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VII ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR ON
ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF
THE INTERAMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2023

Javier Palummo Lantes

Special Rapporteur on Economic, Social, Cultural and Environmental Rights
Inter-American Commission on Human Rights



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TABLE OF ACRONYMS AND REFERENCES

Escazú Agreement:	Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean
IACHR:	Inter-American Commission on Human Rights
American Convention:	American Convention on Human Rights
IACHR Court:	Inter-American Court of Human Rights
CESCER:	United Nations Committee on Economic, Social and Cultural Rights (CESCR)
American Declaration:	American Declaration of the Rights and Duties of Man
ESCER:	Economic, Social, Cultural and Environmental Rights
FAO:	Food and Agriculture Organization of the United Nations
IMF	International Monetary Fund
GHG:	Greenhouse Gases
GTPSS:	San Salvador Protocol Working Group
OHCHR:	Office of the United Nations High Commissioner for Human Rights
ODS:	Sustainable Development Goals
OAS:	Organization of American States
ILO:	International Labor Organization
UN:	United Nations
OPS:	Pan American Health Organization
WHO:	World Health Organization
ICESCER:	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.
ISHR	Inter-American Human Rights System.

CHAPTER I: GENERAL INFORMATION

A. Introduction

1. In 2012, the Inter-American Commission on Human Rights (IACHR) made the historic decision to create a Unit on Economic, Social and Cultural Rights, reflecting the importance of these rights in the region. Subsequently, in 2014, the IACHR decided to transform this Unit into a Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (hereinafter Special Rapporteurship, Office of the Special Rapporteur on ESCER or REDESCA), initiating the process for its creation with the opening of a special fund to raise the necessary financial resources for its operationalization. As part of its 2017-2021 Strategic Plan, the IACHR launched the Special Rapporteurship on ESCER in 2017, marking a momentous step in the history of the protection and promotion of human rights in the region¹. This is the second Special Rapporteurship created by the IACHR in its entire 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 (ESCER) in the Americas.

2. REDESCA is responsible for supporting the Commission in its mandate to promote and protect these rights in the Americas. Its key functions include: preparation of the Rapporteurship's work plan aligned with the IACHR's strategic plan; preparation of reports on ESCER for the IACHR, including thematic analyses, assessments of the general human rights situation in member states and contributions to the Commission's annual report; processing of individual cases on ESCER and representation before the Inter-American Court of Human Rights; advising on urgent situations requiring precautionary measures; promoting international instruments related to ESCER, including organizing and participating in promotional activities; monitoring the situation of ESCER in the region and assisting OAS Member States in the adoption of measures to guarantee the exercise of economic, social, cultural and environmental rights; and collaborating with other OAS bodies on matters related to ESCER. In addition, the Rapporteurship carries out fundraising efforts and the development of projects necessary to fulfill its mandate, and fulfills other tasks related to the promotion and protection of ESCER that are delegated to it by the IACHR².

3. During the year 2023, the Office of the Special Rapporteur has carried out an intense work agenda, effectively executing its functions. Among its activities, REDESCA has provided specialized and constant advice to both the IACHR and the various areas of the Executive Secretariat on issues related to ESCER. This includes work on the case system, monitoring, promotional activities and technical assistance. In addition, REDESCA has contributed significantly to the implementation of Inter-American standards on economic, social, cultural and environmental rights, through its participation in various activities, as well as monitoring the situation of ESCER in the Americas.

4. The IACHR announced on July 21, 2023, the selection of Javier Palummo Lantes as Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission on Human Rights, taking office on September 1, 2023. The selection was the result of a broad, open, transparent and participatory process, which began with the publication of the call for nominations on February 18, 2023. From the 114 applications received from 20 countries in the region, the IACHR selected the finalists. During the public consultation, 739 letters and comments were received from OAS Member States and civil society. The IACHR's selection was based on professional qualities and experience, and considered their technical capacity, leadership, and ability to work effectively with States, civil society organizations, and other actors of the Inter-American Human Rights System. This selection process was governed by Article 15 of the Rules of Procedure

¹ IACHR, Strategic Plan 2017-2021, p. 35.

² REDESCA; [I Annual Report of the Office of the Special Rapporteur DESCA](#), December 2017, p.6.

of the IACHR, the criteria established in the call for nominations and the OAS regulations, with special consideration given to gender parity and representation from the different regions of the Americas.³

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

5. In 2023, REDESCA has carried out a series of activities to strengthen its mandate using the various mechanisms of the IACHR. During this year, REDESCA has focused on conducting field work and has published several reports regarding the situation of ESCER in the region. These actions include participation in key events, as well as the development of policies and recommendations, among others.

6. 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.

7. REDESCA has oriented its actions towards the articulation of the mandates, functions, and mechanisms of the IACHR, with the objective of strengthening the safeguarding and promotion of ESCER in the Americas. Following its strategic plan for the period 2021-2023, REDESCA has prioritized the establishment of inter-American standards that ensure the full realization of ESCER. It has carried out detailed monitoring and increased the visibility of the ESC rights situation in the region, fostering a culture of indivisibility in human rights. In addition, it has provided technical assistance and worked in collaboration with international organizations and civil society representatives. A highlight of its work has been its active contribution to the Working Group on the Protocol of San Salvador within the Organization of American States (OAS).

8. In addition to its technical work, REDESCA has also focused on administrative and management tasks, including seeking and obtaining financial resources. These efforts are crucial to ensure the sustainability and strengthening of the office, particularly in the challenging financial context at the beginning of the current Special Rapporteur's tenure. Sincere thanks are extended to the individuals and institutions that have supported the Office of the Special Rapporteur, with special recognition to the donors for their trust and commitment to the mandate and the strengthening of the management of the office. Details of these efforts and expressions of gratitude will be developed later in the body of this report.

9. The following is a summary of the activities carried out during 2023:

1. Petitions and Cases System

10. The Office of the Special Rapporteur on DESCA has provided specialized contributions to the IACHR's petition and case system. Thus, in 2023, REDESCA provided expert advice on 12 reports in the admissibility and/or merits stage. In the framework of the system for the protection of precautionary measures, advice was provided on 48 projects or memos related to ESCER.

11. In terms of cases and petitions, REDESCA has collaborated closely with the IACHR Executive Secretariat's case team, addressing a variety of issues related to the effective enjoyment of ESCER in the region.

³ IACHR, "[Process for the selection of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(REDESCA\)](#)".

This cooperation has focused on strengthening the consolidation of Inter-American standards in key areas such as the right to health, the right to a healthy environment, cultural, labor and trade union rights, and the relationship between business and human rights. The Office of the Special Rapporteur has adopted a differentiated and intersectional approach to the protection of groups in situations of vulnerability or historical discrimination, such as persons deprived of liberty, women, persons with disabilities, and indigenous peoples, thus making progress in guaranteeing these rights.

12. Regarding the precautionary measures' mechanism, REDESCA has played an active role in providing technical input at all stages, from the initial assessment and request for information from the parties involved, to the formulation of resolutions in cases of serious risk related to ESCER. This year, REDESCA has focused its advice particularly on issues related to the right to health, with emphasis on the context of persons deprived of liberty.

13. On the other hand, during 2023, REDESCA participated with the IACHR in three public hearings of cases before the Inter-American Court of Human Rights.

14. In addition, it is important to note that REDESCA has collaborated with the Deputy Executive Secretariat on petitions and cases, contributing to the preparation of inputs for the observations presented by the Office of the Special Rapporteur and the IACHR before the Inter-American Court of Human Rights. This collaboration has been particularly relevant in relation to the request for an advisory opinion presented by Chile and Colombia, focused on the interpretation of the obligations of States in the context of the Climate Emergency. This work highlights REDESCA's commitment and leadership in the interpretation and application of human rights standards on critical environmental issues, reflecting its essential role in guiding and advancing the Climate Emergency agenda and its impact on human rights in the Americas.

2. Participation in IACHR sessions and public hearings.

15. During 2023, the Office of the Special Rapporteur actively participated in the 186th, 187th and 188th Sessions of the IACHR, as well as in all internal sessions, both in person and remotely. 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 topics within the competence of the Office of the Special Rapporteur.

16. On the other hand, REDESCA participated and actively contributed to the preparation of public hearings related to its mandate. Below is a summary of the public hearings in which REDESCA has had a special participation in 2023:

State / Regional	Regular Period	Title of the Hearing	Date
Regional	186	Fiscal policy and guarantee of economic, social, cultural and environmental rights in the region	March 6
Regional	186	Situation of human mobility from an ethnic-racial perspective	March 7
Haiti	186	Sexual violence against women and girls in Haiti	March 8
Brazil	186	Reproductive rights and violence against women and girls in Brazil	March 8
Brazil	186	Case 12.781 - Povos Indígenas de Raposa Serra do Sol v. Brazil	March 8
Regional	186	Protection of human rights defenders and journalists in the region	March 8
United States	186	Rights of Haitians in mobility in the U.S.	March 9

Cuba	186	Right of movement of persons in Cuba	March 9
Argentina	186	Case 13.097 - Deaths in Magdalena Prison vs Argentina	March 9
Ecuador	186	Right to identity for trans persons in El Salvador	March 10
Honduras	186	Human rights situation of the Garifuna people in Honduras	March 10
Argentina	187	Human rights of indigenous peoples in Argentina	July 10
Canada	187	Human Rights Situation of Wet'suwet'en Indigenous Peoples in Canada	July 10
Brazil	187	Parental Alienation Law in Brazil	July 11
Regional	187	Advances and challenges in international coordination and cooperation for the protection of the rights of people in human mobility in the region (De Oficio)	July 12
Regional	187	Differential impact on the lives of women relatives of persons deprived of liberty in the Americas.	July 12
Regional	187	Obstetric violence in the Americas	July 13
Ecuador	187	Case 13.955 - Gabriel Alejandro Vasco Toapanta v. Ecuador	July 13
Haiti	187	Situation of human rights in Haiti in the context of the humanitarian and citizen security crisis	July 13
Venezuela	187	Human rights situation of LGBTQ+ persons deprived of liberty in Venezuela	July 14
El Salvador	187	Human rights and states of exception in El Salvador	July 14
Mexico	187	Situation of persons deprived of liberty in Mexico	July 14
Mexico	187	Case 14.736- 37 persons with disabilities detained at Casa Esperanza vs Mexico	July 14
Colombia	188	Colombia: Impacts of violence and conflict on the human rights of Putumayo's inhabitants	November 6
Colombia	188	Colombia: Protection of women defenders of land, territory and environment	November 6
Honduras	188	Honduras: Protection Mechanism for Human Rights Defenders	November 7
Honduras	188	Honduras: Sexual and reproductive rights of girls and women with disabilities	November 7
Brazil	188	Brazil: Protecting the human rights of transgender children and adolescents	November 7
Venezuela	188	Venezuela: Closing of civic spaces	November 8
Regional	188	Region: Impacts of illegal mining on human rights	November 8
Regional	188	Region: Impacts of the use of pesticides on reproductive rights	November 8
Jamaica	188	Jamaica: Rights of persons deprived of liberty (De Oficio)	November 9
Regional	188	Region: Use of force in the context of social protests	November 9
Regional	188	Region: Human rights of women domestic workers	November 9

Bolivia	188	Bolivia: Impact of child pregnancy and child marriage on the rights of children and adolescents	November 10, 2010
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3. Monitoring Activities

17. Throughout 2023, REDESCA has maintained active and constant monitoring of the situation of ESCER in the Americas, working in close collaboration with the teams of the Executive Secretariat of the IACHR.

18. These tasks included the following: (i) preparation and participation in press releases and statements on social networks; (ii) preparation of observations and recommendations on ESCER based on the on-site visit; (iii) preparation of ESCER inputs for the annual report of the IACHR, (specifically for chapters IV.B and V), (vi) multiple working and promotional visits, and (v) meetings with civil society organizations during the Ordinary Periods of Sessions (POS), within the framework of REDESCA's follow-up activities.

A. Visits and business meetings

State	Dates/ Locations	Topic(s)/ reports	Institutions visited	Nature of the visit	Observation
United States	March 1-3/ Los Angeles	ESCER	Los Angeles Mayor's Office, homeless encampments, Veterans Specialty Clinic	Visit work	A visit was made to camps, organizations and shelters for homeless people. Information was received on actions to assist people who are homeless.
Mexico	April 10-18/ Mexico City and Tapachula	ESCER, Environment, Human Mobility and Poverty	Secretaría de Gobernación, Tapachula and Mexico City Shelters	Promotional	Training was provided to civil society organizations and migrant shelters were visited.
Honduras	April 22-28/ Tegucigalpa, La Esperanza	Business and Human Rights, Healthy Environment, Health and ESCER	Office of the President of the Republic, National entities with competence in the matter	Working visit in collaboration with the IACHR	REDESCER accompanied this official visit of the IACHR to address issues related to the office.
Costa Rica	April 18-21/ San Jose, Carthage	ESCER, Human Mobility, Poverty.	Ministry of Foreign Affairs, Ombudsman's Office	Working and promotional visit	Visits were made to places where solid waste collection activities are carried out by people in informal labor situations.
Panama	April 29-May 5 Panama City, Panama	ESCER, Human Mobility, Poverty.	Ministry of Foreign Affairs, Ombudsman's Office, United Nations agencies, etc.	Working and promotional visit	It was possible to receive information about human mobility in the country and of people living in poverty.
United States	May 22- 31/ States of	Climate Emergency	Meeting with local, federal and tribal	Working Visit	REDESCA conducted a working visit to document the impact of the climate emergency and business

	Alaska and Louisiana		government representatives		activities on the quality of life of indigenous communities in these states.
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B. Thematic reports, annual reports and production of expert knowledge

19. In 2023, REDESCA has succeeded in achieving its objectives and has provided support to the IACHR in a wide range of activities essential to the Office of the Special Rapporteur. Among these achievements, its active participation in the country visit to Honduras and other relevant initiatives carried out during the year stands out, reflecting its crucial role in the promotion and protection of ESCER in the region.

20. During the year, REDESCA published two significant thematic reports. The first addressed Poverty, Climate Change and ESCER in Central America and Mexico in the context of Human Mobility, while the second focused on Non-Communicable Diseases. In addition, REDESCA contributed essential inputs for the preparation of the IACHR annual report, particularly for chapters IV.B and V.

21. REDESCA also played an important role in the preparation of the draft observations related to the request for an advisory opinion on climate emergency and human rights, submitted by Chile and Colombia. This work involved close coordination with the Deputy Executive Secretariat for Petitions and Cases for the finalization and presentation of the document before the Court, with the approval of the plenary of the IACHR.

C. Special statements and declarations

22. In 2023, REDESCA has played an active role in the elaboration and dissemination of press releases, focused on highlighting issues of particular concern in its area of competence, especially during the global health crisis. The Office of the Special Rapporteur published 20 press releases, which are available on its website. These press releases reflect the areas of interest and the work of the Rapporteurship during the year, providing essential and updated information on its activities and concerns⁴ :

⁴ Available at: <https://www.oas.org/es/cidh/desca/comunicados/default.asp>

Country	No.	Title	Place/Date
Brazil	15/23	IACHR and REDESCA: Brazil must guarantee the survival of the Yanomami People.	Washington DC, February 8, 2023
Regional	42/23	IACHR and REDESCA: education with an intercultural perspective is necessary to eradicate racial discrimination.	Washington DC, March 21, 2023
Regional	53/23	IACHR and REDESCA: States must guarantee human rights of trans persons and put an end to regressive measures.	Washington DC, March 31, 2023
Nicaragua	61/23	IACHR and REDESCA express concern about violations of property and social security rights.	Washington DC, April 14, 2023
Regional	66/23	IACHR presents report Pandemic and Human Rights.	Washington DC, April 17, 2023
Cuba	71/23	IACHR and REDESCA present Report on Labor and Trade Union Rights in Cuba.	Washington DC, April 21, 2023
Regional	75/23	IACHR presents report on economic, social, cultural and environmental rights of indigenous peoples and Afro-descendants in Central American countries.	Washington DC, April 25, 2023
Regional	RD82/23	REDESCA of the IACHR calls for progress in the recognition and protection of the rights of waste pickers in informal employment in the region.	Washington DC, May 1, 2023
Regional	85/23	IACHR AND REDESCA urge States to adopt comprehensive measures for the effective protection of homeless people in the Americas.	Washington DC, May 11, 2023
United States	95/23	IACHR warns against regressive health measures that impact trans and intersex youth in the United States of America.	Washington DC, May 25, 2023
United States	134/23	IACHR: United States must protect and guarantee women's right to reproductive health.	Washington DC, June 24, 2023
United States	RD153/23	REDESCA visit to Los Angeles, United States: It is urgent to address the human rights situation of homeless people.	Washington DC, July 12, 2023
Regional	RD160/23	REDESCA calls on the States of the region to put human rights at the center of their fiscal policies.	Washington DC, July 20, 2023
United States	187/23	United States: IACHR and REDESCA express solidarity with the victims of the wildfires in Hawaii.	Washington, August 18, 2023
Honduras	192/23	IACHR grants precautionary measures to members of the organization ARCAH, in Honduras.	Washington, August 18, 2023
United States	RD196/23	REDESCA visit to Louisiana and Alaska, USA: Urgent need to address the impact of the climate emergency on the human rights of indigenous peoples.	Washington, August 28, 2023
Regional	RD199/23	REDESCA publishes thematic report "Poverty, climate change and ESCER in Central America and Mexico, in the context of human mobility".	Washington, August 28, 2023

Nicaragua	201/23	Nicaragua: IACHR and its Special Rapporteurs condemn arbitrary interference with academic freedom.	Washington, August 18, 2023
Brazil	RD203/23	Visit to Brazil: REDESCA observes alarming challenges to the implementation of ESCER and calls for the adoption of urgent measures to address them.	Washington, August 30, 2023
Regional	RD205/23	REDESCA of the IACHR publishes thematic report "Non-Communicable Diseases and Human Rights in the Americas".	Washington, August 31, 2023
Regional	Y/N	REDESCA urges action against violence and discrimination against paid domestic workers	Washington, November 25, 2023

4. Promotion and Technical Assistance Activities

23. In 2023, REDESCA carried out a series of initiatives and actively participated in various activities focused on the promotion of ESCER. These activities included strengthening the capacities of civil society, academia, business and, especially, public sector institutions linked to ESCER. REDESCA also organized meetings with States, national human rights institutions, civil society organizations, companies and international entities, creating spaces for training and empowerment on issues related to its mandate. Some of these key activities are detailed below:

Activity	Subject(s)	Place/ Date	Observation
Joint meeting of the IACHR, REDESCA and the United Nations Working Group on non-discrimination of women and girls	Gender and ESCER	Online/ January 18	Organizers: United Nations Working Group on non-discrimination of women and girls
Virtual Forum on Access to Education for the Forcibly Displaced Nicaraguan Population in Costa Rica.	Education	Online/ January 20	Organizers: Coordinadora Universitaria por la Democracia y la Juventud (University Coordinator for Democracy and Youth)
DDLL meeting of employees through digital platforms	Labor Rights	Washington D.C./February 18	Organizers: UWAL
Regional Consultation on Climate Change and Displacement	Climate Emergency and Human Rights	Online/ January 23	Organizers: United Nations Office of the Special Rapporteur on Climate Change and Human Rights
Event with Summit of the Americas and USA on environmental rights	Environment	Online/ January 24	Organizers: OAS Summits Secretariat
Colombia - Presentation to the Subcommittee for Labor Reform - Labor Statute	Labor Rights	Online/January 26	Organizers: Congress of Colombia
Virtual Course "Practices for the Recognition of Self-perceived Gender	Genre	Online/ January 31	Organizers: Relatoría LGBTIQ+

Identity in Identity and Identification Documents in Latin America			
REDESCA's contributions in the face of the Climate Emergency	Environment	Online/February 9	Organizers: Max Planck Institute
Human Rights and Business Forum	Business and Human Rights	Online/February 15	Organized by: CERALC of OHCHR
Appearance before the OAS Permanent Council on Social Justice Day	Poverty and ESCER	Washington D.C./ February 22	
Congress "Environmental education and integrated water management" AVSI Mexico AC	Education; Environment	Online/ February 22	Organizers: AVSI
Expert Seminar in support of the work of the United Nations EMRIP- "Establishing effective monitoring mechanisms at the national and regional levels for the implementation of UNDRIP".	Indigenous Peoples and ESCER	Online/ February 23	Organizers: Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)
IPPDH course on human rights, development and democracy	ESCER	Online/February 28	Organized by: Mercosur Institute of Human Rights Public Policies.
Third Edition of the Digital Diploma of Leadership in Social Inclusion and Access to Rights - ESCER	ESCER	Online/March 16	Organizers: REDESCA
"Healthy environment as a Universal Human Right: implications, opportunities and challenges".	Environment	Buenos Aires/March 21	Organizers: World Forum on Human Rights 2023
Human rights, social rights and citizenship building	ESCER	Buenos Aires/March 22	Organizers: World Forum on Human Rights 2023
REDESCA-IACHR Panel "Business and human rights: a key agenda for women's rights".	Business and Human Rights	Buenos Aires/3 March	Organizers: World Forum on Human Rights 2023
Training on ESCER and non-discrimination, right to health and climate emergency in the context of human mobility	ESCER and Human Mobility	Mexico City/ April 11	Organizers: REDESCA
Training on ESCER and non-discrimination, right to health and climate emergency in the context of human mobility	ESCER and Human Mobility	Mexico City/ April 13	Organizers: REDESCA
Training on ESCER and non-discrimination, right to health and climate emergency in the context of human mobility	ESCER and Human Mobility	Tapachula/ April 15	Organizers: REDESCA
Training on ESCER and non-discrimination, right to health and climate emergency in the context of human mobility with emphasis on Nicaragua.	ESCER and Human Mobility	San José/ April 20	Organizers: REDESCA
Training on ESCER and non-discrimination, right to health and climate emergency in the context of human mobility	ESCER and Human Mobility	San José/ April 20	Organizers: REDESCA

Training on ESCER and non-discrimination, right to health and climate emergency in the context of human mobility	ESCER and Human Mobility	Panama City/ May 2	Organizers: REDESCA
GTPSS Colombia Training	ESCER	Online/April 18	Organizers: GTPSS Technical Secretariat
Opening Conference of the UNESCO Chair on Human Rights Udelar- Uruguay	ESCER	Montevideo/5 May	Organized by: Universidad de la República - Uruguay
Conversation with members of the UNESCO Chair in Human Rights	ESCER	Montevideo/May 8	Organized by: University of the Republic - Uruguay)
An Alliance with the Americas	ESCER	Washington D.C./May 11	Organized by: Spanish Presidency of the EU
First National Meeting of People's Lawyers against Pesticides	Environment	Online /2 June	Organizers: Permanent Campaign Against Pesticides and for Life, Terra de Direitos, and the National Network of Popular Lawyers.
ESCER Litigation Diploma Class	ESCER	Online/June 6	Organized by: National University of José C. Paz
Access to Justice in the Draft Treaty on Business and Human Rights: ICJ	Access to justice	Online/June 15	Organizers: International Commission of Jurists
Session "People defending Biosphere Reserves: The intersection of human rights, sustainable development and environmental values in Latin America".	Environment	Online/June 26	Organizers: UNESCO
Meeting on Business and Human Rights: urgent challenges for the coming years at ISHR	Business and Human Rights	Online/5 and July 6	Organizers: KAS/ Max Planck Institute
Meeting of ENT experts	Right to Health	Online/July 11	Organizers: REDESCA
Forum "Access to Inter-American Justice at the IACHR".	Access to justice	Washington DC/ July 21	Organizers: IACHR
Forum: Climate Emergency in the Americas	Climate Emergency and Human Rights	Washington DC/ July 24	Organizers: REDESCA and Georgetown
Workshop: "Systems and Processes of the Caribbean Court of Justice".	Caribbean Court of Justice	Online/25 July	Organizers: Caribbean Court of Justice
Conversation on the right to food with a transversal vision of Business and Human Rights.	Rights to food; Business and Human Rights	Online/August 4	Organizers: Latin American Alliance of Food and Beverage Industry Associations and the Latin American and Caribbean Regional Group of the International Beverage Council (ICBA).
International Seminar on the Right to a Healthy Environment and the Rights of Nature.	Environment	Online/August 10	Organizers: Plurinational Constitutional Court of Bolivia
Public hearing on the decree declaring a state of emergency in Colombia.	ESCER and the right to food	Online/August 11	Organized by: Constitutional Court Colombia

Diploma on Human Rights and Business	Business and Human Rights	Online/August 14	Organized by: Universidad Diego Portales
Webinar "Regional perspectives on the treaty-what would a treaty mean around the world and what still needs to be resolved in the draft?"	Business and Human Rights	Online/August 22	Organizers: OHCHR
"Tools for the Development and Strengthening of Economic, Social, Cultural and Environmental Rights (ESCER)."	ESCER	Online/August 30	Organizers: Permanent Mission of Mexico to the OAS
Expert dialogue on the application of the human rights approach to social or public services	ESCER	Geneva/3 and October 4	Organizers: Geneva Academy of International Humanitarian Law and Human Rights
Opening Plenary "The Connection between Business, Human Rights and the Environment".	Business and Human Rights; Environment	Santiago de Chile/October 11	Organizers: OHCHR
Presentation of Commentary on the Escazu Agreement	Right to a healthy environment	Santiago de Chile/October 11	Organizers: KAS
"European Union - Latin America and the Caribbean policy dialogue on multidimensional poverty, intersectional inequalities and social inclusion."	Poverty	Washington D.C./October 19	Organizers: General Secretariat of the OAS
Forum: Protecting People Displaced by Climate Change in Central America. Universal and regional standards for a comprehensive response.	Human mobility; Environment	Online/October 27th	Organizers: OHCHR
Training workshop on ESCER and non-discrimination in the ISHR, right to health and climate emergency in the context of human mobility.	ESCER	Online/November 14	Organizers: REDESCA
IIDH: Interdisciplinary Course on Human Rights 2023	ESCER	Online/November 22	Organizers: IIDH
Participatory Dialogue on the situation of migrant workers in Costa Rica	Labor Rights; Human Mobility	Online/November 28	Organized by: CEJIL

5. OAS Working Group of the Protocol of San Salvador

24. During 2023, the Office of the Special Rapporteur continued its active role in the Working Group of the Protocol of San Salvador (WGSSS) on behalf of the IACHR, with the current Special Rapporteur taking up his functions as an expert in that working group in September. In this context, the work of the Rapporteurship has included the evaluation and review of reports submitted by the States Parties, the preparation of contributions to the WGPSG, and active participation in the virtual and face-to-face sessions. In addition, REDESCA has been involved in advocacy and training activities aimed at States and civil society.

25. The Office of the Special Rapporteur has focused on strengthening existing mechanisms and fostering collaboration with the IACHR, with the aim of consolidating a robust platform for the promotion and protection of ESCER within the OAS and among its member states. In addition, a key aspect of its strategy has been to promote the ratification of the Protocol of San Salvador by those States that have not yet ratified it, thus reinforcing the regional commitment to economic, social, cultural and environmental rights.

6. Financing

26. REDESCA began operations in September 2017 with funds mostly from the Spanish Fund at the OAS, supplemented by contributions from Swiss cooperation and voluntary contributions from Argentina, Peru, Paraguay and Uruguay, originally earmarked for one year. By obtaining new specific allocations, REDESCA has continued its work, despite not receiving funds from the regular OAS budget.

27. In 2023, REDESCA completed the fourth year of the Norwegian-funded project, which was originally planned for four years. This project, under the current management, has the potential to be extended until April 2024. This effort is being carried out in parallel with other funding initiatives in response to the financial challenges faced at the beginning of the current administration.

28. In this context, we are grateful for the support received from the IACHR and its Executive Secretariat, but also especially to donors and counterparts who have supported and expressed their support for REDESCA in the future, especially the cooperation of Spain through the Spanish Fund for the OAS (FEPO), Norway through its Embassy in Mexico City, the Pan American Development Foundation (PADF) through joint projects with the Executive Secretariat of the IACHR, the O'Neill Institute for Health and Human Rights of Georgetown University, Women in Informal Employment: Globalizing and Organizing (WIEGO), among others.

29. Over the course of 2023, the OXFAM-UCLA fellowship initiative has been maintained, and has been strengthened with the incorporation of new associate staff provided by the Brazilian Public Ministry of Labor, reflecting a continued effort to expand the capacities of the Special Rapporteurship.

30. The Office of the Special Rapporteur has also continued to develop valuable links with other areas and bodies of the OAS; the United Nations System, including agencies, special procedures and the Committee on Economic, Social and Cultural Rights; 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, academic institutions, as well as with other international organizations.

31. REDESCA recognizes that the achievements and progress reported in this report have been made despite financial constraints, within a particularly challenging framework at the beginning of the current administration as of September 2023. It is imperative to underscore the importance of continued financial support from member and observer states, as well as donors allied with the objectives of the mandate, to ensure the sustainability and strengthening of the crucial work of the Special Rapporteur.

7. Staff

32. The Office of the Special Rapporteur carried out its activities under the direction of Special Rapporteur Soledad García Muñoz, followed by the management of Special Rapporteur Javier Palummo, who took office in September 2023. During the year, REDESCA benefited from the technical support of the following consultants Paula Mora (Colombia), Daniel Noroña Torres (Ecuador/USA), Andrés de Cicco (Argentina), and María Victoria Faroppa (Uruguay), as well as Rodrigo Mesquita (Brazil) as associate staff and communications consultant José Domingo Sagüés (Chile).

33. During 2023 REDESCA has also benefited from the special collaboration of fellow Lina Cordoba (UCLA, Colombia), and interns Victoria Gerbaldo (Argentina), Carolina Russo (Argentina), Aura Sabillón (Honduras), Fátima Gaytán (Mexico) and volunteer Justo Arias (Argentina): Victoria Gerbaldo (Argentina), Carolina Russo (Argentina), Aura Sabillón (Honduras), Fátima Gaytán (Mexico) and volunteer Justo Arias (Argentina).

34. For its part, the Office of the Special Rapporteur also recognizes the support provided by the students at the universities that supported REDESCA's work during 2023. REDESCA had the support of the Boston College Human Rights Practicum led by Professor Daniela Urosa.

35. The Special Rapporteur deeply appreciates those who have supported the office in 2023 and wishes success to the former Special Rapporteur in her new initiatives. He highlights his gratitude to the Inter-American Commission on Human Rights, the Executive Secretary Tania Reneaum Panszi, the Deputy Secretaries led by María Claudia Pulido and Jorge Meza Flores, with special recognition to Luiz Marcelo Azevedo, Ivonne Cifuentes and Flor Elba Castro-Hughes, for their essential support in administrative and project management. It also thanks the Special Rapporteur for Freedom of Expression, Pedro Vaca Villarreal, for the valuable exchange of knowledge and promising future collaboration.

