federal Labor Law regarding vacations, which increases paid vacations to at least 12 days and welcomes the approval of this reform to extend the vacation period²⁸⁸⁸, which represents a step forward in the recognition of labor rights and decent working conditions. It also specifies that such changes will apply to individual or collective labor contracts in force at the date of its entry into force²⁸⁸⁹. However, REDESCA expresses its concern and regrets that this benefit is not applicable to informal workers.
1297. Therefore, REDESCA urges the State to urgently address the situation of child labor in the country, prioritizing the guarantee of the right to education of children and adolescents. It also calls to prioritize the respect and guarantee that labor rights are accessible to all workers, with special attention to those who work in precarious or informal conditions. In this regard, REDESCA urges the State to guarantee social security and labor benefits, with special attention to domestic workers, agricultural day laborers and recyclers. It also urges the State to reinforce labor inspections to guarantee decent working conditions and to strengthen the protection of trade union rights with a gender perspective, in line with Advisory Opinion number 27 of the Inter-American Court of Human Rights.

E. Fiscal and Economic Policies

1298. In relation to fiscal and economic policies, REDESCA notes that, according to official figures, Mexico has closed the year 2022 with a GDP growth of 4.3% -which would be higher than the average of the G20 countries-, a foreign direct investment of 29.5% and an inflation of 7.8% -which would be lower than the average of the G20 countries-²⁸⁹⁰. In addition, the Rapporteurship notes that Mexico had a 4.1% increase in formal jobs compared to the pre-pandemic, with an average salary at 14,768 pesos, as well as a greater than 90% increase in the purchasing power of the minimum wage compared to 2018²⁸⁹¹.
1299. Likewise, REDESCA notes that remittances from abroad were the main source of income to the country²⁸⁹². From January to November 2022, the Bank of Mexico has received more than 53 billion USD, surpassing the 2021 record figure of 51.5 billion USD.²⁸⁹³ Regarding foreign investment, another record figure of 32 billion 147 million USD was reported, surpassing the previous year's figures²⁸⁹⁴. On the other hand, REDESCA notes that, according to the predictions of Citibanamex's Economic Studies Department for

²⁸⁸⁶ Expansión Política, Tlaxcala health workers protest labor conditions, September 23, 2022.

²⁸⁸⁷ El País, La última fase de la reforma laboral arrancará en México con la promesa de eliminar el 'coyotaje' y reducir los juicios laborales, September 29, 2022; Secretaría del Trabajo y Previsión social, La Reforma Laboral, una aspiración de cambio que hoy se convierte en realidad a nivel nacional, October 3, 2022.

²⁸⁸⁸ Official Gazette of the Federation, DECREE amending Articles 76 and 78 of the Federal Labor Law, regarding vacations, December 27, 2022.

²⁸⁸⁹ Infobae, More than 30 million informal workers in Mexico will see decent vacations far away, December 28, 2022.

²⁸⁹⁰ Ministry of Economy of the Government of Mexico, El 2022 cierra con una economía sólida (...), December 30, 2022.

²⁸⁹¹ Ibid.

²⁸⁹² Infobae, Mexican economy strengthened with remittances as the main focus, but risks are warned for 2023, December 31, 2022.

²⁸⁹³ Ibid.

²⁸⁹⁴ Ibid.

2023, the prices of merchandise and food and tourism services will continue to be impacted despite the stabilization of inflation²⁸⁹⁵.

1300. In relation to the State budget, REDESCA takes note of the Expenditure Law for 2023, which was approved by Congress, with a total budget of more than 248,415 million pesos - representing an increase of 6.2% compared to the fiscal year 2022²⁸⁹⁶. On the other hand, REDESCA takes note of the increase in the minimum wage in Mexico in 2023²⁸⁹⁷. As of January 1, 2023, it will be 207.44 pesos per day and a monthly salary of 6,223.2 pesos²⁸⁹⁸. In addition, the Rapporteurship notes that individuals in the country will have to pay less income tax in 2023 "due to an update of the tax rates that recognizes the increase in inflation over the last two years"²⁸⁹⁹.
1301. In addition to the above, the Rapporteurship takes note of the implementation of the reform to the pension system in terms of employer contributions - reducing from 1,250 to 750 the number of weeks required to receive a pension²⁹⁰⁰. It also takes note of the increase in the special tax on production and services (IEPS) for fuel, cigarettes and flavored beverages²⁹⁰¹.
1302. Considering the relevance of economic and fiscal policies for the effective enjoyment of ESCER, the Office of the Special Rapporteur calls on the State to consider the human rights approach, with a gender perspective and intersectionality as a central aspect of these policies, making itself especially available to provide technical assistance for this purpose.

F. Education, science, technology: academic freedom and university autonomy

1303. REDESCA is concerned about the announcement of the disappearance of the full-time schools, which had been in existence for a short period of time and were attended by low-income students who benefited from school meals. According to the State, the closure is due to the creation of another program "The school is yours", aimed at schools mainly in rural areas and with the purpose of providing direct support to the population.²⁹⁰² It should be noted that now the federal executive has reiterated that the resources will be invested in the schools and new measures will be sought to stop abuses. Likewise, the executive stated that Mexico City Schools will not close and the federal government will continue to finance them.²⁹⁰³
1304. REDESCA also notes that this program supported 3.6 million children living in poverty in Mexico with food and extra school hours²⁹⁰⁴. Likewise, this decision also affects parents, who will have to look for another option for the care of their children to be able to go to work²⁹⁰⁵. The Office of the Special Rapporteur will remain attentive to the evolution of the issue, calling on the State to guarantee that, in line

²⁸⁹⁵ Ibid.

²⁸⁹⁶ Expansión Política, [La CDMX ejercerá 248,415 millones de pesos de presupuesto en 2023](#), 29 December 2022.

²⁸⁹⁷ The San Diego Union Tribune, [Mexico welcomes 2023 with increases to minimum wage and vacation days](#), January 1, 2023.

²⁸⁹⁸ Ibid.

²⁸⁹⁹ Bloomberg Online, [Guide to Mexico's Tax and Labor Changes for 2023](#), January 5, 2023.

²⁹⁰⁰ Ibid.

²⁹⁰¹ Ibid.

²⁹⁰² Financier, [Giving Full-Time Schools resources to families won't work and Save The Children explains why](#), March 7, 2022

²⁹⁰³ El Sol de México, [AMLO Justifies disappearance of full-time schools](#), March 7, 2022

²⁹⁰⁴ El País. ["The education of 3.6 million poor children adrift: the Government eliminates the Full-Time Schools program"](#). March 02, 2022

²⁹⁰⁵ El Herald de Mexico. ["Cierre de Escuelas de Tiempo Completo: ¿Cómo afectará a los padres de familia?"](#). 02 March 2022.

with the principle of progressiveness of ESCER, the reforms do not diminish the benefits of food and extended hours in basic education schools.²⁹⁰⁶

1305. On the other hand, REDESCA has been monitoring the situation of university autonomy, especially in specialized research centers. In this regard, it has become aware of several practices implemented by the National Council of Science and Technology (CONACYT) that would be contrary to academic freedom in Mexico. For example, the modification of CONACYT's Code of Conduct, which would prevent academics from issuing negative or unfavorable comments or opinions on the Council's policies or programs, as well as from refraining from publishing information, giving speeches, granting interviews or making public appearances on behalf of or as a representative of the Council, without the authorization of the social communication area, since otherwise they could be denounced and brought before the Internal Control Organ so that it may apply the corresponding administrative sanctions.²⁹⁰⁷
1306. In the same line, by the beginning of 2022, the first call for the General Assembly of the Centro de Investigación y Docencia Económicas A.C. (CIDE) was given, which had as its objective the modification of some articles of its bylaws, specifically the following articles: article 29 so that the Board of Directors of CIDE would no longer "formalize" the appointment of the general director and the ratification of the same for a second term, but only "take cognizance" of the same²⁹⁰⁸. Modify Article 34 so that it is no longer required to be an "active academic" of the CIDE during the two years prior to the appointment of academic secretary, but that he/she may also be an "*active member of an academic institution of higher education or research with wide recognition*"²⁹⁰⁹. Request to amend Article 42 so that the Academic Council is no longer empowered to "*know and approve*" certain matters relating to the Center, but may only "*know and give its opinion*" on these matters²⁹¹⁰.
1307. In this sense, the academic community protested against the reform, which caused CONACYT to decide to postpone the assembly of associates. In this regard, it is noted that a complaint was filed before the control body of CONACYT in order to determine administrative responsibilities regarding this action. In this regard, it should be noted that for December 2022, an attempt was made to call a new extraordinary meeting for December 16 to reform the bylaws. Additionally, they reiterated that the current rector of the center has not informed the Academic Council or the CIDE community in general about the reform proposal.²⁹¹¹
1308. However, REDESCA notes with concern that on January 24, 2022, it was informed through a communiqué that the statutes of the CIDE had been modified, which had as main point to specify the scope of the CONACYT and the sectorial coordination of the CIDE designate the general director, the homologation of the requirements of the General Direction and the Academic Secretariat, as well as the specification of the powers of the latter.²⁹¹² In view of this situation, the Colegio de México, as a member of the CIDE Assembly, pointed out that there were no conditions to present and approve a reform to the

²⁹⁰⁶ Animal Político. "[False that Full-Time Schools benefits are preserved with the direct delivery program](#)". March 17, 2022

²⁹⁰⁷ Aula Abierta. "[Executive Summary: Reform of the General Statute of the Center for Economic Research and Teaching \(CIDE\) as a violation of economic freedom](#)". February 02, 2022

²⁹⁰⁸ Aula Abierta, Informe Preliminar: violaciones a la libertad académica y otras prácticas de discriminación contra académicos y estudiantes universitarios por parte del poder ejecutivo en México; Referencias al caso del Centro de Investigación y Docencia Económicas (CIDE), August 2021-May 2022, paras. 38-40.

²⁹⁰⁹ Ibidem

²⁹¹⁰ Ibidem, see: Aula Abierta-Las Américas. "[Mexican professor @javieraparicio, denounced that for this #24Ene the @Conacyt MX](#)". January 24, 2022; Javier Aparicio (Docente CIDE), Pronunciamientos en Redes Sociales: [January 11, 2022](#).

²⁹¹¹ Proceso, [CIDE Assembly denounces new illegal attempt by Conacyt to reform its general statute](#), December 13, 2022

²⁹¹² CIDE, [Report on the 1st Extraordinary Session of the CIDE Assembly of Associates](#), January 24, 2022.

statute, since the procedure was not complied with, since any change to the regulations requires the prior participation of the collegiate bodies.²⁹¹³

1309. Consequently, the general direction of the CIDE ratified the Academic Secretary and the Secretary of Liaison in their positions. However, on February 9, 2022, the National Electoral Institute (INE), as a member of the CIDE Board of Trustees, informed through a communiqué that it does not support the ratification of the positions of these authorities due to the lack of certainty in the amendments to the bylaws.²⁹¹⁴ The CIDE's student community and its Permanent Academic Assembly also joined in similar pronouncements.²⁹¹⁵

1310. In this context, REDESCA notes that on February 15, 2022, the CIDE student movement filed an injunction regarding the reform of the CIDE statute, which was accepted on February 22, 2022²⁹¹⁶. On the other hand, REDESCA notes that in April 2022, the 14th Collegiate Court in Administrative Matters of the 1st Circuit resolved to accept the injunction filed by a CIDE academic regarding the call to the Assembly of Associates of the CIDE that carried out the questioned reform.²⁹¹⁷

1311. In this context, REDESCA is also concerned that there is a culture of persecution and harassment towards the student body and academic body that is expressed against the current administration of CONACYT and the executive. However, REDESCA notes with concern that CONACYT has cancelled undergraduate degrees from the Public Research Centers for activities that are not part of the State's plans for their development.²⁹¹⁸ To that extent, it is also noted that there are attempts of possible censorship of its academic body for publications in the media.

1312. For example, on March 2, 2022, Céline González Schont, Director of Academic Evaluation at CIDE, was to address in a presentation at the forum "Academic freedom and university autonomy at risk: the grievances"²⁹¹⁹ held in the Chamber of Deputies by researchers, professors, unions and professors of the science and technology sector of the country. According to information from civil society organizations, Jordy Micheli Thirion, appointed as head of the Academic Secretariat of the CIDE, did not allow Gonzalez Schont to participate on²⁹²⁰. On the other hand, there have also been interferences and delays in the compensation to the academic staff, the payment of incentives to the academic staff derived from their collective contract.²⁹²¹

²⁹¹³ Colegio de México, Comunicado on the position of El Colegio de México as a member of CIDE, January 24, 2022.

²⁹¹⁴ INE, INE requests certainty regarding CIDE bylaws, February 9, 2022

²⁹¹⁵ CIDE Student Community, Pronouncement, February 9, 2022; CIDE Assembly, Pronouncement, February 8, 2022.

²⁹¹⁶ CIDE Student Community, Pronunciamento, February 22, 2022

²⁹¹⁷ Reforma, Court orders court to admit amparo against CIDE assembly, April 26, 2022

²⁹¹⁸ REDESCA, Notas de reunión mantenida con Aula Abierta y representantes del cuerpo académico del CIDE, May 11, 2022; Aula Abierta, Informe Preliminar: violaciones a la libertad académica y otras prácticas de discriminación contra académicos y estudiantes universitarios por parte del poder ejecutivo en México; Referencias al caso del Centro de Investigación y Docencia Económicas (CIDE), August 2021-May 2022

²⁹¹⁹ See: Mexican Congress Channel, Forum: Academic Freedom and University Autonomy at Risk, March 2, 2022.

²⁹²⁰ Aula Abierta, Informe Preliminar: violaciones a la libertad académica y otras prácticas de discriminación contra académicos y estudiantes universitarios por parte del poder ejecutivo en México; Referencias al caso del Centro de Investigación y Docencia Económicas (CIDE), August 2021-May 2022, paras. 87-88; Interview given to the Aula Abierta research team by Sandra Ley, associate professor in the Political Science Division of CIDE, on April 22, 2022.

²⁹²¹ Aula Abierta, Informe Preliminar: violaciones a la libertad académica y otras prácticas de discriminación contra académicos y estudiantes universitarios por parte del poder ejecutivo en México; Referencias al caso del Centro de Investigación y Docencia Económicas (CIDE), August 2021-May 2022, paras. 97-99.

1313. REDESCA has recorded testimonies from CIDE students in which they state that at the moment there is a climate of indoctrination by the authorities, in which they point out that only one way of thinking can be taught. In this sense, he points out that at the entrance of the entity there are armed security personnel inside the campus. He specifically commented that he was persecuted inside the establishment for criticizing the current leadership of the school and for not listening to his concerns. He also pointed out that he is not the only case and that there is a fear among the student body to express their opinions without any reprisal. However, it was pointed out that there is no longer a disposition on the part of the CIDE leadership for security personnel to carry weapons inside the school.²⁹²²
1314. In particular, the Office of the Special Rapporteur notes that complaints were made about the alleged reform to the CONACYT Scholarship Regulations, which indicated that scholarships would be suspended for Mexicans studying abroad and/or foreigners studying in Mexico if they participated in political demonstrations. Likewise, this suspension would apply to scholarship holders who are pregnant, in labor or puerperium, during this period²⁹²³. It was also reported that a proposed modification to the scholarship regulations proposed by CONACYT could suspend support to pregnant scholarship holders, thus violating the right to education and free development of the personality of this group of people²⁹²⁴.
1315. However, the Special Rapporteurship welcomes that according to the entity, the prohibition has already existed since the reform of the regulations in 2008, adding that in addition, if the scholarship holder has any disability, the scholarship is temporarily suspended and offers the possibility of requesting its resumption. On the other hand, in the case of pregnant women, there is no such proposal and it was even stated that there would be the possibility of extending this benefit for 6 more months after the person has given birth.²⁹²⁵
1316. With the above, REDESCA notes that according to the National Commission for Regulatory Improvement (CONAMER), CONACYT submitted a request for exemption from submitting a regulatory impact analysis to the proposed amendment of the regulation under discussion. In this regard, the Special Rapporteurship notes that such exemption was accepted by CONAMER on March 1, 2022, since it maintains that the reform does not affect rights nor does it create additional procedures or costs for students.²⁹²⁶
1317. On the other hand, REDESCA notes with concern that parents and students of the Christopher Columbus School blocked a street in downtown Mexico City because they do not want the school to be closed, but rather to be repaired; since it has not been refurbished since the 2017 earthquake²⁹²⁷.
1318. In light of the above, REDESCA urges the State of Mexico to bring its educational policies and programs in line with Inter-American and international standards regarding the right to education and urges it to guide its actions by the Inter-American Principles on Academic Freedom. In particular, REDESCA emphasizes that, in order to contribute to the consolidation of university autonomy, by virtue of the principle of self-government of higher education institutions, they are obliged to provide transparency in their management, financing and decision-making. To this end, policies and procedures must be established to guarantee labor and psychosocial stability, as well as to ensure that decision-making is based

²⁹²²2922 Aula Abierta, Informe Preliminar: violaciones a la libertad académica y otras prácticas de discriminación contra académicos y estudiantes universitarios por parte del poder ejecutivo en México; Referencias al caso del Centro de Investigación y Docencia Económicas (CIDE), August 2021-May 2022, paras. 132-136; REDESCA, Notas de reunión mantenida con Aula Abierta y representantes del cuerpo académico del CIDE, May 11, 2022.

²⁹²³ El Universal, CONACYT to suspend scholarships for participating in protests; also for getting pregnant, January 26, 2022

²⁹²⁴ Yahoo News. "UNAM calls on Conacyt to review scholarship regulations". January 31, 2022

²⁹²⁵ CONACYT, Falso que el Conacyt suspenderá becas por participar en protestas, por embarazo o discapacidad, February 22, 2022; El Universal, Conacyt da atrás: no suspenderá becas a embarazadas, February 16, 2022.

²⁹²⁶ CONAMER, Oficio No. CONAMER/22/1021, March 1, 2022

²⁹²⁷ El Universal. "Padres de familia y alumnos de primaria bloquean Circunvalación". March 14, 2022

on equitable and reasonable requirements, guaranteeing due process in decisions that affect the rights of those who are part of the academic community.

1319. Likewise, the freedoms of expression, association, assembly, conscience, religion or the exercise of labor and trade union rights, as well as the use and enjoyment of the material and immaterial aspects of authorship rights and other rights over appropriable material or immaterial goods susceptible of having value, as well as other internationally recognized human rights, must be guaranteed and not be interfered with. In this regard, REDESCA recalls that disproportionate interference by States in curricula and academic programs through, among others, the imposition of guidelines contrary to the purposes of education as a right, severely impacts academic freedom.

G. Human Mobility and ESCER

1320. Regarding the situation of DESCA in the context of human mobility, REDESCA notes that the remains of eight migrants were found in a trailer in the state of Texas.²⁹²⁸ It also notes with concern that Mexican authorities found 248 people, including minors, inside a warehouse in overcrowded conditions. Among the migrants were Guatemalans, Hondurans, Cubans and Salvadorans²⁹²⁹. REDESCA regrets these human losses and sympathizes with their families.

1321. REDESCA has received information that a group of 2,000 migrants left southern Mexico on foot in order to pressure Mexican authorities to grant them temporary permits to reach the United States²⁹³⁰. REDESCA takes note of the call made by the Fray Matías de Córdova Human Rights Center to respect the physical and emotional integrity of migrants in Huixtla, Chiapas, due to the possible repression and violence they may suffer, in violation of international protection standards²⁹³¹.

1322. REDESCA notes with concern reports from the International Federation of Red Cross and Red Crescent Societies that 210,000 people moving northward by land through Central America and Mexico urgently require humanitarian assistance and protection along the migratory routes; as they face extortion, sexual violence, disappearances, disease, murder and separation from their families²⁹³².

1323. For its part, REDESCA notes that, according to a report by the International Organization for Migration, Mexico seeks to promote the ethical recruitment of migrant workers. In this regard, one of the indispensable requirements for the hiring of foreign personnel in national territory is to have an Employer Registration Certificate (CIE), a document issued by the National Migration Institute (INM) that allows any company or individual to carry out procedures related to foreign personnel. Thus, the INM in coordination with the IOM developed in 2022 a campaign aimed at the private sector to promote the procedure for obtaining the CIE and its annual renewal.²⁹³³

1324. Despite such efforts, REDESCA notes with concern that, according to the IOM, there is no program in the country to manage labor immigration or to promote the labor integration of migrants.²⁹³⁴ In this regard, it is noted that the private sector in Mexico has sought to identify, through the National Employment

2928 Publimetro. "Bodies of Gustavo, Maria, Omar, Jozue, Marcial, Jair, Yovani and Misael return to Mexico." July 13, 2022

2929 CNN. "[More than 200 migrants found crammed into warehouse in central Mexico.](#)" July 25, 2022

2930 Los Angeles Times. "[Mexico: more migrants move to get documents.](#)" July 25, 2022

2931 CDH Fray Matías. "[Urgent Action.](#)" July 27, 2022

2932 IFRC. "[IFRC: 210,000 migrants in Central America and Mexico urgently need assistance and protection essential for their survival.](#)" August 01, 2022

2933 IOM, [Indicadores de gobernanza de la migración, Mexico](#), Perfil 2022, p. 22.

2934 IOM, [Indicadores de gobernanza de la migración, Mexico](#), Perfil 2022, p. 23; However, REDESCA recalls that in its 2021 annual report it recognized that at the state level there are labor insertion programs that are promoted by these entities.

Service (SNE), migrants and those with refugee status to fill job vacancies. However, despite the existence of the Employment Portal, where it is possible to find job vacancies or people looking for employment, there is no possibility within this system to obtain information on labor profiles of migrants in Mexico. Consequently, this information cannot be provided to companies seeking to hire migrants or refugees in the country.²⁹³⁵

1325. REDESCA takes note of the closing statement of the United Nations Special Rapporteur on the human rights of internally displaced persons, Ms. Cecilia Jiménez-Damary, from August 29 to September 9, 2022, in which she states that although indigenous peoples and communities represent ten percent of the total population of Mexico, more than 40 percent of the displacement episodes registered by civil society in 2020 affected indigenous peoples.²⁹³⁶ .
1326. Therefore, REDESCA reminds the State that, through its jurisprudence, the ISHR bodies have interpreted the right to movement and residence, recognized in Article 22(1) of the American Convention, in such a way that it also includes the obligation of the States not to carry out actions that force the internal displacement of persons against their will, nor to cooperate with third parties in the perpetration of acts that generate this situation.²⁹³⁷ In this sense, among the State's obligations of prevention in this area is that of minimizing the causes that provoke displacement and its adverse effects. This implies that in those cases in which there is no other alternative but displacement, the State must adopt the necessary measures to ensure that it is carried out in conditions of safety, dignity, food, health and hygiene, and that family members are not separated. The State should also provide for the adoption of all appropriate measures, to the maximum of available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available or provided.²⁹³⁸

²⁹³⁵ IOM, Migration Governance Indicators, Mexico, Profile 2022, p. 24.

²⁹³⁶ See Closing Mission Statement of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Ms. Cecilia Jiménez-Damary, September 13, 2022.

²⁹³⁷ IACHR, Internal Displacement in the Northern Triangle of Central America Guidelines for the formulation of public policies, OEA/Ser.L/V/II. Doc. 101 27 July 2018, para. 100.

²⁹³⁸ IACHR, Internal Displacement in the Northern Triangle of Central America Guidelines for the formulation of public policies, OEA/Ser.L/V/II. Doc. 101 27 July 2018, para. 104.

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1327. Regarding the general situation, according to estimates by the United Nations Economic Commission for Latin America (ECLAC), in 2022, total poverty in Nicaragua would grow from the 45.3% observed at the end of 2021, affecting between 46.0% and 46.8% of the total population.²⁹³⁹ The increase in prices of the basic food basket and the difficulty to access food and other basic inputs is another pressing factor. Between May 2021 and May 2022, there was a growth of at least 20.3% in this item.²⁹⁴⁰ This was also seen between September 2021 and September 2022, in which there was an increase of 2,657 córdobas in the price of the basic food basket, according to the National Institute of Development Information.²⁹⁴¹ In that context, the World Bank has indicated that declines in employment and wages led to a reduction in total income for 28 percent of households, with inflation expected to peak in 2022 and decline thereafter, as commodity price pressures cease and higher interest rates reduce domestic demand.²⁹⁴²
1328. On another note, REDESCA regrets that during 2022 the State did not participate in the hearings convened for the Commission's sessions, nor did it respond to the communications and requests for information sent. In this sense, the limited dissemination of publicly available information has also been a challenge for the monitoring of the country's situation.
1329. In general, REDESCA notes with concern the lack of application of the principle of equality and non-discrimination in the framework of the guarantee of the DESCAs, given that discriminatory acts have been recorded in the access and enjoyment of these rights motivated by political reasons; in particular, this can be seen in the non-readmission to study and work centers of students and academic and medical personnel expelled for their political positions.²⁹⁴³

A. Right to Health and its Social Determinants

1330. In relation to the right to health, the Commission and REDESCA do not yet have official information on the situation of the pandemic in the country. In this regard, REDESCA has been monitoring the situation in Nicaragua through different mechanisms such as the Citizen Observatory COVID-19. However, since July 2022, no new reports have been published from this citizen monitoring platform. Therefore, according to figures from the Ministry of Health (MINSAs) of the country, at the beginning of December 2022, a total of 15,250 accumulated cases would have been registered, with only 22 people infected during the week of November 22-29.²⁹⁴⁴ There is no information on the MINSAs website on the progress of vaccination against COVID-19 in the country as of the closing date of this report. However, according to PAHO, by June 2022 the country was reported to have reached 80.9% vaccination coverage nationwide.²⁹⁴⁵
1331. On the other hand, the Citizen Observatory in its bulletin of July 15, 2022, indicated that given the decrease in its capacity to monitor the pandemic, it will reduce the publication of its reports. In the same note it points out that the reduction is also a consequence "among others, of the fear of reprisals by the Government of Nicaragua for providing information and the apparent "normalization" of the pandemic

²⁹³⁹ ECLAC, Repercussions in Latin America and the Caribbean of the war in Ukraine: how to face this new crisis, June 6, 2022.

²⁹⁴⁰ Confidential, Families can't stand food hikes to "half eat", July 6, 2022

²⁹⁴¹ INIDE, Precio Canasta Básica September 2022 and Precio Canasta Básica September 2021, updated to November 2022.

²⁹⁴² World Bank, Nicaragua: Overview, updated October 4, 2022.

²⁹⁴³ OHCHR, Report of the United Nations High Commissioner on Human Rights on Nicaragua, A/HRC/51/42, 2 September 2022, para. 57.

²⁹⁴⁴ Ministry of Health of Nicaragua, Boletín Epidemiológico No. 47, December 9, 2022.

²⁹⁴⁵ PAHO, Nicaragua reaches 80.9% vaccination coverage against COVID-19 and becomes the tenth country with the highest coverage in the Americas region, June 24, 2022

situation as a result of the insufficient, distorted and late information provided by the Government on the pandemic."²⁹⁴⁶ In that context, according to the latest report, the Observatory notes that during that period several reports were received on at least 121 crowding activities in the country without any call by the authorities on biosecurity measures. Likewise, cases have continued to be identified of people who are denied health care in public facilities, having to access private facilities in order to be treated.²⁹⁴⁷ For its part, REDESCA highlights that the State indicated that the budget approved for 2022 for health is 21.5% of the GDP.²⁹⁴⁸

1332. In the same vein, the Commission and REDESCA note that, in order to strengthen the State's response to the pandemic, the World Bank approved on December 8, 2020 US\$20 million, plus an additional US\$116 million in June 2022 to guarantee access to vaccines and return the health system to the pre-COVID-19 situation in terms of essential services, medicines, vaccines and medical and laboratory supplies and equipment.²⁹⁴⁹ However, according to civil society sources, the figures offered by the State to guarantee the loan would not be consistent because data such as how many tests have been performed, how many of them were positive and from which territories these samples arrived, were only partially answered by the State.²⁹⁵⁰
1333. Likewise, given the context of the cancellation of civil society organizations by different State agencies, the Commission and REDESCA are concerned about the fact that many of these organizations were dedicated to assisting people in vulnerable situations in health issues. For example, in March 2022, the closure of 25 non-governmental organizations was reported, among them Operation Smile.²⁹⁵¹ This organization provided medical care to children with limited resources, particularly facial reconstruction surgeries for children with cleft lip and palate.²⁹⁵² Additionally, in a statement issued in July of this year, the organization issued a statement in which it indicated that throughout its 30 years it would have performed at least 11,000 surgical procedures, through which it would have benefited 5,738 patients, attending them completely free of charge. In July 2022 it was reported that its facilities were confiscated by the regime.²⁹⁵³
1334. On the other hand, the Commission and REDESCA have expressed their concern about the health situation and detention conditions of political prisoners in the country. The Commission and REDESCA received persistent information on the serious conditions of detention of persons deprived of their liberty in the different facilities of the National Penitentiary System such as "La Modelo", "La Esperanza" and Waswalf. The complaints refer, among others, to the lack of access to health care, worsening of diseases, insufficient and poor quality food, application of isolation regimes or punishment in an arbitrary manner.²⁹⁵⁴
1335. Likewise, MESENI and REDESCA became aware of the serious deterioration of the health and physical condition of the persons detained in the Judicial Assistance Directorate ("el Chipote" or "nuevo Chipote"), due to the prolonged deprivation of liberty under even more deplorable and unhealthy conditions, the persistence of mistreatment, isolation, incommunicado detention, constant interrogations, the lack of

²⁹⁴⁶ Observatorio Ciudadano COVID-19 en Nicaragua, [Report 06/30/2022 to 07/13/2022](#), July 15, 2022

²⁹⁴⁷ Observatorio Ciudadano COVID-19 en Nicaragua, [Report 06/30/2022 to 07/13/2022](#), July 15, 2022

²⁹⁴⁸ On 19, [National Assembly approves the general budget of the republic 2022](#), Dec. 10, 2021

²⁹⁴⁹ World Bank, [Country Strategy](#), updated October 4, 2022.

²⁹⁵⁰ Observatorio Ciudadano COVID-19 en Nicaragua, [Report 06/16/2022 to 06/29/2022](#), June 29, 2022

²⁹⁵¹ Artículo 66, [Dictatorship cancels 25 NGOs including Operation Smile and Ethics and Transparency](#), March 17,

2022

²⁹⁵² 100% Noticias, [Congressmen rob children with cleft lips and cleft palate of chance to smile](#), March 17, 2022

²⁹⁵³ Article 66, [Operation Smile bids farewell to Nicaragua after confiscation of its offices](#), July 8, 2022

²⁹⁵⁴ IACHR and REDESCA: [urges immediate release of political prisoners in deplorable conditions in Nicaragua](#), September 5, 2022

adequate and sufficient food, as well as the lack of access to timely, adequate and specialized medical attention.²⁹⁵⁵

1336. In this regard, REDESCA recalls that it is the obligation of the Nicaraguan State to provide adequate medical care to persons deprived of liberty, which derives from the right to personal integrity established in Articles 1.1 and 5 of the American Convention on Human Rights. The State's obligation to respect physical integrity, not to use cruel and inhuman treatment and to respect the inherent dignity of the human being extends to guaranteeing access to adequate medical care for persons deprived of liberty. Likewise, the State must guarantee the minimum conditions to contribute to the effective enjoyment of those rights that under no circumstances may be restricted, such as the right to food and health.²⁹⁵⁶

1337. In addition, REDESCA expresses its concern for the situation of professionals, as well as all persons belonging to the health sector. Through its contact with members of this sector, REDESCA has detected acts of harassment against its members, who are increasingly fearful of possible reprisals. In this context, the Office of the Special Rapporteur congratulates the commendable work carried out by health workers in Nicaragua, highlighting how the Nicaraguan Medical Unit has continued to provide medical consultations by telephone to citizens in the context of the COVID-19 pandemic.²⁹⁵⁷

1338. Therefore, REDESCA urges the State to publish official information on the pandemic and health situation in the country, ceasing all types of attacks or threats against members of professional associations and the health sector, including those motivated by political reasons. At the same time, it calls for increased investment in health, guaranteeing stability and decent working conditions for health sector personnel.

B. Climate Emergency and Human Right to Water

1339. With regard to the impacts of climate change, REDESCA takes note of the events that occurred after the ravages of Hurricane Julia. According to the State, the damages caused by this hurricane total 1,500 families affected, 70 rivers overflowed and more than 2,000 houses were damaged.²⁹⁵⁸ Later, it was reported by the media that the State had estimated the damages at US\$ 367.8 million, close to 2% of the country's GDP.²⁹⁵⁹ In view of this situation, the government set up a committee to evaluate damages and losses caused by Hurricane Julia. This committee will focus on three issues: responding to the damages caused, guaranteeing the necessary repairs and reconstruction.²⁹⁶⁰

1340. In this regard, according to information from the National System for the Prevention, Mitigation and Attention to Disasters (Sinapred), 96 of the 153 municipalities of the country were damaged by the hurricane. Of these, the most affected were the Autonomous Regions of the South Caribbean Coast (RACCS) and North (RACCN), where in the RACCS the municipalities of Corn Island, El Rama, Pearl Lagoon, Kukra Hill, Bluefields, El Tortuguero and Desembocadura and La Cruz de Rio Grande were the most affected. As of the date of this report, assistance from the UN World Food Program has been confirmed for the affected families, as well as a donation from CABEI of half a million dollars for assistance in the sector.²⁹⁶¹ Considering the above, it is noteworthy that the State in its national policy on climate change indicates that

²⁹⁵⁵ Ibidem

²⁹⁵⁶ Idem

²⁹⁵⁷ La Prensa, Unidad Médica Nicaraguense keeps its medical advice lines active on the eve of Holy Week, March 28, 2022

²⁹⁵⁸ La Prensa, Los daños que dejó julia en Nicaragua, October 10, 2022

²⁹⁵⁹ Idem

²⁹⁶⁰ On the 19th, Nicaragua installs post Hurricane Julia Damage and Loss Assessment Committee, October 10, 2022

²⁹⁶¹ La Prensa, Régimen de Nicaragua eleva a 402 millones el monto de daños provocados por Julia, October 19, 2022

it is not a country vulnerable to climate change, arguing that its main threats arise from the "western model of production and consumption".²⁹⁶²

1341. On the other hand, REDESCA is aware of a loan made by the Green Climate Fund (GCF) for the implementation of two projects in Nicaragua. One is a country project and the other is a regional project for US\$170 million for the Central American dry corridor, approved in the second half of 2021.²⁹⁶³ In this regard, REDESCA takes note of the concern expressed by civil society organizations that such credits were granted in the context of serious human rights violations that have occurred in the country, for which a complaint was filed with the Independent Reparation Mechanism (IRM) of the GCF²⁹⁶⁴.

1342. In this regard, REDESCA notes that the MIR presented a compliance evaluation report on the complaint filed regarding the FP146-Bio-Climate program for integrated climate action to reduce deforestation and strengthen resilience in the BOSAWAS and Rio San Juan Biosphere Reserve. Among its findings, the MIR determines that: "there is *prima facie* evidence that indigenous and vulnerable communities may face increased risks of violence due to the project's non-compliance with GCF policies and operating procedures, and that the risk of violent conflict and human rights violations have not been adequately assessed in accordance with the GCF Interim Environmental and Social Safeguards (PS 1, 4, 5 and 7), the GCF Environmental and Social Policy, the Indigenous Peoples Policy, and the Updated Gender Policy."²⁹⁶⁵

1343. Secondly, the MIR pointed out that in relation to the guarantees of free and informed prior consultation in the country, the project documentation examined by the MIR, *prima facie*, does not demonstrate that significant consultations with indigenous and Afro-descendant peoples have been carried out for this project during its development stage.²⁹⁶⁶ In addition, some of the consultations that were carried out were allegedly irregular, as the legitimacy of certain regional, territorial and communal authorities on the Caribbean Coast has been questioned by the complainant(s) and some indigenous peoples, who argue that illegal "parallel" governments have been established that undermine the legitimate indigenous authorities, and that they are giving consents that are not representative of the indigenous peoples.²⁹⁶⁷

1344. With the above, and considering that the approval of the project was also conditional on third party observations given the situation in the country, REDESCA welcomes the fact that the MIR has decided to initiate a compliance investigation to investigate the matter further and reach a final conclusion on the problems, and to submit a compliance report to the Board, with possible recommendations.²⁹⁶⁸ In doing so, the Special Rapporteur encourages the MIR to take special account of the reports and standards of the Inter-American human rights system in relation to Nicaragua.

1345. In this regard, it calls for special consideration of its Resolution 3/2021 on Climate Emergency and Human Rights, according to which States have the duty to ensure that climate norms, policies and actions involve different social actors, guaranteeing that climate actions do not negatively affect people's rights.²⁹⁶⁹

²⁹⁶² Government of Nicaragua, Política Nacional de Acción ante el Cambio Climático, Decree No. 35, February 22, 2022.

²⁹⁶³ Heinrich Boell Foundation El Salvador, Climate Finance and Human Rights. A Reflection from Central America, January 24, 2022

²⁹⁶⁴ *Ibidem*

²⁹⁶⁵ Green Climate Fund, Independent Redress Mechanism, Case C-0006-Nicaragua, Compliance Assessment Report, March 24, 2022, para. 43.

²⁹⁶⁶ *Id.*, para. 46

²⁹⁶⁷ *Id.*, para. 48

²⁹⁶⁸ *Id.*, para. 67

²⁹⁶⁹ IACHR and REDESCA, Resolution 3/2021 Climate Emergency: Scope of Inter-American Human Rights Obligations, para. 52.

1346. On the other hand, in the context of guaranteeing the procedural rights derived from the right to a healthy environment, the Commission and REDESCA expressed their concern over the cancellation of the legal status of the Alexander von Humboldt Center (Centro Humboldt) and the Nicaraguan Foundation for Economic and Social Development (FUNIDES) dedicated to the defense of the environment and territories in the face of climate change and the eradication of poverty, respectively. In particular, REDESCA highlighted that the Humboldt Center also serves as the regional coordinator of the Climate Action Network for Latin America (CANLA), which encompasses a broad network of civil society organizations that brings together efforts to promote and defend climate action from a rights-based approach in the region.²⁹⁷⁰ REDESCA especially regrets that such closures affect civil society's defense of the right to a healthy environment.²⁹⁷¹
1347. In this vein, Resolution 3/2021 of the IACHR and REDESCA, states that it is the obligation of States to adopt immediate measures to promote and protect the rights of those who defend the environment to life, integrity and personal liberty, assembly and freedom of association, privacy and protection of honor and dignity, movement and residence, due process and judicial guarantees, ensuring that defenders are not harassed, stigmatized, discriminated against or killed for the work they do.²⁹⁷² Similarly, REDESCA recalls that in addition to the obligations arising from the Inter-American system in this area, Nicaragua is also part of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazú Agreement, which in its Article 9 has express provisions on the protection of environmental defenders.

C. Business and Human Rights

1348. With regard to business and human rights, REDESCA warns that, in the context of the cancellation of civil society organizations and the closure of civic space, unions and their leaders have been the target of acts of aggression, harassment and bullying by the regime's authorities. As previously reported, the State detained the leader of the Superior Council of Private Enterprise (COSEP) since 2021.²⁹⁷³ At the moment we know of the detention of José Adán Aguerrí (former president of COSEP), Michael Healy (current president) and Álvaro Vargas, who in addition to being vice president of COSEP is also the president of the Union of Agricultural Producers of Nicaragua.²⁹⁷⁴
1349. However, in June 2022 COSEP's legal status was withdrawn, however, they continue to operate under the provisions of the General Law of Chambers, Federations and Confederations of Business Associations of Nicaragua, which was approved in 2013. This is because the law provides that the business associations would become part of the Ministry of Development, Industry and Commerce (MIFIC). Therefore, their actions are governed by the provisions of that state portfolio and also its regulation.²⁹⁷⁵
1350. REDESCA views with concern these events that reduce the civic space for civil society participation, including that of the private sector. To that extent, REDESCA urges the State to release José Adán Aguerrí,

²⁹⁷⁰ IACHR, IACHR, RELE and REDESCA reject conviction against Cristiana Chamorro and the cancellation of legal status of organizations in Nicaragua, March 30, 2022

²⁹⁷¹ DW, Environment in 'danger of extinction' in Nicaragua, April 9, 2022

²⁹⁷² IACHR and REDESCA, Resolution 3/2021 Climate Emergency: Scope of Inter-American Human Rights Obligations, para. 27.

²⁹⁷³ POPOLNA and Fundación del Río, The brutal demolition of freedom of association in Nicaragua: violations of the right of association under the Ortega-Murillo regime (2007-2022), February 20, 2022, p. 86.

²⁹⁷⁴ POPOLNA and Fundación del Río, The brutal demolition of freedom of association in Nicaragua: violations of the right of association under the Ortega-Murillo regime (2007-2022), February 20, 2022, p. 87.

²⁹⁷⁵ La Prensa, Por qué la derogación de personerías jurídicas de algunas organizaciones no implicará el cierre de estas, June 2, 2022

Michael Healy and Álvaro Vargas, following the rules of due process and guaranteeing judicial independence.

1351. On the other hand, the Special Rapporteur notes that the U.S. Treasury Department issued sanctions against entities in the mining sector in the country; in particular, the General Directorate of Mines (DGM) was sanctioned by prohibiting any transaction in the United States, if the operations are under the control of the designated entity.²⁹⁷⁶ Consequently, the Nicaraguan government reported that the mining company Calibre Mining had withdrawn an application to obtain 3 concessions in the Northern Caribbean before the DGM. For its part, the company did not confirm this situation, however, it was informed that it is reviewing the provisions issued by the US government to ensure full compliance.²⁹⁷⁷
1352. In the same vein, representatives of the Government of Canada indicated that they expect to take similar actions so that Canadian companies work in compliance with the standards of responsible business conduct in the same way as they would do in their country. To that extent, he pointed out that the State has so far sanctioned at least 35 Nicaraguan individuals in response to the repression in the country, replicating those carried out by the United States.²⁹⁷⁸
1353. In addition, REDESCA is also concerned about the impact of extractive, agro-industrial and infrastructure projects on the natural resources found in the lands and territories of indigenous and Afro-descendant peoples, which seriously affects their livelihoods and ways of life, generating food crises, forced displacement and health problems for the affected communities.²⁹⁷⁹ In this context, according to information from civil society, Nicaragua is believed to be the country with the most mining concessions in indigenous and Afro-descendant territories in Central America. There are four peoples that are being impacted by such concessions: Chorotegas, Matagalpas, Miskitus and Mayangnas, there being mining concessions in 21 indigenous territories affecting 5 Chorotegas territories, 1 Matagalpa territory, 6 Mayangna territories, 7 Miskitu and 2 multi-ethnic territories (Mayangna and Miskitu).²⁹⁸⁰
1354. REDESCA notes that there are 229 metallic mining concessions in the country for the year 2021, covering 2.8 million hectares and representing 23% of the country's land area.²⁹⁸¹ According to the information analyzed, according to civil society organizations, the current government has been the one that has granted the most concessions in the country's territory for metallic mining, of which 146 concessions were granted in 2021 and 114 in general during the period of the current political process.²⁹⁸² In this way, the resource extraction industry continues to grow, including within the Indio Maíz Biological Reserve. In 2021, Fundación del Río presented evidence to the public of two artisanal mining sectors within the reserve, La Chiripa and El Naranjo; and so far in 2022, the organization has documented a new mining sector called Las Cruces.²⁹⁸³

²⁹⁷⁶ U.S. Department of the Treasury, Treasury Sanctions Nicaragua Directorate of Mines and Government Official Responsible for Decades of Violence, October 24, 2022.

²⁹⁷⁷ CNN, Nicaraguan government says Canadian mining company Calibre Mining withdraws concessions. The company does not confirm it, October 26, 2022.

²⁹⁷⁸ 100% Noticias, Canada does not rule out joining U.S. sanctions against Nicaragua's mining sector, November 1, 2022

²⁹⁷⁹ Committee on the Elimination of Racial Discrimination, Concluding observations on the combined fifteenth to twenty-first periodic reports of Nicaragua, CERD/C/NIC/COI/15-21, 30 August 2022, para. 24.

²⁹⁸⁰ Fundación del Río, Nicaragua and its perverse gold, July 14, 2022, p. 7.

²⁹⁸¹ Id, p. 1

²⁹⁸² Id, p. 3

²⁹⁸³ Id, p. 5

1355. Considering the foregoing, REDESCA expresses its deep concern over the attacks by the Government of Nicaragua against trade union entities in the country and urges the State to guarantee the freedom of association of these entities, as well as of the persons who hold leadership positions.
1356. On the other hand, in relation to mining companies, REDESCA reiterates that within the framework of guaranteeing the right to a healthy environment, the States, when exercising their regulatory, supervisory and judicial functions, but also the companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples, Afro-descendant communities and rural or peasant populations.²⁹⁸⁴

D. Labor and Union Rights

1357. With respect to labor rights, REDESCA notes that the impact of the closure of civil society organizations is having an impact on the local economy, leaving at least a thousand people unemployed. In this sense, the scope of formal employment in the private sector is increasingly shrinking.²⁹⁸⁵ According to the World Bank's High Frequency Survey, about 10 percent of those who were formally employed before the pandemic transitioned to informal work by the end of 2021.²⁹⁸⁶
1358. On the other hand, REDESCA has received information about the cancellation of the legal status of the organization María Elena Cuadra. The organization has been dedicated for several years to defending the labor rights of maquiladora women in the country and in various parts of Central America.²⁹⁸⁷ As background, given that the organization foresaw its possible cancellation by the State, in 2021 it filed a contentious-administrative lawsuit against the Ministry of the Interior, to certify the directives of its organization, in order to prove that it would be complying with the regulatory requirements.²⁹⁸⁸ The Special Rapporteur regrets the circumstances that the organization and its members are going through, and calls on the State of Nicaragua to rescind the aforementioned measures and allow it to continue providing its valuable services to women working in the maquilas.
1359. On the other hand, REDESCA also received information regarding acts of harassment and bullying of civil servants. According to civil society organizations, in the context of this year's elections, state workers were forced to participate in the citizen verification days held in August of this year. Particularly, a high level of pressure on public institutions to carry out the citizen verification was denounced, on the part of the FSLN electoral structures called Electoral Victory Units (UVE) and their political secretaries.²⁹⁸⁹ Among the public entities where these actions were reported are MINSA, Ministry of Education (MINED), Nicaraguan Institute of Social Security (INSS), Nicaraguan Institute of Tourism (INTUR), Nicaraguan Institute of Municipal Development (INIFOM), Ministry of the Family (MIFAM), Nicaraguan Institute of Agricultural Technology (INTA), Ministry of Labor (MITRAB), Nicaraguan Aqueduct and Sewerage Company (ENACAL), National Technological Institute (INATEC), National Port Company and Municipalities.²⁹⁹⁰

²⁹⁸⁴ IACHR and REDESCA, Business and Human Rights Report, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19 November 1, 2019, para. 46.

²⁹⁸⁵ IACHR, Regular Session No. 185, Hearing: Situation of freedom of association in Nicaragua, October 27, 2022.

²⁹⁸⁶ World Bank, Nicaragua: Overview, updated October 4, 2022.

²⁹⁸⁷ La Prensa, Mujeres trabajadoras y sobrevivientes de violencia son las más afectadas con la ilegalización del Movimiento María Elena Cuadra, February 16, 2022; IM Defensoras, El gobierno nicaragüense clausura dos organizaciones feministas más: FUNDEMUNI y Movimiento de Mujeres María Elena Cuadra, February 15, 2022.

²⁹⁸⁸ Organización María Elena Cuadra, Contentious Administrative Lawsuit Filed in July 2021 before the Contentious Administrative Chamber of the Supreme Court of Justice of Nicaragua, REDESCA Archives.

²⁹⁸⁹ Open Polls, State workers coerced and harassed in citizen verification, September 8, 2022

²⁹⁹⁰ Idem

1360. Given the foregoing, these acts of harassment and intimidation could lead to discriminatory acts contrary to the principle of equality and non-discrimination in relation to the right to work. The Office of the Special Rapporteur recalls that differences in treatment based on political opinion are presumed to be incompatible with the American Convention, reversing the burden of proof for the State, which must provide compelling reasons to support a distinction of this nature in light of the proportionality test and its subprinciples of legitimate purpose - which in the case of a strict test must be a compelling social need - appropriateness, necessity and proportionality in the strict sense.²⁹⁹¹ Likewise, REDESCA urges the State to guarantee that workers in Nicaragua can exercise their rights, including freedom of expression and the right to peaceful assembly, without fear of possible reprisals or threats, acts of harassment, harassment, defamatory campaigns or labor violence.²⁹⁹²

E. Fiscal and Economic Policies

1361. With regard to fiscal and economic policies, REDESCA notes that civil society has denounced that the Government is financing its activities through the various loans it has managed to obtain from multilateral financial institutions, which do not give due consideration to the human rights situation in the country.²⁹⁹³ In this regard, the Office of the Special Rapporteur considers the request of various civil society organizations that the bodies of the inter-American human rights system draw the attention of multilateral financial institutions to the need to take due account of the democratic and human rights crisis in Nicaragua when assessing loan requests and concessions, with a view to effectively protecting the population at risk.²⁹⁹⁴

1362. According to a journalistic investigation, the government has sustained its public spending through three main sources: remittances (through the tax generated by value added tax); taxation of formal companies; and foreign indebtedness. Public investment spending related to public works doubles from 29 percent to 58 percent between 2017 and 2022. Similarly, the police and defense budgets increase from 3.7 percent and 2.7 percent of spending to 10.6 percent and 3.2 percent, respectively, of the national budget during the same period.²⁹⁹⁵ In summary, public investment financed by borrowing from international financial institutions increases from 46 percent to 68 percent between 2017 and 2022.²⁹⁹⁶

1363. In this sense, REDESCA reiterates that within the framework of the obligation of the States to use the maximum of available resources for the progressive realization of ESCER, their fiscal policy, understood as the policy of collection and allocation of public resources, must be taken into account.²⁹⁹⁷ Therefore, in view of the above, according to the aforementioned reports, the State has been able to sustain its operations through public indebtedness by means of loans from various international financial entities.

1364. In particular, REDESCA takes note of the loans that have been granted by the Central American Bank for Economic Integration (CABEI) and the International Monetary Fund, which would be focused on strengthening the country's infrastructure, in relation to the growth of 4% of GDP of the country's economy.²⁹⁹⁸ In this sense, for such funds to be granted, they depend on the financial conditions of the State, therefore the president of the Central Bank of Nicaragua (BCN) indicated that the growth rate would

²⁹⁹¹IACHR, Report No. 75/15. Case 12.923. Merits. Rocío San Miguel Sosa et al. Venezuela. October 28, 2015.

²⁹⁹² IACHR, Grave human rights violations in the context of social protests in Nicaragua, OEA/Ser.L/V/II Doc. 86, 21 June 2018, para. 168.

²⁹⁹³ IACHR, Regular Session No. 185, Hearing: Situation of freedom of association in Nicaragua, October 27, 2022.

²⁹⁹⁴ Idem

²⁹⁹⁵ Manuel Orozco, Dictatorial Radicalization in Nicaragua: From Repression to Extremism, Inter-American Dialogue, p. 11.

²⁹⁹⁶ Idem

²⁹⁹⁷ IACHR, Poverty and Human Rights, OEA/SER.L/V/II.164 Doc. 147, Sept. 7, 2017, para. 494.

²⁹⁹⁸ EFE, Nicaragua's economic outlook is favorable according to IMF mission, November 18, 2022

be between 3.5% to 4.5%, including that given the good results of the IMF and the improvement in the risk classification of S&P, the credit lines for the State would be increased.²⁹⁹⁹

1365. Along the same lines, the IMF, through a mission carried out by IMF staff, indicated that real GDP grew by 10.3 percent in 2021 and is expected to grow by 4 percent in 2022, sustained by private consumption and exports, given favorable export prices.³⁰⁰⁰ Additionally, according to the Central Bank of Nicaragua, they agreed with CABEL in October 2022, the establishment of a thirteenth of a credit line granted of approximately US\$200 million. The purpose of this line of credit is to solve liquidity contingencies and strengthen the liquidity position of the central bank.³⁰⁰¹

1366. In this context, the Office of the Special Rapporteur notes that 20 civil society organizations have protested the loans that are not being used by the Government to finance its response to the pandemic. In this sense, they question the delivery of funding because it has been denounced before international organizations that there is opacity in the information handled by the State regarding the COVID-19 health crisis, as well as its mismanagement.³⁰⁰² At the same time, the organizations have identified that these loans show a systemic lack of transparency to the extent that there is no information in real time or at least within a reasonable period of time from the borrowing entities, especially CABEL.³⁰⁰³ In summary, the State budget is largely financed by international loans and remittances from migrants living outside the country (which generates 14 percent of tax revenue through value added tax).³⁰⁰⁴

1367. Considering the above, REDESCA recalls that multilateral development investment financing or lending institutions play an important role in advancing towards sustainable development and poverty reduction and, therefore, have a transcendental influence in such contexts for the greater or lesser effective enjoyment of human rights. Hence, the express incorporation of human rights standards and safeguards within their structure, policies, operational frameworks and risk analysis are essential to reduce the chances of being involved in the financing and development of projects that compromise the enjoyment of such rights and fundamental freedoms.³⁰⁰⁵

1368. In this regard, REDESCA is concerned about the complaints from civil society organizations about the lack of prioritization of human rights in the risk assessment processes that these institutions usually carry out when deciding on the financing of a specific project.³⁰⁰⁶ Therefore, it is urgent that all financing projects that are carried out in order to provide any service in the country have due guarantees regarding the environmental and social safeguards of the projects, which must take into consideration the international human rights standards and obligations of Nicaragua.

1369. In the same sense, REDESCA considers that the lack of widely available public information that would allow exercising social control over the use of those funds, and in addition to the concentration of power

²⁹⁹⁹ Central Bank of Nicaragua, DECLARATIONS BY THE PRESIDENT OF THE NCB ON ECONOMIC CLOSING TO 2022 AND PROJECTIONS, December 15, 2022

³⁰⁰⁰ IMF, Nicaragua: Staff Statement at the conclusion of the 2022 Article IV mission, November 16, 2022

³⁰⁰¹ Central Bank of Nicaragua, BCN SIGNS RENEWAL OF US\$200 MILLION CREDIT LINE AGREEMENT WITH CABEL, 2022

³⁰⁰² La Prensa, More than 20 organizations demand World Bank and other multilaterals for loans to Ortega, July 4, 2022

³⁰⁰³ Manuel Orozco, Dictatorial Radicalization in Nicaragua: From Repression to Extremism, Inter-American Dialogue, p. 12.

³⁰⁰⁴ Manuel Orozco, Dictatorial Radicalization in Nicaragua: From Repression to Extremism, Inter-American Dialogue, p. 15.

³⁰⁰⁵ IACHR and REDESCA, Report Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19 November 1, 2019, para. 297.

³⁰⁰⁶ Idem, para. 300

of the various branches of government³⁰⁰⁷, coupled with the false counterweight exercised by the Legislative Assembly over the Executive for several years³⁰⁰⁸, does not offer guarantees for control over the public funds that are used. Thus, REDESCA recalls that an adequate fiscal policy can contribute to the redistribution of wealth for the reduction of inequality gaps, to the correction of market deficiencies, to the necessary investment for the fulfillment of human rights, particularly ESCER, and to accountability between the State and the citizenry.³⁰⁰⁹

1370. Thus, REDESCA recommends that the State promptly allow external and independent audits to be carried out in order to verify the expenditure made in relation to loans from international financial institutions. Likewise, the Office of the Special Rapporteur recalls that these entities have at their disposal internal oversight mechanisms through which they can be held accountable internally.
1371. Nevertheless, REDESCA calls on the Central American Bank for Economic Integration (CABEI), the Inter-American Development Bank (IDB), the World Bank and the International Monetary Fund (IMF) to take into consideration the various reports of the IACHR and REDESCA, as well as those of the organizations of the universal human rights system, when granting loans and other financing mechanisms for development. This is in line with the sustainability policies themselves, such as the social and environmental safeguards of these institutions, which include among their considerations the protection of the rights of the populations in which the projects to be implemented. To this end, REDESCA is especially available to establish dialogues and provide technical assistance in this area.
1372. On the other hand, the Special Rapporteurship takes note that, according to the Financial Action Task Force (FATF), the State was removed from what is called the entity's gray list, dedicated to the assurance of standards to prevent money laundering. According to the FATF president, despite the fact that it has been given such qualification, there is concern about the incorrect application of the standards to the non-profit sector regime.³⁰¹⁰ In this sense, REDESCA endorses the FATF's statements to ensure that the FATF rules are not misapplied to reduce the civic space of non-profit organizations and also notes that the government has not reported on how to ensure transparency and accountability in the fight against corruption³⁰¹¹, since Nicaragua would be the second country in the region where there is a higher public perception of corruption, an indicator that has worsened since 2012³⁰¹².

F. Education, science, technology: academic freedom and university autonomy

1373. Regarding the right to education and academic freedom, the Commission and REDESCA have received repeated information about the closure of private universities and constant limitations for people to continue their studies in the country. Likewise, arrests of teachers and leaders of student and academic organizations have also been reported.
1374. In this regard, REDESCA received information that, despite the fact that the State had affirmed that the cancelled universities had not completed the regularization processes before the public entities, civil society pointed out that in reality the competent authorities had refused to receive the documentation that

³⁰⁰⁷ See IACHR, Nicaragua: Concentration of Power and Weakening of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, 25 October 2021

³⁰⁰⁸ IACHR, Annual Report 2019, Chapter IV. B Nicaragua, OEA/Ser.L/V/II. Doc. 5, 24 February 2020, paras. 47 and SS.

³⁰⁰⁹ IACHR, Public Policies with a Human Rights Approach, OEA/Ser.L/V/II. Doc. 191, 15 September 2018, para. 118

³⁰¹⁰ EFE, [Nicaragua and Pakistan leave FATF gray list, three Africans enter](#), October 21, 2022

³⁰¹¹ Committee on Economic, Social and Cultural Rights, Concluding observations on the 50th periodic report of Nicaragua, E/C.12/NIC/CO/5, 11 November 2021, para. 14.

³⁰¹² OHCHR, Report of the United Nations High Commissioner on Human Rights on Nicaragua, A/HRC/51/42, 2 September 2022, para. 54.

in general terms the now cancelled entities had tried to submit to the Ministry of the Interior. This fact became public in the case of the Paulo Freire University through publications in the media. Likewise, the Special Rapporteurship warned that the Legislative Branch approved laws creating new universities, replacing the extinct ones and transferring all their assets to these new institutions.³⁰¹³

1375. Likewise, it was indicated that the authorities of the replacement universities will be appointed by the National Council of Universities, an institution attached to the regime. Additionally, REDESCA is concerned that this situation is part of acts of harassment and intimidation against associations and private universities that do not share the Government's postulates, which is contrary to Principle IV of the Inter-American Principles on Academic Freedom and University Autonomy.³⁰¹⁴

1376. In particular, REDESCA is aware that the Paulo Freire University implemented the Program for the Continuation of Higher Education Studies (PROCES), for students who have been unjustly expelled from public universities, in order to continue their studies at that institution. Similarly, REDESCA recalls that students from the Polytechnic University of Nicaragua (Upoli), also cancelled, played a leading role in the 2018 protests, and oppose the Government. Similarly, REDESCA expressed its concern over the forced departure from the country of the rector of the Paulo Freire University and the student who headed the PROCES program of the same house of studies.³⁰¹⁵ At the moment, at least 12 universities have been closed or have had their legal status cancelled by the State authorities.³⁰¹⁶

1377. The above generates special concern, when in March 2022 the National Assembly approved the reform of Law 89 on the Autonomy of Higher Education Institutions, which regulates a new conformation of the Higher Council of Universities (CNU). This will be integrated by state universities and universities that were stripped of their legal status, which excludes the Central American University (UCA) from the CNU and also strips it of the benefit of the 6% budget funds established in the constitution for this center of study.³⁰¹⁷

1378. Likewise, REDESCA recalls that at the moment 6 student activists have been detained since last year, namely Lesther Alemán, Max Jerez, Sergio Beteta, Kevin Solís, Muammar Vado and Samantha Jirón.³⁰¹⁸ In addition to these people, there are also the arrests of Mildred Rayo and Miguel Flores, members of the Nicaraguan University Alliance, who were detained on the morning of November 1, 2022 by the Sandinista Army near the Sapoá River in Cárdenas, Rivas, according to civil society organizations.³⁰¹⁹ According to the aforementioned Alliance, they reportedly lost communication with their colleagues at 9:30 in the morning, when Mr. Flores reportedly signaled their transfer to military installations.³⁰²⁰

1379. According to civil society, at least 100 organizations related to science, education and academic development are involved in the cancellations that have been mentioned, thus violating the right to

³⁰¹³ REDESCA, REDESCA condemns the cancellation of the legal status of 26 universities and associations for academic and social purposes by the Nicaraguan National Assembly, February 10, 2022

³⁰¹⁴ Idem

³⁰¹⁵ REDESCA, REDESCA condemns the cancellation of the legal status of 26 universities and associations for academic and social purposes by the Nicaraguan National Assembly, February 10, 2022

³⁰¹⁶ OHCHR, Report of the United Nations High Commissioner on Human Rights on Nicaragua, A/HRC/51/42, 2 September 2022, para. 13.

³⁰¹⁷ Assembly of Nicaragua, Law No. 1114: LAW TO REFORM LAW No. 582, GENERAL EDUCATION LAW AND TO REFORM AND ADDITION TO LAW No. 89, LAW ON AUTONOMY OF HIGHER EDUCATION INSTITUTIONS, March 31, 2022; Alianza Universitaria Nicaragüense, Todos Somos UCA, April 1, 2022.

³⁰¹⁸ REDESCA, REDESCA condemns the cancellation of the legal status of 26 universities and associations for academic and social purposes by the Nicaraguan National Assembly, February 10, 2022

³⁰¹⁹ Aula Abierta, Summary of Detentions of University Leaders, November 2, 2022 (REDESCA Archives)

³⁰²⁰ AUN, Sandinista Army kidnaps AUN members, November 2, 2022

education and cultural rights. Currently there is even talk of banning books, which has led to the banishment of writers, intellectuals, and academics.³⁰²¹

1380. In this regard, the Commission and REDESCA condemn these facts and emphasize that with respect to academic freedom and university autonomy, the inter-American principles on the matter indicate that state regulations on education should be aimed at guaranteeing the process of learning, teaching, research and dissemination in an accessible, pluralistic, participatory and democratic manner, as well as guaranteeing the self-government of academic institutions, which includes, among others, the free functioning of teaching staff or student bodies. Similarly, the closure or non-renewal of accreditation of institutions, libraries, laboratories, or other spaces in which academic activity takes place as a reprisal for dissenting from the ideological vision of the government has a negative impact on academic freedom.

G. Human Mobility and ESCER

1381. According to public information, in 2022 at least 40 Nicaraguan migrants died from suffocation, drowning or in traffic accidents on their way to the United States.³⁰²² In this sense, according to public surveys, 57% of Nicaraguans are willing to migrate, especially to the United States, according to a survey conducted by the Costa Rican firm Cid Gallup between September and October of this year.³⁰²³

1382. Although the departure of Nicaraguans is not officially recorded, the Immigration and Aliens Office reported on its website that between September 17 and October 7 alone, 20,192 passports were issued, including nearly 2,000 for minors.³⁰²⁴ Data from the U.S. Border Patrol (CBP) indicate that in fiscal year 2022 they apprehended 164,600 undocumented Nicaraguans at the border, three times more than in the previous period.³⁰²⁵

1383. In this context, REDESCA notes that, according to a report by the International Organization for Migration, 91% of the reasons for internal displacement in the country are due to unemployment or the socioeconomic situation, 24% are for reasons of study or family reunification, and 18% are due to violence.³⁰²⁶ Regarding external migration, 97% of people leaving the country indicate that it is due to unemployment and the socioeconomic situation, while 32% indicate that it has to do with the impacts of the COVID-19 pandemic.³⁰²⁷

1384. In this context, REDESCA highlights with concern the link between human mobility and the lack of guarantee of ESCER. For example, deficiencies have been reported in access to food, shelter or a place to live in dignity or to have access to work, as well as the lack of food security, as factors that lead to the search for better opportunities.³⁰²⁸

1385. REDESCA also emphasizes the existence of vulnerabilities that endanger the rights of Nicaraguans in human mobility, such as lack of a place to stay, lack of money or identification documents, or lack of clothing. In addition to this, there is also the contagion of COVID-19 and other common diseases such as

³⁰²¹ IACHR, Regular Session No. 185, Hearing: Situation of freedom of association in Nicaragua, October 27, 2022.

³⁰²² France 24, "Nicaragua is going to be left alone": mass migration of Nicaraguans to the U.S., November 8, 2022

³⁰²³ Idem

³⁰²⁴ Idem

³⁰²⁵ CBP, Enforcement Encounters report Fiscal Year 2022, Updated to November 2022; Ibidem.

³⁰²⁶ IOM, Human mobility monitoring matrix in the context of COVID-19: April, May and June 2022: Nicaragua, p.

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³⁰²⁷ IOM, Matriz de seguimiento de movilidad humana en contexto de COVID-19: abril, mayo y junio de 2022: Nicaragua, p. 6.

³⁰²⁸ IOM, Human mobility monitoring matrix in the context of COVID-19: April, May and June 2022: Nicaragua, p.

15.

diabetes, hypertension, or gastritis, which have an impact on the full enjoyment of the right to health.³⁰²⁹ In this context, the main destinations for people leaving the country are the United States and Costa Rica.³⁰³⁰

1386. In addition, the Office of the Special Rapporteur is closely observing the situation of internal displacement, especially in the Autonomous Region of the Northern Caribbean Coast (RACCN) of the country. A study conducted by the IOM estimates that 5 out of every 10 households in this territory have at least one person who has been displaced.³⁰³¹ In this context, the main reason for displacement is unemployment, followed by debt, lack of educational opportunities, scarcity of food and access to water, and finally natural disasters.³⁰³²
1387. The Office of the Special Rapporteur notes that the reasons for leaving the country vary greatly within the country, but observes that, for both external and internal migration, the lack of economic and employment opportunities are among the main reasons for emigration. Therefore, it is noted that the democratic and rights crisis has caused many people to leave the country due to well-founded fear for their life or freedom, as well as causing people who do not have a political profile to leave the country due to the lack of opportunities caused by this context.
1388. REDESCA urges Nicaragua to take due account of the causes and consequences of the human mobility of its population, adopting measures to respect and guarantee them in accordance with inter-American and international standards, with special attention to its obligations regarding economic, social, cultural and environmental rights.