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

I. INTRODUCTION AND METHODOLOGY

37. The Special Rapporteurship has based its work on data obtained through country visits, ex officio investigations, and contributions from the IACHR's follow-up mechanisms on the situation in the Member States. This includes public hearings, thematic visits and requests for information under Article 41 of the American Convention on Human Rights and Article 18 of the IACHR Statute. In addition, it has integrated information from precautionary measures, contributions from civil society, academia, press reports, reports from the Working Group of the Protocol of San Salvador and recommendations from specialized international bodies, among other relevant sources.

38. For its part, as part of the preparation of the IACHR Annual Report, REDESCA provided the inputs required for the preparation of Chapters IV.B and V of the Commission's annual report, in relation to the topics of the Office of the Special Rapporteur 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 regarding the situation of ESCER with respect to the 35 countries of the region.

39. In all cases, the sources used are cited as established in Article 59, paragraph five, of the Commission's Rules of Procedure. The variety of information used depends on the availability of data and sources per country, with no intention of comparing between countries, but rather with the objective of reflecting the key findings of REDESCA in its monitoring work throughout 2023.

40. The methodology used by REDESCA ensures rigorous regional monitoring, within available resources. Its objectives, outlined in the strategic agenda, are aligned with the UN Sustainable Development Goals. An institutional and contextual analysis methodology has been adopted by UNDP⁵, guided by inter-American and universal ESCER standards.

41. REDESCA groups the data in this report according to its availability and relevance by country, focusing on the strategic areas of the 2021-2023 Agenda. These include the right to health and its social determinants, 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 perspective, education, science and technology with an emphasis on academic freedom and university autonomy, and human mobility related to ESC rights.

42. The methodology adopted by REDESCA has facilitated precise monitoring, focused on critical issues. In particular, in the strategic line of the right to health, the focus has been on documenting violations of this right, both those arising from the pandemic and those derived from structural problems identified by the Office of the Special Rapporteur.

43. In the area of climate emergency and the human right to water, REDESCA focuses its analysis on the effects of climate change and climate events in the region, especially on ESCER and the right to water. Regarding business and human rights, it evaluates state compliance with international obligations in this area, based on the report on the subject of the Rapporteurship and other relevant standards.

44. In the section on labor and trade union rights, REDESCA examines aspects of the right to work and trade union rights based on available information, paying special attention to state actions with a potentially regressive impact on these rights. With respect to fiscal and economic policies, the analysis focuses

⁵ United Nations Development Programme, [Institutional and Contextual Analysis for the SDGs](#), August 2017, p. 5.

on the management of state budgets in terms of effective guarantee of rights and reduction of social inequalities.

45. In the section on education, REDESCA not only evaluates the guarantee of the right to education, but also considers aspects of academic freedom and university autonomy. Finally, in relation to human mobility and ESC rights, the section focuses on how situations of human mobility impact on the ESC rights of people in such a context, as well as the underlying motives that produce these massive movements of people.

II. INFORMATION BY COUNTRY

1. ANTIGUA AND BARBUDA

47. With regard to challenges, the Office of the Special Rapporteur expresses its concern over the State's failure to accede to the American Convention and its Protocol of San Salvador, which poses a challenge in terms of commitment to ESCER. However, the signing and ratification of the Escazú Agreement is positively recognized.

48. REDESCA welcomes the recovery of economic activity in Antigua and Barbuda after the significant decline experienced during the pandemic, particularly in the tourism sector. In addition, it highlights the reduction of inflation to 5% in July 2023 as a positive indicator. According to the IMF, the State is making efforts to develop poverty indices based on the results of the Labour Force Survey⁶. Additionally, REDESCA takes note of the work underway to develop a producer price index in the services sector, update the labor force survey, modernize national accounting data with methodological improvements, and improve external sector statistics. These actions are essential to provide a solid and reliable basis for policy decisions and for a better understanding of the country's socioeconomic challenges and developments⁷.

A. Right to health and social determinants

49. Regarding the right to health, REDESCA recognizes and values the State's initiative to initiate the development of an Emergency Medical Team. This team is designed to respond to emergencies and health contingencies at the national and, potentially, regional level, especially in the context of handling incidents related to COVID-19, an emergency declared in 2020⁸.

50. The Rapporteurship also takes note of government investments aimed at combating the spread of non-communicable diseases such as diabetes, hypertension and cancer⁹. This investment is crucial, considering that these diseases are the leading cause of mortality, morbidity and disability in the Caribbean region¹⁰. Likewise, in Antigua and Barbuda, the number of deaths from diabetes or chronic kidney disease due to diabetes in recent years was significant¹¹. In Antigua and Barbuda, mortality rates from diabetes or chronic kidney disease resulting from diabetes have been particularly alarming in recent years, representing 0.68% of the total population according to data from the Pan American Health Organization (PAHO)¹².

51. In terms of health coverage, REDESCA has tracked corresponding rates in recent years. According to a WHO report on country progress towards achieving universal health coverage as part of SDG

⁶ IMF, [Antigua and Barbuda Staff Concluding Statement of the 2023 Article IV Mission](#), September 29, 2023.

⁷ Ibid.

⁸ PAHO, [Antigua and Barbuda moves forward to form its first national Emergency Medical Team \(EMT\)](#), February 24, 2023.

⁹ Antigua Observer, [Minister of Health addresses the spread of Non-Communicable Diseases at United Nations meeting](#), September 27, 2023.

¹⁰ Antigua Observer, [Regional CARPHA launches Diabetes Nutritional Management Toolkit for persons living with diabetes, & healthcare professionals](#), July 20, 2023.

¹¹ PAHO, [Diabetes disease burden profile 2023: Antigua and Barbuda](#), August 16, 2023.

¹² Ibid.

monitoring, Antigua and Barbuda's service coverage rate stood at 76% in 2021¹³. While this translates to a 1% increase over 2019, it is below the rates achieved in 2015 and 2017¹⁴.

52. In addition, the Rapporteurship has learned of the closure of the Eastern Caribbean Cancer Center in April after its main shareholder closed it due to "lack of viability"¹⁵. It is noted that, given this situation, cancer patients have been forced to travel to other countries to receive the necessary care, and the financing provided by the State for this purpose is highlighted. However, there is concern about the high additional costs that they and their companions have to face in terms of food, lodging and internet, which could jeopardize their access to health care¹⁶.

53. Finally, the Rapporteurship expresses concern about the increase in cases of dengue fever, with 43 patients confirmed up to October, surpassing the record of 2019¹⁷. In this regard, the Rapporteurship highlights the measures carried out by the government, such as housing inspections, nebulization, dissemination of educational materials and increased testing for the disease¹⁸.

B. Climate emergency and the human right to water

54. REDESCA recognizes and values the environmental initiatives undertaken by the State, including the implementation of two wind farms with 13 wind turbines. These projects are expected to contribute significantly to the production of clean energy, with an expected reduction of approximately seven thousand metric tons of carbon emissions per year¹⁹.

55. Also noteworthy are the measures adopted that enabled the State, in conjunction with the work of civil society organizations, to recover more than 30,000 hectares of vegetation on Redonda Island²⁰. In seven years, the island went from being a desert and arid terrain to being declared a protected area and named Redonda Ecosystem Reserve²¹ for its extensive vegetation, in a significant step forward for the right to a healthy environment in the country.

56. The government's efforts to provide water storage tanks to farmers in the country under the "Addressing the Water-Energy Nexus in Agriculture" (WEF) project of the "Resilient Caribbean Initiative"²² are also noteworthy. In this context, the Food and Agriculture Organization of the United Nations (FAO) stated that as the effects of climate change become more evident, with rising sea levels and changing rainfall patterns, the availability and quality of freshwater is decreasing, while the frequency and severity of droughts are increasing, affecting agricultural production.

¹³ WHO, [Universal Health Coverage 2023 Global Monitoring Report](#), September 18, 2023.

¹⁴ Ibid.

¹⁵ Antigua Observer, [Cancer support group to host fundraiser for patients forced to travel overseas](#), September 21, 2023.

¹⁶ Ibid.

¹⁷ Antigua News Room, [Surge in Dengue Fever Cases in Antigua and Barbuda Sparks Concern Among Health Authorities](#), October 27, 2023.

¹⁸ Ibid.

¹⁹ Prensa Latina, [Antigua and Barbuda bets on wind energy](#), July 20, 2023.

²⁰ Editor, [How a Caribbean island went from near-desert soil to a model of environmental recovery](#), October 22, 2023.

²¹ Prensa Latina, [Antigua and Barbuda declares new protected area](#), September 6, 2023.

²² FAO, [FAO and the Government of Mexico offer critical support to farmers affected by drought in Antigua and Barbuda](#), June 8, 2023.

57. Antigua and Barbuda face significant climate emergency challenges, with water deficit being one of the most critical. According to the Regional Dialogue for Action on Water in Latin America and the Caribbean, the country has been classified as one with water scarcity²³. In this regard, it is noted that the greatest threats to water security in the Caribbean are generated by climate change impacts, particularly floods, landslides, watershed degradation, sea level rise, storm surges, coastal erosion, salinization of freshwater sources and drought²⁴.

58. During the months of June through October, six hurricanes were recorded in Antigua and Barbuda, with one reaching the highest category on the intensity scale. In addition, 17 tropical storms formed and caused intense flooding on the islands, forcing many residents to take refuge in shelters.^{25,26} In parallel, the weather events intensified significant fires, resulting in the loss of approximately 100 jobs and the need for 30 search and rescue operations²⁷. According to the U.S. National Oceanic and Atmospheric Administration, the hurricane season in the Atlantic would be "above normal"²⁸. In this context, the Rapporteurship underscores the urgency of implementing effective measures to minimize the impact of climate disasters on the exercise of the human rights of the affected population.

C. Labor and union rights

59. The Rapporteurship welcomes the improvements in revenue and wage restraint that have made possible an offset to fiscal measures taken to limit the impact of rising global food and fuel prices²⁹. However, it notes that the Antigua and Barbuda Union of Teachers (ABUT) has been engaged in strikes and complaints regarding the lack of back pay, salary updates for 336 teachers, lighting in schools, 2022 of certain teachers, as well as the absence of security personnel and poor working environments³⁰.

D. Fiscal and economic policies

60. REDESCA welcomes Antigua and Barbuda's transition to renewable energy, which, according to the International Renewable Energy Agency, could mean a 40% reduction in energy costs for the country³¹. It also welcomes the launch of the Climate Resilience and Development Fund, which according to the International Monetary Fund (IMF) could help co-finance climate-related projects³².

²³ Seven Seas Water Group, [Caribbean countries are among the most water-stressed](#), April 24, 2023.

²⁴ UNESCO, United Nations [World Water Development Report 2023: Partnerships and Cooperation for Water, Executive Summary](#), 2023.

²⁵ Agencia EFE, [The center of tropical storm Philippe made landfall on the island of Barbuda](#), October 3, 2023.

²⁶ Reuters, [Tropical Storm Philippe brings flash flooding to Eastern Caribbean](#) October 3, 2023.

²⁷ Prensa Latina, [Tropical Storm Philippe unleashes fire in Antigua and Barbuda](#), October 3, 2023.

²⁸ NOAA, [NOAA Releases Updated 2023 Atlantic Hurricane Season Outlook](#), August 11, 2023.

²⁹ IMF, [Antigua and Barbuda Staff Concluding Statement of the 2023 Article IV Mission](#), September 29, 2023.

³⁰ Antigua Observer, [Ministry of Education asks teachers to return to work in light of already addressed matters](#), April 15, 2023.

³¹ IMF, [Antigua and Barbuda Staff Concluding Statement of the 2023 Article IV Mission](#), September 29, 2023.

³² Ibid.

2. ARGENTINA

61. REDESCA recognizes and appreciates that the State has ratified both the American Convention, the Protocol of San Salvador, as well as the Escazú Agreement. Argentina is encouraged to continue strengthening the implementation of these measures, which will further consolidate its adherence to human rights principles in these essential areas.

62. The Special Rapporteur highlights the regulation of Law No. 27,654, approved in December 2021 and regulated by Decree 183/2023. The objective of this law is the comprehensive protection and guarantee of the human rights of persons in street situations and at risk of being so throughout the Argentine territory³³.

63. Without detracting from the above, REDESCA expresses its concern about the alarming poverty rates that persist in Argentina. According to the National Institute of Statistics and Census (INDEC), poverty has increased significantly, from 39.2% in 2022 to 40.1% in the first half of 2023. Thus, four out of ten people would be in poverty. Particularly noteworthy for REDESCA is that more than 56.2% of children and adolescents (NNA) are below the poverty line³⁴. The most affected region is the Northeast, while Patagonia has the lowest levels. In addition, indigence has increased from 8.1% to 9.3%³⁵.

A. Right to health and social determinants

64. The Office of the Special Rapporteur highlights Argentina's recognition of international responsibility following the judgment of the IACHR Court in the case of Brítez Arce et al. v. Argentina, the first time that the IACHR Court has recognized obstetric violence in a contentious case. Despite this progress, additional cases of obstetric violence have been reported. Therefore, the country is urged to intensify training in the health field, ensuring that professionals are fully informed about reproductive rights and international regulations³⁶.

65. REDESCA commends the Argentine State for its proactive measures to guarantee the right to health, including the significant allocation of financial resources in mental health, with an investment of 41,122 million pesos in 2023, representing 10.1% of the total health budget³⁷. The Special Rapporteurship urges the State to maintain its momentum in this area, as well as in the efforts made in the implementation of booster doses of the COVID-19 vaccine. Throughout the first half of the year, a significant increase in cases has been observed, which underscores the need to continue with the administration of booster doses, especially in vulnerable groups where vaccination is crucial to prevent serious conditions and long-term sequelae of the disease. These actions reflect a continued and focused commitment of the Argentine State to public health and the welfare of its citizens, in line with the principles of protection and promotion of human rights in the field of health³⁸.

³³ National Gazette, Regulatory Decree 183/2023 National Executive Branch, April 5, 2023.

³⁴ Clarín, [UNICEF Report: Two out of every three children in Argentina are poor or deprived of basic rights](#), February 15, 2023.

³⁵ INDEC, [Incidencia de la pobreza y la indigencia en 31 aglomerados urbanos](#), Condiciones de vida Vol. 7, No. 16, first half of 2023.

³⁶ Ministry of Women, Gender and Diversity, [Brítez Arce Case: The Argentine State recognized its international responsibility](#), March 22, 2023.

³⁷ Télam, [Por primera vez, Argentina destó a la salud mental el 10% del presupuesto sanitario](#), September 7, 2023. MendoVoz, [Argentina earmarked 10% of health budget for mental health](#), September 7, 2023.

³⁸ Infobae, [Only 15% of girls and boys aged 5 to 11 have a COVID booster](#), March 5, 2023.

66. REDESCA is concerned about the significant increase in the number of dengue cases in Argentina, where up to epidemiological week 14 of 2023, 41,257 cases were reported, of which 37,914 were acquired in the country³⁹. This increase, which includes the co-circulation of dengue and chikungunya in several jurisdictions, evidences a health emergency that requires immediate attention. In addition, climate change has favored the expansion of the *Aedes aegypti* mosquito, the main vector of dengue, to more southern regions of the Americas, which has led Argentina to experience the worst dengue outbreak in its history with 56,000 infected and 39 deaths by May 2023. REDESCA urges the Argentine State to adopt effective adaptation and prevention measures, particularly in the elimination of mosquito breeding sites and in the promotion of public health, to protect the most vulnerable groups and mitigate the impact of these outbreaks on the population⁴⁰.

B. Climate emergency and human right to water

67. REDESCA has taken note of the worrying signs of climate emergency in Argentina, highlighting the high temperatures that set a new record this year. According to the National Meteorological Service report, the worst temperature increase since 1961 was recorded. At the same time, the country experienced the worst drought in the last 60 years⁴¹. These extreme events have triggered devastating effects, such as forest fires and critical situations for the most vulnerable populations⁴².

68. There is also growing concern about the increase in illegal deforestation in the north of the country. In the first six months of this year, 51,600 hectares were deforested, representing an increase of 25% over the same period last year⁴³. In addition, the lack of rainfall and prolonged periods of drought have triggered flooding in several territories, a problem that has persisted for several years⁴⁴.

69. In addition, the Office of the Special Rapporteur is concerned about the expansion of mining projects, especially those related to lithium, which pose both environmental and social challenges. Regarding the situation in the provinces, the Rapporteurship has received information on the conflicts in the province of Jujuy and the repression of protests by indigenous communities, social organizations and trade unions⁴⁵. In this context, the IACHR urged the State to respect the right to freedom of expression, the Inter-American standards on the use of force and to carry out a process of effective, inclusive and intercultural dialogue, respecting the rights of trade unions and indigenous peoples.

C. Business and human rights

70. In the area of business and human rights, REDESCA recognizes the efforts of the Argentine State in the development of its first National Action Plan on Business and Human Rights. This plan seeks to protect, respect and guarantee human rights in the face of possible negative consequences of business activities⁴⁶. However, the Rapporteurship expresses concern about reports that point to the lack of adequate

³⁹ Infobae, [Dengue cases in Argentina grew 252% in one week](#), February 20, 2023. National Ministry of Health. [Salud actualiza la situación epidemiológica de dengue y chikungunya en Argentina y recuerda medidas de prevención](#), 15 April 2023.

⁴⁰ elDiarioAR. [Climate change favors expansion of dengue fever in Argentina](#). May 10, 2023.

⁴¹ Chequeado, [Historical drought in Argentina: what the available data say](#), May 9, 2023.

⁴² France 24, [With extreme heat and drought, Argentina suffers its most torrid summer](#), March 9, 2023.

⁴³ Greenpeace, [2023 started with more illegal deforestation in Northern Argentina](#), August 7, 2023.

⁴⁴ Clarín, [Alarming: 55% of Argentina is under drought and losses are increasing](#), January 9, 2023.

⁴⁵ OAS, [IACHR: Argentina must respect standards for provincial use of force during protests in Jujuy](#), June 20, 2023.

⁴⁶ Ministry of Foreign Affairs, International Trade and Worship, [Work Plan for the Development of the First National Action Plan on Business and Human Rights \(2023-2026\) of the Argentine Republic](#), updated as of June 2023.

consultation and information for indigenous peoples in this process⁴⁷. These communities, frequently affected by business activities, especially in the mining and energy sectors, face violations of their rights to lands, territories and natural resources. In addition, the impact of extractive industries and agricultural expansion impose serious difficulties on the exercise of their traditional economic activities, often leading to the loss of control over their lands and resources, contamination of water resources, and deterioration of health and social cohesion⁴⁸. REDESCA stresses the importance of the Argentine State and companies respecting Inter-American standards, guaranteeing consultation and free, prior and informed consent of indigenous peoples in projects that affect them.

71. The United Nations Working Group on Business and Human Rights, during its official visit to Argentina in February 2023, highlighted the critical situation of indigenous peoples in the face of the impact of extractive industries and agribusiness. The Group noted that the main impacts include the lack of consultation processes and free, prior and informed consent, economic displacement, loss of livelihoods, violations of labor rights, gender and diversity discrimination, violation of the rights of persons with disabilities, and serious impacts on health and the environment. There have been reports of violent evictions of indigenous communities to enable business projects, as well as structural discrimination and barriers to access to essential services. In addition, failures have been identified in the environmental impact assessment and concerns about unconventional extraction of hydrocarbons and minerals⁴⁹.

72. Along the same lines, information has been received about the impact on the health of indigenous and rural communities due to extractive and agricultural activities. This includes effects as a result of the consumption of water allegedly contaminated with heavy metals, increased exposure to dust and its consequences on the respiratory system of the population, the extensive use of biocides in areas close to communities, as well as massive hospitalizations due to aerial and terrestrial spraying, among other effects⁵⁰.

D. Labor and union rights

73. REDESCA salutes the Argentine government for promoting free insurance for delivery and courier workers, which will come into force on December 5, 2023. In this regard, it should be noted that this insurance has coverage throughout the country, includes civil liability coverage against third parties, provides coverage for accidental death, total or partial permanent disability, medical assistance, burial service and a daily income for hospitalization in the event of an accident.⁵¹

74. In the area of labor rights, REDESCA takes note of the statistics provided by INDEC, which have shown during the second quarter of 2023, that the unemployment rate was 6.2%, although a stabilization in the level of employment and a decrease in the number of people looking for work can be observed. The figures reveal that young people have been particularly affected, and the unemployment rate is higher among women (6.9%) than among men (5.7%). The report also shows that almost half of those employed have informal jobs, and nearly 70% of the jobs created since the beginning of the pandemic do not meet the conditions of formality⁵².

⁴⁷ Human Rights Council, [A/HRC/53/24/Add.3](#), 23 June 2023, para. 18.

⁴⁸ Ibidem, paras. 50-53, and 75.

⁴⁹ Ibidem, para. 46. LAC, Land Coalition (2023). [Report of the United Nations Working Group on Business and Human Rights to Argentina](#).

⁵⁰ Ibidem, para. 75/85-87.

⁵¹ Télam, [Delivery: Massa's free insurance for workers comes into effect](#), November 7, 2023.

⁵² INDEC, [Technical Reports / Vol. 7, No. 195, Labor Market. Rates and socioeconomic indicators \(EPH\)](#), second quarter 2023.

75. On the other hand, the Special Rapporteurship is also concerned about the lack of inclusion policies for persons with disabilities in both public and private companies; the allegations of non-compliance with Law 27,636 on Promotion of Access to Formal Employment for Transvestites, Transsexual and Transgender Persons "Diana Sacayán-Lohana Berkins" and the information regarding the increase of child labor in the agricultural and textile sectors, which increased from 16% in 2019 to 24% in 2022⁵³.

E. Fiscal and economic policies

76. REDESCA notes that the economy is expected to recover faster than expected after the pandemic, with a 15.6% increase in GDP in 2021 and 2022⁵⁴. However, there is concern that in the last 4 months of 2022 economic activity would have contracted as a result of measures to sustain reserve accumulation and a historic drought⁵⁵.

77. At the same time, in a context where year-on-year inflation exceeded 100%, the Government's measures to alleviate the impact on individuals' economies have been noted. Thus, bonuses were granted to employees of the public and private sectors; retirees and pensioners; employees of private homes and price agreements were signed related to food and mass consumption, fuel and medicines⁵⁶. Likewise, REDESCA notes that income was reinforced for beneficiaries of the "Potenciar Trabajo" program, which seeks to "improve employment and generate new productive proposals in order to promote full social inclusion for people who are in a situation of social and economic vulnerability"⁵⁷. A new Emergency Family Income was also granted to face the high price increases in basic goods and services⁵⁸ and the Income Tax was modified, which implied the elimination of this tax burden for 800,000 workers and retirees⁵⁹.

78. On the other hand, it is observed that the loss of purchasing power of salaries in the country⁶⁰, together with rental legislation, are critical elements that hinder access to housing⁶¹. This problem is intensified in large cities due to the rising cost and scarce supply, exacerbated by the proliferation of temporary rentals⁶². This panorama is aggravated by the realization that the minimum living and mobile wage, for December 2023, remains below the indigence basket⁶³, and this situation has generated protests and social mobilizations throughout the country⁶⁴.

F. Right to education: academic freedom and university autonomy

⁵³ UNICEF Argentina, [Rapid Survey on the situation of children and adolescents 2022. Sixth round](#), August 2022.

⁵⁴ World Bank, [Argentina: overview](#), updated April 4, 2023.

⁵⁵ Ibid. IMF, [IMF staff and Argentine authorities reach staff-level agreement on the combined fifth and sixth reviews of the Fund's Extended Fund Facility arrangement](#), July 28, 2023.

⁵⁶ Infobae, [Las 12 medidas que anunció Massa: quién cobrarán bonos y aumentos y cuáles son todos los sectores beneficiados](#), August 28, 2023.

⁵⁷ Ministry of Social Development of Argentina, [Potenciar Trabajo](#).

⁵⁸ Cronista, [New ANSES IFE: the keys to take into account to collect the \\$94,000 bonus](#) October 11, 2023

⁵⁹ CNN, [Las claves de la modificación del impuesto a las ganancias aprobada esta semana en Argentina](#), September 29, 2023.

⁶⁰ The country, [Argentina's inflation exceeds 100% for the first time since 1990](#), March 14, 2023.

⁶¹ El Diario AR, [According to the "picture" of the 2022 Census, in Argentina there are only 2,962 homeless people](#), February 1, 2023.

⁶² Scope, [Occupational crisis: temporary rentals affect access to housing](#), February 18, 2023.

⁶³ El Economista, [Minimum Wage: increases 32.2% and will reach \\$156,000 in December](#), September 27, 2023.

⁶⁴ Página 12, [Mobilization and rejection of the Wage Council agreement](#), September 28, 2023.

79. REDESCA highlights the State's adherence to the Commitment to Action for Basic Learning and to the declaration "My Education, Our Future", promoted by UNESCO and other international organizations, with the objective of guaranteeing that the most marginalized children develop the fundamental learning to achieve their full potential and participation in society⁶⁵.

80. Also, the Special Rapporteurship highlights the decrease in school dropout. According to a study conducted by the NGO "Argentinos por la Educación", school dropout fell in all provinces and reached a decrease of 9.3% nationally between 2018 and 2022⁶⁶. However, 244 million children and young people are out of school, 771 million adults are illiterate and 40% of students who reach the end of high school are in poverty⁶⁷. According to data corresponding to 2021, 13.2% of students in state-run schools and 31% in rural schools did not have Internet access, which shows a marked difference with private schools, where only 1.9% still do not have connectivity⁶⁸.

81. At the same time, the figures regarding school performance are worrying. Some studies show that only 13 out of every 100 students who started elementary school in 2011 finished secondary school on time in 2022 and with satisfactory knowledge of the subjects Language and Mathematics⁶⁹. In turn, 46% of 3rd grade primary school students are at the lowest reading level according to the Regional Comparative and Explanatory Study coordinated by UNESCO, with the participation of 16 countries in the region⁷⁰.

82. REDESCA takes note of the numerous infrastructure problems that exist in many educational institutions. According to a report made by the Secretary of Working Conditions and Environment of the Education Workers Union, more than 40% of public schools in the Autonomous City of Buenos Aires have some kind of infrastructure problem: electrical deficiencies, lack of air conditioning and ventilation, falling roofs and closed emergency exits⁷¹. At the same time, an average of 350 hours per day were lost due to school infrastructure problems, which impacted more than 50,000 students, most of them from the southern area of the city⁷².

83. Furthermore, the Special Rapporteur is concerned that, according to available information, half of Argentina's provinces have reduced their education budgets⁷³ and that the 2023 education budget at the national level was the second lowest in 11 years, representing a 15.5% cut compared to 2022⁷⁴.

⁶⁵ UNESCO, [Argentina adheres to the Commitment to Action for Basic Learning and Declaration: My Education, Our Future](#), August 3, 2023.

⁶⁶ Míguez, P., Bonelli, S. & Nistal, M., [Trayectorias escolares: How many students drop out of high school in Argentina? Observatorio de Argentinos por la Educación](#), 2023.

⁶⁷ Aptus Propuestas Educativas, [Los desafíos para la educación en Argentina 2023](#), February 7, 2023.

⁶⁸ Montes, N., Nistal, M. and Orlicki, E. - Observatorio de Argentinos por la Educación, [Conectividad y sistemas de gestión escolar](#), 2023.

⁶⁹ Kit, I., M., Nistal, M. and Sáenz Guillén, L. - Observatorio de Argentinos por la Educación, [Índice de Resultados Escolares: ¿Cuán estudiantes llegan al final de la secundaria en tiempo y forma](#), 2023.

⁷⁰ Tiramontii, G., Nistal, M & Orlicki, E. - Observatorio de Argentinos por la Educación, [Lectura y desigualdad. Comparisons between Argentina and Latin America](#), 2023.

⁷¹ UTE, [Más del 40% de las escuelas porteñas tiene algún problema de infraestructura](#), March 16, 2023.

⁷² Tiempo Argentino, [Due to infrastructure problems, more than 33,000 hours of classes were lost in Buenos Aires schools](#), July 31, 2023.

⁷³ Curcio, J., Nistal, M. & Volman, V. - Observatorio Argentinos por la Educación, [Financiamiento educativo provincial](#), 2023.

⁷⁴ Curcio, J., Catri, G. & Nistal, M. - Observatorio Argentinos por la Educación, [Presupuesto educativo nacional 2023](#), 2022.

G. Human mobility and ESCER

84. According to data provided by UNHCR as of August 2023, Argentina registered a total of 231,138 people, including refugees, asylum seekers and migrants, of which more than 220,000 come from Venezuela⁷⁵. In this context, REDESCA welcomes the commitment expressed by government authorities regarding the 2023-2024 Response Plan presented by the R4V Platform, aimed at providing assistance to Venezuelan refugees and migrants in Argentina⁷⁶.

85. Likewise, the Office of the Special Rapporteur is concerned that the socioeconomic instability of the country, the increase in the prices of basic goods and services, as well as labor informality, have generated reductions in the opportunities for socioeconomic integration of these refugees and migrants in the country⁷⁷.

⁷⁵ UNHCR, [Fact Sheet - Argentina](#), August 2023.

⁷⁶ UNHCR, [Argentina: 18 civil society organizations and the United Nations that make up the R4V Platform presented the 2023-2024 Response Plan](#), February 21, 2023.

⁷⁷ R4V, [Plataforma de Coordinación Interagencial para Refugiados y Migrantes de Venezuela](#), May 17, 2023.

3. BAHAMAS

86. The Office of the Special Rapporteur expresses its concern since the State of The Bahamas has neither signed nor ratified the American Convention or the Protocol of San Salvador at the Inter-American level. Nor has it done so with respect to the Escazú Agreement. This situation represents a limitation in terms of commitment to ESCER at the inter-American and regional levels.

A. Right to health and social determinants

87. Regarding the situation in the Bahamas, the Special Rapporteurship highlights the granting of a new loan by the Inter-American Development Bank, amounting to US\$5.6 million, focused on improving health care, increasing primary care coverage and modernizing the health system⁷⁸. According to the World Health Organization's Global Health Monitoring Report, health coverage in the country reached 77% in the year 2021⁷⁹. This figure reflects a 2% decrease compared to the periods of 2017 and 2019, which raises certain considerations regarding the evolution of access to health services in the national⁸⁰.

88. REDESCA expresses its concern about the situation faced by the communities of Spring City in the Bahamas, related to the burning of debris in nearby landfills. According to accounts from residents, this problem has worsened since the passage of Hurricane Dorian in 2019. The continued burning of household garbage and debris has generated a significant accumulation of smoke and debris, raising serious concerns about potential health risks to people residing in the area.⁸¹

89. The Special Rapporteur is concerned about the threat of extinction faced by the queen conch in the Bahamas, a key species in both cultural and nutritional terms for the population. Overfishing is leading fishermen to gradually move away from the coast in search of these mollusks, which endangers their sustainability and, therefore, the right to food of the Bahamian people.⁸²

B. Climate emergency and the human right to water

90. REDESCA is concerned about the findings of recent studies indicating that rising global temperatures will progressively restrict the Bahamas' adaptation options in the face of climate change. Such conditions are exacerbated by the increasing intensity of tropical cyclones, sea level rise and ocean acidification⁸³.

91. The Special Rapporteur recognizes the initiatives of the Government of the Bahamas, which has announced the implementation of significant works for the redevelopment of Grand Bahama International Airport. It is expected that these works will promote the use of renewable energy, contribute to the reduction of greenhouse gas emissions and promote proper waste management. The project is a substantial investment financed through a USD 400 million loan from the UK Export Credit Agency, with the aim of completing the first phase by early 2025.

C. Business and human rights

⁷⁸ The Tribune, [\\$5.6m grant signed with IDB for health infrastructure](#), April 6, 2023.

⁷⁹ WHO, [Universal Health Coverage 2023 Global Monitoring Report](#), September 18, 2023.

⁸⁰ Ibid.

⁸¹ The Tribune, [Abaco Dump burning poses health concern](#), March 28, 2023.

⁸² The Nation, [Queen conch overfishing threatens Bahamian life form](#), April 6, 2023.

⁸³ St Vincent Times, [The Bahamas at risk from 1.5°C temperature rise](#), March 10, 2023.

92. REDESCA recognizes and values the government's initiative to distinguish ten companies with awards for their contribution to energy efficiency and carbon emissions reduction. This action reflects a positive government effort towards the promotion of sustainable and responsible practices in the business sector.⁸⁴.

D. Labor and union rights

93. The Office of the Special Rapporteur has been informed of the Bahamian government's statements before the UN Human Rights Council, in which it mentions that it is in the process of revising the Employment Act to resolve the discrepancies between the legal age for completing compulsory education and the minimum legal age for entering the labor market⁸⁵. REDESCA urges the State to continue these efforts and to adopt the necessary measures to ensure the comprehensive protection of the rights of children and adolescents in the educational and labor sphere, in accordance with international human rights standards.

E. Fiscal and economic policies

94. The Special Rapporteur takes note of World Bank projections that estimate economic growth for the Bahamas at 4.1% to 4.3% in 2023 for the Bahamas⁸⁶. However, it is noted that the country's main economic vulnerability lies in its level of external debt, which has experienced a significant increase as a result of the financial exigencies caused by Hurricane Dorian and the COVID-19 pandemic. This debt represents 86.9% of the Gross Domestic Product, and the country has set a goal of reaching a debt to GDP ratio of 65% by fiscal year 2026/2027⁸⁷, a situation that warrants continuous monitoring due to the potential implications for the economic and social rights of the population⁸⁸.

F. Human mobility and ESCER

95. REDESCA expresses its dismay at the measures adopted by the Government of The Bahamas in the area of migration policy. In particular, the Ministry of Labor and Immigration has proceeded with deportations, ignoring requests from the United Nations⁸⁹ for their suspension, particularly regarding the Haitian community⁹⁰. Also of concern is the adoption of more rigorous policies in the granting of work and residence permits to Haitian nationals⁹¹. On the other hand, the contribution of the U.S. Government through the provision of a field hospital, which has been instrumental in providing assistance to approximately 400 undocumented migrants from Haiti and Cuba, is positively recognized⁹².

⁸⁴ Bahamas, [Ten Bahamian-Owner Businesses Receive Awards for Energy Efficiency](#), March 23.

⁸⁵ Human Rights Council, [National Report submitted under Human Rights Council resolutions 5/1 and 16/21 - Bahamas, A/HRC/WG.6/43/BHS/1](#), 7 March 2023, par. 59.

⁸⁶ The Nassau Guardian, [World Bank projects 4.1% growth for Bahamas in 2023, 3% in 2024](#), January 16, 2023.

⁸⁷ <https://www.undp.org/jamaica/press-releases/bahamas-scores-early-wins-institutionalizing-effective-debt-management#:~:text=Already%20the%20country%20is%20experiencing,way%20to%20achieving%20these%20target s.>

⁸⁸ The Nassau Guardian, [Govt debt up 2.4% to \\$11.03 billion](#), February 13, 2023.

⁸⁹ The Tribune, [Bell resists UN call to suspend deportations to Haiti as situation spirals out of control](#), January 27, 2023.

⁹⁰ Infobae, [Bahamas reaffirms position not to take in migrants after UNHCR criticism](#), May 2, 2023.

⁹¹ EW News, [Bell announces temporary ban on work permits for Haitian citizens](#), February 30, 2023.

⁹² Loop News, [The Bahamas: Health checks for almost 400 undocumented migrants](#), January 26, 2023.

96. REDESCA is concerned about the government's decisions regarding the demolition of homes in informal settlements, following the Supreme Court's reversal of an order prohibiting such actions⁹³. This ruling allows the demolition of these structures throughout the country and even the disconnection of public services⁹⁴. The Rapporteurship highlights the need to guarantee the rights of all affected persons, including migrants in an irregular situation, in the process of implementing these measures⁹⁵.

⁹³ EW News, [BREAKING: Judge lifts shanty town injunction, demolitions now permitted](#), Feb. 10, 2023.

⁹⁴ EW News, [Gov't to move on shanty town issue as lifted injunction paves the way](#), Feb. 13, 2023.

⁹⁵ The Tribune, [Shanty town demolition to start 'this year' - Bell](#), March 6, 2023.

4. Barbados

97. In the context of international commitments related to ESCER, it should be noted that although Barbados is a party to the American Convention, it has not ratified or signed the Protocol of San Salvador or the Escazú Agreement. These facts indicate a significant opportunity for the promotion and protection of the rights contemplated in these instruments in the country through their prompt ratification.

98. REDESCA notes that the main challenges in Barbados arise due to its status as a small nation, its dependence on tourism, high rates of imports and its geographic vulnerability to climate change⁹⁶. In this context, the Special Rapporteurship notes with attention that since 2017 there have been no official poverty estimates⁹⁷. According to data from the most recent survey available from 2016, 17.2 percent of households and 25.7 percent of the population were below the basic needs line⁹⁸.

99. The Special Rapporteur, in the context of the presentation of the Report on Economy and Development in Barbados, notes the estimates of persistent inequality in Latin America and the Caribbean. This report indicates that high inequality in the region is a deep-rooted and inertial phenomenon, with a remarkable persistence over time in terms of intergenerational well-being. Although Barbados stands out for its progress in the equitable distribution of income⁹⁹.

A. Right to health and social determinants

100. REDESCA has been monitoring the impact and measures taken by Barbados to mitigate COVID-19. In this context, it is noted that from March 2020 to October 27, 2023, the country has recorded 110,269 cases and a total of 648 deaths due to coronavirus. Likewise, from October 14 to October 27, 2023, there have been 10 new cases and 3 deaths¹⁰⁰.

101. REDESCA has been continuously monitoring the impact and measures taken by Barbados in response to the COVID-19 pandemic. From March 2020 to October 27, 2023, the country has recorded 110,269 cases and a total of 648 deaths from coronavirus. Likewise, from October 14 to October 27, 2023, there have been 10 new cases and 3 deaths¹⁰¹. It should be noted that, as of June 2023, the country has administered a total of 381,721 doses of vaccine¹⁰². Although effective management in the fight against the pandemic is observed, REDESCA stresses the importance of continuing with appropriate mitigation and prevention strategies to protect the entire population, especially the most vulnerable groups.

102. In addition, REDESCA highlights the government's campaigns to increase the uptake of childhood vaccines in Barbados. The Ministry of Health, in conjunction with international health organizations and influential people in the country, seeks to promote the expanded program of immunization with the aim of getting children to accept routine childhood vaccines and to recover childhood vaccination rates to pre-

⁹⁶ The World Bank, [Barbados](#), October 2023.

⁹⁷ REDESCA, VI 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. 177.

⁹⁸ The World Bank, [Barbados](#), October 2023.

⁹⁹ Ibid.

¹⁰⁰ Barbados Government Information Service, [COVID-19 Statistics For October 14 - 27, 2023](#), October 30, 2023.

¹⁰¹ Barbados Government Information Service, [COVID-19 Statistics For October 14 - 27, 2023](#), October 30, 2023.

¹⁰² World Health Organization. (2023). Barbados: [WHO Coronavirus Disease \(COVID-19\) Dashboard With Vaccination Data](#).

pandemic levels of 95% or more, however, the figure is between 80 or 90% and the goal is to reach 100% as it was at some point.¹⁰³

103. The Special Rapporteurship also notes with concern the outbreak of dengue fever in the country. According to the latest data reported up to mid-October 2023, about 647 cases have been registered, compared to 261 cases presented on the same date in 2022¹⁰⁴. Faced with this scenario, the Ministry of Health urges Barbadians to clean their environment by avoiding water stagnation and other indications to combat the spread of mosquitoes and the disease¹⁰⁵.

104. Likewise, the Rapporteurship followed up on the first case of smallpox that occurred on the island during the month of July 2022¹⁰⁶, which did not present major complications. On July 14, 2023, the Ministry of Health and Welfare presented an update on the disease, indicating that there have been no more confirmed or suspected cases on the island. Accordingly, REDESCA welcomes the continuity of active surveillance measures and the sensitization of port health personnel on the management of the virus despite the fact that no cases have been reported for a year¹⁰⁷.

B. Climate emergency and the human right to water

105. REDESCA, aware of the challenges posed by the climate emergency, has noted with concern the situation in Barbados, a Caribbean Island particularly vulnerable to extreme weather events such as hurricanes, floods, droughts, cyclones and sea level rise¹⁰⁸. In this context, the passage of Hurricane Tammy has caused significant flooding and property damage in several areas of Barbados¹⁰⁹. The Ministry of Home Affairs and the National Emergency Operations Center were partially activated to coordinate the response and provide support in the aftermath of Tammy's impacts, including the rescue of affected persons and assistance to victims¹¹⁰. These events underscore the importance of strengthening adaptation and emergency response measures to protect the population, especially the most vulnerable communities, in the face of these increasing climate risks.

106. Regarding Barbados, REDESCA notes with appreciation the initiatives adopted by the State to face the challenges imposed by climate change. Among these measures, the implementation of a digital tool for climate risk identification and resilience planning, known as "the hypervisor"¹¹¹, stands out.

107. The Rapporteurship highlights the US\$100 million grant by the World Bank with respect to the development of green and blue economies, as it includes a new law on water reuse, the adoption of a climate change and agriculture policy, the reduction of marine pollution, and the management of natural resources in the context of climate vulnerability. In addition, it focuses on the development of resilient and low-emission

¹⁰³ Ministry of Health and Wellness, [Campaign To Increase Uptake Of Childhood Immunisations](#), July 4, 2023.

¹⁰⁴ Barbados Government Information Service, [Update On Dengue Fever Outbreak](#), October 30, 2023.

¹⁰⁵ Ministry of Health and Wellness, [Barbadians Urged To Clean Up Their Act](#), February 24, 2023.

¹⁰⁶ REDESCA, VI 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, para. 189.

¹⁰⁷ Ministry of Health and Wellness, [Ministry of Health & Wellness' Update On Monkeypox](#), July 14, 2023.

¹⁰⁸ Ministry of Foreign Affairs, European Union and Cooperation, [Barbados](#), February 2022. World Bank, Climate Change Knowledge Portal For Development Practitioners and Policy Makers, [Country Summary](#), 2022.

¹⁰⁹ Barbados Government Information Service, [Barbados Records Damage From Hurricane Tammy's Feeder Bands](#), October 22, 2023.

¹¹⁰ Barbados Government Information Service, [Barbadians Urged To Take Precautions As Tammy Passes North](#), October 20, 2023. Starcom Network. [Flooding and Property Damage in Barbados From Tammy](#), October 22, 2023.

¹¹¹ El País, [El plan de Barbados para generar resiliencia climática](#), October 25, 2023.

infrastructure through the implementation of new standards for agency-level disaster management plans, institutional reviews of national emergency management agencies, and increased renewable energy capacity and support for climate change adaptation and mitigation efforts¹¹².

C. Business and human rights

108. REDESCA recognizes Barbados' efforts in promoting renewable energy, particularly the large-scale wind energy project in partnership with the Barbados Light and Power Company (BLPC). The country is focusing on "democratizing access to renewable energy" with the goal of obtaining 100% of its electricity from renewable sources by 2030¹¹³. In addition, an onshore wind power project with a capacity of 30 megawatts is being considered, and the combination of hydrogen fuel cells with solar photovoltaics is being discussed, advancing the transition from fossil fuels to renewable energy¹¹⁴.

D. Labor and union rights

109. With regard to labor rights in Barbados, the Special Rapporteur highlights progress in the unemployment rate, which has declined with the resumption of reforms of state-owned enterprises, as well as public and private investments in tourism and physical infrastructure, which have the potential to improve the country's productive capacity and absorb labor, generating positive effects for small and medium-sized enterprises. However, the road to economic recovery presents challenges due to persistent inflationary pressures and the vulnerability of the domestic economy to external factors, such as geopolitical tensions and oil prices¹¹⁵.

E. Fiscal and economic policies

110. With respect to the fiscal and economic policies implemented in relation to ESCER in Barbados, the Special Rapporteur notes that the country has experienced significant growth in its economy. According to the Barbados Statistical Service, GDP growth was observed from -0.8% in 2021 to 11.3% in 2022. The revival of tourism is evidenced by the increase in visitors, from 144,833 in 2021 to 539,746 in 2022, reflecting a significant recovery in the sector following the lifting of COVID-19 related travel restrictions. In this regard, REDESCA recognizes the efforts of the State of Barbados to boost its economy through policies that have fostered the growth of key sectors, thus contributing to the improvement of socioeconomic indicators in the country¹¹⁶.

111. On the other hand, REDESCA highlights the implementation of the Economic Recovery and Transformation Plan, which seeks to reduce public debt by about 60% of GDP by 2035/36, and to encourage a transition to green energy, invest in human capital, diversify the economy and improve the country's competitiveness¹¹⁷. During the development phase of this plan, the International Monetary Fund and the Barbadian authorities reached an agreement on the completion of the first review of the updated plan, which is expected to be reviewed in the first quarter of 2023. In addition, the IMF notes that the economy has

¹¹² World Bank, [Latin America and the Caribbean: Overview](#), 2023.

¹¹³ Barbados: [Democratizing Access to Renewable Energy](#) - ECPA - Energy and Climate Partnership of the Americas.

¹¹⁴ Barbados Government Information Service, [Wind Energy Farm In Lamberts, St Lucy In The Works](#), June 15, 2023.

¹¹⁵ The World Bank, [Barbados](#), October 2023. Central Bank of Barbados, [Outlook for the Barbados Economy in 2023](#).

¹¹⁶ The World Bank, [Barbados](#), October 2023.

¹¹⁷ Nation News, [Mottley announces new BERT program](#), October 12, 2023.

recovered with eight consecutive quarters of growth and the Barbadian authorities are making good progress in implementing their ambitious economic reform program and climate policy agenda¹¹⁸.

F. Right to education: academic freedom and university autonomy

112. In the context of education, the Rapporteurship takes note of the solid educational system provided by the State of Barbados¹¹⁹, which in October 2023 presented its new school curriculum, entitled "Re-imagining education in Barbados: a bright future for every child", through which it presents key proposals for education at all four levels of education in the country.

113. In the area of education, the Special Rapporteur highlights the recent educational reform initiatives undertaken by the State of Barbados. In October 2023, it presented its new school curriculum, entitled "Re-imagining Education in Barbados: A Bright Future for Every Child"¹²⁰. This reform, which is part of an ambitious plan to transform the country's education system by 2025, contemplates significant modifications to improve the quality of education, teacher training and modernization of the curriculum¹²¹.

114. On the other hand, it is noted that the government has implemented the Barbados School Nutrition Policy during its gradual implementation in period III of the academic year 2022-2023. The above, seeks to impart knowledge and create attitudes related to healthy eating and physical fitness of children and adolescents in Barbados, that is, that healthy becomes a habit in these minors. Similarly, during this policy, parents will also have the opportunity to attend meetings to encourage support for change. Similar meetings/workshops will also be convened with canteen concessionaires to sensitize them on the policy and how they can contribute to a healthy school environment¹²².

¹¹⁸ International Monetary Fund, [IMF Reaches Staff-Level Agreement with Barbados on the First Reviews of the Extended Fund Facility and the Resilience and Sustainability Facility Arrangement](#), May 12, 2023.

¹¹⁹ Expat Money, [how you can benefit from the Barbados government system](#), May 21, 2023.

¹²⁰ Barbados Government Information Service, [Reimagining Education in Barbados - A Bright Future For Every Child](#), October 5, 2023.

¹²¹ Ministry of Education, Technological and Vocational Training, Barbados, [Education Reform: Reimagining Education in Barbados](#)."

¹²² Barbados Government Information Service, [Barbados School Nutrition Policy Supported By Action](#), February 15, 2023.

5. BELIZE

115. In relation to international commitments in the field of ESCER, it is relevant to mention that Belize has ratified the Escazú Agreement. However, it has not signed or acceded to the American Convention or the Protocol of San Salvador that complements it, which indicates an area of opportunity for the promotion and protection of human rights that should be prioritized.

116. REDESCA notes that, according to the Multidimensional Poverty Index (MPI), 35.7% of the population lives in poverty. In this regard, the Toledo District had the highest percentage of inhabitants living in multidimensional poverty with 60.3%, while the Belize District registered 20.9%. In turn, it was observed that people living in rural areas were multidimensionally poorer than those living in urban areas. Along the same lines, it is noteworthy that the majority of households in this situation are headed by people who did not complete any level of education (with an incidence of 54.3%)¹²³. Likewise, in relation to ethnic origin, 61.1% of the indigenous Mayan people would be multidimensionally poor¹²⁴.

117. REDESCA notes that according to the first Multidimensional Poverty Index (MPI) study conducted in Belize and presented by the Statistical Institute of Belize in 2023, 35.7% of the population lives in multidimensional poverty¹²⁵. This study found that the Toledo District has the highest percentage of multidimensional poverty with 60.3%, in contrast to the Belize District which registers 20.9%¹²⁶. In addition, a higher incidence of poverty was observed in rural areas compared to urban areas¹²⁷. Likewise, in relation to ethnicity, 61.1% of the indigenous Mayan people would be multidimensionally poor¹²⁸.

A. Right to health and social determinants

118. Regarding the right to health, the Office of the Special Rapporteur monitored the increase in COVID-19 cases experienced by the country in the first weeks of the year, with a positivity rate that reached a maximum of 12.4%¹²⁹. However, by mid-February, the situation stabilized, and by June 13, a total of 70,782 confirmed positive cases and 688 deaths were recorded¹³⁰. It is important to note that by mid-year, 51.49% of the population had already completed their vaccination process¹³¹.

119. REDESCA recognizes and appreciates the initiative of the Government of Belize to eliminate all fees charged in the country's public hospitals¹³². This measure, according to official information, seeks to eliminate financial barriers and improve access to health care for all citizens, especially low-income families. The elimination of these fees, which represented a significant barrier to access to health care and administratively overburdened the health system, is an important step towards promoting health equity.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Amandala News, [SIB launches Multidimensional Poverty Index](#), March 8, 2023.

¹²⁶ Statical Institute of Belize, [Multidimensional Poverty in Belize](#), March 2023.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Amandala News, [COVID continues the climb](#), January 3, 2023.

¹³⁰ Datosmacro, [Belize - COVID-19 - Coronavirus crisis](#), June 13, 2023.

¹³¹ Datosmacro, Belize - COVID-19 - Vaccines administered [Belize - COVID-19 - Vaccines administered](#), June 13, 2023.

¹³² Government of Belize Press Office, [Government of Belize Removes Fees in Public Hospitals, Promoting Universal Healthcare Access](#), October 31, 2023.

120. For its part, REDESCA followed closely the protests of the employees of the Karl Heusner Memorial Hospital, due to the lack of adequate medical resources and supplies at the facility¹³³.

121. Regarding the basic and social determinants of health, REDESCA highlights the government's initiative to promote healthy foods in the country's schools¹³⁴. This could result in a gradual ban on unhealthy foods and sugary drinks in all schools, both public and private.¹³⁵ Likewise, note is taken of the development of the "Mesoamerica without Hunger AMEXCID-FAO" program, which has sought to promote the implementation of the "National School Feeding Program" of the Government of Belize, based on the "Sustainable Schools" model, whose objective is to provide nutritious meals to children in situations of vulnerability and poverty¹³⁶.

B. Climate emergency and the human right to water

122. The Special Rapporteur welcomes the fact that, at the beginning of 2023, the Government of Belize ratified the Escazú Agreement, thus becoming a State Party to this important regional treaty. This ratification represents a significant step in the country's commitment to environmental rights and access to justice in environmental matters¹³⁷.

123. REDESCA recognizes and takes note of the significant agreement reached between the Government of Belize and the Saudi Fund for Development to finance a US\$77 million project for the construction of a solar power plant in Belize. This project, announced in August 2023, stands out for its ability to generate a positive impact on multiple fronts. With the construction of a 60-megawatt plant, this project is expected to not only bring environmental benefits through emissions reductions, but also boost the economy through the creation of job opportunities¹³⁸.

124. The Special Rapporteur also notes that, since June, Belize is one of five countries in which climate risk assessments have been carried out under the *Climate and Ocean Risk Vulnerability Index (CORVI)* program, which analyzes more than 100 ecological, financial and social risk factors to make concrete recommendations to countries vulnerable to hurricanes, flooding and sea level rise¹³⁹.

125. The Special Rapporteurship, in its constant work of monitoring and analyzing the situation of ESCER in the region, pays special attention to the vulnerability faced by Belize in relation to coral reef bleaching and collapse. It has been noted with great concern that the Port Honduras Marine Reserve, located in southern Belize, has the highest vulnerability score in this critical area¹⁴⁰. In this context, the Special Rapporteur highlights the initiative undertaken by the Ministry of Blue Economy and Civil Aviation of Belize, called the "Strategy for Reef Resilience in Belize". This strategy aims to coordinate joint actions between the Government, the business sector and civil society in order to safeguard the future of the Belize Barrier Reef Reserve System, which has been recognized as a UNESCO World Heritage Site¹⁴¹. Additionally, the Rapporteurship has taken

¹³³ Amandala, [KMH workers protest supply shortages wearing short pants](#), February 18, 2023.

¹³⁴ BBN, [Healthy foods in schools supported by Cabinet](#), March 2, 2023.

¹³⁵ Ibid.

¹³⁶ Elmundo.cr, [AMEXCID and FAO confirm the promotion of healthy eating in schools in Belize](#), June 9, 2023.

¹³⁷ Amandala, [Belize ratifies the Escazu Treaty](#), March 1, 2023.

¹³⁸ Arab News, [Saudi Arabia finances \\$77m solar power project in Belize](#), August 6, 2023. EnergyTech, [Saudi Fund Signs \\$77M Loan Agreement to Construct 60 MW Solar Power Plant in Belize](#)".

¹³⁹ BBN, [Belize one of five countries targeted for coastal risk assessment](#), March 8, 2023.

¹⁴⁰ NASA Science, [NASA data help assess risk to Belize's coral reefs](#), April 13, 2023.

¹⁴¹ UNESCO, [How Belize is pioneering climate resilience in world's second largest reef](#), April 21, 2023.

note of the launch of Belize's "Green Climate Fund" program, planned for the period 2022-2026. The main purpose of this program is to increase the country's resilience to the challenges of climate change¹⁴².

126. Regarding the human right to water, REDESCA noted with concern the shortfall in water supply from *Belize Water Services Ltd.* This situation reportedly affected residents of the peninsula due to the rapid growth of tourism, which increased the demand for water by between 50,000 and 125,000 gallons per day¹⁴³. In this context, the Special Rapporteur learned of the water expansion that the Government carried out in the area of Armenia, Cayo, to drill a new well to allow communities access to drinking water¹⁴⁴.

C. Labor and union rights

127. REDESCA has noted with interest the report provided by the Statistical Institute of Belize, which indicates an increase in the percentage of the working population employed in the country, while reporting a decrease in the number of unemployed persons¹⁴⁵. The Special Rapporteur would also like to highlight Belize's recent accession to the "Latin America and the Caribbean Child Labor Free Regional Initiative", a tripartite collaboration between countries dedicated to accelerating actions aimed at preventing and eradicating child labor in the region.

128. In the same vein, the Office of the Special Rapporteur learned that the government of Belize has been promoting the rights of migrant workers¹⁴⁶. Thus, the country is developing a migrant worker program that aims to increase the efficiency of the work permit process and ensure that industries in the country that depend on migrant workers have sufficient labor when needed¹⁴⁷.

D. Fiscal and economic policies

129. The Special Rapporteur notes with concern that Belize is among the group of twelve small island developing states currently facing or already experiencing a potential debt crisis. This financial situation poses significant challenges for the country and could have a direct impact on its ability to guarantee and protect the ESCER of its population¹⁴⁸.

130. The Special Rapporteur takes note of reports provided by the International Monetary Fund (IMF) indicating that Belize's economy has shown signs of recovery from the economic impacts of the pandemic. According to the IMF, in 2021 the country experienced economic growth of 15%, followed by 12% growth in 2022. By 2023, Belize's real Gross Domestic Product (GDP) is projected to continue to grow, with an estimated 2.4%¹⁴⁹. These positive economic data contribute significantly to Belize's fiscal consolidation and have the potential to lead to a reduction in the country's public debt¹⁵⁰.

¹⁴² BBN, [Strengthening Belize's defense against climate change: The importance of enhancing climate resilience](#), February 10, 2023.

¹⁴³ Amandala, Water shortage in Placencia [Water shortage in Placencia](#), February 25, 2023.

¹⁴⁴ BBN, [Ministry of Rural Transformation conducts water expansion in Armenia Village](#), February 28, 2023.

¹⁴⁵ Statical Institute of Belize, [Abstract of statistics 2022](#), 2022.

¹⁴⁶ Business and Human Rights Information Center, [Belize: Government promotes rights of migrant workers](#), July 9, 2023.

¹⁴⁷ Local Island, [Belize participates in regional workshop to promote migrant workers' rights](#), July 9, 2023.

¹⁴⁸ Eurodad, [Riders on the storm - How debt and climate change are threatening the future of small island developing states](#), October 11, 2022.

¹⁴⁹ International Monetary Fund, [2023 Article IV consultation-press release](#); May 2023.

¹⁵⁰ Ibid.

E. Right to education: academic freedom and university autonomy

131. Regarding the right to education, REDESCA notes with interest the evolution of the "Free Education Program", which was implemented in September 2022 and has benefited approximately 1,600 students in Belize¹⁵¹. This initiative is an integral part of the "Education Improvement Pilot Project", which has as its main objective to cover tuition and meet the needs of low-income students, including the provision of school supplies, uniforms, lunches, and transportation. In addition, this project seeks to generate significant improvements in school infrastructure¹⁵². In this regard, the Rapporteurship welcomes the fact that four high schools in Southside, Maude Williams, Excelsior, Sadie Vernon and Gwen Lizarraga, have registered an increase of more than 200 new students enrolled in just one year¹⁵³.

132. On the other hand, the Office of the Special Rapporteur has become aware of the 'Giga Belize' initiative, a joint collaboration between the United Nations Children's Fund (UNICEF) and the International Telecommunication Union (ITU). The fundamental purpose of this initiative is to connect all schools in Belize to the Internet with the objective of providing young people with access to information, opportunities and options that contribute to their educational and personal development¹⁵⁴.

¹⁵¹ Amandala, [Free Education travels to southern districts](#), March 22, 2023.

¹⁵² Ministry of Education, Culture, Science and Technology, [Education Upliftment Pilot Project](#).

¹⁵³ Amandala, [Free Education travels to southern districts](#), March 22, 2023.

¹⁵⁴ MENAFN, [Belize UNICEF Partnership To Transform Education Through Technology](#), May 12, 2023.

6. BOLIVIA

133. REDESCA highlights that Bolivia has demonstrated its commitment to the promotion and protection of ESCER by ratifying the American Convention, the Protocol of San Salvador and the Escazú Agreement. In this context, it is especially relevant to consider the progress and challenges the country faces in the implementation of these international instruments and their impact on the promotion of ESCER in the country.

134. The Office of the Special Rapporteur notes with interest the progress made in the fight against poverty in Bolivia in recent years. There has been a significant decrease in moderate poverty, from 39% in 2020 to 36.3% in 2021, as well as in extreme poverty, with a reduction from 13.7% to 11.1% during the same period. These data indicate that around 230,000 people have managed to move out of poverty¹⁵⁵. However, it is important to note that significant challenges persist in relation to the situation of children and adolescents in Bolivia, who face gaps in access to fundamental rights, such as education, health, food, recreation and other factors essential for their adequate development¹⁵⁶. According to statistics, 40.7% of children and adolescents are living in poverty¹⁵⁷. In addition, disparities have been identified in the levels of multidimensional child poverty, being more pronounced in rural areas and among indigenous populations, where gaps persist in access to housing and services related to the environment, care and recreation. On the other hand, the urban area presents specific vulnerabilities in aspects such as education and health¹⁵⁸.

135. In addition to the progress and challenges in the fight against poverty, the Special Rapporteurship also highlights the importance of addressing inequality in Bolivia in the framework of guaranteeing ESCER. In this context, it is relevant to note that the country has registered a decrease in its Gini index, an indicator that measures income inequality, from 0.45 in 2020 to 0.42 in 2021¹⁵⁹. This decrease in the Gini index suggests some progress in reducing inequality in the country, although significant challenges persist in this area.

136. However, it is essential to highlight that inequality in Bolivia is particularly pronounced among indigenous women residing in rural areas¹⁶⁰. These women face a series of disadvantages that significantly impact their quality of life and the full exercise of their ESCER. Faced with this situation, REDESCA urges the State to continue adopting decisive measures that contribute to the reduction of poverty and inequality indexes in the country. It is of utmost importance that these measures be designed and implemented in an inclusive and equitable manner, prioritizing attention to the most vulnerable populations.

A. Right to health and social determinants

137. REDESCA recognizes the importance of the measures taken by the Government to address the pandemic and protect the right to health of the population. In the context of guaranteeing the right to health, it is relevant to highlight that in July 2023, the National Government of Bolivia declared the end of the health crisis caused by the COVID-19 pandemic in the country. This declaration marked a significant milestone in the response to the public health emergency, and at the same time, the Government implemented a National

¹⁵⁵ Ministry of Economy and Public Finance, [Bitácora Económica. ECLAC: Bolivia is the country that will most reduce extreme poverty in 2022](#), June 14, 2022.

¹⁵⁶ UNICEF, [Pobreza Multidimensional Infantil en Bolivia: una propuesta metodológica 2022](#), December 1, 2022.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Bolivian Catholic University. Instituto de Investigaciones Socio Económicas, [Desigualdad - Índice de Gini](#), n.d.

¹⁶⁰ World Food Program. [Strategic Plan for the Plurinational State of Bolivia \(2023-2027\)](#), January 1, 2023.

Epidemiological Alert comprising 14 recommendations aimed at preventing the spread of COVID-19 infections, especially in educational centers and health facilities¹⁶¹.