³⁰²⁹ Ibidem

³⁰³⁰ Ibidem

³⁰³¹ Idem

³⁰³² Idem

25) PANAMA

1389. Regarding the situation of Economic, Social, Cultural and Environmental Rights in Panama, REDESCA has closely monitored the progress and challenges that have arisen throughout this year in relation to its strategic lines of work: the right to health and its social determinants; climate emergency and the human right to water; labor and trade union rights; fiscal and economic policies; education, science, technology; academic freedom and university autonomy, and human mobility and DESCA.
1390. In this context, it is of special note that poverty and inequality indices continue to be above pre-pandemic levels³⁰³³ and their differentiated impact on certain groups in situations of vulnerability and/or historical discrimination, including indigenous peoples, Afro-descendants, people in rural areas and women. Although these indicators are not among the highest comparatively at the regional level, it should be noted that, according to the Panama Without Poverty initiative, poverty in the country affects more than one million people, in which one person in four would be considered "poor" and one in ten in a situation of indigence or extreme poverty³⁰³⁴.
1391. REDESCA also notes that the considerable increase in the prices of food, medicines and fuel - among others - would have led to massive protests throughout the country by mid-2022, in which demands directly linked to the guarantee of ESCER, including the reduction of the cost of food, fuel, energy and medicines, together with the increase in the education budget and the fight against corruption, were present³⁰³⁵.
1392. According to World Bank data, Panama was the country most affected by the pandemic in Central America³⁰³⁶. Thus, the country went from growing at a rate four times the regional average and being considered in the category of high-income countries, to a sharp contraction in its GDP -17.9% in 2020- and being classified as a middle-income country³⁰³⁷. Although the economy gradually recovered in 2021, placing Panama back in the high-income category, the social impacts of the pandemic are still being felt³⁰³⁸. Thus, although there have been improvements in the market, high levels of informality and self-employment persist³⁰³⁹. In particular, "the level of employment continued to be 8% below pre-pandemic values, and the unemployment rate reached 11.1% (while in 2019 it was 7%)³⁰⁴⁰.
1393. In this context, REDESCA welcomes the Panama Solidarity Plan to support people affected by Covid-19³⁰⁴¹. As a result of this plan, the Inter-American Development Bank highlighted that overall poverty would have been reduced by 5.5 points, while extreme poverty by 4.7 points³⁰⁴². Likewise, in terms of

³⁰³³ IDB, "Pobreza y desigualdad en Panamá tras dos años de pandemia: el papel de Panamá Solidario y los programas de transferencias monetarias condicionadas", September 2022.

³⁰³⁴³⁰³⁴ Panama Without Poverty Initiative, Report on Poverty and Extreme Poverty in Panama, November 2022.

³⁰³⁵ BBC, Panama: how it has gone from being an example of prosperity and stability to experiencing massive protests, July 21, 2022.

³⁰³⁶ World Bank, Panama: overview, October 4, 2022.

³⁰³⁷ Ibid.

³⁰³⁸ Ibid.

³⁰³⁹ Ibid.

³⁰⁴⁰ Ibid.

³⁰⁴¹ Government of Panama, Panama Solidario, 2022

³⁰⁴² IDB, "Pobreza y desigualdad en Panamá tras dos años de pandemia: el papel de Panamá Solidario y los programas de transferencias monetarias condicionadas", September 2022, p. 2, <https://publications.iadb.org/publications/spanish/document/Pobreza-y-desigualdad-en-Panama-tras-dos-anos-de-pandemia-el-papel-de-Panama-Solidario-y-los-programas-de-transferencias-monetarias-condicionadas.pdf>.

inequality, the Panama Solidarity Plan, together with the transfer programs and the strong economic growth of 2021, would have led to a reduction of 4.8 points³⁰⁴³.

1394. Despite these advances, the Office of the Special Rapporteur notes that, although the Panama Solidarity Plan has benefited a significant part of the population, there are significant differences at the territorial level, as well as by social group and according to the demographic characteristics of households, which, among other things, penalizes larger households and those with more children per adult³⁰⁴⁴. In the same sense, REDESCA notes with concern that poverty is higher in indigenous regions and in some provinces of the interior, as well as the prevalence of child poverty over adult poverty³⁰⁴⁵. Without detriment to this, it is welcomed that, according to official information, 130,440 women living in poverty have benefited from the implementation of the National Strategy to Combat and Reduce Poverty through the Opportunities Network, Family Food Voucher, 120/65 Program and the Guardian Angel Program.³⁰⁴⁶

A. Right to Health and its Social Determinants: Pandemic

1395. REDESCA highlights that, despite the challenges generated by the pandemic, especially during the six waves that have been experienced since March 2020 - the last one being presented at the end of 2022³⁰⁴⁷ -, the State has managed to cope with the high number of infections, since the collapse of health services has not been reported despite the high demand³⁰⁴⁸. In this context, note is taken of the significant progress in the immunization of the Panamanian population, with regard to which it is specified that by the end of July 2022, the country had a vaccination rate of 72% of its population (with two doses)³⁰⁴⁹. Such progress would be in line with what was indicated in the 2021 annual report of the Office of the Special Rapporteur, in which it was indicated that Panama would be among the States that had ensured vaccination against the disease for 100% of its population³⁰⁵⁰.

1396. Despite this scenario, it is urged to continue adopting measures based on the best scientific evidence, considering that Covid-19 continues to represent a health threat and that, as of January 9, 2023, the country had 1,025,844 confirmed cases and 8,575 deaths due to Covid-19³⁰⁵¹.

1397. On the other hand, REDESCA notes that during 2022 there were other health challenges. Thus, on July 5, 2022, the Ministry of Health of Panama (MINSa) announced that the first case had been detected in the country³⁰⁵², with a total of 82 accumulated cases up to January 2022³⁰⁵³. Likewise, according to official

³⁰⁴³ Ibidem, pg. 3.

³⁰⁴⁴ Ibidem, pg.1.

³⁰⁴⁵ Ibidem, pg. 27.

³⁰⁴⁶ Ministry of Foreign Affairs, PANA-OAS-7-463, November 21, 2022

³⁰⁴⁷ La Estrella de Panamá, Eduardo Ortega: Panamá está en el inicio de una quinta ola de la covid-19", 2 May 2022; La Prensa, "Leve aumento de muertes en mayo; quinta ola llega a su pico, 4 June 2022. SwissInfo, Panama reaches 8,444 covid-19 deaths and accumulates 966,779 cases, Aug. 16, 2022; Telesur tv, Panama warns of start of sixth wave of covid-19, Nov. 17, 2022.

³⁰⁴⁸ Swissinfo, Panama expects "tough weeks" for fourth pandemic wave, January 10, 2022; Swissinfo, Panama breaks barrier of 12,000 new cases in one day at height of pandemic wave, January 21, 2022; Prensa Latina, Panama overcomes fourth pandemic wave after two years of Covid-19, March 9, 2022.

³⁰⁴⁹ PAHO, Situation Report COVID-19 Panama, pg. 15, August 3, 2022.

³⁰⁵⁰ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1269.

³⁰⁵¹ PAHO, Panama- Health Situation, January 9, 2023.

³⁰⁵² Twitter, Ministry of Health of Panama, July 5, 2022.

³⁰⁵³ Ministry of Health, Epidemiological system detects 3 new cases of monkeypox, January 4, 2023.

data, there were approximately 7932 cases of dengue fever between January 3 and December 10, 2022,³⁰⁵⁴ along with a cumulative of 6288 cases of malaria nationwide between January 2, 2022, and December 10, 2022³⁰⁵⁵.

1398. In relation to the guarantee of the right to health in more general terms, REDESCA has closely followed the various complaints about the shortage of medicines in the country, especially for the care of chronic diseases, since it has been reported that one of the problems that most afflicts the population is the lack of medicines in the Social Security Fund (CSS) and the Ministry of Health centers, as well as the high cost of drugs in private pharmacies³⁰⁵⁶. In fact, in addition to this situation, the Office of the Special Rapporteur has received information on alleged acts of corruption in the country that have caused a shortage of generic medicines, with a particular impact on people with arterial hypertension³⁰⁵⁷. In this regard, it has been reported that there are several companies and public officials involved in price control in the market, which by generating a shortage of generic drugs (in the specific case of the drug Lisinopril), forced people to purchase the drugs in private pharmacies at high prices³⁰⁵⁸.

1399. In 2019, REDESCA requested information from the State on the use and marketing of the generic drug "Lisinopril 20MG tablets USP" prescribed for patients with arterial hypertension and the actions taken by the State to guarantee access to essential medicines for patients with arterial hypertension³⁰⁵⁹. Likewise, due to the fact that some complaints continued to be filed against this situation, REDESCA sent a follow-up letter to the State to request new information on the marketing of essential generic drugs for people with arterial hypertension (including Lisinopril, since the lifting of the suspension of its use and marketing in April 2019), along with information on the steps taken to acquire such drugs and ensure their availability, especially in the context of the pandemic³⁰⁶⁰. While the Special Rapporteurship appreciated the State's attention to the matter and its response, which stated that the Ministry of Health had arranged for the acquisition of 3,750,000 tablets of the drug Lisinopril.3,750,000 tablets of the drug Lisinopril 20 MG to be distributed in 15 regional health centers, as well as for pointing out that, in the context of the pandemic and in order to ensure supply, the State adopted a temporary procedure for the receipt, processing, evaluation and authorization of drug imports, REDESCA urged an exhaustive investigation of the facts indicated, due to the continued reports of shortages of these drugs³⁰⁶¹.

1400. In this scenario, REDESCA takes note of Executive Decree 26 of March 15, 2022, which established the regulations for joint or unilateral purchases of medicines by the Social Security Fund and the Ministry of Health when a critical shortage of drugs and medicines is declared³⁰⁶². It also notes the follow-up given by

³⁰⁵⁴ Ministry of Health, Dengue, December 23, 2022.

³⁰⁵⁵ Ministry of Health, Malaria, December 28, 2022.

³⁰⁵⁶ TVN Noticias, Escasez de medicamentos, el eterno dolor de cabeza de los asegurados, August 10, 2021; Veasé also Telemetro, Farmacéuticos califican crítico el desabastecimiento de medicamentos, December 4, 2022;

³⁰⁵⁷ REDESCA, IV ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, para. 888.

³⁰⁵⁸ REDESCA, IV ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, para. 888.

³⁰⁵⁹ REDESCA, IV ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, para. 889.

³⁰⁶⁰ REDESCA, IV ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, para. 889.

³⁰⁶¹ REDESCA, IV ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, para. 890.

³⁰⁶² Official Gazette, Executive Decree No. 26, March 15, 2022.

the State to this situation through the technical working group to solve the shortage of medicines in the short term, which has issued several recommendations, for which it has gathered proposals from different actors, including public institutions, private companies, health guilds, patient organizations and the University of Panama³⁰⁶³. Likewise, REDESCA notes that at the end of March, 130 medicines of the CSS were declared in critical shortage, so that the CSS and the Ministry of Health could make joint purchases or unilaterally or abroad, through expedited mechanisms³⁰⁶⁴. A similar decision occurred in January 2023, when the Government declared 132 lines of CSS medicines in critical shortage in order to expedite the purchase of these drugs³⁰⁶⁵.

1401. In the same vein, REDESCA notes that in August, the Technical Roundtable on Medicines approved a series of recommendations aimed at finding solutions to the problem of shortages in the health system and achieving better prices in national pharmacies. Among the main recommendations are: the creation of a subcommittee to define which medicines will be included in the emergency list as established in article 106 of Law 1 of 2001; modification of executive decree N°869 of October 27, 2021, to include a country pre-qualified by the World Health Organization in the list of countries with high standard regulatory authority; to extend the abbreviated procedure for the application for sanitary registration of medicines and to regulate Law 109, to adapt the regulatory, legal and fiscal conditions that favor the national production of essential medicines³⁰⁶⁶. In turn, REDESCA welcomes the creation of the MedicSol (Medicamentos Solidarios) program, so that patients who cannot find their medicines in the Social Security Fund (CSS) can obtain them in affiliated stores at no cost³⁰⁶⁷. More recently, REDESCA notes that the President has approved measures to solve drug shortages and access to cheap and quality medicines³⁰⁶⁸, including the subrogation of the regulation of Law 1 of 2001 on medicines, the regulation of the Law adopting the National Drug Policy, the creation of the National Drug Observatory of Panama and the National Plan of Guarantees of Supply of Medicines³⁰⁶⁹.

1402. The Office of the Special Rapporteur highlights the importance of these measures and urges to guarantee a participatory process to ensure compliance with the inter-American standards for the guarantee of the right to health, which includes the obligation of the State to ensure the satisfaction of several elements in health matters, such as availability, accessibility, acceptability, and quality, specifying that the element of accessibility includes economic accessibility (affordability). It also reiterates its call for an exhaustive investigation into the alleged acts of corruption indicated and urges to ensure the existence of mechanisms for accountability and access to justice in the event of possible violations of the human rights of individuals as a result of these acts.

1403. In addition, while it has been denounced by some organizations that the measures adopted to address the shortages would be palliative and insufficient because they do not address the underlying problem - the disproportionate profits of some "oligopolistic groups and pharmaceutical mafias"³⁰⁷⁰ -, it is reiterated that, as stated in the REDESCA report on Business and Human Rights, to comply with the international obligations to respect, guarantee, progressiveness and cooperation of human rights, in this case linked to

³⁰⁶³ Republic of Panama. National Government, Published in the Official Gazette the Executive Decree that regulates the purchase of medicines due to critical shortage, March 16, 2022.

³⁰⁶⁴ La Estrella de Panamá, 130 CSS medicines declared to be in critical shortage, March 26, 2022

³⁰⁶⁵ Prensa Latina, Critical shortage of 132 medicines declared in Panama, January 17, 2023

³⁰⁶⁶ TeleSur, Panamanian President decrees measures against drug shortages, August 03, 2022; Republic of Panama. Mesa Técnica de Medicamentos aprueba crear subcomisión que definirá medicamentos que entrarán en la lista excepcional, 02 August 2022.

³⁰⁶⁷ Republic of Panama. Announced the start of the MedicSol program to guarantee the procurement of medicines to citizens, June 27, 2022.

³⁰⁶⁸ Republic of Panama, President approves measures to solve drug shortages and access to cheap and quality medicines, January 5, 2023.

³⁰⁶⁹ Ibid.

³⁰⁷⁰ Prensa Latina, Critical shortage of 132 medicines declared in Panama, January 17, 2023

the rights to health, life and personal integrity, it is essential that the States put the content of these rights at the center of their schemes and policies, in this case linked to the rights to health, life and personal integrity, guarantee, progressiveness and cooperation of human rights, in this case linked to the rights to health, life and personal integrity, it is essential that States place the content of these rights at the center of the schemes and policies that define their realization, including those in which private agents or companies intervene, such as the production and distribution of medicines and health technologies³⁰⁷¹.

1404. On the other hand, with respect to mental health, the Office of the Special Rapporteur welcomes the bill that seeks to develop the human right to mental health and guarantee its national coverage, stipulating conditions for private health insurance to recognize and cover mental health services³⁰⁷². REDESCA welcomes this initiative because, as it has previously indicated, mental health is part of the integral health of every person and the guarantee of its universal access is a determining factor for societies to be able to function properly and for people to develop fully in their life projects, since psychological and emotional wellbeing enables people to use their abilities and contribute effectively to their personal wellbeing, their environments and communities³⁰⁷³. This is even more relevant considering the serious impacts on mental health of various situations, such as: the Covid-19 pandemic, the increasingly frequent natural disasters and migration, which have been identified as factors that are undermining the mental health of people in Central America and the Dominican Republic³⁰⁷⁴.

1405. Finally, REDESCA welcomes Panama's commitment to improve its health and social determinants efforts by approving together with other countries the Panama Declaration in November 2022, which aims, among others, to strengthen more local governments to act on the social determinants of health in an intersectoral and participatory manner³⁰⁷⁵.

B. Climate Emergency and the Human Right to Water

1406. REDESCA welcomes the various measures that the State has been implementing in response to the climate emergency and the right to a healthy environment³⁰⁷⁶. In this context, the adoption of the National Climate Action Plan -which would allow the country to have a roadmap for the implementation of its climate commitments- through Executive Decree No. 10 of June 16, 2022, is particularly noteworthy. The Rapporteurship also takes note of the 2022 indicative version plan "which provides an initial approximation of the costs associated with the short-term implementation (2025) of the actions of Panama's National Climate Action Plan (PNAC)³⁰⁷⁷.

1407. REDESCA also welcomes the launch of the National Climate Transparency Platform to manage and report on sustainable development initiatives, which would guarantee access to information on climate

³⁰⁷¹ REDESCA-IACHR. Report on Business and Human Rights: inter-American standards, OEA/Ser.L/V/II, November 1, 2019, para. 226.

³⁰⁷² La estrella de Panamá, Analizan proyecto de ley que desarrolla el derecho a la salud mental en Panamá, February 3, 2022; La estrella de Panamá, Asamblea declara viable los proyectos de ley sobre salud mental y portabilidad de información de salud, February 28, 2022.

³⁰⁷³ IACHR - REDESCA, Press Release: States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access, October 2, 2020.

³⁰⁷⁴ Yahoo, Natural disasters, migration and covid undermine mental health in Central America, April 28, 2022.

³⁰⁷⁵ PAHO, Mayors approve the Declaration on Healthy Municipalities, Cities and Communities of the Americas and form Executive Committee, November 23, 2022.

³⁰⁷⁶ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1274; See generally Communication by the State, Country Report-Responses to REDESCA of the IACHR.

³⁰⁷⁷ Communication from the State, IACHR Country Report - Responses to REDESCA, pg. 13.

change mitigation actions³⁰⁷⁸. On this point, the Office of the Special Rapporteur has indicated that such initiatives are key because access to information on environmental issues guarantees the implementation of inclusive, transparent and participatory climate actions. Similarly, REDESCA notes that the National Energy Secretariat (SNE) launched the Green Hydrogen Roadmap, as the fuel of the future, with which Panama would seek to become the Global Green Hydrogen Route in the region, in response to the commitment to decarbonization and energy transition³⁰⁷⁹. To promote this initiative, the SNE and Siemens Energy signed a memorandum of understanding to promote specific investment, awareness and technical training initiatives as part of Panama's Energy Transition Agenda, as well as the implementation process for the fulfillment of the country's Green Hydrogen Roadmap³⁰⁸⁰.

1408. In addition to the above, REDESCA takes note of Resolution No. MIPRE-2022-0010543 of March 22, 2022, which has adopted the Women and Energy Nexus Roadmap with the objective of building a database of quantitative data and gender indicators, along with their systematic collection for the energy sector³⁰⁸¹. In addition, REDESCA takes note of Executive Decree No. 142 of December 9, 2021, which progressively and gradually establishes Panama's national carbon market (MNCP) and the consequent need for dialogue processes with indigenous peoples for its development and operation. Likewise, it establishes that the definition and regulation of carbon ownership will be done through a participatory and transparent process³⁰⁸².

1409. REDESCA also takes note of the Draft Framework Law on Climate Change that "is structured in 215 articles focused on the establishment of a new institutional architecture for climate governance in Panama, as well as the determination of specific mandates for the sectors prioritized by the country to maintain the Republic of Panama as a carbon negative state"³⁰⁸³. Similarly, it is noted that in March 2022, the Development Bank of Latin America approved a credit of US\$320 million to support a national program aimed at addressing climate change and promoting sustainable development³⁰⁸⁴. This, considering that the country, despite being one of the "carbon negative" countries, would face significant challenges due to the upward trend in emissions and deforestation³⁰⁸⁵. In the same vein, the rapporteurship welcomes the fact that the Panamanian government will sign the memorandum of understanding in support of the Eastern Tropical Pacific Marine Corridor (CMAR)³⁰⁸⁶. The CMAR is a precedent-setting regional ocean conservation effort that spans more than 500,000 square kilometers, covering one of the most productive and biologically diverse areas of the ocean³⁰⁸⁷.

1410. In the same vein, note is taken of Law No. 287, February 24, 2022, which recognizes nature as a subject of rights in the country, as well as the obligations of the State and all persons to ensure their respect and

³⁰⁷⁸ See Ministry of Environment, [Plataforma Nacional de Transparencia Climática: Swissinfo, Panamá lanza novedosa plataforma de transparencia climática](#), February 15, 2022.

³⁰⁷⁹ Republic of Panama, National Government. SECRETARÍA NACIONAL DE ENERGÍA Resolution N° MIPRE-2022-0002354, January 24, 2022; [La estrella de Panamá, Panamá traza estrategia para ser una ruta global del hidrógeno verde](#), January 18, 2022.

³⁰⁸⁰ H2 Business News, [Panama and Siemens Energy sign agreement to implement the "Green Hydrogen Roadmap" in the country](#), October 3, 2022.

³⁰⁸¹ Communication from the State, Country Report - Responses to REDESCA from the IACHR, pg.5.

³⁰⁸² Ibidem, pgs. 8-9.

³⁰⁸³ Communication from the State, Country Report - Responses to REDESCA from the IACHR, pg.5.

³⁰⁸⁴ [CAF, CAF to support Panama to become more resilient to climate change with USD 320 million credit](#), March 8, 2022.

³⁰⁸⁵ Ibid.

³⁰⁸⁶ U.S. Department of States, [The United States, Colombia, Costa Rica, Ecuador, and Panama Sign a Memorandum of Understanding in Support of the Eastern Tropical Pacific Marine Corridor \(CMAR\)](#)", June 7, 2022.

³⁰⁸⁷ Ibid.

protection³⁰⁸⁸. In this sense, it is highlighted that the law establishes that citizen and business participation and responsibility in the matter will be promoted, as well as access to information and justice in environmental matters³⁰⁸⁹. In this regard, REDESCA emphasizes that such measures would be in line with the standards of the Inter-American human rights system, including those on business activities.

1411. The foregoing, taking into account that, in the report of the Rapporteurship on Business and Human Rights, it was established that both States, in exercising their regulatory, supervisory and judicial functions, as well as companies, within the framework of their activities and business relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity³⁰⁹⁰. In the same sense, the Office of the Special Rapporteur recalls that, according to the Inter-American Court of Human Rights in its Advisory Opinion OC-23/17, the right to a healthy environment is an autonomous right with both individual and collective connotations. In its collective dimension it constitutes a universal interest, which is owed to both present and future generations; while its violation may have direct or indirect repercussions on individuals, by virtue of its individual dimension and its connection with other rights, such as the right to health, personal integrity or life, among others. As a result, environmental degradation can cause irreparable damage to human beings, which is why a healthy environment is a fundamental right for the existence of humanity³⁰⁹¹.
1412. With respect to the human right to water, REDESCA notes with concern that it has been reported that the water and sanitation sector in the country has the widest gaps between the indigenous and non-indigenous population in Latin America and the Caribbean³⁰⁹². Thus, it has been reported that 93% of the communities do not know the quality of the water supplied³⁰⁹³. Given this worrisome situation, the DESCA Rapporteur's Office makes an emphatic call to guarantee the right to water in conditions of equality and non-discrimination.

C. Business and human rights

1413. With regard to the impact of business activities on human rights, REDESCA takes note of the draft law on front-of-package nutrition warning labeling, which seeks to implement and regulate front-of-package nutrition warning labeling on the containers and/or packaging of pre-packaged processed food products for human consumption, with the objective of protecting the health and welfare of the population in Panama.³⁰⁹⁴ In this regard, REDESCA notes that various organizations, including some from the United Nations, have indicated that the front nutritional warning labeling would be a simple, practical and effective tool to inform consumers about products that can damage health and help guide purchasing decisions.³⁰⁹⁵
1414. In the Panamanian case, PAHO/WHO recently supported the reactivation of the nutrition warning front labeling initiative due to the results of a study on "the superiority of octagonal nutrition warning

³⁰⁸⁸ NATIONAL ASSEMBLY, Law No. 287. Official Gazette, February 24, 2022; Ministry of Environment, Panama legally reinforces the rights of nature, February 28, 2022.

³⁰⁸⁹ NATIONAL ASSEMBLY, Law No. 287. Official Gazette, February 24, 2022.

³⁰⁹⁰ REDESCA-IACHR. Report on Business and Human Rights: inter-American standards, OEA/Ser.L/V/II, November 1, 2019, Para. 46.

³⁰⁹¹ I/A Court H.R., CONSULTATIVE OPINION OC-23/17, NOVEMBER 15, 2017, para. 59.

³⁰⁹² La Estrella de Panamá, Three counties in Panama have 44% water coverage. December 5, 2022.

³⁰⁹³ Ibid.

³⁰⁹⁴ Asamblea Nacional de Panamá, SUBCOMISIÓN DE SALUD ANALIZA INTERESANTE PROYECTO SOBRE EL ETIQUETADO FRONTAL DE ADVERTENCIA NUTRICIONAL, 15 de febrero de 2022; OPS, OPS/OMS apoya reactivar iniciativa de etiquetado frontal de advertencia nutricional en Panamá, 28 de septiembre de 2022.

³⁰⁹⁵ The Star of Panama, United Nations Agencies endorse front nutritional warning labeling in Panama, February 22, 2022.

labels in Panama" that demonstrated the effectiveness of the labels and their impact on the purchase of products that are less harmful to health³⁰⁹⁶. In this regard, the Office of the Special Rapporteur considers that this initiative would constitute an effective preventive measure to protect the public health of the population, and reiterates that in order to ensure the protection of human rights by States and respect for these rights by business actors, it is essential to ensure the highest levels of transparency in those relationships that link companies and economic sectors with States³⁰⁹⁷. The above, taking into special consideration that in general terms a strong opposition of companies to policies or initiatives that seek to address problems of obesity, malnutrition and climate change has been identified due to their commercial interests, opposing, among others, measures such as label warnings on processed foods³⁰⁹⁸.

1415. On the other hand, REDESCA notes with concern the allegations that the International Finance Corporation, a member of the World Bank Group, has not complied with its sustainability policy because one of its electricity transmission projects would cross the lands of the Ngäbe and Buglé indigenous communities³⁰⁹⁹, which, despite the ancestral occupation of these territories, still do not have legal recognition of their collective right to land³¹⁰⁰. It should be noted that this situation was investigated and the accountability mechanism of the International Finance Corporation (IFC) of the World Bank has decided that the FIC had not acted in accordance with its own sustainability policy by contributing to the structuring and bidding of a public-private partnership for the financing, construction and operation of the Panama Fourth Electricity Transmission Line project³¹⁰¹. Therefore, it was concluded that the processes of free, prior and informed consent with indigenous peoples were not properly carried out³¹⁰². In this context, REDESCA reiterates that States have the obligation to guarantee the effective participation of indigenous peoples in decisions regarding any measure that affects them, including those of a corporate or private nature, by respecting the right to consultation and free, prior and informed consent; the carrying out of environmental and social impact studies by independent entities to protect the special relationship of these groups with their territories³¹⁰³.

D. Labor and union rights

1416. Regarding the situation of labor rights in the country, REDESCA has closely followed the complaints about the massive suspension of labor contracts in Panama in the context of the pandemic, arguing that economic recovery would have been given priority over the labor rights of workers³¹⁰⁴. In this context, the Office of the Special Rapporteur takes note of the allegations raised in March by the Union of Workers of

³⁰⁹⁶ PAHO, PAHO/WHO supports the reactivation of the nutrition warning labeling initiative in Panama, September 28, 2022.

³⁰⁹⁷ REDESCA-IACHR. Report on Business and Human Rights: inter-American standards, OEA/Ser.L/V/II, November 1, 2019, Para. 266.

³⁰⁹⁸ REDESCA-IACHR. Report on Business and Human Rights: inter-American standards, OEA/Ser.L/V/II, November 1, 2019, Para. 265.

³⁰⁹⁹ Coalition for Human Rights in Development, A landmark investigation found that the @IFC org failed to comply with its own #sustainability policy, June 17, 2022; CIEL, Indigenous Communities in Panama Succeed in Holding World Bank to Account, June 16, 2022.

³¹⁰⁰ Center for International Environmental Law, Panama Transmission Line IV Threatens Indigenous Land Rights, July 2018.

³¹⁰¹ CIEL, Indigenous Communities in Panama Succeed in Holding World Bank to Account, June 16, 2022.

³¹⁰² Ibid.

³¹⁰³ REDESCA-IACHR. Report on Business and Human Rights: inter-American standards, OEA/Ser.L/V/II, November 1, 2019, Para. 343.

³¹⁰⁴ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1277; REDESCA, IV ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, para. 891.

the Ministry of Health (Sintraminsa) regarding the dismissal of 1,500 administrative workers of the union, in response to which they called on the authorities to guarantee their labor rights and the agreements on the salary scale, while stating that in the last two years they have experienced much anxiety and an atmosphere of job insecurity³¹⁰⁵.

1417. Likewise, it is noted that in April authorities of the Social Security Fund (CSS) requested an extraordinary meeting of the Board of Directors to analyze the situation of the clinical laboratory assistants, since the president of the National Association of Clinical Laboratory Assistants (Analac) assured that the workers complied with the requirements to access the salary adjustments, without the authorities having complied³¹⁰⁶. This situation led to the stoppage of work at the facilities nationwide by more than 324 laboratory technicians³¹⁰⁷, although in mid-April an agreement was reached between Analac and the CSS authorities, which ended the stoppage³¹⁰⁸.
1418. REDESCA also takes note of the various strikes in the health sector to demand better salaries³¹⁰⁹. In this regard, the Office of the Special Rapporteur notes with concern allegations that there has been a reduction in the number of surgeries and a low average attendance of patients to medical appointments, laboratories and radiology studies, as well as the lack of cleaning and disinfection of health facilities³¹¹⁰.
1419. The Office of the Special Rapporteur also notes that during the pandemic, it has been reported that working people have been particularly affected, since as a result, the informal economy has increased, and with it, the difficulties for families to acquire sufficient means³¹¹¹. Likewise, the National Council of Organized Workers of Panama (Conato) has indicated that, due to personnel cuts, the workload of workers has increased disproportionately.³¹¹² Given this situation, REDESCA reiterates its call to adopt urgent measures to ensure that the human rights, and particularly the ESCER, of the most at-risk workers are protected, including those necessary to ensure their economic income and means of subsistence.³¹¹³
1420. In the context of the informal labor market, the Special Rapporteur takes note of the situation of vulnerability that recyclers in the country are experiencing, particularly in view of the possible reduction of registered landfills by 2030 - from 62 to 15 - according to the projection of the Urban and Household Waste Management Authority of Panama.³¹¹⁴ In this regard, it is noteworthy that, according to the characterization of recyclers conducted by the University of Panama with the National Movement of Recyclers of Panama, by 2018 about 2,000 people would depend directly on the activity of informal recycling, of which approximately 7% were people over 61 years old and had an average of 4 dependents,

³¹⁰⁵ [Telemetro, Sintraminsa warns about the dismissal of 1,500 health officials and a possible strike, March 8, 2022; Panamá América, Trabajadores del Minsa amenazan con una huelga, por supuestos incumplimientos de las autoridades, March 8, 2022.](#)

³¹⁰⁶ [Panama America, CSS requested extraordinary meeting of the Board of Directors to address claims of clinical laboratory assistant technicians, April 10, 2022.](#)

³¹⁰⁷ [Panama America, CSS requested extraordinary meeting of the Board of Directors to address claims of clinical laboratory assistant technicians, April 10, 2022.](#)

³¹⁰⁸ [Panama America, Laboratoristas reach agreement with the CSS and will lift national strike, April 13, 2022.](#)

³¹⁰⁹ [Prensa Latina, Diversas huelgas en sector salud de Panamá por mejoras salariales, October 27, 2022.](#)

³¹¹⁰ Ibid.

³¹¹¹ [Telemetro, Conato denounces wage inequality and increase in informal economy after pandemic, May 2, 2022.](#)

³¹¹² Ibid.

³¹¹³ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1280; REDESCA, IV ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, para. 893.

³¹¹⁴ REDESCA. Information received by WIEGO. January 2023.

while 2.4% were foreigners³¹¹⁵. In turn, according to the growth in the number of recyclers at the country's largest landfill (Cerro Patacón Landfill), by 2020 there would be an estimated 30% increase in the number of recyclers at landfills throughout the country³¹¹⁶, of which 16.84% would be women³¹¹⁷.

1421. In this regard, and given the great impact that this measure would have on the livelihoods of waste pickers, REDESCA notes with great concern that this announcement to reduce landfills has not been accompanied by any proposal or policy to reintegrate waste pickers into the workforce or to protect them during or after the implementation of the measure³¹¹⁸. As a result, recyclers, as workers with a significant role in protecting the environment, would be left in a state of vulnerability in which they would be deprived not only of their workplace, but also of alternatives to address their situation of poverty. Therefore, the Office of the Special Rapporteur calls for the protection of recyclers under a human rights approach, from an intersectional and differentiated perspective, in which effective routes are outlined that allow them to improve their working and living conditions without being arbitrarily deprived of the possibility of carrying out their work. It should be noted that such measures would be essential considering that the Office of the Special Rapporteur has received information that in 2018 with the closure of the landfill in the district of La Chorrera, 200 families would have been left without access to their workplace and that in 2022 in the district of Barú a similar situation occurred, leaving 20 families without access to their workplace and without means of subsistence³¹¹⁹.

1422. In addition to the above, REDESCA takes note of the situation of discrimination that the indigenous population would experience in the labor market, since it is noteworthy that their unemployment rate would be 62.8%³¹²⁰, so there would be high rates of impoverishment³¹²¹. A similar situation would be experienced by women, who represent 74% of domestic work, receive a lower monthly salary than men - 11% - and 5% in the average hourly wage according to data provided by the State to REDESCA³¹²².

1423. Given this worrisome situation, which requires taking differentiated measures to ensure the enjoyment of labor rights under equal conditions, REDESCA welcomes the initiatives promoted by the State to improve economic and employment opportunities for women, such as the design and approval of a national strategy for women's entrepreneurship and a strategy for the integration of girls and young women in STEM disciplines; the approval of a Female Employability Policy with emphasis on vulnerable and young women; the design of the National Plan for Wage Equality 2022-2025 of the Republic of Panama; the Plan for the Economic Empowerment of Indigenous Women, led by the Ministry of Government (MINGON); and the promotion of women in leadership positions in public and private regulated entities.³¹²³

1424. In the same vein, REDESCA notes the progress made by the State in strengthening its regulatory framework to advance the protection of labor rights in the country, particularly through the ratification of Conventions 129 on labor inspection (agriculture) and 183 on maternity protection, which will enter into

³¹¹⁵ Farnum, F. FIRST NATIONAL CHARACTERIZATION OF PANAMA'S RECYCLERS. *Saberes APUDEP Journal*, 2019, 2(1), 59-79.

³¹¹⁶ Farnum F. Kelly R. Update of the First National Characterization of Waste Pickers CENTRO REGIONAL UNIVERSITARIO DE SAN MIGUELITO. NATIONAL MOVEMENT OF WASTE PICKERS OF PANAMA. Research Report, 2020.

³¹¹⁷ Ibid.

³¹¹⁸ REDESCA. Information received by WIEGO. January 2023

³¹¹⁹ REDESCA. Information received by WIEGO. January 2023; Information presented by the board of directors of the National Movement of Recyclers of Panama at the National Assembly 2022.

³¹²⁰ La Estrella de Panamá, [Población indígena: vacío estadístico genera desigualdad](#), January 2, 2023.

³¹²¹ Ibid.

³¹²² Communication from the Ministry of Foreign Affairs, PANA-OAS-7-463, November 21, 2022, p. 15.

³¹²³ Ibid. p. 17.

force in March 2023³¹²⁴. In this regard, it should be noted that, as of these ratifications, Panama will have ratified 80 ILO Conventions, among which are the 8 fundamental Conventions, the 4 governance Conventions and 68 technical Conventions³¹²⁵. Without detriment to this, it is urged to take all necessary measures to ensure the full application of inter-American standards in this area.

E. Fiscal and Economic Policies

1425. REDESCA notes that the State has proposed an increase of more than 6.4% for the 2023 budget, which represents an additional US\$ 27,579.4 million³¹²⁶. Based on what the State has indicated, the budget would have a structure that favors the development of social services, mainly health and education³¹²⁷.
1426. Without detriment to this, REDESCA notes that the social conflict that occurred during 2022 was not only directly related to the guarantee of ESCER, but also had an impact on them. In this scenario, it is noted that the public sector teachers' union initiated a national strike in July due to the rise in fuel and food prices, the low education budget and their dissatisfaction with the Government's response³¹²⁸. It was also reported that the main demands were regarding: freezing of food and fuel prices, access to employment, education, health, as well as situations associated with social security³¹²⁹. These protests were also joined by the National Coordinator of Indigenous Peoples of Panama, which demanded compliance with collective land titling laws, the eviction of invaders and an end to the devastation of forests and mountains by indiscriminate logging³¹³⁰. In view of this, it is noted that the Panamanian Government called an alliance of unions and social organizations to a dialogue table in order to find effective solutions³¹³¹. However, this measure failed due to the absence of the President of the Republic, whose presence was demanded by the leaders of the national strike³¹³². Likewise, despite the reduction in the price of fuel, the demonstrations continued, as they demanded a generalized reduction in the prices of food, hygiene products and medicines³¹³³.
1427. In the same line, it is noted that the Panamanian Government initiated for the second time a dialogue table³¹³⁴ where it was agreed to lower the cost of the basic food basket by 30%³¹³⁵, through the regulation of prices of 72 foods³¹³⁶ and the temporary elimination of import tariffs³¹³⁷. At the same time, the Executive requested the inclusion of businessmen in the single table to reach a final agreement, since they are considered an interested party in this social conflict³¹³⁸. Finally, the Special Rapporteur welcomes the fact

³¹²⁴ ILO, [Panama ratifies the Labor Inspection \(Agriculture\) Convention and the Maternity Protection Convention, March 23, 2022.](#)

³¹²⁵ [Ibid.](#)

³¹²⁶ Ministry of Economy and Finance, [42% of the 2023 budget will be allocated to education, culture, health, protection and security](#), July 29, 2022; Ministry of Economy and Finance, [Presupuesto General de Estado 2023 cumple con la Ley de Responsabilidad Social Fiscal](#), October 25, 2022.

³¹²⁷ [Ibid.](#)

³¹²⁸ SwissInfo, [Teachers go on strike in Panama due to fuel hikes and low budget](#), July 06, 2022.

³¹²⁹ TeleSur, [Panamanian teachers announce strike due to high cost of living](#), July 07, 2022.

³¹³⁰ Prensa Latina, [Indigenous peoples join demonstrations in Panama](#), July 08, 2022.

³¹³¹ La Hora, [Growing protests in Panama force the Government to seek dialogue](#), July 10, 2022.

³¹³² El País, [Dialogue fails in Panama, protests continue](#), July 11, 2022.

³¹³³ RPP Noticias, [Nuevas protestas en Panamá pese al anuncio de bajada del precio de los combustibles y alimentos](#), July 12, 2022.

³¹³⁴ France 24, [Panama returns to dialogue with a "single table" to end protests](#), July 21, 2022.

³¹³⁵ TeleSur, [Mesa única de diálogo en Panamá logra sus primeros acuerdos](#), July 25, 2022.

³¹³⁶ Reuters, [Panama to regulate prices of 72 food items to ease rising living costs](#), July 25, 2022.

³¹³⁷ Swissinfo, [Panama eliminates tariff on commodities amid social crisis](#), 26 July 2022.

³¹³⁸ RPP Noticias, [Panama's president advocates including businessmen in the single dialogue table](#), July 26, 2022.

that the State and the social organizations reached an agreement, highlighting the staggered increase of funds allocated to education and the increase of the education budget to 6% of the GDP³¹³⁹.

1428. In this regard, the UN requested the Panamanian Government and the unions and social organizations to find a consensus to restore calm in Panama, since access to food, health and education was affected, in addition to humanitarian services for people³¹⁴⁰. In the same sense, the IACHR expressed that social protest is an essential element for the existence and consolidation of democratic societies and for the defense of human rights; therefore, it is the duty of the State to guarantee, protect and facilitate the legitimate exercise of the right to peaceful protest³¹⁴¹.

F. Education, science, technology: academic freedom and university autonomy

1429. REDESCA notes with concern the profound impact that the pandemic has had on the guarantee of the right to education of children and adolescents (NNA), since the country is one of the countries in the world with the highest number of days without face-to-face or blended learning³¹⁴². Thus, after almost two years of carrying out education remotely, the Government announced that it would resume face-to-face education on March 7, 2022³¹⁴³. In response, PAHO indicated that the safe reopening of schools is a priority and that for this purpose, mass vaccination of children and adolescents is not a requirement³¹⁴⁴. Even so, it should be noted that the country has made significant progress with the vaccination of teachers and students.³¹⁴⁵

1430. Without detriment to the foregoing, the Office of the Special Rapporteur notes with concern the constant complaints about the poor state of educational institutions³¹⁴⁶, in which it has been reported that there is a lack of teaching staff, a lack of cleaning staff, deficient conditions or in poor condition of the structures, overcrowding and water³¹⁴⁷. In fact, the Ombudsman's Office has made several calls for attention in this regard, since after inspecting educational centers nationwide, it found that most of the schools have structural deficiencies, lack of drinking water and electrical problems³¹⁴⁸. In this context, REDESCA welcomes the fact that the Ministry has concluded the construction, remodeling and rehabilitation of 352 classrooms in 22 educational centers in the country³¹⁴⁹.

1431. The above would be aggravated by the fact that in the framework of the return to face-to-face classes (in which at the end of April 2022 it was reported that 98% of the schools would be teaching face-to-face

³¹³⁹ TeleSur, Organizaciones sociales y Gobierno panameño alcanzan acuerdo sobre educación en Mesa de Diálogo, 31 July 2022; SwissInfo, Docentes de Panamá regresan a las escuelas tras casi un mes de huelga, 02 August 2022; El Observador, Los docentes de Panamá levantan la huelga de casi un mes y mañana vuelven a clases, 01 August 2022.

³¹⁴⁰ UN, United Nations in Panama urges the search for peaceful and participatory solutions, July 13, 2022.

³¹⁴¹ IACHR, Press Release No. 168/22: Protests in Panama: IACHR and its RELE call for effective and inclusive dialogue, July 27, 2022.

³¹⁴² REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1619; La estrella de Panamá. Informe de Unicef establece que cien mil NNA fueron excluidos de la educación, 23 de febrero de 2022; Bloomberg. Línea, Panamá vuelve a clases, luego de dos años de cerrar sus aulas, 7 de marzo de 2022.

³¹⁴³ Panama America, Meduca to establish a staggered return to schools to avoid overcrowding, February 14, 2022; La Prensa, OPS sostiene que retorno a clases no depende de vacunación masiva anticovid en niños sanos, January 27, 2022.

³¹⁴⁴ La Prensa, OPS sostiene que retorno a clases no depende de vacunación masiva anticovid en niños sanos, 27 January 2022.

³¹⁴⁵ Ecotvpanamá, MEDUCA: More than 900 thousand students will return to school in March, January 31, 2022.

³¹⁴⁶ Bloomberg, Line, Panama returns to classes, after two years of closing its classrooms, March 7, 2022.

³¹⁴⁷ Telemetro, Parents to hold nationwide assembly to evaluate school needs, April 27, 2022.

³¹⁴⁸ Telemetro, Defensoría entrega informe tras inspeccionar 114 centros educativos a nivel nacional, April 9, 2022; Radio Panamá, Defensor del Pueblo da jalón de oreja a Meduca por mal estado de escuelas, March 3, 2022.

³¹⁴⁹ Panama America, Meduca concludes works for \$71 million in 22 schools, January 7, 2023.

classes³¹⁵⁰), it has been reported that seating capacity and social distancing in the classes have not been respected, despite the existence of Resolution No. 119 of March 2, 2022, which established the new Biosafety Sanitary Guide for the prevention and control of covid-19, to be implemented in Official and Private Educational Centers, Higher Technical Institutes and Official and Private Universities³¹⁵¹.

1432. This situation, together with the lack of personnel for cleaning tasks, would have resulted in more than 400 cases of Covid-19 being reported in the first eight weeks of the school year in different regions³¹⁵². Therefore, REDESCA urges the implementation of all necessary measures to protect the right to health of educational personnel and children and adolescents, through the provision of adequate facilities and respect for biosecurity measures for the prevention and control of Covid-19.

1433. This is especially relevant considering that the Teachers' Association has also requested the Ministry of Education to make adjustments to comply with the protective measures against Covid-19, together with providing schools with supplies and appointing manual workers to help in the task of complying with biosecurity measures. This in order to avoid school closures and that children's right to education is not limited³¹⁵³. However, a group of teachers requested the Ministry of Education and Health to close schools, due to the fact that sanitary norms were not being respected, as there was a lack of response from the Covid-19 committees during the fifth wave.³¹⁵⁴

1434. Regarding the impact of social unrest, REDESCA notes with concern that due to the national strike in July, it has been reported that 954,233 students nationwide were unable to attend classes, which is why the Ministry of Education decided that students should return to virtual classes³¹⁵⁵. In view of this situation, the Ombudsman's Office expressed its concern about the irreversible consequences of not having access to their right to education for three weeks for children and adolescents³¹⁵⁶. Following this report, the Ministry of Education reported that 40% of schools nationwide were already receiving students as of July 26³¹⁵⁷. Despite this, it is noted with concern that there is a 20% absenteeism rate in the educational system³¹⁵⁸.

1435. Without detriment to the above, REDESCA takes note of the steps taken to comply with the class hours established for 2022 after the modification to the school calendar that was signed between Meduca and representatives of teachers' unions³¹⁵⁹. Likewise, REDESCA welcomes the transfer of more 124 teachers who teach in rural and difficult access areas to implement an academic recovery plan³¹⁶⁰, as well as the strategies for the recovery of learning at the average level and the design of an early warning system for the prevention of educational exclusion³¹⁶¹.

1436. In line with the above, in early April, the Cabinet Council approved the signing of an agreement between the Ministry of Economy and Finance (MEF) and the Inter-American Development Bank (IDB) for

³¹⁵⁰ [Radio Panama, Unicef report reveals that 98% of the country's schools provide on-site classes, April 20, 2022.](#)

³¹⁵¹ [Panama America, Overcrowding and lack of manual workers accelerates covid-19 in schools, May 2, 2022.](#)

³¹⁵² [Panama America, Overcrowding and lack of manual workers accelerates covid-19 in schools, May 2, 2022](#)

³¹⁵³ [Panama America, Teachers ask for adjustments to comply with biosecurity measures and avoid school closures, May 09, 2022](#)

³¹⁵⁴ [ECO TV, Teachers ask to close schools due to increase in COVID cases, July 17, 2022.](#)

³¹⁵⁵ [La Estrella de Panamá, Meduca evaluates return to virtual classes after social outbreak in Panama, July 15, 2022.](#)

³¹⁵⁶ [ECO TV, Ombudsman's Office: Urgent Back to School, July 27, 2022.](#)

³¹⁵⁷ [SwissInfo, Some schools resumed classes despite a teachers' strike in Panama, July 26, 2022.](#)

³¹⁵⁸ [El Siglo, Ministra de Educación confirma fracasos y preocupación por deserción escolar, June 06, 2022.](#)

³¹⁵⁹ [Telemetro, Meduca, difficult to access: When does the transfer of teachers begin, August 8, 2022.](#)

³¹⁶⁰ [Ibid.](#)

³¹⁶¹ [Radio Panama, Unicef report reveals that 98% of the country's schools offer on-site classes, April 20, 2022.](#)

\$15 million non-reimbursable for the improvement of efficiency, quality and educational inclusion in the country³¹⁶².

1437. In the case of higher education, REDESCA notes with concern that students at the University of Panama were allegedly repressed by members of the National Police because they were protesting the increase in the basic food basket and fuel prices, a fact that would limit their right to peaceful protest and their participation in the discussion of public affairs³¹⁶³.

G. Human mobility and ESCER

1438. With regard to the ESCER of persons in a situation of human mobility, the Office of the Special Rapporteur has followed with special attention and concern the critical situation in which thousands of migrants who arrive in the country across the border with Colombia live and the obstacles to guaranteeing their ESCER, inasmuch as they would have difficulty accessing adequate basic and health services, as well as experience poor nutrition and poor hygiene and sanitation conditions³¹⁶⁴. This is despite the measures implemented by the Panamanian State to address this problem.

1439. In light of this situation, it is again noted that the Inter-American Court of Human Rights, through the provisional measures mechanism, ordered the State to guarantee access to health services without discrimination for irregular migrants who are treated in shelters, which also includes testing and treatment against covid-19, as well as their inclusion in the vaccination program³¹⁶⁵. In this regard, it is noted that the efforts of the Government of Panama resulted in a mid-year decision by the Court to lift the provisional measures³¹⁶⁶. Despite this, the Court recognized that the actions taken still do not resolve the human rights challenges faced by migrants, particularly girls and women.³¹⁶⁷

1440. In this scenario, REDESCA takes note of the historic flow of migrants without documentation that in 2022 passed through Panama - 248,284 migrants, according to official figures³¹⁶⁸ -. Among them, between January 1 and December 31, 2022, 150,327 were Venezuelan migrants, 29,399 Ecuadorians, 22,392 Haitians, 5,961 Cubans, 5,064 Colombians, 4,091 Hindustani, 2,465 Dominicans, as well as 28,585 of other nationalities.³¹⁶⁹. Thus, it is observed that 2022 had a substantial growth in the flow of irregular migrants with respect to previous years, since by 2021 there would have been 133,726 -which for its time was a historical figure- and by 2020 8,594 migrants³¹⁷⁰.

1441. Likewise, REDESCA notes that Venezuelan people are the ones who are most likely to be crossing the Darien Gap, as well as the diversification of the arrival routes to the country, in which, both through the

³¹⁶² Telemetro, IDB approved B/. 15 million for education in Panama, March 13, 2022. **Error! Bookmark not defined.**

³¹⁶³ Aula Abierta, Last #12May university students from the University of Panama were repressed by the National Police, May 15, 2022

³¹⁶⁴ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1291.

³¹⁶⁵ Ibid. para. 1294.

³¹⁶⁶ La Prensa, Inter-American Court rules in favor of Panama in migrants case, June 05, 2022.

³¹⁶⁷ CEJIL, Panama should continue to implement actions to guarantee the rights of migrants in the Darien, June 09, 2022.

³¹⁶⁸ Republic of Panama, PANAMA RECORDS RECORD NUMBER OF IRREGULAR MIGRANTS IN 2022, January 1, 2023.

³¹⁶⁹ Republic of Panama, PANAMA RECORDS RECORD NUMBER OF IRREGULAR MIGRANTS IN 2022, January 1, 2023.

³¹⁷⁰ San Diego Union-Tribune, More than 243,000 irregular migrants crossed the Darien jungle in 2022, Dec. 26, 2022.

Caribbean and the Pacific there would be a high risk due to the possibility of shipwrecks and the activities of armed groups³¹⁷¹.

1442. In this context, and taking into account the risks that have already been addressed by the Office of the Special Rapporteur by those who cross the Darien Gap³¹⁷², REDESCA takes note of the differential impact that this phenomenon would have on women, while the Committee on the Elimination of Discrimination against Women of the United Nations expressed its concern about the gender-based violence suffered by migrant women crossing the border through the Darien Gap in Panama, including disappearances and rapes. In view of this situation, it made an urgent call to ensure measures for women's access to justice in border areas³¹⁷³. In this regard, it has been reported that women who cross the Darien Gap suffer "systematic" sexual violence during the journey, and there are even reports of gang rapes that go unpunished³¹⁷⁴.
1443. In the case of children and adolescents, the new historical figure of 32,448 minors crossing the Darien between January and October 2022, an increase of 10% over last year, is a cause for concern³¹⁷⁵. It was also reported that around 900 unaccompanied adolescents have crossed the Darien³¹⁷⁶. In this regard, REDESCA notes the effects on children and families of the risks to which they are exposed in the crossing, including multiple forms of violence, such as sexual abuse, trafficking and exploitation; lack of safe water and food; insect bites, attacks by wild animals and the sudden growth of rivers³¹⁷⁷. In addition, it should be noted that migrants under 5 years of age, who make up 50% of migrant children, are particularly vulnerable to certain conditions such as diarrhea and dehydration³¹⁷⁸.
1444. Regarding the right to health of this population, the Special Rapporteur notes with concern the report of Doctors Without Borders, which indicates that in the area near the Darien more and more people require mental health services - a monthly average of 1,500 consultations, most of which are of patients at risk and more than half of whom present acute stress³¹⁷⁹.
1445. Although it warns of a possible deterioration in the medical care of hundreds of migrants, due to insufficient conditions for the reception of migrants³¹⁸⁰, it welcomes the approval of a budget of 4,946,823 dollars by the Panamanian Government for the procurement of food for migrants in the province of Darien³¹⁸¹. In addition, it is noted that, between 2020 and 2022, the State has spent around 50 million dollars to cover the costs of food, lodging, security and health of migrants³¹⁸².

³¹⁷¹ [El País, Darien route now has more Venezuelan migrants than Haitians, March 1, 2022](#); [Swiss Info, Panama warns of new routes and nationality of migrants through Darien, February 1, 2022](#).

³¹⁷² REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1293.

³¹⁷³ [CEDAW, Concluding observations on the eighth periodic report of Panama*](#), 24 February 2022, para. 25 ; [Telemetro, ONU preocupada por violencia de género contra mujeres migrantes en el Tapón de Darién, 28 February 2022](#).

³¹⁷⁴ [Swissinfo, Cejil warns of systematic sexual violence against women crossing Darien, March 19, 2022](#).

³¹⁷⁵ [Unicef, Record number of children crossing the Darien Gap to the United States this year, November 19, 2022](#).

³¹⁷⁶ *Ibid.*

³¹⁷⁷ *Ibid.*

³¹⁷⁸ *Ibid.*

³¹⁷⁹ [El Espectador, El Darien is still as dangerous as before: Doctors Without Borders](#), 05 May 2022.

³¹⁸⁰ [Associated Press, NGO reports deteriorating attention to migrants in the Darien](#), May 18, 2022.

³¹⁸¹ [El Siglo, Panama approves \\$4.9 million to feed migrants passing through Darien](#), June 23, 2022.

³¹⁸² [Panama America, Irregular migrants have cost Panama some 50 million dollars, October 21, 2022](#) *El Periodico, Panama requests U.S. support to address irregular migratory flow*, October 25, 2022.

1446. Likewise, REDESCA welcomes the creation of the "Technical Standard for Mental Health Care for the Migrant and Refugee Population in Panama", in conjunction with the International Organization for Migrants (IOM), which has four strategic areas of action: mental health promotion, prevention of mental health affectations, individual mental health care and group mental health care³¹⁸³. Likewise, the reinforcement of primary care provided by the Ministry of Health through the National Directorate for the Provision of Health Services and the Darien Health Region is welcomed. This will provide medical attention 24 hours a day, seven days a week to the migrant population in services such as general medicine, nursing, pharmacy, vaccinations and emergencies³¹⁸⁴.
1447. In the same vein, note is taken of the activation of a binational Panama-Colombia alert, so that their Ombudsman's Offices may exchange unofficial figures from Colombia, in order to take stock and determine how many people may be left behind and how many may be detouring along other routes³¹⁸⁵. Similarly, note is taken of the initiative of the governments of Colombia and Panama that seeks to establish a safe route to reduce the risks for migrants who walk daily through the Darién jungle³¹⁸⁶. In addition, it is welcomed that the State of Panama signed the "Declaration of Los Angeles on Migration and Protection" at the Summit of the Americas, held on June 10, 2020. In this declaration the country committed to strengthen and expand the ways in which people can migrate and seek asylum in a safe and legal manner.
1448. Finally, REDESCA takes careful note of the regional consensus that has been reached to address irregular migration with continental coordination mechanisms, based on the meeting that took place in the country in mid-April between foreign ministers, security ministers and migration authorities from South, Central and North America³¹⁸⁷. It should be noted that this meeting was the starting point for the creation of a working group to address migration flows at the continental level³¹⁸⁸.
1449. REDESCA welcomes these advances and notes the importance of placing a human rights approach at the center of these initiatives, which comprehensively addresses the various causes of human mobility, including the lack of guarantee and protection of ESCER. It also highlights the importance of regional and international cooperation to address human mobility in the region in a humanitarian and safe manner, and therefore places itself at the disposal of the competent authorities to socialize and identify actions to guarantee ESCER in the countries of origin, transit and destination.

³¹⁸³ Telemetro, Presan norma para la atención de salud mental a migrantes y refugiados en Panamá, July 12, 2022.

³¹⁸⁴ TVN, Minsa reinforces primary care in communities where migrants pass through in the province of Darien, June 02, 2022.

³¹⁸⁵ TVN, Ombudsman's Offices of Panama and Colombia activate binational alert to know the situation of migrants, June 30, 2022.

³¹⁸⁶ El Universal, Plan a "safe" route between Colombia and Panama to avoid the dangerous Darien jungle road, July 18, 2022.

³¹⁸⁷ Republic of Panama. National Government, Ministry of Foreign Affairs, PANAMA REACHES REGIONAL CONSENSUS TO ADDRESS IRREGULAR MIGRATION WITH CONTINENTAL COORDINATION MECHANISMS AND EXPECTS TO HOMOLOGIZE MIGRATION POLICIES, April 20, 2022.

³¹⁸⁸ Republic of Panama. Gobierno Nacional, Ministerio de Relaciones Exteriores, PANAMA REACHES REGIONAL CONSENSUS TO ADDRESS IRREGULAR MIGRATION WITH CONTINENTAL COORDINATION MECHANISMS AND EXPECTS TO HOMOLOGIZE MIGRATION POLICIES, April 20, 2022....

26) PARAGUAY

1450. Regarding the poverty situation, according to the Report prepared by the National Institute of Statistics, more than one and a half million Paraguayan people would have lived in poverty during the year 2021, with the incidence in rural areas having reached 40.94%³¹⁸⁹. Likewise, according to data from the survey conducted by INE and FAO, 24.63% of Paraguayan households were affected by food insecurity, of which 5.31% would be affected by severe insecurity³¹⁹⁰. In this context, REDESCA welcomes the enactment of Law No. 6945 on Soup Kitchens and Community Centers to ensure food security for people living in poverty and vulnerability at the national level³¹⁹¹.
1451. On the other hand, the Office of the Special Rapporteur is concerned about the land access policy of the Paraguayan State, which tends to forcibly evict peasant and indigenous communities in favor of agribusiness³¹⁹². Several peasant groups have reportedly demonstrated to request the repeal of the Zavala-Riera Law, which criminalizes the struggle for land³¹⁹³ and would increase the criminal penalties (imprisonment of up to 12 years) for those who invade properties³¹⁹⁴. In this context, two favorable initiatives have been reported, on the one hand, the project for the construction of 72 social housing units in the departments of San Pedro and Caaguazú, thus strengthening education in the countryside³¹⁹⁵; and on the other hand, the speeding up of the legal regularization of fiscal lands of peasant and indigenous communities by Indert and the Ministry of Agriculture and Livestock³¹⁹⁶.
1452. Likewise, REDESCA takes note of the violent confrontations of peasants in evictions³¹⁹⁷, as well as the multiple mobilizations of peasants that have taken place throughout the year against detentions, the use of force and evictions³¹⁹⁸. REDESCA is also concerned about the lack of basic services such as drinking water, education, basic health services or electricity in some indigenous communities³¹⁹⁹. For example, according to the information gathered, the community of Paso Yobái, Guairá district, has been asking for years for access to electricity to carry out their most basic activities³²⁰⁰.

A. Right to health and its social determinants

1453. Regarding the vaccination process against COVID-19, REDESCA notes that the vaccination campaign for children between 5 and 11 years of age began at the end of January³²⁰¹. Likewise, in March, the State decided to apply a fourth dose of the vaccine for people over 50 years of age, health personnel and immunocompromised patients³²⁰². Despite these efforts, Paraguay continues to have one of the lowest

³¹⁸⁹ INE. Multidimensional Poverty Index (MPI) Paraguay. July 22, 2022.

³¹⁹⁰ INE. Food Insecurity Experience Scale in Paraguay (FIES). May 2022.

³¹⁹¹ Ministry of Social Development, "Poder Ejecutivo promulgó ley que fortalecerá y apoyará a comedores y centros comunitarios", July 13, 2022.

³¹⁹² Última Hora, "Ante constantes desalojos, indígenas denuncian atropellos y violaciones a la ley", July 12, 2022.

³¹⁹³ Paraguay.com, "Anuncian marcha campesina masiva en Asunción", March 22, 2022.

³¹⁹⁴ IACHR, Public Hearing on Forced Evictions and Agrarian Policies in Paraguay, Period of Sessions 183, March 21, 2022.

³¹⁹⁵ IP, "Regularization is promoted", March 24, 2022.

³¹⁹⁶ Agencia de Información Paraguaya, "Acuerdan acuerizar agilizar regularización de comunidades campesinas e indígenas asentadas en tierras fiscales", August 09, 2022.

³¹⁹⁷ Civicus, "PARAGUAY: VIOLENT EVICTIONS AFFECT LAND RIGHTS DEFENDERS", July 21, 2022. ABC, "Mega eviction on 1,750 hectare land in Tembiapora", June 28, 2022.

³¹⁹⁸ TeleSurTV, "Campesinos en Paraguay protest against detentions and evictions", June 29, 2022.

³¹⁹⁹ Prensa Latina, "Mobilized Paraguayan indigenous demand answers to their demands", October 12, 2022.

³²⁰⁰ Paraguay.com, "Indígenas piden energía eléctrica para su comunidad", March 14, 2022.

³²⁰¹ Hola News, "Paraguay begins vaccinating children between 5 and 11 years of age against covid", January 31, 2022.

³²⁰² Paraguay.com, "Salud aplicará cuarta dosis de vacuna anticovid 19", March 04, 2022.

vaccination rates in the region³²⁰³. In mid-April, only 48.7% of the population was fully immunized in the country³²⁰⁴.

1454. Regarding health measures to prevent the spread of COVID-19, REDESCA notes the decision of the Executive Branch to repeal the health decrees in February 2022³²⁰⁵, although the use of face masks continued to be mandatory in certain places until mid-April³²⁰⁶. In May, REDESCA became aware of an increase in the number of COVID-19 infections³²⁰⁷, which would have generated a greater demand for beds and intensive care among the adult population³²⁰⁸. This new wave of COVID has slowed down since July³²⁰⁹. For this reason, REDESCA, in line with PAHO³²¹⁰, recalls that excessive relaxation of public health measures may contribute to further spread of the virus. For this reason, it recalls the need for public policies to have a human rights approach and tend to protect especially the most vulnerable groups, until there is adequate vaccination coverage of the population³²¹¹.
1455. Regarding the right to health in general, the Office of the Special Rapporteur takes note of the increase in cases of arbovirolosis, dengue and chikungunya during the year³²¹² and is concerned about the significant increase in childhood obesity, which has reportedly tripled in the last four years³²¹³.
1456. Regarding the situation of health personnel, REDESCA has learned of the publication of a recent investigation that reveals the occupational stress and burnout to which medical personnel are subjected in the country³²¹⁴. Likewise, this Special Rapporteurship has learned of the lack of supplies, medicines and the deficit of specialists that the Instituto de Previsión Social (IPS) suffers despite the contributions made by workers through their social contribution³²¹⁵. Particularly, regarding the COVID-19 crisis, the Office of the Special Rapporteur refers to what is mentioned in resolutions 1/2020, 4/2020 and 1/2021, which detail concrete actions that States must take to safeguard the rights of workers in all contexts and economic activities, especially in the health sector.

B. Climate Emergency and the Human Right to Water

1457. With regard to the climate emergency, REDESCA notes with concern the multiple fires that swept through the country at the beginning of the year - with a total of 140 outbreaks in a single day³²¹⁶ - which

³²⁰³ ABC, "[COVID: vaccination coverage remains below 50% in Paraguay](#)," April 14, 2022.

³²⁰⁴ Our World in Data, [Coronavirus \(COVID-19\) Vaccinations](#), October 21, 2022.

³²⁰⁵ Diario Hoy, "[Eliminan los decretos sanitarios, pero sigue vigente ley del tapabocas](#)", February 22, 2022.

³²⁰⁶ Paraguayan Information Agency, "[Paraguay lifts the sanitary emergency and the use of face masks is no longer mandatory](#)", April 18, 2022.

³²⁰⁷ IP, "[Paraguay records an increase in cases, hospitalized and deaths from coronavirus during the last week](#)," June 17, 2022.

³²⁰⁸ ABC, "[UTI: habrá más camas y un nuevo acuerdo con IPS, promete Salud Pública](#)," June 29, 2022.

³²⁰⁹ Ministry of Public Health and Social Welfare, "[COVID-19: A slowdown in the increase of cases is observed](#)," July 14, 2022.

³²¹⁰ PAHO, "[Relaxation of public health measures contributed to rise in COVID-19 deaths in the Americas, says PAHO director](#)," Feb. 16, 2022.

³²¹¹ Resolution No. 1/2021. <https://www.oas.org/es/cidh/decisiones/pdf/Resolucion-1-21-es.pdf>

³²¹² ABC, "[Chikungunya: there are 80 confirmed cases in Asuncion and Central](#)", June 28, 2022.

³²¹³ Ministry of Public Health and Social Welfare, "[Childhood obesity in alarming proportions, time to change habits](#)", October 11, 2022.

³²¹⁴ La Nación, "[Médicos en Paraguay: investigación arroja urgente necesidad de atención a la salud mental](#)", 07 October 2022.

³²¹⁵ Abc, "[IPS no tiene ni pastillas contra la presión alta, denuncian asegurados](#)", 02 October 2022. La Nación, "[Asegurados del IPS siguen denunciando falta de insumos y medicamentos](#)", 30 August 2022.

³²¹⁶ La Nación, "[Alto Paraguay y Boquerón registraron en julio un promedio de 53 focos de incendios por día](#)", 09 August 2022.

led to the declaration of an environmental emergency in some departments³²¹⁷ as a result of the heat wave that hit the country.³²¹⁸ The density of the fires, as well as those that occurred in the north of Argentina³²¹⁹, left cities such as Asunción³²²⁰ submerged in a layer of smoke that is harmful to health³²²¹ and enveloped in a cloud of dust and ashes.³²²² Environmental pollution has led to an increase in respiratory pathologies among the Paraguayan population.³²²³ In addition to the fires, there have been heavy rainstorms throughout the year. These not only caused significant material damage³²²⁴, but also caused the death of several people.³²²⁵

1458. REDESCA is also concerned about the fires caused by the extensive drought affecting the country³²²⁶. In this regard, the Office of the Special Rapporteur takes note of the alarming water crisis resulting from the extensive periods of drought and lack of rainfall, a crisis that in some areas of the country is a real water emergency because there would be no capacity to supply water for human consumption³²²⁷. The Paraguay and Paraná rivers are experiencing critical levels³²²⁸ and the levels of drought reached in some areas of the country -such as Boquerón and Chaco- are leading to an emergency level³²²⁹. Although the progress of infrastructure works and the provision of drinking water systems in several departments of the country has been reported³²³⁰, as well as the reinforcement of the Water Resources Law through its regulation³²³¹, highlighting the payment of canon for use and concession; the recognition of the importance of wetlands or the creation of a national water inventory -among others-, REDESCA emphasizes the urgency of creating public policies that provide a definitive solution to the problem and guarantee the human right to water in accessible, affordable and *ad hoc* conditions so that people can have a dignified and healthy life.

1459. In this perspective, it is worth welcoming the binational agreement signed between the States of Bolivia and Uruguay for the development of projects to provide access to water in the Chaco region, covering the most vulnerable populations.³²³²

1460. The effects of climate change have had a profound impact and consequences on the social and economic structure of the areas most affected by the drought -many of them inhabited mainly by the

³²¹⁷ Diario Hoy, "[San Juan Bautista declares environmental emergency due to fires](#)", January 19, 2022.

³²¹⁸ Paraguay.com, "[Reportan 16.000 focos de incendio en todo el país](#)", January 24, 2022.

³²¹⁹ Paraguay.com, "[Humo volvió a contaminar aire en Asunción y alrededores](#)", March 08, 2022.

³²²⁰ CNN, "[Asunción is under a layer of smoke from fires in Ayolas and northern Argentina](#)," February 16, 2022.

³²²¹ Paraguay, "[Reportan que este jueves es "el peor día" para respirar](#)", February 17, 2022.