138. However, REDESCA carefully observes the significant challenges facing the Unified Health System in Bolivia, a system that provides free coverage to approximately 6,939,464 inhabitants, equivalent to 51% of the population¹⁶². Despite its implementation in 2019, the SUS has faced challenges that underscore the need to strengthen the State's health and care system, including the expansion of staffing and the adoption of modern health technologies. Also of concern is the lack of public policy and legislation at the national level on mental health, a fundamental aspect for the integral wellbeing of the population¹⁶³. On the other hand, REDESCA highlights the progress made by the Government in health cooperation with the Pan American Health Organization (PAHO) and the World Health Organization (WHO), who through workshops for the evaluation and strengthening of the Essential Public Health Functions (EPHF), seek the implementation of strategies that allow the prioritization of the EPHF and thus strengthen the health systems and guarantee the full exercise of the right to health of the country¹⁶⁴.

B. Climate emergency and the human right to water

139. In the context of the global climate emergency, REDESCA takes note of the numerous climate challenges facing Bolivia, which is one of the Latin American countries most affected by extreme weather events¹⁶⁵. In particular, the Special Rapporteur notes with concern the drought situation that has affected several regions of the country. During 2023, several departments of Bolivia, including La Paz, Santa Cruz, Cochabamba, Potosí, Chuquisaca, Oruro and Tarija, have experienced droughts related to the El Niño phenomenon. Currently, Cochabamba, Chuquisaca and Oruro are under a departmental emergency and disaster declaration due to the severity of the drought¹⁶⁶. This affects around 487,014 families in 152 municipalities of the country¹⁶⁷, causing the death of livestock, complications in agricultural and poultry production, which significantly impacts the economy and food production of the country¹⁶⁸, and also has repercussions on the generation of childhood diseases transmitted by the consumption of stagnant water due to the scarcity of drinking water¹⁶⁹.

140. In response to this situation, the Office of the Special Rapporteur highlights the significant steps taken by the State in its effort to address water scarcity in the territory. During 2022, a considerable investment of more than 122 million Bolivianos was made in the Plurinational Plan for Immediate Response to Drought". This plan not only made it possible to address emergencies arising from drought in 207 municipalities in the country but has also facilitated the development of strategies and plans to address this

¹⁶¹ Ministry of Health and Sports. [Epidemiological alert in force in Bolivia, government urges to maintain biosecurity measures in health and educational centers](#), July 31, 2023.

¹⁶² Ministry of Health and Sports. [Bolivia achieved the paho/who target of more than 50% free health coverage of its population by 2030](#), April 10, 2023.

¹⁶³ IACHR, Preliminary observations: on-site visit to Bolivia. March 27 to 31, 2023. <https://www.oas.org/es/cidh/actividades/discursos/2023/03-31-visita-in-loco-bolivia.pdf>

¹⁶⁴ Pan American Health Organization. [Bolivia prioritizes the Essential Public Health Functions to strengthen health systems and guarantee the full exercise of the right to health](#), October 6, 2023.

¹⁶⁵ Oxfam, [Bolivia Climate change, inequality and resilience](#), 2020.

¹⁶⁶ Vice-Ministry of Civil Defense, [Reporte Nacional de Afectación por Sequías 2023](#), October 2, 2023.

¹⁶⁷ Ibid.

¹⁶⁸ El Diario, [Prolonged drought will affect food production](#), October 14, 2023.

¹⁶⁹ Save the children. [Bolivia: The hottest winter on record ends in drought for more than half of the country](#), September 28, 2023.

challenge, especially in the capital of Potosí, one of the most affected areas¹⁷⁰. In addition, priority has been given to the implementation of 4 projects aimed at improving and guaranteeing water supply in the region¹⁷¹.

141. In addition, it is crucial to note that drought has been one of the main factors contributing to the proliferation of forest fires that have threatened Bolivia. So far in 2023, several departments of the country, including La Paz, Santa Cruz, Cochabamba, Beni, Tarija and Pando, have suffered the effects of forest fires that have affected 27 of their municipalities. These events have had a devastating impact on some 8,706 families, of which 5,995 were affected and another 2,711 were affected. In addition, more than 20,000 hectares of land have been affected by these fires¹⁷². The response to this situation has required a significant effort on the part of the forest firefighters and the mobilized military units. According to the information received, 78 operations were carried out to mitigate the fires, resulting in the extinguishing of 33 of them with the discharge of 58,750 liters of water¹⁷³.

142. REDESCA is deeply concerned about the forest fires in Bolivia, which are having a devastating impact on nature reserves, Amazonian forests and indigenous territories. These fires not only threaten biodiversity and ecosystem health, but also pose a serious threat to the local communities that depend on these environments for their livelihoods and culture. REDESCA calls on the State of Bolivia to adopt a human rights-based approach in its adaptation and mitigation measures to climate change and natural disasters. This includes the promotion of strategies for disaster prevention, risk reduction and, especially, the reduction of greenhouse gas emissions. These actions are essential to protect people and their rights in the face of growing environmental and climate challenges.

C. Business and human rights

143. In the context of business activities and the guarantee of human rights, REDESCA has been closely monitoring the effects generated by the construction of the F-24 road project, which crosses the Isiboro-Sécure Indigenous Territory and National Park¹⁷⁴ and the Multiethnic Indigenous Territory in Bolivia. This construction has generated worrying reports of increased illegal deforestation activities, land encroachment and fires, which are the result of uncontrolled agricultural expansion in protected areas¹⁷⁵. Some reports indicate that this project would not comply with Inter-American standards related to the free, prior and informed consent of the indigenous and affected communities¹⁷⁶. In this context, the 74 local communities in the area have reportedly expressed their disagreement with the continuation of the construction of the project, arguing that the commitments previously agreed upon during the prior consultation process have been breached¹⁷⁷.

144. At the same time, the Office of the Special Rapporteur takes note of the merits of the Popular Action proposed by the Central de Pueblos Indígenas de La Paz, to stop illegal mining in the Beni, Madre de Dios, Alto Beni, Kaka, Tuichi, Quiquibey, Tequeje rivers and their tributaries, since these activities have violated the right to prior consultation of indigenous peoples, as well as the use of mercury has caused damage to the

¹⁷⁰ Ministry of Environment and Water, [Frente a la crisis hídrica gobierno nacional entrega tanques de almacenamiento de agua a Potosí](#), October 11, 2023.

¹⁷¹ Ministry of Environment and Water, [Frente a los efectos de la sequía el gobierno nacional prioriza 4 proyectos de agua para Potosí](#), October 10, 2023.

¹⁷² Vice Ministry of Civil Defense, [Reporte Nacional de Afectación por Incendios 2023](#), October 2, 2023.

¹⁷³ Ministry of Defense, [Fire Attention Data](#), September 20, 2023.

¹⁷⁴TIPNIS, [Indigenous Territory and Isiboro Sécure National Park](#), October 18, 2023.

¹⁷⁵ IACHR, Visit to the Plurinational State of Bolivia [Preliminary Observations](#), March 31, 2023.

¹⁷⁶ Ibid.

¹⁷⁷ Fundación Construir, [Corregidores of Tipnis reject road construction, denounce that the work is advancing without prior consultation](#), March 22, 2023.

environment and to the health of those who live along the banks¹⁷⁸. Given this situation, the Office of the Special Rapporteur makes a special call to the competent local authorities to articulate and implement plans that contribute to control the actors that carry out illegal mining and violate the ESCER of the communities in the country.

145. For its part, REDESCA takes note of the industrialization of lithium in the country. During 2023, the State has a presence in the lithium industry through three international agreements signed between the National Strategic Public Company of Bolivian Lithium Deposits (YLB) and companies from China and Russia¹⁷⁹, which would have the capacity to produce 50,000 tons per year of lithium carbonate¹⁸⁰.

146. REDESCA takes note of the actions taken and reminds the State of the need to fully comply with all its human rights obligations in the context of mining activities related to the energy transition. Mineral extraction is essential for the construction of products and infrastructure necessary for the transition to more sustainable energy sources. However, REDESCA strongly urges that all such actions be carried out with a firm commitment to limit environmental and social impacts as much as possible. Water sources and biodiversity in areas affected by mining are vital resources that can be drastically affected.

D. Labor and union rights

147. Regarding labor and union rights in Bolivia, REDESCA takes note of data provided by the National Institute of Statistics for the first quarter of 2023. During this period, an economically active population in the urban area of 4,596,000 people was recorded¹⁸¹. Likewise, it was reported that for the same period, the employment rate, which represents the percentage of employed people of working age, reached 69.4% overall, 76% for men and 63.1% for women¹⁸². In addition, the unemployment rate for the same period was 4.8%, which reflects a decrease of 1.2 percentage points compared to the previous year, when it was 5.9%¹⁸³. Nevertheless, REDESCA notes with concern the persistent situation of labor informality in the country. During the first quarter of 2022, Bolivia registered a labor informality rate of 81.5%, which represents a slight decrease of 0.5 points compared to the same period in 2021, when the rate was 82.0%¹⁸⁴.

148. REDESCA notes that during the first months of 2023, around 12 labor sectors demonstrated against government policies that threatened their labor rights. In this regard, there were 116 protest actions by public and private sector workers, with 76 demonstrations in the public sector, while in the private sector there were 40; likewise, the largest number of protests were by teachers with 53.5%¹⁸⁵. The Rapporteurship notes that the main demands of the workers are due to the search for a larger budget and improvement of fiscal

¹⁷⁸ Los Tiempos, [Indigenous people win resolution to stop illegal mining in Beni and Madre de Dios](#), September 10, 2023.

¹⁷⁹ Yacimientos de Litio Bolivianos, [Bolivia presents to the world the sovereign investment model in the lithium industry](#), January 20, 2023.

¹⁸⁰ Ministry of Hydrocarbons and Energy, [Bolivia takes the second transcendental step in its lithium industrialization policy, with the signing of 2 agreements with the giants of this industry in the world](#), June 29, 2023.

¹⁸¹ National Institute of Statistics, [Continuous Employment Survey. The Economically Active Population in the urban area of Bolivia increased 1.1% to the first quarter of 2023](#), April 2023.

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ International Labor Organization. [PANORAMA LABORAL 2022 Latin America and the Caribbean](#), February 7, 2023.

¹⁸⁵ Center for Labor and Agricultural Development Studies. [Labor Alert. Crisis, employment and working conditions: who pays the price](#), April 2023.

education, the fulfillment and defense of labor rights, as well as the rejection of the implementation of the Gestora Pública in the hands of the government, the reform of the pension law 065, among others¹⁸⁶.

E. Right to education: academic freedom and university autonomy

149. In the context of guaranteeing the right to education, REDESCA celebrates significant progress in reducing school dropout rates in Bolivia. Since 2021, the school dropout rate in the country has shown a steady decrease. In 2017, this rate stood at 1.83%, while by 2021, it had been reduced to 1.46%. In 2022, the dropout rate continued to decrease, reaching a low of 1.16%. This data reflects a positive difference of 0.67% in the dropout rate between 2017 and 2022¹⁸⁷. The above, is due to the efforts made by the government with the implementation of the Bono Juancito, the school permanence incentive that benefits more than 2,340,000 children and adolescents in the nine departments of the country, with an investment of 477 million bolivianos from the profits generated by 27 state-owned companies¹⁸⁸.

150. In turn, REDESCA is concerned about the situation of educational violence in Bolivia. According to a study by the international NGO Bullying Without Borders, the country ranks 34th in the second world report on bullying or school harassment, with a measurement of 10,500 cases of bullying for 2022-2023, a figure that increased significantly since the measurement of 2020-2021, in which only 7,140 cases were obtained¹⁸⁹. In view of this, the Ombudsman's Office has stated that the problem deserves priority attention by the authorities in order to restore the rights of victims and prevent these unfortunate events of bullying¹⁹⁰. Likewise, the Rapporteurship rescues the measures taken by the State, such as the creation of the Multidisciplinary Commission, which seeks the implementation of public policies to reduce violence in educational units¹⁹¹ through campaigns that seek to promote safe spaces of affection and security within educational institutions in order to know, educate, prevent and protect children and adolescents from violence, aggression and / or harassment¹⁹².

F. Human mobility and ESCER

151. Regarding the situation of ESCERs in the context of human mobility, REDESCA takes note of the migratory flow in the country. According to UNHCR information, by June 2023, 16,810 refugees have been sheltered in the country¹⁹³, while in all of 2022 the number was 16,202¹⁹⁴. Likewise, during the first quarter of 2023, more than 28,000 people transited Bolivia bound for countries such as Chile and Peru¹⁹⁵.

¹⁸⁶ Ibid.

¹⁸⁷ Ministry of Education, [Minister of Education highlights reduction of school dropout rates thanks to the Bono Juancito Pinto](#), October 7, 2023.

¹⁸⁸ Ministry of Education, [Minister of Education informed that more than half a million students have already received their Bono Juancito Pinto](#), October 16, 2023.

¹⁸⁹ Bullying Without Borders, [World Bullying Statistics. 2022/2023. Bolivia. 34th place. 10,500 cases](#), April 2023.

¹⁹⁰ Ombudsman's Office, [Pronunciamento ante los últimos hechos de violencia y acoso en las unidades educativas](#), April 28, 2023.

¹⁹¹ Ministry of Education, [Government creates Multidisciplinary Commission to eradicate violence in educational units](#), June 26, 2023.

¹⁹² Ministry of Education, [Ministry of Education launches the campaign "Basta de violencia en mi escuela" with more than 8 thousand students](#), September 19, 2023.

¹⁹³ UNHCR, [Bolivia](#), August 2023.

¹⁹⁴ UNHCR, [Statistical Fact Sheet - Bolivia June 2023](#), August 2023.

¹⁹⁵ Ibid.

152. In light of this, the Rapporteurship observes with attention the violations of rights faced by migrants during their search for better guarantees in the absence of such guarantees in their countries of origin. In 2023, the number of Venezuelan population in the country is 15,854 people, compared to 15,246 people in 2022¹⁹⁶; this population mainly presents needs in terms of access to legal advice and/or documentation, access to temporary or permanent housing and support for access to employment or self-employment¹⁹⁷. Likewise, it is estimated that of the more than 28,000 people who made transit in the country, 15,400 transited towards Chile and another 12,900 towards Peru¹⁹⁸; presenting deficiencies in the sectors of food security, housing, water, sanitation and hygiene and protection, including the prevention of gender-based violence, human trafficking and smuggling of migrants¹⁹⁹. The majority of the population that enters the country as a migratory route, faces the dangerous Desaguadero pass, one of the borders between Bolivia and Peru where there are robberies, acts of xenophobia, high charges for crossing and some illnesses and deaths due to the low temperatures and altitude of the area²⁰⁰.

153. On the other hand, REDESCA highlights the Response Plan for Refugees and Migrants 2023-2024 in Bolivia, which projects the humanitarian, protection and integration needs required by the Venezuelan migrant population in the country, and also stipulates the budget requirements necessary for the population, estimating US\$13.65 million for this period. Among the response priorities of this plan are the urban areas that host the largest number of refugees and migrants from Venezuela, as well as the border areas with the highest rates of land transit movements such as the town of Pisiga in the department of Oruro, the municipality of Guayaramerín in the department of Beni, and Desaguadero in the department of La Paz²⁰¹.

¹⁹⁶ Ibid.

¹⁹⁷ United Nations Bolivia, [UNHCR and IOM presented the 2023-2024 Refugee and Migrant Response Plan for Venezuela \(RMRP\) for Bolivia](#), April 3, 2023.

¹⁹⁸ UNHCR, [Statistical Fact Sheet - Bolivia June 2023](#), August 2023.

¹⁹⁹ United Nations Bolivia, [UNHCR and IOM presented the 2023-2024 Refugee and Migrant Response Plan for Venezuela \(RMRP\) for Bolivia](#), April 3, 2023.

²⁰⁰ La Opinión, [El paso de migrantes por la frontera Perú-Bolivia "es horrible"](#), February 26, 2023.

²⁰¹ RV4 Interagency Coordination Platform for Refugees and Migrants from Venezuela, [Bolivia RMRP 2023-2024](#), March 7, 2023.

7. BRAZIL

154. The country has ratified the American Convention and the Protocol of San Salvador, demonstrating its commitment to the promotion and protection of economic, social and cultural rights in the country. However, to date it has not ratified the Escazú Agreement. It is essential that Brazil continues to evaluate and consider the ratification of this instrument in order to strengthen access to information, public participation and access to justice in environmental matters in the country.

155. REDESCA highlights the importance of the progress made in Brazil in the fight against poverty and inequality. According to official sources, with the implementation of the new design of the Bolsa Familia program, approximately 3 million people are reported to have moved out of the poverty line in the period from January to September 2023. This represents a significant increase, raising the proportion of families that have left poverty from 79% to 92%. In particular, it is relevant to note that the percentage of families with children up to 6 years of age who moved out of poverty also experienced a notable increase, rising from 63.7% in January to 92.4%²⁰². Moreover, after the peak of inequality reached during the pandemic, a trend of decreasing inequality is observed in 2022, which has remained relatively stable until the second quarter of 2023, according to the Institute for Applied Economic Research (IPEA). The household income index, which measures inequality, stood at 0.517 in that period²⁰³. These advances reflect a significant commitment to the fight against poverty and inequality in Brazil, as well as the successful implementation of social policies aimed at improving the living conditions of the most vulnerable population.

156. Despite the progress previously mentioned, it is important to highlight that Brazil faces a persistent context of inequality and structural poverty, which has a direct impact on the guarantee of ESCER of its population. This challenge particularly affects the most vulnerable people and those who have historically suffered discrimination, such as people of African descent and indigenous peoples. In this context, there is a deep-rooted presence of racism at both the social and institutional levels, which further aggravates the situation²⁰⁴. Therefore, it becomes essential to address this problem efficiently through the implementation of public policies with a human rights-based approach, gender equality and intersectionality. In addition, it is essential that these policies include a strong component to combat racism²⁰⁵.

A. Right to health and social determinants

157. In relation to the evolution of the COVID-19 pandemic, the Office of the Special Rapporteur takes note of the official data updated as of October 20, which report a total of 38,858,614 confirmed cases and 706,276 deaths in Brazil. These numbers reflect the significant impact that the pandemic has had on the country²⁰⁶. It is important to highlight that, during the first half of the year, Brazil managed to vaccinate more than 82% of its total population, which represents a considerable effort in the vaccination campaign against COVID-19²⁰⁷. In addition, it is noted that the Federal Government is in the process of including vaccination against COVID-19 in the regular schedule of the National Vaccination Program²⁰⁸.

²⁰² Agência Brasil, [Três milhões de inscritos no Bolsa Família deixaram a pobreza em 2023](#), September 26, 2023.

²⁰³ IPEA, [Retrato dos rendimentos do trabalho - resultados da PNAD Contínua do segundo trimestre de 2023](#), September 5, 2023.

²⁰⁴ IACHR, Poverty and Human Rights Report, 2017, para. 91.

²⁰⁵ REDESCA, [Concluding Observations and Recommendations of REDESCA following its visit to Brazil](#), August 2023, para. 1.

²⁰⁶ Ministério da Saúde, [Painel Coronavírus](#), June 3, 2023.

²⁰⁷ Datosmacro.com, [Brazil - COVID 19 - Vaccines administered](#), March 22, 2023.

²⁰⁸ Agência Brasil, [Brazil prepares inclusion of COVID-19 vaccines in the rotation calendar](#), September 21, 2023.

158. The Rapporteurship also highlights various measures in this area, including advances in the regulation of the "Program for the Protection and Promotion of Menstrual Health," which provides for the distribution of sanitary pads to low-income students and homeless people²⁰⁹; a decision of the Superior Court of Justice (STJ) that prohibits doctors from denouncing patients for clandestine abortions, due respect for professional secrecy²¹⁰; and the sanction of the law that included the "National Oral Health Policy" in the Organic Health Law, making oral health a guaranteed right with universal, equitable and continuous access²¹¹.

159. REDESCA notes the re-launch of the "Mais Médicos" program, which has been signed into law in Brazil²¹². This program offers 5,970 vacancies for health professionals in 1,994 municipalities in all regions of the country, with priority for Brazilian professionals trained in the country. It is relevant to note that, in the first call for applications, the Ministry of Health reported that it received a record 34,070 registrations in May. Of these, 19,652 had professional registration in Brazil²¹³. The program aims to place about 28,000 health professionals in the country by the end of the year, with a special focus on areas of extreme poverty. According to the federal government, the program beat its historical record of professionals by reaching 18,500 physicians in primary care, of which 13,000 correspond to open vacancies in 2023, with the work more concentrated in the peripheries, the interior and poor regions²¹⁴.

160. In turn, the Special Rapporteurship has noted with concern the serious humanitarian situation experienced by the Yanomami indigenous community, and takes note of the actions promoted by the Federal Government, such as the act of the Ministry of Health declaring on January 20 the Public Health Emergency of National Importance in the Yanomami Indigenous Territory²¹⁵ and the visit of President Luiz Inácio Lula da Silva to the area, when he indicated that there will be no more illegal mining on indigenous lands²¹⁶. A report by prosecutors from the Federal Public Prosecutor's Office (MPF) found that the serious health situation and food insecurity suffered by the Yanomami indigenous people is mainly due to the omission of the Brazilian State in the protection of their lands, the deficiency in the provision of health services, the lack of distribution of medicines and the growth in the number of miners within the Yanomami Indigenous Land²¹⁷. The Rapporteurship also takes note of the statements made by the Minister of Environment during the first days of May, who affirmed that between 75% and 80% of illegal miners would have left the Yanomami territory by then²¹⁸. As of September, the area affected by illegal mining had decreased 78.5% compared to the same period in 2022, but the indigenous organizations demand more actions from the Federal Government to improve and expand actions for territorial protection and surveillance, health, education and food security²¹⁹.

²⁰⁹ CNN Brasil, [Lula anuncia pacote de medidas no Dia Internacional da Mulher: veja quais são](#), March 8, 2023.

²¹⁰ CNN Brasil, [Médico deve respeitar sigilo e não pode denunciar paciente por aborto, decide STJ](#), March 15, 2023.

²¹¹ CNN Brazil, [Lula sanciona lei que torna atendimento odontológico obrigatório](#), March 8, 2023.

²¹² Presidência da República, [Law No. 14.621, of July 14, 2023](#), July 14, 2023.

²¹³ CNN Brasil, [Mais Médicos tem recorde de inscrições na retomada do programa, diz governo](#), 1 June 2023.

²¹⁴ Ministério da Saúde, [With more than 18.5 thousand professionals, Mais Médicos breaks historical record six months after the program's resumption](#), September 4, 2023.

²¹⁵ Diário Oficial da União, [Portaria GM/MS Nº 28, de 20 de janeiro de 2023](#), 20 January 2023.

²¹⁶ The Guardian, [Lula accuses Bolsonaro of genocide against Yanomami in Amazon](#), January 22, 2023.

²¹⁷ Agência Brasil, [Prosecutor's Office: Yanomami's situation is due to the State's omission](#), January 24, 2023.

²¹⁸ CNN Brasil, [Cerca de 80% dos garimpeiros já deixaram terras indígenas, diz Marina Silva](#), May 1, 2023.

²¹⁹ Instituto Socioambiental, [IV Fórum de Lideranças Yanomami e Ye'kwana marca união de povos da maior Terra Indígena do Brasil](#), July 20, 2023; Fundação Nacional dos Povos Indígenas, [IV Fórum de Lideranças da Terra Indígena Yanomami encerra-se com compromissos assumidos pelo governo federal perante os povos Yanomami e Ye'kwana](#), July

161. In November, a public hearing was held at the IACHR where it was stated that Brazil denies the existence of trans children and adolescents. In addition, there are more than 22 bills in Parliament that seek to limit the rights of this specific population. The Brazilian State, for its part, stated that it has taken measures, such as the creation of a working group, to improve the care and rights of the LGBTQI+ population, including trans children and adolescents²²⁰. REDESCA takes note of the issues discussed at the public hearing, highlighting the importance of incorporating a diversity perspective in public policies aimed at children and a child perspective in public policies aimed at diversity. A call is made to the State to develop comprehensive policies based on a human rights approach, in consultation with civil society organizations and trans persons. In addition, it is urged to guarantee health protocols that respect the gender identity of trans persons²²¹.

B. Climate emergency and the human right to water

162. REDESCA took note of a series of measures adopted on January 1. Among them, it welcomes the reestablishment of the "Amazon Fund", which aims to finance projects aimed at reducing deforestation and monitoring the Amazon biome²²². In addition, it highlights the revocation of a decree issued by the previous government in the last days of its mandate, which extended licenses for the exploitation of mineral resources in the Amazon region and on indigenous lands²²³. In this regard, the Rapporteurship took note of a study published by the Institute for Environmental Research of the Amazon and the Coordinating Body of Indigenous Organizations of the Brazilian Amazon, which noted that six of the ten indigenous reserves that recorded the greatest increase in deforestation in the biome were territories with the presence of isolated peoples, and concentrated 48% of the fires caused by the use of fire linked to mining and land invasion.²²⁴

163. In the same vein, the State informed the IACHR that it promoted new strategies against deforestation, which resulted in: 42.5% reduction in deforestation alerts in the first seven months of the year, compared to the same period of the previous year; 173% increase in notifications of infractions related to flora, compared to the average of the last 4 years; 123% increase in seizures, compared to the average for the same period in the last 4 years; 147% increase in the amount of fines, compared to the average for the same period in the last 4 years; and a 107% increase in the number of seizure notices issued, compared to the average for the same period in the last 4 years²²⁵.

164. The Rapporteurship took note of the various environmental tragedies that occurred in Brazil²²⁶, which have been exacerbated by climate change and the inadequacy of public policies. These tragedies have disproportionately affected historically vulnerable populations, such as indigenous peoples, Afro-descendants,

17, 2023; Brasil de Fato, [Terra Indígena Yanomami tem queda de 80% nas áreas atingidas por garimpo ilegal, diz Ministério da Defesa](#), September 15, 2023.

²²⁰ IACHR, Public Hearing, 188th Period of Sessions, Brazil: protection of the human rights of transgender children and adolescents, November 7, 2023.

²²¹ IACHR and REDESCA, Report on trans and gender-diverse persons and their economic, social, cultural and environmental rights: prepared by the Inter-American Commission on Human Rights on August 7, 2020 / [prepared by the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission on Human Rights], OAE/Ser.L/V/II, 2020, Recommendations 3, 15 and 25, "d".

²²² g1, [Lula assina decreto que retoma Fundo Amazônia e outras medidas ambientais](#), January 1, 2023.

²²³ Rosario3, [Lula's first measures: for disarmament and environmental protection](#), January 2, 2023.

²²⁴ EFE, Verde, [Reserves with isolated indigenous people are the most threatened in the Brazilian Amazon](#), January 11, 2023.

²²⁵ State of Brazil, Note No. 367 of September 14, 2023. Response to the IACHR consultation questionnaire.

²²⁶ REDESCA, [Concluding Observations and Recommendations of REDESCA following its visit to Brazil](#), August 2023, paras. 45-53.

women, and children and adolescents²²⁷. Of particular note are the natural disasters that occurred in Pernambuco²²⁸ and São Sebastião²²⁹, which have had a devastating impact on these communities. A World Bank report estimates that between 800,000 and 3,000,000 people in Brazil could fall into extreme poverty by 2030 due to natural disasters, especially floods and droughts²³⁰.

165. Regarding the use of pesticides and their impact on the guarantee of a healthy environment, during the visit, the Rapporteurship received information on the sale in the country of pesticides that are banned in other countries. Indeed, according to information provided by the National Human Rights Council, of the 10 most sold pesticides in Brazil, 5 are banned in the European Union²³¹. In this context, the Office of the Special Rapporteur expresses concern about the progress made by the ruralist bench with the bill 1459/2022, known as the "Poison Package", which would authorize the use of more pesticides in the country²³². Without prejudice to this, the decision of the Federal Supreme Court to declare constitutional the State Law n. 16.820/2019 prohibiting the aerial spraying of pesticides in the state of Ceará is welcomed, whose sentence has national repercussions, as it is a reference to the bills being processed in 18 states²³³.

166. In addition, REDESCA takes note of a complaint filed in mid-January by the Xerente people of the Kâkaka village with the Brazilian Institute of Environment and Renewable Natural Resources and the National Foundation of Indigenous Peoples regarding the lack of access to drinking water and fishing due to the contamination of the Gorgulho River caused by the use of pesticides by agribusiness²³⁴. In this regard, the Rapporteurship considers it relevant to recall the importance of the safeguards that States implement so that business actors do not limit access to food and subsistence sources for indigenous peoples²³⁵.

167. REDESCA is concerned about the lack of access to drinking water and water pollution in Brazil. Approximately 35 million people lack access to safe drinking water²³⁶. In addition, half of the country's sewage is not treated, and every second some 18,000 liters of sewage are dumped into the sea²³⁷. In this regard, during the visit of the Special Rapporteur to the Assentamento Comuna da Terra Irmã Alberta, rural workers reported that among the main difficulties they face is the lack of access to water and the absence of government support

²²⁷ IACHR and REDESCA, Press Release No. 207/21 "[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; Information provided by UN Mulheres, Economic, Social, Cultural and Environmental Rights in a perspective of gender, race, and ethnicity in Brazil, 2023.

²²⁸ REDESCA meeting with the National Health Council and the National Human Rights Council, held on June 14, 2023 in Brasília.

²²⁹ General meeting of REDESCA with civil society organizations and social movements held on June 12, 2023 in São Paulo.

²³⁰ World Bank Group, [Brazil Country Climate and Development Report](#), 2023.

²³¹ REDESCA meeting with the National Health Council and the National Human Rights Council, held on June 14, 2023 in Brasília.

²³² Greenpeace, [Mais agrotóxicos do Congresso para a sua ceia!](#), December 19, 2022.

²³³ Terra de Direitos, [STF reconhece lei estadual que proíbe a pulverização aérea de agrotóxicos no Ceará](#), May 29, 2023.

²³⁴ Amazônia Real, [Xerente Indians are without drinking water due to toxic agro-chemical contamination of the Gorgulho River](#), January 17, 2023.

²³⁵ IACHR, [Report Business and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, IACHR/REDESCA/INF.1/19, November 1, 2019, para. 344.

²³⁶ France 24, [Despite its water wealth, Brazil suffers from drinking and wastewater management](#), March 18, 2023.

²³⁷ Ibid.

to improve this situation²³⁸. A similar situation is observed with respect to traditional or tribal Afro-descendant communities, such as, for example, the Quilombola community of Rio dos Macacos²³⁹.

168. Similarly, REDESCA is concerned about other legislative bills that could change the rules of environmental protection, including bill 3729/2004 (PL 2159/2021 in progress in the Senate) that relaxes and/or extinguishes the environmental licensing of works and companies²⁴⁰; the PL 510/2021 bill that allows the legalization of invaded public lands and the titling of areas considered latifundios²⁴¹ or the PL 4348/2019 bill that allows the private sector to appropriate lands destined for agrarian reform and the titling of areas considered latifundios.²⁴²

C. Business and human rights

169. REDESCA is deeply concerned about the impacts of illegal mining in Brazil, particularly on the Yanomami indigenous communities. In the last four years, approximately 570 Yanomami children under the age of five have reportedly lost their lives due to malnutrition, malaria, diarrhea and malformations caused by exposure to mercury used by illegal gold miners²⁴³. In addition, in 2022, 99 Yanomami children were reported to have died from malnutrition, pneumonia and diarrhea, directly related to the expansion of illegal mining in the region²⁴⁴. The incidence of malaria has also increased significantly due to the presence of illegal mining, which represents a serious threat to the health of Yanomami communities²⁴⁵.

170. The Rapporteurship also took cognizance of a complaint filed by the Federal Public Prosecutor's Office (MPF) against those involved in the Brumadinho dam breach in Minas Gerais, which in 2019 resulted in 270 deaths and 3 three people still missing. The Federal Public Prosecutor's Office denounced 16 people for aggravated homicide, among them the former president and employees of the companies Vale and Tuv Sud, who would have attested to the safety of the dam. The employees and the company were also charged with environmental crimes against fauna and flora and the crime of pollution²⁴⁶.

171. For its part, the Office of the Special Rapporteur notes with concern a survey that revealed the lack of racial inclusion of women in Brazilian companies, since 86% of the women interviewed reported cases of racism. Although 50.3% of the women interviewed had a higher education and postgraduate degree or specialization, more than 70% of the respondents stated that postgraduate degrees do not allow them to be promoted in companies. In turn, 68% stated that they had been mistaken for a cleaning lady in the company, and 50% stated that in online recruitment interviews they were asked about the color of their skin and where they lived²⁴⁷.

²³⁸ REDESCA's visit to the organization Landless Rural Workers Movement (MST), Assentamento Comuna da Terra Irmã Alberta, held on June 11, 2023 in Sao Paulo.

²³⁹ REDESCA visit to the Quilombola Rio de los Macacos Community on 15 June 2023 in El Salvador; REDESCA, [Concluding Observations and Recommendations of REDESCA following its visit to Brazil](#), August 2023, para. 9.

²⁴⁰ Federal Senate, [Projeto de Lei nº 2159, de 2021](#). Consulted on October 23, 2023.

²⁴¹ Federal Senate, [Projeto de Lei nº 510, de 2021](#). Consulted on October 23, 2023.

²⁴² Câmara dos Deputados, [PL 4348/2019](#). Consulted on October 23, 2023.

²⁴³ Sumaúma, ['We can't even count the bodies'](#), January 20, 2023.

²⁴⁴ G1 Globo, [Quase 100 crianças morreram na Terra Indígena Yanomami em 2022, diz Ministério dos Povos Indígenas](#), January 21, 2023.

²⁴⁵ CNN Brasil, [Aumento de casos de malária tem correlação direta com o garimpo ilegal, diz estudo da Fiocruz](#), 13 April 2023.

²⁴⁶ G1 Globo, [Tragédia em Brumadinho: MPF denuncia 16 pessoas por homicídio qualificado](#), 23 January 2023.

²⁴⁷ Agência Brasil, [Survey: no racial inclusion policy in the country's companies](#), March 26, 2023.

172. For its part, REDESCA highlights an investigation, coordinated by the Center for Anthropology and Forensic Archeology of the Federal University of São Paulo in collaboration with the Federal Public Prosecutor's Office and the Public Prosecutor's Office of the State of São Paulo, on the collaboration of ten companies with the military dictatorship that began in 1964²⁴⁸ : Aracruz²⁴⁹ , Cobrasma²⁵⁰ , Companhia Siderúrgica Nacional²⁵¹ , Companhia Docas de Santos²⁵² , Fiat²⁵³ , Folha de São Paulo²⁵⁴ , Itaipu Binacional²⁵⁵ , Josapar-Denasa²⁵⁶ , Paranapanema²⁵⁷ , and Petrobras²⁵⁸ . In this regard, the Office of the Special Rapporteur recalls that in order to generate guarantees of non-repetition and to ensure that corporate impunity does not persist in the commission and complicity of serious human rights violations due to the lack of access to justice and comprehensive reparation for the victims, States have the obligation to expressly include the investigation, both through judicial and non-judicial mechanisms, into the role and responsibility of companies and economic actors in the commission and complicity of serious human rights violations²⁵⁹ .

173. Regarding the rights of human rights defenders, the Rapporteurship notes with concern that Brazil is one of the five countries in the world that accounted for more than 80% of the murders of human rights defenders in 2022, with special attention to those working for the rights to land, indigenous peoples and the environment, which accounted for 48% of the total number of murders²⁶⁰ . In this regard, the Office of the Special Rapporteur recalls that States have the duty to facilitate the necessary means for these persons to freely carry out their activities, protect them when they are subject to threats, refrain from imposing obstacles that hinder the performance of their work, and seriously and effectively investigate violations committed against them²⁶¹ .

174. REDESCA welcomes the decision of the President of the Republic to veto the "temporary framework" and other provisions that represented a threat to the ESCER of indigenous peoples. This measure is an important step in the protection of the rights of these communities and in the recognition of their territorial and cultural rights²⁶² .

²⁴⁸ Agência Pública, [Empresas cúmplices da ditadura militar](#), June 5, 2023.

²⁴⁹ GGN, [Empresas colaboraram de forma ativa com violações praticadas pela ditadura, aponta estudo](#), 2 June 2023.

²⁵⁰ Agência Pública, [Cobrasma lucrou milhões ao apoiar ditadura e reprimir movimentos sociais](#), 2 June 2023; GGN, [Empresas colaboraram de forma ativa com violações praticadas pela ditadura, aponta estudo](#), 2 June 2023.

²⁵¹ Ibid.

²⁵² Agência Pública, [Companhia Docas se aliou à ditadura para monitorar funcionários no Porto de Santos](#), May 31, 2023; GGN, [Empresas colaboraram de forma ativa com violações praticadas pela ditadura, aponta estudo](#), June 2, 2023.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ IACHR, [Report Business and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, IACHR/REDESCA/INF.1/19, November 1, 2019, p. 204, para. 11.

²⁶⁰ Front Line Defenders, [Global Analysis 2022](#), April 4, 2023, p. 9.

²⁶¹ IACHR, [Report Business and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II, IACHR/REDESCA/INF.1/19, November 1, 2019, para. 47.

²⁶² Presidência da República, [Lei Nº 14.701, de 20 de outubro de 2023](#), 20 de outubro de 2023; Presidência da República, [Mensagem Nº 536, de 20 de outubro de 2023](#), 20 de outubro de 2023.

D. Labor and union rights

175. REDESCA takes note of the current administration's decision to increase the minimum wage from R\$1,302 to R\$1,320 (US\$260 to US\$264), exceeding inflation levels. Also noteworthy is the tax exemption for people with lower incomes, those earning less than R\$2,640 per month²⁶³. REDESCA also salutes the State for the sanctioning of the law that promotes wage equality between women and men²⁶⁴.

176. The Rapporteurship also became aware of a presidential decree that establishes that at least 30% of positions of trust in the public administration at the federal level must be held by black and mestizo persons. Despite the fact that more than 56% of the Brazilian population identifies itself as black (9.1%) or mixed race (47%), less than 30% of these groups occupy positions of responsibility, both in the private sector and in the public service²⁶⁵.

177. The Rapporteurship notes an operation in February that rescued 139 workers in slavery-like conditions, which represented the third largest rescue of people in a single facility in the last five years, according to the Ministry of Labor²⁶⁶. As of October 3, 2023, a total of 2,592 workers had been rescued, setting a record for the last decade. In addition, the list of employers violating labor regulations was updated with the inclusion of 204 names, involving 473 individuals and companies²⁶⁷.

178. It has also become aware of certain judicial decisions, especially from the Federal Supreme Court, which do not recognize the status of employees in situations that should be covered by international and national regulations, leading to the denial of the corresponding labor and social protections. This problem is reflected in cases such as digital platform workers and other similar categories, which also affects the competence of the labor courts²⁶⁸.

E. Right to education: academic freedom and university autonomy

179. In relation to the right to education, REDESCA observed that, during the months of March and April, protests led by high school students took place throughout the country, with the aim of requesting the repeal of the Secondary Education Reform, which was sanctioned in 2017 and implemented as of 2022. This reform is characterized by the increase of hours dedicated to technical activities, while reducing the amount of hours dedicated to knowledge of universal interest, such as philosophy, logic, history, mathematics and social sciences²⁶⁹. This measure has raised concerns due to its impact on exacerbating inequalities, affecting to a greater extent those students who attend public educational institutions, and harming students' preparation for higher education entrance exams²⁷⁰. In response to the student protests, the Brazilian government

²⁶³ Governo Federal, [Presidente anuncia salário mínimo de R\\$ 1.320 a partir de maio e isenção do IR para quem recebe até R\\$ 2.640](#), 17 de febrero de 2023.

²⁶⁴ Presidência da República, [Lei n. 14.611, de 3 de julho de 2023](#), July 3, 2023.

²⁶⁵ El Colombiano, [Brazil takes measures to mitigate racial inequality: 30% of public positions will be for blacks and mestizos](#), March 26, 2023.

²⁶⁶ UOL, [Com 139 vítimas na cana, resgate de ESCERavizados é o 3º maior em 5 anos](#), 17 de febrero de 2023.

²⁶⁷ Mídia Ninja, [Trabalho análogo à ESCERavidão registra 2.5 mil resgates em 2023, o maior em 10 anos](#), 19 de octubre de 2023.

²⁶⁸ REDESCA meeting with delivery drivers and drivers of digital platforms and others linked to the world of labor relations held on June 14, 2023 in Brasília; Supremo Tribunal Federal, Reclamação (RCL) 60347, Rel. Ministro Alexandre de Moraes, monocratic decision of July 25, 2023, and others; REDESCA, [Concluding Observations and Recommendations of REDESCA following its visit to Brazil](#), August 2023, para. 57.

²⁶⁹ TeleSur, [Students Protest High School Reform in Brazil](#), March 16, 2023.

²⁷⁰ ICN, [Brazilian students to take to the streets to protest and call for the repeal of the new secondary education](#), 19 April 2023.

announced in early April the temporary suspension of the implementation of the reform for a period of 60 days, counted from the end of a public consultation. This decision was based on the identification of errors in the execution of the reform, as well as the lack of guidance, teacher training and adaptation of school infrastructure necessary for its proper implementation²⁷¹.

180. The Office of the Special Rapporteur is also concerned about the results of inspections carried out by 32 courts of auditors, which have revealed that 57% of classrooms in Brazil do not meet adequate conditions for learning. These problems are related to windows and fans in poor condition, deteriorated furniture, deficiencies in lighting and ventilation, leaks in the roof, and the presence of mold on the walls. In addition, there have been failures in the cleanliness and maintenance of educational establishments²⁷². Likewise, it was found that 31% and 8% of the schools visited lack sewage and garbage collection, respectively²⁷³; and that 89% do not have the Fire Department Inspection Certificate certifying compliance with fire regulations, 86% do not have fire hydrants, 44% do not have fire extinguishers and 28% have expired extinguishers²⁷⁴. In addition, inspections verified 63% of schools with no libraries and no reading rooms, and 88% with no laboratory or computer room²⁷⁵.

181. In addition, the Rapporteurship expresses its concern about the results of a survey published by the Ministry of Education, which indicates that 56.4% of children who completed the second year of elementary school in 2022 present illiteracy levels. This figure represents a significant increase compared to 2020, when 39.7% of students completed this period without achieving basic reading and writing skills²⁷⁶.

²⁷¹ La Jornada, [Suspenden en Brasil reforma educativa que privilegia educación técnica](#), April 4, 2023; Presidência da República, [Cronograma de implementação do Novo Ensino Médio é suspenso](#), April 9, 2023.

²⁷² Agência Brasil, [Inspection: 57% of the country's classrooms are inadequate](#), April 28, 2023.

²⁷³ Ibid.

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ CNN Brasil, [Mais da metade das crianças terminou o 2º ano do ensino fundamental não alfabetizadas](#), May 31, 2023.

8. CANADA

182. In the framework of the Inter-American system, it should be noted that Canada, despite being a member of the Organization of American States (OAS), has not ratified the American Convention on Human Rights or the Protocol of San Salvador. REDESCA encourages Canada to consider ratifying these instruments for the promotion and protection of economic, social, cultural and environmental rights in the hemisphere.

183. The Special Rapporteurship recognizes a decrease in Canada's inflation rate for the year 2023 compared to the previous year, but nevertheless remains at considerable levels, with a record of 3.7% up to September, if the gasoline price component is disregarded. It is also noteworthy that food inflation persists at high levels: food prices have experienced an increase of 5.8% over the 12 months to September. In this period, prices of fresh fruits have risen by 3.0%, fish by 5.1%, bakery products by 8.0% and edible fats and oils by a remarkable 14.8% year-on-year in September, exceeding the figures for August²⁷⁷.

A. Right to health and social determinants

184. REDESCA has received data on the COVID-19 pandemic in Canada. As of October 24, 2023, there were 4,768,195 confirmed cases and 54,498 deaths²⁷⁸. In addition, the Rapporteurship takes note of the vaccination situation in the country, with 80.5% of the population having completed the first vaccination series by September 10, 2023²⁷⁹.

185. The Special Rapporteurship highlights the challenges facing Canada's health care system, according to information released by the authorities. Approximately 40% of the population indicates that they have limited access to primary care services outside of normal working hours²⁸⁰. Similarly, an Angus Reid Foundation survey conducted in August 2022 revealed that about 40% of adults in Canada found it difficult to access one of five essential health services in the previous six months - emergency and non-emergency care, surgeries, tests and specialist appointments. On the other hand, a February 2023 Ipsos survey reported that 60% of Canadians consider the quality of healthcare to be good, reflecting a decline from 72% in 2020, at the height of the pandemic²⁸¹. At the same time, the study mentions that the federal government, along with provincial and territorial administrations, have agreed to collaborate to strengthen the health system in four priority areas: expanding family health services and improving access to primary care; increasing the health workforce and reducing wait times to foster resilient health systems; improving access to mental health and addiction treatment services; and modernizing health information systems and digital tools for the secure exchange of electronic health information²⁸².

B. Climate emergency and the human right to water

186. The Special Rapporteur has noted with concern the critical environmental situation in Canada, characterized in 2023 by a severe series of wildfires. These fires, fueled by drought, high temperatures and strong winds, have caused around 6,000 outbreaks that have devastated more than 15 million hectares as of September 14²⁸³. Likewise, the floods that occurred in July of this year in the province of Nova Scotia, which left four people missing, highlight the urgency of addressing the extreme impacts of climate change in different

²⁷⁷ Statistics Canada, [Consumer Price Index, September 2023](#), October 17, 2023.

²⁷⁸ Government of Canada, [COVID-19 epidemiology update: Summary](#), October 24, 2023.

²⁷⁹ Government of Canada, [COVID-19 vaccination: Vaccination coverage](#), September 15, 2023.

²⁸⁰ Canadian Institute for Health Information, [Snapshot of Canada's 4 health care priorities](#), August 2, 2023.

²⁸¹ Canadian Institute for Health Information, [Snapshot of Canada's 4 health care priorities](#), August 2, 2023.

²⁸² Canadian Institute for Health Information, [Snapshot of Canada's 4 health care priorities](#), August 2, 2023.

²⁸³ Amnesty International, [Climate emergency: we know what happened last summer](#), 14 September 2023.

regions of the country²⁸⁴. In this vein, REDESCA notes the UN Committee on the Rights of the Child's concern about Canada's disproportionately high carbon footprint, "due primarily to its investments in fossil fuels" and the recommendation to reduce greenhouse gas emissions, in line with its international commitments²⁸⁵.

187. The Special Rapporteur is concerned about the adverse effects of natural disasters linked to climate change in Canada, which not only compromise biodiversity, but also deteriorate air quality, negatively impacting the lives of local communities and causing damage that transcends borders. In response to this situation, REDESCA urges the adoption of a comprehensive prevention policy, incorporating effective early warning systems and continued investment in infrastructure capable of withstanding the impacts of climate change. It is imperative that such actions be carried out with a human rights approach, in line with the guidelines established in Resolution 3/2021 on this issue.

C. Business and human rights

188. REDESCA has received reports from civil society organizations that point to the operation of 29 Canadian companies in 31 mining and extraction projects across nine countries in Latin America and the Caribbean²⁸⁶. These reports highlight the absence of adequate protection, access to justice and reparation mechanisms for communities impacted by the activities of these companies. It has also been highlighted how the Canadian State fails to comply with its extraterritorial obligations on human rights, environmental preservation and climate responsibility, as well as the fact that the voluntary measures implemented by Canada are ineffective and insufficient²⁸⁷.

189. The Office of the Special Rapporteur has taken note of the legal actions taken against members of the Wet'suwet'en people and their supporters who are defending their ancestral land rights against energy infrastructure projects. Amnesty International has called for the charges to be dropped ahead of the upcoming rounds of trials. The organization has denounced the arrest of the land defenders by the Royal Canadian Mounted Police and the charges imposed are a transgression of their rights and perpetuate patterns of colonial expropriation and systemic racism²⁸⁸.

190. REDESCA welcomes the adoption in Canada of legislation on due diligence on forced labor and child labor in supply chains²⁸⁹. However, it considers it necessary to continue efforts to regulate the activities of its companies abroad, particularly those that have an impact on human rights and environmental

²⁸⁴ Los Angeles Time, [Storms leave 4 missing in eastern Canada](#), July 22, 2023.

²⁸⁵ Human Rights Council - Working Group on the Universal Periodic Review, 44th session, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights](#), 30 August 2023, A/HRC/WG.6/44/CAN/2, para. 50.

²⁸⁶ United Nations - Human Rights Council, [Universal Periodic Review - Canada, 2023](#); Human Rights Council - Working Group on the Universal Periodic Review, 44th Session, [Summary of Stakeholder Submissions on Canada - Report of the Office of the United Nations High Commissioner for Human Rights](#), 4 September 2023, A/HRC/WG.6/44/CAN/3; Amnesty International, [Canada: Human Rights at Risk. Amnesty International: Information for the 44th session of the Universal Periodic Review working group, 10 November 2023](#), 31 March 2023; Asociación Ambiente y Sociedad, [Canadian companies commit various human rights violations in Latin America](#), 31 August 2023.

²⁸⁷ Asociación Ambiente y Sociedad, [Canadian companies commit various human rights violations in Latin America](#), August 31, 2023; Amazon Watch et al, Canada's failure to comply with extraterritorial obligations: corporate abuses in nine Latin American and Caribbean countries, April 5, 2023.

²⁸⁸ Amnesty International, [Canada: Charges against Wet'suwet'en people defending their land rights and their supporters must be dropped](#), 26 October 2023; Amnesty International, [Canada: drop charges against land defenders](#), 19 October 2023; Amnesty International, [Criminalization of Wet'suwet'en land defenders](#), 1 March 2023.

²⁸⁹ Global Rights Compliance, [Canada passes legislation on due diligence in forced and child labor in supply chains](#), June 13, 2023.

sustainability²⁹⁰. The Special Rapporteur urges the State to redouble its efforts to provide its institutions with adequate and transparent mechanisms that allow all persons affected by the aforementioned business operations to present complaints in an effective manner.

D. Labor and union rights

191. REDESCA welcomes the measures taken by Canada to support working people with low and modest incomes. As of July 2023, these individuals will receive automatic advances of the Enhanced Canada Workers' Benefit, as announced by the authorities²⁹¹. The Special Rapporteur also welcomes the ratification of the Violence and Harassment Convention, 2019 (No. 190), which will enter into force for Canada on January 30, 2024²⁹².

192. REDESCA shares the concern of UN independent expert Tomoya Obokata, who has described Canada's temporary foreign worker programs as a "breeding ground for contemporary forms of slavery," and who underscores the vulnerability of these individuals to exploitation and abuse. According to this information, the communities most susceptible to contemporary slavery and exploitation include people with precarious immigration status, indigenous peoples and other groups that are victims of structural discrimination. In addition, it noted deficiencies in human rights-focused approaches within Canada's law enforcement and judicial system, as well as the need for adequate protections and remedies for victims²⁹³.

E. Fiscal and economic policies

193. The Rapporteurship welcomes the steps taken by Canada in its comprehensive climate change mitigation strategy, highlighting the implementation of carbon pricing. Considering that Canada is a major emitter of greenhouse gases globally, the carbon pricing initiative represents a significant step forward²⁹⁴. In addition, the inclusion in the 2023 budget of tax incentives to encourage investment in clean electricity and sustainable technologies, as reported on the Canadian government's official website²⁹⁵, is welcomed.

194. The Special Rapporteur notes with great concern the crisis of homelessness in Canada. New research indicates that the magnitude of the problem may be significantly greater than reflected in current figures²⁹⁶. It is suggested that traditional methodologies underestimate those who do not interact with health or homeless assistance services, and that the actual number could be up to three times higher than federal estimates suggesting 235,000 homeless people over the course of a year across the country²⁹⁷.

²⁹⁰ Above Ground, [Our Focus: Bringing mandatory due diligence to Canada](#), 2023.

²⁹¹ Government of Canada, [Low-income workers to receive first enhanced Canada Workers Benefit payments](#), July 27, 2023.

²⁹² ILO, [Ratification of C190 - Violence and Harassment Convention, 2019 \(No. 190\)](#), 2023.

²⁹³ UN News, [UN expert sounds alarm over 'contemporary forms of slavery' in Canada](#), 6 September 2023; UN, Tomoya Obokata - Special Rapporteur on contemporary forms of slavery, including its causes and consequences, [End of Mission Statement](#), 6 September 2023.

²⁹⁴ International Monetary Fund, [Canada: Staff Concluding Statement of the 2023 Article IV Mission](#), June 20, 2023.

²⁹⁵ Government of Canada, [Climate change: our plan](#), October 27, 2023; International Monetary Fund, [Canada: Staff Concluding Statement of the 2023 Article IV Mission](#), June 20, 2023.

²⁹⁶ Statistics Canada, [A review of Canadian homelessness data, 2023](#), June 16, 2023; Canadian Observatory on Homelessness, [How many people are homeless in Canada](#), accessed August 24, 2023; CTN News Atlantic, [Want a more accurate number of Canada's homeless population? Try counting health data](#), June 30, 2023.

²⁹⁷ The Globe and Mail, [Growing number of homeless encampments leave smaller cities struggling to respond](#), July 2, 2023.

F. Right to education: academic freedom and university autonomy

195. The Special Rapporteur recognizes the significant progress of the Canadian education system as reflected in the OECD report "Education at a Glance 2023". It highlights the length of compulsory education that exceeds the OECD average, the high enrollment rate in secondary and tertiary education, and the low percentage of young adults without secondary education. In addition, Canada excels in educational investment per capita and teacher remuneration, elements that contribute to strengthening the right to education²⁹⁸.

196. The Government of Canada is planning to implement the country's first national school meal policy as part of the federal budget²⁹⁹. This initiative seeks to increase access to nutritious meals for children on campuses across the country. However, community programs have reported struggling to meet demand with insufficient funding³⁰⁰. The Rapporteurship suggests that the state strengthen its commitment to the effective implementation of a national school meal program that ensures a balanced and healthy diet.

197. REDESCA notes that the Committee on the Rights of the Child recommended that Canada strengthen measures to make education inclusive in all provinces and territories, including by adapting curricula and training specialized teachers and professionals and assigning them to integrated classes. In the same vein, UNESCO recommended that Canada continue to work to improve inclusive education, in particular for indigenous persons³⁰¹.

198. REDESCA notes with concern the recent demonstrations in British Columbia, Ontario and Nova Scotia that have arisen in response to gender-inclusive education policies³⁰². The Rapporteurship urges the State to protect the rights of all persons participating in the education system, both formal and non-formal education, whether provided by public, private or public-private institutions. The State should promote a school environment that respects diversity and inclusion, which implies systematically monitoring incidents of harassment, violence and discrimination based on gender identity and/or expression in educational spaces, as well as analyzing data and producing statistics with a view to eradicating discrimination and violence in schools; and ensuring broad participation of all stakeholders and the educational community in general terms³⁰³.

G. Human mobility and ESCER

199. According to the report of the United Nations High Commissioner for Human Rights, undocumented foreign nationals face precarious labor and economic conditions and coercion, in addition to lack of access to social services, all of which could lead to the criminalization and marginalization of migrant

²⁹⁸ OECD, [Canada Overview of the education system \(EAG 2023\)](#), 2023.

²⁹⁹ Global News, [Canada is planning its 1st national school food policy. What will it include?](#), February 8, 2023.

³⁰⁰ CBC News, [Canada is the only G7 country without a national school food program. Advocates say it's time](#), October 02, 2023.

³⁰¹ Human Rights Council - Working Group on the Universal Periodic Review, 44th session, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights](#), 30 August 2023, A/HRC/WG.6/44/CAN/2, para. 47.

³⁰² CBC News, [Arrests, heated exchanges mark rallies over LGBTQ school policies](#), September 20, 2023; CityNews Montreal, [Rallies against 'gender ideology' in schools met with counter protests in Montreal and Canada](#), September 20, 2023.

³⁰³ IACHR and REDESCA, Report on Trans and Gender Diverse Persons and their Economic, Social, Cultural and Environmental Rights: approved by the Inter-American Commission on Human Rights on August 7, 2020 / [prepared by the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission on Human Rights], OEA/Ser.L/V/II, 2020, Recommendations 19, "b", and 20.

women and expose them to trafficking and sex work³⁰⁴. According to the same report, "[t]he Committee against Torture noted with concern Canada's continued use of mandatory detention of non-citizens in the 'irregular arrivals' category, and the failure of the law to set a maximum length of detention. Also of concern was the lack of an effective mechanism to review the legality of detention and the use of provincial correctional facilities"³⁰⁵. REDESCA calls on Canada to take into consideration the recommendations of the expert groups, as trafficking and labour exploitation must be combated. In this regard, it urges the State to develop a strategy to systematize information on these cases and to promote a national policy to prevent the labor exploitation of undocumented persons.

³⁰⁴ Human Rights Council - Working Group on the Universal Periodic Review, 44th session, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights](#), 30 August 2023, A/HRC/WG.6/44/CAN/2, para. 73.

³⁰⁵ Human Rights Council - Working Group on the Universal Periodic Review, 44th session, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights](#), 30 August 2023, A/HRC/WG.6/44/CAN/2, para. 74.

9. Chile

200. In terms of the ratification of instruments of regional relevance, Chile has demonstrated its commitment by ratifying both the Protocol of San Salvador and the Escazú Agreement. These acts reflect the country's commitment to the promotion and protection of ESCER. However, the need to strengthen efforts to ensure the effective implementation of these important international instruments at the national level is highlighted.

201. REDESCA notes that while poverty declined significantly from 8.0% in 2020 to 4.8% in 2022 in Chile, it also notes an increase in deprivations in non-monetary dimensions such as healthcare and social security compared to the previous year. The country's real Gross Domestic Product (GDP) is projected to contract by 0.4% in 2023 but is expected to recover to 2% growth in the medium term. However, there is concern that poverty may increase to 5.2% in 2023, and the Gini coefficient is expected to remain at 0.43³⁰⁶.

202. Regarding access to housing, REDESCA takes note of TECHO Chile's report, entitled "Catastro Nacional de Campamentos 2022-2023", which is based on data collected between July 2022 and February 2023. The report reveals an alarming increase in the number of families living in camps (precarious settlements) throughout the country, reaching a total of 113,887 households. This represents an increase of 39.5% compared to the previous period (2020-2021). In addition, it is highlighted that 45.7% of all encampments were formed between 2010 and 2020, and 14.6% emerged from 2020 to October 2023. This situation underlines the growing problem of access to housing in Chile and the need to address it effectively³⁰⁷.

A. Right to health and social determinants

204. Regarding the guarantee of the right to health, the Office of the Special Rapporteur has been monitoring the health crisis in the country since June of this year. According to information from the Ministry of Health, the occupation of critical pediatric beds has reached critical levels, with a rate exceeding 89%. The data show that the public and private health system is facing a high demand for pediatric care, with the Los Ríos region being one of the most affected³⁰⁸. In this context, the tragic death of a two-month-old baby due to pneumonia while waiting for a bed led to the resignation of the Undersecretary of Health Care Networks³⁰⁹. The situation was further complicated by the increase in respiratory viruses and the challenging outlook of the hospital network. In response to this health crisis, the Ministry of Health announced the mandatory use of masks in schools³¹⁰.

206. The Special Rapporteurship takes note of the crisis of the private health care system in Chile and the Supreme Court ruling of November 2022. The ruling forced insurance companies to reimburse the excessive charges they had collected from their users since 2019. Private health entities, known as Isapres, will have to make a significant refund to their affiliates due to accusations of discrimination, especially towards women of childbearing age, the elderly, people with chronic and catastrophic diseases, among other groups. Originally, Isapres set prices based on risk factor tables that took into account gender and age, but in April 2020 the gender and age bias was eliminated for new affiliates. The Supreme Court ruled that the new table must be

³⁰⁶ World Bank, [Chile Overview](#), October 10, 2023.

³⁰⁷ Techo Chile, [Aumentan a cerca de 114 mil las familias que viven en campamentos](#), March 14, 2023.

³⁰⁸ Diario UChile, [Health Ministry authorities reported 89.8% occupancy of critical pediatric beds](#), June 21, 2023.

³⁰⁹ La Nación, [La ola polar exposes Chile's health crisis and adds another bombshell to Gabriel Boric's government](#), June 13, 2023.

³¹⁰ Bio Bio Chile, [Minsal announces mandatory use of face masks in schools](#), June 13, 2023.

applied to all contributors, leading to revaluation of prices and reimbursement of excess charges, excluding children under 2 years of age³⁴⁵.

207. On the other hand, REDESCA has learned that the Chilean State has not yet provided an adequate response or carried out reparations for the damages caused to women due to the situation related to the Anulette CD contraceptive, which was provided by the public service in 2020 and resulted in hundreds of unplanned pregnancies. In the period between 2020 and 2022, more than 300 women have approached the Miles Corporation seeking representation and support. As a result, some of those affected are evaluating the possibility of filing a lawsuit, as the psychosocial impact of an unplanned pregnancy has had significant consequences on their lives³¹¹. A confidential agreement has been reached with the pharmaceutical companies, but an agreement has not yet been reached with the State of Chile. The organization reported that the proposals presented for reparations to the affected women were rejected³¹². Feminist and human rights organizations have highlighted the serious consequences, both physical and psychological, that these errors have had on the lives of the affected women, many of whom belong to low-income sectors³¹³.

B. Climate emergency and the human right to water

208. REDESCA welcomes the request for an Advisory Opinion on Climate Emergency and Human Rights submitted by the States of Chile and Colombia to the Inter-American Court of Human Rights in January 2023. This request aims to clarify the scope of state obligations, both in their individual and collective dimension, to address the climate emergency within the framework of international human rights law. It highlights the importance of taking into account the differentiated effects that the climate emergency has on populations, recognizing the vulnerability of certain groups to environmental and climate impacts³¹⁴.