³²²² Swiss Info, "[Asunción and other localities shrouded in ash cloud following storm](#)", 01 March 2022.

³²²³ Última Hora, "[Cuadros respiratorios aumentan por contaminación en el ambiente](#)", 01 March 2022.

³²²⁴ Paraguay.com, "[Cerca de 100 casas quedaron bajo agua en CDE tras temporal](#)", 4 April 2022.

³²²⁵ Tele Sur Net TV, "[Temporal deja tres fallecidos y destrozos en Paraguay](#)", March 24, 2022.

³²²⁶ Última Hora, "[Alrededor de 80 hectáreas consumidas por incendio en Bahía Negra](#)", July 11, 2022. Abc, "[Paraguay y gran parte de la región, en situación crítica por el humo](#)", 09 September 2022.

³²²⁷ Diario Hoy, "[Declaran emergencia hídrica y prometen llegar con agua a zonas afectadas](#)", January 25, 2022. La Unión Radio, "[ESSAP urges a better use of water due to high consumption and water crisis in the country](#)", January 18, 2022. La Nación, "[Pobladores de San Lorenzo denuncian que hace más de un mes están sin agua](#)", 03 February 2022. Paraguay, "[¡Insostenible! No tienen agua ni por una hora](#)", February 18, 2022. Agencia de Información Paraguaya, "[Prosigue asistencia de agua potable e instalación de equipos y tanques en varias comunidades del país](#)", 01 February 2022.

³²²⁸ Diario Hoy, "[Preocupa bajantes de ríos Paraguay y Paraná, tendencia que vuelve a azotar](#)", July 18, 2022.

³²²⁹ Paraguay.com, "[Comunidad indígena denuncia falta de agua potable](#)", July 27, 2022. Diario Hoy, "[Boquerón en emergencia por la extrema sequía](#)", August 31, 2022. La Nación, "[Sequía en el Chaco: pobladores reclaman más asistencia del Gobierno ante la falta de agua](#)", 06 September 2022.

³²³⁰ Paraguayan Information Agency, "[Indert promotes infrastructure and water supply works for agrarian reform beneficiaries](#)", May 31, 2022.

³²³¹ Tele Sur TV Net, "[Paraguayan Government reinforces Law on water resources](#)", May 4, 2022.

³²³² Abc, "[Gobernaciones del Chaco suscribirán convenio con Bolivia para proyectos de acceso al agua](#)", April 13, 2022.

indigenous population³²³³ - causing one of the highest poverty rates in the region, given that around 70% of the population depends on agriculture³²³⁴. Specifically, the drought in the country has led to a significant reduction in soybean crops³²³⁵, which will have important economic consequences and complicates the situation of an industry that has already been facing structural problems and a downward trend in recent years³²³⁶. Likewise, the difficult conditions have meant that indigenous peoples and peasants in these areas have been particularly affected.³²³⁷³²³⁸ Consequently, REDESCA encourages the State, in line with the obligations assumed within the Inter-American system, to place human rights and the adverse impact that climate change has on the enjoyment of these rights at the center of its climate negotiations and decisions, especially for the most vulnerable individuals and groups.³²³⁹

1461. Finally, the Office of the Special Rapporteur takes note of the denunciations and condemnations derived from the excessive use of toxic agro-chemicals in the country, which is seriously affecting the life and health of the people of peasant communities,³²⁴⁰ derived from the excessive increase in aerial and ground spraying of dangerous pesticides.³²⁴¹

1462. As stated in Resolution 3/2021, the climate emergency is a reality and its relationship with human rights is increasingly evident as it is one of the greatest threats to the full enjoyment and guarantee of these rights³²⁴². Therefore, the Office of the Special Rapporteur calls on the Paraguayan State to redouble its efforts to protect and guarantee the enjoyment and exercise of the human rights of all persons who, as a result of environmental impacts, are significantly affected both individually and collectively, taking into account the interdependence and indivisibility of all rights.

C. Business and human rights

1463. In the area of business and human rights, REDESCA notes with concern the situation of the Paraná-Paraguay Waterway, the country's export waterway, which could be undergoing a rupture of the hydrological cycle due to water shortages caused by the expansion of the extractivist model.³²⁴³ On the other hand, the Office of the Special Rapporteur takes note of the information gathered regarding a multinational forestry company that occupies half of the hectares recognized as belonging to the community of Puente Quemado II³²⁴⁴.

1464. In this regard, REDESCA reminds the Paraguayan State that, faced with the arrival of business operations that may affect the enjoyment of human rights, it has the obligation to ensure participatory and

³²³³ Map Action. "[MapAction supports drought relief in Western Paraguay.](#)" September 22, 2022.

³²³⁴ UNOPS, "[Around 5,700 families in rural Paraguay are benefiting from improved food security through family vegetable gardens](#)", 18 June 2022.

³²³⁵ Reuters, "[Exclusive: Paraguay soy crushers, hit by drought, risk running out of beans](#)", February 16, 2022.

³²³⁶ Cámara Paraguaya de Procesadores de Oleaginosas y Cereales, Monthly Newsletter, Bulletin No. 68, year 7, January 2022. Available at: https://cappro.org.py/wp-content/uploads/2022/02/Boletin-CAPPRO_Enero_2022.pdf

³²³⁷ Mongabay, "[Paraguay's drought hits biodiversity, Indigenous communities the hardest](#)", February 03, 2022.

³²³⁸ America Latina en Movimiento, "[Paraguay or Sojaguay: the result of agribusiness](#)", February 08, 2022.

³²³⁹ IACHR, In the framework of COP 26 of the Framework Convention on Climate Change, IACHR and REDESCA call on OAS Member States to put the protection of human rights at the center of their climate policies and actions, November 4, 2021.

³²⁴⁰ Base Investigaciones Sociales, "[Zafra Sojera y las fumigaciones ilegales](#)", 03 October 2022. Última Hora, "[Tres condenados por fumigar en inmediaciones de una plaza y centro de salud](#)", 06 September 2022.

³²⁴¹ UN News, "[Paraguay does not comply with pesticide control laws, denounces expert](#)," October 14, 2022.

³²⁴² IACHR. [Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations](#) December 31, 2021.

³²⁴³ Business & Human Rights Resource Centre, "[South America: Paraná Waterway accused of favoring extractivism to the detriment of human rights](#)", April 1, 2022.

³²⁴⁴ Página 12, "[Reclamo mbya contra una forestal](#)", September 12, 2022.

inclusive spaces for those who may be at risk of seeing their fundamental rights and freedoms affected as a result of these operations, as it will allow them to express their opinion. The assurance of participation mechanisms in issues involving business and human rights should be broad and should be oriented to include the effective hearing of persons, communities and populations directly affected, human rights defenders, as well as human rights organizations of the civil society³²⁴⁵. Likewise, as established in the report on Business and Human Rights: Inter-American Standards, it is a priority to ensure that the right to development is sustainable, for which the well-being and rights of individuals and communities, rather than economic statistics, must necessarily be placed at the center of attention.

D. Labor and Union Rights

1465. The Office of the Special Rapporteur is concerned about the news received regarding salary claims by the civil service. In this regard, information has been received about the claim for a 30% salary compensation promised by the Ministry of Health to the medical staff, which was not applied at the agreed time.³²⁴⁶ In addition, according to the information gathered, there were mobilizations to demand the payment of salary arrears and hourly compensation owed to the medical personnel³²⁴⁷. On the other hand, ANDE employees staged protests demanding a salary update³²⁴⁸ and public registry employees went on strike demanding compliance with the collective bargaining agreement as well as a salary increase³²⁴⁹.

1466. With respect to the private sector, the current economic context would have propitiated the appearance of claims to increase the minimum wage in the country³²⁵⁰. According to the information gathered, the Ministry of Labor, Employment and Social Security provided for an 11.4% readjustment of the minimum wage in Executive Decree No. 7072, which would be in effect as of July 1, 2022³²⁵¹. On the other hand, REDESCA takes note of the consensus process initiated with the objective of regulating work on digital platforms. The proposal presented by the representatives of the delivery drivers union would include both the improvement of working conditions - tending to improve the precariousness, insecurity or training of workers in the sector through digital platforms³²⁵², as well as the recognition of the labor link between the delivery driver and the digital platform.³²⁵³

1467. In this regard, the Office of the Special Rapporteur makes a priority call to the State to incorporate employment standards and policies that stimulate the development of the formal labor market, full employment and to take effective measures to prevent the proliferation of precarious jobs that do not guarantee the minimum rights of workers. In this regard, it welcomes the initiative to develop the National Employment Plan 2022-2026 based on the creation of decent work and inclusive economic growth that the State of Paraguay is developing with the collaboration of the ILO³²⁵⁴.

³²⁴⁵ REDESCA-IACHR. *Business and Human Rights Report: Inter-American Standards*, November 1, 2019, para. 49.

³²⁴⁶ NPY, "[Physicians demand enforcement of salary compensation](#)," March 30, 2022.

³²⁴⁷ La Nación, "[Salud accede a pago de compensación horaria tras reclamo de médicos](#)", October 12, 2022.

³²⁴⁸ Paraguay.com, "[Manifestación de funcionarios de la ANDE exigen beneficios salariales](#)", 12 September 2022.

³²⁴⁹ ABC, "[Public Registries initiates strike for one week starting July 11](#)," June 28, 2022.

³²⁵⁰ Paraguay.com, "[Centrales obreras exigen un reajuste salarial del 70%](#)", 31 May 2022. La Nación, "[Sindicalistas exigen suba del salario mínimo frente al Ministerio de Trabajo](#)", May 31, 2022.

³²⁵¹ Ministry of Labor, Employment and Social Security, "[Ministerio de Trabajo, Empleo y Seguridad Social, 'Ministerio de Trabajo reglamentó reajuste de sueldos y jornales mínimos para los trabajadores de sector privado'](#)", June 28, 2022.

³²⁵² La Nación, "[Trabajadores de delivery presentaron propuesta de ordenanza para mejorar condiciones laborales](#)", July 08, 2022.

³²⁵³ Diario Hoy, "[Deliverys seek to regulate digital platforms](#)", May 09, 2022.

³²⁵⁴ ILO, "[Paraguay: National Employment Policy with decent work and inclusive economic growth](#)", May 5, 2022.

E. Fiscal and Economic Policies

1468. As has been evidenced in other countries in the region, the Office of the Special Rapporteur has also been observing with concern a generalized rise in the prices of the basic family basket in Paraguay³²⁵⁵. The increase in inflation has resulted in a contraction of the economy after the expansive economic trend, generalized during the pandemic, which also impacts on the country's fiscal policies³²⁵⁶. All this would have led workers' representatives to request an increase in the minimum wage to enable them to cope with the increase in prices³²⁵⁷.
1469. At the beginning of July 2022, the Government announced a series of economic and social measures to mitigate the impact of inflation as well as phenomena such as the drought that hit the agricultural sector.³²⁵⁸ REDESCA also takes note of the temporary reduction of the value added tax (VAT) and the selective consumption tax (ISC) on certain products and sectors as a measure to strengthen recovery³²⁵⁹.
1470. Likewise, the significant increase in fuel prices reportedly led to mobilizations of transporters³²⁶⁰ and peasant associations since March, blocking the country's main roads to demand a reduction in fuel prices³²⁶¹. Platform drivers and *deliveries* workers also mobilized to demand a reduction in fuel prices in April³²⁶². The State's response to these protests was reportedly the drafting of a bill to criminalize road closures³²⁶³.
1471. On the other hand, REDESCA takes note of the approval of a new legal framework that would regulate the mining and trading of cryptocurrencies in the State³²⁶⁴.
1472. In this context, the Office of the Special Rapporteur calls on the State to adopt fiscal and economic measures that address the needs of the most vulnerable groups, who suffer disproportionately not only from the impacts of social, economic, and environmental crises, but also from the effects of fiscal policy decisions and economic reforms that do not take into account basic principles such as progressivity and non-regressivity of ESCER.

F. Education, science, technology: academic freedom and university autonomy

1473. Regarding the right to education, REDESCA takes note of the State's efforts to return to the classroom without requiring a vaccination card as a requirement for returning to the classroom as of February 21.³²⁶⁵ Likewise, as part of the "Protocol for Return to Classroom Classes" approved by the Ministry of Education and Science,³²⁶⁶ it was foreseen that teachers not vaccinated for voluntary reasons would be tested for

³²⁵⁵ Diario Hoy, "Precios de la canasta básica por las nubes: de 60 productos, 46 incrementaron costos", February 16, 2022.

³²⁵⁶ La Nación, "Paraguay sin margen de maniobra fiscal, afirman", February 28, 2022.

³²⁵⁷ La Nación, "Trabajadores reiteran pedido de aumento del 30% del salario mínimo", March 10, 2022.

³²⁵⁸ La Vanguardia, "Batería de medidas sociales en Paraguay contra los precios y la sequía", July 06, 2022.

³²⁵⁹ IP, "Gobierno extiende reducción del IVA y del ISC para reforzar la recuperación", 01 July 2022.

³²⁶⁰ Paraguay.com, "Transportistas no llegan a ningún acuerdo con Petropar", February 14, 2022. TeleSurTV, "Camioneros en Paraguay se movilizarán por alza de combustibles", 18 June 2022.

³²⁶¹ Última Hora, "Ola de movilizaciones en Itapúa para pedir reducción del precio de combustible", March 14, 2022.

³²⁶² Diario Hoy, "Deliverys y conductores de plataformas anuncian caravana hasta el Congreso", April 19, 2020.

³²⁶³ Última Hora, "Campesinos, indígenas y sintechos piden al Congreso rechazar proyecto de Riera", April 20, 2022.

2022. Diario Hoy, "Propuesta que endurece penas por bloqueos de rutas desata debate en varios sectores", April 20, 2022.

³²⁶⁴ Yahoo, "Paraguay Senate passes bill regulating cryptocurrency mining and trading", July 16, 2022.

³²⁶⁵ La Nación, "MEC ratifica que hay condiciones para el retorno a clases presenciales", January 28, 2022.

³²⁶⁶ La Nación, "Vuelta a clases: aprueban protocolo de retorno presencial seguro a la escuela", February 03, 2022.

COVID-19³²⁶⁷, social distancing and weekly bubble groups³²⁶⁸, a modality that was eliminated by the Ministry of Education and Science as of March 7 in order for all students to return to class in person³²⁶⁹. In this regard, the Office of the Special Rapporteur highlights the initiative aimed at guaranteeing access to education for children and adolescents during the COVID-19 pandemic, taking into consideration the welfare and best interests of children and adolescents. However, REDESCA is dismayed by the havoc caused by the pandemic on the mental health of children in schools and colleges, for example in Caaguazú, which may have led some to end their lives³²⁷⁰.

1474. In view of this situation, REDESCA reiterates that the States must have mechanisms that allow children and adolescents to continue with access to education and with the stimuli that their age and level of development require, under a comprehensive, intercultural, intersectional, and differentiated approach. In the same sense, measures should be implemented to reduce the educational gap that would have been increased since the COVID-19 pandemic.

1475. Finally, with regard to teaching staff, REDESCA has been informed of the agreement signed between the trade unions and the Ministry of Education concerning the salary adjustment for this group for the year 2023³²⁷¹.

G. Human Mobility and ESCER

1476. According to information from UNHCR, as of June 2022, there were 7,502 refugees and asylum seekers residing in Paraguay, and 5,843 people in need of international protection³²⁷². In addition, during 2021, there was a 20.8% increase in the number of people in a mobility situation compared to the previous year, while there was a 70% increase in the number of refugees and asylum seekers³²⁷³.

1477. Additionally, REDESCA learned about the report published by the United Nations Committee on Migrant Workers after its visit to the country, where it states that people in a situation of mobility residing in the country were authorized to receive their vaccine against COVID-19. However, the Committee recommended that the State implement measures to protect migrants and their families, mainly in the area of health, taking into account the impact of the pandemic on this particularly vulnerable group. On the other hand, the Committee pointed out the persistence of certain obstacles that migrant workers must overcome, such as: high levels of informality in the sector of work in private homes and the lack of knowledge on the part of migrant workers in this sector of their rights and obligations; impediments to access the social security system; impediments for their children to enroll in educational centers and lack of information on the schooling rates of migrant children³²⁷⁴.

1478. Against this backdrop, REDESCA calls on the State to develop effective regulations and policies in line with Inter-American standards on the rights of migrants, with special attention to guaranteeing their ESCER.

³²⁶⁷ Paraguay.com, "Hisopado a docentes no vacunados: OTEP-A se muestra a favor del protocolo". February 11, 2022.

³²⁶⁸ Sputnik, "Paraguay's unvaccinated teachers will have to be swabbed every 15 days," February 01, 2022.

³²⁶⁹ Paraguay.com, "MEC elimina modalidad burbuja", March 04, 2022.

³²⁷⁰ Paraguay.com, "Preocupa salud mental en escuelas y colegios de Caaguazú", March 12, 2022.

³²⁷¹ Diario Hoy, "Acuerdan salario básico profesional para el sector docente", August 17, 2022.

³²⁷² UNHCR, Information available at <https://www.acnur.org/paraguay.html>.

³²⁷³ UNHCR, Information available at <https://data.unhcr.org/en/documents/details/92717>.

³²⁷⁴ UN, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Concluding observations on the second periodic report of Paraguay, CMW/C/PRY/CO/2, 03 June 2022.

27) PERU

1479. REDESCA notes with concern that the guarantee of ESCER in the country faces serious challenges due to the risks to democratic institutionalism which, among others, have been deeply linked to several political crises due to various factors³²⁷⁵. This situation is aggravated by the situation of poverty and inequality, and its consequent impact on the guarantee of ESCER. Thus, according to the National Institute of Statistics and Informatics, by 2021 poverty will affect 21.8% of the population, while extreme poverty will affect 4.1%, for an approximate of 8 million 556 thousand people in this situation³²⁷⁶. Additionally, 34.6% - equivalent to 11 million 430 thousand people - would be at risk of falling into monetary poverty³²⁷⁷.
1480. On this point, it is also noted that, as a result of the pandemic, the number of people living in poverty increased by almost 10%³²⁷⁸ - with 30.1% of the population living in monetary poverty by 2020³²⁷⁹ - which contrasts with reports that the net wealth of the country's billionaires would have increased from US\$ 7.6 billion to US\$ 11.4 billion by 2021.³²⁸⁰ In addition, it is noted that the average income of the population would have fallen by 11.1% in 2020, which would have had disproportionate impacts on women, the less educated and less skilled, and people working in micro and small businesses with low incomes³²⁸¹.
1481. Along the same lines, it is observed that the Gini Index in the country would be 0.464 for 2020³²⁸². According to the National Inequality Perception Survey (ENADES), carried out in 2022, 72% of the Peruvian population considers that inequality between rich and poor is very serious; while 60% perceive that the differences between rich and poor have increased in the last two years³²⁸³.
1482. It should be noted that this situation would have resulted, among other things, in the country becoming the most food insecure country in South America by the end of 2022, with approximately 16.6 million people -more than half of the population- lacking regular access to adequate food³²⁸⁴. According to FAO, 51% of the population would live in a situation of moderate food insecurity, of which 20% would experience acute food insecurity.³²⁸⁵

A. Right to Health and its Social Determinants: Pandemic

1483. In relation to the right to health in the context of the pandemic, REDESCA is particularly concerned that Peru, after five waves of Covid-19, has registered one of the highest mortality rates worldwide due to Covid-19.³²⁸⁶ In this regard, in mid-December 2022, approximately 4,405,843 cases (132,144 active) and

³²⁷⁵ IACHR, Visit to Peru: IACHR observes risks to democratic institutions and calls on institutions to exercise their mandate in accordance with the rule of law and due process, October 19, 2022.

³²⁷⁶ Instituto Nacional de Estadística e Informática, Informe Técnico: Evolución de la Pobreza Monetaria 2010-2021, May 2022.

³²⁷⁷ Ibidem

³²⁷⁸ Reuters, Peru's poverty rate soars to 30.1% due to pandemic, May 14, 2021

³²⁷⁹ National Institute of Statistics and Informatics, Monetary poverty reached 30.1% of the country's population in 2020, 2021.

³²⁸⁰ Oxfam, "Covid-19 | Unemployment, Inequality and Precarization in Peru 2020-2030." February 26, 2022.

³²⁸¹ Oxfam, "Covid-19 | Unemployment, Inequality and Precarization in Peru 2020-2030." February 26, 2022.

³²⁸² ECLAC, Key Figures for Latin America and the Caribbean - Peru, 2020.

³²⁸³ Instituto de Estudios Peruanos and OXFAM, Encuesta Nacional de Percepción de Desigualdades (ENADES 2022), July 2022.

³²⁸⁴ Unnews, Peru's food crisis grows amid soaring prices and poverty: FAO, November 17, 2022

³²⁸⁵ Unnews, Peru's food crisis grows amid soaring prices and poverty: FAO, November 17, 2022

³²⁸⁶ El País, "Perú registra la mayor tasa de mortalidad del mundo por la covid", June 1, 2021; Infobae, Quinta ola de Covid-19 en Perú: más de 7 mil casos positivos en solo 24 horas, December 4, 2022.

217,821 deaths were registered³²⁸⁷. In addition, it is noted that by the end of February 2022, the country would have the world record orphan rate, with approximately 98,000 children who would have lost their mother, father, or guardian as a result of the pandemic.³²⁸⁸

1484. In this context, it is also noted with concern the large number of infections among health personnel, as well as the fact that, within the framework of the third wave of infections, the capacity of care in hospitals has been affected³²⁸⁹, with greater impact, among others, in the Goyeneche, Honorio Delgado and Yanahuara Hospitals of EsSalud de Arequipa³²⁹⁰. Likewise, it is noted that parallel to this situation, the shortage and price increase of generic drugs was denounced, for which INDECOPI called on drug suppliers to respect the rules of protection and defense of consumers, as well as to avoid behaviors that promote speculation and hoarding of these products as they are necessary to face the pandemic³²⁹¹.

1485. With respect to the immunization process, although delays have been reported in starting the inoculation of the population aged 5 to 11 years, REDESCA welcomes the country's efforts to have its entire population vaccinated against Covid-19.³²⁹² Along these lines, as of June 21, some 76,901,369 doses of vaccine have been administered since the beginning of the pandemic³²⁹³. Thus, by mid-June 2022, the country already had 84% of its population fully vaccinated³²⁹⁴. Likewise, and according to an official report from the Ministry of Health, by June 2022, Peru had already administered the booster dose to 64% of its population over 12 years of age³²⁹⁵. In this scenario, it should be noted that, by the beginning of 2023, 90.26% of the population is reported to have received their second dose³²⁹⁶.

1486. Despite recognizing these efforts and measures, REDESCA expresses its concern about the constant complaints about the expiration of doses³²⁹⁷, as well as the low percentage of vaccination that would have been recorded in the indigenous peoples of Peru, since, by February 2022 and despite having started the immunization process in February 2021, protection against Covid-19 in the Amazonian indigenous peoples would not reach 40% of its members³²⁹⁸. In this line, while recognizing the efforts - reflected, among others, in the intercultural dialogues and vaccination brigades - it is noted that, as of October 2022, the Ministry of Health announced that approximately 1,385,424 doses would have been applied to protect the Amazonian and Andean indigenous communities of the country,³²⁹⁹ despite estimates that there are more than 5 million indigenous people in the country.

³²⁸⁷ Worlometers, [Peru](#), December 17, 2022

³²⁸⁸ Swiss Info, "[La covid-19 desnudó en dos años al débil sistema de salud peruano.](#)" February 25, 2022.

³²⁸⁹ [Andina](#) "[Peru: ICU bed occupancy rate reaches 100% at Ancash coast hospitals](#)", February 1, 2022; [La República](#), "[Ola de contagios en personal de salud afecta atención en hospitales](#)", January 18, 2022.

³²⁹⁰ [La República](#), "[Ola de contagios en personal de salud afecta atención en hospitales](#)", January 18, 2022.

³²⁹¹ [La República](#), "[Reportan desabastecimiento e incremento de precios de medicamentos genéricos, advierte Indecopi](#)", January 18, 2022.

³²⁹² [La República](#), "[Coronavirus en Perú: este viernes llega primer lote de vacunas para los niños de 5 a 11 años](#)", January 18, 2022.

³²⁹³ Ministry of Health, "[COVID-19 Vaccine in Peru](#)", June 21, 2022.

³²⁹⁴ Ministry of Health, "[COVID-19 Vaccine in Peru](#)", June 21, 2022.

³²⁹⁵ Ministry of Health, "[COVID-19 Vaccine in Peru](#)", June 21, 2022.

³²⁹⁶ Ministry of Health, "[COVID-19 Vaccine in Peru](#)", January 23, 2023.

³²⁹⁷ [La República](#) "[Advierten que más de 2 millones de dosis de la vacuna AstraZeneca están prontas a vencer](#)", 23 February 2022; [La República](#). "[Coronavirus in Peru: minister Hernán Condori recognizes that there are vaccines due to expire](#)". March 23, 2022; [Semana](#), "[Nearly 300,000 doses of anticovid vaccines would be lost this Saturday in Peru due to expiration](#)", April 29, 2022; [Sputnik](#), "[Peru's Comptroller warns of loss of 11 million COVID-19 vaccines due to expiration](#)", August 16, 2022; [Comptroller General of the Republic](#), "[More than 4 million Covid-19 vaccines would expire by end of year](#)", November 24, 2022.

³²⁹⁸ [La República](#), "[Coronavirus en Perú: el 40% no está vacunado en los pueblos amazónicos](#)", February 7, 2022.

³²⁹⁹ [El Peruano](#), "[Más de 1.3 millones de dosis contra el covid-19 se aplicaron en pueblos indígenas u originarios](#)", October 25, 2022; [Swiss Info](#), "[Más de un millón de vacunas anticovid se han aplicado a indígenas en Perú](#)", October 25, 2022

1487. The Special Rapporteurship is also concerned about the institutional challenges faced by the national government, which have had repercussions, among others, in the health portfolio. For example, in only 8 months -between August 2021 and March 2022- the Ministry had three ministers of health³³⁰⁰, some of whom were removed due to the poor management of the pandemic, as well as questions about their qualifications to hold the position.³³⁰¹

1488. With regard to other health-related issues, REDESCA is closely following reports of the outbreak of dengue fever in Peru, as there has been a steady increase in cases in recent years, reaching figures that had not been seen since 2017.³³⁰² Thus, as of September 24, 2022, 58,117 cases and 75 deaths had been reported³³⁰³. Given this situation and the cases of lethality, the Peruvian State had to issue two epidemiological alerts³³⁰⁴. Similarly, the Ministry of Health took the decision to fumigate more than 20,000 homes in an Amazonian town in order to prevent and control dengue in Puerto Maldonado³³⁰⁵. Likewise, in June, the fumigation of the largest cemetery in Peru was also carried out, due to the fact that it represented a great potential breeding ground for mosquitoes.³³⁰⁶ For its part, the Office of the Special Rapporteur notes that a similar situation is occurring with malaria, in which, given the sustained increase in cases, it has been indicated that by July 2022 there would be an increase of 64.22% compared to the first seven months of 2021.³³⁰⁷

1489. At the same time, REDESCA notes that the first case of monkeypox in the country was reported on June 26, 2022³³⁰⁸. In this context, the mandate welcomes the prompt approval of a technical standard for the prevention and management of suspected or confirmed cases of monkeypox, in order to protect the life and health of the population at risk and affected³³⁰⁹. It should be noted that Peru was reportedly one of the countries with the highest number of cases in relation to its population³³¹⁰, which in August made it the country with the second highest rate of monkeypox in Latin America³³¹¹. Thus, in mid-August, approximately 834 cases of the disease were reported³³¹². In view of this situation and the high number of reported cases of the disease, the Ombudsman's Office requested the Government to prioritize the introduction of the monkeypox vaccine. In response, the Ministry of Health informed that the acquisition of the vaccines would be made through the PAHO Revolving Fund, as it was considered a mechanism that

³³⁰⁰ El Colombiano, "[Peru goes for its third Minister of Health in 8 months](#)", April 7, 2022

³³⁰¹ Europa Press, "[Peru's Medical Association demands resignation of new health minister for promoting illegal use of medicine](#)," Feb. 11, 2022; Panama ON, "[Defensoría de Perú pide que fiscalía investigue al nuevo ministro de Salud](#)," Feb. 13, 2022.

³³⁰² La República, "[Alerta sanitaria por aumento de casos de dengue con alta letalidad](#)", April 7, 2022; El Comercio, "[Infecciones por dengue crecen a casi el doble del año pasado: mapa de los contagios](#)", September 30, 2022.

³³⁰³ La República, "[Dengue outbreak: Peru launches epidemiological alert for 75 deaths and 58,000 cases](#)", September 24, 2022

³³⁰⁴ Infobae, "[Peru declares epidemiological alert for dengue outbreak with eight deaths](#)," February 16, 2022

³³⁰⁵ Agencia EFE, "[Peru fumigates 20,000 homes against dengue fever in an Amazonian town](#)", March 27, 2022.

³³⁰⁶ France 24, "[The largest cemetery in South America is fumigated to control dengue fever in Peru](#)". June 01, 2022

³³⁰⁷ Swiss Info, "[Peru added more than 15,000 malaria cases as of July, 64 % more than in 2021](#)", Aug. 10, 2022

³³⁰⁸ RPP NEWS, "[Minister of Health confirmed first case of monkeypox in Peru](#)". June 26, 2022

³³⁰⁹ El Peruano, "[Monkeypox: technical health standard approved for prevention and patient management](#)." July 05, 2022

³³¹⁰ Prensa Latina, "[Peru country most affected by monkeypox in South America](#)". July 18, 2022

³³¹¹ La República, "[Monkeypox: Peru ranks second in Latin America](#)". August 01, 2022, La República, "[Peru becomes the country with the highest rate of monkeypox in Latin America](#)". July 25

³³¹² SwissInfo, "[Peru reaches 834 cases of monkeypox](#)". August 16, 2022

ensured equal and supportive access to the vaccines³³¹³ and by early November 2022 the inoculation process began.³³¹⁴

1490. On the other hand, the Office of the Special Rapporteur takes note with concern of several complaints it has received indicating that the country is 20 years behind in access to cancer drugs compared to other countries³³¹⁵. In this line, problems with the supply of some oncological medicines have been reported, for example, from the supervision carried out during April and May to the National Institute of Neoplastic Diseases (INEN) and the regional institutes of neoplastic diseases in the north, center and south of the country. As a result, the Right to Health program of the Ombudsman's Office demanded the Ministry of Health to take concrete actions to address this situation³³¹⁶.
1491. Although the Ministry of Health indicated that it is not true that MINSA hospitals are out of stock of medicines for patients diagnosed with cancer³³¹⁷, it should be noted that the Comptroller General's Office reported that it had found an adverse situation in which oncology and palliative medicines were out of stock and with critical stock in the RebaGliati, Almenata and Sabogal benefit networks, which could affect the timeliness and quality of treatment of cancer patients to the detriment of their health³³¹⁸. Thus, there is evidence of a shortage of 59 oncology drugs and a critical stock of 41 such drugs in national hospitals.³³¹⁹
1492. Given this scenario, it is noted that the Social Health Insurance indicated that there would be a shortage in the local and international market and that it was taking measures, such as "abbreviated and emergency" purchases and coordination and technical support to EsSalud networks and hospitals in order to optimize and redistribute oncology drugs throughout the country³³²⁰. Although these measures are noted, REDESCA urges to take immediate measures to solve this situation and guarantee the right to health of all people, under a differentiated and intersectional approach.
1493. This is even more pressing considering that the Ombudsman's Office reported the existence of cancellation of treatments and suspension of surgeries for cancer patients in Peru³³²¹. Likewise, it is denounced that 6,000 Peruvian women would have died from breast cancer between 2018 and 2020, that 5 thousand women with breast cancer during 2020 would have stopped being attended and that during the same year more than 4 thousand attentions would not have been carried out for diagnosis in breast cancer.³³²²
1494. Without detriment to the above, REDESCA welcomes the enactment of the law for the prevention of breast and cervical cancer - which, among others, would seek to establish complementary measures for the prevention of other oncological diagnoses suffered by the population, regardless of socioeconomic status

³³¹³ MINSA, "Respecto a la implementación de vacunas contra la viruela simica en el país, el Ministerio de Salud informa," Aug. 10, 2022, SwissInfo, "Perú comprará vacunas contra la viruela del mono a través de la OPS," Aug. 10, 2022.

³³¹⁴ infobae, Monkeypox: Peru leads Latin American countries in starting vaccination against the disease, November 8, 2022

³³¹⁵ Information received by REDESCA from CSOs. CANCER IN PERU. December 17, 2022

³³¹⁶ SwissInfo "Peruvian ombudsman's office asks to ensure stocks of oncology drugs," 26 May 2022.

³³¹⁷ La República. Minsa denies shortage of medicines for oncology patients". May 30, 2022

³³¹⁸ Office of the Comptroller General of the Republic of Peru. "Informe de Orientación de Oficio N° 008-2022-OCI/0251-SOO." June 14, 2022, La República. "Minsa niega desabastecimiento de medicamentos para pacientes oncológicos". May 30, 2022, RPP Noticias. "Contraloría alerta desabastecimiento de 59 medicamentos oncológicos en hospitales Rebagliati, Almenara y Sabogal". July 05, 2022

³³²⁰ RRP News. "EsSalud attributes shortage of oncology drugs to shortages in the local and international market". July 05, 2022

³³²¹ France 24. "Peru faces deficit in cancer patient care". July 09, 2022

³³²² Information received by REDESCA from CSOs. CANCER IN PERU. December 17, 2022

or social vulnerability³³²³. Also noteworthy is the decision of the national government to approve and publish the regulations of the national cancer law, which, among other issues, provides for the prevention and control of cancer, the financing to be provided in each area, comprehensive care for oncology patients, human resources for hospitals and the supply chain that will be provided even for cases not included in the Single National Essential Drug Formulary (PNUME, for its acronym in Spanish)³³²⁴.

1495. In relation to other effects, the mandate expresses its concern about the situation of people with rare diseases, since it has been reported that only 3% of patients with diseases considered rare have access to treatment, of which 70% of those seeking treatment in Lima come from other regions, and it is reported that diagnoses can take up to 10 years, due to the lack of specialists³³²⁵.

1496. In terms of mental health, REDESCA notes that there would be a lack of access to medications to treat depression. Of the 64 drugs available on the world market, only 16 would be available in Peru, with only 7 of them covered by the Social Health Insurance. This is despite the fact that reported cases of people with depression would have increased by 12% in 2021, compared to the pre-pandemic stage. It should be noted that, in cases of untreated depression, there is a risk of the disease worsening³³²⁶. For this reason, REDESCA urges the State to include comprehensive mental health care services and their financing as an essential factor in health systems, from a human rights approach and under an intersectional, gender and ethno-cultural diversity perspective³³²⁷.

1497. However, with respect to the basic and social determinants of health, REDESCA welcomes the creation of a high-level commission to guarantee the continuity of agricultural production and food supply in the event of an international food crisis³³²⁸. Without detriment to this, the mandate notes with concern that in 18 of the 25 regions of Peru, more than half of the households are in a situation of food insecurity, the most affected being the regions of Ayacucho, Apurímac, Cusco, Puno and Ancash³³²⁹. In this regard, it is known that, in general terms and according to FAO, 51% of the population would live in a situation of moderate food insecurity, of which 20% would experience acute food insecurity³³³⁰. Likewise, in the city of Lima, 2,500 common pots have been registered in the portal of the Ministry of Development and Social Inclusion, which have reported that the money they manage to raise with donations is no longer enough to provide food to the people in their community, due to the increase in food prices³³³¹. This situation is even more aggravating considering the scenario of poverty and inequality discussed above.

1498. Finally, in the area of health, REDESCA is extremely concerned about reports of attacks on medical units and damage to health services in the context of the exponential escalation of violence in the protests in Peru since December 2022, in which it has been reported, among others, that the transfer of medical oxygen and the transfer of patients who urgently need to go to the hospital³³³² has been damaged. Against

³³²³ RPP, [Government promulgates breast and cervical cancer prevention law, August 16, 2022](#)

³³²⁴ La República, ["Gobierno aprobó y publicó el reglamento de la Ley Nacional de Cáncer"](#), March 30, 2022.

³³²⁵ La República, ["Solo el 3% de pacientes con enfermedades raras accede a un tratamiento en el Perú"](#), February 28, 2022.

³³²⁶ El Comercio, ["Los costos de la salud mental: Minsa solo cubre el 7% de los medicamentos antidepresivos disponibles"](#), 6 June, 2022.

³³²⁷ IACHR. "Press Release No. 243/20: States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access." October 02, 2022

³³²⁸ SwissInfo. ["Peru creates high-level commission to face eventual food crisis"](#). 05 June 2022

³³²⁹ Efe Agency. ["More than 50 % of households in 18 regions of Peru suffer food insecurity"](#). June 23, 2022

³³³⁰ [Unnews, Peru's food crisis grows amid soaring prices and poverty: FAO, November 17, 2022](#)

³³³¹ Health with a magnifying glass. ["The impossible calculation of the common pots: how to distribute four fish among three hundred people?"](#). June 16, 2022

³³³² Infobae, [Hospitals on red alert for lack of oxygen and medicines due to roadblocks](#), January 24, 2022

this backdrop, the mandate calls for the protection of health personnel and to ensure that they have safe conditions to carry out their work, in order to guarantee the right to life and health of the population.

B. Climate Emergency and the Human Right to Water

1499. REDESCA closely monitors the impacts of the climate emergency on the human rights of the population, which are reflected, among other things, in the consequences of intense rains or droughts. For example, the situation experienced by some 180 families in the Puno region, whose homes were damaged at the beginning of the year when the Tupi River overflowed its banks as a result of heavy rains in the area³³³³. The flooding also reportedly destroyed some 800 hectares of crops. Along the same lines, the effects caused by the heavy rains in the Peruvian northeast are also of concern, given that they not only left the Bagua-Condocanqui-Sarameriza road impassable due to several landslides and the activation of streams, but also caused damage to homes and numerous hectares of crops, which represent the only economic livelihood of the indigenous communities in the area³³³⁴.
1500. In the same vein, REDESCA notes that the Peruvian government declared a state of emergency for 60 calendar days in 191 districts in the departments of Apurímac, Arequipa, Ayacucho, Cusco, Huancavelica, Junín, Moquegua, Puno and Tacna, due to low temperatures. In response, the mandate welcomes the Multisectoral Plan for Frost and Cold 2022-2024, which would aim to implement multisectoral actions to protect the physical integrity and livelihoods of more than two million Peruvians in these areas³³³⁵.
1501. On the other hand, highlighting the fundamental role of individuals, peoples, communities, movements and groups defending environmental human rights in the construction of ambitious climate policies and goals and in the protection of strategic ecosystems in the fight against climate change, REDESCA follows with concern the reports about the lack of protection for environmental defenders in the country. This, among others, is reflected in the fact that, as of April 2022, 19 environmental defenders have been murdered in a period of two years³³³⁶.
1502. It should be noted that most of the incidents in the last two years have occurred in the Amazon region³³³⁷ and that most of the defenders are leaders of indigenous peoples who oppose illegal mining, illegal logging, species trafficking and drug trafficking³³³⁸. In this context, the report notes with concern reports of an increase in drug traffickers and coca growers in the central Peruvian Amazon since the pandemic, which would be linked to the violence and murder of environmental defenders³³³⁹.
1503. Additionally, REDESCA notes with concern that in mid-July, around 600 illegal miners reportedly attacked the headquarters of the Organization for the Development of the Cenepa Border Communities (ODECOFROC), in the province of Condorcanqui and Bagua, where they allegedly kidnapped several of its leaders. This is due to the role that the organization has played in denouncing illegal extractive activities,

³³³³ Andina, "Peru: Tupi River overflow affects 180 homes in Saman, Puno", February 6, 2022.

³³³⁴ La República, "Amazonas: rains leave the road linking the provinces of Bagua and Condorcanqui impassable", March 17, 2022.

³³³⁵ RPP News. "Government declared state of emergency in 191 districts in 9 regions of the country due to low temperatures". June 28, 2022

³³³⁶ Infobae. "19 environmental defenders killed in Peruvian jungle by narcos and illegal miners since 2020." April 24, 2022

³³³⁷ El Buho <https://elbuho.pe/2021/09/70-de-asesinatos-de-defensores-ambientales-en-peru-sucedio-en-amazonia/>, 15 September 2021

³³³⁸ OHCHR <https://acnudh.org/peru-alerta-por-serie-de-asesinatos-de-defensores-ambientales/>, July 5, 2021

³³³⁹ Thomson Reuters Foundation. "Peru's indigenous communities fear rising violence from drug traffickers". June 28, 2022

as well as in defense of the environment and indigenous territories³³⁴⁰. In this scenario, the Ombudsman's Office informed that these events are not isolated, as similar events had also occurred in May. For this reason, they undertook to supervise compliance with the obligations of the competent authorities in the eradication of illegal mining³³⁴¹.

1504. Without detriment to the above, the Office of the Special Rapporteur welcomes the inauguration of an office for the protection of rights defenders in Puerto Maldonado, Madre de Dios, with the aim of strengthening comprehensive actions to address the environmental problems affecting the population of this region. According to the information provided, this office will improve the levels of coordination and strengthen joint work with the different decentralized entities and regional actors³³⁴².

1505. Likewise, in April 2021, Supreme Decree 004-2021 was issued, which seeks to "guarantee prevention, protection and access to justice for women human rights defenders³³⁴³", and the Ministry of Environment approved a Sector Protocol for the protection of women environmental defenders³³⁴⁴. In addition, in April 2022, Peru reaffirmed its commitment to a clean, healthy and sustainable environment before the UN Human Rights Council³³⁴⁵. Despite these advances, REDESCA considers that deliberate and concrete measures are required to ensure the protection of environmental defenders in the country as a fundamental pillar for the protection of the environment. In this line, REDESCA urges to continue strengthening the mechanisms for their protection, taking into special consideration the Inter-American standards on the matter, as well as the ratification of the Escazú Agreement.

1506. On this last point, REDESCA takes note of the information provided by the organizations that make up the campaign "Escazú Now! Peru" campaign, regarding the political and institutional obstacles that would hinder the ratification process³³⁴⁶. REDESCA urges the State to ratify this instrument, reaffirming that it is an instrument to prevent conflicts through access to information, participation and justice in environmental matters; and that, by enshrining the protection of defenders of rights in environmental matters, it recalls that to protect the environment it is essential to protect those who defend it³³⁴⁷.

C. Business and Human Rights

1507. In relation to the impact that business activities may have on the enjoyment of ESCER, the Office of the Special Rapporteur has identified three recurring issues that deserve special attention: i) oil and mineral spills and their effects on people and the environment; ii) conflicts between companies and indigenous peoples in the context of extractive activities; and iii) pollution caused by companies and its impact on people's health.

³³⁴⁰ TeleSur TV. "[Mineros ilegales atacan a comunidad indígena amazónica del Perú](#)". July 18, 2022; Ombudsman's Office. "[Comunicado No. 29/DP/2022: Defensoría del Pueblo solicita a PCM y al Ministerio Público intervenir con urgencia contra la minería ilegal en provincia de Condorcanqui](#)". July 20, 2022

³³⁴¹ Ombudsman's Office. "[Comunicado No. 29/DP/2022: Ombudsman's Office requests PCM and the Public Prosecutor's Office to urgently intervene against illegal mining in Condorcanqui province](#)". July 20, 2022

³³⁴² Stakeholders Sustainability. "[Madre de Dios: protection office for rights defenders installed](#)". July 07, 2022

³³⁴³ El Peruano, Supreme Decree N 004-2021-JUS <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-crea-el-mecanismo-intersectorial-para-la-decreto-supremo-n-004-2021-jus-1946184-4/> 2021.

³³⁴⁴ Ministerial Resolution, Government of Peru, <https://cdn.www.gob.pe/uploads/document/file/2037171/RM.%20134-2021-MINAM%20con%20anexo%20Protocolo%20Sectorial.pdf> 2021

³³⁴⁵ UN Peru <https://www.onuperu.org/el-peru-reafirma-compromiso-con-derecho-humano-a-un-medio-ambiente-limpio-saludable-y-sostenible-ante-consejo-de-derechos-humanos-de-la-onu/> 11 March, 2022.

³³⁴⁶ Communication directed by the Escazú Now! Peru to REDESCA, November 4, 2022.

³³⁴⁷ IACHR - UN Human Rights and REDESCA, [Press Release No. 84/2022, It is urgent to protect environmental defenders](#), April 21, 2022.

1508. On the first issue, REDESCA has closely followed the spill that occurred in the Ventanilla sea in January by the Repsol company, which has been considered the largest environmental disaster in recent times in Peru³³⁴⁸. Around 11,900 barrels of oil were spilled into the water, reaching an area of 1,739,000 square meters³³⁴⁹. The contamination had serious impacts on the flora and fauna of two protected natural areas, including the National Reserve of the System of Islands, Islets and Puntas Guaneras, Islotes de Pescadores and the Ancón Reserved Zone³³⁵⁰. It should be noted that the Environmental Evaluation and Oversight Agency (OEFA) indicated that on January 25 a second spill was reported³³⁵¹, although Repsol denied this new episode³³⁵². The extent of the contamination motivated the affected communities and volunteers to begin cleanup work in January "with their own hands"³³⁵³.
1509. The Office of the Special Rapporteur took note of the measures adopted by the State to address the spill, which included the declaration of an environmental emergency for 90 days³³⁵⁴ and the stoppage of Repsol's activities in the Peruvian sea³³⁵⁵ -although this measure was later lifted due to the shortage of gasoline in the country³³⁵⁶ - . In addition, compensation for damages was demanded from the company³³⁵⁷; and technical assistance and international cooperation was received from 15 countries and institutions³³⁵⁸, including a group of international experts from the United Nations³³⁵⁹.
1510. Regarding the cleanup of the oil spill, in early February, Repsol announced that it had made progress in cleaning up 56% of the beach and sea areas that were affected³³⁶⁰. However, by June, the OEFA identified that, in an area of 11,000 hectares - comprising 97 sites, such as beaches, cliffs, points and other coastal formations - only five beaches had been cleaned; although the company stated that it had completed the cleanup of 28 beaches³³⁶¹. By the end of August, the agency reported that there were 34 sites still affected; 15 in field evaluation; 35 with pending results; and 13 with no impact³³⁶². It should be noted that during

³³⁴⁸ REDESCA, [Press Release no. RD024. RD024, REDESCA expresses its deep concern over oil spills in Peru and urgently calls to take the necessary measures to mitigate their impacts on the environment and people](#), February 1, 2022

³³⁴⁹ CNN en Español, ["Peru oil spill: here's what we know so far."](#) Jan. 24, 2022; El país, [Fishermen still ashore one year after Repsol spill in Peru](#), Jan. 23, 2023.

³³⁵⁰ REDESCA, [Press Release no. RD024. RD024, REDESCA expresses its deep concern over oil spills in Peru and urgently calls to take the necessary measures to mitigate their impacts on the environment and people](#), February 1, 2022

³³⁵¹ Ibidem

³³⁵² Euro News, ["Repsol denies second oil spill staining Peru's coastline"](#), January 28, 2022.

³³⁵³ El País, ["Los peruanos limpian con sus propias manos el derrame de petróleo de Repsol en el mar"](#), January 23, 2022.

³³⁵⁴ Republic of Peru, ["Ministerial Resolution."](#) January 21, 2022; France 24, ["Peru declares 90-day environmental emergency to combat oil spill on its coasts."](#) January 24, 2022.

³³⁵⁵ El Comercio, ["Osinergmina ordena paralización de actividades en terminal N°2 de la refinería La Pampilla"](#), January 19, 2022; La República, ["Gobierno anuncia paralización de actividades de Repsol en el mar peruano"](#), January 31, 2022.

³³⁵⁶ Kaieteur News, ["After disastrous spill... Fuel shortage forces Peru to temporarily lift suspension on oil company's operations"](#), February 8, 2022.

³³⁵⁷ Swiss Info, ["Peru demands "compensation" from Spanish Repsol for damages caused by oil spill on its coasts"](#), January 20, 2022.

³³⁵⁸ El Peruano, ["Derrame de petróleo: 15 países e instituciones apoyan al Perú a solucionar desastre ambiental"](#), February 7, 2022.

³³⁵⁹ Twitter, ["United Nations confirms Permanent Representation of Peru in Geneva."](#) Jan. 21, 2022; UN News, ["Peru oil spill: UN to provide nuclear techniques to overcome environmental crisis."](#) Jan. 26, 2022.

³³⁶⁰ Intereconomía, ["Repsol anuncia 'resultados significativos' en la limpieza del derrame de crudo en Perú"](#), 7 February 2022; La República, ["Derrame de petróleo: limpieza de mar y playas supera el 56%, según Repsol"](#), 10 February 2022.

³³⁶¹ La República. ["OEFA: Repsol has only cleaned up a small part of the areas affected by oil"](#). June 29, 2022

³³⁶² El Comercio, [Oil spill: more than 200 days later, 34 sites and one protected area remain affected on Peru's central coast](#), September 15, 2022.

the visit of the IACHR and REDESCA to the country in October³³⁶³ the Special Rapporteur's Office found that beaches that had been declared rehabilitated were still contaminated, with a direct impact not only on ecosystems, but also on the livelihoods of fishermen, merchants in the areas, among others.

1511. On the other hand, REDESCA noted that in February different agencies linked to the Ministry of Health carried out joint work to provide assistance and detect possible impacts on the health of the people affected by the spill³³⁶⁴ ; at the same time Repsol announced that it would deliver food packages to the affected families³³⁶⁵ . However, it was reported that more than 5,000 families were forced to organize common pots, due to the insufficient supplies received³³⁶⁶ . In March, a bonus was established for affected fishermen, who -under certain requirements- could access an early compensation of up to 3,000 soles³³⁶⁷ , as they were one of the groups most affected as a result of the spill³³⁶⁸ . In April, the Ministry of the Environment announced that additional compensation would be demanded from the company, to add US\$700 to the initial bonus³³⁶⁹ . In this context, a group of 153 fishermen requested a precautionary measure from the IACHR, due to the threat that the spill would pose to their lives, personal integrity and health. It was alleged that the Peruvian State had not adopted the necessary measures to help the fishing communities .³³⁷⁰
1512. For its part, REDESCA received information that, as of June, no effective payment of the compensation offered had been made, prompting protests by fishermen, merchants and transporters³³⁷¹ . In this regard, it was reported that the company had refused to compensate around 1,800 merchants of Ancón, as they were not recognized as victims of the oil spill³³⁷² . Subsequently, the Rapporteurship noted that Repsol reached an agreement with 97 affected families in June³³⁷³ ; and, in October, reported that it had reached final compensation agreements with more than 3,200 families³³⁷⁴ . This figure would be equivalent to one third of the Padrón Único de Afectados por el derrame de Ventanilla; and would include members of various groups such as ice cream vendors, umbrella sellers, motorcycle taxi drivers, and beach and food vendors, from the districts of Ventanilla, Ancón, Santa Rosa, Aucallama and Chancay³³⁷⁵ .
1513. In this regard, the Office of the Special Rapporteur expresses its deep concern about the allegations it has received regarding the discretionary negotiation that the company is having with the affected persons, in which an alleged abuse of power is reported, as well as abusive clauses in which people are forced to sign documents when negotiating with the company that end up being confidential and of which, in some cases, they do not even have a copy. In this context, it was pointed out that some of these contracts include a clause stating that after the severance payment, no further claims can be made³³⁷⁶ . On this point, the

³³⁶³ IACHR, Cp. No. 233, Visit to Peru: IACHR observes risks to democratic institutions and calls on institutions to exercise their mandate in accordance with the rule of law and due process, October 19, 2022.

³³⁶⁴ La Jornada, "Perú: Salud brinda asistencia a pobladores afectados por derrame de petróleo", February 8, 2022.

³³⁶⁵ NBC News, "Tonga volcano eruption blamed for huge oil spill in Peru," January 24, 2022.

³³⁶⁶ Twitter, "Oxfam in Peru," March 15, 2022

³³⁶⁷ Infobae, "Bono pescadores: requisitos y desde cuando recibirán anticipo de 3 mil soles de indemnización por derrame de petróleo", March 9, 2022.

³³⁶⁸ La República, "Dos meses después del derrame, pescadores mendigan reparación a empresa Repsol", March 15, 2022.

³³⁶⁹ Kaieteur News, "Peru oil disaster...Govt. secures additional compensation for citizens", April 11, 2022.

³³⁷⁰ ASPEFAEA Fishermen's Injunction - Bahía Blanca Beach, March 18, 2022

³³⁷¹ RPP News. "Artisanal fishermen denounce that Repsol has not complied with compensation payments and protest in front of the Spanish Embassy". June 21, 2022

³³⁷² La República, "Repsol no incluye en indemnización a 1,800 comerciantes de Ancón", April 12, 2022.

³³⁷³ El Comercio. "Oil spill: Repsol reaches final economic agreement with affected Santa Rosa merchants". July 25, 2022

³³⁷⁴ La República, "Oil spill: Repsol signs final compensation agreements with more than 3,200 families", October 21, 2022.

³³⁷⁵ Ibid.

³³⁷⁶ Information received by REDESCA from CSOs and obtained during visits. Fishermen complaints. August-December 2022; Information received by REDESCA from CSOs. Complaint. January 2023.

mandate notes that these processes, in addition to being detrimental to the interests of these people, would not have had adequate support³³⁷⁷, as well as that, after a year of the spill, a significant number of fishermen have not been able to resume their work and thus achieve their livelihood - this along with traders and other people who depended on the industry-.

1514. On the other hand, the National Institute for the Defense of Competition and Protection of Intellectual Property (Indecopi) filed a civil suit for damages, demanding compensation of US\$4.5 billion³³⁷⁸. REDESCA notes that this case could set an important jurisprudential precedent for Peru, being the first in which an international oil company is held liable in defense of the interests of the population³³⁷⁹. In turn, the Congressional Commission that investigated the oil spill concluded that Repsol was the main responsible for the spill, due to the fact that the pipeline through which the oil was discharged dates back to 1975 and has not been modernized or maintained³³⁸⁰. Additionally, the State imposed fines on the company and initiated administrative sanctioning proceedings against it³³⁸¹.

1515. In order to follow up on the measures implemented with respect to the spill, in September a temporary Multisectoral Commission was formed, composed of representatives of the Council of Ministers; the Ministries of Energy and Mines, Environment and Justice and Human Rights, and Indecopi³³⁸². In this regard, REDESCA's attention is drawn to the fact that the associations of fishermen and people affected by the spill were not included in the Multisectoral Commission, despite having submitted repeated requests³³⁸³. In turn, the OEFA imposed two fines of US\$10.5 million on the company for having provided false information on the volume of oil spilled, the area affected and the period of the spill in its emergency report; and for having omitted to carry out actions to contain and recover the hydrocarbon and clean up the affected soil area³³⁸⁴.

1516. On this issue, in the framework of the working visit carried out in October, REDESCA was informed about the challenges in the investigation, sanctioning and adequate and effective reparation for the people and communities affected by the Repsol spill³³⁸⁵. In addition, a visit was made to Los Delfines beach, Ventanilla district, and a boat trip was made around the port of Ancón, where it was found that there are still traces of hydrocarbons³³⁸⁶. A meeting was also held with fishing communities in the region, where the testimonies of the people affected by the Ventanilla spill were heard³³⁸⁷. Based on the information received, the Commission and REDESCA emphasized that any declaration of beach rehabilitation must be based on scientific studies that guarantee the safety and participation of the communities; and noted the urgent need for the necessary social protection to address the indefinite loss of jobs and livelihoods as a result of the spill³³⁸⁸. Additionally, it was possible to observe the situation of special vulnerability in which

³³⁷⁷ El país, [Fishermen still ashore one year after Repsol spill in Peru](#), January 23, 2023

³³⁷⁸ LP Derecho, ["Indecopi sues Repsol for US\\$4.5 billion for oil spill,"](#) 14 May, 2022

³³⁷⁹ ABC, ["El ente peruano de competencia demanda a Repsol por 4,500 millones de dólares por el vertido de enero,"](#) 14 May, 200.

³³⁸⁰ Epicenter TV, ["Repsol is the main responsible for the oil spill in the Ventanilla sea".](#) June 23, 2022

³³⁸¹ El Peruano, ["Ejecutivo impuso a Repsol multas por 7.7 millones de soles por contaminación".](#) July 28, 2022

³³⁸² El Comercio, [Oil spill: working group created to guarantee adequate reparation and compensation to the State,](#) September 6, 2022.

³³⁸³ REDESCA, Meeting held with members of the National Platform of People Affected by Heavy Metals, Metalloids and Other Toxic Chemical Substances of Peru, September 22, 2022.

³³⁸⁴ Yahoo, [Peru fines Repsol \\$10 million after oil spill,](#) October 29, 2022.

³³⁸⁵ IACHR, Press Release No. 233/22, [Visit to Peru: IACHR observes risks to democratic institutions and calls on institutions to exercise their mandate in accordance with the rule of law and due process,](#) October 19, 2022.

³³⁸⁶ Ibid.

³³⁸⁷ Ibid.

³³⁸⁸ Ibid.

the affected communities find themselves, in a context marked by inequality and poverty; as well as the differentiated impacts that the spills have on the lives of women, girls and adolescents³³⁸⁹.

1517. In addition to reinforcing the urgent need to adopt these calls, REDESCA notes with particular concern that oil spills are a constant problem in Peru, affecting mainly indigenous communities and Amazonian territories. In this regard, it has been reported that in the last 25 years, Peru has registered 1,022 oil spills, 70% of which are attributable to operational failures and corrosion, linked to lack of maintenance by the operating companies³³⁹⁰.
1518. In this regard, REDESCA takes careful note of a report prepared by OXFAM, which - in addition to counting, disaggregating and contrasting the information on hydrocarbon emergencies registered by OEFA and Osingermin between 1995 and 2021 - points out problems in the control and accountability mechanisms for hydrocarbon spills; and identifies the companies under whose operations the largest number of incidents have occurred³³⁹¹. Additionally, the report draws attention to the problem of environmental liabilities, which are poorly abandoned wells and facilities, contaminated soils, effluents, emissions, remains or waste deposits, produced by the cessation of operations of hydrocarbon companies in specific areas³³⁹². In this regard, it is indicated that Peru has 3,231 environmental liabilities, mostly located in the Amazonian provinces, which continue to represent considerable risks to health, the environment and safety³³⁹³.
1519. For his part, the United Nations Special Rapporteur on Toxic Substances and Human Rights visited localities that have been affected by recurring spills, such as Nuevo Andoas, Loreto and Espinar, Cusco, and warned about the feeling of abandonment by the State in the communities, due to the lack of definitive solutions to the problem of spills and the neglect of basic needs such as water and sanitation and electricity³³⁹⁴.
1520. In relation to the above, during its working visit, REDESCA received information presented by civil society organizations that the lack of maintenance and negligence in the management of the Norperuvian oil pipeline would be the main cause of the recurrent spills registered in the country³³⁹⁵. However, it was noted that, in most cases, the spills have been attributed to the actions of third parties, and there have been accusations that blame the members of the affected communities for the spills³³⁹⁶.
1521. For example, at the end of January, a spill was recorded in the district of Uranias, Loreto, in the vicinity of the Urituyacu stream, which serves as the main source of water for the communities in the area³³⁹⁷. According to Petroperu, the spill was caused by an intentional cut in the Norperuvian Pipeline, the second such incident in less than a month³³⁹⁸.

³³⁸⁹ Ibid.

³³⁹⁰ Ojo Público, "UN Rapporteur: 'I see people's hopelessness in the face of such strong impacts'", February 28, 2022.

³³⁹¹ OXFAM Peru, La sombra de los hidrocarburos en el Perú | Actualización de la información sobre los sitios con daño hidrocarburiífero en el Perú: 1997-2021, February 2022.

³³⁹² Ibid.

³³⁹³ Ibid.

³³⁹⁴ Ibid.

³³⁹⁵ IACHR, Press Release No. 233/22, Visit to Peru: IACHR observes risks to democratic institutions and calls on institutions to exercise their mandate in accordance with the rule of law and due process, October 19, 2022.

³³⁹⁶ Ibid.

³³⁹⁷ RPP Noticias, Loreto: Indigenous people ask for intervention due to oil spill and Petroperu calls pipeline cut "intentional", January 21, 2022

³³⁹⁸ Ibid.

1522. In September, REDESCA noted that the spill of approximately 2,500 barrels of oil from the Norperuano pipeline led to the declaration of an environmental emergency in the geographic area near the communities of Cuninico and Urarinas, in the province of Loreto³³⁹⁹. According to the Ministry of Environment, the crude oil reached an area of 848,400m² of water bodies, between the Cuninico stream and the Marañón river, which affected the water supply to meet the basic needs of food and hygiene of the communities³⁴⁰⁰. In this context, the Ombudsman's Office urged Petroperú to adopt immediate measures to contain the oil, remediate the area and attend to the affected indigenous communities; it also requested the immediate intervention of the Specialized Environmental Prosecutor's Office (FEMA), the OEFA and the Supervisory Body for Investment in Energy and Mining (Osingermin)³⁴⁰¹. On September 20, the FEMA of Nauta opened a preliminary investigation, for a period of 60 days, to clarify the facts and identify those possibly responsible for an alleged environmental crime; again, the company alleged that the spill had been caused intentionally, with a cut in one of the pipes located at kilometer 42 of the Norperuvian Pipeline, in Urarinas.³⁴⁰²
1523. In this scenario, it was denounced that the water and food delivered by the State and Petroperú were insufficient to supply the 272 families affected by the spill; so that, seven days after the incident, the supplies for the common cooking pots were exhausted³⁴⁰³. Given the persistence of these circumstances, at the end of September and beginning of October, the indigenous communities established a blockade on the Marañón River to protest the spill and demand urgent action from the government³⁴⁰⁴.
1524. In October, the Office of the Special Rapporteur noted that the Autonomous Territorial Government of the Wampis Nation (GTANW) sent a communiqué to the State authorities demanding urgent action to address the damage caused by a spill that occurred at kilometer 117 of the Norperuvian oil pipeline in September³⁴⁰⁵. In the communiqué, GTANW denounced that, 42 days after the incident, neither the state entities nor the company had coordinated the execution of containment, cleanup, remediation and repair measures with the members of the community³⁴⁰⁶.
1525. The Office of the Special Rapporteur expresses its concern that, according to public information, between September and October, four oil spills were reported in the Peruvian Amazon, affecting more than 30 indigenous communities, where more than six thousand people live³⁴⁰⁷. In addition to what happened in Cuninico, spills were reported in the territories of the Chapra Nation (September 10); of the Achuar people (September 21); and in the Wawiko River, province of Bagua, Amazonas³⁴⁰⁸.
1526. At the same time, REDESCA noted with alarm the spill of tons of zinc in the Chillón River, Canta, in June³⁴⁰⁹. MINSA issued an epidemiological alert through the Centers for Disease Control and Prevention due to the risk of exposure of the population to this mineral³⁴¹⁰. In addition, the Ministry of Transportation

³³⁹⁹ BBC, ["7 days without food and water": state of emergency declared in Peru's Amazon due to oil spill](#), September 16, 2022.

³⁴⁰⁰ Ibid.

³⁴⁰¹ Servindi, [Defensoría pide acciones inmediatas ante derrame que afecta río Marañón](#), September 16, 2022.

³⁴⁰² Resumen Latinoamericano, [Peru. Preliminary investigation opened for oil spill in Loreto](#), September 20, 2022.

³⁴⁰³ Ibid.

³⁴⁰⁴ Voice of America, [Indigenous Peruvians block river in Amazonas after oil spill](#), September 28, 2022; Peru 21, [Loreto: Native communities maintain blockade of Marañón river for seventh day](#), October 10, 2022.

³⁴⁰⁵ Swiss Info, [Indigenous community urges Peruvian government to address oil spill](#), October 21, 2022.

³⁴⁰⁶ Ibid.

³⁴⁰⁷ El País, [Some thirty communities in the Peruvian Amazon, in emergency due to oil spills](#), October 24, 2022.

³⁴⁰⁸ Ibid.

³⁴⁰⁹ El Comercio. ["Minsa issues epidemiological alert in Canta and North Lima after zinc spill in Chillón river"](#). June 19, 2022

³⁴¹⁰ El Comercio. ["Minsa issues epidemiological alert in Canta and North Lima after zinc spill in Chillón river"](#). June 19, 2022

and Communications (MTC) ordered the stoppage of the activities of the company Wari Service S.A.C., because it had failed to complete the recovery, removal and cleaning of the Chillón riverbed, affected by the zinc concentrate spill³⁴¹¹.

1527. On several occasions, the IACHR and REDESCA have addressed the situation of oil spills in Peru, drawing attention to the risks to the lives, personal integrity and health of people affected by oil activity, as well as the direct impacts on the rights to a healthy environment, water and food³⁴¹². They have also specifically warned about the profound impact that these incidents have on the indigenous peoples living in or around contaminated areas, ranging from obstacles to the satisfaction of the basic needs of their members and the performance of daily activities, increased risks of disease and health problems, to effects on their socio-cultural practices linked to the territory³⁴¹³. Likewise, REDESCA recalls that, in 2017, the Commission already granted a precautionary measure in favor of the communities of Cuninico and San Pedro, in the face of various spills registered in different sections of the Norperuvian Pipeline; and, specifically, it recommended the adoption of the necessary measures to preserve the life and personal integrity of its inhabitants; provide adequate medical care, with special attention to children; guarantee access to drinking water and adequate food; and, mitigate the effects on human health that the spills could have³⁴¹⁴.

1528. This issue was also addressed in the REDESCA Report on Business and Human Rights, which emphasized that - in addition to the specific actions required to deal with environmental emergencies of this nature³⁴¹⁵, States must comply with the specific duties of regulation, prevention, supervision and oversight and guarantee access to mechanisms of redress, which derive from the obligation to ensure the enjoyment of human rights in the context of business activities³⁴¹⁶.

1529. In addition, the Report stresses that companies must take into account and respect the human right to a healthy environment and the use and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples. This implies, at the very least, respect for all environmental laws in force; the implementation of due diligence processes with respect to environmental impact on human rights and the environment; the guarantee of access to environmental information, participation and accountability; and effective reparations to the victims of environmental degradation³⁴¹⁷. With these considerations, the Special Rapporteur urges the Peruvian State and the companies of the

³⁴¹¹ The Peruvian. "MTC suspends operations of Wari Service S.A.C. company that spilled zinc in Chillón river". June 30, 2022

³⁴¹² IACHR, [Press Release No. 184/2019, IACHR and its REDESCA express high concern over oil spills in Peru and urge the State to take urgent prevention, mitigation and investigation actions](#), July 26, 2019; REDESCA, [Press Release No. RD24/2022, REDESCA expresses deep concern over oil spills in Peru and makes an urgent call to take the necessary measures to mitigate their impacts on the environment and people](#), February 1, 2022; IACHR - REDESCA, [Press Release No. 233/2022, Visit to Peru: IACHR observes risks to democratic institutionalality and calls on institutions to exercise their mandate with adherence to legality and due process](#), October 19, 2022.

³⁴¹³ IACHR, [Situación de los derechos humanos de los pueblos indígenas y tribales de la Panamazonía](#), OAS/Ser.L/V/II, Doc. 176. 29 September 2019, paras. 90, 91, 111, 112, and 113; IACHR, [Press Release No. 184/2019, IACHR and its REDESCA express high concern over oil spills in Peru and urge the State to take urgent prevention, mitigation and investigation actions](#), July 26, 2019; IACHR, [Press Release No. 105/2017, IACHR conducts visit to the Peruvian Amazon](#), July 25, 2017.