209. The Rapporteurship has also been monitoring the progress of the project to create the Biodiversity and Protected Areas Service, a government entity designed to centralize efforts to conserve protected natural areas and their biodiversity in response to the challenges posed by the climate crisis³¹⁵. REDESCA celebrates that, in June of this year, Chile's National Congress approved the so-called Law of Nature, which gives rise to the Biodiversity and Protected Areas Service (SBAP). This achievement comes after twelve years of waiting by environmental organizations, scientists and citizens, who demanded a more effective protection of Chile's representative ecosystems³¹⁶. SBAP will become the first governmental entity with an exclusive dedication to the preservation of the country's protected areas and the terrestrial and marine biodiversity in and around them³¹⁷.

210. For its part, in May 2023, the Special Rapporteurship has learned that the Chamber of the Chamber of Deputies of Chile approved a bill that expands criminal liability in cases of economic and

³¹¹ El Mostrador, [Más de 350 mujeres embarazadas por falla de anticonceptivo: Todavía no hay reparación y buscan demandar](#), June 12, 2023.

³¹² El Mostrador, [Más de 350 mujeres embarazadas por falla de anticonceptivo: Todavía no hay reparación y buscan demandar](#), June 12, 2023.

³¹³ BBC, ["They forced me to be a mom": the hundreds of women who are now mothers in Chile after using defective contraceptives](#), August 25, 2023.

³¹⁴ [Request for an Advisory Opinion on Climate Emergency and Human Rights to the Inter-American Court of Human Rights from the Republic of Colombia and the Republic of Chile](#).

³¹⁵ Swiss Info, [Chile finalizes an organization to take care of natural areas in the face of the climate crisis](#), January 11, 2023.

³¹⁶ MONGABAY, [Chile: after 12 years of waiting in Congress, the Biodiversity and Protected Areas Service is created](#), June 19, 2023.

³¹⁷ Government of Chile, [President launches the Biodiversity and Protected Areas Service \(SBAP\)](#), October 2, 2023.

environmental crimes. Specifically, on May 15, 2023, the National Congress unanimously approved a bill that not only modifies the Penal Code, but also systematizes economic crimes and environmental crimes³¹⁸.

211. On the other hand, the country's climate emergency is of concern, especially with regard to the longest drought in the region in recent years. According to the latest report of the World Meteorological Organization on the state of the climate in Latin America, Chile has experienced 13 years of scarce rainfall, which aggravates the drying trend and places it in a worrying place with respect to the water crisis in the area³¹⁹. This has led to devastating fires in the country³²⁰. As a result of moderate and strong winds, as well as temperatures that have exceeded 40 °C, the flames consumed approximately 270,000 hectares in a region located about 500 km south of Santiago³²¹. The National Disaster Prevention and Response Service reported that the fires have left 26 people dead, 3,276 people affected and 1,156 homes destroyed in the Maule and La Araucanía regions³²². In response, the Government has announced an Early Recovery and Assistance Plan for the victims of the forest fires. The Rapporteurship welcomes this plan which includes support measures for communities, a recovery bond and the provision of basic emergency housing. In addition to a deployment of various public services in order to provide an effective State response in the reconstruction process³²³.

212. In addition, during the month of February of this year, Chile has had heavy rains in the north of the country, which triggered floods, forced the evacuation of hundreds of people and caused the closure of important routes. These rains were concentrated in the regions of Antofagasta, Atacama and Coquimbo³²⁴. Subsequently, in July and August, the rains moved to the central and southern regions of Chile, specifically in O'Higgins, Maule, Ñuble and Biobío, generating diverse effects and challenges for the affected communities³²⁵.

C. Business and human rights

213. With respect to business activities and the protection of human rights, the Office of the Special Rapporteur welcomes the decision to reject the Dominga port mining project, an initiative presented by Andes Iron. This project sought to settle in La Higuera, Coquimbo region, in an area of great ecological value located within the Humboldt Current, which presents a special geography of deep-water reserve³²⁶. On June 29 of this year, the Environmental Evaluation Service, acting on behalf of the Committee of Ministers, issued the resolution that includes the technical and scientific grounds that led to the rejection of the Dominga port mining project in January, due to its potential negative impact on the environment³²⁷.

³¹⁸ El Mostrador, [Negacionismo climático: diputados de oposición no reconocen incidencia humana en el cambio climático](#), May 30, 2023.

³¹⁹ United Nations, [Climate change is not responsible for drought in Argentina, Uruguay and Chile, but it does aggravate water shortages](#), February 22, 2023.

³²⁰ CNN Chile, [Pdte. Boric made balance for forest fires: 45 are in combat and 146 are under control](#), February 03, 2023.

³²¹ France 24, [Fires in southern Chile leave 24 dead, nearly 1,000 injured and 800 homes destroyed](#), February 5, 2023.

³²² Bio Bio Chile, [Balance by forest fires: 26 dead, 3,276 victims and 1,156 houses destroyed](#), February 6, 2023.

³²³ Bio Bio Chile, [Government announces Early Recovery and Assistance Plan for fire victims](#), February 9, 2023.

³²⁴ Infobae, [Heavy rains in northern Chile caused flooding, hundreds evacuated and roads cut](#), February 20, 2023.

³²⁵ BBC, [Images of flooding in southern and central Chile for which President Boric declared "state of catastrophe"](#), August 22, 2023. CNN, [State of catastrophe declared in four regions of Chile due to intense rain system](#), August 21, 2023.

³²⁶ Bio Bio Chile, [Boric government fulfills campaign promise and rejects Dominga, a project valued at US\\$2.5 billion](#), January 18, 2023.

³²⁷ Servicio de Evaluación Ambiental, [Comité de Ministros, Resuelve Recurso de Reclamación Atinente al Proyecto "Dominga", cuyo Proponente es Andes Iron SPA](#), June 29, 2023.

214. The Special Rapporteur also welcomes the closure of the Ventanas smokestack, which has been a symbol of environmental "sacrifice zones" in Chile. Ventanas, at the time, was considered an emblem of progress in a country that is the world's leading copper exporter. However, the considerable environmental and health costs that the operation of this smelter had imposed were recognized. The cessation of operations of this smelter, which had been in operation for more than half a century since 1964, represents a significant milestone in the history of Ventanas and Chile in general. It also marks a relevant change in the country's environmental policy³²⁸.

215. The Special Rapporteur also welcomes the closure of the Ventanas smokestack, which has been a symbol of environmental 'sacrifice zones' in Chile. Ventanas, at the time, was considered an emblem of progress in a country that is the world's leading copper exporter. However, the considerable environmental and health costs that the operation of this smelter had imposed were recognized. The chimneys of Las Ventanas, located in Valparaíso, became the symbol of pollution in Chile, a grim reminder to neighbors of the toxic fumes they breathed daily. The cessation of operations of this smelter, which had been in operation for more than half a century since 1964, represents a significant milestone in the history of Ventanas and Chile in general. It also marks a relevant change in the country's environmental policy³²⁹. In addition, this closure puts an end to the operations of the Chilean National Copper Corporation's plant, which contributed 54% of Chile's annual sulfur dioxide emissions³³⁰.

216. On the other hand, REDESCA notes that in 2023, 32 companies belonging to Chilean business groups and conglomerate families, along with transnational companies from Norway, Canada, Japan, China and Germany, have been identified as owning 416 industrial concessions within the National Parks and Protected Areas of the Patagonia region. These concessions are part of the salmon industry, which, according to the Ecoceanos Center together with communities and organizations of the Movement for Water and Territories (MAT), has been described as a colonial export enclave. They denounce that this activity has implied 30 years of occupation and degradation of protected areas, as well as of the ancestral territories of the Mapuche and Kawesqar peoples³³¹. It should be noted that according to available information, Chile is the Latin American country with the largest sea area under some category of protection, representing 41.5% of its maritime territory. However, of the 1407 concessions granted for salmon farming, 416 (29.67%) are located in marine protected areas in Patagonia³³². In view of this worrying situation, REDESCA urges the State to take urgent measures to protect the environment and ecosystems of the Patagonian region, as well as to respect the rights of local communities and indigenous peoples.

D. Labor and union rights

217. In terms of guaranteeing labor and trade union rights, REDESCA welcomes the State's ratification of ILO Convention 190 on violence and harassment in the workplace. In this regard, the Convention also requires ratifying member states to adopt, in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-sensitive approach to prevent and eliminate violence and

³²⁸ BBC, [The closure of the emblematic Ventanas smokestack, symbol of Chile's environmental "sacrifice zones"](#), June 1, 2023.

³²⁹ BBC, [The closure of the emblematic Ventanas smokestack, symbol of Chile's environmental "sacrifice zones"](#), June 1, 2023.

³³⁰ El País, [Chile's pollution colossus closes](#), June 4, 2023.

³³¹ The citizen, [communities and organizations from all over Chile denounce the occupation and destruction of protected areas by the salmon mega-industry](#), May 2023.

³³² The citizen, [communities and organizations from all over Chile denounce the occupation and destruction of protected areas by the salmon mega-industry](#), May 2023.

harassment through prevention, protection, enforcement and redress measures, as well as through orientation, training and awareness-raising³³³.

218. With regard to the guarantee of labor and trade union rights, REDESCA welcomes the fact that the State has proceeded to ratify ILO Convention 190 on violence and harassment in the workplace. On June 12, 2023, Chile deposited the instrument of ratification, becoming the 28th ILO Member State and the 11th in Latin America and the Caribbean to ratify this Convention. Convention 190 is the first international treaty to address violence and harassment in the world of work and, together with Recommendation No. 206, provides a common framework for action. This Convention stresses the need for an inclusive and integrated gender-sensitive approach to prevent and eliminate violence and harassment through prevention, protection, enforcement, redress, guidance, training and awareness-raising measures³³⁴.

219. On the other hand, Chile's National Congress approved a labor reform that implies a gradual reduction of the work week in the country, from 45 to 40 hours³³⁵. This measure aligns Chile with the majority of OECD member countries, which already have a standard work week of 40 hours (time recommended by the ILO)³³⁶.

E. Fiscal and economic policies

220. The Special Rapporteurship has followed the development of the tax reform bill that was not approved by the Chilean Congress this year. The deputies rejected the initiative, which was of great importance to the Government, as it sought to raise approximately 3.6% of the Gross Domestic Product (GDP), equivalent to around US\$10 billion³³⁷. The rejected proposal included modifications to the Tax Code, changes to the Income Tax and the creation of a new wealth tax, among other provisions³³⁸.

221. REDESCA also takes note of the World Bank's report showing that the Chilean economy made progress in resolving accumulated macroeconomic imbalances, with a reduction in domestic demand and inflation. It emerges from the report that real GDP decreased by 1% in the first half of 2023 due to the fiscal and monetary contraction of 2022, and that the unemployment rate increased. On the other hand, although female labor force participation grew, it has not yet reached pre-COVID19 pandemic levels³³⁹.

F. Right to education: academic freedom and university autonomy

222. Regarding the situation of the right to education, REDESCA notes that, as of 2022, more than 40% of rural schools in Chile lacked access to potable water, affecting the education and well-being of students on a daily basis³⁴⁰. A study revealed that 40.4% of rural schools in the country are supplied with drinking water informally, by trucks or from wells, springs and streams. This scenario was evidenced by the early closure of a

³³³ ILO, [Chile ratifies ILO Convention on violence and harassment at work](#), June 15, 2023.

³³⁴ ILO, [Chile ratifies ILO Convention on violence and harassment at work](#), June 15, 2023.

³³⁵ Chamber of Deputies, [Bill: Amends the Labor Code in order to reduce the working day](#).

³³⁶ Deutsche Welle, [Law to reduce working hours is a triumph for Boric](#), April 14, 2023

³³⁷ El País, [Chilean Congress gives a strong blow to Boric with the rejection of his tax reform](#), March 8, 2023.

³³⁸ Chamber of Deputies, [Chamber rejected the first tax reform bill promoted by the Executive](#), March 8, 2023.

³³⁹ World Bank, [Chile Overview](#), October 10, 2023.

³⁴⁰ País Circular, [Documentary shows the reality of rural schools that operate without water in Chile](#), June 20, 2023.

school in Petorca due to lack of water, a problem exacerbated by drought and agricultural overexploitation³⁴¹.

223. On the other hand, the Special Rapporteurship is concerned about the results of the survey conducted by the Corporación Formando Chile to more than a thousand students in third and fourth grade, which shows the lack of knowledge of students on how to access free higher education³⁴². According to the results of the survey, 57% of third- and fourth-year high school students, belonging to a group with more than 70% of vulnerability, are completely unaware of the requirements to access this free education³⁴³.

G. Human mobility and ESCER

224. In the context of human mobility, REDESCA points out that Chile faces challenges with a ratio of migrants to destination population of 7.7%, the second highest migration rate in the region, after Costa Rica. This reality is reflected in 505,007 refugees from Venezuela in the country. However, the growing rate of unemployment and labor informality among migrants is of concern, exceeding 30%³⁴⁴.

225. In this context, the Special Rapporteur is concerned about the law approved in April 2023 that typifies the crime of clandestine entry into the national territory. This law amends the law on migration and aliens and establishes that the person who makes clandestine entry into the national territory, through an unauthorized passage or evading immigration control. This conduct will be punished with a minimum term of imprisonment (61 to 540 days) or a fine of five to ten monthly tax units (approximately between 317 thousand and 635 thousand pesos). Meanwhile, foreigners who enter the Chilean territory in a clandestine manner and have grounds for impediment or prohibition of entry will be punished with minor imprisonment in its medium to maximum degree (541 days and 3 years)³⁴⁵.

³⁴¹ El Desconcierto, [Rural schools without water: the serious impact on rural public education in Chile](#), March 9, 2022.

³⁴² Formando Chile, [El Mercurio highlights results of the 1st Survey of Students and Access to Higher Education](#), June 5, 2023.

³⁴³ Publimetro, [Gran desconocimiento de los estudiantes de cómo pueden acceder a la gratuidad en la Educación Superior](#), June 13, 2023.

³⁴⁴ Infomigra, [Chile is the second country in Latin America with the second highest proportion of migrants according to World Bank report](#), April 26, 2023.

³⁴⁵ Chamber of Deputies, [Chamber of Deputies, Bill that criminalizes clandestine entry into national territory is sent to the Chamber](#), October 3, 2023.

10. COLOMBIA

226. The country has made significant commitments through the ratification of international agreements such as the American Convention, the Protocol of San Salvador and the Escazú Agreement. This action reflects the country's commitment to ESCER, underscoring the priority need to effectively implement the standards contained in these international instruments.

227. REDESCA notes that even though significant reductions in poverty rates have been observed, important challenges persist, especially in guaranteeing ESCER. Multidimensional poverty in Colombia in 2022 stood at 12.9%, representing a decrease of 3.1 percentage points compared to 2021³⁴⁶. Similarly, monetary poverty also decreased to 36.6%, decreasing in the same proportion³⁴⁷.

228. The Special Rapporteur highlights measures to combat inequality, such as the creation of the Ministry of Equality and Equity, which seeks to guarantee the rights of populations in situations of vulnerability and historical discrimination, including mothers who are heads of households; Afro-descendant, Raizal, Palanquero, indigenous, Rom, peasants, among others³⁴⁸. Without detriment to the above, challenges persist in the Colombian State in the face of inequality. According to the DANE, the Gini coefficient for the year 2022 was 0.556³⁴⁹, and according to the OECD, 11 generations are required in Colombia to move from the 10% with the lowest income to the average of the society³⁵⁰. In response to this, REDESCA urges the State to continue implementing actions to reduce the inequality gap in the country.

A. Right to health and social determinants

229. Regarding the right to health, REDESCA highlights the high levels of coverage of the health system, which, according to official data, as of August 2023, reached 99.04%³⁵¹. Likewise, REDESCA follows with attention the initiatives for a reform of the system, which is under discussion in the legislature and seeks to overcome the problem of fragmentation through the restructuring of the roles and incentives among the different agents and the repositioning of the steering role of the Ministry of Health and Social Protection³⁵².

230. Food security remains a critical issue. According to the United Nations World Food Program, in 2022, approximately 30% of the Colombian population experienced moderate or severe food insecurity, which is equivalent to about 15.5 million people³⁵³. Along the same lines, DANE estimates that 6 of Colombia's 32 departments have the highest prevalence of moderate or severe food insecurity, such as: La Guajira (59.7%), Sucre (47.9%), Atlántico (46.1%), Magdalena (45.3%), Chocó (43.2%) and César (41.1%), finding that, in these departments, on average more than 40 out of every 100 households had difficulties in accessing food of

³⁴⁶ National Administrative Department of Statistics, [Technical Bulletin Multidimensional Poverty 2022](#), May 23, 2023.

³⁴⁷ National Administrative Department of Statistics (DANE). [Monetary Poverty](#). September 22, 2023.

³⁴⁸ Vice-Presidency of Colombia, [It's a fact! The decrees regulating the Ministry of Equality and Equity to be led by Vice President Francia Márquez are signed](#), June 29, 2023.

³⁴⁹ DANE, Monetary Poverty 2022, <https://www.dane.gov.co/files/operaciones/PM/cp-PM-2022.pdf>, September 22, 2023.

³⁵⁰ FEDESARROLLO, [Que hacer en desigualdad](#), 2022.

³⁵¹ Ministry of Health and Social Protection, [Cifra de afiliación a salud con corte a agosto de 2023](#), August 2023.

³⁵² Ibid.

³⁵³ United Nations World Food Program. [Moderate and severe food insecurity in Colombia reaches 30%](#). 16 February 2023. La República. [Food insecurity in Colombia reached 30% to some 15.5 million people](#). 16 February 2023.

sufficient quality and quantity during the last year³⁵⁴. It is noteworthy that by September 2023, at least 165 children under five years of age had died from causes associated with malnutrition in the country³⁵⁵. REDESCA welcomes the cooperation alliance signed between the State of Colombia and FAO, which will allow progress in the fight against hunger and generate sustainable food systems³⁵⁶ as a strategy to combat the situation of food insecurity and malnutrition in the country³⁵⁷.

231. Regarding the drug shortage crisis, REDESCA notes with concern that since 2013 to date, 201 cases of drug shortages have been reported in Colombia³⁵⁸. According to information from Invima, in 2023, there are 35 medicines out of stock, 21 at risk of being out of stock, 73 in stock, 158 being monitored and 18 medicines discontinued or not marketed³⁵⁹. In view of this situation, the EPSs have reported shortages of more than 1,200 active ingredients, especially for the treatment of mental disorders, arterial hypertension and pain³⁶⁰. In turn, the Public Prosecutor's Office has opened investigations before the competent health institutions for the alleged omission of measures in the face of drug shortages; since October 2022, the entity has urged the national government through requests to guarantee the supply of drugs³⁶¹. Notwithstanding the complex situation described above, the approval of Resolution 881 of 2023 of the Ministry of Health is welcomed, which seeks to offer a better treatment to people with HIV, by allowing better conditions for the antiretroviral drug dolutegravir DTG; whose impact could mean the reduction of 80% of the price of the drug and would allow equal access³⁶².

232. REDESCA has closely followed the generalized situation of ESCER violations in La Guajira³⁶³. It regrets that, according to data from the National Institute of Health, as of September 2023, there were 1,045 cases of acute malnutrition in children under five years of age (confirmed by clinics) and that 39 died from causes associated with malnutrition³⁶⁴. This is even more alarming considering that there would be a very high underreporting of these cases³⁶⁵.

³⁵⁴ National Administrative Department of Statistics, [Boletín Técnico escala de experiencia de inseguridad alimentaria](#), July 4, 2023.

³⁵⁵ Ibid.

³⁵⁶ FAO Colombia, [Reducing hunger and rural poverty in Colombia: a hope that materializes after the signing of the letter of intent between the national government and FAO](#), January 25, 2023.

³⁵⁷ Ibid.

³⁵⁸ Ministry of Health and Social Protection, [Institutional Report. Reality about the shortage or shortage of medicines in Colombia](#), March 22, 2023.

³⁵⁹ Instituto Nacional de Vigilancia de Medicamentos y Alimentos (INVIMA), [Listado de abastecimiento y desabastecimiento junio de 2023](#), July 6, 2023.

³⁶⁰ Asociación Colombiana de Empresas de Medicina Integral (ACEMI), [El país vive escasez de más de 1200 principios activos](#), March 6, 2023.

³⁶¹ Office of the Attorney General of Colombia, [Bulletin 358 - 2023. Due to alleged shortage of medicines, Attorney General's Office opened preliminary inquiry to officials of the Ministry of Health and Invima](#), March 21, 2023.

³⁶² UNAIDS, [UNAIDS welcomes the Colombian government's announcement that will allow people to access HIV treatment that is most appropriate for them](#), June 2023.

³⁶³ IACHR, [Press Release. Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCER in La Guajira](#), November 30, 2022.

³⁶⁴ Ministry of Health and Social Protection. National Institute of Health, [Weekly Epidemiological Bulletin. Week 38](#), September 2023, p. 8.

³⁶⁵ Mutant, [Nameless graves: children die of malnutrition in La Guajira and are never reported](#), January 26, 2023.

233. Likewise, REDESCA takes note of the warning issued by the Ombudsman regarding the violation of the right to health and food in prisons in the country³⁶⁶. In this regard, families and observers have revealed that there are failures in the provision of medical services such as: lack of medical attention, lack of medication and unjustified delays in the provision of health services³⁶⁷. For its part, INPEC indicated that there is a level of 25.18% overcrowding in the country's prisons, which leads to the spread of viruses and diseases³⁶⁸.

B. Climate emergency and the human right to water

234. REDESCA welcomes the request for an Advisory Opinion on Climate Emergency and Human Rights submitted by Chile and Colombia to the Inter-American Court of Human Rights in January 2023. This request seeks to clarify state responsibilities both individually and collectively under international human rights law with respect to the climate emergency. It highlights the need to consider disparities in the impacts of the climate emergency on different populations, recognizing the vulnerability of specific groups to environmental and climatic effects³⁶⁹.

235. REDESCA also welcomes the measures taken by the country in the face of the El Niño phenomenon, a climatic event that mainly affects 10 of the country's 32 departments. So far in 2023, there have been 2,378 forest fires affecting about 56,529 hectares, 58% less than the 136,581 hectares affected in 2022³⁷⁰. Regarding this situation, note is taken of the creation of a National Network of Forest Brigades, which, through 80 brigades in 24 departments of the country, will carry out prevention, monitoring, surveillance and immediate response to fires that may occur³⁷¹.

236. Likewise, the Office of the Special Rapporteur highlights the donation of 73.5 million dollars that the Inter-American Development Bank made to Colombia to promote the energy transition and thus implement the Plan to Contain Deforestation in the Amazon³⁷². It was established that \$70 million of the donation would be directed to strengthening the energy transition policy and \$3.5 million would go to the Amazon basin through direct transfers for environmental conservation to contain deforestation, in coordination with local communities and under the leadership of the Ministry of Environment³⁷³.

³⁶⁶ Ombudsman's Office, Defensoría del Pueblo, [Defensor del Pueblo advierte deficiencias en alimentación y salud de personas privadas de la libertad en cárcel El Barne en Boyacá](#), July 15, 2023.

³⁶⁷ Infobae, [Paseo de la muerte: familias de presos en cárcel Modelo de Bucaramanga denuncian pocas garantías de salud](#), August 7, 2023.

³⁶⁸ Instituto Nacional Penitenciario y Carcelario, [Población Intramural](#), October 4, 2023.

³⁶⁹ [Request for an Advisory Opinion on Climate Emergency and Human Rights to the Inter-American Court of Human Rights from the Republic of Colombia and the Republic of Chile](#).

³⁷⁰ Ministry of Environment and Sustainable Development, [Press conference on El Niño phenomenon and forest fires](#), October 5, 2023.

³⁷¹ Ministry of Environment and Sustainable Development, [Minambiente creates National Network of Forestry Brigades to face the El Niño phenomenon](#), October 5, 2023.

³⁷² Forbes, [IDB to allocate 68 million euros to Colombia for energy transition and Amazon conservation](#), January 18, 2023.

³⁷³ Ibid

237. However, REDESCA takes note of the impacts of climatic and environmental phenomena that occur in the country, such as water shortages with or without drought³⁷⁴, floods³⁷⁵, the effects on thermoelectric plants³⁷⁶, in addition to the threats and murders of environmental defenders³⁷⁷. In this line, it is observed that 835 of the 1,120 municipalities in the country are susceptible to water shortages with or without drought³⁷⁸, this fact is attributed to the heavy rains caused by the La Niña phenomenon, which generate a collapse in the provision of aqueduct services in the country in the face of winter events such as landslides, water erosion, avalanches, thunderstorms, gales and floods³⁷⁹. Likewise, this climatic variant leads to the presence of emergent situations such as water erosion and failures in thermoelectric plants, seriously affecting the population³⁸⁰.

238. Regarding the situation of environmental defenders, REDESCA is concerned about the alarming rate of violence they face. According to Global Witness, Colombia was the most dangerous country for environmental defenders in 2022, with at least 60 murders recorded³⁸¹. This number represents a significant increase compared to the 33 murders reported in 2021³⁸². In this context and given the urgent need to provide effective guarantees for the protection of environmental defenders in the country, the Rapporteurship is closely following the progress of the Escazú Agreement, which is currently under review by the Constitutional Court following legislative debate and presidential approval. In this regard, REDESCA takes note of reports from civil society expressing concern about requests for evidence and information on future projects³⁸³.

C. Business and human rights

239. REDESCA notes that in Colombia there are more than 160 environmental conflicts caused by mining, energy, agroindustrial and infrastructure megaprojects³⁸⁴. In this regard, it has been pointed out that in these types of conflicts, rural communities are usually the most affected because the projects or economic models that are being imposed in the territories go against their interests³⁸⁵. REDESCA takes note, as an example, of some specific cases in this session, without failing to indicate that adequate attention must be paid to socio-environmental conflicts in the country, guaranteeing compliance with inter-American and international standards in this regard.

240. REDESCA is closely following the complaints of members of the Wayuu People regarding the lack of free, prior and informed consultation in the context of clean energy development projects and the construction of wind farms, in response to which the displacement of various communities in the area has been

³⁷⁴ Ministry of Environment and Sustainable Development, [El agua subterránea, recurso por investigar](#), March 29, 2023.

³⁷⁵ Ministry of Environment and Sustainable Development. Instituto de Hidrología, Meteorología y Estudios Ambientales - IDEAM, [Estudio Nacional del Agua 2022](#), March 28, 2023.

³⁷⁶ Ibid.

³⁷⁷ Global Witness, [Always on](#), September 13, 2023.

³⁷⁸ Ministry of Environment and Sustainable Development, [El agua subterránea, recurso por investigar](#), March 29, 2023.

³⁷⁹ Ministry of Environment and Sustainable Development. Instituto de Hidrología, Meteorología y Estudios Ambientales - IDEAM, [Estudio Nacional del Agua 2022](#), March 28, 2023.

³⁸⁰ Ibid.

³⁸¹ Global Witness, [Always on](#), September 13, 2023.

³⁸² Global Witness, [Always on](#), September 13, 2023.

³⁸³ REDESCA. Information provided by EarthRights International. October 2023.

³⁸⁴ IDEPAZ, Environmental Conflicts in Colombia,

³⁸⁵ Ibid.

denounced³⁸⁶. In this regard, it is noted that by May 2023 the energy company Enel Colombia made the decision to suspend the construction of wind projects in the area indefinitely due to the constant delays caused by the blockades of some communities³⁸⁷.

241. REDESCA takes note of the numerous reports of serious human rights abuses linked to the exploitation of the Cerrejón coal mine, considered the largest open-pit coal mine in South America. On repeated occasions, violations of fundamental rights have been reported, such as the right to adequate housing, access to water and the preservation of a healthy and safe environment, among others. These complaints directly affect various sectors, including women, indigenous communities, the Afro-Colombian community of Tabaco, and rural communities residing in the department of La Guajira³⁸⁸. These communities have denounced that the mining projects in the region have caused incalculable damage to the environment, health and the right to territory of these communities, as to date they are still waiting for resettlement and compensation. They also state that the environmental impact has caused losses in flora and fauna, and has generated pathologies such as cancer, lung and musculoskeletal conditions³⁸⁹.

242. The Office of the Special Rapporteur is closely following the complaints from the community of the village of Cañaverales regarding the activities of the Best Coal Company in the context of an open-pit mining project on 350 hectares in the village of Cañaverales, in the municipality of San Juan del Cesar, which would affect the El Manantial forest reserve and the agricultural vocation of the territory. In response, various members of the community have stated that the company has not provided them with sufficient information about the project, and that their refusal is related to the situations that the Cerrejón communities have experienced in terms of displacement, deaths, droughts, as well as the reduction of the agricultural frontier and the expansion of the extractive frontier, causing the contamination of their water source³⁹⁰.

243. In turn, REDESCA takes note of the decision of the Constitutional Court, which by Ruling T-375 of September 25, 2023, protected the right to free and informed prior consultation of the Yukpa people, and ordered the company Prodeco, a subsidiary of the multinational Glencore and the company Drummond, to repair the "Yukpa" indigenous community, after the damages caused by mining activities on their ancestral lands in San Juan del Cesar. In this regard, the Constitutional Court gave the National Land Agency a period of one year to expand, clean up and delimit the Yukpa territory, under a differential ethnic approach based on the needs and requirements expressed by the indigenous community and to determine concrete measures to overcome the situation of malnutrition of children and adolescents³⁹¹.

244. The Office of the Special Rapporteur has monitored the situation in the indigenous territory of Pirá Paraná, where indigenous authorities have denounced the violation of their rights to autonomy, self-government and free decision making. This occurs in the context of a carbon bond project carried out by the Mas Bosques corporation and three other companies. The communities have expressed their decision not to

³⁸⁶ REDESCA, VI 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), 2022. para.542.

³⁸⁷ El País, "[Enel suspends indefinitely the construction of the Windpeshi wind farm in La Guajira](#)", May 25, 2023.

³⁸⁸ Centro de Información Sobre Empresas y Derechos Humanos, [Cerrejón coal when access to justice and reparation becomes a chimera](#), March 30, 2023.

³⁸⁹ Consonante, [El Cerrejón ate up all the territory": the lessons left by the mining project](#), October 2, 2023.

³⁹⁰ Contagio Radio, [Cañaverales, the community that continues to resist the coal mining project in southern Guajira](#), July 27, 2023.

³⁹¹ Colombian Constitutional Court. [Decision T-375/2023](#).

participate in the project, but have continued with the feasibility, validation, verification, certification and commercialization stages of the credit³⁹².

D. Labor and union rights

245. REDESCA highlights a decrease in the unemployment rate, which stands at 11.2%. Although this figure is still slightly above the rate recorded in 2019, it is important to highlight that 1.6 million new jobs have been generated, which has contributed to the reduction of 482 thousand unemployed people and 595 thousand inactive people³⁹³. Likewise, the Office of the Special Rapporteur welcomes the entry into force of Law 2101 of 2021, which as of July 15, 2023, allows for the gradual reduction of the working week, without reducing wages or affecting the acquired rights and guarantees of workers³⁹⁴. In view of this, the Government has referred that this law allows Colombia to approach international standards and the recommendations of the International Labor Organization, by giving time off to workers, with the hope of improving productivity in companies³⁹⁵.