³⁴¹⁴ IACHR, [Resolution No. 52/2017, Precautionary Measure No. 120-16, Villagers of the Community of Cuninico et al. regarding Peru](#), December 2, 2017.

³⁴¹⁵ REDESCA-IACHR, [Report on Business and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, IACHR/REDESCA/INF.1/19, November 1, 2019, para. 243.

³⁴¹⁶ *Ibid.*, para. 86.

³⁴¹⁷ *Ibid.*, para. 46.

hydrocarbon sector to take adequate and immediate actions to mitigate the impacts of oil spills on people and the environment and, especially, to prevent their occurrence.

1530. On the second issue, regarding conflicts between companies and indigenous communities, REDESCA notes with concern the escalation of conflicts between the indigenous community of Huancuire, in Fuerabamba, and the mining company MMG, which is allegedly linked to the company's failure to comply with its social investment commitments³⁴¹⁸. In addition, the Office of the Rapporteur is concerned about the conflicts between indigenous peoples and the oil company PetroTal, who have threatened to halt operations in Lot 95 - an oil field located in the Amazon region of Loreto - because they reject the militarization of indigenous territories and demand respect for their rights³⁴¹⁹. Along the same lines, the Awajun indigenous peoples of the district of Manseriche, in the Loreto province of Datem del Marañón, announced that they would take over the oil installations of Station 5 of the Norperuvian Oil Pipeline, in the event of violence against the indigenous people of the Kukana community³⁴²⁰.
1531. Protests against Las Bambas mining company and the central government in the Apurímac region are also alarming, due to non-compliance with commitments and the lack of payments and appraisals of land affected by the mining corridor road. The leaders of the area have pointed out that, although in 2018, the company committed to issue a document verifying the areas, appraisal and payment of appraisal of 336 properties, it has not complied with this promise; despite the fact that the inhabitants ceded part of their lands for the mining corridor to be built³⁴²¹.
1532. REDESCA is also alarmed by reports of the deaths of 14 artisanal miners in Arequipa, which are believed to be related to conflicts with the mining company Intigold³⁴²². At the beginning of June, there were confrontations with firearms between security personnel and workers of the company and the artisanal miners, which led to the declaration of a state of emergency in the locality³⁴²³. In this context, an attack on an artisanal mining camp was denounced, consisting of the burning of the mining gallery, which would have seriously affected the health and integrity of its members³⁴²⁴. This is because the miners who were inside the gallery had inhaled the toxic gases produced by the combustion of the materials; at least 20 miners were reported to have suffered lung damage, 4 of whom had serious respiratory problems³⁴²⁵.
1533. The Ombudsman's Office reported that, as of August, 89 mining-related conflicts had been registered in the regions of Apurímac, Cajamarca, Cusco and Moquegua³⁴²⁶. However, in spite of the important mining projects being developed in these regions, these localities do not have any offices or offices to attend to mining-related conflicts³⁴²⁷. This is especially relevant considering that, according to the President of the

³⁴¹⁸ Reuters "[MMG Las Bambas Copper Mine in Peru to Suspend Operations After Protest](#)," 18 April 2022.

³⁴¹⁹ Gestión, "[Comunidades indígenas amenazan con detener operaciones del Lote 95 de PetroTal](#)", March 21, 2022.

³⁴²⁰ RPP Noticias, "[Loreto: Awajún Indians announce they will take over oil facilities at Station 5 'if there is repression'](#)", March 24, 2022.

³⁴²¹ RPP News. "[Las Bambas: Inhabitants of Mara block the mining corridor as a protest against the company and the MTC](#)". June 22, 2022

³⁴²² Peru Support Group. "[Conflict over artisanal mining in Arequipa leaves 14 dead](#)". June 11, 2022

³⁴²³ Business and Human Rights Information Center. "[Murder of 14 artisanal miners and disappearance of 12 more ...](#)" 11 June, 2022.

³⁴²⁴ RPP Noticias. "Arequipa: Asociación Calpa [Renace denounced 'attack' in sinkhole that leaves 20 miners affected, four of them seriously](#)". June 28, 2022.

³⁴²⁵ Ibid.

³⁴²⁶ Peru 21, "[Mining regions do not have offices to address social conflicts](#)", September 24, 2022.

³⁴²⁷ Ibid.

Council of Ministers , it is estimated that social conflicts would have cost the country's metal mining sector 20,080 million soles in 2022.³⁴²⁸

1534. REDESCA has also received information on the serious consequences that informal and illegal mining is having on the country's natural areas. In this regard, a report published by USAID identified that in the department of Madre de Dios alone, there are 46,605 artisanal miners dedicated to gold extraction, of which 31,390 are in the informal sector and 9,323 are considered illegal³⁴²⁹ . This contrasts with the latest official figures which, by 2020, counted around 50,000 artisanal miners throughout the country³⁴³⁰ . According to the report, gold mining in these modalities is carried out in an area of 7,300 km² , using various types of devices and heavy machinery³⁴³¹ . This situation is affecting several indigenous communities located in Puerto Luz, Barranco Chico and the Tambopata Reserve³⁴³² ; and would have devastating consequences on ecosystems and natural resources, mainly by accelerating deforestation in the Peruvian Amazon and contaminating soils and water sources³⁴³³ .
1535. Along these lines, the Office of the Special Rapporteur took note of the Wampis Nation's complaints about the increase in illegal logging and the illegal timber trade in their territories and the lack of a state response to this problem³⁴³⁴ . In this regard, the vice-president of GTANW, Galois Flores, has indicated that members of the community have suffered intimidation and even death threats for having seized boats carrying illegal timber³⁴³⁵ .
1536. In addition, within the framework of the VII Regional Forum on Business and Human Rights for Latin America and the Caribbean, REDESCA held a meeting to report on the impact of spills and extractive activities on indigenous peoples³⁴³⁶ . In addition, the need to approve the Intercultural Health Plan 2022-2026 was highlighted, as well as the need to comply with the prior consultation agreements for lot 192, and to strengthen the mechanisms for monitoring multisectoral agreements to avoid further conflicts³⁴³⁷ .
1537. In particular, the Office of the Special Rapporteur is concerned about the existence of regulations that would allow private companies to hire agents of the Peruvian National Police to provide security services, which would be frequent in the extractive sector³⁴³⁸ .
1538. On this issue, REDESCA recalls that the IACHR has indicated that, in order to guarantee and protect the rights of indigenous peoples in the context of extractive activities, States have - in addition to the general duty of prevention, which requires the adoption of measures to ensure an adequate regulatory framework in this area - a specific duty of prevention, which becomes enforceable from the moment that a real and immediate risk to a person or group of persons becomes known, in a specific situation³⁴³⁹ . In this regard,

³⁴²⁸ El Comercio, Social conflicts cost more than S/20,080 million to mining, says Aníbal Torres, September 30, 2022.

³⁴²⁹ Mongabay LATAM, Report reveals that more than 40 thousand illegal and informal miners extract gold in Madre de Dios, August 1, 2022.

³⁴³⁰ Ibid.

³⁴³¹ Ibid.

³⁴³² La República, Cuatro nuevos focos de minería ilegal amenazan dos comunidades nativas, March 13, 2022.

³⁴³³ Mongabay LATAM, Report reveals that more than 40 thousand illegal and informal miners extract gold in Madre de Dios, August 1, 2022.

³⁴³⁴ Wampis Nation. "Pronunciamento frente a la inacción del estado ante la tala ilegal". June 18, 2022

³⁴³⁵ La República. "Galois Flores Pizango: "Illegal loggers have hired hired hired killers to intimidate us". June 22, 2022

³⁴³⁶ Meeting held between REDESCA and the A.P.C., July 15, 2022.

³⁴³⁷ Mail sent by Angela Alfaro Villanueva <angela.alfarov@gmail.com>, July 17, 2022

³⁴³⁸ International Service for Human Rights, Business and Human Rights Information Center and Robert F. Kennedy Human Rights, Communication sent to REDESCA on the case of Elmer Campos regarding Peru, October 24, 2022.

³⁴³⁹ IACHR, Situation of the Human Rights of Indigenous and Tribal Peoples of Panamazonia, para. 245.

the Commission has expressly requested that the States take decisive action against impunity for human rights violations committed in the context of business or illegal activities in the Pan-Amazon region, through thorough and independent investigations, ensuring that the material and intellectual authors are punished, and that individual and collective reparations are made to the victims³⁴⁴⁰.

1539. In view of the fact that free, prior and informed consultation is one of the guarantees recognized by international law for the protection of the rights of indigenous peoples in the face of extraction, exploitation or development projects, REDESCA expresses its concern over the Constitutional Court's ruling that declared that the right of indigenous peoples to prior consultation is not a fundamental right³⁴⁴¹. REDESCA considers that this would be contrary to the Political Constitution, which states that treaties ratified by the Peruvian State are part of national law, as well as contrary to the State's obligation to comply, in good faith, with international commitments made voluntarily and to the principle of control of conventionality³⁴⁴².

1540. On the other hand, REDESCA notes with concern that contamination with toxic chemicals produced by business activities, as well as the serious effects this has on human health, is a generalized problem in the country. In this regard, in a meeting held with the National Platform of People Affected by Heavy Metals, Metalloids and Other Toxic Chemical Substances of Peru and OXFAM, it was reported that -according to official figures- there would be 10 million people exposed to contamination with toxic chemicals in the country; and, that approximately one third of the population would be at risk of exposure to heavy metals³⁴⁴³. In addition, it was recalled that in 2018 the MINSA determined that children aged 0 to 11 years represent 84% of the population exposed to heavy metals; there are cases such as Cerro de Pasco, where there are frequent deaths of children due to health effects derived from contamination³⁴⁴⁴. However, it was pointed out that there is no official information on the number of people experiencing signs or symptoms of health problems.

1541. In addition, it was reported that, despite the existence of a "Special Multisectoral Plan for the intervention in favor of the population exposed to heavy metals, metalloids and other toxic chemical substances" -created in December 202-; there have been multiple delays and obstacles on the part of the authorities and the companies, which prevent its effective application³⁴⁴⁵. In this regard, it was stated that, as of September, the Multisectoral Commission in charge of implementing the actions of the Plan³⁴⁴⁶ had not been formed. In addition, it was indicated that the lack of timely attention to people affected by spills and contamination is common in the country³⁴⁴⁷.

1542. In relation to the above, the Special Rapporteur notes with concern the results of the latest inventory conducted by the Binational Authority of Lake Titicaca (ALT), which revealed that, of 113 sources of pollution, 32 correspond to domestic wastewater, 25 to mining activities, 6 to mining waste and 50 to urban solid waste, which harm the quality of the waters of Lake Titicaca. This situation results in reduced fish production, which is detrimental to artisanal fishermen and community residents. The main finding

³⁴⁴⁰ IACHR, Situation of the Human Rights of Indigenous and Tribal Peoples of the Panamazonia, OAS/Ser.L/V/II. Doc. 176, September 29, 2019, para. 419.8.

³⁴⁴¹ Constitutional Court - Plenary Ruling, Case No. 03066-2019-PA/TC, February 28, 2022

³⁴⁴² IACHR, Press Release No. 071/22, The IACHR expresses its concern over the ruling of the Constitutional Court of Peru that affects the rights of indigenous peoples, April 6, 2022.

³⁴⁴³ Meeting held with members of the National Platform of People Affected by Heavy Metals, Metalloids and Other Toxic Chemical Substances of Peru, September 22, 2022.

³⁴⁴⁴ Ibid.

³⁴⁴⁵ Ibid.

³⁴⁴⁶ Ibid.

³⁴⁴⁷ Ibid.

was to identify Lake Titicaca as the only recipient of all the pollutant load generated by the socioeconomic activities that take place in the area of its drainage basin, both in Peru and Bolivia³⁴⁴⁸.

1543. In this context, the Office of the Special Rapporteur learned of the project to reopen the La Oroya metallurgical complex from its new owners and former workers, more than ten years after its operations were suspended due to non-compliance with environmental standards³⁴⁴⁹. Some members of the community filed a petition before the IACHR in 2006; and, in 2020, the Commission concluded that the Peruvian State is responsible for the violation of their rights to a healthy environment, health, personal integrity and life, due to its inaction regarding environmental contamination³⁴⁵⁰. The possible responsibility of the State continues to be analyzed by the IACHR Court, which is still pending the issuance of the judgment.
1544. On this issue, REDESCA stresses that chronic and permanent exposure to toxic or hazardous substances represents a threat to the rights to life, personal integrity and health³⁴⁵¹. Therefore, in order to protect human rights in these circumstances, the State has, among others, the duties to generate, compile, evaluate and update adequate information; effectively communicate it to the population at risk; facilitate the participation of people in decision-making in these contexts; and implement actions so that companies involved in the management of such substances adopt due diligence in terms of human rights³⁴⁵². In addition, it recalls what the IACHR has indicated, regarding the fact that, if it is known that ecological damage or human rights violations are occurring in the context of extractive projects, such projects must be suspended and environmental damage must be repaired and those responsible must be investigated and punished³⁴⁵³. This, in turn, is accompanied by the obligation of supervision and oversight which, in the case of extractive activities, may be stricter depending on the activity and nature of the company³⁴⁵⁴.
1545. In addition, REDESCA has been monitoring the implementation process of the National Action Plan (NAP) on business and human rights. REDESCA is concerned that it has been reported that in the formulation of the NAP, the participation of indigenous peoples was not counted on, nor were provisions included regarding their right to free, prior and informed consent for exploitation and development projects, as stated in a public hearing at the 183rd Period of Sessions of the IACHR³⁴⁵⁵. In addition, information was received regarding the existence of obstacles to the effective implementation of the NAP in different areas, linked to the lack of competence of the Ministry of Justice and Human Rights to modify

³⁴⁴⁸ Gestión: "Lake Titicaca: more than a hundred polluting sources affecting its waters are identified". June 28, 2022

³⁴⁴⁹ DW, Peru: project to reopen La Oroya mine, November 22, 2022.

³⁴⁵⁰ IACHR, Report No. 330/20, Case 12.718, Merits Report, La Oroya Community v. Peru, OEA/Ser.L/V/II, Doc. 348, November 19, 2020.

³⁴⁵¹ IACHR, Resolution 24/2019. Precautionary Measures No. 1498/18. Marcelino Díaz Sánchez et al. (Mexico), April 23, 2019, para. 24.

³⁴⁵² IACHR, Report No. 330/20, Case 12.718, Merits Report, La Oroya Community v. Peru, OEA/Ser.L/V/II, Doc. 348, November 19, 2020.

³⁴⁵³ IACHR, Indigenous peoples, Afro-descendant communities and natural resources: protection of human rights in the context of extractive, exploitative and development activities, OEA/Ser.L/V/II, Doc.47/15, December 31, 2015, para. 97.

³⁴⁵⁴ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II, IACHR/REDESCA/INF.1/19, November 1, 2019, para. 103.

³⁴⁵⁵ IACHR, 183rd Regular Session, Hearing No. 6, Situation of public policies on business and human rights in Peru, March 15, 2022.

the regulations on specific matters such as the environment; and the advocacy and lobbying strategies of some companies that oppose the NAP³⁴⁵⁶.

1546. On the other hand, REDESCA reiterates its concern about the situation of environmental and territorial defenders, especially those belonging to indigenous peoples, due to the practices of criminalization and threats to which they are exposed. In this regard, a report by the organization Global Witness stated that in 2021 alone, eight environmental rights defenders were murdered in Peru; and warned about the high number of attacks perpetrated against defenders in the Peruvian Amazon, especially against indigenous people³⁴⁵⁷. In addition, it counted that between 2012 and 2021, 51 environmental defenders have been murdered in the country³⁴⁵⁸. Despite this, the Ministry of Justice and Human Rights does not have mechanisms and measures to effectively protect indigenous defenders from threats and aggressions from extractive companies, nor from criminalization and stigmatization by the State and corporations³⁴⁵⁹.
1547. The Office of the Special Rapporteur emphasizes that land and environmental defenders play a valuable role in the construction of a solid democratic society and sustainable development³⁴⁶⁰, and play a fundamental role in the protection of human rights and the environment³⁴⁶¹. Therefore, States have the obligation to guarantee an enabling and safe environment for the defense of human rights in environmental matters³⁴⁶²; which implies investigating, in a thorough, serious and impartial manner, taking as the first hypothesis the possible link between the acts of violence and the defense work, in order to identify the perpetrators, prosecute them and guarantee adequate reparation³⁴⁶³.

D. Labor and union rights

1548. Regarding this strategic line, REDESCA reiterates its concern about the high rate of informal employment, which would have reached 76.8% in 2021, registering an increase of 1.5 percentage points over the previous year³⁴⁶⁴. In this regard, it highlights that informality would have a greater incidence in rural areas, where it would reach 95.3% of the population, as opposed to 71.4% in urban areas³⁴⁶⁵. It also notes the gender wage gap in the labor market, given that only 32.4% of women are formally employed in Metropolitan Lima, and women earn, on average, only 71.6% of the salary earned by men³⁴⁶⁶.
1549. In this line, REDESCA joins the recommendations made by CEDAW, in which it calls on Peru to carry out temporary special measures in order to provide urgent treatment to the situation faced by different groups of disadvantaged, marginalized and vulnerable women and girls, such as indigenous and Afro-Peruvian women, women with disabilities, lesbian, bisexual, transsexual and intersex women, as well as refugee and migrant women, who suffer multiple forms of violence in all areas of their lives, who would

³⁴⁵⁶ Meeting held with members of the Plataforma Nacional de Afectados/as por Metales Pesados, Metaloides y Otras Sustancias Químicas Tóxicas del Perú (National Platform of People Affected by Heavy Metals, Metaloids and Other Toxic Chemical Substances of Peru), September 22, 2022.

³⁴⁵⁷ Global Witness, Decade of defiance | Ten years of reporting land and environmental activism worldwide, September 2022.

³⁴⁵⁸ Ibid.

³⁴⁵⁹ DHSD, EarthRights International, FENAMAD, Peru Equidad, PUINAMDUT, Functioning of the public policy for the protection of criminalized and threatened indigenous defenders, May 2022.

³⁴⁶⁰ IACHR, Press Release No. 72/2017, IACHR urges protection of environmental defenders, June 5, 2017.

³⁴⁶¹ IACHR - UN Human Rights and REDESCA, Press Release No. 84/2022, It is urgent to protect environmental defenders, April 21, 2022.

³⁴⁶² IACHR, Press Release No. 114/22, IACHR: high level of violence against human rights defenders in the first four months of 2022 urges States to protect their lives and work, May 25, 2022.

³⁴⁶³ IACHR, Press Release No. 72/2017, IACHR urges protection of environmental defenders, June 5, 2017.

³⁴⁶⁴ Gestión, About 1.8 Peruvians entered informality in 2021, March 15, 2022.

³⁴⁶⁵ Gestión, About 1.8 Peruvians entered informality in 2021, March 15, 2022.

³⁴⁶⁶ La República, "Gender pay gap: women earn 71.6% of men's salaries", March 8, 2022.

have limited access to employment opportunities, also encountering economic obstacles that restrict access to services.³⁴⁶⁷

1550. Without detriment to this and reiterating the importance of taking urgent positive measures to reverse this situation, REDESCA welcomes the initiative of the Ministry of Women and Vulnerable Populations that seeks the insertion of women victims of gender violence into the labor market. In this program, women would receive pre and post labor market insertion support through the NGO Cesal.³⁴⁶⁸

1551. Finally, recognizing the key role played by waste pickers in the protection of the environment and in the provision of public services based on waste management in the country, the Office of the Special Rapporteur calls for a rights-based approach to their work in which their labor and trade union rights are fully guaranteed. This is especially urgent considering that, as WIEGO has indicated, waste pickers belong to the most vulnerable population in informal self-employment and, in addition to the precarious conditions that they would experience in their work -such as lack of equipment to carry out their work or collection centers that are very remote, inadequate or unavailable-, they would be at a disadvantage because through various measures, companies would be favored over these³⁴⁶⁹.

E. Fiscal and Economic Policies

1552. REDESCA notes with concern the inflationary rise that has occurred in the country, which in the last months of 2022 would have maintained an annual inflation rate above 8%, compared to what has been reported to be the highest in 24 years and which has a direct impact on the ability to cope with food insecurity mentioned above³⁴⁷⁰.

1553. In view of this situation, the Office of the Special Rapporteur welcomes the State's efforts to address this situation, since, among others, Congress approved the temporary exemption of the general sales tax on the main products and inputs of the basic family basket, in order to mitigate the impact caused by inflation on the domestic economy³⁴⁷¹. Likewise, several monetary adjustments were made.

1554. REDESCA also takes note of the disturbances and the different consequences that occurred at the beginning of the year as a result of the transport workers' strike against fuel increases³⁴⁷², given that although the government -in order to meet the protesters' demands- made official the exoneration of the payment of the selective consumption tax on certain fuels³⁴⁷³, in several regions it was decided to suspend classes, affecting the normality of the same³⁴⁷⁴. In view of this, it should be noted that the strike and generalized discontent is not only linked to fuel prices, but also to allegations of corruption, the increase in the price of fertilizers, wheat and energy in general, among others³⁴⁷⁵.

³⁴⁶⁷ CEDAW - United Nations Human Rights Treaty Bodies, "Concluding observations on the ninth periodic report of Peru" - CEDAW/C/PER/CO/9, February 28, 2022.

³⁴⁶⁸ Caretas. "Public sector, business and civil society unite for the labor insertion of women victims of gender violence". July 19, 2022

³⁴⁶⁹ REDESCA. Meeting held with WIEGO and recyclers, October 8, 2022; Wiego. Information received by REDESCA, September 27, 2022.

³⁴⁷⁰ Infobae, "Peru recorded historic inflation this 2022: Will it continue to impact food prices next year?", December 20, 2022

³⁴⁷¹ La República, "Exoneran del IGV a productos básicos hasta diciembre", April 8, 2022.

³⁴⁷² La República, "Paro de transportistas: repasa todos los detalles del segundo día de protestas", March 28, 2022.

³⁴⁷³ La República, "Starting today, fuel prices are headed lower", April 4, 2022.

³⁴⁷⁴ La República, "Hoy y mañana varias regiones suspenden clases presenciales por paro" (Today and tomorrow several regions suspend classes due to strike), April 4, 2022

³⁴⁷⁵ BBC News, "Peru: what is the origin of the protests that have provoked a serious political and social crisis in the South American country", April 9, 2022.

1555. Likewise, REDESCA notes the protests that took place in the middle of the year, in which, due to a new strike of food transporters, the entry of food into the capital was affected, which led to an increase in the prices of basic foodstuffs³⁴⁷⁶. In the context of this scenario and the social conflict presented, REDESCA joins the call to the IACHR, recognizing that, if the disruption of daily life during protests extends over time and compromises the guarantee of other rights, such as the rights to life and health, and food supply, the State has the duty to facilitate all possible mechanisms for dialogue and the coexistence of all rights in tension, with the use of force as a last resort³⁴⁷⁷.

1556. On the other hand, regarding the budgets allocated to regional governments, the Office of the Special Rapporteur notes with concern the allegations that, even in the context of the Covid-19 pandemic, some regional governments have not executed the total budget allocated to health for the year 2021, being that only 56.5% of the budget would have been used³⁴⁷⁸. In this regard, in November 2021, an agenda motion was presented to Congress, warning that seven regions of the country had not executed even 30% of their annual budget to address and prevent Covid-19, including Puno (11%), Tacna (14.4%), Ancash (15.3%), Apurímac (19.2%), Lambayeque (22.3%), Tumbes (25.9%) and Piura (29.2%)³⁴⁷⁹. This situation is of special attention taking into account the serious impacts of the pandemic in the country and, particularly, the effects that these had on the capacity of health centers³⁴⁸⁰.

F. Education, science, technology: academic freedom and university autonomy

1557. With respect to education in the country, REDESCA notes that Peru was one of the countries that took the longest time to open schools after two years of closed classrooms³⁴⁸¹, and therefore welcomes the return to face-to-face classes in March³⁴⁸², as well as the return to mandatory face-to-face classes in private and public universities. Without detriment to this, it urges to take all necessary measures for the academic recovery of children and adolescents (NNA), taking into special consideration that the World Bank estimates a setback of approximately 10 years -in addition to the school dropout rate, in which as of May there would be 670,000 NNA without enrollment-³⁴⁸³. Likewise, the mandate takes note of complaints that the decision to return to universities was taken without prior coordination with them and that public universities do not have the necessary resources for this purpose³⁴⁸⁴.

1558. In relation to other measures, the Special Rapporteur on DESCA is closely following the bill on free admission to universities³⁴⁸⁵, which in principle would be aimed at young people with low income, also

³⁴⁷⁶ El Comercio, "Transport strike: "On Monday (June 27) no food will enter Lima", warned Unión Nacional de Transportistas". June 26, 2022

³⁴⁷⁷ IACHR, "IACHR condemns restrictions to fundamental rights in the face of protests in Peru and acts of violence recorded". April 07, 2022

³⁴⁷⁸ El Comercio, "Gobiernos regionales ejecutaron solo el 56,5% del presupuesto asignado a Salud", January 19, 2022.

³⁴⁷⁹ Andina, "Congreso: 7 regiones no ejecutaron ni 30 % de presupuesto en atender y prevenir covid-19", November 5, 2021.

³⁴⁸⁰ La República, "Ola de contagios en personal de salud afecta atención en hospitales", January 18, 2022.

³⁴⁸¹ Unicef, "Unicef warns that Peru is experiencing an unprecedented education crisis and calls for prioritizing our children and adolescents", May 25, 2022

³⁴⁸² La República, "Hoy retornan 4 millones de escolares a colegios públicos", March 14, 2022; Infobae, "Regreso a clases presenciales marzo 2022: protocolos, calendario y todo lo que debes saber sobre el inicio del año escolar", March 1, 2022.

³⁴⁸³ Unicef, "Unicef warns that Peru is experiencing an unprecedented education crisis and calls for prioritizing our children and adolescents", May 25, 2022

³⁴⁸⁴ La República, "Return to universities announced, but coordination and resources are lacking". June 28, 2022

³⁴⁸⁵ Infobae, "Pedro Castillo sobre ingreso libre a universidades: "Proyecto de ley está listo para ser presentado al Congreso"", March 21, 2022; La Ley, "Gobierno aprueba proyecto de ley que promueve el libre ingreso a las universidades", June 30, 2022.

considering academic levels, with a gradual and targeted admission process³⁴⁸⁶. In its proposal it was specified that it intends to modify articles 97 and 98 of the University Law and that free admission will be given progressively, benefiting around 5,000 people the first year³⁴⁸⁷. It should be noted that its purpose would be to support young people who are unable to access higher education due to economic reasons or because they cannot afford to pay for the admission exams.³⁴⁸⁸

1559. In relation to academic freedom, REDESCA notes with concern that bills have been advanced that would be regressive in nature, affecting academic freedom, human rights education and university autonomy. Thus, on the one hand, the mandate received information on the approval in the second vote of the opinion on Bills 697/2021-CR, 862/2021-CR, 908/2021-CR and 943/2021-CR, which, among others, would weaken the National Superintendence of University Higher Education (SUNEDU), by affecting the independence and impartiality of the Board of Directors of the National Superintendence of Higher Education (SUNEDU), as a watchdog of transparency and university autonomy³⁴⁸⁹.

1560. In this regard, a total of 18 public and private universities had requested Congress to reconsider the regulation³⁴⁹⁰, and several former rectors of Peruvian public universities indicated that the project does not recover autonomy, but rather implies a return to the National Assembly of Rectors (ANR), favoring political and private interests³⁴⁹¹. In the same way, the National Education Council (CNE) also requested not to approve this project, since the recomposition of the Sunedu's Board of Directors would go against the Constitutional Court, which pointed out the need to create an impartial and independent agency to ensure that universities comply with basic quality conditions³⁴⁹². Despite these calls, the law was approved by insistence, modifying not only the conformation of the institution's board of directors -allowing it to be elected again by university rectors- but also with the possibility of affecting the financing of public universities³⁴⁹³. It should be noted that the Judicial Power declared the amparo lawsuit filed by Sunedu to prevent the university counter-reform from becoming effective, thus preventing the weakening of the autonomy of this institution³⁴⁹⁴.

1561. On the other hand, REDESCA is extremely concerned that in May 2022, the Plenary of the Peruvian Congress also voted in favor of Law 904/2021-CR, which proposes the "Law that promotes the quality of educational materials and resources in Peru". In this regard, it is noted that this law limits the role of the Ministry of Education (Minedu) by transferring to parents the responsibility of evaluating educational materials, thus risking censorship of educational materials³⁴⁹⁵ and the right to quality education. It should

³⁴⁸⁶ La República, ["Ingreso libre a las universidades públicas será gradual y no al 100%"](#), March 26, 2022.

³⁴⁸⁷ La República. ["Bill promoting free admission to public universities was approved by the Government"](#). July 02, 2022

³⁴⁸⁸ La República, ["Will there be free admission to universities in Peru by 2022: 7 keys to understanding the bill"](#), July 7, 2022

³⁴⁸⁹ Peru 21, ["Congresistas destruyen la reforma universitaria con ley que afecta la Sunedu"](#), 2 February 2022; REDESCA. Information received by CSOs on Situation of the rights to higher education, basic education and gender equality in Peru, May 9, 2022.

³⁴⁹⁰ El Peruano, ["18 public and private universities ask Congress to reconsider rule against Sunedu"](#), February 7, 2022.

³⁴⁹¹ La República, ["Exrectores: Proyecto no recupera la autonomía, sino que retorna a la ANR"](#), February 9, 2022.

³⁴⁹² El Peruano, ["18 public and private universities ask Congress to reconsider rule against Sunedu"](#), February 7, 2022.

³⁴⁹³ RPP Noticias. ["Congress approves by insistence the university counter-reform law that attempts against Sunedu"](#). July 13, 2022

³⁴⁹⁴ La República. ["Poder Judicial declara fundada demanda de amparo y frena contrarreforma universitaria"](#). July 20, 2022

³⁴⁹⁵ Infobae, <https://www.infobae.com/america/peru/2022/03/15/congreso-debatira-el-proyecto-de-ley-que-propone-la-incorporacion-de-padres-en-la-elaboracion-de-los-materiales-educativos/> 22 March 2022; REDESCA. Information received by CSOs on Situation of the rights to higher education, basic education and gender equality in Peru, May 9, 2022.

be noted that this decision would have been taken without taking into account the technical opinion of the Minedu, nor technical opinions of civil society in favor of the incorporation of the gender approach and comprehensive sexual education, while it has been pointed out that the advances would have been made relying only on the opinions of organizations known to have a position contrary to the educational guidelines that govern the National Curriculum for Basic Education (which promotes gender equality and protects sexual and reproductive rights)³⁴⁹⁶. Along these lines, REDESCA notes that the Peruvian Ombudsman's Office rejected the enactment of Law No. 31498 on the quality of educational materials and resources by disregarding the role of the Ministry of Education and jeopardizing the application of the gender approach as a cross-cutting measure for the State and society as a whole to promote equality and respect for human rights.³⁴⁹⁷

1562. It should be noted that, in view of these measures, the United Nations stated that the educational reforms debated in the Peruvian Congress could "cause a serious setback" in the design and supervision of national policies, educational quality and the right to comprehensive sexual education³⁴⁹⁸. Given this worrisome scenario, REDESCA emphatically calls for the adoption of the necessary measures to guarantee the right of girls, boys and adolescents to access quality education without discrimination, in human rights and gender equality, and to ensure the unrestricted implementation of the Inter-American Principles on Academic Freedom and University Autonomy.

1563. With regard to this last recommendation, the mandate notes with concern the violence that occurred during the eviction of demonstrators from the facilities of the Universidad Nacional Mayor de San Marcos, in Lima, in the context of the political and social crisis that began on December 7. In this regard, as indicated by the IACHR, it is noted that on January 21, security forces of the National Police of Peru carried out an operation to free the gates of the Universidad Nacional Mayor de San Marcos using multipurpose tankette-type vehicles to break down the gates and that the operation resulted in the mass detention of 193 people, including a pregnant woman; children; indigenous people; elderly people; students; and four journalists.³⁴⁹⁹

G. Human Mobility and ESCER

1564. Regarding the situation of Venezuelan migrants in Peru, REDESCA notes with concern that 89% of Venezuelans with chronic illnesses do not receive medical attention or treatment of any kind³⁵⁰⁰. Likewise, 44% of Venezuelans who enter Peru do so irregularly, which makes it difficult for them to have health insurance, so only 7.3% would have some type of coverage.

1565. In this context, REDESCA welcomes the fact that the National Superintendence of Migration has extended by 90 days the deadline to apply for the Temporary Permit to Stay (CPP), which facilitates, among others, access to rights such as work and education³⁵⁰¹.

³⁴⁹⁶Ministry of Education, Peru, <https://repositorio.minedu.gob.pe/bitstream/handle/20.500.12799/4551/Curr%c3%adculo%20nacional%20de%20la%20educaci%c3%b3n%20b%c3%a1sica.pdf?sequence=1&isAllowed=y>; REDESCA. Information received by CSOs on Status of the rights to higher education, basic education and gender equality in Peru, May 9, 2022.

³⁴⁹⁷ Ombudsman's Office. "We reject enactment of Law No. 31498, on quality of educational materials and resources." June 23, 2022

³⁴⁹⁸ UN News, "COVID vaccines, Venezuelans in Iquique, floods in Quito, education in Peru... Wednesday's News", February 2, 2022

³⁴⁹⁹ IACHR, Peru: IACHR and RELE condemn violent evictions and mass arrests at the Universidad Nacional Mayor de San Marcos, January 27, 2023

³⁵⁰⁰ El Pitazo, "89% of Venezuelans with chronic diseases do not receive care in Peru", April 4, 2022.

³⁵⁰¹ El Peruano. "Migrations extends for 90 days the term to manage Temporary Permit to Stay". July 5th, 2022

1566. Notwithstanding this, REDESCA also notes that it has been reported that Venezuelan children do not have access to educational services, the main cause being discrimination. Thus, a study conducted by Save the Children reported that one out of every four Venezuelan migrant children in Lima and La Libertad is not enrolled in school. In addition, the study revealed that the main reasons for not accessing schools were document barriers (27%) and discrimination (10%)³⁵⁰².
1567. Along the same lines, REDESCA, as well as the Peruvian Ombudsman's Office, is concerned that the Peruvian Congress approves the bill that modifies articles 10, 45, 61 and 63 of the Migration Law, which would arbitrarily limit the entry and transit of foreigners, in addition to promoting that landlords require proof of immigration status to rent housing to migrants³⁵⁰³, which would establish a barrier to their access to the right to housing.
1568. Amnesty International has pointed out that Venezuelan migrant women victims of gender violence do not have access to health services, in many cases due to their migratory status³⁵⁰⁴.
1569. In view of this worrisome situation, the Office of the Special Rapporteur on ESCER makes an emphatic call to guarantee the ESCER of the migrant population under equal conditions and without discrimination, while reiterating that the lack of documentation should not be an impediment to access to the human rights of the population. In this sense, urgent measures are required that, based on a human rights approach, guarantee the right to health, food, housing, education, among other ESCER, of people in a situation of human mobility in Peru.

³⁵⁰² Al Jazeera. "[Venezuelan migrant children struggle to access education.](#)" 04 July 2022.

³⁵⁰³ Ombudsman's Office. "[Rechazamos dictamen del @congresoperu que modifica artículos 10,45,61 y 63 de Ley de Migraciones.](#)" July 09, 2022

³⁵⁰⁴ Amnesty International. "[Colombia y Perú: Mujeres venezolanas enfrentan creciente violencia de género ante abandono estatal en países de acogida.](#)" July 12, 2022, El Diario. "[Colombia and Peru fail to protect Venezuelan women's rights, according to AI.](#)" July 12, 2022

28) DOMINICAN REPUBLIC

1570. According to data provided by the World Bank and the Ministry of Economy, Planning and Development of the Dominican Republic, poverty in the country would have increased from 23.4% to 23.9% in 2021³⁵⁰⁵. These data would imply that more than 300,000 people would have fallen into poverty since the pandemic crisis began, as a result of the increase in inflation, the informalization of the labor market, and the decrease in emergency social assistance granted during the height of the health crisis³⁵⁰⁶. Notwithstanding the above, REDESCA positively values the ten-position advance in the Human Development Index (HDI), from 0.764 in 2020 to 0.767 in 2021³⁵⁰⁷.
1571. Along the same lines, according to information gathered by the Asociación de Participación Ciudadana³⁵⁰⁸, the rates of human trafficking have increased after the pandemic. This could be explained by the increase in poverty and vulnerability indexes, which would have particularly affected women and girls, through the limitations to access public services and the loss of work³⁵⁰⁹.
1572. Among other consequences, REDESCA takes note of the housing deficit affecting the Dominican Republic, where 1.5 million people do not have access to housing, affecting in greater proportion those living in poverty³⁵¹⁰. Consequently, irregular settlements have increased, located in places that are not suitable for housing, representing a risk to the physical integrity of the people³⁵¹¹.

A. Right to Health and its Social Determinants

1573. Regarding the situation of the right to health in the Dominican Republic, REDESCA has closely monitored the consequences of the COVID-19 pandemic, as well as the measures adopted by the Government to mitigate its impacts. As of December 19, the Dominican Republic has registered a total of 655,540 confirmed cases and 4,384 deaths as a result of the virus³⁵¹². In January of this year, the highest peak of the pandemic so far in the country was experienced, surpassing the threshold of 500,000 total cases, and registering approximately 5,000 cases per day³⁵¹³. Likewise, the Office of the Special Rapporteur notes a second peak during the months of June and July, after which there was a significant decrease in the number of infections³⁵¹⁴.
1574. In relation to the vaccination process, REDESCA notes that, as of December, 16,163,366 doses against COVID-19 had been administered, 55.42% of the Dominican population had been fully inoculated³⁵¹⁵, while 16.04% had a booster dose as of November³⁵¹⁶. It should be noted that, at the beginning of the year,

³⁵⁰⁵ World Bank, Dominican Republic: overview, April 13, 2022.

³⁵⁰⁶ Ministry of Economy, Planning and Development, Boletín de estadísticas oficiales de pobreza monetaria en la República Dominicana, No. 9, year 7, April 2022.

³⁵⁰⁷ Ministry of Economy, Planning and Development, "Ministro de Economía afirma mejora del país en el IDH demuestra la gran resiliencia de República Dominicana en un contexto adverso", 12 September 2022.

³⁵⁰⁸ Participación Ciudadana, "Luchar contra la marea: Estudio sobre trata de personas en once municipios de República Dominicana", 04 January 2022.

³⁵⁰⁹ Listín Diario, "La trata aumentó en el país durante la pandemia, indica estudio", January 20, 2022.

³⁵¹⁰ HIC, Dominican Republic: Housing deficit rises to 1.5 million; poor move out, March 23, 2022.

³⁵¹¹ Today's Guardians of Truth, "Housing deficit rises to 1.5 million; poor are displaced", March 14, 2022.

³⁵¹² Datosmacro, Dominican Republic - COVID-19 - Coronavirus crisis, December 21, 2022.

³⁵¹³ El Nuevo Diario, "Dominican Republic records new record number of covid-19 infections, with 7,174", January 14, 2022; Europa Press, "Dominican Republic records more than 7,000 daily COVID-19 infections for the first time", January 12, 2022.

³⁵¹⁴ Datosmacro, Dominican Republic - COVID-19 - Coronavirus crisis, December 21, 2022.

³⁵¹⁵ Datosmacro, Dominican Republic - COVID-19 - Vaccines administered, December 21, 2022

³⁵¹⁶ Vacúnate RD, Estadísticas Plan Nacional de Vacunación, November 15, 2022.

the health authorities authorized the application of the COVID-19 vaccine to children between five and eleven years of age, with the authorization of their parents or guardians³⁵¹⁷.

1575. REDESCA notes that at the end of February, the Government of the Dominican Republic eliminated all restrictions that had been established by the COVID-19 pandemic, including the use of masks and the requirement of a vaccination card³⁵¹⁸. With this decision, the country became the first State in the region to lift the obligatory nature of sanitary measures, which became mere recommendations³⁵¹⁹. REDESCA, in line with what has been stated by health experts in the country³⁵²⁰, as well as by PAHO³⁵²¹, recalls that excessive relaxation of public health measures may contribute to further spread of the virus. For this reason, it recalls the need for public policies to have a human rights approach and tend to protect especially the most vulnerable groups, until adequate vaccination coverage of the population is achieved³⁵²².
1576. On the other hand, the Office of the Special Rapporteur takes note of the sale of antigen tests in pharmacies to detect COVID-19, following the Government's willingness to facilitate access to the population and thus reduce the number of cases of the coronavirus³⁵²³. REDESCA welcomes this initiative and invites the authorities to continue their efforts to alleviate the pressure on hospitals³⁵²⁴.
1577. According to the information gathered, REDESCA has been able to learn of the serious consequences that the COVID-19 pandemic has had on the mental health of Dominicans, having increased cases of depression and anxiety, which would affect about 20% of the Dominican population³⁵²⁵. According to information published by the National Statistics Office, between March 2020 and February 2022, 11,297 people received psychological medical attention for symptoms related to the worry of contracting Covid-19, social isolation and economic pressures³⁵²⁶. In this regard, REDESCA notes the lack of psychiatric beds that would affect the public network.³⁵²⁷
1578. Regarding the enjoyment of the right to general health, the lack of health personnel specialized in oncology, cardiology or endocrinology in most of the municipal and provincial hospitals that make up the second level of medical care of the public network³⁵²⁸ is a matter of concern. This could derive from the low budget allocated to the health sector, which should be at 4% of GDP, but is nevertheless between 1-2%, affecting, in general, the distribution of inputs, resources and health personnel³⁵²⁹.

³⁵¹⁷ Today's Guardians of Truth, "Children to be vaccinated starting Feb. 7." Jan. 21, 2022.

³⁵¹⁸ France 24, "Dominican Republic eliminates restrictions imposed by covid-19." February 17, 2022.

³⁵¹⁹ Diario Libre, "Pese a levantamiento de medidas, Salud Pública recomienda uso de mascarilla." February 17, 2022.

³⁵²⁰ Listín Diario, "Neumólogos no apoyan eliminación de las restricciones ante Covid-19." February 18, 2022.

³⁵²¹ PAHO, "Relaxation of public health measures contributed to rise in COVID-19 deaths in the Americas, says PAHO director." February 16, 2022.

³⁵²² IACHR - REDESCA, "Resolution No. 1/2021: Vaccines against COVID-19 in the Framework of Inter-American Human Rights Obligations." April 6, 2021.

³⁵²³ Diario Libre, "Farmacias comienzan a vender pruebas de antígenos para detectar el COVID-19." January 21, 2022.

³⁵²⁴ PAHO, "PAHO calls on countries to prioritize rapid testing for people with COVID-19 symptoms." January 19, 2022.

³⁵²⁵ Listín Diario, "La depresión y la ansiedad, dos graves secuelas de la pandemia." 01 March 2022.

³⁵²⁶ Listín Diario, "Más de 11,000 dominicanos intervenidos por salud mental durante la pandemia." April 17, 2022.

³⁵²⁷ Listín Diario, "No beds for the mentally ill." June 21, 2022.

³⁵²⁸ Listín Diario, "Hay hospitales que carecen de especialistas." March 14, 2022.

³⁵²⁹ Listín Diario, "Llueven quejas por falta de insumos en los hospitales." 30 March 2022.

1579. Finally, the Office of the Special Rapporteur has taken note of new outbreaks of infectious diseases detected in the country during the year 2022, among which it is possible to identify, dengue,³⁵³⁰ malaria, leptospirosis,³⁵³¹ scabies,³⁵³² and smallpox³⁵³³.

B. Climate Emergency and the Human Right to Water

1580. With regard to the climate emergency in the Dominican Republic, REDESCA notes with concern that the country is among the most exposed to natural disasters in the world, according to the report of the National Council for Climate Change,³⁵³⁴ and is affected by the increased intensity and frequency of phenomena such as tropical storms and hurricanes, which cause physical and economic risks to the population.³⁵³⁵ For example, as a result of Hurricane Fiona, which hit the Dominican coasts during the month of September, more than 43,000 people were displaced from their homes,³⁵³⁶ suffering, in addition, long-term economic consequences due to severe infrastructural damage³⁵³⁷.

1581. On the other hand, REDESCA takes note of the follow-up actions carried out by the State in order to detect the illegal extractions that were taking place in Las Dunas de Baní³⁵³⁸, a protected area of the country due to the important biodiversity it harbors. In this regard, the Office of the Special Rapporteur recalls that the right to a healthy, balanced and pollution-free environment is part of a set of rights that States must guarantee and protect because of their obligations at the national and regional levels³⁵³⁹.

1582. Regarding the human right to water, REDESCA is concerned about the water stress and chronic water shortages currently affecting the Dominican Republic, explained by the scarce hydraulic development in the country³⁵⁴⁰. In this regard, information has been gathered on the lack of potable water in the municipality of Haina, which stands out as one of the most industrialized municipalities in the State. In the same vein, REDESCA notes that there are thousands of families who, on a daily basis, must buy water tanks at RD\$50, due to the lack of access to direct water supplies³⁵⁴¹. Notwithstanding this, REDESCA observes with attention the advances that are taking place in the country in terms of access to water. In this sense, the inhabitants of the municipality of Santo Domingo Norte have received access to drinking water in their homes after fifteen years of lack of supply.³⁵⁴² Along the same lines, it is reported that work has begun to

³⁵³⁰ El País, "[High incidence of dengue fever in the Dominican Republic](#)", October 11, 2022.

³⁵³¹ Listín Diario, "[Dengue, malaria and leptospirosis on the rise; know the provinces with the highest incidence](#)", 25 July 2022.

³⁵³² Diario Libre, "[Galeanos recomiendan a Salud Pública promocionar medidas de higiene por la escabiasis](#)", April 19, 2022.

³⁵³³ Presidency of the Dominican Republic, "[Ministerio de Salud Pública notifica dos nuevos casos de viruela simica en el país](#)", 05 October 2022.

³⁵³⁴ Presidency of the Dominican Republic, "[Climate Change in the Dominican Republic](#)", May 2022.

³⁵³⁵ El Dinero, "[Dominican Republic, the second most at risk from climate change](#)", August 25, 2022.

³⁵³⁶ SwissInfo, "[More than 43,000 people displaced in Dominican Republic by Fiona](#)", September 21, 2022.

³⁵³⁷ Emergency Operations Center, "[Situation Report No. 2 Hurricane Fiona](#)", September 19, 2022.

³⁵³⁸ Diario Hoy, "[Jorge Mera inspects Las Dunas de Baní after investigating environmental crime](#)", February 06, 2022.

³⁵³⁹ IACHR - REDESCA, "[Resolution 3/2021: Climate Emergency Scope and Inter-American Human Rights Obligations](#)", December 31, 2021, para. 8.

³⁵⁴⁰ IAgua, "[Rep. Dominicana to invest US\\$8.85 billion over 15 years to improve water infrastructure](#)", July 19, 2022.

³⁵⁴¹ Listín Diario, "[Haina: El municipio que languidece de sed con un río al lado](#)", February 8, 2022.

³⁵⁴² Presidency of the Dominican Republic, "[CAASD takes potable water to more than 600 families in Santo Domingo Norte](#)", April 11, 2022.

guarantee drinking water in municipalities in the province of Barahona³⁵⁴³, as well as works to build an aqueduct in the province of Ocoa.³⁵⁴⁴

1583. With regard to legislative projects related to these rights, the Special Rapporteur has learned of, on the one hand, the draft Law on Drinking Water and Sanitation whose parliamentary processing would be underway³⁵⁴⁵, welcoming the holding of consultations to meet the specific needs of the different regions of the country³⁵⁴⁶, urging the State to prioritize this legislative initiative with the aim of enabling and ensuring access to drinking water for the entire Dominican population. On the other hand, note is taken of the study of the Climate Change Bill by the Senate which aims to establish a national climate change program and create mechanisms to manage climate change in the medium and long term in accordance with the objectives of the Paris Agreement.³⁵⁴⁷
1584. In this regard, REDESCA recalls that, according to the provisions of IACHR Resolution 3/2021, the effective implementation of the procedural rights of access to information, public participation and justice in environmental matters is an accelerator of climate action in the region and enhances compliance with the substantial obligations of States. In this sense, it is a priority not only to advance in the enshrinement of these rights but also in their effective implementation.³⁵⁴⁸

C. Business and Human Rights

1585. According to the information gathered, REDESCA takes note of the existing complaints against the company VERI S.A. dedicated to the recycling of batteries for continuing to operate without the appropriate environmental regulations, ordered by the sentence issued by the Superior Administrative Court, after being accused of having contaminated with lead the air and soil in the area of Haina, Los Desamparados sector, where³⁵⁴⁹ is located; a situation that would be negatively affecting the health of hundreds of families in the municipality.³⁵⁵⁰
1586. Information has also been gathered regarding the closure of the Imán metal company, an international recycler, due to the high level of contamination caused by the burning of materials. This company also lacks a land permit and does not comply with the limits for the storage of debris³⁵⁵¹. REDESCA notes that children and adolescents residing in the vicinity of the Rafey landfill - west of Santiago - have reported respiratory and skin problems as a result of this contamination.³⁵⁵²

D. Labor and Union Rights

³⁵⁴³ Today Guardianes de la Verdad, "[INAPA fulfills promise to bring potable water to Barahona province](#)", May 19, 2022.

³⁵⁴⁴ Presidency of the Dominican Republic, "[Gobierno inicia esperado acueducto en la provincia Ocoa](#)", April 21, 2022.

³⁵⁴⁵ Today Guardians of Truth, "[Water Day finds Dominican Republic without a governing law](#)", March 22, 2022.

³⁵⁴⁶ Diario Libre, "[Alerta: Urgente un Pacto por el Agua para preservar ese recurso vital](#)", February 22, 2022.

³⁵⁴⁷ Consejo Nacional del Cambio Climático, Government of the Dominican Republic, "[República Dominicana sería el siguiente país de América Latina en contar con Ley de Cambio Climático](#)", March 24, 2022.

³⁵⁴⁸ IACHR - REDESCA, [Resolution 3/2021: Climate Emergency Scope and Inter-American Human Rights Obligations](#), December 31, 2021, para. 32.

³⁵⁴⁹ Aljazeera, "[No safe place: Lead poisoning in the Dominican Republic](#)", January 26, 2022.

³⁵⁵⁰ El Nuevo Diario, "[Comunitarios de Haina denuncian empresa de reciclaje sigue en operaciones pese a sentencia del TSA](#)", October 13, 2022.

³⁵⁵¹ Diario Libre, "[Ordenan cierre técnico de metalera Imán por alta contaminación](#)", February 09, 2022.

³⁵⁵² Diario Libre, "[Preocupación por enfermedades respiratorias y de la piel próximo a vertedero de Rafey](#)", 28 March 2022.

1587. REDESCA expresses its concern for the information gathered regarding the unjustified delays in the payment of leaves of absence due to common illness or occupational accidents by the Superintendence of Health and Labor Risks (Sisalril) and the Dominican Institute for the Prevention and Protection of Labor Risks (Idoppril)³⁵⁵³. Likewise, note is taken of the frequent and recurrent stoppages of health personnel to demand payment of salaries³⁵⁵⁴, as well as to demand improved working conditions³⁵⁵⁵. Such has been the complexity of the situation that the Ministry of Labor itself has intervened to mediate in the conflict³⁵⁵⁶. Likewise, REDESCA takes note of the strikes experienced in the education sector, which were aimed at demanding a salary increase³⁵⁵⁷, which culminated thanks to the consensus reached with the Ministry of Education to increase the national teachers' salary by 10%³⁵⁵⁸.

1588. In terms of wages, according to the study published by ECLAC, due to the pandemic, the average real wages in the country would have registered contractions of more than 10% compared to 2019, which would have decreased the purchasing power of wage earners given the notorious increase in inflation³⁵⁵⁹. Faced with this situation, REDESCA reiterates the need to ensure labor rights and stability in the context of a pandemic. In particular, Resolution 1/2020 adopted by the IACHR, urges States to protect the human rights, and particularly the ESCER, of workers most at risk due to the pandemic and its effects. To this end, it is a priority to take measures to ensure economic income and means of subsistence for all workers, so that they have equal conditions to comply with the containment and protection measures during the pandemic, as well as conditions of access to food and other essential rights³⁵⁶⁰.

1589. REDESCA is concerned about the situation of sugar cane workers in the Dominican Republic, because despite the increase in the minimum wage announced by the Government, these workers are mostly providing their services on a piecework basis, i.e., for the work performed, and are excluded from the guaranteed labor benefits³⁵⁶¹. Likewise, information has been gathered on the existence of barriers to access to pensions by Haitian workers in the sugar cane sector, despite the fact that they have been working in sugar mills for more than ten years³⁵⁶².

1590. With regard to domestic workers, the Office of the Special Rapporteur has learned of an agreement to formalize domestic work in the country and promote equal conditions for this group; an agreement that would include working hours, hours, right to vacations and affiliation to Social Security³⁵⁶³, in compliance with the provisions of ILO Convention No. 189, ratified by the Dominican State in 2011³⁵⁶⁴. This agreement

³⁵⁵³ Listín Diario, "Sindicalistas señalan dificultades en el pago por licencias laborales", January 21, 2022.

³⁵⁵⁴ El Nuevo Diario, "Enfermeras de Puerto Plata realizaro paro de labores exigiendo pago de incentivos", 01 February 2022; Diario Libre, "Personal de Salud de la Maternidad de Los Mina protesta por atraso de pago frente al SNS", 02 February 2022; Hoy Guardianes de la Verdad, "Enfermeras piden nombrar y pago de incentivos Senasa", 16 February 2022; Diario Libre, "Enfermeras del hospital Materno Infantil en Higüey realizan protesta", 17 August 2022.

³⁵⁵⁵ Diario Libre, "Colegio Dominicano de Enfermería exige mejoras en las condiciones laborales", 14 February 2022.

³⁵⁵⁶ El Nuevo Diario, "Ministerio de Trabajo mediará en conflicto empleados de un centro de salud", March 11, 2022.

³⁵⁵⁷ Diario Libre, "Maestros dejan hoy de nuevo las aulas y protestan", 30 March 2022.

³⁵⁵⁸ Presidency of the Dominican Republic, "MINRED aplicará en junio aumento salarial de un 10% al magisterio nacional", 16 May 2022.

³⁵⁵⁹ ECLAC, Labor Situation in Latin America and the Caribbean. Real wages during the pandemic: evolution and challenges. June 2022.

³⁵⁶⁰ IACHR - REDESCA, Resolution 1/2020, April 10, 2020.

³⁵⁶¹ Acento, "La otra cara del aumento salarial, contada por los cañeros," March 18, 2022.

³⁵⁶² Ebert Foundation Report. Barriers to pension access for Haitian sugarcane growers in the Dominican Republic. May 2022.

³⁵⁶³ Presidency of the Dominican Republic, "Presidente Abinader anuncia acuerdo histórico en beneficio de trabajadoras domésticas", 01 September 2022.

³⁵⁶⁴ Diario Libre, "Exigen que trabajadores domésticos tengan mejores condiciones laborales en República Dominicana", March 11, 2022.

would contribute to improve living conditions, reduce poverty, gender inequality, and guarantee equality.³⁵⁶⁵

1591. Finally, with regard to migrant workers, according to ILO information for the year 2021, a large proportion of these people will be working informally, and their irregular migratory status will seriously limit their possibilities of becoming formal and thus having the labor guarantees recognized in the legislation and social benefits.³⁵⁶⁶

E. Fiscal and Economic Policies

1592. REDESCA notes with concern the upward trend in the variation of the Consumer Price Index (CPI) given that it affects the purchasing power of the poorest households³⁵⁶⁷, as the cost of the basic family basket has risen year-on-year by an average of RD\$3,000³⁵⁶⁸. In addition, the monthly report of the Central Bank of the Dominican Republic indicates a year-on-year inflation rate of 8.98% (February 2021-2022)³⁵⁶⁹. This has resulted in social protests held throughout the State to denounce the high cost of living³⁵⁷⁰.

1593. According to the information gathered, the Central Bank of the Dominican Republic has implemented a monetary regularization plan with the objective of limiting the adverse effects of inflation for the Dominican population.³⁵⁷¹ In the same line, the decision of the State to approve a new subsidy package aimed at the most vulnerable population, which would include social programs, direct aid, gas subsidies and an increase in the number of active soup kitchens³⁵⁷² is welcomed. Likewise, the Senate would have approved the bill that establishes a zero customs tariff rate for 67 products of the basic family food basket, considered basic components for the nutrition of Dominicans, for six months.³⁵⁷³

1594. Despite the measures taken by the State, the situation has led to protests to demand wage increases and lower prices for fuel and the family basket³⁵⁷⁴. In this sense, the Office of the Special Rapporteur warns that the affectation of basic rights due to inflation requires special attention from the State in order not to harm the population, especially those in vulnerable situations.

F. Education, science, technology: academic freedom and university autonomy

1595. With regard to the effective enjoyment of the right to education, REDESCA notes the difficulties in resuming classes in the second quarter of the year due to the resurgence of COVID-19, caused by the spread of the Omicron variant, which affected students and nearly 10,000 teachers³⁵⁷⁵. Notwithstanding, the efforts made by the authorities to allow classes in schools to be held in person, once the health crisis is under control, are carefully observed³⁵⁷⁶. In this regard, REDESCA reiterates the importance of ensuring

³⁵⁶⁵ Diario Hoy, "[Rosa Cañete: "Trabajo doméstico es importante generador de empleos"](#)", June 21, 2022.

³⁵⁶⁶ ILO, [Employment and Migration Fact Sheet 2021](#), May 5, 2022.

³⁵⁶⁷ Listín Diario, "[La Cepal está preocupada por la inflación en el país](#)", January 14, 2022.

³⁵⁶⁸ Diario Libre, "[Costo promedio de la canasta familiar sube casi RD\\$2,000 en siete meses](#)", 10 August 2022.

³⁵⁶⁹ CNN, "[Dominican Republic staple food price hike hits consumers' pocketbooks](#)," March 17, 2022.

³⁵⁷⁰ Tele Sur TV, "[Convocan a un paro en Rep. Dominicana en rechazo a la carestía](#)", 12 February 2022; Resumen Latinoamericano, "[República Dominicana. Protests over high food costs](#)," February 25, 2022.

³⁵⁷¹ El Caribe, "[BCRD takes measures to avoid overheating of the economy](#)", February 08, 2022.

³⁵⁷² Efe, "[República Dominicana amplía subsidios a los pobres para enfrentar inflación](#)", 27 February 2022. Diario Libre, "[Las 10 medidas que anunció Abinader para contener la inflación](#)", 7 March 2022.

³⁵⁷³ Diario Libre, "[Senado aprueba el proyecto establece tasa cero a 67 productos de la canasta familiar](#)", April 26, 2022.

³⁵⁷⁴ Efe, "[Northern Dominican Republic goes on strike to demand price controls](#)", April 25, 2022.

³⁵⁷⁵ Diario Libre, "[Piden a maestros retornar a las aulas y retomar las clases](#)", January 18, 2022

³⁵⁷⁶ Listín Diario, "[Students go back to school](#)", January 26, 2022

the safe reopening of educational establishments, guaranteeing the necessary measures of hygiene, disinfection and social distancing to protect educational and administrative personnel, as well as children and adolescents, in the return to on-site classes³⁵⁷⁷.

1596. The Special Rapporteur is concerned about the lack of space for more than eight thousand students in the district of Higüey, as a result of the arrival of more families to the area, due to the favorable conditions offered to its inhabitants and the tourism boom³⁵⁷⁸. Likewise, there is a shortage of teachers in the country, with an estimated 12,000 professionals needed to fill the shortage, according to information provided by the Ministry of Education³⁵⁷⁹. As a result of the above, REDESCA has learned of the existence of more than 1,400 private schools operating irregularly in the country, failing to comply with the requirements established in Ordinance 4-2000 of the Ministry of Education³⁵⁸⁰.
1597. On the other hand, REDESCA notes with concern the difficulties faced by people with disabilities in accessing the education system. According to a UNDP study, 93% of people with disabilities do not attend school³⁵⁸¹. This would have motivated the National Council on Disability (CONADIS) in collaboration with UNDP to present a new edition of the "RD incluye" program for the recognition of good practices in inclusion³⁵⁸².

G. Human Mobility and ESCER

1598. With regard to human mobility, REDESCA has closely monitored its impact on ESC rights throughout the year. In this regard, the Office of the Special Rapporteur takes note of the increase in migrants from Haiti in the face of increased insecurity and shortages in that country³⁵⁸³. REDESCA expresses its concern about the migration measures taken by the Dominican State³⁵⁸⁴ in the face of the serious socio-political crisis in which the border country finds itself³⁵⁸⁵. According to data provided by the General Directorate of Migration, in the first quarter of 2022, more than 23,000 Haitian persons were deported from the country³⁵⁸⁶, including minors³⁵⁸⁷, and operations were carried out to capture migrants of this nationality³⁵⁸⁸. According to official data from the General Directorate of Migration, between January and September of this year, the country deported more than 85,000 migrants in total³⁵⁸⁹.

³⁵⁷⁷ IACHR, SACROI COVID-19 Practical Guide No. 2 on how to guarantee access to the right to education for children and adolescents during the COVID-19 pandemic, December 2020.

³⁵⁷⁸ Diario Libre, "Más de ocho mil estudiantes sin cupo en Distrito Educativo 12-01 de Higüey", September 06, 2022.

³⁵⁷⁹ Diario Libre, "Viceministro afirma se necesitan 12 mil docentes para próximo año escolar", 01 September 2022.

³⁵⁸⁰ Diario Libre, "Más de 1,400 colegios privados operan de manera irregular", 29 August 2022.

³⁵⁸¹ UNDP Dominican Republic, "Study on the situation of persons with disabilities in the SIUBEN database 2018," October 19, 2021.

³⁵⁸² ONADIS, "CONADIS y PNUD lanzan la edición 2022 del Sello de Buenas Prácticas Inclusivas "RD Incluye"," March 22, 2022.

³⁵⁸³ Listín Diario, "Haitians try to enter without documents", January 20, 2022.

³⁵⁸⁴ Diario Libre, "Medidas migratorias: un recorrido por las decisiones del Gobierno", January 28, 2022.

³⁵⁸⁵ Tele Sur Tv, "Dominican President affirms he will not take over Haiti", March 01, 2022.

³⁵⁸⁶ Listín Diario, "Repatriaron a 23,569 haitianos ilegales en últimos tres meses", 11 April 2022.

³⁵⁸⁷ Today's Guardianes de la Verdad, "Dominican authorities deport 6 Haitian minors on their way to school," January 21, 2022.

³⁵⁸⁸ elDiario.es, "República Dominicana reanuda un operativo para capturar inmigrantes haitiano", 24 May 2022. Diario Libre, "Detienen a 385 inmigrantes haitianos en operativo Ciudad Juan Bosch", 19 May 2022.

³⁵⁸⁹ Diario Hoy, "Migración dice deportó a 85,780 de extranjeros irregulares", October 14, 2022.

1599. REDESCA is particularly concerned about the situation of Haitian migrant women in the Dominican Republic³⁵⁹⁰. According to information gathered, between November 2021 and April 2022, a total of 792 pregnant women have been deported³⁵⁹¹ and, both they and girls of Haitian origin, have suffered situations of violence and gender discrimination³⁵⁹².
1600. On the other hand, Haitian students reportedly denounced the extortion suffered by immigration agents³⁵⁹³ in order not to be deported, as they do not have their passports, which are in the possession of Dominican authorities for the renewal of their visas³⁵⁹⁴ after the indefinite suspension -in November 2021- of the special visa program for university students from Haiti³⁵⁹⁵.
1601. The greatest exponent of this restrictive migration policy is the construction of a 380 km border fence, under the pretext of curbing smuggling and illegal migration of Haitians³⁵⁹⁶. The perimeter wall or fence is composed of a physical wall with fiber optics along its length; it will have command and control centers, motion sensors, cameras, thermal radars, communication towers, unmanned aerial units and patrolling in all-terrain vehicles³⁵⁹⁷. The "armoring" of the border³⁵⁹⁸, coincides with measures aimed at tightening the visa process and increasing the repatriation of Haitians³⁵⁹⁹, as well as the suspension of the pilot project of the "border inhabitants" visa which was intended to facilitate the entry and exit of Haitian traders wishing to carry out their activity in the border area in the Pedernales zone³⁶⁰⁰.
1602. REDESCA considers that these migration policy measures would be inconsistent with Inter-American standards on human mobility and takes note of the rejection of the same by the National Roundtable of Migrants and Refugees of the Republic³⁶⁰¹. On the other hand, this Office of the Special Rapporteur welcomes the measures taken by the Government to guarantee the physical integrity and human rights of detained persons, including migrants³⁶⁰², and the call made to the rest of the States to offer dignified treatment to persons in a situation of human mobility³⁶⁰³.
1603. Regarding the external mobility of Dominicans, this Special Rapporteur is concerned that more and more people are crossing the Darien jungle in search of better opportunities, one of the most risky migratory routes for the physical and psychological integrity of persons³⁶⁰⁴. In this sense, it invites the

³⁵⁹⁰ DW, "[NGO: 1,700 Haitians deported from Dominican R. in 15 days.](#)" May 28, 2022.

³⁵⁹¹ Diario Libre, "[El país ha deportado a 792 haitianas embarazadas](#)", 07 April 2022.

³⁵⁹² Swiss Info, "[UN denounces mistreatment of Haitian migrants in Dominican Rep.](#)", February 28, 2022.

³⁵⁹³ Diario Libre, "[Estudiantes haitianos residentes en Santiago acusan de extorsión a agentes de Migración](#)", 12 April 2022.

³⁵⁹⁴ Diario Libre, "[Haitian students in the DR ask for visa passports](#)", 10 March 2022.

³⁵⁹⁵ Diario Libre, "[Haitian students ask for return of passports](#)", April 07, 2022.

³⁵⁹⁶ France 24, "[Dominican Republic begins erecting a wall on the border with Haiti](#)", 21 February 2022. Listín Diario, "[El país comienza mañana a erigir muro ante Haití](#)", 18 February 2022.

³⁵⁹⁷ RT Actualidad, "[Smart fence? This is what the first section of the border fence between the Dominican Republic and Haiti looks like](#)", February 21, 2022.

³⁵⁹⁸ Tele Sur Tv, "[Dominican President affirms he will not take over Haiti](#)", February 28, 2022.

³⁵⁹⁹ Diario Libre, "[República Dominicana deportó 248,778 haitianos en cinco años](#)", 23 February 2022. Prensa Latina, "[Siete mil 300 haitianos regresaron de República Dominicana en Haití](#)", 06 May 2022.

³⁶⁰⁰ Diario Libre, "[En qué consiste el carnet del habitante fronterizo que se dará a los haitianos?](#)", 09 February 2022. The Haitian Times, "[Dominican Republic tries to regulate thousands of Haitian workers](#)", 03 February 2022, Listín Diario, "[Suspendido, por ahora, entrega carnet para habitantes fronterizos](#)", 10 February 2022.

³⁶⁰¹ Sputnik, "[Firm rejection of the wall on the border between the Dominican Republic and Haiti.](#)" February 22, 2022.

³⁶⁰² Presidency of the Dominican Republic, "[Gobierno dispone conjunto de medidas para garantizar la integridad física y derechos humanos de arrestados por Policía Nacional](#)", 05 May 2022.

³⁶⁰³ Milenio, "[Autoridades de República Dominicana piden un trato humano a migrantes](#)", May 02, 2022.

³⁶⁰⁴ Diario Libre, "[Más dominicanos intentan cruzar la selva del Darién](#)", 27 August 2022.



State to pay special attention to the causes of such migration and is available to offer technical assistance in DESCA matters.

29) SAINT KITTS AND NEVIS

1604. According to data surveyed by the United Nations Office for the Coordination of Humanitarian Affairs (OACH), the economy of St. Kitts and Nevis is largely sustained by tourism, an activity that has been strongly affected by external factors such as the pandemic and natural disasters that have occurred in the region. Under this framework, REDESCA notes that the country's GDP per capita has decreased by 14.32% compared to the figures published in 2019³⁶⁰⁵.
1605. The Office of the Special Rapporteur notes that 21.8% of the population of St. Kitts and Nevis lives below the poverty line³⁶⁰⁶. In this regard, it salutes the Government of St. Kitts and Nevis for conducting the Population and Housing Census, a source of vital importance to objectively understand the reality of ESCER in the country, as well as to provide the necessary data for the development of programs and public policies to work for a more progressive and sustainable future where all inhabitants can enjoy³⁶⁰⁷.

A. Right to Health and its Social Determinants

1606. Regarding the enjoyment of the Right to Health in the context of the COVID-19 pandemic, REDESCA notes that in St. Kitts and Nevis, as of October, a total of 6,548 confirmed cases had been reported, and 46 persons had died³⁶⁰⁸. With regard to the number of doses of COVID-19 vaccine applied, REDESCA notes that by August, 64,225 doses had been administered, with 33,794 persons fully vaccinated, representing 50.32% of the total population³⁶⁰⁹. For its part, the Rapporteurship highlights the donation of 18,000 Pfizer vaccines to St. Kitts and Nevis by the United States, in order to support the continuity of the country in its process of immunization of its residents against the virus³⁶¹⁰.
1607. Likewise, REDESCA welcomes the actions taken by the State to contain the effects of the COVID-19 pandemic and reduce its impact. The significant decrease in cases allowed the U.S. Center for Disease Control and Prevention to place the country in the lowest risk category of tourist destinations³⁶¹¹. These encouraging results allowed the government to progressively lower the requirements for tourists to enter the country, until the restrictions for visitors were completely eliminated, in response to the growing demand for tourism and the need for a smoother transit of passengers³⁶¹².
1608. On the other hand, REDESCA takes note of the report of the Pan American Health Organization (PAHO), which indicates the challenges faced by the country's Health System, such as the progressive increase in the rates of the population over 65 years of age and the prevalence of non-communicable diseases, such as cancer, cardiovascular diseases and diabetes, which represent 58% of the causes of death in the year³⁶¹³. In the same vein, the report reports the importance of the country taking measures to develop a universal health system, given the difficulties of accessibility of the population to medical services, especially the

³⁶⁰⁵ OACH, "St Kitts and Nevis Country Profile. As of May 2022," July 13, 2022.

³⁶⁰⁶ Ibid.

³⁶⁰⁷ Saint Kitts and Nevis Government, "2021 Population and Housing Census to Help Shape Policies and Programmes of the Government Says PM Harris", March 17, 2022.

³⁶⁰⁸ Datosmacro, Coronavirus crisis, October 29, 2022.

³⁶⁰⁹ Datosmacro, St. Kitts and Nevis - COVID-19 - Vaccines administered, August 5, 2022.

³⁶¹⁰ US Embassy in Barbados, "United States Donates Additional 18,000 Pfizer Vaccines to St. Kitts and Nevis", February 17, 2022.

³⁶¹¹ <https://www.sknis.gov.kn/2022/04/12/cdc-rates-st-kitts-nevis-as-lowest-travel-risk-for-covid-19/>

³⁶¹² <https://www.stkittstourism.kn/travel-advisory-update>

³⁶¹³ PAHO, "Country Profile: Saint Kitts and Nevis," September 8, 2022.

most vulnerable people³⁶¹⁴. In this regard, the Office of the Special Rapporteur takes note of the efforts of the National Ministry of Health in this area with the support of PAHO³⁶¹⁵.

B. Climate Emergency and Human Right to Water

1609. REDESCA identifies prolonged droughts as a critical risk for the island of Nevis, where more than half of the territory receives less than 50 inches of rain per year; while the island of St. Kitts has been affected by severe flooding caused by heavy rains and the overflowing of the Ghauts River³⁶¹⁶. The Special Rapporteur notes with particular concern that the country is increasingly affected by the frequency and severity of natural disasters that have been increasing as a result of Climate Change, causing major structural damage and obstacles to development, as reported by the OACH³⁶¹⁷.
1610. In this regard, the Office of the Special Rapporteur notes with attention the efforts employed by the authorities of St. Kitts and Nevis to address the impacts of the Climate Crisis. First, by persevering and intensifying the Solid Waste Management and Recycling Project, which involves the collection, storage and disposal of the island's waste. This has brought about positive environmental effects, such as the cleaning of beaches and the country's landfills have been lightened³⁶¹⁸.
1611. REDESCA also highlights the initiatives to orient the country's energy dependence towards renewable energy sources³⁶¹⁹, such as the signing of the Power Purchase Agreement between Compañía Eléctrica de San Cristóbal and Leclanche³⁶²⁰, the creation of one of the largest solar farms in the Caribbean³⁶²¹, and the exploration of geothermal energy projects³⁶²²; initiatives that, if consolidated, would be highly beneficial for the development of a sustainable environment.
1612. On the other hand, REDESCA closely follows the policies of the "National Determined Contribution" (NDC) of St. Kitts and Nevis, where it has proposed as objectives the reduction of greenhouse gas emissions by 60% by 2030, identifying various mitigation strategies, such as the transition to the use of renewable energy, improvements in energy efficiency and the development of electric vehicle infrastructure. The Special Rapporteur takes note of the country's call for support from the international community in order to achieve these goals³⁶²³.
1613. Against this backdrop, the Office of the Special Rapporteur emphasizes that, in line with IACHR Resolution 3/2021, States have an obligation to cooperate in good faith in order to prevent pollution of the planet, which implies exchanging resources, technology, knowledge and skills for the construction of societies that operate in a low-emission environment, move towards a clean and just energy transition, and protect the rights of people³⁶²⁴.

³⁶¹⁴ Ibid.

³⁶¹⁵ Saint Kitts and Nevis Government, "St Kitts and Nevis Moving Closer to Introducing Universal Healthcare Legislation," December 20, 2022.

³⁶¹⁶ World Bank, "Climate Change Knowledge Portal: Saint Kitts and Nevis,"

³⁶¹⁷ OACH, "St Kitts and Nevis Country Profile. As of May 2022," July 13, 2022.

³⁶¹⁸ St. Kitts Observer, "Waste Recycling Promotions Continue on St. Kitts & Nevis," May 20, 2022.

³⁶¹⁹ Ziz, "Government Of St. Kitts And Nevis Committed To Renewable Energy Development," July 11, 2022.

³⁶²⁰ SKN Vibes, "St. Kitts and Nevis steadily moving towards renewable energy reliance," March 5, 2022.

ZIZ, "St. Kitts And Nevis Leads The Way In Renewable Energy In The Caribbean," June 17, 2022.

³⁶²² Loop News, "St Kitts-Nevis exploring geothermal project," October 19, 2022.

³⁶²³ US Department of State, "2022 Investment Climate Statements: Saint Kitts and Nevis,"

³⁶²⁴ IACHR - REDESCA, "Resolution 3/2021 on Climate Emergency, Scope and Inter-American Human Rights Obligations" March 4, 2022, para. 11.

C. Labor and Union Rights

1614. Regarding the enjoyment of labor rights, REDESCA has learned that the Government of St. Kitts and Nevis, with the aim of assisting the inhabitants in the adverse effects of the current global economic context, increased the salaries of public servants by 10%, as in the pensions of senior citizens³⁶²⁵. Thus, more than 8,000 inhabitants would benefit from a policy that increases liquidity and economic activity.³⁶²⁶
1615. However, the Special Rapporteur is concerned about the information received on the country's current labor legislation. Despite recognizing the efforts of the Ministry of Labor to educate workers and the business sector about their rights and duties, the law currently does not provide for greater penalties or remedies for violations of labor legislation, and a reform is needed in this area³⁶²⁷.
1616. In line with the above, REDESCA recalls that in order to comply with the minimum content of labor rights, it is essential that States regulate and carry out actions aimed at ensuring their effective compliance, in particular by monitoring and sanctioning their violation by public and private employers. This becomes even more relevant in view of the existence of unequal and abusive forms of labor treatment derived from precarious labor relations³⁶²⁸.

D. Fiscal and Economic Policies

1617. REDESCA notes that St. Kitts and Nevis enjoys one of the highest rates of GDP per capita in Latin America and the Caribbean, at \$18.23. However, this figure has been reduced since 2020, first by the COVID-19 pandemic and then by the economic crisis currently affecting the world³⁶²⁹. It is worth mentioning that one of the country's major sources of income is tourism, an area that has been strongly affected in recent years, meaning that the country's GDP per capita has been reduced by 14.32%, in relation to the 2019 figures³⁶³⁰.
1618. REDESCA welcomes the measures adopted by the Government of St. Kitts and Nevis to mitigate the effects of inflation on its inhabitants and reduce living costs. These include the reduction of taxes on certain basic foodstuffs; financial assistance to unemployed persons³⁶³¹; a 10% increase in the salaries of public employees and pensions for the elderly³⁶³², and subsidies for electricity bills³⁶³³. In this regard, the Office of the Special Rapporteur takes note of the high prices of fuel, and the Government's efforts to adopt policies such as the reduction of the excise tax on fuel imports, and subsidies on fuel prices in the vending stations³⁶³⁴.
1619. On the other hand, the Special Rapporteur notes that the Eastern Caribbean Central Bank revealed that consumer prices in the Eastern Caribbean Central Union increased by 9.1% up to June 2022, compared to the previous year. Said increase has been progressive since 2020, with the onset of the COVID-19 pandemic,

³⁶²⁵ St. Vincent Times, "[St Kitts public servants receive 10% pay raise.](#)" May 2, 2022.

³⁶²⁶ Loop News, "[SKN public servants receive 10 per cent pay increase.](#)" May 2, 2022.

³⁶²⁷ US Department of State, "[2022 Investment Climate Statements: Saint Kitts and Nevis](#)".

³⁶²⁸ IACHR - REDESCA, [Compendium DESCA: Inter-American Standards](#), December 31, 2021.

³⁶²⁹ World Bank, "[GDP per capita \(US\\$ at current prices\) - St. Kitts and Nevis.](#)" December 2021.

³⁶³⁰ OACH, "[St Kitts and Nevis Country Profile. As of May 2022.](#)" July 13, 2022.

³⁶³¹ Ziz, "[St. Kitts And Nevis Government Looks To Implement Additional Relief Measures To Address Rising Cost Of Living.](#)" March 28, 2022.

³⁶³² Loop News, "[SKN public servants receive 10 per cent pay increase](#)", May 2, 2022.

³⁶³³ Ziz, "[St Kitts & Nevis Government Introduces New Measures To Offset Rising Electricity Bills.](#)" June 30, 2022.

³⁶³⁴ St Kitts Observer, "[PM announces Measures to Combat Inflation.](#)" May 3, 2022.

particularly affecting the prices of energy, utilities and consumer goods. Notwithstanding, St. Kitts and Nevis is the country in the region whose prices increased the least, with a 1.8% increase³⁶³⁵.

1620. In view of the above, REDESCA recalls that, in accordance with Resolution 1/2020, States must make available and mobilize the maximum of available resources to implement ESCER, including through fiscal policy measures that allow for equitable redistribution. In the same vein, economic, political or other measures adopted by States must not accentuate inequalities among inhabitants³⁶³⁶.

E. Education, science, technology: academic freedom and university autonomy

1621. With regard to the right to education, the Office of the Special Rapporteur notes that in January 2022, on-site classes resumed for primary and secondary education in the country, in a system of shifts to meet the capacities described in the protocol on the Guidelines for the Opening of Schools 2021-2022³⁶³⁷. In this sense, the Ministry of Education has carried out actions aimed at reinforcing sanitary measures in the establishments, allowing them to comply with health requirements to avoid contagions. Likewise, the authorities have persisted in their calls for girls and boys between 12 and 17 years of age to be vaccinated, in order to contribute to increase their level of safety.³⁶³⁸ REDESCA welcomes these measures which, together with the decrease in the number of cases of contagion, allowed for the normal functioning of educational centers in April.³⁶³⁹

³⁶³⁵ ECCB, "ECCU: Grappling With Inflation," September 23, 2022.

³⁶³⁶ IACHR-REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020.

³⁶³⁷ Saint Kitts and Nevis Government, "Protocols for Reopening of Schools".

³⁶³⁸ ZIZ, "Full School Re-Opening In St Kitts And Nevis On International Day For Education," January 25, 2022.

³⁶³⁹ Saint Kitts and Nevis Government, "Shift System Ends! All Schools Return to Full Day Instruction," April 14,

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1623. In relation to the guarantee of ESCER in the country, the Office of the Special Rapporteur has made a special follow-up to the impact of the COVID-19 pandemic, particularly in the economy of Saint Lucia, as well as the situation of labor and trade union rights in the country. Additionally, some measures related to access to education are addressed, as well as some related to fiscal and economic policies. Each of these REDESCA strategic lines is developed in greater detail below.
1624. With respect to the situation of poverty and inequality in Saint Lucia, REDESCA notes that, according to the latest estimates, corresponding to 2016, 25.3% of the population lives in poverty, that is, with less than USD 6.85 per day³⁶⁴⁰; while 4.8% live under extreme poverty, that is, with less than USD 1.90 per day³⁶⁴¹. In turn, 18.7% of households are in a situation of poverty, calculated on the basis of reported expenditures on food and non-food items, while 5.3% of households are in a situation of indigence, which implies that they do not have sufficient resources to meet the minimum food requirements for a healthy life³⁶⁴². REDESCA notes that poverty is more pronounced in rural areas, in the sense that 75.9% of people belonging to the lowest expenditure quintile live in rural areas³⁶⁴³. In addition, it notes that the percentages of children in the lowest expenditure quintile are double those of children in the highest expenditure quintile, which would imply a high level of dependency in the last quintile³⁶⁴⁴.
1625. REDESCA warns that, according to the World Bank, although St. Lucia had registered a downward trend in poverty in previous years, poverty has increased in recent years due to the impacts of the pandemic on the economy of St. Lucia³⁶⁴⁵. Subsequently, the reactivation of the tourism industry and public and private investment between 2021 and 2022, would have allowed the recovery of jobs and sources of income in Saint Lucia; although this would have occurred unevenly³⁶⁴⁶.
1626. On the other hand, there is no information detailing the impacts of the pandemic on the level of inequality in income distribution, as the last valuation of Saint Lucia in the Gini coefficient dates back to 2016, when it amounted to 0.512.³⁶⁴⁷
1627. Under these considerations, the Rapporteurship considers it pertinent to remind the State of Santalucía to adopt measures that mitigate the disproportionate risks in relation to the exercise of the rights to adequate housing, access to drinking water and sanitation of people living in poverty, on the streets and in informal settlements. In addition, the Rapporteurship urges the State to adopt actions that generate lasting solutions, under an approach that guarantees and respects their human rights.³⁶⁴⁸

A. Right to Health and its Social Determinants

1628. Regarding the enjoyment of the Right to Health in the context of the COVID-19 pandemic, the ESCER Special Rapporteur's Office monitored the effects of the COVID-19 pandemic in Saint Lucia during the year

³⁶⁴⁰ The World Bank, Poverty & Equity Brief - Saint Lucia, October 2022.

³⁶⁴¹ Our World in Data, Saint Lucia - Share of population living in extreme poverty, 1995 to 2016, October 2022.

³⁶⁴² Caribbean Development Bank, Poverty Assessment Report - St. Lucia, 2016.

³⁶⁴³ Ibid.

³⁶⁴⁴ Ibid.

³⁶⁴⁵ The World Bank, Poverty & Equity Brief - Saint Lucia, October 2022.

³⁶⁴⁶ Ibid.

³⁶⁴⁷ The World Bank, Gini Index - Saint Lucia, October 2022.

³⁶⁴⁸ IACHR. Press Release No. 124/2020. June 2, 2020.

2022. In this regard, it notes that, as of November, the country recorded a total of 622,389,418 positive cases and 6,548,492 deaths due to coronaviruses, as recorded at³⁶⁴⁹.

1629. Although the number and speed of infections have reportedly decreased since February³⁶⁵⁰; allowing the Ministry of Health, Wellness and Elderly Affairs to declare the end of the fifth wave of the pandemic at the beginning of March³⁶⁵¹. The Special Rapporteur has received information on the challenges faced by the country at the beginning of 2022, within the framework of the 'fifth wave' of the pandemic that began in December 2021³⁶⁵². In this regard, it is noted that Omicron would have been the predominant variant of SARS-COV-2 at the beginning of the year, which would have caused some people who were fully vaccinated to relapse³⁶⁵³.

1630. The Office of the Special Rapporteur has received information on the challenges faced by the country at the beginning of 2022, in the context of the 'fifth wave' of the pandemic that began in December 2021³⁶⁵⁴. In this regard, it is noted that Omicron would have been the predominant variant of SARS-COV-2 at the beginning of the year; which would have caused some people who were fully vaccinated to relapse³⁶⁵⁵. However, the number and speed of infections reportedly decreased from February³⁶⁵⁶; allowing the Ministry of Health, Wellness and Elderly Affairs to declare the end of the fifth wave of the pandemic at the beginning of March³⁶⁵⁷.

1631. On the other hand, REDESCA takes note of the efforts made by the State to continue inoculating the local population against COVID-19. In this regard, it is highlighted that, by October 2022, 133,276 doses of vaccines had been administered; reaching 65,298 people -equivalent to 35.56% of the population-, with at least one dose³⁶⁵⁸. It is also noted that St. Lucia approved inoculation with vaccines from Pfizer-BioNTech, AstraZeneca and Janssen³⁶⁵⁹. In addition, according to reports from the Ministry of Health and Wellness of St. Lucia, by October 2022, 21,183 second doses of the Pfizer-BioNTech vaccine and 34,810 second doses of the AstraZeneca vaccine had been administered³⁶⁶⁰.

1632. In addition, the Special Rapporteur welcomes the actions taken by the Government of Saint Lucia to ensure the provision of vaccines through international cooperation. In particular, it highlights the donation made by the United Kingdom, with 10,000 doses from AstraZeneca in March; as well as the donation of 78,000 doses of Pfizer's pediatric vaccine, received from the Government of Spain in August³⁶⁶¹. As of August 15, vaccination of children between 5 and 11 years of age would have begun³⁶⁶².

³⁶⁴⁹ Ministry of Health and Wellness, [Saint Lucia's COVID-19 Dashboard](#), November 15, 2022.

³⁶⁵⁰ Reuters, ["COVID-19 infections are decreasing in Saint Lucia, with 18 new infections reported on average each day,"](#) February 28, 2022.

³⁶⁵¹ The Voice, [COVID-19 Fifth Wave Resolved](#), March 8, 2022.

³⁶⁵² Saint Lucia Times, ["COVID-19: Saint Lucia's Fifth Waves Brings Several Cases In Vaccinated Population,"](#) January 18, 2022.

³⁶⁵³ Saint Lucia Times, ["COVID-19: Saint Lucia's Fifth Waves Brings Several Cases In Vaccinated Population,"](#) January 18, 2022.

³⁶⁵⁴ Saint Lucia Times, ["COVID-19: Saint Lucia's Fifth Waves Brings Several Cases In Vaccinated Population,"](#) January 18, 2022.

³⁶⁵⁵ Saint Lucia Times, ["COVID-19: Saint Lucia's Fifth Waves Brings Several Cases In Vaccinated Population,"](#) January 18, 2022.

³⁶⁵⁶ Reuters, ["COVID-19 infections are decreasing in Saint Lucia, with 18 new infections reported on average each day,"](#) February 28, 2022.

³⁶⁵⁷ The Voice, [COVID-19 Fifth Wave Resolved](#), March 8, 2022.

³⁶⁵⁸ Johns Hopkins, [Coronavirus Resource Center - Saint Lucia](#), October, 2022.

³⁶⁵⁹ COVID-19 Vaccine Tracker, [3 Vaccines Approved for Use in Saint Lucia](#), October 7, 2022.

³⁶⁶⁰ Ministry of Health and Wellness, [Saint Lucia's COVID-19 Dashboard](#), October 7, 2022.

³⁶⁶¹ LoopNews, [Pfizer COVID vaccine for children aged 5-11 now available in St Lucia](#), August 11, 2022.

³⁶⁶² Ibid.

1633. In this context, despite the initiative of the authorities of St. Lucia to encourage vaccination against the virus, REDESCA warns that, by February, the inoculation process had covered only 30% of the population³⁶⁶³. In this regard, there is concern that the low vaccination rate was the result of skepticism among the population regarding the effectiveness of the vaccines³⁶⁶⁴; and the temporary unavailability of vaccines such as the AstraZeneca vaccine³⁶⁶⁵.
1634. Therefore, the Office of the Special Rapporteur recalls that, in line with IACHR Resolution 1/2021, States have the obligation to provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19; which includes conducting public campaigns to counteract misinformation or distorted content about them, based on the best available scientific information³⁶⁶⁶.
1635. On the other hand, REDESCA notes that, following the increase in cases of monkeypox worldwide, in June, the authorities of Saint Lucia announced the adoption of sanitary measures to prevent and mitigate a possible outbreak of the disease; in particular, by facilitating the diagnosis and monitoring of the virus³⁶⁶⁷. In this regard, it is noted that in early July, the Ministry of Health announced that there were six cases under epidemiological surveillance, although suspicions were ruled out after laboratory tests³⁶⁶⁸. The Rapporteurship emphasizes that these actions are in line with what was indicated by the IACHR in Resolution 1/2020, in relation to the fact that -in the context of outbreaks of infectious diseases- State actions should be focused on preventing contagion and providing adequate medical treatment to persons who require it³⁶⁶⁹.
1636. Finally, the Office of the Special Rapporteur commends the State for the various actions taken to improve and strengthen the country's health system through investment programs³⁶⁷⁰. In this regard, it highlights that, as of August, the authorities began activities to strengthen and modernize the health infrastructure, as well as the construction of new hospitals and health centers, with a view to improving the quality of health services and mitigating possible threats such as the COVID-19 pandemic³⁶⁷¹. In particular, it highlights the refurbishment of 16 health centers, whose facilities were modified to be safer, greener and more resilient to natural disasters and climate change³⁶⁷². REDESCA emphasizes that these actions correspond to the obligation of progressive realization of the right to health; which requires the allocation of the maximum of available resources for the implementation of measures aimed at achieving its full effectiveness in a gradual manner³⁶⁷³.

B. Climate Emergency and Human Right to Water

1637. Throughout 2022, REDESCA maintained constant monitoring of the impact of the climate emergency on the exercise of the economic, social, cultural and environmental rights of the population of St. Lucia. In this context, it is noted that due to its geographic and topographic conditions, as well as its tourism-based

³⁶⁶³ Saint Lucia Times, "[Pierre Says Low Vaccine Coverage Hampering Progress](#)," February 21, 2022.

³⁶⁶⁴ Saint Lucia Times, "[Pierre Says Low Vaccine Coverage Hampering Progress](#)," February 21, 2022.

³⁶⁶⁵ Saint Lucia Times, "[AstraZeneca COVID-19 Vaccine Temporarily Unavailable In Saint Lucia](#)," February 8, 2022.

³⁶⁶⁶ IACHR - REDESCA - RELE, Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021.

³⁶⁶⁷ LoopNews, [Saint Lucia's health officials put measures in place for monkeypox](#), June 23, 2022.

³⁶⁶⁸ Government of Saint Lucia - Ministry of Health, Wellness and Elderly Affairs, [Update on suspected cases of Monkeypox](#), July 22, 2022.

³⁶⁶⁹ IACHR - REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020.

³⁶⁷⁰ Global Newswire, [Saint Lucia bolsters its medical facilities usin CIP funds: CS Global Partners](#), August 12, 2022.

³⁶⁷¹ Ibid.

³⁶⁷² The Voice, [Ceremonial Handover of 16 Health Care Facilities in Saint Lucia](#), October 8, 2022.

³⁶⁷³ IACHR - REDESCA, [Compendium on Economic, Social, Cultural and Environmental Rights. Inter-American Standards, OEA/Ser.L/V/II, December 31, 2021](#), para. 53.

economy, St. Lucia is particularly vulnerable to the risks of climate change and, particularly, to hydro-meteorological hazards such as hurricanes and tropical storms³⁶⁷⁴. It is also noted that factors such as the incidence rate of poverty, especially among the youth population, gender inequality, and the possible increase in unemployment as a result of the pandemic, would increase St. Lucia's social vulnerability to climate change³⁶⁷⁵. In addition, the presence of key economic activities, especially tourism, education and transportation, near coastal areas would increase the country's exposure to environmental threats³⁶⁷⁶.

1638. In this context, the Rapporteurship has obtained information on the heavy rains recorded in Saint Lucia in September³⁶⁷⁷. According to reports from the Saint Lucia Met Services, on September 26, rainfall of 20 mm was recorded in the south of the island and 12 mm in the north of the island, causing flooding and damage to infrastructure in less than an hour³⁶⁷⁸. This would have led to the suspension of classes at the national level³⁶⁷⁹.

1639. In addition, in the context of a meeting held between senior ministers of the Caribbean States in preparation for COP27, REDESCA took note of the support expressed by the representatives of Saint Lucia for the initiative to establish a compensation fund for the effects of the climate crisis in the Caribbean³⁶⁸⁰. This initiative, promoted by the Government of Barbados, would propose that industrialized countries allocate a percentage (2%) of the resources used for oil exports to mitigate damages and losses suffered by Caribbean States due to climatic phenomena such as storms and hurricanes³⁶⁸¹.

1640. Against this backdrop, REDESCA expresses its concern about this type of phenomena, which are increasingly frequent and of greater intensity, originating as a direct consequence of the context of climate change. It also recalls that, in line with Resolution 3/2021 on Climate Emergency, States have the obligation to protect and guarantee the human rights of people who are significantly affected, individually or collectively³⁶⁸². To this end, they must identify the persons or groups of persons who are in situations of vulnerability or who are especially vulnerable to the impacts of climate change, in order to adequately comply with the reinforced obligation to guarantee and protect their rights³⁶⁸³.

1641. Finally, REDESCA has noted that, as a result of climate change, the coasts of St. Lucia have reportedly registered the presence of abundant quantities of sargassum, which has affected coastal communities³⁶⁸⁴. In this regard, the initiative promoted by the Caribbean Regional Fisheries Mechanism (CRFM) and the Plant and Food Research Institute of New Zealand, in the project "Sargassum Products for Climate Resilience in the Caribbean", seeks to mitigate the economic and environmental impacts of sargassum by creating inclusive value chains from sargassum biomass.³⁶⁸⁵

³⁶⁷⁴ UN Office for Disaster Risk Reduction, Disaster Risk Reduction in Saint Lucia - Situational Analysis 2022, 2022.

³⁶⁷⁵ Ibid.

³⁶⁷⁶ Ibid.

³⁶⁷⁷ WIC News, Saint Lucia: Education Ministry closes schools following rough weather, September 27, 2022.

³⁶⁷⁸ Ibid.

³⁶⁷⁹ Saint Lucia Times, Inclement Weather Forces Early Closure of Schools in Saint Lucia, September 29, 2022.

³⁶⁸⁰ SwissInfo, The Caribbean calls for the creation of a compensation fund for climate crisis damages, August 18,

2022.

³⁶⁸¹ Ibid.

³⁶⁸² IACHR. REDESCA. Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

³⁶⁸³ IACHR. REDESCA. Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

³⁶⁸⁴ Government of Saint Lucia, Exploring the benefits of sargassum, June 22, 2022.

³⁶⁸⁵ Ibid.

C. Business and Human Rights

1642. With respect to the situation of companies and DESCAs in Saint Lucia, the Special Rapporteur welcomes the partnership between the Saint Lucia National Conservation Fund (SLUNCF) and the Wayaj Inc. tourism company³⁶⁸⁶. This initiative seeks to promote the financing of conservation activities in the areas of sustainability and climate change mitigation and adaptation³⁶⁸⁷.
1643. The Special Rapporteur considers it pertinent to reiterate what was indicated in the Report on Business and Human Rights, regarding the close relationship between human rights, sustainable development and the environment. Therefore, not only States, but also businesses should take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biological diversity³⁶⁸⁸.

D. Labor and Union Rights

1644. Regarding the situation of labor and union rights in Saint Lucia, the Office of the Special Rapporteur has taken note of some protests and negotiation processes related to labor conditions in state entities. In particular, it was learned that in April, the workers of the Government Information Technical Services (GITS) called a demonstration to complain about delays in the process of negotiating salaries and back pay, and to demand better working conditions³⁶⁸⁹. In this context, the workers reportedly presented a series of proposals to the government authorities without obtaining concrete answers.³⁶⁹⁰
1645. In August, the personnel of the Saint Lucia Electricity System Limited (LUCELEC) denounced the existence of delays in the negotiation of salary modifications, which would correspond to the period between 2014 and 2019³⁶⁹¹. In this regard, REDESCA notes that there have been no salary changes for almost a decade, which would imply that the sector's salaries are insufficient, in the context of the inflationary phenomenon affecting the economy of Saint Lucia³⁶⁹².
1646. In this regard, REDESCA emphasizes that the protection of the right to strike, together with freedom of association and collective bargaining, are fundamental pillars to guarantee the right to work and its fair and equitable conditions, so it is necessary to adopt urgent measures to ensure the guarantee of these rights through a comprehensive response that addresses, particularly and from a rights-based approach, the situation of labor precariousness and poverty faced by workers in the country, in the context of a serious economic crisis that requires the implementation of structural measures for an effective response³⁶⁹³.
1647. On the other hand, the Office of the Special Rapporteur warns according to available information that the informal employment rate would have reached 27.10% of the population in 2019, with a reduction of 0.5 percentage points compared to 2018³⁶⁹⁴. In turn, unemployment would have been reduced from

³⁶⁸⁶ The Voice, SLNCF announces Major New Partnership, October 1, 2022.

³⁶⁸⁷ Ibid.

³⁶⁸⁸ IACHR, Report on Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II IACHR/REDESCA/INF.1/19, November 1, 2019, para. 52.

³⁶⁸⁹ Loop News, GITS employees walk out in protest for better working conditions, April 7, 2022.

³⁶⁹⁰ Ibid.

³⁶⁹¹ Loop News, LUCELEC employees dissatisfied with salary negotiations delay, August 24, 2022.

³⁶⁹² Ibid.

³⁶⁹³ I/A Court H.R., Advisory Opinion OC-27/21, Rights to freedom of association, collective bargaining and strike, and their relationship with other rights, with a gender perspective, May 5, 2021, para. 202.

³⁶⁹⁴ Our World in Data, Saint Lucia - Informal employment, 2017 to 2019, October 2022.

24.1% to 16.8% between 2015 and 2019³⁶⁹⁵ ; although it would have increased to 23.1% in 2021, as a result of the pandemic³⁶⁹⁶ . In addition, the boost in the tourism and construction industries, would have allowed the recovery of jobs and sources of income that were affected by the pandemic³⁶⁹⁷ . However, there is still concern that, according to estimates made at the end of 2021, unemployment figures would remain below pre-pandemic levels³⁶⁹⁸ . Likewise, it is noted that the gender gaps in unemployment and informality figures will have deepened, as the difficulties for the reinsertion of women into the labor market worsen³⁶⁹⁹ .

1648. In this context, the Office of the Special Rapporteur expresses its concern about the economic contraction triggered by the COVID-19 pandemic, which caused a reduction in GDP of more than 20%, and resulted in widespread job and income losses, especially affecting young people and women³⁷⁰⁰ . In this regard, it was reported that more than 15,000 young people would be unemployed; contributing to an unemployment rate of 16.9%, by 2021³⁷⁰¹ .

1649. Against this background, REDESCA recalls that the State has the obligation to adopt measures to ensure economic income and means of subsistence for all workers³⁷⁰² . Along the same lines, with respect to the loss of jobs and income for women, the Office of the Special Rapporteur reiterates that limitations on the exercise of their right to work have repercussions on the exercise of all their human rights. Therefore, States must not only refrain from discriminatory acts or tolerate forms of discrimination in the workplace but must also create suitable conditions that facilitate their insertion and permanence in this area³⁷⁰³ .

1650. Finally, note was taken of the call made by the Ministry of Agriculture, which emphasized the need for more young people to engage in agriculture, as it is a sector of great importance to the economy of Saint Lucia³⁷⁰⁴ . According to the Ministry of Agriculture, farmers on the island are, on average, between 60 and 63 years old, which would represent a risk to the country's food security³⁷⁰⁵ . In light of this, REDESCA welcomes the State's efforts to motivate young people to dedicate themselves professionally and economically to agriculture, through technological innovation in the sector, with the objective of guaranteeing food security in the future³⁷⁰⁶ .

E. Fiscal and Economic Policies

1651. REDESCA notes the positive impact that the reactivation of tourism, as well as the promotion of public and private investment, would have had on the economy of Saint Lucia between 2021 and 2022³⁷⁰⁷ . In this context, the Special Rapporteur highlights the efforts made by the Government of Saint Lucia to encourage

³⁶⁹⁵ Ibid.

³⁶⁹⁶ ECLAC, Saint Lucia: national social-demographic profile, October 2022.

³⁶⁹⁷ Ibid.

³⁶⁹⁸ Ibid.

³⁶⁹⁹ World Bank Group, An Uneven Recovery: Measuring the Pulse of the LAC Region following the Pandemic, November 2021.

³⁷⁰⁰ World Bank. Poverty & Equity Brief - Saint Lucia, October 2022.

³⁷⁰¹ Ibid.

³⁷⁰² IACHR -REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020.

³⁷⁰³ IACHR, Report on women's work, education and resources: the road to equality in guaranteeing economic, social and cultural rights. OEA/Ser.L/V/II.143 Doc. 59, 3 November 2011.

³⁷⁰⁴ Loop News. Lack of young farmers threaten food security in Saint Lucia August 4, 2022.

³⁷⁰⁵ Ibid.

³⁷⁰⁶ Ibid.

³⁷⁰⁷ The World Bank, Poverty Equity Macroeconomics, Trade & Investment Global Practices - Saint Lucia, October 2022.

foreign investment in the tourism sector³⁷⁰⁸. For, as a result of government policies to create a favorable business climate, foreign investment projects would represent a benefit of approximately USD 320 million in revenues for the economy of Saint Lucia in 2022³⁷⁰⁹.

1652. However, REDESCA is concerned that the high levels of inflation in the local economy have increased the pressure on living costs, especially affecting vulnerable groups³⁷¹⁰. In this regard, it warns that by June 2022, the country's inflation rate would have surpassed the levels recorded during the pandemic (3.4%), reaching a percentage of 5.2.³⁷¹¹

1653. In addition, the Special Rapporteurship notes that the prices of fuels have reportedly undergone modifications according to changes in the international markets. In this regard, it was observed that the prices of gasoline, diesel and liquefied petroleum gas increased between April and June, months in which historic increases were recorded in the international market³⁷¹²³⁷¹³. In turn, the cost of a 100-pound cylinder of liquefied petroleum gas would have been reduced in September, for the same reason, although this would not have occurred for the rest of the products³⁷¹⁴. Thus, it is noted that the World Bank would have warned that the increase in fuel costs could exert a pressure contrary to the recovery of the economy of Saint Lucia³⁷¹⁵, affecting the domestic economy of the population.

1654. On the other hand, note was taken of the mission to the country by the International Monetary Fund, in which they referred to the challenges that exist for a sustainable and inclusive recovery of the economy of San Salvador³⁷¹⁶. In this regard, the importance of fiscal support to mitigate the impact of fluctuations in commodity prices was highlighted, as well as the importance of alleviating fiscal and financial barriers to public and private investment; all of this, accompanied by policies to increase resilience to natural disasters, equalize labor gaps through training programs, ensure energy security and renewable energy, and support the diversification of the economy³⁷¹⁷.

1655. In light of the above, REDESCA considers it appropriate to reiterate that public expenditure planning should promote equality in the Americas. In this sense, fiscal policy can play a transcendental role in redistributing wealth and, therefore, reducing inequality gaps, correcting market deficiencies and generating the necessary investment for the fulfillment of human rights, especially economic and social rights³⁷¹⁸.

³⁷⁰⁸ US Department of State, 2022 Investment Climate Statements: Saint Lucia, 2022.

³⁷⁰⁹ CARICOM, Saint Lucia approves incentives for 20 new tourism projects - CARICOM Business, September 5, 2022.

³⁷¹⁰ World Bank, Poverty Equity and Macroeconomics, Trade & Investment Global Practices - Saint Lucia, October 2022.

³⁷¹¹ ECLAC, Economic Survey of Latin America and the Caribbean - Trends and challenges of investing for a sustainable and inclusive recovery, 2022.

³⁷¹² Government of St. Lucia - Ministry of Commerce, The retail prices of diesel and gasoline have increased as a result of global prices, June 13, 2022.

³⁷¹³ Saint Lucia Times, Saint Lucians To Pay More For Gasoline, Diesel and LPG, April 10, 2022.

³⁷¹⁴ Saint Lucia Times, Saint Lucians To Pay Less for 100 Pound LPG, Other Fuel Prices Unchanged, September 4, 2022.

³⁷¹⁵ World Bank, Poverty & Equity and Macroeconomics, Trade & Investment Global Practices - Saint Lucia, October 2022.

³⁷¹⁶ International Monetary Fund, St. Lucia: Staff Concluding Statement of the 2022 Article IV Mission, May 31, 2022.

³⁷¹⁷ Ibid.

³⁷¹⁸ IACHR, Report on Public Policies with a Human Rights Approach, OEA/Ser.L/V/II.Doc. 191 of September 15, 2018.

F. Education, science, technology: academic freedom and university autonomy

1656. During the year 2022, REDESCA continued to monitor the situation of the right to education in Saint Lucia, especially in relation to the actions taken to guarantee it in the context of the pandemic. In this regard, the Special Rapporteur notes that schools in St. Lucia resumed face-to-face activities in February,³⁷¹⁹ . In this context, the Ministry of Education, Sustainable Development, Innovation, Science, Technology and Vocational Training reportedly proposed two modalities for schools to return to the classroom, a full day and an alternate day, based on the parameters defined in the Continuity of Learning Plan and the guidelines of the Ministry of Health³⁷²⁰ .
1657. REDESCA highlights that, according to a World Bank report, after the sudden massive closure of school systems in the region due to the Covid-19 pandemic, the proportion of students receiving some type of education decreased. In the case of St. Lucia, the percentage of children missing education is 10%³⁷²¹ .
1658. For this reason, the Office of the Special Rapporteur deems it appropriate to remind the State that, in Resolution 1/2021, the IACHR indicated that the States must have mechanisms that allow children and adolescents to continue with access to education and with the stimuli that their age and level of development require. Therefore, the State must guarantee the right to education, despite the economic and social circumstances that were a consequence of the pandemic and must also promote the reintegration of students who have stopped attending school. This is in addition to the call to eliminate the digital and technological barriers that cause school dropouts³⁷²² .
1659. Furthermore, REDESCA welcomes the initiative taken by the Ministry of Education which, in September, announced the launch of the Special Education Needs Survey, in collaboration with the Organization of Caribbean States' Program for Educational Advancement and Relevant Learning (PEARL)³⁷²³ . This initiative, carried out within the framework of the "Every Learner Succeeds" program, seeks to increase the accessibility of educational services and reduce existing disparities for students with special needs and disabilities³⁷²⁴ . In the context of the pandemic, it is essential to implement special educational measures and plans for children with disabilities, since their situation of vulnerability has been deeply aggravated by the health crisis.³⁷²⁵
1660. In addition, the Special Rapporteur welcomes the efforts of the Ministry of Agriculture, in conjunction with FAO and the Government of the State of Mexico, to improve the National School Feeding Program³⁷²⁶ . Under this initiative, it would seek to establish six gardens in selected schools; as well as provide technological and methodological tools and training on basic gardening to students³⁷²⁷ . In a complementary manner, the Program would seek to sensitize students on issues related to climate resilience, ecology, and gender focus in agriculture³⁷²⁸ .

³⁷¹⁹ Government of Saint Lucia, "[Normal School Operations to Resume Monday, February 7, 2022](#)", February 2, 2022.

³⁷²⁰ Ibid.

³⁷²¹ World Bank Group, [Two Years Later | Saving a Generation](#), 2022.

³⁷²² Ibid.

³⁷²³ Associates Times, [Saint Lucia launches special education needs survey](#), September 25, 2022.

³⁷²⁴ Ibid.

³⁷²⁵ IACHR - REDESCA - RELE, SACROI COVID-19 Practical Guide No. 2, [How to guarantee access to education for girls, boys and adolescents during the COVID-19 pandemic](#), December 16, 2020.

³⁷²⁶ The Voice, [School Feeding Programme in Saint Lucia gets Major Boost](#), September 14, 2022.

³⁷²⁷ Ibid.

³⁷²⁸ Ibid.

G. Human Mobility and ESCER

1661. Regarding the situation of human mobility and ESC rights, the Special Rapporteur notes that, according to a report by the International Organization for Migration, the population of Saint Lucia is particularly exposed to forced displacement due to the consequences of climate change.³⁷²⁹ While Saint Lucia's legislation and policies on human mobility and climate change prioritize disaster risk reduction and human mobility management as key factors for sustainable development, issues such as lack of information and data limit the effectiveness of these measures.³⁷³⁰
1662. On this issue, REDESCA recalls that, as the IACHR has pointed out, internal displacement associated with climate change compromises a wide range of human rights, such as the right to life, health, food, property, housing, and work, disproportionately affecting vulnerable social groups such as women, children, the elderly, people with disabilities and people living in poverty.³⁷³¹

³⁷²⁹ IOM, Migration, Environment, Disaster and Climate Change Data in the Eastern Caribbean | Saint Lucia Country Analysis, 2021.

³⁷³⁰ Ibid.

³⁷³¹ IACHR, Human Rights of Migrants, Refugees, Stateless Persons, Victims of Trafficking in Persons and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System, December 31, 2015, OEA/Ser.L/V/II, Doc.46/15, para. 63.

31) SAINT VINCENT AND THE GRENADINES

1663. In relation to ESCER in St. Vincent and the Grenadines, REDESCA has followed up on various instances that could be impacting the enjoyment and guarantee of these rights. In particular, the differentiated impacts of climate change and the various challenges that the country faces due to existing poverty and inequality.
1664. Thus, REDESCA is concerned about the effects that St. Vincent and the Grenadines has had to endure recently due to the global health emergency caused by the COVID-19 virus and the eruption of the La Soufriere volcano during the year 2021. The above, aggravated by the global economic context, has highlighted the country's vulnerability to external contingencies and natural disasters. Notwithstanding this, a recovery in the real CPI of 5% is observed, compared to the previous year³⁷³².
1665. The Office of the Special Rapporteur is concerned about the high rates of people living below the poverty line, reporting that nearly 30% of the population was in this situation in 2016, rates higher than the average for the Caribbean region, and which are expected to have increased after the COVID-19 pandemic³⁷³³. Likewise, REDESCA notes that poverty affects girls and boys, women and indigenous peoples to a greater extent³⁷³⁴.

A. Right to Health and its Social Determinants

1666. Regarding the enjoyment of the Right to Health in the particular context of the COVID-19 pandemic, REDESCA notes that in Saint Vincent and the Grenadines as of November, there were a total of 9,462 confirmed cases, amounting to 116 deaths as of that date.³⁷³⁵
1667. Regarding the vaccination process against COVID-19, the archipelago became the first State in the Caribbean to approve and put into use the Abdala vaccine, of Cuban origin, following the donation from the neighboring country³⁷³⁶. Also noteworthy is the acceptance of the donation made by Argentina of a total of 11,000 vaccines³⁷³⁷, by Mexico of a total of 10,000 vaccines³⁷³⁸, by Taiwan of a total of 10,000 vaccines³⁷³⁹, and by the United States of a total of 4,800 vaccines, the latter particularly intended for pediatric use, in girls and boys between 4 and 11 years of age³⁷⁴⁰. The Office of the Special Rapporteur welcomes these donations, in line with the solidarity that should govern relations between the countries of the hemisphere, to ensure equitable access to vaccines, recalling that international cooperation is crucial for the equitable distribution of vaccines to respond to the realities and needs of all States in the Region.³⁷⁴¹
1668. However, REDESCA expresses its concern regarding the vaccination rates in the country, which would not reach the WHO goal of having 40% of the population vaccinated by the end of 2021³⁷⁴², having, as of

³⁷³² IMF, St. Vincent and the Grenadines: Staff Concluding Statement of the 2022 Article IV Mission, September 1, 2022

³⁷³³ The Vincentian, SVG Poverty Rate Above Average, September 2, 2022.

³⁷³⁴ St Vincent Times, SVG poverty rate higher than the average for Eastern Caribbean, August 28, 2022.

³⁷³⁵ Datosmacro, Saint Vincent and the Grenadines - COVID-19 - Coronavirus crisis, November 24, 2022.

³⁷³⁶ TeleSURtv, St. Vincent and the Grenadines gives green light to Cuban vaccine Abdala, December 28, 2021.

³⁷³⁷ TeleSURtv, Argentine government donates Covid-19 vaccines to 12 countries, January 30, 2022.

³⁷³⁸ TVAzteca, Mexico delivers COVID-19 vaccine to St. Vincent and the Grenadines and Dominica, February 18, 2022.

³⁷³⁹ St. Vincent Times, "Taiwan donates over 10,000 doses of AstraZeneca vaccines to SVG," March 7, 2022.

³⁷⁴⁰ Loop News, "St Vincent receives over 4,000 Pfizer pediatric vaccines from US", July 8, 2022.

³⁷⁴¹ IACHR - REDESCA, Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021.

³⁷⁴² Semana, Pan American Health Organization urges to ensure safe return of children to school, January 28, 2022.

December 2, 2022, a total administration of 72,979 doses, reaching 28.26% of the population fully vaccinated³⁷⁴³. In this regard, the Office of the Special Rapporteur urges the State to continue making the necessary efforts to combat misinformation and thus reduce doubts about the vaccine. To this effect, REDESCA reiterates that within the framework of Resolution 1/2021 of the IACHR, a series of recommendations are offered to the State to promote access to information and specially to combat disinformation³⁷⁴⁴.

1669. The Special Rapporteur notes that, as of April, active cases of COVID-19 infection have decreased considerably. The Center for Disease Control and Prevention has reportedly lowered the risk level for travelers to the lowest level³⁷⁴⁵. In this regard, sanitary measures were progressively relaxed, repealing restrictions on public gatherings³⁷⁴⁶. Likewise, limitations on the entry of travelers to the island, both by sea and air, were abolished³⁷⁴⁷. The aim was to promote tourism, an essential element in the island's economy, which had been slowed down in recent years due to the pandemic and the eruption of the La Soufriere volcano.
1670. REDESCA welcomes the financial support provided by the World Bank for the construction of the new Arnos Vale Acute Referral Hospital, which amounts to US\$68 million¹². In the same vein, the Rapporteurship highlights the collaboration of the government of Taiwan, the Ministry of Health and McKay Memorial Hospital in the "Public Health Emergency Response System Improvement Project", which has financed defibrillators and training mannequins with the aim of strengthening and improving the quality of health services provided in the country.³⁷⁴⁸
1671. REDESCA notes with concern the increase in cases of hand, foot, and mouth disease (HFMD), which is why the Ministry of Health, Welfare and Environment announced constant monitoring of the situation and asked parents and caregivers to avoid sending children and children to daycare and school if they are suffering from symptoms of the disease.³⁷⁴⁹

B. Climate Emergency and Human Right to Water

1672. In relation to the impacts of climate change on economic, social, cultural and environmental rights, the Special Rapporteur recalls what happened after the eruption of the La Soufriere volcano in 2021, which even a year later still had implications on people's human rights. Specifically, over the last year the Red Cross has supported more than 5000 people with water, emergency supplies, hygiene and cleaning items, dignified living solutions, risk communication and community engagement, as well as psychosocial and livelihood support.³⁷⁵⁰ Notwithstanding this, REDESCA is concerned that the work of cleaning and removal of volcanic ash has not been completed³⁷⁵¹. The Special Rapporteur highlights the support for the cleaning of volcanic ash by Spain during February 28 and March 4, financed by the Spanish Agency for International Development (AECID)³⁷⁵² and Taiwan through a program with a total budget of US\$1.7 million that will

³⁷⁴³ Datosmacro, [Coronavirus crisis](#), October 29, 2022.

³⁷⁴⁴ IACHR - REDESCA, [Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations](#), April 6, 2021.

³⁷⁴⁵ St. Vincent Times, ["The CDC has upgraded St Vincent from Level 3 to Level 1 risk for COVID-19,"](#) April 12, 2022.

³⁷⁴⁶ St. Vincent Times, ["St Vincent and the Grenadines repeal COVID-19 public gathering rules"](#), April 2, 2022.

³⁷⁴⁷ St. Vincent Times, ["SVG airports scrap testing, vaccinations for stakeholders' operations,"](#) Oct. 16, 2022.

³⁷⁴⁸ St. Vincent Times, ["SVG to benefit from Public Health Emergency Response System Enhancement Project,"](#) April 12, 2022.

³⁷⁴⁹ St. Vincent Times, ["Parents asked to monitor kids closely as HFMD cases rise in SVG schools"](#). June 23, 2022

³⁷⁵⁰ St. Vincent Times, ["One year after La Soufriere eruption, recovery efforts remain crucial"](#), April 9, 2022.

³⁷⁵¹ Loop News, ["St Vincent's PM says lahars remain a threat this hurricane season,"](#) June 3, 2022.

³⁷⁵² St. Vincent Times, ["Spain supports volcanic ash clean-up in SVG"](#), 11 March 2022.

benefit between 350 and 400 Vincentian workers during the project³⁷⁵³. These efforts are relevant when considering the danger that ash represents for the population during the rainy and hurricane season, due to the formation of lahars and floods.³⁷⁵⁴

1673. REDESCA is also concerned about the continuous period of drought that the country is currently facing, causing the flow of rivers to be at times of the year even 50% below normal. In this sense, the flow of water to the population of the island has been periodically interrupted in key areas, in order to ensure water supply to the entire country during most of the day³⁷⁵⁵. In this sense, REDESCA recalls that access to water constitutes a necessary element to guarantee the right to life, to personal integrity, and is an inherent aspect of the right to health, which is why States must direct their efforts to guarantee the enjoyment of this right in the country, establishing prevention policies and due diligence parameters to reduce risks and avoid violations of this right³⁷⁵⁶.

C. Labor and Union Rights

1674. In relation to labor rights in the country, REDESCA notes the mandates for mandatory vaccinations issued through Order No. 28 on October 19, 2021. The COVID-19 vaccination is required for healthcare and health sector workers within this regulation, which has reportedly led to significant criticism to encourage its amendments, resulting in the State Government's announcement that unvaccinated healthcare workers can return to work³⁷⁵⁷.

1675. REDESCA has learned of the dismissal of teachers due to their refusal to receive the COVID-19 vaccination, based on Order No. 28 of October 19, 2021. In view of this situation, the Government would have raised the possibility that such workers could be reinstated in their posts, provided that they follow the corresponding alternative health measures³⁷⁵⁸. As a result, the education workers protested and demanded to be reinstated in their previous positions³⁷⁵⁹, without the need to be subject to a nomination process.

1676. REDESCA has learned that St. Vincent does not handle direct updated data on the unemployment rate in the country³⁷⁶⁰, a necessary element to be able to correctly determine the applicable measures to help the population in this situation, especially after the increase in unemployment that would have been experienced during the previous years as a result of the COVID-19 pandemic.

1677. The Special Rapporteur welcomes the agreement between public sector workers and the Government regarding salary increases and fiscal adjustments³⁷⁶¹. A process that would be called to operate progressively over the next three years, as the country recovers economically after years of pandemic. In this way, the authorities would be able to meet the economic needs of workers in a context of economic recession³⁷⁶².

³⁷⁵³ St. Vincent Times, [Volcanic ash cleanup program in Northern St Vincent supported by Taiwan](#), March 28, 2022.

³⁷⁵⁴ Loop News, ["St Vincent's PM says lahars remain a threat this hurricane season."](#) June 3, 2022.

³⁷⁵⁵ Loop News, ["Drought concerns: Lack of rainfall affects water in St Vincent."](#) May 22, 2022.

³⁷⁵⁶ IACHR - REDESCA, [REDESCA of the IACHR urges prioritization of actions aimed at the realization of the rights to water and sanitation in the hemisphere](#), March 23, 2018.

³⁷⁵⁷ IWNSVG, [Unvaxxed sanitation workers allowed back on the job, PS says](#), March 7, 2022.

³⁷⁵⁸ Loop News, ["St Vincent: Unvaccinated teachers can seek re-employment with gov't."](#) July 28, 2022.

³⁷⁵⁹ Loop News, ["St Vincent: Protest for unvaccinated teachers to be reinstated."](#) August 18, 2022.

³⁷⁶⁰ Loop News, ["St Vincent: Job losses recorded between April 2020 to June 2021."](#) July 26, 2022.

³⁷⁶¹ Loop News, ["St Vincent: Trade unions accept salary increase offer."](#) September 22, 2022.

³⁷⁶² Loop News, ["St Vincent: Public servants to receive salary increase."](#) September 7, 2022.

D. Fiscal and Economic Policies

1678. Regarding fiscal and economic policies implemented in 2022, REDESCA has learned of the efforts of St. Vincent and the Grenadines to mitigate the effects of the economic recession resulting from COVID-19 and the international economic context. In this regard, the Government has opted to subsidize the cost of fuel³⁷⁶³ and suspend VAT for domestic consumers using up to 250 kilowatts per hour during the months of July, August and September³⁷⁶⁴. In the same vein, REDESCA notes the efforts of St. Vincent and the Grenadines to reach new agreements with PetroCaribe to reduce high fuel prices in the islands³⁷⁶⁵.
1679. Fiscal policy this year in St. Vincent has continued to be oriented towards helping the victims of the eruption of the La Soufriere volcano. In June, the government allocated US\$800,000 to assist arrowroot farmers, who lost their entire harvest as a result of the natural disaster³⁷⁶⁶, in addition to the distribution of monetary bonds to the victims.³⁷⁶⁷ Likewise, funds have been allocated for the reconstruction of homes and public property located in safer sectors of the island³⁷⁶⁸.

E. Education, science, technology: academic freedom and university autonomy

1680. REDESCA views with concern the results of students in St. Vincent and the Grenadines in the Caribbean Examinations Council's measurement tests, which showed a 16.93% decrease in student performance compared to 2021, which in turn meant a 7.78% decrease compared to 2020. In this sense, the impacts of the state of emergency produced by COVID-19 and the eruption of the La Soufriere volcano are evident in the school performance levels of students³⁷⁶⁹.
1681. On the other hand, the Specialized Rapporteurship takes note of the enactment of the new Electronic Telecommunications Act, which aims to strengthen the provision of these services to customers, establish a dispute tribunal to address issues affecting stakeholders, and promote fairness, transparency and accountability among providers and regulators, among others³⁷⁷⁰. In this way, it is intended to facilitate access to the Internet and cellular communication to the population of St. Vincent and the Grenadines, after the importance of them during the COVID-19 pandemic³⁷⁷¹. In this line, REDESCA recalls that the States must have mechanisms that allow children and adolescents to continue their studies, emphasizing that the digital divide existing in the Region has meant that, in general, this population has not been able to access distance education in an equitable manner.³⁷⁷²

³⁷⁶³ Loop News, ["SVG: Government taking steps to help citizens amid rising fuels prices,"](#) June 14, 2022.

³⁷⁶⁴ Loop News, ["St Vincent expands VAT relief for more domestic electricity customers,"](#) July 27, 2022.

³⁷⁶⁵ Loop News, ["St Vincent: PetroCaribe agreements being finalised,"](#) October 15, 2022.

³⁷⁶⁶ Loop News, ["St Vincent: Arrowroot farmers affected by La Soufriere to get support,"](#) June 15, 2022.

³⁷⁶⁷ Loop News, ["St Vincent: More income support for persons affected by La Soufriere,"](#) June 27, 2022.

³⁷⁶⁸ Loop News, ["St Vincent: Homes for people displaced by La Soufriere volcano"](#) Aug. 5, 2022

³⁷⁶⁹ Loop News, ["SVG: Gov't, trade unions differ on students' performance at CXC exams,"](#) Sept. 26, 2022.

³⁷⁷⁰ St Vincent Times, ["SVG new telecoms law is geared at improving customer service delivery,"](#) October 30, 2022.

³⁷⁷¹ Comms Update, ["SVG becomes second ECTEL state to adopt new telecoms law,"](#) November 2, 2022.

³⁷⁷² IACHR, [Press Release: IACHR warns about the consequences of the COVID-19 pandemic on children and adolescents,](#) April 27, 2020.

32) SURINAM

1683. In relation to the guarantee of ESCER in the country, the Office of the Special Rapporteur has made a special follow-up on the impacts of natural disasters and climate change in Suriname, together with the opportunities in terms of business and human rights. Similarly, progress and challenges regarding the right to education and fiscal and economic policies are observed. Each of these strategic lines of the mandate are discussed in greater detail below.
1684. Considering that conditions of poverty and inequality have a cross-cutting impact on the enjoyment of ESCER, the Office of the Special Rapporteur notes that, at the national level, approximately 26% of the Surinamese population lives below the poverty line - calculated on the basis of US\$5.50 a day - although the rate increases in the sparsely populated areas of the interior, where poverty reaches almost half of the population³⁷⁷³. At the same time, it is estimated that 5% of the population lives in extreme poverty, earning less than US\$1.90 per day³⁷⁷⁴. On the other hand, 0.4% of the population lives in multidimensional poverty, although 4% of people are vulnerable to multidimensional poverty³⁷⁷⁵.
1685. According to the World Bank, the last estimate of Suriname's coefficient in the Gini Index, corresponding to 1999, reached a score of 57.9³⁷⁷⁶. In this regard, it is noted that although the country has a high human development index - estimated at 0.73 for 2022³⁷⁷⁷ - it is adjusted for levels of inequality, placing it among the low human development countries³⁷⁷⁸.

A. Right to Health and its Social Determinants

1686. Regarding the impact of the pandemic on the enjoyment of the right to health, REDESCA notes that, as of November 11, Suriname recorded a cumulative total of 81,228 cases and 1,392 deaths due to COVID-19³⁷⁷⁹. In turn, official figures indicate that, by the same date, 55.6% of the target population had been vaccinated³⁷⁸⁰. According to public information, Suriname has not met the 70% immunization goal set by the WHO, given that, as of June, only 40.5% of the population had the complete initial vaccination schedule³⁷⁸¹.
1687. In this context, the Rapporteurship is concerned that -despite high levels of initial acceptance and the availability of sufficient doses, the low levels of immunization in Suriname are due to problems and delays in the administration of the doses and the lack of public confidence in the vaccine³⁷⁸². However, the efforts of the authorities to improve the storage and preservation capacities of the doses, through international cooperation, are recognized.³⁷⁸³
1688. Therefore, it is emphasized that, in line with IACHR Resolution 1/2021, States have the obligation to provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19, as well as

³⁷⁷³ The World Bank, [Suriname | Overview](#), 2022.

³⁷⁷⁴ Ibid.

³⁷⁷⁵ United Nations Development Programme, [Human Development Report 2021/2022](#), September 8, 2022.

³⁷⁷⁶ The World Bank, [Gini index - Suriname](#), updated as of November 12, 2022.

³⁷⁷⁷ United Nations Development Programme, [Human Development Report 2021/2022](#), September 8, 2022.

³⁷⁷⁸ United Nations Children's Fund. [Country program document. Guyana and Suriname](#) First regular session 2022, February 8-11, 2022.

³⁷⁷⁹ WHO, [Suriname - WHO Coronavirus \(COVID-19\) Dashboard](#), updated November 11, 2022.

³⁷⁸⁰ Directorate National Security, [COVID-19 Dashboard](#), updated as of November 11, 2022.

³⁷⁸¹ The World Bank, [Suriname | Overview](#), 2022.

³⁷⁸² UNICEF, [COVID-19 in Latin America - Humanitarian Situation Report](#), June 2022.

³⁷⁸³ Relief Web, ["PAHO and Canada Provide the National Immunization Program, Bureau of Public Health, Suriname with Vaccine Refrigerators in support of the Immunization Programme"](#), January 19, 2022.

to counteract public mistrust and misinformation with actions that contribute to strengthening safety in public health institutions and scientifically based knowledge³⁷⁸⁴.

1689. In turn, REDESCA noted that the number of daily infections reached its highest peak in January, with up to 569 new cases per day³⁷⁸⁵; this decreased in February, reaching an average of 58 cases per day³⁷⁸⁶. Although the month of May saw a new peak in the number of infections, with an increase of up to 558 new cases in one week, the trend decreased steadily until November³⁷⁸⁷.
1690. On the other hand, the Office of the Special Rapporteur expresses its concern over reports of shortages of both medical and nursing personnel in public health institutions, and especially that this situation is due to physical and mental exhaustion among health professionals as a result of the increased demands of their work in the context of the pandemic³⁷⁸⁸.
1691. In a broader perspective of the right to health, REDESCA notes that, in March, a disbursement of \$20 million Surinamese dollars was made for the purchase of medicines and medical supplies, which would have reached a supply of 75% of the health system³⁷⁸⁹.
1692. On the other hand, the Office of the Special Rapporteur notes that even before the pandemic, Suriname reportedly registered a decrease in immunization rates in general, and that by 2020, it was estimated that coverage of the triple vaccine against tetanus, pertussis and diphtheria (DPT) reached less than 80% of the population³⁷⁹⁰. Information was also received regarding the proliferation of acute viral gastroenteritis - also known as stomach flu - which, in August, reportedly affected mainly children and caused difficulties for emergency services in admitting and treating the high number of cases.³⁷⁹¹
1693. In relation to the social determinants of the right to health, the Rapporteurship expresses its concern that a large part of the population of Suriname still does not have adequate water and sanitation services. For example, according to UNICEF data, *Escherichia coli* has been found in the water source of 42.5% of households nationwide; this figure rises to 72% in households in rural areas of the interior³⁷⁹².
1694. Furthermore, according to the Food and Agriculture Organization of the United Nations (FAO), in 2022, 7.2% of the Surinamese population is severely food insecure; 35.9% is severely or moderately food insecure; and 58.8% of the population does not have the resources to afford a healthy diet³⁷⁹³. In addition, in a survey conducted by the World Food Program in August, 40% of the participants stated that, due to the rise in food prices, they had experienced shortages in their food supplies³⁷⁹⁴.
1695. In view of these situations, REDESCA calls on the State to heed the provisions of Resolution 1/2021 mentioned above, which states that it must take into account the worsening of poverty-related diseases,

³⁷⁸⁴ IACHR, Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, para. 11.

³⁷⁸⁵ Reuters, "[Suriname is reporting 569 new infections on average each day, 57% of the peak - the highest daily average reported on January 18](#)," January 20, 2022.

³⁷⁸⁶ Reuters, "[COVID-19 infections are decreasing in Suriname, with 58 new infections reported on average each day. That's 6% of the peak](#)," February 28, 2022.

³⁷⁸⁷ WHO, [Suriname - WHO Coronavirus \(COVID-19\) Dashboard](#), updated November 11, 2022.

³⁷⁸⁸ Waterkant, "[Volksgezondheid treedt in overleg met NICU/AZP](#)," March 3, 2022.

³⁷⁸⁹ Waterkant, "[Regering maakt SRD 20 miljoen vrij voor medicijnvoorziening](#)," March 9, 2022.

³⁷⁹⁰ UNICEF, [Country Program Document - Guyana and Suriname](#), February 2022.

³⁷⁹¹ Waterkant, "[Public health emergency in Suriname vanwege virale buikgriep](#)" August 10, 2022.

³⁷⁹² United Nations Children's Fund, [Country program document. Guyana and Suriname](#) First regular session 2022, February 8-11, 2022.

³⁷⁹³ Food and Agriculture Organization of the United Nations, [Food Security and Nutrition in the World](#), 2022.

³⁷⁹⁴ World Food Programme, [Caribbean Food Security & Livelihoods Survey](#), August 2022.

the impact of social determinants on health and avoid setbacks in public health campaigns, such as general vaccinations for children, pregnancy care, sexual and reproductive health, and cancer prevention, among others.³⁷⁹⁵

B. Climate Emergency and Human Right to Water

1696. REDESCA notes that although Suriname is one of the countries that has contributed the least to global warming - being one of three countries in the world with negative carbon dioxide emissions³⁷⁹⁶, it has been severely affected by the impacts of the climate emergency and is highly vulnerable to phenomena such as sea level rise and coastal erosion³⁷⁹⁷. For, 87% of the population lives on the coasts³⁷⁹⁸, and 78.7% lives in low-lying areas, up to 10 meters above sea level³⁷⁹⁹.
1697. In this context, the Rapporteurship obtained information that, up to July, exceptionally heavy rainfall was recorded in seven out of ten districts, causing unprecedented levels of devastation³⁸⁰⁰. In this regard, it was reported that, due to the floods, at least 3,000 households lost their food and water supplies, which had to be provided by air, through coordinated actions by the authorities, international agencies and civil society organizations³⁸⁰¹. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), this year's floods will affect food security for the foreseeable future; in addition to affecting water and sewage treatment infrastructures, threatening the security of supply, and increasing the risk of vector-borne diseases³⁸⁰².
1698. In addition, serious damage was reported in the Saramacca district due to flooding caused by the rising spring tide of the Saramacca River, for which a temporary dam was built until a definitive solution could be found³⁸⁰³; while in Paramaribo, the evacuation of dozens of families was ordered due to the destruction of their homes³⁸⁰⁴. However, all measures were reportedly of a temporary nature, as rainy weather and rising water levels in the rivers were forecast to continue³⁸⁰⁵. It was also reported that, along the border with French Guiana, Wayana indigenous villages that had not been flooded, lost 60% of their crops after heavy rains soaked the soil³⁸⁰⁶. This situation would also have compromised power supplies, as the state-owned power company, Staatsolie Power Company Suriname, had to open the scuppers of a hydroelectric power plant to avoid potential catastrophes due to overflowing rivers³⁸⁰⁷.
1699. On the other hand, the Special Rapporteur notes that Suriname is emerging as a potential oil power, with the discovery of important offshore oil deposits in the area known as the Guyana-Suriname Basin³⁸⁰⁸. In this context, in July, the Staatsolie Power Company announced that it would prepare the bidding process

³⁷⁹⁵ IACHR, Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, para. 6.

³⁷⁹⁶ UN News, [Suriname's climate promise, for a sustainable future](#), January 31, 2020.

³⁷⁹⁷ Relief Web, [Suriname: Country Profile \(as of May 2022\)](#) 13 July 2022

³⁷⁹⁸ The World Bank, [Suriname | Overview, 2022](#)

³⁷⁹⁹ Relief Web, [Suriname: Country Profile \(as of May 2022\)](#) 13 July 2022

³⁸⁰⁰ OCHA | Reliefweb, [Relief efforts in Suriname: "The main supply of food has gone](#), July 12, 2022.