246. Despite these advances, the Rapporteurship observes some challenges for the guarantee of labor and union rights in the country, such as non-compliance by employers with occupational health and safety standards and non-payment of labor claims within the time established by law³⁹⁶. Similarly, the DESCA Rapporteur's Office takes note of the high rates of labor informality, since by mid-2023, 56.0% of the employed population worked informally³⁹⁷.

E. Fiscal and economic policies

247. The Office of the Special Rapporteur has observed that the country's tax system faces significant challenges in guaranteeing ESCER and combating inequality³⁹⁸. In this context, the relevance of the new tax reform, Law 2277 of 2022, approved on December 13, 2022, and effective as of January 1, 2023, stands out. This reform aims to reduce tax exemptions for higher-income individuals and some companies, as well as to close avenues for tax evasion and avoidance, contributing to the equity, progressivity and efficiency of the tax system. The measures are aimed at strengthening the taxation of those with the highest taxpaying capacity and reinforcing State revenues to finance the strengthening of the social protection system³⁹⁹.

³⁹² DeJUSTICIA, Carbon Credits: An Environmental Market that Threatens Indigenous Peoples. [carbon-bonds-and-indigenous-government](#), October 02, 2023.

³⁹³ Ministry of Finance, [Medium Term Fiscal Framework](#), June 2023.

³⁹⁴ Ministry of Labor, [Los salarios de las y los trabajadores se deberán mantenerse con la reducción de la jornada laboral en Colombia](#), July 10, 2023.

³⁹⁵ Ibid.

³⁹⁶ Ministry of Labor, [Non-payment of wages, benefits and non-compliance with safety standards are the main complaints from workers](#), September 20, 2023.

³⁹⁷ National Administrative Department of Statistics, [Technical Bulletin. Ocupación informal Trimestre móvil mayo - julio 2023](#), September 11, 2023.

³⁹⁸ REDESCA, VI 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), 2022.

³⁹⁹ Ministry of Finance of Colombia, [Exposición de Motivos de la Reforma Tributaria](#), August 2022.

F. Right to education: academic freedom and university autonomy

248. REDESCA takes note of the education reform bill presented on September 12, 2023⁴⁰⁰, which seeks to guarantee universal access to education from the initial stage to higher education and to promote that it is available to all people in a progressive manner and with equal opportunities⁴⁰¹. Likewise, REDESCA welcomes the 10% increase in investment in the education sector in relation to the amount corresponding to the year 2022. According to the Ministry of Education, the increase will allow the creation of programs that strengthen student coverage at all educational levels, and access, permanence and graduation from higher education in the country⁴⁰². In this regard, the importance of these measures is highlighted considering the high dropout figures, since it is estimated that around one thousand 473,786 students have dropped out of school between November 2022 and May 2023, while between the years 2021 and 2022 the average was 330,000⁴⁰³.

G. Human mobility and ESCER

249. The Office of the Special Rapporteur has observed with great concern the serious human rights situation in the Darién border area between Colombia and Panama, especially in the context of human mobility. From January 1 to July 31, 2023, more than 333,704 migrants and refugees crossed the Darién jungle, a figure that equals the total number of people who transited that jungle during the entire year 2022. More than half of these people are of Venezuelan origin, although there has also been an increase in the flow of people from other countries outside the region⁴⁰⁴.

250. Likewise, UNICEF has reported that in the first eight months of 2023 more than 60,000 children and adolescents crossed⁴⁰⁵, who are exposed to extreme conditions of violence, abuse and exploitation, especially for those unaccompanied⁴⁰⁶.

251. According to the Colombian Ombudsman's Office, migrants are homeless in municipalities such as Apartadó, Chigorodó, Carepa, Turbo and Necoclí, where they have no access to health care, adequate food, access to drinking water or housing, in addition to being outdoors⁴⁰⁷. Likewise, organizations with a presence in the area report that migrants run out of water and food along the way and that when this happens, they usually use river water -generally contaminated- so they become seriously ill and dehydrated⁴⁰⁸. In the same vein, the vast majority of people arrive in Panama with some kind of condition, including skin wounds,

⁴⁰⁰ Presidency of Colombia, [Así es la reforma estatutaria de la educación que radicó el Gobierno del Cambio ante el Congreso](#), September 12, 2023.

⁴⁰¹ Ministry of Education, [Historic day in Colombia: Gobierno del Cambio radical ante el Congreso de la República el proyecto de ley Estatutaria de educación](#), September 12, 2023.

⁴⁰² Ministry of National Education, [Petro Government allocates historic budget to public higher education](#), June 20, 2023.

⁴⁰³ Infobae, [¿Qué pasa con el abandono estudiantil y qué medidas tomará el Gobierno para evitar deserción?](#), May 31, 2023.

⁴⁰⁴ Migración Panamá, [Tránsito irregular por Darién 2023](#), September 2023.

⁴⁰⁵ UNICEF, [The number of children and adolescents on the move in Latin America and the Caribbean reaches new record high amid violence, instability and climate change](#), September 7, 2023.

⁴⁰⁶ UNICEF, [7 times the number of children crossing the Darien jungle to North America has increased this year](#), March 30, 2023.

⁴⁰⁷ Ombudsman's Office, [Migrants cannot be put up walls, barriers cannot be imposed, their human rights must be guaranteed](#), September 21, 2023.

⁴⁰⁸ Human Rights Watch, [How the Dangerous Darien Gap Became the Crossroads of Migration in the Americas](#), October 10, 2023.

diarrhea and gastric diseases, depression, anxiety and post-traumatic stress⁴⁰⁹. While some medical services have been established, these would be insufficient⁴¹⁰.

252. Regarding the situation of Venezuelan migrants in Colombia, the Office of the Special Rapporteur highlights the regularization measures developed by the State, such as the Temporary Protection Permit (PPT) under the Temporary Protection Statute for Migrants⁴¹¹, as well as the affiliation of more than 1,201,818 persons to the health system⁴¹². In the same vein, it notes that the State extended the deadline for Venezuelan persons to apply for the PPT until the end of November 2023⁴¹³.

253. However, REDESCA notes that there are still challenges in obtaining the PPT, such as delays in the production and delivery process, which ends up impacting access to ESCER by these people⁴¹⁴. Similarly, according to the World Food Program, out of 2.5 million Venezuelans in Colombia, about 1.3 million (52%) suffer from food insecurity⁴¹⁵. Similarly, according to UNICEF, in 2022, 24% of Venezuelan children in Colombia between the ages of 6 and 11 and almost 40% of adolescents between the ages of 12 and 17 were not attending school⁴¹⁶.

⁴⁰⁹ Médecins Sans Frontières, [We can't keep up: Warning of insufficient response to the increase of migrants in Darien](#), August 25, 2023.

⁴¹⁰ Médecins Sans Frontières, [We can't keep up: Warning of insufficient response to the increase of migrants in Darien](#), August 25, 2023.

⁴¹¹ A document that allows the regularization of Venezuelan migrants in the country and gives them access to rights such as health, education and work. Source: Ministry of Foreign Affairs, [Temporary Statute of Protection for Venezuelan Migrants - ABC](#).

⁴¹² Universidad del Rosario, Observatorio de Venezuela, [Información migratoria: un bien preciado que hay que reforzar](#), August 2023.

⁴¹³ Presidency of the Republic, [Migración Colombia creates PPT processing certificate for Venezuelan citizens](#), 2023.

⁴¹⁴ E Tiempo, [Government extends validity of PPT certificate for migrants](#), 2023.

⁴¹⁵ World Food Program, [Food and nutrition security assessment for migrant populations and host communities](#), February 16, 2023.

⁴¹⁶ UNICEF, [The Changing Face of Migrant Children in Latin America and the Caribbean](#), September 2023.

11. COSTA RICA

254. REDESCA notes that although the country has not yet ratified the Escazú Agreement, it has ratified the American Convention and the Protocol of San Salvador. In this regard, the Office of the Special Rapporteur encourages the State to consider ratification of the Escazú Agreement as a measure that would further strengthen its commitment to human rights and environmental protection.

255. REDESCA notes that, according to the latest National Household Survey of 2023, the poverty level reached 21.8%, equivalent to 390,509 households in poverty, which would imply a decrease of 1.2 percentage points compared to 2022⁴¹⁷. In turn, the percentage of extreme poverty reached 6.3%, which did not show a major decrease compared to 6.4% in 2022⁴¹⁸. The incidence of multidimensional poverty decreased notably from 14.3% in 2022 to 11.9% in 2023⁴¹⁹. Likewise, by 2023 the country's Gini coefficient showed a slight decrease, registering 0.502 points, while in 2022 it stood at 0.504 points⁴²⁰.

256. Along the same lines, the Office of the Special Rapporteur notes that the World Bank warned that poverty in the country could be further reduced if social assistance measures are implemented targeting historically disadvantaged groups and those living below the poverty line⁴²¹. Faced with this, the Costa Rican State has implemented measures such as the National Development and Public Investment Plan 2023-2026, which focuses mainly on the development of strategic areas such as the economic sector, social vulnerability and insecurity, in order to improve the quality of life of the population⁴²². However, these efforts, which have allowed the country to be considered an upper middle-income country, have not been sufficient in the face of the considerable increase in inequality in the country⁴²³. The Office of the Special Rapporteur observes that in general terms, the indicators of poverty and inequality in the country have decreased slightly, however, there are still great challenges to guarantee full enjoyment of access to ESCER, from a human rights perspective.

A. Right to health and social determinants

257. In the framework of guaranteeing the right to health and its social determinants, REDESCA notes that, since August 2022, the government eliminated the state of health emergency resulting from the COVID-19 pandemic⁴²⁴, achieving since that date, a decrease in reported cases, hospitalizations and deaths due to the disease⁴²⁵.

258. For its part, the Office of the Special Rapporteur is concerned about the increase in cases of dengue fever in Costa Rica. According to the last epidemiological bulletin of 2023, 16,667 cases of dengue have been reported, with Huetar Caribe being the most affected region with 5,068 cases⁴²⁶. In this regard, the

⁴¹⁷ National Institute of Statistics and Census, [Household poverty level decreases to 21.8% in 2023](#), October 18, 2023.

⁴¹⁸ Ibid.

⁴¹⁹ Ibid.

⁴²⁰ National Institute of Statistics and Census, [National Household Survey 2023](#), October 19, 2023.

⁴²¹ World Bank, [Costa Rica: overview](#), October 4, 2023.

⁴²² Government of Costa Rica. Ministry of Foreign Affairs and Worship, [National Development and Public Investment Plan 2023-2026](#), February 1, 2023.

⁴²³ REDESCA, [Informe Pobreza, Cambio Climático y DESCA en Centro América y México, en el contexto de la Movilidad Humana](#), July 28, 2023.

⁴²⁴ Ministry of Health, [COVID-19 no longer represents a global health emergency](#), May 5, 2023.

⁴²⁵ Ibid.

⁴²⁶ Ministry of Health, [Boletín Epidemiológico N°41 de 2023](#), October 27, 2023.

October figure doubles the figure recorded during the month of August 2023 with 8,261 cases⁴²⁷, and almost triple the figure recorded in October of the previous year⁴²⁸. Faced with this situation, the government issued a health alert⁴²⁹ and reinforced actions to control the situation by implementing fumigation campaigns and raising awareness among the population to eliminate breeding sites inside and outside their homes, mainly in the cantons with the highest incidence of the four dengue serotypes in the country⁴³⁰.

259. On the other hand, REDESCA takes careful note of the situation of people with prostate diseases, who have been affected by the shortage of the drug Alfuzosina Hydrochloride⁴³¹. In this regard, it is noted that the Ombudsman's Office processed complaints from patients at the San Carlos and Tony Facio de Limón hospitals, who approached the pharmacy service to request the drug and were denied because it was out of stock⁴³². Consequently, as a result of the entity's inquiries, the Logistics Management of the Caja Costarricense de Seguro Social reported that the supplier had delays in the delivery of the drug since December 2022, which has left patients without medication for months, since there is no alternative drug to replace it⁴³³. The Special Rapporteurship calls on the State of Costa Rica to take all possible steps to guarantee access to prostate medication, with the understanding that prostate cancer is the leading cause of death in the country⁴³⁴.

B. Climate emergency and the human right to water

260. In the context of the climate emergency, REDESCA notes that during the first half of the year there have been more than 626 incidents of flooding, due to heavy rains caused by the El Niño phenomenon, however, the presence of these incidents has shown a decrease of 42.2% compared to the 1,482 that were recorded at the same time last year⁴³⁵. Likewise, up to the beginning of October alone, 30 more incidents were recorded due to river swelling and flooding, affecting the cantons of Desamparados, Aserrí, Goicochea, Curridabat and La Unión, where there were multiple damages to homes in these areas⁴³⁶.

261. Similarly, it is noted that, due to increased rainfall, the National Emergency Commission issued warnings regarding the effects that could be manifested in the region by Tropical Storm Pilar.⁴³⁷ The Special Rapporteur is aware that according to researchers from the University of Costa Rica⁴³⁸, health and the environment are being affected by the impacts of climate change in the country, such as heat waves, droughts,

⁴²⁷ Ministry of Health, [Ministry of Health issues health alert due to increase in dengue cases](#), September 6, 2023.

⁴²⁸ Ministry of Health, [Epidemiological Bulletin No. 41 of 2022](#), October 28, 2022.

⁴²⁹ Ibid.

⁴³⁰ Ministry of Health, [Salud refuerza acciones para atender situación de dengue](#), October 20, 2023.

⁴³¹ Ombudsman's Office, Defensoría de los Habitantes, [Defensoría interviene ante faltante de medicamento para padecimientos de la próstata](#), May 22, 2023.

⁴³² Ibid.

⁴³³ Ibid.

⁴³⁴ Ministry of Health, [Prostate cancer reaches first place in mortality in the country](#), November 17, 2022.

⁴³⁵ Swissinfo, [Costa Rica intensifies vigilance to face the El Niño phenomenon](#), July 19, 2023.

⁴³⁶ La Nación, [Fuertes lluvias provocan inundaciones en cinco cantones](#), October 10, 2023.

⁴³⁷ National Commission for Risk Prevention and Emergency Attention, [Change of alerts. No. 28-2023](#), October 31, 2023.

⁴³⁸ University of Costa Rica, [Climate change drastically influences the spread of diseases such as malaria and dengue fever](#), August 10, 2023.

severe storms and rising sea levels, in addition to the fact that these diseases benefit from drastic changes in the concentration of rainwater and the effect of humidity⁴³⁹.

C. Business and human rights

262. In relation to business activities and human rights, REDESCA takes note of Decree No. 44196-MSP-MICITT issued by the presidency⁴⁴⁰, which establishes the obligation that 5G services cannot be contracted with companies coming from countries that have not ratified the Budapest Convention on Cybersecurity⁴⁴¹.

263. For its part, REDESCA observes the situation of illegal planting of pink pineapple in the country. On August 7, it was reported that several local companies had illegally planted the fruit⁴⁴², since the planting of this type of pineapple implies the violation of current regulations for the cultivation of living modified organisms, since it has an exclusivity issued by the State Phytosanitary Service for the company Fresh Del Monte⁴⁴³.

D. Labor and union rights

264. The Office of the Special Rapporteur notes that according to the National Administrative Department of Statistics, the employment situation in the second quarter of 2023 presents significant challenges. In the second quarter of 2023, the employment rate with respect to persons of working age was 50.9%; with a percentage by gender of 64.0% in the male employment rate, while the female employment rate was estimated at 37.7%.⁴⁴⁴

265. In the same sense, according to the Continuous Employment Survey, the national unemployment rate was 8.8%, which represents 204 thousand people, of which 107 thousand were men and 97 thousand were women⁴⁴⁵. Additionally, the informal employment indexes of the country are also noted. According to INEC for the second quarter of 2023, 38.6% of employed persons are classified in the informal work modality, that is, around 816 thousand people, of which 523 thousand were men and 293 thousand women⁴⁴⁶.

E. Fiscal and economic policies

266. The Special Rapporteur notes that despite being small, subject to global inflationary pressures, and a shortfall in overall growth, Costa Rica's economy has made significant progress in its economic development. A targeted fiscal response, coupled with a successful vaccination campaign and good export

⁴³⁹ Ibid.

⁴⁴⁰ Imprenta Nacional Costa Rica, Official Gazette La Gaceta, [Decree No. 44196-MSP-MICITT. Reglamento sobre medidas de seguridad aplicables a los servicios de telecomunicaciones basados en la tecnología de quinta generación \(5G\) y superiores](#), August 31, 2023.

⁴⁴¹ Business and Human Rights Information Center, [Costa Rica: Government prohibits hiring companies that do not ratify cybersecurity agreement](#), September 6, 2023.

⁴⁴² Fresh Plaza, [Names of companies that illegally planted pink pineapple in Costa Rica](#), August 11, 2023.

⁴⁴³ La República, [Destruyen siembras ilegales de piña rosada en San Carlos](#), June 13, 2023.

⁴⁴⁴ National Institute of Statistics and Census, [Encuesta continua de empleo trimestre mayo junio julio 2023](#), October 5, 2023.

⁴⁴⁵ Ibid.

⁴⁴⁶ National Institute of Statistics and Census, [Encuesta continua de empleo trimestre mayo junio julio 2023](#), October 5, 2023.

performance, has contributed to a rapid recovery from the pandemic⁴⁴⁷. As a result, the country is considered an upper middle-income country with economic growth over the last quarter century⁴⁴⁸.

267. During the first half of 2023, its economic growth exceeded expectations with 4.7% under the support of domestic and external demand. Likewise, inflation declined by 12% in 2022, which allowed the Central Bank to gradually cut the official rate since March, boosting private consumption and investment⁴⁴⁹.

268. For its part, the economic outlook presented by the Organization for Economic Cooperation and Development (OECD) for Costa Rica is noted, in which it states that the GDP in 2023 will grow by 2.8% and 3.0% in 2024, as domestic demand during 2023 will moderate due to the tightening of monetary policy and labor market conditions⁴⁵⁰. With the above, the Rapporteurship welcomes the implementation of the National Development and Public Investment Plan 2023 - 2026 of Costa Rica, which covers all areas with the objective of serving as an instrument in the creation of strategic policies for the development of the country, and under the coordination of the Ministry of National Planning and Economic Policy⁴⁵¹.

F. Right to education: academic freedom and university autonomy

269. REDESCA notes with concern the conditions of the education system in Costa Rica. According to the State of Education Report 2023, this system, composed of 1.1 million students and around 65,000 teachers, is facing one of its greatest crises. This problem shows no signs of being resolved, as lags in basic knowledge and skills persist. These lags have been aggravated by the reforms that have been implemented in the educational plans⁴⁵².

270. In this context, the Ombudsman's Office has requested information from the Ministry of Public Education on how it will address the serious crisis in the country's education system. This is due to the fact that many of the problems mentioned in the last State of Education Report 2023 are consistent with the complaints that have been filed with the Ombudsman's Office. In addition, there is uncertainty regarding the 2024 budget and the programs that will be part of the educational curriculum to guarantee the right to quality education for the country's inhabitants⁴⁵³. In view of this, the current government attributes the educational crisis to the previous governments, since the report lacks validity and the bet to reform the educational model to adapt it to the employment needs of the population will be maintained⁴⁵⁴.

271. Against this backdrop, REDESCA urges the competent authorities to promote strategies to guarantee the fulfillment of the ESCER, so that children and adolescents have the opportunity to enjoy the full right to quality education.

⁴⁴⁷ World Bank, [Costa Rica: overview](#), October 4, 2023.

⁴⁴⁸ Ibid.

⁴⁴⁹ Ibid.

⁴⁵⁰ Organization for Economic Cooperation and Development, [Economic outlook for Costa Rica](#), June 2023.

⁴⁵¹ Observatorio Regional de Planificación para el Desarrollo de América Latina y el Caribe, [Plan Nacional de Desarrollo e Inversión Pública 2023-2026 de Costa Rica](#), n.d.

⁴⁵² State of the Nation Program, [Summary State of Education 2023 Report](#), August 31, 2023.

⁴⁵³ Defensoría de los Habitantes, [Defensoría pide cuentas al MEP sobre cómo enfrentar la grave crisis del sistema educativo](#), September 22, 2023.

⁴⁵⁴ El País, [Costa Rica y un sistema educativo en crisis: cuando el alumno estrella cae a notas rojas](#), September 12, 2023.

G. Human mobility and ESCER

272. Regarding the situation of ESCERs in the context of human mobility, REDESCA has monitored the migratory situation in the country. In recent years, the migratory flow in Costa Rica made it the fourth nation in the world to receive the most refugee applications per capita during the last five years⁴⁵⁵, which has turned it into a mobility corridor of the Americas, since thousands of people from countries in South America, Central America and the Caribbean, such as Venezuela, Cuba, Haiti, Ecuador and others from the African and Asian continents pass through it⁴⁵⁶.

273. The Office of the Special Rapporteur has monitored the migration situation in Costa Rica. In recent years, the country has experienced a significant migratory flow, which has made it a key mobility corridor in the Americas⁴⁵⁷. Between January and August 2023, Costa Rica processed 2,017 decisions for Nicaraguan applicants, approving 1,507 refugee applications⁴⁵⁸. Although the number of approvals in 2023 is high, it is still lower than the 2,826 approvals in 2022. The majority of refugee applications come from Nicaragua, which accounts for 84% of the total number of applications during the year⁴⁵⁹.

274. According to data from the International Organization for Migration, between January and September 2023, 407,229 entries were recorded, a figure that exceeded 80% of the total for 2022 with 226,610 entries. Likewise, during September 2023 alone, approximately 73,087 people entered the country, averaging 2,460 people per day, of which approximately 1,023 people were stranded in shelters and another 17,243 people in public places⁴⁶⁰.

275. In this regard, last September 2023, the Costa Rican government declared a national emergency in response to the migration crisis in the country⁴⁶¹, since the exaggerated number of new arrivals has caused serious social problems in Costa Rican communities in terms of public safety, waste management, health services and the fiscal budget⁴⁶².

276. REDESCA recognizes and values the measures adopted by the Costa Rican government in response to the challenges presented by human mobility. These measures have been aimed at ensuring compliance with the human rights of people on the move, who often find themselves in conditions of vulnerability due to various circumstances. REDESCA applauds these efforts and encourages the government to continue its commitment to protecting the rights of people in the context of human mobility.

⁴⁵⁵ REDESCA, [Informe Pobreza, Cambio Climático y DESC en Centro América y México, en el contexto de la Movilidad Humana](#), July 28, 2023.

⁴⁵⁶ International Organization for Migration, [Monitoring the migratory flow of people in mobility through the Americas in specific sites of high mobility and concentration of migrants in Costa Rica - September 2023](#), October 16, 2023.

⁴⁵⁷ REDESCA, [Informe Pobreza, Cambio Climático y DESC en Centro América y México, en el contexto de la Movilidad Humana](#), July 28, 2023.

⁴⁵⁸ Republic18, [Costa Rica approves 1,507 refugee applications so far in 2023](#), March 16, 2023.

⁴⁵⁹ Republic18, [Costa Rica approves 1,507 refugee applications so far in 2023](#), March 16, 2023.

⁴⁶⁰ Ibid.

⁴⁶¹ BBC News Mundo, ["Estamos sobrepasados": la grave crisis migratoria que llevó al presidente de Costa Rica a pedir la declaración de emergencia nacional](#), September 27, 2023.

⁴⁶² CNN Latin America, [Costa Rica's president says wave of migrants generates "enormous pressure" on country](#), October 2, 2023.

12. CUBA

277. In the exercise of its competence to promote and protect ESCER in the Americas, REDESCA has been monitoring the situation in Cuba. The Office of the Special Rapporteur has observed with concern that precarious conditions persist in the country in terms of the enjoyment and guarantee of ESCER. Likewise, the protests that characterized recent years have continued in 2023, so that, according to some reports, in July alone 589 protests were reportedly registered, of which 44.2% were related to economic and social rights⁴⁶³. In this context, the reasons for the protests include the crisis in public services, the increase in food insecurity, the precariousness of the public health system and housing problems⁴⁶⁴.

278. REDESCA also expresses concern about food insecurity in the country, which as reported⁴⁶⁵ is the result of a crisis generated by the combination of the tightening of the embargo imposed by the United States, the pandemic, the climate emergency and the war between Russia and Ukraine, suppliers of inputs and fertilizers, with an impact also on tourism⁴⁶⁶.

279. 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 and the importance of ending it⁴⁶⁷, as well as the importance of exclusion from the U.S. State Department's list of countries sponsoring terrorism, which hinders financial transactions with the Island⁴⁶⁸. In particular, REDESCA notes that these external circumstances limit the State's ability to achieve the progressive development of all ESC rights in Cuba, including the right to food and access to medicines for its population⁴⁶⁹.

A. Right to health and social determinants

280. In relation to COVID-19, according to government information, the country has developed three vaccines of its own - Abdala, Soberana 02 and Soberana Plus - and "[a]t the close of May 6, 2023, 44,133,616 doses of Cuban vaccines had been administered in the country. A total of 10,013,496 people have been fully vaccinated, which represents 90.7% of the Cuban population"⁴⁷⁰. As of October 25, 2023, the country has registered 1,115,103 confirmed cases and 8530 deaths⁴⁷¹.

⁴⁶³ Observatorio Cubano de Conflictos, Cuban [Conflict Observatory: Cuba, 589 protests in July](#), August 01, 2023.

⁴⁶⁴ Observatorio Cubano de Conflictos, Cuban [Conflict Observatory: Cuba, 589 protests in July](#), August 01, 2023.

⁴⁶⁵ UOL, [Crise não dá trégua em Cuba dois anos após grandes protestos](#), 11 July 2023; RFI, [Cuba plunged into crisis: diet of bread with sugar and beans with weevils](#), 19 May 2023; UOL, ['Vai pra Cuba': história recente da ilha revela a crueldade do bloqueio](#), 29 January 2023.

⁴⁶⁶ Opera Mundi, [Entenda a crise cubana](#), 4 July 2023; UOL, ['Vai pra Cuba': história recente da ilha revela a crueldade do bloqueio](#), 29 January 2023; Granma, [¿Cuáles son las proyecciones de la producción de arroz en Cuba](#), 15 January 2023.

⁴⁶⁷ 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.

⁴⁶⁸ IACHR, VI Report of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), OEA/SER.L/V/II, Doc. 50, March 6, 2023, para. 685.

⁴⁶⁹ 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; IACHR, VI Report of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), OEA/SER.L/V/II, Doc. 50, 6 March 2023, paras. 685-686.

⁴⁷⁰ Human Rights Council - Working Group on the Universal Periodic Review, 44th session, [National report submitted under Human Rights Council resolutions 5/1 and 16/21 - Cuba](#), A/HRC/WG.6/44/CUB/1, 12 September 2023, paras. 125 and 126.

⁴⁷¹ World Health Organization, [WHO Coronavirus \(COVID-19\) Dashboard - Cuba](#), October 25, 2023.

281. In the 2023 budget, expenditures in the Public Health and Social Assistance sector represent 23% of the country's total budget⁴⁷². On the other hand, REDESCA expresses its concern about the lack of medicines, treatments and medical personnel, which places the Cuban population in a state of extreme vulnerability. It is reported that there was a 40% deficit in the supply of basic medicines as of July⁴⁷³. REDESCA also follows with special attention the situation faced by the health system, and the effects of this situation in addressing some specific problems⁴⁷⁴, aggravated by the deficit of human and material resources mentioned above.

282. In relation to the existence of power outages, the Government has adopted a series of measures to reduce them. According to the information received, these outages on a specific day in August reached 16% of the territory, a lower percentage than in previous years, but still significant, especially because the electricity generation deficit persists, estimated at 500 MW⁴⁷⁵. This information does not take into account the impact of Hurricane Idalia, which hit the country in August 2023, causing flooding, power outages for some 200,000 inhabitants and damage to homes and agriculture⁴⁷⁶. For its part, the Ministry of Energy and Mines' briefing notes on the National Electricity System (SEN) confirm a frequent and variable deficit of electricity relative to demand, both before and after hurricane⁴⁷⁷. As in 2022, the IACHR and REDESCA note that the constant interruptions of electricity service that the country is still experiencing have a notorious impact on people's daily lives and also affect other ESCER, such as access to food in conditions suitable for consumption, quality health or education under equal conditions⁴⁷⁸.

283. REDESCA in turn notes the existence of a housing deficit on the island. According to the Government, as of May, 7,221 houses had been built out of the 25,134 planned, representing 29% of the year's plan, and only 13% of the subsidies had been executed. There had also been a housing rehabilitation rate of 41% of the annual plan, and an eradication rate of ground apartments of 9% of what was planned for the year and 3% of what was needed according to the survey⁴⁷⁹. It has also been reported that "[t]he unresolved climatological affectations of previous years [...] constitute one of the greatest dissatisfactions of the population: 109,185 houses are still affected and of them 60,590 are total and partial collapses"⁴⁸⁰. On the other hand, it has been denounced that the real housing deficit is higher than the official figure of 862,000, and could reach 1,200,000⁴⁸¹, with many people who are homeless, in dilapidated buildings or in shelters⁴⁸². Also, that there

⁴⁷² Human Rights Council - Working Group on the Universal Periodic Review, 44th session, [National report submitted under Human Rights Council resolutions 5/1 and 16/21 - Cuba](#), A/HRC/WG.6/44/CUB/1, 12 September 2023, para. 134.

⁴⁷³ OnCubaNews, [BioCubaFarma recognizes a 40% deficit in the basic list of medicines](#), July 19, 2023.

⁴⁷⁴ Invader, [Majagua in red for dengue](#), September 3, 2023.

⁴⁷⁵ SWI swissinfo.ch, [Cuba will have blackouts in 16% of its territory during the afternoon-evening of this day](#), August 9, 2023.

⁴⁷⁶ EFE, [Hurricane Idalia leaves floods and blackouts as it passes through western Cuba](#), August 29, 2023; Cubalex, [Monthly report on the human rights situation in Cuba \(August 2023\)](#), September 8, 2023.

⁴⁷⁷ Ministry of Energy and Mines, [SEN Situation](#), until October 27, 2023.

⁴⁷⁸ IACHR, Annual Report of the Inter-American Commission on Human Rights, 2022: approved by the Inter-American Commission on Human Rights on April 1, 2023, OEA/Ser.L/V/II, para. 117.

⁴⁷⁹ II Frente Portal del Ciudadano, [Live: Debates of the deputies continue in the second day of work of the Permanent Commissions](#), July 19, 2023.

⁴⁸⁰ II Frente Portal del Ciudadano, [Live: Debates of the deputies continue in the second day of work of the Permanent Commissions](#), July 19, 2023.

⁴⁸¹ Diario de Cuba, [La crisis de vivienda en Cuba es sistémica y la peor de América](#), September 6, 2023.

⁴⁸² The Guardian, [The Cuban Collapse - a photo essay](#), March 13, 2023.

would be many people who have lost their homes due to the hurricanes, either directly or due to lack of rehabilitation⁴⁸³.