³⁸⁰¹ OCHA | Reliefweb, [Relief efforts in Suriname: "The main supply of food has gone](#), July 12, 2022.

³⁸⁰² OCHA, [Latin America & The Caribbean Weekly Situation Update \(6-12 June 2022\)](#), June 13, 2022.

³⁸⁰³ Waterkant, ["Crisisteam Openbare Werken bezoekt getroffen gebied Creola"](#), March 30, 2022.

³⁸⁰⁴ Waterkant, [President Santokhi orders evacuations in Paramaribo](#) June 17, 2022.

³⁸⁰⁵ Waterkant, [President Santokhi orders evacuations in Paramaribo](#) June 17, 2022.

³⁸⁰⁶ France 24, [Dozens of Suriname villages await aid following unprecedented floods](#) June 24, 2022.

³⁸⁰⁷ ReliefWeb, [Relief efforts in Suriname: "The main supply of food has gone."](#) July 12, 2022.

³⁸⁰⁸ France 24, ['Black gold' for Guyana and Suriname, a blessing or a curse?](#), October 17, 2022.

for 60% of the oil blocks off the coast of the country, to begin in the next twelve months³⁸⁰⁹; and has entered into negotiations with companies such as Chevron³⁸¹⁰, TotalEnergies³⁸¹¹ and APA Corp³⁸¹².

1700. Against this backdrop, REDESCA deeply regrets what has happened in Suriname and expresses its solidarity with the people affected by the heavy rains that have caused an emergency and humanitarian crisis in the territory. It also points out that, due to this type of natural disasters, which are a direct consequence of the context of climate change, the increase in this type of phenomena, which, as mentioned above, are becoming more frequent and more intense, and therefore the adoption of measures by the States to protect the right to a healthy environment is urgently needed. As expressed in IACHR Resolution 3/2021 on Climate Emergency, Scope and inter-American human rights obligations, States must comply with their international obligations to protect and guarantee the enjoyment and exercise of the human rights of all persons who, as a result of environmental impacts, including those attributable to climate change, are significantly affected both individually and collectively³⁸¹³. This resolution also stresses that States have the obligation to cooperate in good faith to prevent pollution of the planet, which entails reducing their emissions to ensure a safe climate for the exercise of rights, and that those who are in a position to do so should contribute to cover the costs of mitigation and adaptation of States unable to do so, in accordance with the principle of common but differentiated responsibilities³⁸¹⁴.

C. Business and Human Rights

1701. With regard to the impact that corporate activities may have on the enjoyment of ESCER, the Rapporteurship notes with concern that Suriname's forests - which cover up to 93% of the national territory³⁸¹⁵ and absorb more carbon dioxide than the country emits³⁸¹⁶ - are being threatened by the expansion of the extractive frontier. In this regard, it is estimated that between 2000 and 2019, Suriname has lost about 203 square kilometers of forest cover as a result of industrial mining activities³⁸¹⁷. In addition, there are reports of an increase in illegal gold mining on the border with French Guiana, causing serious environmental impacts due to the use of dredges and high quantities of mercury that are dumped into the Lawa River³⁸¹⁸. Both situations disproportionately affect indigenous communities by contaminating their water and food sources and destroying their ancestral territories³⁸¹⁹.

1702. In this context, the Office of the Special Rapporteur is awaiting the passage of two bills that would seek the recognition of the rights of indigenous peoples -including the right to free, prior and informed consultation for the concession of mining fields in ancestral territories- and the eradication of the illegal trade of mercury, which is used for gold mining³⁸²⁰.

³⁸⁰⁹ Upstream, [Suriname planning new offshore rounds as wildcatters target high-impact prospects](#), July 7, 2022.

³⁸¹⁰ BNAmericas, [Staatsolie and Chevron sign production sharing contract for marine block 7](#), April 7, 2022.

³⁸¹¹ Upstream, [Suriname planning new offshore rounds as wildcatters target high-impact prospects](#), July 7, 2022.

³⁸¹² S&P Global Commodity Insights, [APA Corp says Baja oil discovery in Suriname is first find on block 53](#), August 23, 2022.

³⁸¹³ IACHR and REDESCA, [Resolution 3/2021: Climate Emergency, Scope and Inter-American Human Rights Obligations](#), December 31, 2021, para. 9.

³⁸¹⁴ IACHR and REDESCA, [Resolution 3/2021: Climate Emergency, Scope and Inter-American Human Rights Obligations](#), December 31, 2021, para. 11.

³⁸¹⁵ UN News, [Suriname's climate promise, for a sustainable future](#), January 31, 2020.

³⁸¹⁶ Discover Suriname, [Suriname is a carbon negative country](#), 2022.

³⁸¹⁷ Mongabay, [Industrial mining's tropical deforestation footprint spills beyond concessions](#), September 14, 2022.

³⁸¹⁸ InSight Crime, [Destructive Gold Mining Plagues Suriname, French Guiana Border](#), May 30, 2022.

³⁸¹⁹ UN News, [Suriname gives 'hope and inspiration for a sustainable future': UN chief](#), July 2, 2022.

³⁸²⁰ Mongabay, [Can Two New Bills Reshape Indigenous Rights and Illegal Gold Mining in Suriname](#), September 14, 2022.

1703. Furthermore, REDESCA has received information about the existence of an illegal market for fishing licenses in Suriname, in that Guyanese fishermen often work with licenses that they rent from Surinamese boat owners for a few thousand dollars. This is despite the fact that Suriname has strict laws regarding fishing licenses, one of which states that licenses can only be issued to Surinamese vessels and are not transferable. However, due to the license trade, there are many more boats fishing in Suriname's waters. It is estimated that for every 100 permits leased to Guyanese fishermen, between 300 and 400 vessels operate with them.³⁸²¹
1704. In this context, REDESCA recalls the duty of States to carry out all actions within their reach to protect the right to a healthy environment, not only through formal recognition of this right, but also through compliance and effective application of its content, including the actions that must be required of companies to respect the right to a healthy environment and combat climate change.³⁸²²

D. Labor and Union Rights

1705. Regarding the enjoyment of the right to work, REDESCA notes that the unemployment rate in Suriname would have increased from 10.1%, recorded at the end of 2021³⁸²³, to 10.9% in 2022.³⁸²⁴
1706. On the other hand, the Office of the Special Rapporteur highlights the increase in the minimum wage from \$8.40 to \$20 Surinamese dollars per hour, starting in June³⁸²⁵, which would help to alleviate the pressure generated in domestic economies as a result of inflation.

E. Fiscal and Economic Policies

1707. REDESCA notes that, during 2022, Suriname has been one of the economies most affected by global inflationary trends. According to the Central Bank of Suriname, the highest inflation rate was recorded in March, at 62.2%, although it dropped to 41.9% in September³⁸²⁶. This would have had a severe impact on food prices, as food registered an inflation rate of up to 68.3%³⁸²⁷.
1708. Despite this, the Surinamese economy is beginning to recover after two years of contractions due to the pandemic, with GDP growth of up to 3% projected for the end of 2022³⁸²⁸. In this regard, the measures implemented by the authorities to achieve economic recovery have been positively assessed by the International Monetary Fund, which in March approved a second disbursement under an Extended Fund Facility (EFF) program³⁸²⁹. For its part, the World Bank has recognized the implementation of measures to guarantee debt sustainability, monetary policy and exchange rates and financial stability in its projections.³⁸³⁰

³⁸²¹ Insight Crime. [Smugglers and illegal fishermen find refuge in Suriname](#) July 27, 2022.

³⁸²² REDESCA-IACHR, [Business and Human Rights: Inter-American Standards](#), November 1, 2021

³⁸²³ The World Bank, [Unemployment, total \(% of total labor force\) \(modeled ILO estimate\) - Suriname](#), updated June 2022.

³⁸²⁴ IMF, [World Economic Outlook - Unemployment rate percent](#), 2022.

³⁸²⁵ Wage Indicator. [Minimum Wage Updated in Suriname from 01 June 2022 - June 8, 2022](#) 8 June 2022

³⁸²⁶ Centrale Bank Van Suriname, [Inflation](#), updated as of November 12, 2022.

³⁸²⁷ Forbes, [In The Caribbean, 57% Are Struggling To Put Food On The Table](#), September 14, 2022.

³⁸²⁸ The World Bank, [Suriname Overview](#), 2022,

³⁸²⁹ Caricom, [IMF: Suriname economic programme on track: Caricom Business](#), March 28, 2022.

³⁸³⁰ The World Bank, [Suriname Overview](#), 2022.

1709. However, the Rapporteurship notes that there are questions regarding the fact that the financing proposals from various international organizations -which could amount to up to US\$1 billion- are related to Suriname's oil wealth and could be used to finance short-term exploitation projects³⁸³¹.

F. Education, science, technology: academic freedom and university autonomy

1710. The Office of the Special Rapporteur notes with concern that, at the national level, only 51% of children have access to early childhood education; this is reduced to 33% in rural and inland areas³⁸³². Also alarming is the decline in school completion rates, which drop to 39% of boys and 32% of girls, from primary to lower secondary school³⁸³³. On the other hand, 65% of elementary school students go on to lower secondary education, but only 47% of these reach the last grade. In secondary education, only 49% of students complete the first cycle, dropping to 23% in the second cycle³⁸³⁴.

1711. In this regard, UNICEF identifies that high dropout rates are due to factors such as difficulties in physical access to schools and high transportation costs, especially in inland areas, as well as poor quality of teaching, learning and skills development³⁸³⁵.

1712. In this line, it is noted that these circumstances would have been aggravated by the closure of schools due to the pandemic, considering that the digital divide - which is also deepening in rural and inland areas - would have made it impossible for many students to access online learning³⁸³⁶. For, by 2021, only 19% of Surinamese households had internet access³⁸³⁷.

1713. In this regard, REDESCA recalls that the right to education must be at the service of all people, especially those in vulnerable situations, and must reach the indigenous communities farthest from urban centers, allowing digital inclusion and respecting cultural multiplicity.

1714. In this regard, the State is reminded that in Resolution 1/2021 of the IACHR, it was stated that States must have mechanisms that allow children and adolescents to continue with access to education and with stimuli that their age and level of development require³⁸³⁸, which implies guaranteeing that the right to education is not violated by the economic and social circumstances that were a consequence of the pandemic and that it must promote the reintegration of students who have stopped attending schools into the educational system. This is in addition to the call to eliminate the digital and technological barriers that cause school dropouts.

G. Human Mobility and ESCER

1715. Suriname has consistently faced high levels of emigration. In 2020, it was reported that 273,200 people left the country. In this regard, it is denounced that this migration situation has caused losses of human capital and shortages of professionals in various specialties, especially in the field of health, with family migration being the main reason for leaving Suriname.³⁸³⁹ REDESCA calls on Suriname to identify the

³⁸³¹ Climate Home News. [World Bank and IMF are courting big oil in debt-laden Suriname](#) February 17, 2022.

³⁸³² United Nations Children's Fund. [Country program document. Guyana and Suriname](#) First regular session 2022, February 8-11, 2022.

³⁸³³ Ibid.

³⁸³⁴ Ibid.

³⁸³⁵ Ibid.

³⁸³⁶ Ibid.

³⁸³⁷ World Bank. [Report Two years later: saving a generation](#) June 23, 2022.

³⁸³⁸ IACHR. [Pandemic and Human Rights in the Americas](#), April 10, 2020, para. 64.

³⁸³⁹ Relief Web. [Suriname: Country Profile \(as of May 2022\)](#) 13 July 2022



causes of the high migration, taking into special consideration those related to the situation of ESCER in the country.

33) TRINIDAD AND TOBAGO

1716. With regard to the situation of ESCER in Trinidad and Tobago, the Office of the Special Rapporteur has made a special follow-up on the impact of climate change and the occurrence of environmental disasters that threaten the exercise of several human rights. In addition, the Office of the Special Rapporteur notes with concern the situation of the ESCER of persons in a situation of human mobility in the country, particularly those coming from Venezuela. Each of these strategic lines of action of the Office of the Special Rapporteur are discussed in greater detail below.
1717. REDESCA notes that the latest official figures on poverty in Trinidad and Tobago date back to 2014, when 20% of the population was estimated to be living in poverty³⁸⁴⁰. However, according to the Economic Commission for Latin America and the Caribbean (ECLAC), by 2021, the poverty rate was reduced to 16.7%³⁸⁴¹. In turn, the Multidimensional Poverty Index of Trinidad and Tobago in 2022, indicates that the most recent data for the calculation of multidimensional poverty correspond to 2011³⁸⁴²; based on which it is estimated that it reaches 0.6% of the population; while 3.7% is vulnerable to reach a situation of multidimensional poverty³⁸⁴³. In this context, the pandemic would have had severe impacts on the food security and livelihoods of the population of Trinidad and Tobago in 2021, disproportionately affecting persons from low-income households and persons in a situation of human mobility³⁸⁴⁴.
1718. The Office of the Special Rapporteur emphasizes that, in the area of economic, social, cultural and environmental rights, up-to-date statistical information is essential for the adoption of measures that contribute to the progressive development of rights, within the framework of the obligation to allocate the maximum available resources for this purpose. For this reason, it urges the authorities of Trinidad and Tobago to conduct a new census, which will make it possible to know the living conditions of the population after the COVID-19 pandemic.

A. Right to Health and its Social Determinants

1719. With respect to the impact of the pandemic on the enjoyment of the right to health in Trinidad and Tobago, REDESCA notes that, as of October 31, 2022, a total of 184,713 cases and 4,219 deaths have been recorded since the beginning of the pandemic³⁸⁴⁵. In turn, 1,581,817 doses of COVID-19 vaccine have been administered, reaching 716,898 persons (46.82%) with a full two-dose schedule, and 36,690 persons (2.40%) with at least one dose³⁸⁴⁶.
1720. While recognizing the Government's efforts to continue with the inoculation process, REDESCA notes that Trinidad and Tobago has not reached the target of vaccinating 70% of the population set by the WHO³⁸⁴⁷. On this issue, it is relevant that, according to a survey on the acceptance of the vaccine conducted in 2021, one of the main reasons for people deciding not to be vaccinated is the distrust linked to the lack of information regarding the safety, development and effects of the vaccine³⁸⁴⁸. Consequently, the Office of the Special Rapporteur recalls what was indicated in IACHR Resolution 1/2021, regarding the obligation of States to provide and disseminate quality, objective, timely and culturally appropriate information on

³⁸⁴⁰ BTI Transformation Index, *Trinidad and Tobago Country Report 2022*, 2022.

³⁸⁴¹ ECLAC, *Assessment of the Social and Economic Impact of COVID-19 in Trinidad and Tobago*, 2021.

³⁸⁴² UNDP, *Briefing note for countries on the 2022 Multidimensional Poverty Index - Trinidad and Tobago*, 2022.

³⁸⁴³ *Ibid.*

³⁸⁴⁴ World Food Programme & Food and Agriculture Organization, *Caribbean COVID-19 Food Security & Livelihoods Impact Survey Report - Trinidad and Tobago | June 2021*, June 2021.

³⁸⁴⁵ World Health Organization,

³⁸⁴⁶ Our World In Data, *Coronavirus (COVID-19) Vaccinations - Trinidad and Tobago*, Updated October 31, 2022.

³⁸⁴⁷ WHO, *Global Covid-19 Vaccination Strategy in a Changing World - July 2022 update*, July 22, 2022.

³⁸⁴⁸ CADRES, *COVID-19 Vaccine Hesitancy Survey Report 2021 - Trinidad and Tobago*, January 19, 2022.

vaccines and their side effects, based on the best scientific evidence available; as well as to carry out public campaigns to counteract misinformation or distorted content on vaccines and mistrust in civil society³⁸⁴⁹.

1721. Regarding the actions implemented to contain the pandemic, REDESCA notes that the authorities gradually lifted restrictions as of March³⁸⁵⁰. Thus, measures such as the requirement to present a vaccination certificate to enter the country, the capacity limits for beaches and gatherings in public places, and the "Safety Zone" system for vaccinated persons were lifted in April³⁸⁵¹. Also, the mandatory use of face masks in public places and all restrictions for domestic travel³⁸⁵². At the end of September, the only measure that remained in force was the mandatory use of masks in health centers.³⁸⁵³

1722. In this context, REDESCA became aware of the situation faced by health personnel, as there are reports of work overload and lack of personnel³⁸⁵⁴. According to information from the Ministry of Health, professionals suffer excessive fatigue, *burn out*, and physical and psychological affectations, due to the exhausting work schedules and lack of rest endured in the context of the health emergency³⁸⁵⁵. Likewise, the personnel would have been insufficient to cover the hospital demand related to COVID-19, and medical care in general³⁸⁵⁶. For this reason, the Rapporteurship welcomes the decision to allocate \$210 million for the payment of *ex-gratia* compensation for more than 20,000 professionals of the public health system who worked during the health emergency, announced by the Ministry of Finance in October³⁸⁵⁷.

1723. On the other hand, REDESCA expresses its concern about the mental health situation of the population of Trinidad and Tobago, being the third country in the Caribbean with the third highest number of problems related to this issue, and the seventh in terms of the number of suicides³⁸⁵⁸. According to the Ministry of Health, the annual suicide rate increased in 2019, 2020 and 2021, registering 92, 104 and 128 cases, respectively³⁸⁵⁹. This situation affected men more severely, given that, in all years, the number of male suicides exceeded more than four times the number of female suicides; reaching, for example, 110 men and 18 women in 2021³⁸⁶⁰. In this context, REDESCA recalls that, through Resolutions 1/2020 and 4/2020, the IACHR urged States to take specific and urgent measures to improve the availability, accessibility and quality of mental health services, given the effects of pandemic contexts and their consequences; recognizing that the health emergency has generated a situation of psychological and psychosocial vulnerability to which all people have been exposed in a cross-cutting manner.³⁸⁶¹

1724. The Rapporteurship also notes with concern the situation of sexual and reproductive rights of adolescents in the country, based on information received during a public hearing during the 185th Regular

³⁸⁴⁹ IACHR - REDESCA - RELE, Resolution 1/2021: COVID-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021.

³⁸⁵⁰ Barbados Today, COVID restrictions being lifted in Trinidad & Tobago, March 26, 2022.

³⁸⁵¹ Nation News, Trinidad to lift most COVID-19 restrictions, March 27, 2022.

³⁸⁵² Crisis24, Trinidad and Tobago: Authorities ease COVID-19 related domestic measures, lift remaining international travel restrictions as of July 29/ update 40, 29 July 2022.

³⁸⁵³ Ministry of Health, LN #189 - Public Health [2019 Novel Coronavirus (2019 -nCoV)] (No. 9) Regulations, September 19, 2022.

³⁸⁵⁴ Loop News, "Understaffed, burnt out: COVID-19 committee report cites concerns." February 18, 2022.

³⁸⁵⁵ Loop News, "Understaffed, burnt out: COVID-19 committee report cites concerns." February 18, 2022.

³⁸⁵⁶ Ibid.

³⁸⁵⁷ Loop News Trinidad & Tobago, Health care workers to receive COVID-19 bonus from November, October 5, 2022.

³⁸⁵⁸ Trinidad and Tobago Newsday, "Mental health director: Suicide trends unaffected by covid19", March 25, 2022.

³⁸⁵⁹ Ibid.

³⁸⁶⁰ Ibid.

³⁸⁶¹ IACHR - REDESCA, Press Release No. 243/2020, States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access, October 2, 2020.

Session of the IACHR³⁸⁶². At the hearing, civil society representatives denounced that the country does not have an adequate comprehensive sexual education model, despite having received recommendations in the framework of the Universal Periodic Review in this regard³⁸⁶³. In this regard, they explained that, at the social and governmental level, there is strong opposition to comprehensive sexual education, which impedes the advancement of public policies in this area³⁸⁶⁴. In turn, this situation has a negative impact on the rate of teenage and unplanned pregnancies and contributes to sexual and gender-based violence³⁸⁶⁵. In this regard, the petitioning organizations recalled that, on average, 46% of women and 31% of men in the Caribbean had their first sexual intercourse in a forced or coerced manner; although they do not identify it as abuse, possibly because they do not have the information to³⁸⁶⁶.

1725. Therefore, REDESCA reiterates that States have the duty to eliminate all de jure and de facto obstacles that impede women's access to maternal, sexual and reproductive health services, including information and education in the area of sexual and reproductive health³⁸⁶⁷. In addition, these measures must take into account the situation of special risk, lack of protection and vulnerability of girls and adolescents, as well as women in particular situations of exclusion³⁸⁶⁸. Likewise, the IACHR has indicated that -in response to teenage and unplanned pregnancies- objective sex education promotes the empowerment of girls and adolescents to be aware of the content of their sexual and reproductive rights; and, consequently, it is crucial to implement sex education in the educational curriculum with impartial, accessible information and in a progressive manner according to age and educational level³⁸⁶⁹.

1726. Finally, REDESCA notes that, as of the end of October, no cases of smallpox had been reported in Trinidad and Tobago,³⁸⁷⁰ and recognizes the actions implemented by the authorities in terms of monitoring, detection,³⁸⁷¹ and acquisition of vaccines against the disease.³⁸⁷² This is in line with IACHR Resolution 1/2020, which states that, in relation to infectious diseases, States must adopt measures focused on preventing contagion and providing adequate treatment to persons who require it³⁸⁷³.

B. Climate Emergency and Human Right to Water

1727. During 2022, REDESCA monitored the effects of the climate emergency on Trinidad and Tobago, especially in terms of its impact on the effective enjoyment of economic, social, cultural, and environmental rights of the population. In this regard, it is noted that, historically, Trinidad and Tobago has been exposed to tropical storms, floods and droughts; however, its vulnerability has increased in recent years due to the intensification and increased frequency of climatic phenomena³⁸⁷⁴.

³⁸⁶² IACHR, 185th Regular Session, Hearing No. 10 RE Sexual and Reproductive Rights of Adolescents in the Caribbean Region, October 26, 2022.

³⁸⁶³ Ibid.

³⁸⁶⁴ Ibid.

³⁸⁶⁵ Ibid.

³⁸⁶⁶ Ibid.

³⁸⁶⁷ IACHR, Violence and Discrimination against Women, Girls and Adolescents: Good practices and challenges in Latin America and the Caribbean, OEA/Ser.L/V/II, Doc. 233, 14 e November 2019, para. 210.

³⁸⁶⁸ Ibid.

³⁸⁶⁹ IACHR, Access to reproductive information from a human rights perspective, OEA/Ser.L/V/II, Doc. 61, November 22, 2011, para. 3.

³⁸⁷⁰ Centers for Disease Control and Prevention, Monkeypox 2022 Global Map & Case Count, Updated October 31, 2022.

³⁸⁷¹ Ministry of Health, Ministry of Health Monitors Monkeypox Outbreaks, May 20, 2022.

³⁸⁷² Trinidad and Tobago Newsday, Trinidad and Tobago continues to dodge monkeypox, September 8, 2022.

³⁸⁷³ IACHR - REDESCA, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020.

³⁸⁷⁴ World Bank Group, Climate Change Knowledge Portal, Vulnerability - Trinidad and Tobago, 2022-.

1728. In relation to the above, the Office of the Special Rapporteur was able to observe that, throughout 2022, Trinidad and Tobago was affected by heavy rains; although their frequency increased in the last six months of the year, as a result of the Caribbean Hurricane season³⁸⁷⁵. In addition, it was noted that in October, the country was severely affected by the passage of tropical waves, which caused flash floods, landslides, power outages and damage to private and public property³⁸⁷⁶. In addition, it was reported that the rains and floods also caused the closure of schools on the two islands³⁸⁷⁷; as well as the interruption of drinking water service due to damage to treatment plants in the north of Trinidad³⁸⁷⁸. In this context, ten families, totaling 37 people, were displaced by the damage caused by the floods in the south of Tobago; the authorities appointed a special committee to provide housing and assistance³⁸⁷⁹. REDESCA expresses its solidarity with the families who lost their homes and particularly regrets the news of the death of a woman who was swept away by a flood on October 5³⁸⁸⁰.
1729. Faced with this situation, REDESCA stresses that the links between climate change and the occurrence of environmental disasters threaten the exercise of several human rights, including the generation of forced displacement of people and the increase in inequality and poverty³⁸⁸¹. In addition, these humanitarian emergency contexts threaten or severely limit economic, social, cultural, and environmental rights such as food, drinking water, housing or health; and, in turn, place limitations on sustainable development and on the conditions and capacities for resilience.³⁸⁸²
1730. On the other hand, in relation to the human right to water, the Rapporteurship took note of the collapse of a pipeline between the Godineau and South Oropouche Rivers, which cut off the water supply for thousands of people in the southeast of the island³⁸⁸³. The collapse was reportedly attributable to failures in the pipe's support infrastructure, which had rusted due to lack of maintenance³⁸⁸⁴.

C. Business and Human Rights

1731. Regarding the relationship between business activities and the enjoyment of ESCER, the Rapporteurship expresses its concern about the oil spill that occurred in Fyzabad in June³⁸⁸⁵. A rupture in a 6-inch oil pipeline caused the spill of approximately 240 barrels of oil into the environment, contaminating up to five acres of land, due to the high water level in the area³⁸⁸⁶. The contamination affected around 50 residents of the area, including young children, who felt sick from the oil vapors and

³⁸⁷⁵ Office of Disaster Preparedness and Management, Hurricanes and Tropical Storms, 2022.

³⁸⁷⁶ Trinidad & Tobago Guardian, Citizens in distress as T&T hit hard by tropical wave, October 9, 2022; Loop News, 145 flooding, 30 landslide reports received after heavy rains, October 6, 2022.

³⁸⁷⁷ Loop News, Schools remain closed in Trinidad and Tobago as flooding continues, October 6, 2022.

³⁸⁷⁸ Trinidad & Tobago Guardian, Persistent rainfall affects Water Treatment Plants in Northeast Trinidad, October 16, 2022.

³⁸⁷⁹ Trinidad & Tobago Guardian, 37 displaced by bad weather in Tobago, October 7, 2022.

³⁸⁸⁰ Trinidad & Tobago Guardian, Woman washed away by floodwaters remembered as loving wife, devoted mother, October 18, 2022.

³⁸⁸¹ IACHR - REDESCA, Press Release No. 237/2019, IACHR and its REDESCA express solidarity to the Bahamian people for the damage caused by Hurricane Dorian and call for urgent implementation of human rights-based response, September 23, 2019.

³⁸⁸² IACHR - REDESCA, Press Release No. 276/2020, The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on States and the international community to address the situation of the affected people, November 17, 2020.

³⁸⁸³ Trinidad Express, Catastrophic collapse of WASA pipeline: Thousands affected, October 19, 2022.

³⁸⁸⁴ *Ibid.*

³⁸⁸⁵ Loop T&T News, Oil pipe cut: Alleged sabotage leaves Fyzabad residents suffering, June 23, 2022.

³⁸⁸⁶ 103FM, Fyzabad MP to liaise with all parties during oil spill cleanup, June 24, 2022.

had to be evacuated immediately³⁸⁸⁷. Farm animals and crops belonging to residents of the area were also reported to have died when they were covered with oil³⁸⁸⁸.

1732. REDESCA notes that the company operating the pipeline went to the area to evaluate the environmental damage and initiate containment and cleanup actions; and provided lodging and food for the evacuated families³⁸⁸⁹. In addition, it denounced that the spill had been caused intentionally, since there was a cut in the structure of the pipeline³⁸⁹⁰.

1733. On this issue, the DESCA Special Rapporteur reiterates what was indicated in the Report on Business and Human Rights, regarding the fact that companies must take into account and respect the human right to a healthy environment within the framework of their activities; which includes ensuring and respecting the environmental laws in force and the implementation of due diligence processes regarding the environmental impact on human rights and the climate.³⁸⁹¹ It also recalls that, within the framework of their obligation to guarantee human rights - and, in particular, the right to a healthy environment - States have specific duties of prevention, regulation and supervision with respect to business activities and human rights, as well as to investigate, punish and guarantee access to effective mechanisms of redress for human rights violations in these contexts³⁸⁹².

D. Labor and Union Rights

1734. Regarding the enjoyment of the right to work, REDESCA notes that, for the second quarter of 2022, out of a total of 588,900 people in the labor force, 562,700 were employed and 23,800 were looking for work³⁸⁹³. Thus, the labor force participation rate reached 55.9%, comparable to the 56.3% recorded in the same period of the previous year³⁸⁹⁴.

1735. In relation to the above, for the month of July, the unemployment rate reached 4.5%, reflecting a decrease of 0.4 percentage points compared to the same month last year³⁸⁹⁵. Among the young population, specifically, the unemployment rate dropped from 12.1% to 9.8% between the first quarters of the year³⁸⁹⁶. However, REDESCA is concerned about the gap between men and women, which is 6.8% and 14.2%, respectively.

1736. In this regard, the IACHR has pointed out that adequate respect for and guarantee of women's right to work -free from all forms of discrimination and under conditions of equality- is a key component for the eradication of poverty and the empowerment and autonomy of women³⁸⁹⁷. Consequently, it is important

³⁸⁸⁷ Trinidad Express, Residents sickened, as spill flows through village, June 23, 2022.

³⁸⁸⁸ Ibid.

³⁸⁸⁹ Loop T&T News, Oil pipe cut: Alleged sabotage leaves Fyzabad residents suffering, June 23, 2022.

³⁸⁹⁰ Ibid.

³⁸⁹¹ IACHR - REDESCA, Report on Business and Human Rights: Inter-American Standards, November 1, 2019, para.

46.

³⁸⁹² Ibid.

³⁸⁹³ Central Statistical Office, Total Labour Force, Updated October 31, 2022.

³⁸⁹⁴ Central Bank of Trinidad & Tobago, Economic Bulletin July 2022 | Volume XXIV No. 2, July 2022.

³⁸⁹⁵ Ibid.

³⁸⁹⁶ Ibid.

³⁸⁹⁷ IACHR, Women's Work, Education and Resources: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights, OEA/Ser.L/V/II.143, Doc.59, November 3, 2011, para. 17.

that States not only refrain from discriminating or tolerating forms of discrimination in the labor sphere, but also create conditions that facilitate the insertion and permanence of women in this sphere³⁸⁹⁸.

1737. On the other hand, REDESCA became aware of what happened to the workers of the Community Environmental Protection and Enhancement Program (CEPEP Company Limited), a public company affiliated with the Ministry of Rural Development and Local Government, after the announcement of the reduction of 2/3 of its personnel³⁸⁹⁹. In fact, CEPEP contractors reported having received an instruction from the company's general manager to reduce their work teams from 3 to 1 without further explanation, which would have left dozens of workers, including mothers and heads of household, who provide their services for cleaning and environmental maintenance activities³⁹⁰⁰ without a livelihood.

1738. In this regard, the Minister of Rural Development and Local Government stated that the intention was not to dismiss CEPEP personnel, but rather to 'temporarily relocate' 60 people, who should be reassigned to another position³⁹⁰¹. On this issue, REDESCA recalls that the guarantee of stability, as an element of the right to work, implies that States must adopt measures to ensure that people are not unfairly deprived of their jobs; and that, in the case of public officials, unjustified dismissals, removals or decisions on promotions and suspensions may violate the right to job stability³⁹⁰².

E. Fiscal and Economic Policies

1739. With respect to fiscal and economic policies, REDESCA notes that, although Trinidad and Tobago has begun to overcome the economic impacts of COVID-19, estimating GDP growth of 5.7% by the end of 2022³⁹⁰³, it still faces challenges in consolidating its economic recovery³⁹⁰⁴. On this issue, the Central Bank's July 2022 Economic Bulletin emphasized that, in light of trends in the global economy, the country's macroeconomic policy must adapt in order to lay a solid foundation for economic recovery, while addressing inflationary pressures.³⁹⁰⁵

1740. In this context, the Rapporteurship notes that Central Government revenues increased by 47.5%, in the months of October 2021 and June 2022, mainly, thanks to the energy sector³⁹⁰⁶. Meanwhile, the rise in commodity prices benefited the fiscal accounts, which recorded a surplus of \$3.0 billion, in the first nine months of fiscal year 2021/22, which extends to the month of June; compared to the deficit of \$7.2 billion recorded in the same period of the previous year³⁹⁰⁷. In turn, the non-energy sector registered growth of 2.2 percentage points, driven by the performance of the manufacturing, transportation, and warehousing industries.³⁹⁰⁸

³⁸⁹⁸ IACHR, Women's Work, Education and Resources: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights, OEA/Ser.L/V/II.143, Doc.59, November 3, 2011, para. 17.

³⁸⁹⁹ Trinidad & Tobago Newsday, CEO tells CEPEP contractors reduce staff by two thirds, January 24, 2022.

³⁹⁰⁰ Ibid.

³⁹⁰¹ Loop T&T News, Minister: CEPEP not reducing workforce by two thirds, January 25, 2022.

³⁹⁰² IACHR - REDESCA, Compendium on Labor and Trade Union Rights. Inter-American Standards, OEA/Ser.L/V/II. Doc. 331, October 30, 2020, paras. 427 and 428.

³⁹⁰³ International Monetary Fund, Trinidad and Tobago: Staff Concluding Statement of the 2021 Article IV Mission, November 19, 2021.

³⁹⁰⁴ Central Bank of Trinidad & Tobago, Economic Bulletin July 2022 | Volume XXIV No.2, July 2022.

³⁹⁰⁵ Ibid.

³⁹⁰⁶ Ibid.

³⁹⁰⁷ Ibid.

³⁹⁰⁸ Ibid.

1741. On the other hand, REDESCA notes that the general inflation rate in Trinidad and Tobago increased from 3.8% to 4.9% between January and June, accelerating in transportation and food³⁹⁰⁹. The Central Bank reported that, in this period, food inflation reached 7.8%, which increased the prices of products such as bread and cereals, oils, dairy products, fruits, meat, poultry and fish³⁹¹⁰.
1742. Additionally, it was noted that the Ministry of Finance announced an increase in fuel prices, starting in April, due to the pressures exerted by the fluctuation of oil prices in the international market³⁹¹¹. As a result, the cost per liter of fuel increased from \$5.75 to \$6.57 for gasoline; from \$4.97 to \$5.97 for super gasoline; and from \$4.41 to \$4.91 for diesel³⁹¹².
1743. In turn, REDESCA notes with concern the reduction of the budget of the Ministry of Social Development by \$182 million for granting loans to senior citizens,³⁹¹³ which was approved by the Standing Committee on Finance, following the identification of irregularities in the granting of pensions by the Comptroller General's Office³⁹¹⁴. REDESCA is also concerned that although the National Childhood Authority (CATT) requested a budget allocation of \$108 million for the year 2023, the budget approved by the Standing Finance Committee was only \$28.1 million³⁹¹⁵.
1744. Finally, the Office of the Special Rapporteur is following up on the proposal to raise the retirement age from 60 to 65, presented by the National Insurance Board (NIB) to the Ministry of Finance, as a measure to solve the growing deficit of social security contributors.³⁹¹⁶ Accompanying this proposal, other modifications were suggested such as increasing the contribution rate from 13.2% to 16%; and freezing the minimum pension until it was necessary to change it.³⁹¹⁷

F. Education, science, technology: academic freedom and university autonomy

1745. With regard to the right to education in Trinidad and Tobago, the Rapporteurship notes that face-to-face classes in the country's schools began to resume gradually in February.³⁹¹⁸ In this scenario, the Ministry of Education established guidelines for face-to-face attendance differentiated according to the level of education³⁹¹⁹. Thus, students between 11 and 14 years of age had to attend school at least two days a week; and students between 10 and 11 years of age, four days a week, to prepare for the Secondary School Entrance Examination (SEA).³⁹²⁰ At the same time, a hybrid class modality with asynchronous activities was established for the rest of the educational levels³⁹²¹. Likewise, classroom attendance was resumed for all educational levels in April, accompanied by the establishment of mandatory biosafety protocols of distancing, disinfection, and use of masks.³⁹²² REDESCA notes that prior to this decision, the Ministry of

³⁹⁰⁹ Ibid.

³⁹¹⁰ Ibid.

³⁹¹¹ News Day, "[Imbert announces fuel price adjustments](#)", April 8, 2022.

³⁹¹² Ibid.

³⁹¹³ Trinidad and Tobago Newsday, "[Social Development cuts \\$182 million from budget after fraud uncovered](#)", October 9, 2022.

³⁹¹⁴ Ibid.

³⁹¹⁵ Trinidad Express, "[Reduced funding for to Children's Authority](#)", October 12, 2022.

³⁹¹⁶ News Day, "[Finance Ministry, NIB in talks to increase retirement age to 65](#)", February 10, 2022.

³⁹¹⁷ Ibid.

³⁹¹⁸ Loop News, "[Ministry issues guidelines: Phased system for Forms 1-3](#)", January 25, 2022.

³⁹¹⁹ Ibid.

³⁹²⁰ Ibid.

³⁹²¹ Ibid.

³⁹²² Trinidad and Tobago Newsday, "[Full reopening of education sector on April 19](#)", March 28, 2022.

Education consulted with key stakeholders, including primary and secondary school associations, the National Parent Teachers Association (NPTA) and the Teachers' Unified Association (TTUTA)³⁹²³.

1746. On the other hand, REDESCA welcomes the Government's decision to allocate \$10 million for the provision of English and math classes during the summer for some 9,000 students who scored below 50% in the Secondary School Entrance Exam³⁹²⁴. However, it should be noted that this measure was adopted after a generalized drop in scores, as 52.6% of students obtained a score lower than fifty; 27.81% obtained scores lower than 30; and only 0.47% managed to achieve a score higher than 90³⁹²⁵.

G. Human Mobility and ESCER

1747. With regard to the economic, social, cultural and environmental rights of persons in a situation of human mobility, REDESCA monitors the migratory flows of Venezuelan persons who continually arrive in Trinidad and Tobago. In this context, it is noted that, frequently, entries occur at borders and under irregular conditions, which leads to the detention of migrants and the initiation of administrative proceedings for non-compliance with migration and sanitary protocols³⁹²⁶.

1748. Against this background, the Rapporteurship notes with concern the implications that the increase in the cost of living in Trinidad and Tobago has had for persons in a situation of human mobility. In this regard, information was obtained that in February, 2,000 migrants were counted who returned to Venezuela after finding it impossible to access adequate living conditions in Trinidad and Tobago³⁹²⁷. According to public reports, the reasons for this decision were linked to difficulties in finding adequate employment, obstacles in accessing education and health benefits, and the increase in the prices of essential products and services³⁹²⁸.

³⁹²³ Ibid.

³⁹²⁴ Trinidad Express, SEA Scores Plunge, July 2, 2022.

³⁹²⁵ Ibid.

³⁹²⁶ The St Kitts and Nevis Observer, "Coast Guard Captures 32 People Illegally Attempting to Enter Trinidad & Tobago." February 2, 2022.

³⁹²⁷ News Day, "2,000 Venezuelans return home as cost of living rises in Trinidad and Tobago", February 5, 2022.

³⁹²⁸ Ibid.

34) URUGUAY

1749. According to information published by the Economic Commission for Latin America and the Caribbean (ECLAC), during 2021 in Uruguay there have been no major variations in poverty and extreme poverty indicators, although it notes that the indices are still higher than those published prior to the pandemic³⁹²⁹. In turn, official estimates of the National Institute of Statistics (INE) show that the proportion of households below the poverty line during the first half of 2022 stood at 7.4%, that is, 74 out of 1000 households were in that situation; while the indigence line stood at 0.3%, that is, 3 out of every 1000 households did not exceed the minimum income to cover basic food and non-food needs³⁹³⁰.

1750. On the other hand, the World Bank highlights that Uruguay is a country with low levels of poverty and inequality compared to other countries in the region, while at the same time presenting high levels of per capita income and a middle class that reaches 60% of the population, the largest in the entire continent³⁹³¹. However, REDESCA notes that there are still important contrasts in terms of age, gender, region, ancestry or economic status that may have deepened as a result of the pandemic. For example, according to information received by the Office of the Special Rapporteur, structural discrimination is reflected in the inequality gap in terms of poverty and social exclusion that disproportionately affects the Afro-descendant population, where the proportion of Afro-descendants living in poverty is more than double that of the non-Afro population³⁹³². Likewise, the highest poverty rates are found among women and children and adolescents³⁹³³, while a pattern of institutional violence persists against homeless people, as well as the absence of structural solutions to the systematic violations of their economic, social, cultural and environmental rights³⁹³⁴.

1751. In addition to the above, the Office of the Special Rapporteur notes that the country currently faces a series of challenges in terms of DESCA, namely: the reform process of its social security system; challenges related to the educational reform promoted by the Executive; and the incorporation of historically vulnerable groups into the economic activity, as is the case of women, Afro-descendants or LGBTI groups.

A. Right to health and its social determinants

1752. REDESCA has been constantly monitoring the situation and the impacts that the COVID-19 pandemic has generated in Uruguay. Thus, the Office of the Special Rapporteur notes that, as of December 15, 2022, the country has more than 998,000 confirmed cases and 7,548 deaths³⁹³⁵. Likewise, as a consequence of

³⁹²⁹ Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America and the Caribbean, 2022, Santiago, 2022.

³⁹³⁰ INE, Estimation of poverty by the income method first semester 2022, September 29, 2022.

³⁹³¹ World Bank, Uruguay: an overview. Available at: <https://www.bancomundial.org/es/country/uruguay/overview>

³⁹³² IACHR, 183rd Period of Sessions, Hearing No. 4 UR Derechos humanos de personas afrodescendientes en Uruguay, March 14, 2022; Montevideo Portal, Comunidad afro: de la desigualdad estructural a un reclamo de más recursos y oportunidades, July 27, 2022.

³⁹³³ La Diaria, What the pandemic left us: comparisons and questions after the 2021 poverty data, April 04, 2022; M24, Of the 10% of the population in poverty 205,000 of us are women, girls and adolescents, not including male children, November 04, 2022.

³⁹³⁴ Caras y Caretas, Nitep venía denunciando "hace años" violencia institucional en refugios del Mides, 01 November 2022; LaDiaria, Informe identifica niveles "muy altos" de violencia contra las personas en situación de calle en barrios del Municipio B, 05 May 2022.

³⁹³⁵ DatosMacro, Evolution of the coronavirus in Uruguay. Information consulted on December 15, 2022.

the Omicron variant, during the first months of the year, record numbers of infections were recorded in one day since the beginning of the pandemic, reaching more than 13,000 new confirmed cases per day.³⁹³⁶

1753. Regarding the number of doses of COVID-19 vaccines applied, the Special Rapporteur notes that as of December 15, 2022, more than 8,700,000 doses had been applied, reaching a total of 83% of the population with two doses³⁹³⁷. It also notes that at the beginning of 2022, the Ministry of Health began the process of vaccination against COVID in children and adolescents between 5 and 11 years of age³⁹³⁸ and opened the agenda for the application of a fourth dose as a booster, starting with people in specific risk groups³⁹³⁹. In this context, it became known that 158 children were mistakenly administered the Sinovac vaccine instead of the Pfizer pediatric vaccine -the corresponding vaccine to be administered in this age group-³⁹⁴⁰, for which several officials were removed from their positions after initiating an administrative investigation³⁹⁴¹.

1754. In addition, the Special Rapporteurship learned of the decision of the Ministry of Health to provisionally suspend the vaccination of children under 13 years of age in the face of a first instance court ruling that so determined and which also required the Government to make public the contracts with pharmaceutical companies and to provide more information regarding the composition of the vaccines³⁹⁴². Finally, the sentence was appealed by the Uruguayan Government³⁹⁴³ and revoked in the second instance³⁹⁴⁴, thus resuming the vaccination process. In view of this situation, PAHO stated that the vaccines distributed and applied by the country to this age group were safe and effective³⁹⁴⁵. Following the standards established in Resolution 1/2021 of the IACHR on vaccines, REDESCA salutes the State's decision to quickly resume vaccination, given the vulnerable situation of the pediatric sector and the differentiated impact that the court decision of first instance could have caused in the access to health of the pediatric population. On the other hand, it also welcomes the different initiatives developed by the State in order to achieve a higher level of vaccination among the population: on the one hand, the resumption of the "People to People" vaccination program with the aim of bringing vaccines to corners of the country that otherwise would not have access to them³⁹⁴⁶, and on the other hand, the articulation of a system of sending text messages to seniors to encourage the application of booster doses³⁹⁴⁷.

1755. Likewise, the Office of the Special Rapporteur takes note of the negative impact that COVID-19 has had on programmed surgical practices in the country, as well as on the decrease in medical consultations and treatment of chronic diseases. In fact, it has been reported that surgical practices have been reduced by

³⁹³⁶ ElPaís, [Coronavirus in Uruguay: record number of new cases, drop in active cases and 14 deaths](#), January 20, 2022.

³⁹³⁷ DatosMacro, [Evolution of the coronavirus in Uruguay](#). Information consulted on December 15, 2022.

³⁹³⁸ El Observador, [Comenzó la vacunación contra el covid en niños: pasos a seguir, recomendaciones y cuidados a tener en cuenta](#), January 12, 2022.

³⁹³⁹ El País, [A year after the start of anticovid vaccination, MSP reviewed the main milestones](#), 27 February 2022.

³⁹⁴⁰ Montevideo Portal, [158 children were mistakenly inoculated with Sinovac instead of Pfizer at Prado vaccinatorium](#), February 01, 2022.

³⁹⁴¹ La Diaria, [After giving Sinovac vaccine by mistake to 158 children, MSP reported that the responsible officials were removed from office](#), 02 February 2022.

³⁹⁴² Montevideo Portal, [MSP informed that vaccination of minors is suspended "until further notice"](#), July 7, 2022.

³⁹⁴³ Montevideo Portal, [Government appealed against ruling that suspended vaccination of children under 13 years of age](#), July 11, 2022.

³⁹⁴⁴ El País, [Salinas reported that Court reversed Recarey ruling against anticovid vaccines for children](#), July 26, 2022.

³⁹⁴⁵ PAHO, [PAHO response to note from the Minister of Public Health of Uruguay on court ruling](#), July 11, 2022.

³⁹⁴⁶ El País, [MSP resumes today the People to People vaccination and includes pediatric vaccines](#), February 07, 2022.

³⁹⁴⁷ El País, [MSP sends SMS to 90,000 people over 60 to encourage them to get a third dose of anticovid](#), March 08, 2022.

37% in some hospitals³⁹⁴⁸ or a reduction of between 43% and 50% of studies to detect the most frequent cancers, mainly gynecological cancers such as PAP tests, mammography and other studies aimed at the early detection of some types of cancer such as cervical, breast and colorectal cancer³⁹⁴⁹.

1756. On the other hand, regarding mental health, the Special Rapporteur is concerned about the record number of suicides registered during 2021, reaching a total of 758 cases, i.e. a rate of 21.39 suicides per 100 thousand inhabitants³⁹⁵⁰. In this context, national media reports on the lack of budget for the Mental Health Law 19.529 and the passivity of the commission in charge of controlling the implementation of such regulations³⁹⁵¹. Although REDESCA recognizes the efforts that the State is making in the early detection and approach in this type of cases³⁹⁵², the pandemic has generated a mental health crisis in which it is necessary to recognize the current situation of psychological and psychosocial vulnerability to which people have been exposed in a cross-cutting manner. Therefore, based on Resolutions 1/2020 and 4/2020, REDESCA urges the Uruguayan State to take specific and urgent measures to effectively guarantee the right to health -including mental health-, taking into account that pandemic contexts and their containment measures generate serious impacts on it. In this way, the right to mental health is expressly integrated and it is sought that the States do not ignore their obligations aimed at fulfilling without discrimination the provision of mental health services and goods from the elements of availability, accessibility, acceptability and quality³⁹⁵³.

1757. Regarding other aspects related to the enjoyment of the right to health, and particularly linked to the duty of the States to guarantee its access with equity and without discrimination to groups in a special situation of vulnerability, REDESCA is concerned about the situation experienced by the Afro-descendant population in the country. In this regard, note was taken of the death of Wilson da Rosa, who reportedly lost his life as a result of hospital negligence³⁹⁵⁴. On the other hand, it was learned about the omission of the State in the collection of statistical information for COVID-19 of the variant of ethnic-racial descent, generating an absence of disaggregated official information that could be useful to analyze the direct impact of the pandemic on the Afro-descendant population in the period 2020 - 2021 and from this to generate measures to improve the situation of inequality³⁹⁵⁵.

1758. With regard to persons deprived of their liberty, REDESCA takes note of the conditions of detention of those held in the Comcar prison, located in the city of Montevideo, where poor sanitary conditions, overcrowding, overcrowding, poor food and deficient attention by prison staff violate their fundamental rights.³⁹⁵⁶ The mental health of the country's prisoners is also a matter of concern. In this regard, the United Nations Committee against Torture expressed its concern about the issue given the increase in the number of deaths registered in prisons during 2021 (79%), where a very high number was associated with lack of

³⁹⁴⁸ Montevideo Portal, Coordinated surgeries at Hospital Maciel reduced by 37.4% due to covid, according to study, February 07, 2022.

³⁹⁴⁹ La Diaria, In the pandemic, studies to detect the most frequent cancers were reduced between 43% and 50%, and the first oncological consultation, 20%, February 04, 2022.

³⁹⁵⁰ Ministry of Public Health, Estrategia de abordaje multisectorial de abordaje multisectorial de prevención del suicidio en Uruguay, 23 June 2022.

³⁹⁵¹ La Diaria, Mental Health Law in Uruguay: five years without budget, June 22, 2022.

³⁹⁵² La Diaria, "Ni silencio ni tabú": la nueva estrategia de política pública que aborda la salud mental en adolescentes y jóvenes, July 27, 2022.

³⁹⁵³ IACHR, Press Release No 243/2020, States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access, October 02, 2020.

³⁹⁵⁴ Montevideo Portal, Comunidad afro denunció omisión de asistencia y malos tratos en el Hospital de Rivera, February 08, 2022.

³⁹⁵⁵ IACHR, 183rd Period of Sessions, Hearing No. 4 UR Human Rights of Afro-descendants in Uruguay, March 14, 2022.

³⁹⁵⁶ Caras y Caretas, Presos del Comcar denunciaron que encontraron restos de ratas en la comida, January 12, 2022.

medical assistance and treatment for people with mental health problems³⁹⁵⁷. At the same time, a preliminary report by the Parliamentary Prison Commissioner shows that the mental health care system remains deficient within the Uruguayan prison system - according to the report, 86 people died inside a prison facility during 2021 and 18 of them were due to suicides³⁹⁵⁸.

1759. In relation to LGBTI people, local media report the absence of multidisciplinary teams that guarantee comprehensive care for transgender people in the health system in Uruguay. Likewise, there are few public and private health centers that have the required equipment and/or trained professionals for their care, in addition to the fact that most of them are located in the capital city of Montevideo. They also denounce the lack of hormonal drugs for their treatments.³⁹⁵⁹
1760. Regarding homeless people, REDESCA takes careful note of the sending by the Executive Branch of a bill that seeks to amend Law No. 18,787 passed in 2011 on "provision of compulsory assistance by the State to homeless people" and in which, through a single article, would allow compulsory hospitalization of people in this social group in a situation of vulnerability. The bill establishes that for compulsory hospitalization it must be proven that the person's capacity for judgment is affected by a decompensation of a psychiatric pathology or by drug use.³⁹⁶⁰ In this regard, it is important to mention that homelessness is the result of multiple complex causes of discrimination and exclusion that place a person in this situation.
1761. In this regard, according to the Report of the United Nations Special Rapporteur on Adequate Housing, people who suffer discrimination based on race, ethnicity, place of origin, socioeconomic status, family situation, gender, mental or physical disability, health status, sexual orientation and/or gender identity, or age are the groups most likely to face obstacles in accessing temporary or permanent housing in habitable conditions, sexual orientation and/or gender identity or age are groups most likely to face obstacles in accessing temporary or permanent housing in habitable conditions, being exposed to becoming homeless and, in effect, to suffer the consequences of being subject to greater stigmatization, criminalization, harassment or other threats in the event of being and/or becoming homeless³⁹⁶¹. To this end, REDESCA encourages the State to continue working on strengthening structural policies of a preventive nature linked to guaranteeing the ESCER of homeless people, adopting measures with a human rights approach based on the principles of intersectionality, indivisibility, and equality with a gender perspective.
1762. For all of the above reasons, REDESCA recalls that the right to health is included within the protection of Article 26 of the ACHR. Article 10 of the Protocol of San Salvador states that everyone has the right to health, understood as the enjoyment of the highest level of physical, mental, and social well-being, and indicates that health is a public good that must be protected, being a human right that corresponds to the enjoyment of other rights. Likewise, the right to health includes timely and appropriate health care, as well as the essential and interrelated elements of availability, accessibility, acceptability and quality of health services, goods, and facilities, including medicines and the benefits of scientific progress in this area, which must always be guaranteed under conditions of equality and non-discrimination.

³⁹⁵⁷ UN News, [Uruguay prison deaths up 79% in 2021, warns UN committee](#), May 13, 2022.

³⁹⁵⁸ Parliamentary Commissioner for Prisons, [Situation of the prison system and alternative measures](#), Annual Report, 2021.

³⁹⁵⁹ La Diaria, [A tres años de la reglamentación de la ley trans, colectivos LGBTI advierten incumplimientos en salud, trabajo y educación](#), April 13, 2022.

³⁹⁶⁰ El Observador, [Deputies approved bill that enables compulsory internment of people living on the street](#), July 13, 2022.

³⁹⁶¹ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context. A/HRC/31/54. December 2015

B. Climate Emergency and the Human Right to Water

1763. REDESCA welcomes the response of the Uruguayan State to the communication sent to it requesting information on the measures being implemented to address the impacts of climate change on human rights, especially in relation to the most vulnerable population³⁹⁶². In this regard, the State highlights its National Climate Change Policy as an instrument that provides a long-term strategic framework to address the challenges of climate change and variability. Its objective is to promote adaptation and mitigation in the country and gives public policy the role of contributing to sustainable development with a global perspective, intra and intergenerational equity and human rights³⁹⁶³. REDESCA also received information on the Nationally Determined Contribution (NDC) process, informing that it is working on the Second NDC, which is expected to be presented by the end of 2022.
1764. The State also reported on the implementation of different climate change adaptation or mitigation projects to guarantee the rights of the most vulnerable people and groups, namely: Adaptation to climate change in cities and vulnerable coastal ecosystems of the Uruguay River; National Adaptation Plan for Cities and Infrastructure (NAP); National Coastal Adaptation Plan (NAP Costas). On the other hand, REDESCA takes note of the policies and legislation implemented in the country regarding climate change aimed at protecting vulnerable groups such as: women - with the Gender and Climate Change Action Plan; children and adolescents; peasants or people living in rural areas - with the National Plan for Gender in Agricultural Policies³⁹⁶⁴. Given this scenario, the State is encouraged to continue working and strengthen its internal public policies on climate change and its impact on women defenders, as well as the Afro-descendant population.
1765. Regarding the impacts of climate change in the country, REDESCA takes note of the heavy rains that occurred at the beginning of the year in different parts of the capital city of Montevideo and Canelones, causing many Uruguayan men and women to abandon their homes as a result of water entering their homes, the loss of belongings and cuts in basic services³⁹⁶⁵. Similarly, the situation of severe and prolonged droughts in the country, especially in the north, has been observed with concern, causing serious problems for farmers³⁹⁶⁶, to the point of declaring an agricultural emergency for the whole country in October due to water and fodder deficit³⁹⁶⁷.
1766. On the other hand, in the last week of 2021, fires were recorded in the area of forests and fields surrounding the departments of Paysandú and Río Negro, reaching a total of 37 thousand hectares, which has been described as one of the largest fires in the history of the country³⁹⁶⁸. According to publicly available information, the national authorities did not carry out the corresponding controls to avoid this type of disaster. In this regard, a request for access to public information requested by neighbors and producers in the area in 2021 revealed that only a maximum of 46 inspections were carried out on more than one million hectares of forested land in the entire year³⁹⁶⁹. Likewise, the Rapporteurship is concerned

³⁹⁶² Response of the State of Uruguay to REDESCA's request for information on the impact of the climate emergency on the human rights of the most vulnerable populations in the Americas, August 11, 2022. REDESCA Archive.

³⁹⁶³ Ibidem

³⁹⁶⁴ Ibid.

³⁹⁶⁵ El Observador, Inundaciones y más de 10 mil clientes sin luz en Montevideo tras las intensas lluvias, January 17, 2022.

³⁹⁶⁶ El Observador, "Dramatic" situation in the north: cows run out of water, February 15, 2020.

³⁹⁶⁷ Prensa Latina, Agricultural emergency in Uruguay due to drought, October 21, 2022.

³⁹⁶⁸ Prensa Latina, Agricultural emergency in Uruguay due to drought, October 21, 2022.

³⁹⁶⁹ Ibid.

that, after the veto of the National Executive in 2021 of the forestry bill³⁹⁷⁰, no consensus was reached in Parliament in 2022 that would allow the approval of a new law.

1767. Therefore, REDESCA calls on the State to review and apply the standards established in Resolution 3/21 on Climate Emergency and Human Rights, as it is an inter-American tool adopted to guide the response of all States in the region to climate change.³⁹⁷¹ The Office of the Special Rapporteur is at the disposal of the Uruguayan State to cooperate to this end.

1768. In relation to the human right to water, REDESCA warns with concern that 33% of households in poor neighborhoods or settlements in the country do not have access to drinking water³⁹⁷². Likewise, several demonstrations have been identified that reflect popular discontent with the lack of creation of open spaces for citizen participation in issues related to water resource management and access to drinking water³⁹⁷³. In this sense, in a context of water emergency where the supply of drinking water is becoming a problem for different areas of the country, particularly the metropolitan area³⁹⁷⁴, it is important to note that, according to the principles of indivisibility and interdependence of ESCER, the lack of guarantee of the right to water has profound impacts on the guarantee of other rights. For this reason, the Uruguayan State must guarantee access to water in healthy conditions and in sufficient quantity as an unavoidable condition for the satisfaction and exercise of several human rights, such as the right to life, personal integrity, health, education or housing³⁹⁷⁵.

1769. Finally, REDESCA welcomes the package of measures announced by the Ministry of Industry, Energy and Mining to advance projects involving the use of green hydrogen, as well as environmentally friendly means of mobility. On this last point, note is taken of the reduction of taxes on electric vehicles; access to United Nations funding to promote the sector and the launching of a program for electric motorcycles and tricycles³⁹⁷⁶. In this regard, the Rapporteurship encourages the State to continue working and focusing its efforts on those strategies that quickly promote investments in climate-resilient infrastructure, forms of mobility and energy free of polluting emissions that allow the reduction of fossil fuel use.³⁹⁷⁷

C. Business and human rights

1770. In relation to companies and their human rights obligations, based on the information provided by the State of Uruguay, REDESCA takes note of the design by the State of a support program for the private sector to increase the climate action of business models.³⁹⁷⁸

1771. On the other hand, REDESCA takes note of the signing of a contract between the public company Ancap and the oil company Challenger Energy for the exploration of hydrocarbon deposits on the marine

³⁹⁷⁰ El País, President Lacalle Pou vetoes forestry bill, December 16, 2021.

³⁹⁷¹ IACHR. Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations, December 31, 2021.

³⁹⁷² Techo Uruguay, Relevamiento Nacional de Asentamientos. Available at: <https://uruguay.techo.org/>.

³⁹⁷³ La Diaria, "Sin contaminación, ni extractivismos, ni extranjerización del agua" (No contamination, no extractivism, no foreign ownership of water): more than 30 organizations gathered in Plaza Libertad, March 30, 2022.

³⁹⁷⁴ El Observador, Investigadores alertan por pérdida de agua potable y dice que cuenca están en "franco deterioro", 24 October 2022.

³⁹⁷⁵ IACHR, Press Release No. 077, IACHR and REDESCA express concern about the lack of electricity service and drinking water in Venezuela, March 22, 2019.

³⁹⁷⁶ Mongabay, Uruguay bets on green hydrogen for its second energy transition, September 21, 2022; Ministry of Industry, Energy and Mining, MIEM announced measures to promote electric mobility in Uruguay, June 01, 2022.

³⁹⁷⁷ IACHR. Resolution 3/2021: Climate Emergency. Scope and inter-American human rights obligations, December 31, 2021.

³⁹⁷⁸ Response of the State of Uruguay to REDESCA's request for information on the impact of the climate emergency on the human rights of the most vulnerable populations in the Americas, August 11, 2022. REDESCA Archive.

platform. In this regard, the national media reports on the lack of information on the types of agreements reached and the environmental risks and how the population could participate in the decision making process³⁹⁷⁹. At the same time, in July, Ancap decided to award three blocks for oil and gas exploration in the Uruguayan sea to Shell and APA³⁹⁸⁰. Such agreements and awards call the attention of this Special Rapporteurship, taking into account that Uruguay is one of the leading countries in the region in the use of renewable sources, where 98% of the energy generated comes from renewable sources, especially hydroelectric, solar and wind power³⁹⁸¹.

1772. Taking into account this context, REDESCA recalls that, in accordance with Inter-American standards on business and human rights, States have the obligation to ensure participatory and inclusive spaces for those whose rights and fundamental freedoms may be affected as a result of business activities, as this will allow them to express their opinion and have it taken seriously, for which they must take into account the circumstances of each case such as the type and degree of impacts on rights, the type of industry, the populations involved, among others. These participation mechanisms should be broad and aimed at effectively listening to the people, communities and populations directly affected, human rights defenders, as well as civil society human rights organizations.³⁹⁸²
1773. REDESCA is at the disposal of the State to cooperate in the implementation of Inter-American standards and recommendations on business and human rights, as a mandate of the IACHR specialized in the subject.

D. Labor and Union Rights

1774. Regarding the guarantee of labor and union rights, the Special Rapporteur notes that, according to the National Institute of Statistics (INE), in November 2022 the employment rate in Uruguay stood at 57.5% while the unemployment rate was 7.8%³⁹⁸³. In terms of labor informality, the Ministry of Labor and Social Security (MTSS) with the support of UNDP and Udelar carried out a study which concluded that in the second half of 2021 the labor informality rate in Uruguay registered a drop of three points with respect to the pre-pandemic, reaching 22% and remaining stable during the first months of 2022³⁹⁸⁴. This would demonstrate a "genuine drop" in informality rates, since they do not respond to the impact caused by the pandemic and the cessation of economic activity, but rather to the positive results of structural policies adopted by the State³⁹⁸⁵. In this line, regarding the availability and management of labor market data in the country, REDESCA salutes the State for the signing of a memorandum with the ILO for the implementation of the Labor Market Information System, which will allow for a better and greater systematization and organization of information on employment³⁹⁸⁶.
1775. On the other hand, the Office of the Special Rapporteur for DESCAs takes note of the differentiated and disproportionate impacts that exist in the world of work and how this affects women in particular. In the case of Uruguay, it has been noted that the income gap between men and women stands at 17.8%³⁹⁸⁷. In

³⁹⁷⁹ LaDiaria, [Alerta por firma de contrato entre Ancap y empresa petrolera que explorará yacimientos de hidrocarburos en plataforma marina](#), June 08, 2022.

³⁹⁸⁰ La Política Ambiental, [Vía libre para la explotación de petroleras offshore en Uruguay](#), July 20, 2022.

³⁹⁸¹ Mongabay, [Uruguay bets on green hydrogen for its second energy transition](#), September 21, 2022.

³⁹⁸² IACHR and REDESCA, [Business and Human Rights: Inter-American Standards Report](#), November 1, 2019, para.

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³⁹⁸³ Instituto Nacional de Estadística (INE), [Boletín Técnico Actividad, Empleo y Desempleo](#), November 2022.

³⁹⁸⁴ Government of Uruguay, [Informal employment in Uruguay dropped 3%](#), April 29, 2022.

³⁹⁸⁵ SwissInfo, [Uruguay reports less labor informality than before the pandemic](#), April 29, 2022.

³⁹⁸⁶ Government of Uruguay, [MTSS and ILO signed agreement to implement the Labor Market Information System in Uruguay](#), May 25, 2022.

³⁹⁸⁷ CPA FERRERE, [Equal Pay Day: CPA FERRERE presents new data on gender pay gap](#), March 14, 2022.

addition, there is concern about the low participation of women in education and employment in the areas of science, technology, engineering and mathematics, mainly to occupy hierarchical positions³⁹⁸⁸. In this regard, only 15% of women have participated in leadership or management positions compared to 32% of men; in areas related to policy-making, the percentages are 21% and 32%, respectively³⁹⁸⁹.

1776. In addition, the Rapporteurship has learned about the implementation by the Government of a program called "Accesos" with the purpose of facilitating the entry into the labor market of people in a special situation of vulnerability³⁹⁹⁰. However, information received by REDESCA indicates that certain obstacles still persist for some social groups, especially Afro-descendants. In fact, during the 183rd Period of Sessions of the IACHR, the Commission and the Office of the Special Rapporteur received information on the problems for the correct quantification of Afro-descendant persons who have access to State job vacancies according to National Law 19.122 "of affirmative actions for Afro-descendant persons"³⁹⁹¹. This law establishes that 8% of the job vacancies to be filled during the year must be filled by Afro-descendant people after a public call for applications. In addition, the Afro-descendant population still faces structural gaps in terms of labor informality: in 2019, 34.5% of Afro-descendant workers were in a situation of informality, while non-Afro-descendant workers in the same condition were only 23%³⁹⁹².

1777. With regard to the above, in accordance with the thematic report of the IACHR and the Office of the Special Rapporteur on the economic, social, cultural and environmental rights of Afro-descendants, REDESCA recalls that the State must have labor policies that benefit Afro-descendants and that these policies must be effective. To this end, the State must promote differential measures for access to quality jobs in dignified and satisfactory conditions. Likewise, strategies should be implemented to prevent, combat and punish racial discrimination in the labor market, incorporating an intersectional approach to benefit groups that have been historically discriminated against and face exacerbated obstacles to access to work and guarantee their labor rights.³⁹⁹³

1778. Regarding the population of informal recyclers, this Rapporteur's Office is concerned about the information received by WIEGO that shows the lower participation of recyclers in the waste production chain in the country. In fact, according to the research team of the Central Service of Extension and Activities in the Environment (SCEAM) of the University of the Republic, only 212 recyclers were formalized at the national level out of a universe of 10,309³⁹⁹⁴. On the other hand, the working conditions of the remaining waste pickers in the country are materially precarious (with human traction, lack of technology and personal protection, very low income) and with serious restrictions on mobility in the city and access to waste, the latter thanks to the waste containerization policies³⁹⁹⁵ whose objective is to prevent third parties other than the waste collection company from accessing the waste.

1779. While REDESCA welcomes the formalization policy for waste pickers in Uruguay, it also warns that it has not been able to cover the entire population of waste pickers or provide a structural solution to the

³⁹⁸⁸ El Observador, Las mujeres en la ciencia en Uruguay: datos y diagnóstico sobre una profunda brecha, March 07, 2022.

³⁹⁸⁹ Ibid.

³⁹⁹⁰ Government of Uruguay, Launching of the ACCESOS Program of the Ministry of Social Development, May 13, 2022.

³⁹⁹¹ IACHR, 183rd Period of Sessions, Hearing No. 4 UR Human Rights of Afro-descendants in Uruguay, March 14, 2022.

³⁹⁹² Ibid.

³⁹⁹³ IACHR and REDESCA, Report on Economic, Social, Cultural and Environmental Rights of People of African Descent, OEA/Ser.L/V/II, 16 March 2021.

³⁹⁹⁴ Estimates made by the research team of the Central Service of Extension and Activities in the Environment (SCEAM) of the University of the Republic based on the 2006 Household Survey of the National Institute of Statistics.

³⁹⁹⁵ MATONTE CECILIA (2019) The Case of Montevideo, Uruguay Descriptive report 2018 project of recognition Of the Human rights situation of waste pickers in Latin America. WIEGO.

situation of poverty and lack of access to decent working conditions in which most of the country's waste pickers continue to live. Therefore, policies to eradicate poverty, such as the policy of formalization of waste pickers, should be subject to permanent evaluation and accountability mechanisms. The human rights approach should be present in its design and implementation and now in its evaluation, since it is an environmental policy, and it should have continuity and expand its coverage to include recyclers who have been left out of it, giving priority to those who are in extreme poverty.³⁹⁹⁶ In order to guarantee the democratic participation and empowerment of people living in poverty, such as waste pickers, the Uruguayan government is urged to consult with them on this policy to take into account their opinions and perspectives.

1780. In terms of guaranteeing the labor rights of health professionals, REDESCA is concerned about the situation of labor and gender-based violence faced by women in the sector. Indeed, despite the existence of a national protocol that establishes a framework for action in the face of such acts, they must face these types of violence and discrimination on a daily basis.³⁹⁹⁷ In fact, according to a study carried out by the Gender, Violence and Discrimination Commission of the Federación Médica del Interior (FEMI), 43.3% of the medical personnel surveyed stated that they had personally suffered a situation of violence or harassment at work, 78.7% of whom were women.³⁹⁹⁸

1781. Likewise, the Special Rapporteurship made a special follow-up of the labor situation of medical and non-medical personnel after the announcement of the closure of the Casa de Galicia mutual insurance company, who were unaware, until days before the final closure, of where they would be working³⁹⁹⁹. After the parties reached an agreement and the conditions for the distribution and transfer of personnel to other health care institutions were established,⁴⁰⁰⁰ as of the date of writing of this Report, there were still professionals to be called to work.⁴⁰⁰¹

1782. On the other hand, REDESCA welcomes the signing of the collective bargaining agreement for the working conditions of private health workers in which an increase in salaries in the sector was agreed, as well as salary items for training, payment of retroactivity and biannual adjustments in the face of "possible inflation adjustments"⁴⁰⁰². However, this would not be the same situation for health workers in the state sector. REDESCA learned about the precarious hiring conditions of 1,800 medical and non-medical professionals who were hired month by month by the State Health Services Administration (ASSE) during the pandemic, without job stability and with low salaries. In this regard, the Office of the Special Rapporteur recalls that people who, because of their profession or trade, have been considered essential, should be protected from the risks of infection by the virus and, in general, their jobs should be given adequate protection, payment of adequate wages, freedom of association and collective bargaining, pensions and other social rights interrelated to the labor and trade union sphere⁴⁰⁰³.

1783. In terms of social security, REDESCA notes that the Uruguayan State invests about 14% of GDP, figures well above the budget allocated to guarantee other ESCER. However, according to data provided by the

³⁹⁹⁶ IACHR, Report on Poverty and Human Rights in the Americas, 2017, recommendation 5, p. 190.

³⁹⁹⁷ La Diaria, Sindicato Médico del Uruguay has received "several complaints" from female health workers for situations of gender violence, January 26, 2022.

³⁹⁹⁸ El País, El 43.3% de médicos sufrió acoso laboral, según encuesta, September 15, 2022.

³⁹⁹⁹ Caras y Caretas, 48 hours before the closing of Casa de Galicia, the distribution of personnel is not defined, March 29, 2022.

⁴⁰⁰⁰ El Observador, Médicos de Casa de Galicia reached an agreement with the mutual insurance companies that will absorb them, April 09, 2022.

⁴⁰⁰¹ M24, Gremios de la salud denuncian que el gobierno incumple el acuerdo en la distribución de médicos de Casa de Galicia, 25 November 2022.

⁴⁰⁰² La Diaria, The collective bargaining agreement for the working conditions of private health care workers for the next three years was signed, October 28, 2022.

⁴⁰⁰³ IACHR - REDESCA, Resolution 1/2020, Pandemic and Human Rights in the Americas, April 10, 2020.

DESCA Mirador, there are still significant inequalities in the guarantee of this right based on age, gender, ethnic-racial, geographic, and socioeconomic differences. For example, only 4.6% of men were not covered by retirement or pensions in 2021, while women amounted to 14.9%; or among employed persons who did not contribute to social security, that is, who are not covered by the social security system in 2021, 30.6% were of African descent while 21.5% were not of African descent⁴⁰⁰⁴. In this regard, the Office of the Special Rapporteur recalls that the right to social security constitutes one of the economic and social standards recognized both in Article 26 of the American Convention and in Article 9 of the Protocol of San Salvador and, in this sense, the States Parties have the obligation to ensure the progressive development of this right without discrimination, adopting measures to ensure such benefits in such a way that they are sufficient in amount and duration to have an adequate standard of living⁴⁰⁰⁵.

E. Fiscal and Economic Policies

1784. With respect to fiscal and economic policies in Uruguay during the course of 2022 and taking into account the inflationary context of the region, high inflationary pressures and a high increase in prices of everyday consumer products were reported, appealing to the sale of fractioned food⁴⁰⁰⁶. Among the measures adopted by the Government to face the increase in the price of food and other basic goods, a 4% increase in the transfers made by the Family Allowances-Equity Plan and Uruguay Social Card programs of the Ministry of Social Development, benefiting some 850,000 people, stands out.

1785. A temporary reinforcement of the "Bono Crianza" was also implemented, which provides assistance to households with pregnant women and children up to 6 years of age, benefiting 130,000 children, and a temporary employment program was implemented for the unemployed population. In addition, Value Added Tax (VAT) reductions were made on basic necessities such as bread, noodles and similar products, and roast beef. Among other actions, tariffs on oil and flour imports were reduced, the price of gasoline, diesel and supergas was frozen, and the price of refills was reduced by 50%, thus preventing the increase from being passed on to the end consumer, helping one million people.⁴⁰⁰⁷

1786. On the other hand, in order to preserve the purchasing power of the Uruguayan population, the Government issued a series of measures such as the renegotiation of private sector salaries in line with inflation, a 2% salary increase for public sector workers and a 3% increase in pensions and retirement benefits⁴⁰⁰⁸.

1787. Notwithstanding the above, this Special Rapporteur is concerned that, according to national media reports, the Accountability Bill sent to Parliament for approval would not allocate sufficient resources for active employment or education policies⁴⁰⁰⁹. Therefore, REDESCA encourages the State to continue strengthening existing State policies related to the guarantee of these rights and other ESCER, as well as the implementation of new measures that allow the protection of the most vulnerable people in the

⁴⁰⁰⁴ Mirador DESCA, Report 3: Social Security Rights. Available at: <http://miradordesca.uy/seguridad-social/>.

⁴⁰⁰⁵ IACHR, Compendium on Economic, Social, Cultural and Environmental Rights, OEA/Ser.L/V/II., 31 December 2021, paras. 83-88.

⁴⁰⁰⁶ SwissInfo, Uruguay enables the sale of fractionated food in the face of inflation crisis, April 20, 2022.

⁴⁰⁰⁷ Gobierno Uruguay, Gobierno anunció beneficios sociales y medidas para mitigar impacto sobre precios, May 17, 2022; La Diaria, Exoneración del IVA a panificados: Botana destacó "sacrificio fiscal" y Olesker lo consideró "tardío e insuficiente", April 05, 2022; La Diaria, Parlamento aprobó proyecto para quitar el IVA al asado de tira y la extensión de los jornales solidarios, March 22, 2022; El Observador, El gobierno decidió congelar el precio de los combustibles para julio, June 30, 2022.

⁴⁰⁰⁸ Montevideo Portal, Gobierno aumenta sueldos públicos, jubilaciones y pensiones, y llama a renegociar ajustes, April 18, 2022.

⁴⁰⁰⁹ La Diaria, La pobreza que nos deja la Rendición de Cuentas. October 03, 2022.

country, including those who have lost their jobs or are in a situation of labor informality; or do not have a regular fixed income; or are in a situation of poverty or extreme poverty or on the street.

1788. Finally, REDESCA welcomes the decision of the State of Uruguay to implement fiscal and economic actions related to a transition to a carbon-free future in the terms established by Resolution 3/2021 of the IACHR, by issuing the first sovereign "green bond" whose value (1.5 billion dollars) is conditioned to sustainability indicators. In this sense, what the Ministry of Economy proposes is that the interest rate to be paid for such bonds is indexed to the fulfillment of the objectives that the country has to reduce greenhouse gas emissions of the entire economy in compliance with the climate and environmental goals that the country set in its first Nationally Determined Contribution (NDC) to the Paris Agreement⁴⁰¹⁰. This implies a clear example of how to incorporate a human rights approach in the construction and implementation of public policies in order to move towards a gradual but decisive decarbonization of the region's economies.

F. Education, science, technology: academic freedom and university autonomy

1789. Regarding the impact of the COVID-19 pandemic on the enjoyment of the right to education in Uruguay, REDESCA notes that the beginning of the 2022 school year was marked by more flexible infection prevention and care practices compared to the previous year⁴⁰¹¹. Likewise, Uruguay was one of the countries in the region that kept its schools closed for the shortest period of time. According to data published by ECLAC, between February 2020 and March 2022, there were a total of 10 weeks of total closure and 30 weeks of partial closure⁴⁰¹². Indeed, the Ceibal Plan was a fundamental factor in guaranteeing this right, since the implementation of teaching modalities through the use of various virtual platforms was not unknown to the practices of the educational system in the country; although the use of these digital platforms was not entirely homogeneous⁴⁰¹³. However, in a country with one of the lowest rates of school dropout, it is estimated that from the moment the pandemic broke out, students lost almost a year of learning⁴⁰¹⁴.

1790. In view of the above, REDESCA salutes the State for UNESCO's recognition of the Ceibal Plan as a program that innovated during the pandemic⁴⁰¹⁵. Likewise, REDESCA salutes the project celebrated with the World Bank that aims to improve Uruguayan public education through the training of teachers, the professionalization of principals, and the adaptation of school infrastructure in order to improve learning and with a special focus on the most vulnerable people⁴⁰¹⁶.

1791. On the other hand, this Office of the Special Rapporteur has become aware of the various acts of mobilization and protests by education professionals, students, teachers' unions and student unions demanding improvements in the education budget, better salaries at the different educational levels, better

⁴⁰¹⁰ Government Uruguay, Uruguay issued bond indexed to climate change indicators for US\$1.5 billion, October 21, 2022.

⁴⁰¹¹ El Observador, Fin a la virtualidad y al uso obligatorio del tapabocas: así es el protocolo para el reinicio de clases, March 07, 2022.

⁴⁰¹² Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America and the Caribbean, 2022, Santiago, 2022, p. 100.

⁴⁰¹³ Mirador DESCA, Report 4: Right to Education, November 2022

⁴⁰¹⁴ El Observador, Los escolares uruguayos perdieron casi un año de aprendizajes en la pandemia (y eso fue de lo menos peor en la región), 24 June 2022.

⁴⁰¹⁵ La Diaria, Plan Ceibal was recognized in Unesco publication for its educational innovation during the pandemic, January 19, 2022.

⁴⁰¹⁶ La Diaria, World Bank grants US\$40 million loan to support ANEP's educational transformation and curriculum reform, January 20, 2022.

building conditions in educational units that allow for work and study, cessation of acts of union persecution and suspension of the educational reform promoted by the Government through the National Public Education Administration (ANEP)⁴⁰¹⁷. On this last point, demonstrators invoked the total lack of involvement of teachers and students in the elaboration of the conceptual bases of said reform⁴⁰¹⁸. In view of this, the Rapporteurship recalls, as established in Article 13 of the Protocol of San Salvador, to which Uruguay is a party, that the right to education should always be oriented to the "full development of the human personality and the sense of its dignity and should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace" and should be aimed at ensuring that people are properly trained to achieve a dignified subsistence, full autonomy and democratic and pluralistic participation in society.

1792. In addition, REDESCA urges the State to pay special attention to the education and teaching sector, in view of the need for restructuring, greater valorization and planning of education professionals in order to ensure quality education. It also recalls that the right to strike, together with freedom of association and collective bargaining are protected by the Inter-American system for the protection of human rights and are fundamental pillars to guarantee the right to work and its fair and equitable conditions as a right to which workers and their organizations can have recourse in defense of their economic, social and professional interests.

1793. Regarding the guarantee of cultural rights in the country, REDESCA welcomes the Government's decision to allocate a larger budget to eleven cultural spaces that were affected by the floods in January.⁴⁰¹⁹

G. Human Mobility and ESCER

1794. According to UNHCR information, as of June 2022, the population in a situation of mobility in Uruguay had increased by 11.8%, receiving a total of 32,897 people in a situation of mobility, mostly Venezuelan and Cuban nationals, of which 1,001 were refugees; 13,131 were asylum seekers and 18,762 were other people in need of international protection.⁴⁰²⁰

1795. With regard to human mobility in the country and its link to the guarantee of ESCER, REDESCA salutes the State for the launch of the first National Integration Plan for migrants, asylum seekers and refugees, whose main objective is to ensure the integration of the population in a situation of mobility in Uruguay in its various dimensions, and promote their contribution to the development of the country within the framework of the human rights approach⁴⁰²¹. Under this integration process, the Office of the Special Rapporteur of the Rapporteurship emphasizes that the Plan has among its core aspects the guarantee of the right to work, health and education of the population in mobility and a cultural aspect that values differences.

1796. Notwithstanding the foregoing, the Office of the Special Rapporteur notes that migrants still face certain specific obstacles related to guaranteeing their ESCER in the country. In particular, it has been noted

⁴⁰¹⁷ La Diaria, Miles de estudiantes y docentes marcharon por más presupuesto para la educación y contra la "persecución" antisindical, June 15, 2022, El País, Sindicatos de la enseñanza se movilizaron contra reforma educativa y por derecho a la educación, August 23, 2022.

⁴⁰¹⁸ TeleSur, Gremios docentes solicitan aplazar reforma educativa en Uruguay, 13 October 2022; Montevideo Portal, Sindicatos de la enseñanza paran este miércoles por transformación educativa y presupuesto, 24 October 2022.

⁴⁰¹⁹ Montevideo Portal, MEC to provide financial support to 11 cultural institutions affected by floods, March 03, 2022.

⁴⁰²⁰ UNHCR, Information available at <https://reporting.unhcr.org/document/3778>.

⁴⁰²¹ Government of Uruguay, Gobierno impulsa elaboración interinstitucional de plan de integración para atender a migrantes, August 08, 2022.

that there are still wage gaps between migrants and Uruguayans for the same work under equal conditions. In this regard, migrants earn 27% less than Uruguayans in low-income sectors and 10% less in middle-income sectors. This trend is even accentuated by gender and ethnic-racial characteristics: for the same task, a migrant worker earns 9% less than a white Uruguayan and an Afro-Uruguayan migrant earns 29% less.⁴⁰²²

1797. REDESCA calls on the State to reinforce the application of the internal normative framework as well as the Inter-American standards created for this purpose in this area, respecting and guaranteeing with a gender perspective and without discrimination the human rights of this group in a special situation of vulnerability, with special attention to the DESCA.

⁴⁰²² Subrayado, Study shows inequality suffered by migrants in the Uruguayan labor market, August 30, 2022.

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1798. With respect to the situation of ESC rights in Venezuela, the Office of the Special Rapporteur continues to follow up on the serious challenges to guaranteeing them, in a context of a complex, serious and multidimensional humanitarian crisis that has been exacerbated by the impacts of the COVID-19 pandemic. Under this scenario, we note with concern the high rates of poverty and inequality in the country, in which there are estimates that more than 90% of the population lives in poverty⁴⁰²³, and that, by June 2021, the average poverty rate at the national level would be 97.4%, extreme poverty 68.5% and multidimensional poverty 70.8%⁴⁰²⁴. For its part, as of March 2022, HumVenezuela estimated that 94.5% of the population would not have sufficient income to cover items such as food, housing, health, education, transportation and clothing⁴⁰²⁵.
1799. However, according to the National Survey of Living Conditions (Encovi) 2022, multidimensional and monetary poverty has been reduced for the first time in 7 years (poverty went from 90.9% to 81.5% between 2021 and 2022, while extreme poverty went from 68% to 53.3% for the same period of time). Although REDESCA welcomes this improvement, it expresses its concern that there is a discrepancy in these data, since according to the Encovi 2021, poverty for 2021 was 94.5% - and not 90.9% - and extreme poverty was 76.6% - and not 68% -⁴⁰²⁶. In addition to this situation, it should be noted that these poverty levels are very high and have substantial impacts as they translate into direct obstacles to the guarantee of human rights for a large part of the population. In addition, it is noted that these favorable indicators go hand in hand with reports that indicate that inequality has grown simultaneously (with a Gini that went from 0.56 in 2021 to 0.603 in 2022), which would result in a difference of 70 times the average income between the poorest and richest decile -the first with an income of 7.9 dollars, while the second 553.2 dollars-⁴⁰²⁷.
1800. Thus, even though the country has emerged from the hyperinflationary cycle it has been in for several years and a slight upturn in consumption, production, and imports⁴⁰²⁸, the improvement in these economic indicators has not translated into the welfare of the population in general. In fact, the high levels of inflation, the growing loss of purchasing power and the de facto dollarization have had a differential and disproportionate effect on people with fewer economic resources and on those who cannot access dollars, thus accentuating inequality⁴⁰²⁹. Consequently, the Office of the Special Rapporteur observes that, despite a slightly more favorable outlook for the economic situation⁴⁰³⁰, the violation of ESCER and the serious difficulty in acquiring the basic food basket and sufficient means for a decent life⁴⁰³¹ constitute a cross-cutting constant.

⁴⁰²³ [El Nacional, "La infraestructura de salud se está desmoronando": Fundación Simón Bolívar de Citgo presentó informe sobre la crisis de salud en Venezuela, March 24, 2022.](#)

⁴⁰²⁴ [Promedehum, Situation of Human Rights in Venezuela 2022 - August 2022, August 26, 2022](#)

⁴⁰²⁵ [HumVenezuela, Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID, March 2022, p. 26.](#)

⁴⁰²⁶ [Encovi, Living conditions of Venezuelans: between humanitarian emergency and pandemic. ENCOVI 2021, September 2021](#)

⁴⁰²⁷ [El Nacional, La Venezuela que muere en el Darién y la que se desvive por un concierto: la compleja tarea de medir la desigualdad en el país, August 21, 2022; ENCOVI, Encuesta Nacional sobre Condiciones de Vida 2022, November 2022.](#)

⁴⁰²⁸ [BBC, 3 ways Colombia can help Venezuela's economic recovery \(and the risks involved\), Aug. 29, 2022](#)

⁴⁰²⁹ [BBC, How Venezuela emerged from hyperinflation and what it means for the country's battered economy, January 11, 2022](#)

⁴⁰³⁰ [The country, Venezuela reaches the end of hyperinflation, March 25, 2022](#)

⁴⁰³¹ [Voice of America, Venezuela: Índice registra aumento salarial de los trabajadores, pero todavía no alcanza, January 24, 2022; Infobae, La canasta básica en Venezuela aumentó su precio en un 61 % en un año, March 22, 2022; Voice of America, "Es un lujo comer proteína": la precarios situación de jubilados y pensionados venezolanos, April 19, 2022](#)

1801. The Special Rapporteurship notes with concern that poverty would mediate as a factor in the context of extrajudicial executions and violence in the country, since the incursions of the security forces that result in this type of events are mainly concentrated in poor areas of the cities and, in fact, it has been stated that extrajudicial executions represent a systematic pattern linked to social control in popular areas of urban areas⁴⁰³². In this regard, it should be noted that of the 9,211 cases of alleged extrajudicial executions that occurred between 2016 and March 2021, 99% of the victims were men from vulnerable sectors⁴⁰³³. Said situation would have been addressed in turn by the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, that in September 2021, indicated that it remains concerned about reports of killings consistent with previously documented patterns of extrajudicial executions and other violations in the context of security operations in low-income urban neighborhoods in Caracas. The Mission noted that while further investigation into these events is required, there are indications that they have continued at an accelerated pace⁴⁰³⁴.

A. Right to Health and its Social Determinants: Pandemic

1802. REDESCA has followed with special attention the significant impacts that the COVID-19 pandemic has had on the health sector and the population, although it highlights that the serious affectations of the health system preceded the health emergency. In this regard, the IACHR identified, in its 2018 Country Report, that in Venezuela there are shortages and shortages of medicines, supplies, materials and medical treatment. This contextual situation has been worsening since 2014, and it is important to highlight that the health system has reportedly collapsed due to its persistent precariousness, which would have been exacerbated by the pandemic⁴⁰³⁵.

1803. In the context of the pandemic, we note the constant complaints about the underreporting of infections and deaths, as well as the lack of transparency in relation to the immunization process in the country⁴⁰³⁶. Thus, there is a large discrepancy between the figures presented by the Government and those of international organizations and independent monitoring. For example, while at the end of 2021 the Minister of Health stated that the immunization rate was 87%, according to PAHO data it was approximately 40.44% of the population⁴⁰³⁷. Likewise, in February 2022, the Executive indicated that Venezuela had reached 102% vaccination of people over 18 years of age, but as of that date the WHO reported that only 49.8% of the population would have a complete vaccination schedule⁴⁰³⁸.

1804. Given this panorama of misinformation, it is of particular concern that, at the beginning of November 2022 and according to WHO figures, only 50.2% of the population would be fully vaccinated and 2.29%

⁴⁰³² El País, Extrajudicial executions increase in Venezuela's poorest areas, January 16, 2022

⁴⁰³³ Ibidem

⁴⁰³⁴ Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, A/HRC/48/69/, 16 May 2008, p. 1.

⁴⁰³⁵ IACHR, RESOLUTION 11/2022, Precautionary Measure No. 150-19, Concepción Palacios Maternity Hospital regarding Venezuela (Follow-up), February 27, 2022; REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1579.

⁴⁰³⁶ Efecto Cocuyo, Venezuela closes 2021 with dissimilar figures on COVID-19 vaccination, Dec. 30, 2021; Voice of America, After two years of pandemic, limited information continues to mark COVID-19 in Venezuela, March 17, 2022; DW, Venezuela, a black box, April 19, 2022; Transparencia Venezuela, ANTI-COVID-19 VACCINATION, OPACITY AND ABUSE OF POWER, March 25, 2022; VACUNACIÓN ANTI-COVID-19, OPACITY AND ABUSE OF POWER, March 25, 2022.

⁴⁰³⁷ Swissinfo, Venezuela reaches "102 %" of population vaccinated against covid, says Maduro, February 22, 2022

⁴⁰³⁸ Ibidem

with a booster vaccine⁴⁰³⁹. This is especially considering that, by the same date, the Americas would have reached a complete immunization rate of 70.36% and 40.6% of the population would have a booster vaccine⁴⁰⁴⁰. In this regard, civil society organizations informed REDESCA that, although more than 70% of the population has the first dose, a large part does not have the second dose, and that, although the availability of vaccines has increased over time, vaccination campaigns have been considerably reduced after confinement⁴⁰⁴¹.

1805. According to Transparencia Venezuela, the lack of information and transparency regarding the immunization process would have resulted in uncertainty for the population and illegal practices that put the citizens at risk, since in view of the difficulties to access vaccines, some people would have resorted to the black market to acquire them. This despite the great risks this represents, since there would be no certainty of actually receiving the doses - and not a placebo - or receiving a biological product in good conditions - properly preserved -⁴⁰⁴².

1806. This situation is even more aggravating when taking into account that, based on a survey applied by Transparencia Venezuela during five months of 2021, it was identified that, out of 819 people consulted, 283 knew of cases of payments for vaccines. Likewise, there was knowledge of the opening of judicial proceedings by the Public Prosecutor's Office against people who sold vaccines and fixed the price in dollars⁴⁰⁴³. Thus, in addition to the fact that Venezuela had not implemented an effective national vaccination plan⁴⁰⁴⁴ or a road map that would allow equitable and universal access to vaccines against Covid-19 (in addition to allegations of politicization in the immunization process⁴⁰⁴⁵), this situation would have created a de facto economic barrier to immunization.

1807. Given this scenario, REDESCA recalls that, in accordance with Resolution 1/2021 of the IACHR, universal and equitable access to available vaccines is an obligation of immediate compliance by the States. Additionally, States have the duty to ensure the distribution of vaccines through the development and implementation of a national vaccination plan; and consequently, to refrain from discriminatory treatment through the removal of normative, regulatory or any other type of obstacles that could lead to this practice, as well as to create conditions of real equality for groups that have been historically violated in their rights, or that are at greater risk of suffering discrimination⁴⁰⁴⁶.

1808. In the same vein, States must ensure the right of access to public information in the context of the emergency generated by COVID-19 and, consequently, must proactively report on the impacts of the pandemic, in disaggregated form, in open formats and in a manner accessible to all groups in vulnerable situations, in accordance with international best practices and in accordance with the provisions of IACHR Resolution 1/2020⁴⁰⁴⁷. Likewise, it is emphasized that the availability of information on vaccines saves lives, and therefore, it is the obligation of the States to provide and disseminate adequate and sufficient information on vaccines to prevent COVID-19, as well as to proactively disclose those data referred to registries, studies, vaccination plans and in general, information related to the acquisition, importation,

⁴⁰³⁹ WHO, WHO Coronavirus (COVID-19) Dashboard. Venezuela, November 9, 2022

⁴⁰⁴⁰ WHO, WHO Coronavirus (COVID-19) Dashboard. Situation by region, November 9, 2022

⁴⁰⁴¹ REDESCA, Meeting with Venezuelan civil society organizations, November 7, 2022

⁴⁰⁴² Transparencia Venezuela, ANTI-COVID-19 VACCINATION, OPACITY AND ABUSE OF POWER, March 25, 2022

⁴⁰⁴³ Ibidem

⁴⁰⁴⁴ HumVenezuela, Follow-up Report on the Impacts of the Complex Humanitarian Emergency in Venezuela after the COVID Pandemic Confinement, March 2022

⁴⁰⁴⁵ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1589.

⁴⁰⁴⁶ IACHR, Resolution 1/2021: Covid-19 vaccines in the framework of inter-American human rights obligations, April 6, 2021, para. 1.

⁴⁰⁴⁷ Ibidem, para. 32.

distribution, prioritization, application of vaccines; as well as the processes and procedures of surveillance and control applied⁴⁰⁴⁸.

1809. In turn, the Office of the Special Rapporteur notes that the opacity of information exists not only with regard to the immunization process and the number of infections and deaths as a result of COVID-19, but in general, since there is a scarcity of official data on the social, economic and political reality⁴⁰⁴⁹. Thus, there is a large discrepancy in data on phenomena such as poverty, human mobility, epidemics or the precariousness of public services⁴⁰⁵⁰. In health, for example, since 2014, information on mortality in the country would not be provided, and since 2016, on "reportable" diseases, including malaria or tuberculosis.
1810. Likewise, the annual epidemiological bulletin⁴⁰⁵¹ has not been published for more than seven years and during the pandemic, information on diagnostic tests⁴⁰⁵² has not been provided either. In view of this situation, REDESCA emphasizes that in order to effectively guarantee the right to health, a series of essential and interrelated elements -quality, accessibility, availability and acceptability- must be satisfied. As regards accessibility, it is essential to guarantee access to information on health-related issues.⁴⁰⁵³
1811. For its part, in relation to Covid-19 infections and deaths, the Office of the Special Rapporteur notes the significant impact of this situation, since as of November 9, 2022, 5,823 people are reported to have died and 546,137 cases (with 539,780 recovered)⁴⁰⁵⁴. It should be noted that this situation has particularly affected healthcare workers, since from the beginning of the pandemic until the end of February 2022, approximately 823 health sector professionals are reported to have died, which would be the result not only of the serious risk posed by the virus, but also of the lack of effective measures for their protection, including the provision of biosecurity equipment, and initially, the lack of prioritization in the vaccination process against Covid-19⁴⁰⁵⁵. In fact, despite the fact that more than two years had passed since the beginning of the pandemic, at the end of April 2022 it was reported that health workers in the Venezuelan public health system were still exposed to Covid-19 infection, due to the lack of personal protective equipment, especially in the case of nursing personnel⁴⁰⁵⁶. This lack of biosecurity elements would have continued until the end of 2022⁴⁰⁵⁷. In this situation, the personnel would be obliged to reuse the available material, despite the risks involved⁴⁰⁵⁸.
1812. In addition to the lack of measures for their protection, REDESCA closely follows the precarious conditions of health personnel, who in addition to being subjected to a high risk due to the lack of safe conditions to carry out their work, would not have a living wage⁴⁰⁵⁹, hand in hand with acts of violence and intimidation against them. Thus, it has been reported that by the end of 2021, more than 70% of

⁴⁰⁴⁸ Ibidem para. 11, 20

⁴⁰⁴⁹ DW, Venezuela, a black box, April 19, 2022

⁴⁰⁵⁰ Ibidem

⁴⁰⁵¹ Efecto Cocuyo, Chronic diseases worsened in Venezuela in two years of pandemic, March 17, 2022

⁴⁰⁵² DW, Venezuela, a black box, April 19, 2022

⁴⁰⁵³ IACHR COURT, JURISPRUDENCE JOURNAL OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS No. 28: RIGHT TO HEALTH, para. 106; 120-121.

⁴⁰⁵⁴ Worldometers, Venezuela, November 9, 2022; Patria, Covid-19, November 9, 2022

⁴⁰⁵⁵ El Diario, Losses from covid-19 in Venezuelan healthcare workers were due to state mismanagement, February 27, 2022; Infobae, Más de 800 trabajadores de la salud murieron por COVID-19 en Venezuela, February 25, 2022.

⁴⁰⁵⁶ Efecto Cocuyo, Healthcare personnel continue to be exposed to COVID-19 due to lack of personal protective equipment, April 22, 2022

⁴⁰⁵⁷ El Pitazo, Venezuelan Medical Federation: hospital crisis translates into a health holocaust, October 17, 2022

⁴⁰⁵⁸ Efecto Cocuyo, Healthcare personnel continue to be exposed to COVID-19 due to lack of personal protective equipment, April 22, 2022

⁴⁰⁵⁹ Transparencia Venezuela, HEALTH CRISIS, HOSPITALS SHOW ABANDONMENT AND LOSSES, April 7, 2022

Venezuelan nurses would have emigrated due to the precarious working conditions⁴⁰⁶⁰. Likewise, according to the Venezuelan Society of Psychiatry and the NGO Médicos Unidos, almost 70% of the health personnel would be presenting depressive symptoms since 2020⁴⁰⁶¹. This is particularly worrisome in a context in which it has been denounced that mental health care is in a critical phase due to the deterioration of public facilities in this area⁴⁰⁶².

1813. This is even more serious considering that in 2021 alone there were 600 threats and coercion of health care workers to resign from their jobs in Venezuela due to their denunciations regarding the situation of medical centers, especially in the context of the Covid-19 pandemic⁴⁰⁶³.

1814. In this scenario in which the human rights of health personnel are threatened, REDESCA notes that the stigmatization, criminalization and persecution against them have intensified since April, when the Government implemented a policy to "fight against hospital mafias", by means of which it ordered the incorporation of secret inspectors in health centers in charge of identifying health personnel who steal supplies or medicines, who charge patients for access to "free services or treatments" or who illegally practice medicine⁴⁰⁶⁴. In response to this policy, in June 2022, it was reported that in just 10 days more than 40 doctors had been arrested in different states of the country without any clarity as to the crimes charged or the reasons for their detention⁴⁰⁶⁵.

1815. In this context, the Office of the Special Rapporteur notes with concern the implementation of the community and military brigades program (Bricomiles), as a government policy that in mid-July would have begun to restore some schools and hospitals⁴⁰⁶⁶. The above, considering that, in addition to the fact that the program would not respond in a structural way to the collapse of the health system, it would lead to a militarization of these civilian spaces through which the political and social control of health personnel could be reinforced. It should be noted that similar complaints have already been filed in the case of the Bricomiles in educational centers⁴⁰⁶⁷.

1816. Without detriment to the above, REDESCA welcomes the measures to address the serious deterioration of the health system, including the implementation of 32 projects to strengthen the

⁴⁰⁶⁰El Nacional, Más de 70% del personal de enfermería emigró de Venezuela en 2021, December 27, 2021; Swissinfo,

Espías y detenciones, la lucha contra la "mafia" hospitalaria en Venezuela, June 14, 2022; Swissinfo, Espías y detenciones, la lucha contra la "mafia" hospitalaria en Venezuela, June 14, 2022.

⁴⁰⁶¹NTN24, Depression stalks health workers already hit by Venezuela crisis, February 3, 2022

⁴⁰⁶²EFE, Mental health care, adrift in Venezuela, October 11, 2022

⁴⁰⁶³Swissinfo, Venezuelan union reports 600 threats to healthcare workers in 2021, January 13, 2022

⁴⁰⁶⁴Swissinfo,

More than 40 doctors arrested in Venezuela in last 10 days, according to union, June 21, 2022; Swissinfo, Opposition alerts UN of Venezuelan government attacks on healthcare workers, June 7, 2022; Swissinfo, Opposition alerts UN of Venezuelan government attacks on healthcare workers, June 7, 2022; France24, Doctors targeted by Maduro in war against "health mafias," July 2, 2022; Swissinfo, Spies and arrests, the fight against hospital "mafia" in Venezuela, June 14, 2022; Swissinfo, Maduro proposes "secret inspectors" to monitor public hospitals, May 26, 2022

⁴⁰⁶⁵Swissinfo,

Más de 40 médicos detenidos en Venezuela en los últimos 10 días, según gremio, June 21, 2022; France24, Médicos, objetivo de Maduro en guerra contra "mafias de la salud," July 2, 2022

⁴⁰⁶⁶People's Ministry of Economy, Finance and Foreign Trade, Desplegarán BRICOMILES en todo el país para rehabilitar infraestructura de salud y educación, June 20, 2022; Infobae, Civiles y militares comienzan a reparar los centros de salud en Venezuela, July 16, 2022

⁴⁰⁶⁷REDESCA, Meeting with Venezuelan civil society organizations, November 2, 2022; Voz de América, Venezuela: education union warns about alleged "militarization" of schools, July 25, 2022.

Venezuelan health system with WHO and PAHO, in coordination with the authorities⁴⁰⁶⁸. Likewise, note is taken of the formation of the Immunization Committee, that together with representatives of PAHO and other State entities, sought to achieve 70% immunization of the child population between June and August - although only 29% coverage was achieved, so future meetings are planned to continue implementing strategies that allow coverage of the "most isolated" communities - .⁴⁰⁶⁹

1817. Likewise, REDESCA highlights the unprecedented efforts that health personnel have had to make in order to provide their services despite the generalized shortage of supplies and medicines. It is also important to recognize the preponderant role played by humanitarian and international aid. Thus, among others, the delivery of medicines and medical supplies by OCHA - which would have benefited 1.2 million people in 2022⁴⁰⁷⁰ -; the delivery of 231 tons of humanitarian aid by Doctors without Borders in the first half of the year through medical and logistical materials⁴⁰⁷¹; together with the donation by PAHO of 30 tons of medicines and sanitary material for the care of people with HIV, tuberculosis, and covid-19⁴⁰⁷².

1818. Despite these efforts, REDESCA emphasizes that structural actions are required on the part of the State to respond urgently and comprehensively to the deterioration and collapse of the healthcare system. This, considering that there are estimates indicating that more than 80% of the healthcare network - made up of 301 hospitals - is "in ruins", as well as that the buildings of more than 7,000 outpatient clinics have disappeared, that there are only an average of two operating rooms per hospital⁴⁰⁷³, together with allegations that there is no adequate food for patients, biosecurity supplies for front line personnel, nor medicines, supplies or equipment⁴⁰⁷⁴.

1819. In this line, it is reported that 98% of the hospitals in the country lack medicines, electrical plants and water, as well as failures in laboratories, reagents and wards⁴⁰⁷⁵. As a result, it is estimated that only between 3 and 10% of the hospitals have medical and surgical material to solve medical circumstances⁴⁰⁷⁶ - . Likewise, the Federation of Bioanalysts Colleges of Venezuela (Fecobiove) has denounced that 89% of the public laboratories would be inoperative due to the limited diagnostic capacity⁴⁰⁷⁷.

1820. REDESCA notes that this serious situation of the health system would be the result of multiple causes, including, among others, the lack of a health plan by the State⁴⁰⁷⁸, low public investment - in which it has been reported that, despite the serious situation of the health system, by 2021 the Government would have

⁴⁰⁶⁸ [El Estímulo, WHO intervenes in the Venezuelan health system and announces 32 projects, June 20, 2022; Swissinfo, WHO implements 32 projects to reinforce Venezuela's health system, June 19, 2022](#)

⁴⁰⁶⁹ [Yahoo, Venezuelan Government Forms Immunization Committee with PAHO, August 26, 2022](#)

⁴⁰⁷⁰ [OCHA, Venezuela - July-August 2022, October 13, 2022](#)

⁴⁰⁷¹ [Infobae, Doctors Without Borders donated 231 tons of humanitarian aid to Venezuela in the first half of the year, Aug. 31, 2022](#)

⁴⁰⁷² [Swissinfo, PAHO donates to Venezuela 30 tons of material against infectious diseases, October 28, 2022](#)

⁴⁰⁷³ [Swissinfo, Number of active operating rooms halved in Venezuela, May 3, 2022](#)

⁴⁰⁷⁴ [Swissinfo, En Venezuela no hay garantía a la salud, denuncia federación médica, 20 April 2022; Swissinfo, Crisis hospitalaria empaña el Día del Médico en Venezuela, dice la federación, 10 March 2022; El Nacional, "La infraestructura de salud se está desmoronando": Citgo's Simon Bolivar Foundation presented report on Venezuela's health crisis, March 24, 2022; Voice of America, After two years of pandemic, limited information continues to mark COVID-19 in Venezuela, March 17, 2022; Transparencia Venezuela, SANITARY CRISIS, HOSPITALS SHOW ABANDONMENT AND LOSS, April 7, 2022](#)

⁴⁰⁷⁵ [El Pitazo, Venezuelan Medical Federation: hospital crisis translates into a health holocaust, October 17, 2022](#)

⁴⁰⁷⁶ [Voice of America, Two years into pandemic, limited information continues to mark COVID-19 in Venezuela, March 17, 2022](#)

⁴⁰⁷⁷ [Efecto Cocuyo, Bioanalysts denounce inoperability of public laboratories in Venezuela, August 1, 2022](#)

⁴⁰⁷⁸ [Transparencia Venezuela, CRISIS SANITARIA, HOSPITALES MUESTRAN ABANDONO Y PÉRDIDAS, 7 de abril de 2022](#)

invested only 1.4% of its budget in the health care area;⁴⁰⁷⁹ the lack of adequate and safe conditions for health personnel -which has led to the flight of human capital-; the continued deterioration of hospital infrastructures, the lack of maintenance of medical equipment; acts of corruption and the serious challenges to guarantee uninterrupted public services, such as water and electricity.⁴⁰⁸⁰ In this sense, although the impact of international sanctions on the country is recognized, it is emphasized that the crisis is the result of endogenous factors that have been worsening due to the lack of adequate attention to it.

1821. In this regard, with regard to the constant failures in water and electricity services,⁴⁰⁸¹ the Special Rapporteurship notes with deep concern the allegations that at least 233 people would have died between 2019 and 2021 in hospitals due to power failures that are recorded in the country⁴⁰⁸², and that, despite this situation, at the beginning of 2022, at the national level it is recorded that, on average, hospitals do not have electricity service four hours a week, according to the National Survey of Hospitals⁴⁰⁸³. It is noteworthy that only in the first semester of 2022, 225 deaths have been reported in hospitals in the country due to failures of medical equipment and elevators caused by power outages⁴⁰⁸⁴.

1822. Although this situation would have serious direct impacts on the guarantee of the right to health of the entire population, REDESCA observes with special attention the impact that this situation has on certain groups in situations of vulnerability or risk, such as the elderly; persons with disabilities; persons with low resources; children and adolescents; women; indigenous peoples; as well as those persons with chronic pathologies, including even those who are beneficiaries of precautionary measures by the Commission. The above, especially considering that, since the pandemic, the limited capacities of the health system would have been oriented to attend Covid-19, and as a result, the attention to cancer, diabetes, hemophilia, renal failure, among others, would have been intensified⁴⁰⁸⁵. Thus, it has been indicated that those who suffer from this type of pathologies live with the latent risk of facing death.⁴⁰⁸⁶

1823. As an example, it is noted that in 2016 approximately 15,000 people were treated under the Social Security dialysis program and that by March 2022 not even 6,000 patients are counted, compared to which there are reports that only between 2017 and 2019 5,000 people died with kidney disease⁴⁰⁸⁷. Similarly, it is noted that since 2017 the organ transplant program continues to be paralyzed,⁴⁰⁸⁸ which, consequently, among others, has resulted in the preventable death of 74 children in the nephrology service of the J.M. de Los Ríos hospital as of November 2022⁴⁰⁸⁹. This situation would be aggravated by the fact that the delivery of expired medicines to transplant recipients has been reported, as well as a shortage and

⁴⁰⁷⁹ [El impulso, Especialistas alertan sobre resurgencia de enfermedades y bajo gasto en salud a pesar de la "recuperación" #15Sep, Sept. 15, 2022; Runrunes, Médicos Unidos: Venezuela solo invirtió 1,4% en salud en 2021, June 6, 2022](#)

⁴⁰⁸⁰ [Transparencia Venezuela, HEALTH CRISIS, HOSPITALS SHOW ABANDONMENT AND LOSSES, April 7, 2022](#)

⁴⁰⁸¹ [Swissinfo, In Venezuela there are no health guarantees, denounces medical federation, April 20, 2022](#)

⁴⁰⁸² [France 24, 233 deaths reported in Venezuela linked to hospital power outages, March 30, 2022](#)

⁴⁰⁸³ [El Impulso, Doctors for Health: At least 4 hours a week the country's hospitals are without electricity #30Mar, March 30, 2022](#)

⁴⁰⁸⁴ [El Diario, Médicos por la Salud counts 225 deaths in six months in Venezuelan hospitals due to power failures, June 22, 2022](#)

⁴⁰⁸⁵ [Efecto Cocuyo, Chronic diseases worsened in Venezuela in two years of pandemic, March 17, 2022](#)

⁴⁰⁸⁶ [Swissinfo, Hospital crisis tarnishes Doctors' Day in Venezuela, says federation, March 10, 2022](#)

⁴⁰⁸⁷ [RCN News, Dialysis treatment in Venezuela, a real race against death, March 27, 2022](#)

⁴⁰⁸⁸ [El Nacional, More than 70% of nurses emigrated from Venezuela in 2021, December 27, 2021](#)

⁴⁰⁸⁹ [PreparaFamilia,](#)

https://twitter.com/preparafamilia/status/1587445362331193351?s=20&t=VTNuIqRQgIEIUO_KcONCw, November 1, 2022

incomplete delivery of immunosuppressants since 2016, which, according to the complaints, would have caused at least 117 people -which, with proper treatment would have been preventable deaths-⁴⁰⁹⁰.

1824. In the same vein, it is reported that people with hemophilia cannot have full and regular access to their medications, since since 2016 the purchase of clotting factors would be insufficient, late or not at all⁴⁰⁹¹. This situation would be replicated in the case of HIV medications, which have not been purchased for at least 6 years; so that the only way to alleviate this crisis has been through international cooperation⁴⁰⁹². In this last situation, the Office of the Special Rapporteur notes that the Warao ethnic group continues to be decimated by the impact of HIV, with many carriers and others having died due to lack of care⁴⁰⁹³.
1825. Women, particularly low-income women, continue to be disproportionately affected, as they continue to face serious challenges in accessing sexual and reproductive health services⁴⁰⁹⁴. Thus, one in four women do not have sufficient resources to access menstrual hygiene supplies⁴⁰⁹⁵ and some, due to their economic situation, have even had to give birth at home or in the street, given the lack of resources to pay for medical examinations and gynecological appointments, as well as the lack of local medical attention, the scarcity of transportation units that provide services, the absence of ambulances and the deterioration of main roads⁴⁰⁹⁶. It has also been estimated that "nine out of ten girls, adolescents and women have not had access to pregnancy planning"⁴⁰⁹⁷.
1826. In addition, women would be forced to acquire the human papillomavirus (HPV) vaccine to prevent cervical cancer through their own resources, since the public health system would not cover them, and they would only be available in private centers that can charge between US\$ 80 and US\$ 330 per dose⁴⁰⁹⁸. In this regard, it should be noted that, according to the Venezuelan Anticancer Society (SAV), cancer is the second leading cause of death -the first being cerebrovascular diseases⁴⁰⁹⁹-. Thus, REDESCA is extremely concerned about the projections of this organization, which indicate that at least 3,128 breast cancer patients will die in 2021, representing an increase of 5% compared to 2020⁴¹⁰⁰.
1827. Given this situation, the Office of the Special Rapporteur reiterates its urgent call to take all necessary measures to guarantee the right to life and health with a focus on gender and women's rights, since no one should die from preventable causes. In this sense, the State has the obligation to guarantee the right to life, health, and integrity of women in Venezuela, with special attention to those who are beneficiaries of precautionary measures.
1828. The situation described above would be even more problematic considering the lack of attention to the basic and social determinants of health, including, among others: poverty, income and social protection,

⁴⁰⁹⁰ Amigos Transplantados, June 8, 2022; Efecto Cocuyo, Ivss still delivers expired medicines to transplant recipients, denounces NGO, August 22, 2022.

⁴⁰⁹¹ Efecto Cocuyo, "There are patients at risk": people with hemophilia denounce lack of treatment in Venezuela, September 1, 2022

⁴⁰⁹² Aporrea, Denuncian que el Ministerio de Salud no compra medicamentos para el VIH desde el año 2016, 18 de octubre de 2022.

⁴⁰⁹³ France24, Venezuela: indigenous Waraos, decimated by HIV, June 21, 2022; BBC, "Imagining the tribe's future is scary": HIV epidemic decimating a Latin American indigenous ethnic group, January 11, 2018.

⁴⁰⁹⁴ Descifrado, In Venezuela's popular sectors, giving birth at home is becoming a common practice, May 8, 2022

⁴⁰⁹⁵ Efecto Cocuyo, One in four Venezuelan women do not have resources for menstrual hygiene, according to NGO, October 5, 2022

⁴⁰⁹⁶ Descifrado, En los sectores populares de Venezuela, parir en casa se está volviendo una práctica común, May 8, 2022; Voz de America, "Si pagas los exámenes, no comer": el drama de las embarazadas pobres en Venezuela, July 8, 2022.

⁴⁰⁹⁷ Descifrado, In Venezuela's popular sectors, giving birth at home is becoming a common practice, May 8, 2022

⁴⁰⁹⁸ Crónica Uno, Venezuelan women must pay for HPV vaccine to prevent cervical cancer, May 22, 2022

⁴⁰⁹⁹ Voice of America, Under what circumstances does breast cancer face in Venezuela?, October 27, 2022

⁴¹⁰⁰ Gestión, Breast cancer care in Venezuela, an ordeal, October 20, 2022

water and a healthy environment, the right to housing and basic amenities, among others. Along these lines, poverty - experienced by the majority of the population - has become a direct impediment to accessing health services.

1829. In this regard, it is worth noting that it has been estimated that, given the collapse of the health system, 90% of the people who use it must finance inputs and treatments -including diagnostic tests-⁴¹⁰¹. Likewise, more than 60% of health spending in the country comes from the out-of-pocket spending of the population⁴¹⁰², despite the fact that a source of structural inequality in access to health services results precisely from the low level of public spending - associated with a consequent high out-of-pocket spending⁴¹⁰³ -. In attention to this situation, it has been indicated that public health care is sporadic and that only 9% of the Venezuelan population is attended by private health centers -despite the fact that in 2014 these centers attended 56% of the population-⁴¹⁰⁴ .

1830. In this regard, the Office of the Special Rapporteur notes that purchasing power is a determining factor in access to the right to health, as those who do not have sufficient economic means are unable to go to private centers to make up for the lack of care in the public network. It should be noted that the country's serious economic situation would have led to a significant contraction of the middle class -which by 2020 would represent 15.5% of the population, compared to 62% in 2010-, together with a "sustained erosion of its income"⁴¹⁰⁵ .

1831. Although the impact of this situation would be transversal, one of the groups reporting greater vulnerability are the retired and pensioned persons who, according to a survey conducted by the Front in Defense of the Retired and Pensioned of Venezuela, reveals that 90.1% of the persons surveyed have had to stop taking medicines because they do not have the money to buy them⁴¹⁰⁶ . For this reason, calls have been made to improve the conditions of the more than five million pensioners, who would not even have enough to cover 10% of the basic food basket⁴¹⁰⁷ .

1832. It is noteworthy that this generalized situation of poverty would constitute a direct impediment to the satisfaction of the basic needs of the population, and would result in, among others, that the population requires approximately 28.3 minimum wages to acquire the food basket⁴¹⁰⁸ and that 32% of children live in a situation of chronic malnutrition⁴¹⁰⁹ . In spite of this worrying panorama, it continues to be denounced that social programs - such as the Local Supply and Production Committees (Clap) - are not sufficient as sources of supply, in addition to continuing to be instrumentalized as a tool for political and social control by increasing dependence on the State⁴¹¹⁰ .

⁴¹⁰¹ [Descifrado, Doctors denounce catastrophe in Venezuela's healthcare system, September 7, 2022](#)

⁴¹⁰² [Eltiempo, Specialists warn of resurgence of diseases and low health spending despite "recovery", September 14, 2022](#)

⁴¹⁰³ [REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS \(REDESCA\) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS \(IACHR\), 2021, OEA/SER.L/V/II, May 26, 2022, para. 162.](#)

⁴¹⁰⁴ [Analítica, Only 9% of Venezuelan population receives private health care, October 17, 2022](#)

⁴¹⁰⁵ [DW, The middle class disappears in Venezuela, July 6, 2022](#)

⁴¹⁰⁶ [Voice of America, "It's a luxury to eat protein": the precarious situation of Venezuelan retirees and pensioners, April 19, 2022](#)

⁴¹⁰⁷ [El Nacional, "La infraestructura de salud se está desmoronando": Fundación Simón Bolívar de Citgo presentó informe sobre la crisis de salud en Venezuela, March 24, 2022.](#)

⁴¹⁰⁸ [El Universal, Venezuelans Need 28 Minimum Wages to Cover Food Expenses, October 22, 2022](#)

⁴¹⁰⁹ [Ibidem](#)

⁴¹¹⁰ [Efecto Cocuyo, Una de cada cuatro venezolanas no tiene recursos para su higiene menstrual, según ONG, October 5, 2022; REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND](#)

1833. Likewise, in relation to the right to water, the Office of the Special Rapporteur notes that by 2021 there would have been an increase in problems related to access to drinking water and sanitation, so it would continue to be one of the indicators that weigh most heavily in the dimension of multidimensional poverty⁴¹¹¹. Thus, the Venezuelan Observatory of Social Conflict reported that during the first half of 2022 the collapse of basic services continued, which, among others, has led to a greater number of complaints about the overflow of sewage and solid waste collection⁴¹¹².
1834. In the same vein, it is noteworthy that by March 2022, a national average of 43.4% of severe interruptions of drinking water supply was reported and that 74% of households would have indicated signs of water contamination, including factors such as color, odor, or taste⁴¹¹³. Likewise, the Office of the Special Rapporteur notes that by the same date it was also indicated that 90% of the population of Venezuela was affected by water access deficiencies, which would mean that approximately 19.1 million people reported interruptions or severe restrictions in the water supply or lacked connection to the aqueduct system⁴¹¹⁴.
1835. In view of this situation, the Office of the Special Rapporteur evidences that there are structural conditions that would subject the majority of the population to a continued situation of survival, despite the improvement in some economic indicators. This would be reflected in the fact that, as of March 2022, there would be 19.1 million people with humanitarian needs in health, water, and sanitation, and 18.7 million with food needs⁴¹¹⁵. Likewise, in social discontent, since, according to the Venezuelan Observatory of Social Conflict, in the first half of 2022, 73% of the protests in the country were to demand the guarantee of ESCER (equivalent to 2,856 protests out of approximately 3,892)⁴¹¹⁶. In relation to these, it is noted that the demand for labor rights, as necessary for access to livelihoods, constituted 42% of the demands⁴¹¹⁷.
1836. In view of this complex panorama, REDESCA welcomes the partial agreement reached between the Venezuelan Government and the Venezuelan Unitary Platform at the end of November 2022, which would allow, through the assistance that the United Nations would be providing, the use of State resources that were frozen for health, food, education, and electricity programs that provide social protection and humanitarian assistance to the population.⁴¹¹⁸

ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, OEA/SER.LL/V/II, May 26, 2022, para. 1593.

⁴¹¹¹ ENCOVI, National Survey on Living Conditions 2021, September 2021.

⁴¹¹² Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in the first semester of 2022, June 2, 2022.

⁴¹¹³ Promedehum, Situation of Human Rights in Venezuela 2022 - August 2022, August 26, 2022

⁴¹¹⁴ HumVenezuela, Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID, March 2022, p. 37-38.

⁴¹¹⁵ HumVenezuela, Informe de seguimiento a los impactos de los impactos de la Emergencia Humanitaria Compleja en Venezuela tras el confinamiento por la pandemia de COVID, March 2022, p. 24.

⁴¹¹⁶ Observatorio Venezolano de Conflictividad Social, Social Conflictivity in Venezuela in the First Half of 2022, June 2, 2022.

⁴¹¹⁷ Caraota Digital, Crece el descontento social: Se registraron casi 4.000 protestas en lo que va que va de 2022, July 26, 2022; Observatorio Venezolano de Conflictividad Social, Conflictividad social en Venezuela en el primer semestre de 2022, June 2, 2022; Observatorio Venezolano de Conflictividad Social, Conflictividad social en Venezuela en el primer semestre de 2022, June 2, 2022

⁴¹¹⁸ UN news, humanitarian agreement for Venezuela, Nov. 28; France24, U.S. eases sanctions after agreement between opposition and Venezuelan government, Nov. 27, 2022

B. Business and Human Rights

1837. In relation to the impacts of business activities on human rights, REDESCA follows with special attention the allegations that oil spills are becoming more frequent in the country, since, according to the Venezuelan Observatory for Environmental Human Rights, between 2016 and 2021 there would have been 199 spills, which in most cases would not have been reported by the authorities⁴¹¹⁹.
1838. In this context, we note, for example, the spill of 26,730 barrels of oil in July 2021 that affected the Morrocoy National Park⁴¹²⁰. Likewise, the spill occurred in July 2022 in the Pedernales field, in the Orinoco River, which would have affected an environmentally sensitive area in the eastern end of Venezuela, as it is an area with tropical rainforest, mangroves and diverse fauna⁴¹²¹. It should be noted that such situations would be the result of a lack of investment and maintenance in the infrastructures⁴¹²², as well as a lack of investigation, prevention, sanction, and reparation of this type of events by the State.
1839. In view of this situation, REDESCA notes that civil society organizations have mentioned that the State is secretive about these events, so that information is only available based on what the affected communities are able to report, and in many cases, they are not notified of these events so that they can take actions to avoid impacts on their lives, health, food, water, among others. As a consequence, the information available on oil spills in the country is very limited⁴¹²³ and the risks for the exposed communities are very high.
1840. In this regard, REDESCA recalls that, in accordance with the Inter-American standards on business and human rights, established in its 2019 report, both States, in exercising their regulatory, oversight and judicial functions, as well as companies, in the context of their activities and business relations, must take into account and respect the human right to a healthy environment and the sustainable use and conservation of ecosystems and biodiversity, paying special attention to their close relationship with indigenous peoples, Afro-descendant communities and rural and peasant populations. In the same vein, the Office of the Special Rapporteur recalls that, according to the Inter-American Court of Human Rights in its Advisory Opinion OC-23/17, States have the obligation to prevent, regulate and control environmental pollution⁴¹²⁴. In light of this, the State is called upon to adopt all appropriate measures based on accurate and scientifically relevant information to prevent these environmental damages and reduce their impacts, as well as to act with due diligence to prevent, investigate, punish and repair this type of facts.
1841. Likewise, REDESCA follows with special attention the socio-environmental impacts of gold exploitation carried out by companies and actors authorized by the government. In this context, it should be noted that FundaRedes has warned that this situation would keep the natural and mineral wealth of Bolívar State under constant threat, in addition to affecting the rights of the population residing in the area, including their rights to life, health and a healthy environment⁴¹²⁵. Along these lines, Human Rights Watch has also warned that mining in the southern states has led to deforestation, water contamination and the

⁴¹¹⁹ OVDHA, *Oil Spills in Venezuela (2016-2021)*, March 25, 2022.

⁴¹²⁰ *Voice of America, Venezuelan Academy warns of serious environmental damage from oil spills*, February 16, 2022

⁴¹²¹ Reuters, *Crude spill hits environmentally-sensitive area in Venezuela -sources*, July 27, 2022; Milenio, *Reportan derrame de crudo sobre el Delta del Orinoco en Venezuela*, July 26, 2022

⁴¹²² Reuters, *Crude spill hits environmentally-sensitive area in Venezuela -sources*, July 27, 2022

⁴¹²³ REDESCA, Meeting with Venezuelan civil society organizations, November 2, 2022

⁴¹²⁴ REDESCA, *REDESCA expresses its deep concern over oil spills in Peru and urgently calls for taking the necessary measures to mitigate their impacts on the environment and people*, February 1, 2022

⁴¹²⁵ *El Tiempo*, *NGO denounces environmental impact of gold mining in southern Venezuela*. February 1, 2022

displacement of indigenous communities⁴¹²⁶. Likewise, people engaged in mining - even with the participation of minors as young as 10 years old in some cases - endure harsh working conditions, including 12-hour shifts without protective equipment⁴¹²⁷. It should be noted that in this context the Yanomami indigenous people have been particularly affected by acts of violence, forced labor and sexual exploitation perpetrated by groups that control illegal gold mines in the area⁴¹²⁸.

1842. For its part, REDESCA has previously warned of the impacts of extractive activities in the Orinoco Mining Arc (AMO), since the lack of state control in the area - where complaints have been reiterated about the control exercised by illegal armed groups - has generated a state of vulnerability for the inhabitants, with a disproportionate and differentiated impact on women, indigenous peoples and border populations. This situation would be characterized by high environmental impacts, scarcity of livelihoods -food, goods and services- and significant health risks, due to the exposure of the population to mercury, which would continue to be used for gold extraction, despite being prohibited as a method of obtaining or processing minerals in the national territory⁴¹²⁹. Likewise, in July 2020, the Office of the United Nations High Commissioner for Human Rights warned that workers in the AMO "are trapped in a generalized context of labor exploitation and high levels of violence by criminal groups that control the mines in the area"⁴¹³⁰.

1843. Given this scenario, the Office of the Special Rapporteur reiterates its call for an environmental and social impact assessment of the entire area of the Orinoco Mining Arc and urges the protection and reparation of the human rights, and particularly the ESCER, of the affected communities. Regarding this last point, it is crucial to investigate and sanction the actors -state, corporate and illegal- involved in the violation of human rights in this context. Additionally, due to the environmental impacts of this situation - as well as the increasingly frequent impacts of the climate emergency - REDESCA urges the State of Venezuela to ratify the Escazú Agreement, as well as to guarantee the Inter-American standards regarding the right to a healthy environment and the climate emergency, the latter contained in IACHR Resolution 3/2021.

C. Labor and Union Rights

1844. In this regard, REDESCA closely follows one of the trends it has previously identified, which is that one of the cross-cutting problems for those who manage to earn an income in Venezuela is that it is insufficient to meet the most basic needs and lead a decent life.⁴¹³¹ This is in spite of the fact that activity in Venezuela has begun to rebound since the gasoline crisis and the end of the confinement due to Covid-19, which has resulted in a growth of formal employment up to 50% and a reduction of informal employment by 7.7%⁴¹³². This is because, despite the slight economic upturn, at least two out of three members of a household must be part of the labor market in order for it not to fall below the poverty line.⁴¹³³

⁴¹²⁶ HRW, Yanomami Indigenous People at Risk in Venezuela, July 1, 2022

⁴¹²⁷ Human Rights Watch, Venezuelan Tainted Gold, April 29, 2022

⁴¹²⁸ HRW, Yanomami Indigenous People at Risk in Venezuela, July 1, 2022

⁴¹²⁹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1615.

⁴¹³⁰ OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, Venezuela: UN Releases Report on Criminal Control of Mining Region and on Justice Issues in General, Press Release, July 15, 2020

⁴¹³¹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1619; Swissinfo, Venezuelan doctors call on workers to protest for freedom of association, April 27, 2022.

⁴¹³² ENCOVI, National Survey on Living Conditions 2022, November 2022.

⁴¹³³ ENCOVI, National Survey on Living Conditions 2022, November 2022.

1845. In this scenario, it is worth noting that the salaries of public sector workers or those who are self-employed are lower than those of private sector workers, despite the fact that they have had an increase in March⁴¹³⁴. Likewise, although the income of private sector workers would have increased considerably -almost 70% during 2021-, it has been indicated that this income would not even cover 25% of the food basket, nor would it allow for a decent life⁴¹³⁵. According to the Encovi of 2021, 58% of private sector workers would be in extreme poverty, in contrast to 75% in the public sector.⁴¹³⁶
1846. Against this backdrop and during 2022, workers from different sectors - including health workers, educators and pensioners - have protested in order to demand the implementation of an economic policy that improves their income and working conditions, together with measures that respect the collective bargaining agreements in force and the cessation of persecution⁴¹³⁷. Consequently, it has been identified that the demand for labor rights represents the main motive for protests in the country⁴¹³⁸.
1847. In this line, the Special Rapporteurship notes that by mid-year -in July 2022- there was an increase in labor demands, which would have had as one of the main triggers the Instruction of the National Budget Office (ONAPRE), which was issued in March in order to define the application of the last salary increase decreed by the Government⁴¹³⁹. This is due to the fact that workers from different sectors consider that this instrument goes against the collective bargaining agreements, their labor benefits -such as bonuses and premiums-, besides disregarding the seniority or experience of the personnel⁴¹⁴⁰. According to the Observatory of Social Conflict, between March and July alone there were 285 protests in rejection of this instrument⁴¹⁴¹.
1848. It is noteworthy that, given that the instructions are still in force and would affect labor rights, demonstrations against them have continued,⁴¹⁴² despite the fact that in August the Government decided to remove the then director of ONAPRE⁴¹⁴³. On this point, the Office of the Special Rapporteur expresses its deep concern about the complaints and denunciations of civil society regarding the refusal to review, reform or repeal this instrument, as well as the difficulties that workers would have to resort to the courts for its review.
1849. This considering that on August 24, the Superior Court of Justice (TSJ) not only declared inadmissible the request filed to declare the nullity of the instruction, but also ordered to investigate responsibilities for

⁴¹³⁴ [France24, Broken shoes and empty pots and pans: public employees march for "fair wages" in Venezuela, August 4, 2022](#)

⁴¹³⁵ [Voice of America, Venezuela: Index registers wage increase for workers, but still not enough, January 24, 2022](#); ENCOVI, [National Survey on Living Conditions 2021](#), September 2021; [France24, Broken shoes and empty pots: public employees marched for "fair salaries" in Venezuela, August 4, 2022](#)

⁴¹³⁶ ENCOVI, [National Survey on Living Conditions 2021](#), September 2021.

⁴¹³⁷ [EFE, Trabajadores piden a Maduro políticas que recuperan sus condiciones laborales, February 15, 2022](#); [France24, Broken shoes and empty pots: public employees marched for "fair wages" in Venezuela, August 4, 2022](#); [Infobae, Venezuelan workers protested against Nicolas Maduro's regime to demand better working conditions, May 2, 2022](#)

⁴¹³⁸ [Observatorio Venezolano de Conflictividad Social, Conflictividad social en julio de 2022](#), June 1, 2022; Information provided by Alianza para la defensa de los DDHH Laborales, Meeting with REDESCA, April 13, 2022.

⁴¹³⁹ [Voice of America, After protests, Maduro removes head of ONAPRE office that sets salaries in Venezuela, August 12, 2022](#)

⁴¹⁴⁰ [DW, Venezuela's public workers continue to demand pay, Aug. 11, 2022](#); [Venezuelan Observatory of Social Conflict, Social Conflict in July 2022](#), June 1, 2022; [Voice of America, After protests, Maduro removes head of ONAPRE office that sets salaries in Venezuela, Aug. 12, 2022](#)

⁴¹⁴¹ [Observatorio Venezolano de Conflictividad Social, Social Conflictivity in July 2022](#), June 1, 2022;

⁴¹⁴² [BBC, "Starvation wages": how Maduro's government slashed civil servants' incomes and sparked a new wave of protests in Venezuela, Aug. 23, 2022](#); [Voice of America, After protests, Maduro ousts head of ONAPRE office that sets salaries in Venezuela, Aug. 12, 2022](#)

⁴¹⁴³ [BBC, "Starvation wages": how Maduro's government slashed civil servants' incomes and sparked a new wave of protests in Venezuela, August 23, 2022](#)

"generating unrest in certain sectors of the community (...) and attacking cardinal values and principles provided for in our constitutional order"⁴¹⁴⁴, which would have a chilling effect on those who have wanted to resort to the institutions to vindicate their rights. In this framework, note is taken of how by means of TSJ Rulings 00445[6] -related to the nullity suit with precautionary protection filed by the UCV, UC, UNEXPO, UDO and UPEL- and 00446[7] -initiated by the ULA- a fine was imposed against the public universities that introduced the legal resources demanding their suspension by considering that they would have incurred in "a disturbance and abusive exercise of a judicial action"⁴¹⁴⁵

1850. This situation is of particular attention when considering that the Office of the Special Rapporteur has closely followed a scenario of persecution against workers, trade unionists and organizations dedicated to the defense of human rights, particularly labor rights⁴¹⁴⁶. By way of example, the Union of Workers of the Central University of Venezuela (Sintraucv), indicated that as of February 2022 there would be 149 imprisoned workers, including union leaders⁴¹⁴⁷. Likewise, in August, the Vinotinto Movement indicated that there would be 12 union leaders and activists related to the defense of labor rights prosecuted, of which 7 were deprived of their freedom⁴¹⁴⁸.

1851. In view of the above, REDESCA notes that the country continues to experience serious difficulties in exercising labor and union rights, as well as in guaranteeing an environment free of persecution for those who defend these rights⁴¹⁴⁹. Without detriment to this, it notes as a positive step the social dialogue between the Government, employers, and unions in the country with the technical support of the ILO, which took place at the beginning of March and was resumed at the end of April⁴¹⁵⁰, as well as the social dialogue forum held in September⁴¹⁵¹. In these tripartite social dialogues, among others, the reform of the Organic Labor Law and various ILO conventions (26 -minimum wage setting-; 87 -freedom of association and protection of the right of association- and 144 -tripartite consultation-) were discussed⁴¹⁵².

1852. In this regard, REDESCA welcomes these efforts and stresses the importance of making effective progress on these points in order to guarantee labor and trade union rights in the country. However, it notes with concern that the Tripartite Consultation held at the beginning of the year did not result in any agreement on labor issues and that it has been reported that the government controlled the entire dynamic⁴¹⁵³. For this reason, it joins the calls to ensure that these spaces guarantee the effective representation of workers and union leaders through direct dialogue with civil society organizations defending labor rights in the country, as well as to cease all forms of harassment and persecution against

⁴¹⁴⁴ DW, Venezuelan state investigated for alleged violation of trade union freedom, August 25, 2022

⁴¹⁴⁵ Aula abierta, Aula Abierta y sociedad civil rechazan ataques del TSJ contra autoridades universitarias, September 19, 2022; Voz de América, Protestas del sector educativo se dispararon el mes pasado en Venezuela, September 20, 2022; Voz de América, Protestas del sector educativo se dispararon el mes pasado en Venezuela, September 20, 2022.

⁴¹⁴⁶ Movimiento Vinotinto, The arrest of Douglas Gonzalez and the systematic persecution of trade unionists in Venezuela, August 12, 2022

⁴¹⁴⁷ El Nacional, Labor Unions demand Maduro policies to recover their working conditions, February 15, 2022

⁴¹⁴⁸ Movimiento Vinotinto, The arrest of Douglas Gonzalez and the systematic persecution of trade unionists in Venezuela, August 12, 2022

⁴¹⁴⁹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1622; Information provided by Alianza para la defensa de los DDHH Laborales, Meeting with REDESCA, April 13, 2022.

⁴¹⁵⁰ Swissinfo, Maduro ratifies to ILO its "full readiness" to protect the working class, 11 April 2022

⁴¹⁵¹ El Universal, ILO: It is vital to recover the value of wages in Venezuela, October 23, 2022

⁴¹⁵² Information provided by Alianza para la defensa de los DDHH Laborales, Meeting with REDESCA, April 13, 2022; Swissinfo, Maduro ratifica a la OIT su "disposición plena" de proteger a la clase obrera, April 11, 2022.

⁴¹⁵³ Information received by REDESCA from CSOs in Venezuela. Summary of the ILO Tripartite Social Dialogue Day in Venezuela. July 2022

workers, trade unionists and defenders of labor rights, making adequate reparations in appropriate cases⁴¹⁵⁴.

1853. Likewise, the Office of the Special Rapporteur reiterates that the protection of the right to strike, freedom of association and collective bargaining are fundamental pillars to guarantee the right to work and its fair and equitable conditions⁴¹⁵⁵, for which reason it is a priority to adopt measures to guarantee them through a comprehensive, participatory response with a rights-based approach.

1854. Given the serious challenges identified regarding the protection of labor and trade union rights in the country, as well as those who defend them, REDESCA will continue to monitor this situation in detail, with particular attention to possible measures of regression regarding these rights, the protection of organizations and individuals defending labor and trade union rights in the country, as well as progress in social dialogue and the eventual findings of the Commission of Inquiry of the International Labor Organization (ILO).

D. Economic and fiscal policies

1855. REDESCA notes that despite a more favorable economic outlook in which the country is leaving behind a hyperinflationary cycle due to various measures taken by the executive - such as a certain opening of the economy and de facto dollarization⁴¹⁵⁶ -, inflation remains at very high levels and the purchasing power of the population is still very low to meet their basic needs and be able to lead a decent and dignified life⁴¹⁵⁷. By way of example, it is estimated that in March 2022 and due to a 61% increase in the basic food basket compared to a year ago, people will require 173 dollars more than in March 2021 to buy the same products⁴¹⁵⁸.

1856. Likewise, the Special Rapporteur notes that while the GDP has contracted by 74% between 2014 and 2020,⁴¹⁵⁹ the devastating impacts on the protection of human rights of the population require short, medium and long term measures to adequately respond to the drastic decrease in their purchasing power and the high levels of poverty⁴¹⁶⁰. In this regard, HumVenezuela has pointed out that for there to be sustained economic growth, structural reforms that recover the country's productive capacities will be unavoidable, under a scenario of rule of law, democratic governance and guarantee of ESCER⁴¹⁶¹.

1857. To this extent, although the monetary transfers and the distribution of boxes CLAPs are welcomed, REDESCA points out that in order to face this situation, an increase in productivity and social programs will be required, which must be better targeted⁴¹⁶² and resist any political-social instrumentalization for their access.

⁴¹⁵⁴ [Movimiento Vinotinto, Comunicado de 105 activistas, trade union and civil society organizations after ILO visit to Venezuela](#), May 25, 2022

⁴¹⁵⁵ Inter-American Court of Human Rights, Advisory Opinion 27/21, May 5, 2021.

⁴¹⁵⁶ [El País, Venezuela reaches the end of hyperinflation, March 25, 2022](#); [BBC, How Venezuela emerged from hyperinflation and what it means for the country's battered economy, January 11, 2022](#).

⁴¹⁵⁷ [EFE, Trabajadores piden a Maduro políticas que recuperen sus condiciones laborales, February 15, 2022](#); Information provided by Alianza para la defensa de los DDHH Laborales, Meeting with REDESCA, April 13, 2022.

⁴¹⁵⁸ [Infobae, Venezuela's basic food basket increased its price by 61 % in one year, March 22, 2022](#)

⁴¹⁵⁹ ENCOVI, [National Survey on Living Conditions 2021](#), September 2021.

⁴¹⁶⁰ Ibid.

⁴¹⁶¹ HumVenezuela, [Follow-up Report on the Impacts of the Complex Humanitarian Emergency in Venezuela after the COVID Pandemic Confinement](#), March 2022, p. 6.

⁴¹⁶² ENCOVI, [Encuesta Nacional sobre Condiciones de Vida 2022](#), November 2022

E. Education, science, technology: academic freedom and university autonomy

1858. REDESCA notes that the political situation in the country continues to have a profound impact on the due guarantee of the right to academic freedom and university autonomy. Thus, as evidenced during 2021, the Office continued to receive reports of persecution and arbitrary detentions against students and members of the academic community for political reasons, along with regressive measures in relation to university autonomy and working conditions of faculty - including their right to a living wage⁴¹⁶³ - through which their situation continues to be precarious⁴¹⁶⁴.
1859. In this regard, REDESCA has received information that since 2004 the State has had a practice of unilaterally imposing wage scales, which has resulted in the fact that, despite the various adjustments, salaries are insufficient to purchase even the basic food basket. This situation will continue to be evidenced with the salary increase decreed on March 15, 2022⁴¹⁶⁵. In view of this scenario, REDESCA notes with concern the allegations that this practice would be the result of the constant exclusion of union groups from the discussion of labor benefits in the university sector for reasons of political discrimination⁴¹⁶⁶.
1860. Likewise, another issue of special attention is that at the beginning of 2022, the elaboration of a project to regulate higher education would have been launched. Although initially the president of the Commission for the formulation of the strategy for the construction of the University Education Law - installed by the National Assembly on January 18, 2022 - and the permanent secretary of the National Council of Universities (CNU) denied the existence of such project, there is information that the document has been circulated within the CNU⁴¹⁶⁷. Even more worrisome is that although it had been indicated that this Commission would be integrated by "rectors, deputies, professors and student representatives", neither the Federation of Associations of University Professors of Venezuela (FAPUV), nor representatives of the Federations of University Centers (FCU) of the autonomous universities were included⁴¹⁶⁸.
1861. Such a situation would be worrisome since there would be a pattern of exclusion of actors of the academic community for political reasons when discussing matters directly related to their work and conditions, in which, in fact, already in 2021 it had been reported that the FAPUV and the associations of university professors of the main public universities had been excluded from the discussion of collective

⁴¹⁶³ Aula Abierta (March 24, 2022), New salary tables unilaterally imposed on the #UniVe sector affect the human rights of university workers in Venezuela. Twitter: <https://twitter.com/AulaAbiertaVE/status/1507080016697438208?s=20&t=IUM4NmF7GJYd41-pFTBLxw>

⁴¹⁶⁴ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPporteur ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1636; Aula Abierta (March 24, 2022), Las nuevas tablas salariales impuestas unilateralmente al sector #UniVe afectan los derechos humanos de los trabajadores universitarios en Venezuela. Twitter: <https://twitter.com/AulaAbiertaVE/status/1507080016697438208?s=20&t=IUM4NmF7GJYd41-pFTBLxw>; Observatorio de Derechos Humanos de la Universidad de Los Andes. 2022. Report on the situation of Venezuelan universities, August. Date: 02/09/2022. [Document online]. Available at: uladdhh.org.ve/index.php/2022/09/01/situacion-de-las-universidades-en-venezuela-reporte-mensual-agosto-2022/.

⁴¹⁶⁵ Aula Abierta, Executive Summary: Wage taxation of the university sector in Venezuela, March 2022.

⁴¹⁶⁶ Aula Abierta, Executive Summary: Wage taxation of the university sector in Venezuela, March 2022.

⁴¹⁶⁷ Observatorio de Derechos Humanos de la Universidad de Los Andes, [What should a Law on University Education in Venezuela include?](#) Press Release, February 23, 2022.

⁴¹⁶⁸ [El Pitazo, La autonomía universitaria en el blanco de una nueva Ley de Universidades](#), January 31, 2022; Observatorio de Derechos Humanos de la Universidad de Los Andes, [¿Qué debería contemplar una Ley de educación universitaria en Venezuela?](#) Press Release, February 23, 2022.

bargaining agreements and other scenarios of discussion related to their labor rights, which would be the result of their critical opinions against State policies as a mechanism of retaliation⁴¹⁶⁹.

1862. The DESCA Special Rapporteur also notes the allegations regarding the role of the National Council of Universities in this context, which has been adopting various measures that threaten academic freedom and university autonomy, including, among others, the imposition of university authorities and the approval of the National Regulation of Multimodal Systems of University Education and Education mediated by Information and Communication Technologies, of August 17, 2021, which would have enabled a set of practices to the detriment of the autonomy of universities at the government, academic, administrative and financial levels⁴¹⁷⁰, without taking into consideration the situation of budgetary asphyxia that has been denounced by various organizations⁴¹⁷¹ and reported by REDESCA⁴¹⁷². Likewise, it is noted that this regulation would have been approved without absolute consensus, since the concerns raised by the autonomous universities would have been ignored⁴¹⁷³.
1863. In this context, REDESCA calls for ensuring that all measures adopted in the sector respect the Inter-American Principles on Academic Freedom and University Autonomy, for which it is essential to ensure the effective participation and representation of the teaching and professional staff of the educational sector without any discrimination.
1864. In relation to basic and secondary education, REDESCA observes that the precariousness of labor and educational institutions has resulted in a large number of teachers leaving the country, where it has even been stated that 60% of them have been lost,⁴¹⁷⁴ and with this, the right to education for future generations. Likewise, it is noted that the effects of the pandemic remain, affecting the educational trajectories of children and adolescents. Due to this situation, there was a downward trend in educational coverage since 2019, in which by 2022 there were 190,000 fewer students enrolled compared to the period 2020-2021. This being aggravated by the fact that between the latter period and the 2019-2020 period, coverage had already decreased by 550,000 students (with the greatest impact on children and adolescents between 3 and 17 years of age)⁴¹⁷⁵.
1865. While welcoming the recognition of the deterioration of educational facilities, the Special Rapporteur is concerned about the militarization⁴¹⁷⁶ and possible politicization that is taking place through the implementation of the program of community and military brigades (Bricomiles), through which it would

⁴¹⁶⁹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1642; Aula Abierta, EXECUTIVE SUMMARY: IV UNIVERSITY SECTOR UNIQUE COLLECTIVE AGREEMENT: VIOLATIONS OF FREEDOM OF ASSOCIATION, ACADEMIC AND LABOR RIGHTS IN THE UNIVERSITY SECTOR IN VENEZUELA, August 25, 2021.

⁴¹⁷⁰ Aula Abierta, preliminary report: violations of university autonomy, academic freedom and quality education in Venezuela by the National Council of Universities, June 2016- December 2021, April 2022.

⁴¹⁷¹ Aula Abierta, preliminary report: violations of university autonomy, academic freedom and quality education in Venezuela by the National Council of Universities, June 2016- December 2021, April 2022.

⁴¹⁷² REDESCA, IV ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020, para. 1124.

⁴¹⁷³ ULA Press, CNU approved Multimodal Education Regulations ignoring the opinion of the autonomous universities, August 19, 2021.

⁴¹⁷⁴ REDESCA, Meeting with Venezuelan civil society organizations, November 7, 2022

⁴¹⁷⁵ ENCOVI, Encuesta Nacional sobre Condiciones de Vida 2022, November 2022

⁴¹⁷⁶ REDESCA, Meeting with Venezuelan civil society organizations, November 2, 2022; Voz de América, Venezuela: education union warns about alleged "militarization" of schools, July 25, 2022.

have sought to restore some schools and hospitals⁴¹⁷⁷. In this regard, civil society organizations indicated to REDESCA that they have learned that after military officials have contributed to some repairs in some schools, they have remained there, thus carrying out political control over teachers, parents and students⁴¹⁷⁸.

F. Human Mobility and ESCER

1866. The Office of the Special Rapporteur continues to evidence that the lack of guarantee of human rights, and particularly of ESCER, is at the core of the motivations to emigrate from the country, as well as in the transit and destination of most of the people in a situation of human mobility from Venezuela⁴¹⁷⁹. In this scenario, in which it is estimated that more than 5 million Venezuelans have left the country since 2015⁴¹⁸⁰, in August 2022 United Nations indicated that there would be around 6.8 million Venezuelan refugees and migrants worldwide⁴¹⁸¹.

1867. It is noteworthy that, during 2022, after the end of the confinement and some restriction measures due to the pandemic, there would have been a significant upturn in emigration, so that by August of the same year it was estimated that since November 753,000 Venezuelan people would have left to various countries in the region⁴¹⁸². The above, in a context in which, despite some more favorable reports on the economic situation of the country, 48% of those who emigrated would have indicated that their main reason for leaving Venezuela was the lack of employment and low wages, while 40% would have mentioned the difficulties in accessing food and basic services⁴¹⁸³. In the same vein, civil society organizations have pointed out to the mandate that the lack of decent wages is not only one of the main causes of malnutrition, but also of human mobility⁴¹⁸⁴.

1868. According to the Encovi 2022, the main reason for leaving Venezuela is the need to find a job in another country (75%). Likewise, it should be noted that 25% did not have a job at the time of emigration⁴¹⁸⁵. In the same vein, the UN has pointed out that deteriorating economic conditions, food shortages and limited access to medical care are key factors for leaving the country⁴¹⁸⁶. For its part, the UNHCR has identified mental health problems as both a cause and a consequence of displacement, since, on the one hand, the shortage of medicines would have forced people with mental health problems to flee the country. On the other hand, some people have reportedly fallen into depression as a result of the stress involved in their migratory exodus⁴¹⁸⁷.

1869. In the same vein, REDESCA is extremely concerned that, according to the Needs Analysis of Refugees and Migrants (RMNA) prepared by the Regional Platform for Interagency Coordination for Refugees and

⁴¹⁷⁷People's Ministry of Economy, Finance and Foreign Trade, Desplegarán BRICOMILES en todo el país para rehabilitar infraestructura de salud y educación, June 20, 2022; Infobae, Civiles y militares comienzan a reparar los centros de salud en Venezuela, July 16, 2022; Swissinfo, Venezuela, where volunteers repair schools and health centers, Aug. 11, 2022

⁴¹⁷⁸ REDESCA, Meeting with Venezuelan civil society organizations, November 2, 2022

⁴¹⁷⁹ REDESCA, V ANNUAL REPORT OF THE SPECIAL RAPPORTEUR ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2021, para. 1645.

⁴¹⁸⁰ ENCOVI, National Survey on Living Conditions 2022, November 2022

⁴¹⁸¹ CNN, UN says similar numbers of refugees are fleeing both Venezuela and Ukraine, Aug. 31, 2022

⁴¹⁸² Yahoo, Venezuela's post-pandemic wave of emigration resumes, August 31, 2022

⁴¹⁸³ Yahoo, Venezuela's post-pandemic wave of emigration resumes, August 31, 2022

⁴¹⁸⁴ Information provided by Alianza para la defensa de los DDHH Laborales, Meeting with REDESCA, April 13, 2022.

⁴¹⁸⁵ ENCOVI, National Survey on Living Conditions 2022, November 2022

⁴¹⁸⁶ CNN, UN says similar numbers of refugees are fleeing both Venezuela and Ukraine, Aug. 31, 2022

⁴¹⁸⁷ UNHCR, Mental Health Problems as a Cause and Consequence of Displacement, April 6, 2022.

Migrants from Venezuela (R4V), most of these people continue to experience this violation of their DESCAs after leaving Venezuela, while it has been indicated that approximately 4.3 million of these people face serious difficulties in accessing food, housing and formal employment. Thus, 50% of the refugee and migrant population coming from Venezuela and settled in the region would not be able to afford three meals a day and their right to housing (in dignified and safe conditions) would not be guaranteed⁴¹⁸⁸. This situation would push them to "resort to survival sex, begging or indebtedness"⁴¹⁸⁹, thus perpetuating and increasing their vulnerability.

1870. Given this worrying panorama, REDESCA makes an urgent call to the Venezuelan State to guarantee the human rights, and particularly, the ESCER of the population, as well as to address human mobility from a human rights approach, based on which the implementation of public policies and national and international measures that effectively address the causes of human mobility is promoted. Additionally, while the Venezuelan migrant population has reported serious challenges to continue with their life plans and access their DESCAs due to lack of documentation, REDESCA calls on the competent authorities to provide the necessary documentation to these people, without imposing barriers of any kind to deprive them of this right. It should be noted that the State cannot deny information that is public knowledge or any other information that people need in order to access, among others, services such as immigration regularization, health, education, work or any other DESCAs in their country of destination or transit.

1871. Likewise, the Office of the Special Rapporteur urges the States of the region to guarantee the human rights of persons in a situation of human mobility from Venezuela, ensuring the guarantee of their ESCER in conditions of equality and non-discrimination, under an intersectional and differentiated approach. In this regard, the Office of the Special Rapporteur reiterates that the States of the region are obliged to guarantee the human rights of all persons under their jurisdiction and that the migratory situation of these persons or their temporary stay in the country does not exempt them from this obligation.

⁴¹⁸⁸ UNHCR and IOM, Three-quarters of Venezuelan refugees and migrants in Latin America and the Caribbean continue to face difficulties in accessing basic services, October 12, 2022.

⁴¹⁸⁹ UNHCR and IOM, Three-quarters of Venezuelan refugees and migrants in Latin America and the Caribbean continue to face difficulties in accessing basic services, October 12, 2022.

CHAPTER III: TRENDS AND RECOMMENDATIONS

1872. The Inter-American Human Rights System ("Inter-American System" or "IAHRS") has gradually and significantly advanced in the recognition and institutionalization of ESCR in the Americas. In this sense, it is of enormous relevance that both the OAS Charter and the American Declaration contain provisions that involve ESCR obligations for member states. Another major milestone in this area is Article 26 of the American Convention on Human Rights ("Convention" or "American Convention"), concerning the Progressive Development of ESCR, as well as the subsequent adoption of the Protocol of San Salvador.
1873. In terms of institutionalization, it is worth mentioning within the IACHR the implementation of its specialized mandate: REDESCA, the second Special Rapporteurship created by the Commission in its history, which constitutes the IACHR's greatest commitment to carry out its hemispheric mandate to promote and protect human rights in accordance with the principles of indivisibility and interdependence of all human rights of all persons living in the Americas. Another exponent is the OAS Working Group of the Protocol of San Salvador, of which the Special Rapporteur was elected in October 2021. It should be noted that, since November 2017 and after her appointment as Special Rapporteur, the Rapporteur has been part of this Group as an expert representing the IACHR.
1874. In light of the follow-up carried out during the year on the situation of the issues on REDESCA's strategic agenda in the 35 OAS Member States and the work carried out by the Office of the Special Rapporteur in relation to all of the IACHR's working mechanisms (case system, monitoring, promotion, and technical assistance), as well as enriched by the tasks carried out as a member of the Working Group of the Protocol of San Salvador, this chapter describes the main trends and challenges identified at the regional level. It takes as a reference each of the strategic lines that follow the mandate for the analysis of rights, which was explained at the beginning of the previous chapter.
1875. In this context and within the framework of its extensive monitoring, REDESCA has identified that certain groups experience higher levels of violations of their ESCR for different reasons. The priority groups identified to which special attention has been given are: [1] people living in poverty and extreme poverty; [2] people living on the streets or in informal settlements; [3] informal workers; [4] workers in essential sectors; [5] peasant populations; and [6] people in conditions of human mobility due to causes or consequences related to ESCR; and [7] frontline communities at risk from the climate emergency, also fall into this category, while noting that many of these groups are also transversally impacted by this crisis.
1876. The Office of the Special Rapporteur also pays special attention to other population groups whose situation the IACHR specifically monitors through its thematic rapporteurships, and who also experience different impacts on the guarantee and protection of their ESCR as a result of structural discrimination or various crises, including pandemics and climate emergencies, and even political and institutional crises. Thus, women, Afro-descendants, indigenous peoples, children and adolescents, human rights defenders, persons deprived of liberty, the elderly, persons with disabilities, among others, often experience greater challenges in accessing and enjoying their ESCR.
1877. In particular, REDESCA's constant and transversal attention to the gender and women's rights perspective in all its projects and activities is highlighted, considering that the historical economic inequality of women of all social groups, as well as the lack of enjoyment of their sexual and reproductive rights, are underlying causes and consequences of the patterns of violence and gender-based discrimination that women face, being economic empowerment and DESCA an essential tool to effectively combat the different types of violence and discrimination against women.
1878. In this line, REDESCA emphasizes that since its first annual report, it has insisted that part of its management will focus on providing a vision from the DESCA for the comprehensiveness of human rights,

with a gender and intersectionality perspective, seeking to resize some issues and contribute to generate possible alternatives for the full exercise of these rights with a clear vision of progressiveness and non-regressivity in their protection, as well as compliance with immediate obligations and the minimum essential content of each right.⁴¹⁹⁰

1879. Therefore, in addition to making a final diagnosis of the situation of economic, social, cultural, and environmental rights in the region, this chapter seeks to propose recommendations for their effective protection and non-regression. In this sense, REDESCA urges the OAS member states to take into consideration the recommendations made in this report in order to fully guarantee and enjoy ESC rights in their territories.

1880. Five years after its creation, REDESCA is concerned that the pandemic has exacerbated the causes of the structural inequality that characterizes the Americas, which can have intergenerational effects, delaying the progress and development of society towards fairer forms of organization that can protect the rights of all people. This is of utmost importance to the Special Rapporteur, because if these social conditions do not tend to reduce such inequalities, the impacts of the climate emergency will be worse at the social level than those of the health crisis, which will be exacerbated by ecological, water and food crises.

1881. The following is an account of some of the data and trends observed through the monitoring carried out by the Office of the Special Rapporteur in 2022, in relation to several of the strategic lines of action of the mandate, including recommendations. Such axes are: right to health and its social determinants, climate emergency and human right to water, business and human rights, labor and trade union rights, fiscal and economic policies, education, science and technology: academic freedom and university autonomy, and human mobility and DESCA.

⁴¹⁹⁰ REDESCA, I Annual Report of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, OEA/Ser.L/V/II. Doc. 210, 31 December 2017, p. 29.

A. Right to Health and its Social Determinants: Pandemic and Food Crisis

1882. REDESCA notes that the guarantee of the right to health in the Americas faces serious challenges and that the socioeconomic consequences of the pandemic continue to have a significant impact on the guarantee of the ESCR of the population. Thus, it notes with concern that the basic and social determinants of health continue to be inadequately addressed, which means that the right to health cannot be guaranteed despite the fact that there has been a significant increase in the capacities of public health systems since the pandemic.
1883. In this scenario, it is imperative to highlight that by the end of 2022 there were still countries with low vaccination rates in the region and that full immunization has not been achieved at the regional level. Thus, at the beginning of 2023, although 70% of the population would be vaccinated, 203 million people would still not receive the first dose against Covid-19⁴¹⁹¹.
1884. This situation is aggravated by the fact that, as health efforts were concentrated on dealing with the pandemic, progress against various diseases was threatened. This resulted, among others, in a significant resurgence of some diseases that were thought to have been controlled or eradicated, such as malaria, dengue fever and cholera (the latter in Haiti). This goes hand in hand with the public health emergency decreed on July 23, 2022, due to the increase in cases of smallpox. The latter situation risks repeating the inequality in access to vaccines experienced during the Covid-19 pandemic, in which States with greater economic capacities, together with business actors, would have concentrated their access and exposed lower-income countries to greater risks in the face of the pandemic - with a disproportionate impact on the most vulnerable groups.
1885. Regarding the challenges related to the basic and social determinants of health, REDESCA notes the sharp increase in poverty and extreme poverty rates (according to ECLAC data, by 2021, poverty would have reached 32.1% of the population of Latin America -approximately 201 million people- and extreme poverty would have reached 13.8% -86 million people-, reaching levels that had not been seen for at least a decade). This has gone hand in hand with a consequent increase in inequality. According to Oxfam, in the last two years the richest 1% of the world's richest people have accumulated almost twice as much wealth as the rest of the world⁴¹⁹².
1886. This scenario has been compounded by the slow and uneven recovery from the socioeconomic impacts of the pandemic experienced in the Americas, a region that was disproportionately impacted by the pandemic in all senses and considering that, despite representing only 9% of the world's population, it accounts for 29% of all COVID-19 cases and 44% of all deaths globally⁴¹⁹³. In turn, in economic terms, it was the region with the greatest economic contraction, about 7% in 2020.
1887. Along the same lines, the global panorama has had serious consequences, since, among others, the impacts of the war in Ukraine have had repercussions in a food, energy and financial crisis, particularly affecting countries with fewer resources and which were in the process of coping with the socioeconomic effects of the pandemic. In this regard, special attention should be given to the rising levels of inflation, food and energy prices, which have considerably increased the socioeconomic vulnerability and food insecurity of a large part of the population of the Americas. According to FAO, hunger in Latin America and the

⁴¹⁹¹ PAHO, [PAHO and Canada intensify efforts to bring COVID-19 vaccines to vulnerable populations in Latin America and the Caribbean](#), January 13, 2023

⁴¹⁹² OXFAM, [Survival Of The Richest: How Billionaires Are Amassing Eye-watering Wealth Amid Crisis](#), January 2023.

⁴¹⁹³ PAHO. <https://www.paho.org/es/noticias/27-9-2022-nueva-edicion-publicacion-salud-americas-ops-aborda-impacto-covid-19>

Caribbean is at its highest point since 2000, following a 30% increase in the number of hungry people between 2019 and 2020.

1888. Likewise, it is noteworthy that, according to FAO, in just one year, and in the context of the Covid-19 pandemic, the number of people living with hunger increased by 13.8 million, reaching a total of 59.7 million people. Thus, "four out of ten people in the region - 267 million - experienced moderate or severe food insecurity in 2020, 60 million more than in 2019, an increase of 9 percentage points, the most pronounced in relation to other regions of the world".⁴¹⁹⁴
1889. This situation of poverty, inequality and confluence of multiple crises, among others, has led to an increase in the vulnerability of the region's population and, among others, to a large number of homeless people, as well as to the fact that at least 130 million people in the region do not have the possibility of affording a healthy diet. According to the United Nations, 22.5% of people in Latin America and the Caribbean would not have sufficient means to access a healthy diet, with serious discrepancies at the regional level, since in the Caribbean this percentage is up to 52% of the population, while in Mesoamerica it is 27.8% and in South America 18.4%.⁴¹⁹⁵
1890. Thus, for the first time in the 32 years that the UNDP has been preparing the Human Development Index (HDI), which measures the situation of health, education and living conditions of countries, it has worsened globally for two consecutive years. With this, Human Development has regressed to 2016 levels, reversing much of the progress towards achieving the Sustainable Development Goals⁴¹⁹⁶.
1891. Therefore, REDESCA recommends that OAS Member States should invest more in and supervise their public health systems in order to meet the different needs of the population in terms of the right to health, taking into special consideration its basic and social determinants. Along the same lines, it is a priority to strengthen not only regular health care, but also preventive care.
1892. Within the framework of these measures, it is important that regional cooperation in the area of public health progresses through the entities with competencies in this area, in order to have coordinated and articulated actions. Likewise, direct cooperation between countries is of great importance in this scenario. In any case, in any of the chosen paths, it is crucial to have a human rights approach, with a gender perspective and intersectionality, guaranteeing transparency and accountability.

⁴¹⁹⁴ FAO, IFAD, PAHO, WFP and UNICEF. 2021. Latin America and the Caribbean - Regional overview of food and nutrition security 2021: statistics and trends. Santiago de Chile, FAO.

⁴¹⁹⁵ United Nations, Latin America and the Caribbean, the region of the world with the most expensive healthy diet, January 18, 2023

⁴¹⁹⁶ UNDP, New UNDP Human Development Report 2022, September 10, 2022.

B. Climate Emergency and the Human Right to Water

1893. The climate emergency is impacting the region as a whole, however, it is important to note that some countries are at greater risk than others. For example, in Latin America and the Caribbean, the trend of rising temperatures has continued and sea levels in the region have also risen⁴¹⁹⁷. In the Andes, glaciers have lost at least 30% of their surface area since the 1980s⁴¹⁹⁸. In addition, the 2021 Atlantic hurricane season has been identified as the third most active on record in the Atlantic⁴¹⁹⁹.
1894. In addition, water scarcity has impacted Latin America⁴²⁰⁰, which seriously jeopardizes the enjoyment of the human right to water in these countries. For example, in Monterrey (Mexico) water rationing has been recorded, while Santiago de Chile is changing its ornamental plants and Panama is building hundreds of wells".⁴²⁰¹ Furthermore, in Peru, from 2020 to June 2022, 1,286,258 people suffered the interruption of drinking water and sewage services, due to 111 emergencies caused by natural phenomena, which damaged the infrastructure of sanitation services and stopped the normal supply⁴²⁰².
1895. Similarly, factors that exacerbate the production of greenhouse gas (GHG) emissions have also increased. Regarding deforestation, according to Brazil's National Institute for Space Research (INPE), "during the first six months of 2022, the Brazilian Amazon broke deforestation records with the loss of at least 3,987 kilometers of vegetation, that is, an area equivalent to five times the size of New York City"⁴²⁰³. Such levels of deforestation have a great impact not only in the region, but also in the world, considering the capacity of the Amazon forest to capture carbon dioxide from the atmosphere.
1896. In this context, REDESCA takes note of the various climatic incidents that have impacted the lives of many people and the ecosystems in which they reside. For example, in the United States, there has been a continuity of fires in various parts of the country, either due to drought or lack of attention to forest management. For example, the McKinney Fire, which started on July 29, remains 0% contained as of August 1⁴²⁰⁴. With over 55,000 acres burned it has quickly become the largest fire in the state. 2,000 residents have been evacuated and two people have been found dead⁴²⁰⁵. In California, the "Oak Fire" burned 19,244 acres as of August 1 and is 72% contained, after 9 days of active burning⁴²⁰⁶. It caused the evacuation of more than 6,000 people and destroyed 10 structures within Mariposa County which is experiencing drought conditions⁴²⁰⁷.
1897. With respect to other countries, El Salvador's Ministry of Health reported that more than 1.37 million inhabitants live in places of high vulnerability. The ministry predicts that floods and landslides pose the

⁴¹⁹⁷ WMO, State of the Climate in Latin America and the Caribbean, p. 3.

⁴¹⁹⁸ Ibid.

⁴¹⁹⁹ Ibid.

⁴²⁰⁰ See DW, America dries up and it may never rain like before; Radio Nacional, More than a million Peruvians had no drinking water due to natural phenomena, <https://radionacional.com.pe/noticias/economia/mas-de-un-millon-de-peruanos-no-tuvieron-agua-potable-debido-a-fenomenos-naturales>; SWISSINFO, Universal access to water in Latin America, more urgent after pandemic.

⁴²⁰¹ DW, America dries up and it may never rain again like before

⁴²⁰² Radio Nacional, More than one million Peruvians did not have drinking water due to natural phenomena.

⁴²⁰³ France 24, Deforestation in the Brazilian Amazon breaks records in the first semester of the year <https://www.france24.com/es/américa-latina/20220710-deforestación-en-la-amazon%C3%ADa-brasileña-bate-récords-en-el-primer-semestre-del-año>.

⁴²⁰⁴ California Department of Forestry and Fire Protection, McKinney Fire Incident, August 1, 2022.

⁴²⁰⁵ BBC News, California wildfire: McKinney Fire spreads rapidly in north of state, August 1, 2022.

⁴²⁰⁶ California Department of Forestry and Fire Protection, Oak Fire Incident, August 1, 2022.

⁴²⁰⁷ The Guardian, Thousands evacuated over wildfire near Yosemite as California governor declares emergency, July 23, 2022.

most serious risks.⁴²⁰⁸ On the other hand, in Nicaragua, the impact of hurricane Julia was recorded at the beginning of October 2022. According to the government, this hurricane is estimated to have caused losses of around US\$300 million.⁴²⁰⁹ Likewise, the impact of Hurricane Fiona in Puerto Rico left almost the entire island without electricity. This caused impacts on health and education services, among others. So far, electricity service has not been fully restored.⁴²¹⁰

1898. Taking into consideration the above, the UNEP Emissions Gap Report for 2022, a restructuring of public finances is necessary in order to meet the objectives established in the Paris Agreement and other international treaties. Therefore, it is of concern that, according to the same report, current policies lead to a global warming of 2.8°C during this century, to which is added that G20 countries are far behind in meeting their mitigation commitments for 2030, causing a gap in the implementation of ambitious actions.⁴²¹¹ In short, there is currently a lack of real commitment on the part of those countries that generate the greatest emissions and manage the international financing mechanisms. This delays the implementation of the objectives of the Paris Agreement and other instruments, demonstrating the importance of being able to influence these processes so that they can be developed urgently from a human rights approach.

1899. In turn, it is important to note that among the ESCR that will be particularly affected is the human right to water. In this sense, changes in ecological and climatic cycles affect rainfall processes in various parts of the hemisphere. To that extent, with less rainfall, there is no certainty as to how many people will be able to guarantee their access to water, even if they are close to aquifers or other sources. This shows the need for public policies implemented to mitigate climate change to also take into account the protection of rights and, in particular, the human right to water.

1900. To that extent, REDESCA takes note of the various impacts that are occurring in the region and the need for a single regional policy to address climate change. In this sense, the IACHR and REDESCA promoted Resolution 3/2021 on the Climate Emergency and Human Rights, which systematizes recommendations that emanate from a comprehensive reading of the instruments of the Inter-American system. In general terms, the Resolution recommends that: States should protect and guarantee the enjoyment and exercise of the human rights of all persons who, as a result of impacts attributable to climate change, are significantly affected both individually and collectively. In this regard, when fulfilling their obligations, they should endeavor to do so taking into account the interdependence and indivisibility of all rights.⁴²¹²

1901. For its part, the Office of the Special Rapporteur also wishes to place on record its participation in COP27, representing the OAS and the IACHR. In this space of utmost importance for the climate negotiations, in addition to presenting the Resolution on Climate Change, it was also able to present the content of Resolution 3/2021 in different panels, as well as share with civil society organizations in the region a space to receive information on the situation of climate impacts in the Americas.

1902. Without going into the analysis of the resolution in these contexts, REDESCA emphasizes the need to find a common approach in the region that aims to protect rights in the context of the climate emergency. In this regard, the Special Rapporteur notes that, in addition to participating in international climate negotiations, the States of the Americas have a great opportunity to take advantage of the OAS forum to increase their level of advocacy at the global level, aiming for regional climate proposals that address the most pressing needs of frontline communities and other groups of people at risk and vulnerable to the climate emergency. The protection bodies of the Inter-American human rights system, as well as REDESCA

⁴²⁰⁸ Bloomberg, [Flood Risk Reaches 21% of El Salvador's Population](#), June 6, 2022

⁴²⁰⁹ La Prensa, [Dictadura afirma que daños por julia suben al menos a 300 millones de dólares](#), October 15, 2022

⁴²¹⁰ Yahoo News, [Recovery for Puerto Rico after Fiona is still underway](#), Nov. 3, 2022

⁴²¹¹ UNEP, [Emissions Gap Report 2022](#), October 2022

⁴²¹² IACHR and REDESCA, Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.



and the Working Group of the Protocol of San Salvador play a decisive role in contributing to hemispheric coordination and debates with a rights-based approach.

C. Business and Human Rights

1903. REDESCA notes that the lifting of pandemic-related restrictions and thus the resumption of operations in the service sectors, as well as the boosting of industrial production and infrastructure activities, have allowed for a reactivation of the region's economies. The high level of government interest in a rapid economic recovery, coupled with the lack of control and oversight of human rights compliance, have created an environment conducive to corporate abuses.⁴²¹³ In this regard, REDESCA notes that there are still significant challenges to ensure that business activities are carried out within a framework of respect for human rights in accordance with inter-American human rights standards.
1904. In particular, the Office of the Special Rapporteur takes note of the increase in mining concessions to local and foreign companies during the pandemic and the direct impact this has had on the increase in socio-environmental conflicts linked to the defense of territories and natural resources in different Latin American countries⁴²¹⁴. In addition, during 2022, REDESCA has learned about environmental and health impacts on people linked to business activities in the extractive and production sector, such as contamination of rivers and soil with mercury from gold mining activities in Brazil and Bolivia or serious oil spills off the coast of Peru, characterized as the worst ecological disaster that has occurred in Lima in recent times⁴²¹⁵. Likewise, it warns about the dangerous advance of deforestation and degradation of Amazon forests, reaching 26% of the entire Amazonian territory covering 847 million hectares where 20% has suffered an irreversible loss and 6% is highly degraded⁴²¹⁶.
1905. REDESCA has observed non-compliance by companies with local environmental regulations, as well as increasing harassment and persecution of human rights and environmental defenders, especially affecting indigenous and tribal peoples or people living in rural areas. Likewise, defenders have denounced the impossibility of filing a complaint before local courts or the lack of investigation and sanction for corporate human rights violations, which would facilitate the persistence of abuses in the business context in the region.
1906. Throughout the year, in the framework of its activities and the different mechanisms of the IACHR for which it works, REDESCA has confirmed the validity of its report on Business and Human Rights, which inter-Americanizes an issue of utmost importance for the people, peoples and nature of the Americas⁴²¹⁷. The Office of the Special Rapporteur calls on States and other actors to move forward with determination in the implementation of the report's recommendations, along with the application of the standards derived from the United Nations Guiding Principles, making themselves available to provide technical assistance in this area.
1907. REDESCA recalls that the Inter-American standards are an essential roadmap for complying with the obligations of the American States to respect and guarantee the human rights of their populations in the context of business activities. Likewise, they are a necessary reference for companies and economic actors that develop their activities in the region and must comply with their responsibility to respect the rights of people and the environment. In this sense, the Inter-American system is called to lay increasingly stronger foundations on this issue, as exemplified by the cases sentenced by the Inter-American Court in 2021, such

⁴²¹³ The World Bank, Regional Economic Updates - Social and infrastructure investments can drive growth and shared prosperity in Latin America and the Caribbean, October 4, 2022.

⁴²¹⁴ DW, Mining intensified in Latin America during pandemic, June 2, 2022.

⁴²¹⁵ REDESCA, Press Release RD24/2022, REDESCA expresses its deep concern about oil spills in Peru and urgently calls to take the necessary measures to mitigate their impacts on the environment and people, February 01, 2022.

⁴²¹⁶ Mongabay, Amazon at the point of no return: Brazil and Bolivia are the countries with the highest deforestation and forest degradation September 15, 2022.

⁴²¹⁷ IACHR and REDESCA, Report Business and Human Rights: Inter-American Standards, November 1, 2019.



as the case of Buzos Miskitos vs. Honduras of August 2021⁴²¹⁸ ; or the Vera Rojas et al. vs. Chile case of October 2021.⁴²¹⁹

⁴²¹⁸ IACHR Court. Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432.

⁴²¹⁹ I/A Court H.R., Case of Vera Rojas et al. Case of Vera Rojas et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439

D. Labor and Union Rights

1908. As a result of the COVID-19 pandemic, workers' working conditions worsened, as well as access to the labor market and wages⁴²²⁰. This, added to the slowdown in economic growth in 2021 and 2022, not only makes full employment recovery more difficult, but also increases the risk of informality⁴²²¹. Notwithstanding, labor markets have shown signs of recovery, although this has been slow and incomplete⁴²²². According to the ILO, in the first quarter of 2022 the average unemployment rate was 7.9%, the employment rate was 57.2% and the labor force participation rate was 62.1%⁴²²³. Such numbers are similar to what observed in the first quarter of 2019⁴²²⁴.
1909. Among the challenges for labor and trade union rights, the ILO has highlighted that labor markets in Latin America and the Caribbean face a complex and uncertain future that could be characterized in 2022 by an increase in unemployment, informality and the number of workers living in poverty⁴²²⁵. Furthermore, ECLAC stresses that "technological changes and transformations in the organization of production and work are in many cases surpassing current legislation"⁴²²⁶, making it essential to closely follow the standards developed by Advisory Opinion 27/21 of the Inter-American Court.⁴²²⁷
1910. For its part, REDESCA emphasizes the need to consider the disproportionate impact of the pandemic faced by women in the context of their labor rights. According to the ILO, women in Latin America and the Caribbean were the most affected by the crisis generated by COVID-19 in labor markets, which has challenged the region to face an unprecedented setback in gender equality in the workplace⁴²²⁸; this has been reflected in the fact that the return of women to the labor market has been slower than that of men. This impact has been stronger for some women, including those living in poverty, in rural areas, indigenous and Afro-descendant women, heads of household with young children, as well as those with low levels of education, making it crucial to continue recommending an intersectional approach to address this situation, as well as to advance in standards regarding the right to care.
1911. REDESCA closely observes the wage inequalities faced by indigenous peoples, according to ILO data showing that, in 2019, 32 percent of the indigenous population in the region worked in agriculture, while for non-indigenous people this percentage was 12.3 percent.⁴²²⁹ Among employed people with labor income, the income of indigenous people is below that of non-indigenous people; thus, the wage rate of indigenous people is one third or less of the wage of the non-indigenous population, with their wage being 67 percent higher than that of the indigenous⁴²³⁰. Therefore, it is a priority to advance in the protection of the labor rights of indigenous peoples and to guarantee that the wage gaps, as well as the discrimination they report, disappear.

⁴²²⁰ ECLAC / ILO, *Coyuntura Laboral en América Latina y el Caribe. Wages during the pandemic: evolution and challenges* (2022).

⁴²²¹ ILO, *Weak growth and global crisis slow job recovery in Latin America and the Caribbean* (2022)

⁴²²² ECLAC / ILO, *Coyuntura Laboral en América Latina y el Caribe. Wages during the pandemic: evolution and challenges* (2022).

⁴²²³ ILO, *Low growth and global crisis slow job recovery in Latin America and the Caribbean*, 2021

⁴²²⁴ *Ibid.*

⁴²²⁵ **ILO, *Low growth and global crisis slow job recovery in Latin America and the Caribbean*, 2021**

⁴²²⁶ ILO, *Situación y perspectivas de la jornada de trabajo en América Latina* (2022).

⁴²²⁷ I/A Court H.R., *Advisory Opinion OC-27/2021 on the Right to Freedom of Association and its relation to other rights, with a gender perspective*, Series A No. 27, May 5, 2021.

⁴²²⁸ ILO, *Latin America and the Caribbean: Gender equality and labor market policies during the pandemic* (2022)

⁴²²⁹ ILO, *Labor outlook for indigenous peoples in Latin America*, 2022.

⁴²³⁰ ILO, *Labor outlook for indigenous peoples in Latin America*, 2022.

1912. In the same vein, REDESCA draws attention to workers working for digital platforms with very similar conditions in the countries of the region who, due to the absence of classification of the nature of their relationships, receive insufficient income, suffer from lack of protection in terms of social security and health and safety conditions at work, instability, and obstacles to the exercise of freedom of association.⁴²³¹ REDESCA notes with concern the high level of informality and labor precariousness in this sector, especially for those who provide their services for platforms based on geolocation (delivery and driving). To date, there are still no official figures on the universe of people working for digital platforms - in part because the platforms practice a policy of non-disclosure of data - due to the lack of classification and high informality. Therefore, it is impossible to estimate the actual volume of workers employed through these platforms, however, these are estimated in millions in the region.⁴²³²
1913. The Special Rapporteur is particularly concerned about the precarious working conditions in which services are provided for location-based digital platforms, ranging from long and intense workdays (65 hours per week for drivers and 59 hours per week for delivery drivers); *work-related stress*; *low pay*; *risk of occupational injuries*; lack of social protection coverage and affiliation to social security⁴²³³ ; situations of discrimination and harassment, including sexual harassment at work; lack of occupational health and safety guarantees for work involving the dangers of working in public spaces and traffic in the region's large cities, with high accident rates and road fatalities⁴²³⁴ especially for delivery drivers on bicycles; and exposure to climatic factors.
1914. REDESCA notes with special attention and concern that a representative percentage of people working on digital platforms are migrants and people in a situation of human mobility.⁴²³⁵ Thus, the IOM has recognized that they increase the vulnerability of migrants, including unsafe working conditions⁴²³⁶ and this Special Rapporteur has noted with concern in 2021 that the situation of the right to work of migrants who often perform temporary and informal work exposed to unfair, irregular and insecure working conditions, which are aggravated due to fear of dismissal and the need for income⁴²³⁷ . On the other hand, although it is estimated that work in digital platforms based on geolocation (driving and delivery) is masculinized, women who work in this field must assume the greater impact of unhealthy conditions of not having adequate workplaces, lack of toilets, infections due to long hours driving cars, motorcycles or bicycles, cases of harassment and sexual violence by users of the applications and risks to their life and integrity for working individually in any area of the city.

⁴²³¹ The ILAW (International Lawyers Assisting Workers Network) database, with information up to March 2022, registers thirteen organizations of platform workers in Argentina, Brazil, Chile, Colombia, Ecuador and Mexico; only five of them constituted as unions and the rest as de facto workers' movements; No experience of collective bargaining under the terms of ILO Convention 98 and repeated strikes and mobilizations with serious consequences for the permanence of their leaders in their work for the platforms (disconnections, changes of zones, withholding of payments, among others).

⁴²³² ILO. World Employment and Social Outlook. The role of digital platforms in transforming the world of work. 2021.

⁴²³³ Ibidem

⁴²³⁴ In Argentina, 20% of platform workers report having suffered accidents. OIT. Delivery in pandemic: work on digital delivery platforms in Argentina, L Beccaria, E López Mourelo, R Mercer, P Vinocur. 2020.

⁴²³⁵ For example in Ecuador it is estimated at 32%, of these 31% are of Venezuelan nationality while 1% are of Colombian nationality (Grupo Faro); in Argentina the majority is still of Venezuelan origin although nationals have increased in these activities (ILO, L Beccaria, E López Mourelo, R Mercer, P Vinocur, 2020); in Colombia from a survey of migrant workers 98% of those surveyed work through a mobile application or internet page (Procuraduría General de la Nación de Colombia. 2022); in Uruguay some authors estimate that the proportion of migrants is 80% (Lorena de León, Nicolás Pizo. Uruguay. 2022).

⁴²³⁶ PAHO/WHO, 4. Migration: a human rights-based approach (Human rights and health series), 2021.

⁴²³⁷ IACHR-REDESCA. V Annual Report of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights (IACHR). 2021

1915. REDESCA takes careful note that some States have taken labor inspection measures⁴²³⁸, but in the vast majority the labor authority has refused to act in this sector.⁴²³⁹ Likewise, judicial decisions have been taken, several of them firm, but contradictory between countries and even between regions within the same country, and there is no judicial decision of a closing body in the region⁴²⁴⁰ and; that different legislative initiatives are being discussed to regulate the matter.⁴²⁴¹ However, REDESCA is aware that a determining factor for the informality of platform labor is due to the alleged lack of legal definition of the labor situation of workers, given that most of the labor and social protections are associated with it⁴²⁴² and recalls that the Inter-American Court has already called attention to this issue⁴²⁴³.

1916. In this regard, it is recommended that the States of the region strengthen their institutions that promote and protect the right to work and trade union rights. REDESCA notes that rates of labor informality can contribute to the exacerbation of dangerous and unsafe working conditions, and it is the duty of the State to prevent such conditions from being exacerbated. To this end, the States must narrow the existing gaps in labor protection in the different sectors of the population, since, whether due to gender or membership, the ranges of protection of the right may vary. In this sense, in observance of the principle of non-discrimination and equality, States must guarantee this right to all persons in their jurisdiction without

⁴²³⁸ In Argentina, although the federal government did not adopt labor inspection policies, some provincial states, such as Buenos Aires and Santa Fe, did; in both cases, these measures resulted in sanctions against the companies for non-compliance with labor regulations, and both procedures were upheld by provincial courts on appeal by the sanctioned companies; while in Colombia the Vice-Ministry of Labor Relations and Inspection opened an investigation against the Rappi app company for alleged violation of the right to collective bargaining.

⁴²³⁹ For example, in Ecuador, the Ministry of Labor has declared itself incompetent to hear complaints from platform workers, arguing that it can only act on proven labor relations (Ombudsman Investigation 110-2022. Ombudsman's Office. Ecuador) and has denied the registration of the industry union of platform workers "FRENAPP"; in Uruguay, the Ministry of Labor and the social security agency maintain their position of not intervening in this type of work (Pizzo, Nicolás and De León, Lorena).

⁴²⁴⁰ From the mapping of judicial decisions in the world, carried out by ILAW Network, it was found that the first judgment in Latin America on the matter was adopted in Uruguay, where the subordinate employment relationship was recognized and the payment of the corresponding labor rights was ordered; 23 court rulings have been issued on the matter, in more than 8 countries analyzed, 11 (47%) of which recognize the existence of the employment contract or subordinate employment relationship, 6 (26%) deny it and consider that these are autonomous workers, and 6 do not define the nature of the relationship but decide on the possibility of exercising the right to union association - 2 of them protect unionization and 4 deny protection due to the lack of definition of the contractual nature-.

⁴²⁴¹ In the monitoring of legal aspects of work on digital platforms, carried out by ILAW Network, more than 22 bills have been identified in 8 countries (Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Peru and Uruguay) as of March 2022. 10 (45%) of these aimed at the recognition of subordinate employment contracts, 5 (22%) aimed at defining self-employment as independent self-employment, 3 (13%) opting for what has been called "third category" that seek to create a new intermediate modality for the recognition of work without all the guarantees of subordinate employment contracts, but with some specific rights applicable to the modality⁴²⁴¹. The rest of the projects do not deal directly with the nature of the relationship. In Uruguay, on August 15, the Government, through the Ministry of Labor and Social Security, presented to the Superior Tripartite Council a draft bill to regulate work through digital platforms for the delivery of goods or urban and onerous passenger transportation; in Mexico, the Federal Government, through its Secretariat of Labor, has prepared a bill to recognize the work relationship in digital platforms; In Colombia, the new government will present a labor reform bill in March that aims to recognize platform work as an *employment relationship with a subordinate, dependent and non-collaborative relationship*; only in Chile has a law on the matter been passed.

⁴²⁴² ILO. World Employment and Social Outlook. The role of digital platforms in transforming the world of work. 2021.

⁴²⁴³ The IACHR Court recognized that "*the regulation of labor in the context of new technologies must be carried out in accordance with the criteria of universality and unwaivability of labor rights, guaranteeing decent and dignified work*, while recognizing that the emergence of digital work platforms implies a considerable change in the modality of work and with it great challenges for labor rights. *This lack of recognition may exclude the worker from the labor benefits of workers, including their job stability, minimum wage, and access to decent conditions of employment, hindering their ability to exercise their trade union rights*". See Inter-American Court of Human Rights. Advisory Opinion OC-27/21 of May 5, 2021.

distinction. Along these lines, REDESCA urges the strengthening of institutional and regulatory frameworks in the countries in strict compliance with inter-American standards.

1917. To this end, REDESCA also recalls the importance of strengthening trade union rights in these contexts, since trade unions can offer additional protection and guarantees to ensure the rights of workers in the region. For these reasons, all States have the duty to guarantee the right of association of workers in different branches of industry, as well as to prevent practices by companies or other entities that violate this right, including collective bargaining processes, among others. In this regard, the Office of the Special Rapporteur emphasizes the call for American States to implement the standards set forth by the Inter-American Court in its Advisory Opinion 27, promoted by the IACHR and REDESCA.

E. Fiscal and Economic Policies

1918. REDESCA notes that the economic contraction generated by the COVID-19 pandemic forced the States of the region to make great fiscal efforts to contain and mitigate its effects and move towards an equitable recovery. In this regard, according to ECLAC, public spending reached historically high levels given the public expenditures derived from fiscal plans, which on average were equivalent to 4.6% of GDP in the region in 2020⁴²⁴⁴. However, the agency pointed out that as of 2021, economic activity rebounded significantly, generating a decrease in the fiscal deficit as a result of an increase in public revenues and a decrease in public spending as a consequence of the end of the emergency measures adopted the previous year⁴²⁴⁵.
1919. However, REDESCA notes that during 2022 the regional macroeconomic context has become more complex as a result of a marked slowdown in economic growth and higher inflation of raw materials, mainly oil and food, as a consequence of the war in Ukraine. This has generated greater challenges for the management of fiscal policy in the region, especially in view of the increase in poverty, extreme poverty, food insecurity and inequality indexes.⁴²⁴⁶ In addition, REDESCA warns about the lack of public resources to guarantee fundamental rights and the need for an adequate implementation of economic, budgetary, and fiscal policy measures for the effective enjoyment of these rights, particularly ESCR.⁴²⁴⁷
1920. Therefore, the Office of the Special Rapporteur stresses the need for fiscal policies to be implemented in the region to respond to differentiated, intersectional and intercultural approaches, which in turn make it possible to address multiple discrimination, considering the particular needs arising from factors of discrimination, such as gender, gender identity and expression; age; migration status or migratory document status; disability; cultural, ethnic and racial affiliation; socioeconomic status; and context of deprivation of liberty, even when such discrimination is indirect.⁴²⁴⁸ In this sense, fiscal policy should serve as an objective to reduce inequality gaps, prioritize historically discriminated groups, and remove obstacles to the realization of rights.
1921. Exposing the importance of the economic, budgetary and fiscal policy measures that States adopt and how these have an impact on the progressive enjoyment of ESCR, REDESCA urges the States Parties of the OAS and other relevant actors of the Inter-American System to create programs and fiscal policies in a participatory and informed manner, based on greater fiscal awareness and taking into account aspects such as transparency, accountability, the fight against corruption and gender equality. It also encourages States to create control mechanisms for tax practices implemented by national and international economic actors, highlighting the relevance that companies and economic actors of international financing have for the effective enforcement of human rights, especially ESCR.
1922. REDESCA highlights the relevance of the Inter-American standards established in the reports on Poverty and Human Rights, Public Policies with a Human Rights Approach,⁴²⁴⁹ as well as Business and

⁴²⁴⁴ ECLAC, 2022, The Sociodemographic Impacts of the COVID-19 Pandemic in Latin America and the Caribbean.

⁴²⁴⁵ ECLAC, 2022, Fiscal Panorama of Latin America and the Caribbean: "Challenges of fiscal policy for sustainable and inclusive development".

⁴²⁴⁶ ECLAC, 2022, Fiscal Panorama of Latin America and the Caribbean: "Challenges of fiscal policy for sustainable and inclusive development".

⁴²⁴⁷ ECLAC, 2021, Fiscal Panorama of Latin America and the Caribbean: "The Challenges of Fiscal Policy in the Post-COVID-19 Transformative Recovery", p. 13.

⁴²⁴⁸ IACHR-REDESCA, Resolution 1/2021: COVID-19 vaccines in the framework of Inter-American Human Rights obligations, April 1, 2021.

⁴²⁴⁹ IACHR, Report Poverty and human rights, OEA/Ser.L/V/II.164, 7 September 2017.

Human Rights: Inter-American Standards⁴²⁵⁰ . On the other hand, the Office of the Special Rapporteur highlights Resolution 3/2021 on Climate Emergency and Human Rights, calling on the States of the region to take it especially into account during their next fiscal years⁴²⁵¹ . Additionally, it encourages States to design and implement green policies through financial and fiscal incentives for sustainable activities that allow a transition to a carbon-free future⁴²⁵² and the economic recovery of societies.⁴²⁵³

⁴²⁵⁰ IACHR and REDESCA. Report Business and Human Rights: Inter-American Standards, November 1, 2019.

⁴²⁵¹ IACHR - REDESCA: Resolution 3/2021 on Climate Emergency and Human Rights.

⁴²⁵² Ibid.

⁴²⁵³ IACHR - REDESCA: Resolution 1/2020 on Pandemic and Human Rights.

F. Education, science, technology: academic freedom and university autonomy

1923. REDESCA notes that one of the main challenges in terms of education for children and adolescents is to effectively address the large gaps generated by the pandemic, particularly for those children in vulnerable situations, whether because of historical discrimination, such as ethnicity/race; economic factors, such as poverty; geographic factors, such as location in rural and/or remote areas; as well as connectivity and equipment factors. Thus, it is essential that, in addition to advancing in the pre-existing challenges of substantially increasing coverage and quality, effective measures be adopted to recover the loss of learning that has occurred since the pandemic. This, especially considering that education is a necessary vehicle to confront the circles of poverty and inequality, which, if not adequately addressed, would affect the future possibilities of these children.
1924. For its part, regarding academic freedom, the Office of the Special Rapporteur notes with concern that, according to data from the Academic Freedom Index of 2022, Latin America is one of the regions with the greatest decrease in university autonomy⁴²⁵⁴, which, among other things, is reflected in the fact that the index of academic freedom returned to 1987 levels⁴²⁵⁵. This increase is of great concern considering that decreases in academic freedom have a direct impact on democracy.⁴²⁵⁶
1925. Likewise, it is noted that in various States of the region it has been reported that, both at the national and subnational levels, measures have been taken to limit or restrict academic freedom, as well as acts of repression and gender-based violence on university campuses, along with undue interference in universities or centers of thought⁴²⁵⁷. Therefore, an emphatic call is made to ensure the implementation of the Inter-American Principles on Academic Freedom and University Autonomy.
1926. At the same time, considering the worrying increase in policies that seek to limit educational content, States are urged to eradicate practices that threaten academic freedom and the free circulation of ideas in educational and academic contexts, which includes the repeal of regressive laws and public policies, with particular attention to those related to human rights education.

⁴²⁵⁴ Academic Freedom Index Update 2022, pg. 2,

⁴²⁵⁵ Ibid. pg. 3

⁴²⁵⁶ Ibid. pg.4.

⁴²⁵⁷ Coalition for Academic Freedom in the Americas (Scholars at Risk, University of Ottawa Human Rights Research and Teaching Center and University of Monterrey), Report on Cases and Trends on Academic Freedom and University Autonomy in the Americas, November 2022.

G. Human mobility and ESCER

1927. Several underlying reasons have been identified for the large movements of people in the Americas, such as the lack of opportunities for human development, which is increasingly aggravated by the consequences of the pandemic and the climate crisis⁴²⁵⁸. Thus, the situation of poverty, underdevelopment and slow economic growth is a basis for understanding the dimensions that international migration has acquired in the last two decades. The above, recognizing the multiplicity and complexity of the causes, which are linked to the political instability that affected the region in past decades, as well as the levels of violence and citizen insecurity that are currently registered⁴²⁵⁹.
1928. The COVID-19 pandemic has impacted migration and mobility in Central America and the Caribbean due to border closures and other restrictions⁴²⁶⁰, but migration flows have already been reactivated by the gradual recovery. Venezuelan migration is currently a major challenge for the region in terms of human mobility. According to UNHCR, Venezuelan migration continues to be one of the largest displacement crises in the world⁴²⁶¹. Recent figures indicate that more than 7.1 million have left their homes, of which nearly 6 million reside in the Americas⁴²⁶². This flow has had a particular impact on countries such as Colombia and Peru, which struggle to absorb the enormous daily influx of these people, despite constant complaints of violations of ESCER, both as a place of destination and only as a place of transit. Migratory flows through the Darien jungle are of particular concern for REDESCA's mandate, due to the high vulnerability of people in a situation of human mobility when passing through the Darien Gap route which, according to official figures from the government of Panama, almost 250,000 people crossed into that country in 2022⁴²⁶³, this derived from the deterioration of economic and social conditions in the countries of origin where the ESCER are minimally respected, putting at risk the rights to life and personal integrity.
1929. In this context, the immigration policies of the United States take on special relevance. REDESCA notes with concern the validity of the border policy based on Title 42 of the United States Code implemented in the context of the COVID-19 health crisis, which determines whether a contagious disease in a foreign country represents a serious danger of spreading in the United States, This allows for the mass expulsion of migrants and asylum seekers, violating their ESCER, as since it was first imposed in mid-March 2020, this measure has been used some 2.5 million times to expel migrants.⁴²⁶⁴
1930. In turn, it is important to note in particular the impact of environmental change and intense meteorological phenomena on immigration⁴²⁶⁵, and with it, the process of migration due to environmental/climatic causes. In Central America, "environmental disasters in piedmont areas include floods and storms, mudflows and landslides, while in arid areas the major problem is drought"⁴²⁶⁶. Overall, "more than 300,000 people have been killed by climatic and geophysical events in Latin America and the Caribbean in two decades"⁴²⁶⁷ Also, in 2021, the Internal Displacement Monitoring Center "recorded more

⁴²⁵⁸ UNDP, USAID, Citizen Security, Human Mobility and Development in the Northern Central American Countries, September 2020, p. 4.

⁴²⁵⁹ ECLAC, Development and migration: challenges and opportunities in the countries of northern Central America, LC/MEX/TS.2019/7, June 2019, p 72.

⁴²⁶⁰ IOM, World Migration Report 2022, pg. 109,.

⁴²⁶¹ UNHCR, Venezuela Situation.

⁴²⁶² Plataforma Regional de Coordinación Interagencial de OIM y ACNUR, Cifras de Refugiados y migrantes de Venezuela:

⁴²⁶³ IOM, 2022 doubles the number of migrants on the dangerous Darien Gap route

⁴²⁶⁴ See WOLA, Title 42 Expulsions and Regular Apprehensions of Single Adults at the U.S.-Mexico Border.

⁴²⁶⁵ UNHCR, Venezuela Situation.

⁴²⁶⁶ Ibid.

⁴²⁶⁷ El País, Environmental migrants: the human face of climate change in South America, July 19, 2022.

than 1.6 million new displacements due to disasters in the Americas"⁴²⁶⁸ . In addition, the World Bank estimates that by 2050 there will be 17 million climate migrants in Latin America⁴²⁶⁹ .

1931. In this context, REDESCA takes note of the high rates of food insecurity and migration in the Dry Corridor region of Central America, where according to FAO, more than half of the 10 million inhabitants of the area, which stretches between Guatemala, Honduras, El Salvador, Costa Rica and Nicaragua, are engaged in agricultural activities, and more than 73% of the rural population lives in poverty, with 7.1 million people suffering from severe food insecurity and 1.3 million children under 5 years of age suffering from stunting.⁴²⁷⁰ This climate impact has exacerbated the situation, causing many farmers to abandon their tools, animals and land, forcing an increasing number of people to migrate.

1932. Considering these factors, REDESCA considers that addressing the situation of guaranteeing ESCER, with a focus on the impacts associated with the pandemic and climate change, is fundamental to adequately address the phenomenon of human mobility at the regional level. The Office of the Special Rapporteur recommends that States implement domestic measures to guarantee access to ESCER rights, especially those related to health, education, and work, to enable people in a situation of human mobility to have access to the means to subsist in a dignified manner. To this end, it is necessary for States to strengthen national and local coordination, accompanied by partnerships with the private sector, civil society and international organizations, which will lead to the integration of these people and respect for their ESCER in conditions of equality and non-discrimination. To this end, REDESCA strongly recommends allocating sufficient economic resources to strengthen institutional capacities to expedite the processes of migratory regularization without major obstacles, respecting the basic guarantees of the right to seek asylum and due process.

⁴²⁶⁸ Ibid.

⁴²⁶⁹ Ibid.

⁴²⁷⁰ FAO, Central American Dry Corridor: turning emergencies into opportunities,

5 years of REDESCA: balance and perspectives

1933. 2022 was a year of high performance for REDESCA, which also marked the fifth anniversary of its launch. This is being commemorated through an image and social media campaign under the slogan "For Dignity".
1934. The balance of these five foundational years of the Office of the Special Rapporteur is extremely positive in terms of the level of positioning and developments achieved, with limited resources and a challenging context on multiple levels, including a pandemic.
1935. Thus, five years after its creation, REDESCA has made an unprecedented contribution to the Inter-American human rights system, developing standards and methodologies that did not exist and that the hemisphere urgently needed in the face of inequality and poverty, the pandemic, or the climate emergency.
1936. In order to address the broad agenda of rights and issues for which it is responsible, the Office of the Special Rapporteur has developed a new working methodology for the promotion and protection of human rights, based on the application of the "DESCA perspective" to all situations, cases or countries examined. This new way of looking at human rights through the prism of indivisibility converges with other central approaches in the mandate's work, such as gender, intersectionality and interdisciplinarity.
1937. REDESCA has sought to strengthen the role of the IACHR and the OAS in the protection of the ESCR of the most vulnerable populations in the Americas, making unprecedented contributions to define the situation and scope of the ESCR of all groups covered by the thematic rapporteurships of the IACHR, with which it has been working side by side. These collaborations have led to the development of intersectional thematic reports on the ESC rights of transgender and gender-diverse people, Afro-descendants and indigenous peoples, opening a necessary path that will gradually encompass all groups in situations of vulnerability.
1938. In addition, in the exercise of its mandate, the Office of the Special Rapporteur has focused on immense social groups for whom specific protection of their human rights is also urgent. For example, people living in poverty or extreme poverty; people living on the streets or in informal settlements; people working in the informal sector; health or care workers; peasants or front-line communities in the face of climate change.
1939. Likewise, the Office of the Special Rapporteur has inaugurated the work of the IACHR in terms of the specific and constant monitoring of ESCR, as well as in terms of their direct justiciability through Article 26 of the Pact of San José and the development of standards on all the issues that the Commission delegated to it in its Strategic Plan 2017-2022 and other new ones that the Inter-American system had not considered. REDESCA's work on the inter-Americanization of business and human rights, such as pandemics, fiscal policies, or climate emergencies, is pioneering.
1940. In addition, the Office of the Special Rapporteur has served as a bridge to new actors in the work of the IACHR and the inter-American human rights system. These include institutions such as ministries of health, economy and finance, social security, environment and social inclusion, comptrollers general and courts of accounts. This has also been the case with civil society organizations and companies that, previously, were not so closely related to the system.
1941. Thus, the legacy left by these first five years of REDESCA is great and proves that the effective promotion and protection of human rights in the Americas requires working from a strong vision of indivisibility, with a gender perspective and intersectionality. For human dignity, as well as the protection of nature.

1942. The results of the extensive work and lessons learned by the Office of the Special Rapporteur have also been reflected in its contribution to the process of drafting the IACHR's new Strategic Plan, 2023-2027, in whose implementation REDESCA is called upon to play a cross-cutting as well as a specific role.
1943. Along these lines, the IACHR has considered for its new strategic plan to include the analysis of development and human rights as a cross-cutting issue. I understand development as an inalienable human right and a necessary condition for protecting human rights, especially ESCR. Therefore, the IACHR establishes this right as a cross-cutting issue, so that the work it carries out through its different mandates and mechanisms contributes to sustainable development, placing the well-being and rights of people -such as respect for nature and the environment- at the center, above mere economic growth.
1944. Finally, REDESCA registers its deep gratitude to the IACHR, as well as to each and every one of its members for all the trust and support received for the development of its mandate during 2022, as well as during its 5 years of existence, calling to continue actively betting on its strengthening, which is also that of the Commission in its commitment to dignity in the Americas.