284. According to available information, there has been a reduction in the production and sale of food, and consequently, 80% of the food consumed is currently imported. The current situation is the result of inflation in the international and domestic market, but also during the year 2023 there was a drought that reduced milk production by 38 million liters and also affected aquaculture⁴⁸⁴. According to the Food and Agriculture Organization of the United Nations (FAO), the downward trend in plantings is expected to continue in the first rice season of 2023 due to the decrease in planted area due to the persistent lack of agricultural inputs. The seasonal area planted to maize is also expected to be lower than average⁴⁸⁵.

285. Food imports, on which the country depends, have also been negatively affected, with an increase in freight rates and prices⁴⁸⁶. For its part, the Government recognizes that the results of the implementation of the Food Sovereignty and Security Law approved in 2022 are still far from satisfactory⁴⁸⁷. REDESCA takes note of the approval of the "Livestock Promotion and Development Law" and the "Livestock Registry Regulation", which aim to promote sustainable livestock development as a further step towards food security⁴⁸⁸.

286. On the other hand, REDESCA follows with extreme concern the conditions of persons deprived of their liberty. Many complaints have been received, mostly from the Confianza Correctional Center (Santiago de Cuba), Agüica Prison (Matanzas), Las Mangas (Granma), El Típico (Las Tunas), Quivicán Prison (Mayabeque), Combinado del Este (Havana), Kilo 7 (Camagüey), Bidot (Camagüey), El Guatao (Havana), Kilo 5 ½ (Pinar del Río)⁴⁸⁹. In the first 6 months of the year, 869 repressive incidents related to persons deprived of liberty have been documented; their most frequent complaints are due to poor living conditions, precarious food, lack of hygiene and medical attention⁴⁹⁰ and improper medication to persons with "psychiatric conditions catalyzing suicide attempts"⁴⁹¹. Likewise, since February, at least 61 hunger strikes have been registered, which on occasions have meant danger to the lives of some of the demonstrators⁴⁹².

B. Climate emergency and human right to water

287. In terms of access to drinking water, the available information shows that the lack of access has increased by 2% with respect to September 2022, which means that 17% of households do not have drinking water service. The percentage of households with permanent access to drinking water has also

⁴⁸³ The Guardian, [The Cuban Collapse - a photo essay](#), March 13, 2023.

⁴⁸⁴ Opera Mundi, [Entenda a crise cubana](#), July 4, 2023.

⁴⁸⁵ Food and Agriculture Organization of the United Nations (FAO), [GIEWS - Global Information and Early Warning System - Country Briefs - Cuba](#), 26 January 2023.

⁴⁸⁶ RTP Notícias, [Presidente cubano admite problemas na importação de alimentos e combustíveis](#), May 20, 2023.

⁴⁸⁷ Presidency and Government of Cuba, [Soberanía y seguridad alimentaria y nutricional: la ley está, ahora lo que hace falta es trabajar y hacerlo bien](#), 22 July 2023.

⁴⁸⁸ Ministry of Agriculture, [Ley de Fomento y Desarrollo de la Ganadería](#), July 6, 2023.

⁴⁸⁹ Justice 11J, [Prison Conditions Update \(April and May 2023\)](#), May 2023.

⁴⁹⁰ Cubalex, [Informe de Organizaciones de la Sociedad Civil en Relación al Procedimiento de Seguimiento de las Observaciones Finales sobre el Tercer Informe Periódico del Estado Cubano \(CAT/C/CUB/CO/3\)](#), August 24, 2023, para. 8; Food Monitor Program, Derechos Humanos de las personas privadas de la libertad en Cuba: acceso a la Alimentación y al agua potable, June 2023, pp. 11-18.

⁴⁹¹ Justice 11J, [Prison Conditions Update \(April and May 2023\)](#), May 2023.

⁴⁹² Martí News, [García Caso completes 20 days on hunger strike and says he will risk it until the last consequences](#), May 31, 2023.

decreased⁴⁹³. REDESCA warns about the problems associated with not having access to potable water, such as the spread of acute diarrheal diseases. During the month of August, the municipalities of Sancti Spiritus, Jatibonico and La Sierpe were in an epidemic, while Yaguajay, Taguasco and Trinidad were in an alarm zone.

C. Labor and union rights

288. REDESCA welcomes the approval of the "Protocol for Action in Situations of Discrimination, Violence and Harassment at the National Level"⁴⁹⁴, which expressly applies to all employers and workers, regardless of the nature of the employment relationship and regardless of whether they are in the state or non-state sector. REDESCA emphasizes that this initiative allows progress to be made on some of the observations made by the IACHR and REDESCA in the report on labor rights in the country published this year⁴⁹⁵, compliance with which they continue to verify.

289. However, the country still lacks detailed information on the labor market. This aspect had already been pointed out in the aforementioned report, as well as by the Committee of Experts (CEACR) of the International Labour Organization (ILO) on the Plantations Convention, 1958 (No. C110)⁴⁹⁶ and on the Wages and Hours of Work Statistics Convention, 1938 (No. 63)⁴⁹⁷. In addition, REDESCA reiterates its concern about the challenges to guaranteeing freedom of association, a situation highlighted in the aforementioned report and also in Case No. 3271, still active before the ILO Committee on Freedom of Association⁴⁹⁸.

290. Regarding the situation of health professionals on medical missions in other countries, REDESCA takes note of the Cuban Government's replies to the Committee of Experts on the Application of Conventions and Recommendations⁴⁹⁹. At the same time, they take note of the ILO's requests⁵⁰⁰ and will follow up on the corresponding responses.

D. Fiscal and economic policies

291. The Cuban government forecast GDP growth of 3% for 2023⁵⁰¹, and according to available information, in July economic growth was below 2%, still below pre-pandemic levels. The primary and manufacturing sectors were respectively 34.9% and 20% below 2019 levels⁵⁰². The combination of the prolonged unilateral U.S. embargo and the COVID-19 pandemic have also significantly affected the country⁵⁰³.

⁴⁹³ Observatorio Cubano de Derechos Humanos (OCDH), [VI Report on the State of Social Rights in Cuba](#), September 28, 2023.

⁴⁹⁴ Official Gazette of the Republic of Cuba - Ministry of Justice, Official Gazette No. 66 Extraordinary of September 28, 2023, Decree 96/2023 (GOC-2023-811-EX66), p. 439-449.

⁴⁹⁵ IACHR, Labor and Trade Union Rights in Cuba: Approved by the Inter-American Commission on Human Rights on April 5, 2023, OEA/Ser.L/V/II.doc.53/23.

⁴⁹⁶ ILO, [Direct Request \(CEACR\) - Adoption: 2022. Publication: 111th ILC meeting \(2023\)](#), 2023.

⁴⁹⁷ ILO, [Direct Request \(CEACR\) - Adoption: 2022. Publication: 111th ILC meeting \(2023\)](#), 2023.

⁴⁹⁸ ILO. Committee on Freedom of Association, [Freedom of association cases - Cuba](#), 2023.

⁴⁹⁹ ILO, [Direct Request \(CEACR\) - Adoption: 2022. Publication: 111th ILC meeting \(2023\)](#), 2023.

⁵⁰⁰ ILO, [Direct Request \(CEACR\) - Adoption: 2022. Publication: 111th ILC meeting \(2023\)](#), 2023.

⁵⁰¹ Ministry of Economy and Planning, [Cuba forecasts 3% GDP growth by 2023](#), December 13, 2022.

⁵⁰² Reuters, [Cuban economy minister says no quick fix to devastating crisis](#), July 22, 2023.

⁵⁰³ Aljazeera, [As Cuba's private sector roars back, choices and inequality rise](#), July 19, 2023.

292. Another difficulty is linked to the increase in inflation. Thus, in May 2023, the Ministry of Economy estimated inflation at over 40% per year and reported that between April 2022 and April 2023 inflation would have reached 45.4%, with a food contribution of 70%⁵⁰⁴.

E. Right to education: academic freedom and university autonomy

293. REDESCA highlights the country's commitment to free universal education, reflected in a high literacy rate of 99.8%, which has been highlighted by the United Nations Committee on the Rights of the Child⁵⁰⁵. However, despite these achievements, the Cuban educational system faces significant challenges, aggravated by the economic crisis. The 2023 school year began with a marked deficit of teachers and a shortage of school materials, affecting the quality of education. The lack of resources has led many families to seek materials in the informal market at high prices, and the cost of printing textbooks has reached almost one minimum wage⁵⁰⁶. In addition, the lack of teachers has been accentuated in recent years due to the increase in migration⁵⁰⁷. This is occurring at the same time that teachers are being sent from Cuba to neighboring countries such as Jamaica in the context of "internationalization missions"⁵⁰⁸.

294. REDESCA has monitored the persistence of conduct on the part of the Cuban State that would undermine effective access to academic freedom. First, it notes that on December 1, 2022, Law 151/2022⁵⁰⁹ entered into force, which incorporates articles into the Penal Code that are possibly incompatible with the adequate enjoyment of these rights, such as, for example, Article 124.1, which punishes with imprisonment of up to eight years the incitement and preparation, distribution or possession of propaganda against the socialist state through any form, including physical and digital media. According to reports published by the Observatory of Academic Freedom (OLA), there have been dozens of incidents that would evidence the arbitrary actions of the Cuban authorities against academic freedom, freedom of thought, freedom of expression, freedom of work, among others⁵¹⁰.

F. Human mobility and ESCER

295. With respect to the updated migration policy in Cuba, implemented in January 2013, the government reported an increase in departures from the country for personal reasons⁵¹¹. However, since the implementation of these reforms, although many individuals who had previously been denied permission to travel have been able to do so, the government has maintained broad discretionary powers to restrict travel

⁵⁰⁴ SWI swissinfo.ch, [Cuba's inflation will exceed 40% in 2023, according to its economy minister](#), May 25, 2023.

⁵⁰⁵ Human Rights Council - Working Group on the Universal Periodic Review, 44th session, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights](#), A/HRC/WG.6/44/CUB/2, 4 September 2023, para. 48.

⁵⁰⁶ Infobae, [Educational crisis in Cuba: the new school year began with a deficit of teachers and lack of materials](#), September 4, 2023.

⁵⁰⁷ Radio Rebelde, [La Habana se alista para el curso escolar 2023-2024](#), August 31, 2023. Infobae, [Crisis educativa en Cuba: el nuevo ciclo escolar comenzó con déficit de profesores y falta de materiales](#), September 4, 2023.

⁵⁰⁸ CiberCuba, [Cuba offers teachers to Jamaica despite deficit in all provinces](#), September 26, 2023.

⁵⁰⁹ Official Gazette of the Republic of Cuba No. 93, Ordinary of September 1, 2022. National Assembly of the People's Power, Ministry of Justice, [Law 151/2022 "Penal Code"](#).

⁵¹⁰ Observatory of Academic Freedom (OLA), [Report 30](#), August 2023, pp. 22-30.

⁵¹¹ Human Rights Council - Working Group on the Universal Periodic Review, 44th session, [National report submitted under Human Rights Council resolutions 5/1 and 16/21 - Cuba](#), A/HRC/WG.6/44/CUB/1, 12 September 2023, paras. 215, 220 and 221.

for "national defense and security" or "other reasons of public interest," applying them selectively against dissidents⁵¹².

⁵¹² Human Rights Watch (2023). "World Report 2023: Cuba Chapter". Retrieved from [Human Rights Watch](#).

13. DOMINICA

296. In relation to the ratification of international instruments relevant to ESCER from the regional perspective, it is observed that although Dominica has adhered to the American Convention, it has not done so with respect to the Protocol of San Salvador, and despite being one of the signatory countries, it has not ratified the Escazú Agreement, which highlights the challenges faced by the country with respect to the rights referred to above from this perspective.

297. The Special Rapporteur takes note of the COVID-19 Caribbean Food Security and Livelihoods Impact Survey conducted by CARICOM/WFP in May 2023. The results of this survey reveal that approximately half of the respondents in Dominica experienced livelihood disruptions in the thirty days prior to the survey. These disruptions were largely due to the inaccessibility of inputs necessary for their livelihoods. Although there were improvements compared to previous data, about 29 percent of respondents experienced a job loss or a reduction in their labor income in the last six months. In addition, nearly 60 percent of respondents affected by natural hazards in the twelve months prior to the survey reported moderate or severe impacts on their livelihoods or income⁵¹³.

298. REDESCA calls on the State to establish public policies that seek to effectively reduce poverty and social inequalities in the country. In this sense, it urges the State to take into account the external factors and risks faced by the country as a whole in the implementation and design of these policies. Therefore, factors such as the climate emergency and the high risk that the country may experience, puts it in a unique position that deserves the comprehensive attention of the State in this situation.

A. Right to health and social determinants

299. The Special Rapporteur considers it positive that the State has undertaken cooperation with PAHO in order to ensure that the country has the necessary equipment and structures to provide high quality care to its residents. REDESCA has also received information that the State also decided to abolish the income tax criteria for those who have health insurance in order to give them a better opportunity to obtain health insurance as an additional means of support⁵¹⁴.

300. In this regard, REDESCA welcomes these initiatives that respond to the obligation to guarantee the ESCER with the use of the maximum available resources. However, it emphasizes that the State has to provide more ways to provide information and detail the situation of the right to health in the country.

B. Climate emergency and the human right to water

301. REDESCA notes that in rural communities in Dominica, women engaged in agriculture, particularly those who are self-employed, single-parent heads of household and women farmers, are one of the groups most severely affected by climate change. According to data obtained from the 2011 National Census of Dominica, women represent 48.9% of the country's population. This data indicates that a significant number of women, especially those residing in rural communities and whose lives depend largely on agriculture, are exposed to the impacts of climate change⁵¹⁵.

302. Likewise, REDESCA notes with concern that any forecast of the economic and welfare situation in the country is subject to the pressure of externalities. For example, the uncertainty of food and fuel prices, the economic impact of global geopolitical events, and continued dependence on volatile CBI revenues

⁵¹³ World Bank, [Macro Poverty Outlook: Dominica](#), October 4, 2023.

⁵¹⁴ Dominica News online, [Dominica receiving help from PAHO with health insurance scheme and finding a replacement for the DFCH CEO](#), March 2, 2023.

⁵¹⁵ Dominica News online, [Strengthening women farmers' response to climate adaption](#), 27 February 2023.

affect stability. However, the Special Rapporteur notes with attention that risks from natural disasters and the impact of climate change, including sea level rise, persist for the most part⁵¹⁶.

C. Labor and union rights

303. REDESCA has taken note of the research study 'Gender and Age Inequalities in Disaster Risk', prepared by UN Women and UNICEF, which includes Dominica as one of the study countries. This analysis highlights the vulnerable situation of women in Dominica, emphasizing their crucial role in the informal economy, especially in subsistence agriculture.⁵¹⁷ In addition, the study points out that women in Dominica have a considerably lower formal employment rate of 42.2% compared to men, who have 57.8%. It is also important to note that women are more likely to work without pay or at significantly lower wages.⁵¹⁸

304. In this regard, REDESCA notes that the Human Rights Committee highlighted its concern that there is still a lack of information on measures taken to ensure equal work for equal pay and to eradicate stereotypes about the role of women and men in the family and in society⁵¹⁹.

⁵¹⁶ World Bank, [Macro Poverty Outlook: Dominica](#), October 4, 2023.

⁵¹⁷ Dominica News online, [Strengthening women farmers' response to climate adaption](#), 27 February 2023,

⁵¹⁸ *Idem*.

⁵¹⁹ United Nations Human Rights Committee, Concluding observations in the absence of Dominica's report, CCPR/C/DMA/COAR/1, April 14, 2020, para. 16,

14. ECUADOR

305. With regard to regulations related to ESCER, especially relevant from a regional perspective, the country has ratified the American Convention, the Protocol of El Salvador, as well as the Escazú Agreement. This demonstrates both the importance given to the issue and the need to prioritize aspects related to the implementation of these normative instruments.

306. The Special Rapporteur notes that according to the National Institute of Statistics and Census, by June 2023, income poverty at the national level is 27.0%. In urban areas, poverty increased (from 16.7% in June 2022 to 18% in June 2023). In rural areas, poverty is 46.4% in June 2023⁵²⁰. Extreme poverty also increased (from 10.7% in June 2022 to 10.8% in June 2023). In urban areas, the incidence of extreme poverty remained at 5.2% during this period, while in rural areas it decreased slightly from 22.7% to 22.6%⁵²¹. Likewise, the Gini coefficient stood at 0.466⁵²².

307. REDESCA closely follows the fact that in the present context of insecurity and violence in the country, people living in poverty experience the most serious impacts. In this regard, it is important to note that addressing the causes of these phenomena should not obscure the important links between socioeconomic conditions and the increase in crime⁵²³. The lack of job opportunities makes young people more easily recruited by criminal gangs and makes crime, including the smuggling of goods across borders, a desirable option⁵²⁴. Insecurity, and poverty, impact the guarantee of ESCER and encourage migration. According to some estimates, 280,000 Ecuadorians have left the country since 2021, even using land routes that, although dangerous and long, are accessible to a greater diversity of migrants. In this framework, it has been pointed out that the vicious circle linking insecurity and poverty can be broken if the country invests more in its people and offers better prospects to young people⁵²⁵.

A. Right to health and social determinants

308. In relation to the right to health, the Office of the Special Rapporteur notes that in early May, the National Emergency Operations Center (COE) put an end to the public health emergency caused by COVID-19. The decision was adopted after the COE approved a report presented by the Ministry of Public Health (MSP), in which it resolved that the country has a high level of immunity, sufficient vaccines and a successful immunization process⁵²⁶. On the other hand, the Rapporteurship learned that the Development Bank of Latin America and the Caribbean approved two credits in favor of Ecuador for a total amount of USD 275 million, in order to strengthen the education and health systems, focused on the reduction of child malnutrition, the promotion of intercultural health, the elimination of malaria and the comprehensive approach to sexual and reproductive health⁵²⁷.

⁵²⁰ National Institute of Statistics and Census of Ecuador, [National Survey of Employment, Unemployment and Underemployment: June 2023](#), Technical Bulletin No. 12-2023-ENMDU, July 2023, p. 4,

⁵²¹ National Institute of Statistics and Census of Ecuador, [National Survey of Employment, Unemployment and Underemployment: June 2023](#), Technical Bulletin No. 12-2023-ENMDU, July 2023, p. 5,

⁵²² Infobae, [Poverty in Ecuador drops to 25.2 % and nears pre-pandemic level](#), January 25, 2023.

⁵²³ United Nations Special Rapporteur on Extreme Poverty and Human Rights, End of Mission Statement of the Special Rapporteur on extreme poverty and human rights, Mr. Olivier De Schutter, August 28 to September 8, 2023, p. 2.

⁵²⁴ United Nations Special Rapporteur on Extreme Poverty and Human Rights, End of Mission Statement of the Special Rapporteur on extreme poverty and human rights, Mr. Olivier De Schutter, August 28 to September 8, 2023, p. 3.

⁵²⁵ Ibid.

⁵²⁶ Ministry of Public Health, [Ecuador joins the WHO decision to end the public health emergency due to COVID-19](#), May 11, 2023.

⁵²⁷ El Comercio, [CAF approved USD 275 million credit for education and health in Ecuador](#), March 28, 2023.

309. REDESCA notes with concern that, according to the Ministry of Health, in the first days of January, some hospitals in the country had a supply of medicines below 70% due to problems with suppliers⁵²⁸. For their part, health professionals have denounced the shortage of medicines, supplies and equipment in the health units where they work, for which reason, they have assured, they cannot adequately attend to patients⁵²⁹. According to official information, 2,100 units of the public health network are 80% supplied with drugs. It has also indicated that US\$ 382 million have been invested in the purchase of supplies. Even so, users indicate that the lack of medicines persists⁵³⁰.

310. Additionally, REDESCA notes that insecurity is also a factor that impacts on the guarantee of this right. According to the president of the Ecuadorian Medical Federation (FME), in the provinces of Esmeraldas, Manabí and Guayas, there are already more than 20 reports of health professionals who fear for their lives. Likewise, only in the Pablo Arturo Suarez Hospital in the city of Quito, in the months of April and March, more than 10 activations of the Silver Code have been registered due to threats to doctors and users⁵³¹. In the same sense, State officials indicated that health personnel have received threats or extortion, and this occurs in Quevedo, Esmeraldas and San Lorenzo⁵³². It was even reported that the Delfina Torres Hospital in Esmeraldas reduced its visiting and operating hours due to the security crisis in the province⁵³³. In this regard, REDESCA notes that the lack of supplies and infrastructure, coupled with the security situation, makes it difficult for all people to have free access to health services and goods.

B. Climate emergency and the human right to water

311. Regarding the actions that the State is taking in the context of the climate emergency, REDESCA takes note of the US\$656 million debt swap carried out by Ecuador to finance the conservation of the Hermandad Marine Reserve in the Galapagos Islands⁵³⁴. According to public information, the operation was carried out through the GPS Blue Financing Designated Activity Company, established in Ireland in 2022, which financed the swap by issuing bonds, in a sale organized and backed by Credit Suisse⁵³⁵. Also, the Special Rapporteur has noted that some civil society organizations have pointed out that there is no evidence to support that the Galapagos Blue Bonds are issued in a manner aligned with the Green Bond Principles (GBP). Further, that there would be no evidence to determine whether these are consistent with the European Green Taxonomy or the European Commission's climate-related disclosure requirements, such as the Corporate Sustainability Reporting Directive and similar from the U.S. Securities and Exchange Commission⁵³⁶.

⁵²⁸ Firsts, [Ecuador starts the year with 75% drug supply](#), January 3, 2023.

⁵²⁹ Edición Médica, [Médicos denuncian desabastecimiento de insumos, medicamentos e inseguridad en las casas de salud](#), May 9, 2023.

⁵³⁰ Ecuavisa, [Elections Ecuador 2023: lack of medicines and saturation in the health system will inherit the new Government](#), June 29, 2023.

⁵³¹ Edición Médica, [Médicos denuncian desabastecimiento de insumos, medicamentos e inseguridad en las casas de salud](#), May 9, 2023.

⁵³² Primicias, [Salud denounces that even doctors are afraid to go to dispensaries due to insecurity](#), September 13, 2023.

⁵³³ El Universo, [Hospital Delfina Torres, de Esmeraldas, restricts visiting hours and admission of family members](#), August 30, 2023.

⁵³⁴ Cancillería Ecuador, Ecuador anuncia el canje de deuda por naturaleza más grande del mundo para proteger Las islas Galápagos, May 9, 2023, Ministerio de Economía y Finanzas, Resolución CD-RES-2023-009 del Comité de Deuda y Financiamiento, April 24, 2023.

⁵³⁵ Wambra Medio Comunitario, [Galapagos for sale? How the debt-for-environmental-conservation swap works](#), July 17, 2023.

⁵³⁶ Latindadd, [Canje de Galapagos: un legado ignominioso](#), May 25, 2023; DFC, [Public Information Summary: Ecuador. Special purpose vehicle](#)

312. REDESCA welcomes the official presentation of the project "Implementing the Climate Transparency System of Ecuador", which seeks to facilitate access to quality and transparent information to strengthen public policy and actions aimed at managing climate change⁵³⁷. However, the Special Rapporteur notes that this platform does not include the dissemination of information on the exchange. In this regard, REDESCA recalls that, as it has established, the public has the right to access all relevant information regarding the climate actions that the State carries out in order to reduce its emissions and comply with its climate commitments⁵³⁸.

313. REDESCA recognizes Ecuador's efforts in the area of environmental sustainability, particularly in relation to the popular consultation carried out on the non-exploitation of the Yasuní ITT oil block and the conservation of the Andean Chocó sectors. In the consultation held on August 20, 2023, 58.95 percent of the more than 13 million voters voted in favor of banning oil exploitation in Yasuní National Park, and 68 percent of voters residing in the municipalities involved voted in favor of banning metallic mining in the Andean Chocó⁵³⁹.

314. The Office of the Special Rapporteur urges the State to design and implement the necessary public policies to make these objectives effective, within the framework of measures to reduce dependence on the extractivist economy and to reduce emissions in order to prevent the exacerbation of climate change. In any action oriented towards just transition, States can generate systems that offer payments for ecosystem services as compensation to communities that maintain healthy ecosystems, ensuring a gender and intersectionality approach, and that people in vulnerable situations are not excluded from such programs, which may require formal land titles, a certain land size or costly application processes⁵⁴⁰.

315. REDESCA is concerned about the high risk the country faces from the El Niño phenomenon. In September 2023, the country made the decision to change the alert level from yellow to orange, as the imminent natural event could possibly coincide with the country's rainy season, in the last quarter of the year⁵⁴¹. According to the action plan for the El Niño phenomenon, five cantons in the province of Guayas are at the highest level of risk and susceptibility to flooding, with the Salitre canton being the most affected with at least almost all of its area vulnerable to this danger⁵⁴². Considering the above, REDESCA welcomes the creation of the "National Adaptation Plan of the Inter-Institutional Committee on Climate Change", an initiative of the Ministry of Environment with the support of the United Nations Development Program (UNDP)⁵⁴³. However, it calls on the State to implement a national public climate policy, which has as its starting point the protection of people's rights, the reduction of imminent risks and GHG emissions through the change of production models that do not exacerbate the factors of environmental degradation.

C. Business and human rights

316. With regard to business activities and the protection of human rights, the Special Rapporteur welcomes the 27 February ruling of the criminal court of the province of Santo Domingo de los Tsáchilas that brought to trial former representatives of the Furukawa agricultural company for "alleged participation in the crime of trafficking in persons for the purpose of labour exploitation", mainly Afro-descendants who worked

⁵³⁷ El Telégrafo, [Inicia la implementación del Sistema de Transparencia Climática en Ecuador](#), April 27, 2023.

⁵³⁸ IACHR-REDESCA, Resolution 3/2021 Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

⁵³⁹ Ecuavisa, [Ecuador 2023 election results: voting for the Yasuní referendum is progressing](#), August 21, 2023.

⁵⁴⁰ IACHR-REDESCA, Resolution 3/2021 Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 51.

⁵⁴¹ Ministry of Health, Ecuador changes from yellow to orange alert due to El Niño, September 18, 2023.

⁵⁴² Risk Management Secretariat, [National Action Plan for El Niño 2023-2024](#), September 2023, p.6.

⁵⁴³ Infobae, [Cómo se prepara Ecuador para luchar contra el cambio climático](#), February 9, 2023.

in "subhuman" conditions, without drinking water, electricity and sanitation, with child labour, and even mutilations due to the unsafe use of agricultural machinery⁵⁴⁴. In this regard, REDESCA notes with concern that in March, the Provincial Court of the same province denied an action for protection filed by former workers, considering that there was no violation of rights and arguing that there was no discrimination due to their situation of poverty⁵⁴⁵.

317. Additionally, the Special Rapporteurship takes note of a judgment of the Imbabura judiciary that revoked the environmental license to the company Codelco for the development of the Llorimagua mining project, and ordered the immediate suspension of all mining activities on the grounds that the Ministry of Environment, Water and Ecological Transition of the Ecuadorian State violated "the rights related to the protection of nature and environmental consultation of the communities located in the area of influence of the mining project" by granting the environmental license in December 2014⁵⁴⁶.

318. Despite this, REDESCA notes with concern the complaints made by civil society organizations regarding the lack of control over mining activities in the Jatanyacu and Napo Rivers in the Amazon of Ecuador⁵⁴⁷. According to information from studies conducted by civil society organizations, in just seven years, between 2015 and 2021, the areas with mining activity increased by 855 hectares in the province. Consequently, the State launched Operation Manatí to curb illegal activity in the area. Since then, mining has stopped in this area, but has expanded to nearby areas⁵⁴⁸. However, there are still complaints from local activists regarding acts of persecution, threats and harassment by the people who own the machinery⁵⁴⁹.

319. In this context, REDESCA also observes the intensification of acts of harassment against other people who defend land, territory and nature. In particular, the situation of the defenders of the Afro-Ecuadorian community of Barranquilla de San Javier stands out. On previous occasions, special mechanisms of the United Nations sent various letters to the State of Ecuador, as well as to the representatives of the palm oil company Energy & Palma S.A., regarding the alleged misuse of the judicial system by the company against 4 community leaders⁵⁵⁰. In July 2023, the protection hearing presented by the community was held to carry out the restitution of their ancestral lands⁵⁵¹. In these contexts, REDESCA urges the State to take appropriate measures and exercise its regulatory functions to ensure that companies comply with their human rights obligations. At the same time, it urges the cessation of acts of violence and intimidation against these people.

D. Labor and union rights

320. The Special Rapporteur welcomed the enactment of the "Organic Law to Promote the Violet Economy" which establishes a set of provisions to achieve equal opportunities and greater equal participation

⁵⁴⁴ La Prensa Grafica, [Furukawa, the modern slavery case for which a Japanese company and the government of Ecuador were forced to apologize](#), February 28, 2023.

⁵⁴⁵ Ecumenical Human Rights Commission, [Provincial Court of Santo Domingo de los Tsáchilas denied the protection action filed by 216 former workers through the Ombudsman's Office](#), March 23, 2023.

⁵⁴⁶DF MAS, [The dying frog, DiCaprio and the opposition community: Codelco's dilemma in Ecuador](#), April 15, 2023.

⁵⁴⁷ Mongabay, [Ecuador's environmental challenges in 2023: curbing illegal mining and more guarantees for environmental defenders \(mongabay.com\)](#), January 2023.

⁵⁴⁸ Mongabay, [Ecuador: legal and illegal mining increases by 300% in the Amazonian province of Napo](#), April 4, 2023.

⁵⁴⁹ Idem.

⁵⁵⁰ See: AL ECU 6/2022; AL OTH/78/2022.

⁵⁵¹ Grain, [Persecution against rights defenders in the Afro-Ecuadorian community of Barranquilla de San Javier](#), June 5, 2023.

of women in the labor market, as well as to improve employability and permanence in employment⁵⁵². In particular, the Law establishes a paid leave of twelve weeks for the birth of a son or daughter, which can be shared between mother and father; at the same time, it establishes a paid leave for the period of breastfeeding during the twelve months following the birth, which can also be shared between the parents⁵⁵³. However, the 12-month period of breastfeeding leave was regressive in relation to a Constitutional Court ruling that had extended the period to 15 months after childbirth.⁵⁵⁴

321. In the same vein, REDESCA takes note of the program "My Future is Today", launched by the Government of Ecuador in April, to improve the employment situation of young people by offering employment and training opportunities, information on labor rights and a format for planning a person's future employment⁵⁵⁵. Likewise, it is closely following the reform to the Companies Law that exempts company administrators from liability for non-compliance with labor obligations when, in a court of law, any type of fraud, abuse of rights or any other similar act is proven⁵⁵⁶.

322. Regarding labor market indicators, it is of concern that while unemployment went from 5.4% in January 2022 to 3.8% in the same month of 2023, informal employment went from 53.1% to 55% in the same period, representing the highest rate of informality in the last sixteen years⁵⁵⁷. According to the National Institute of Statistics and Census, in the second quarter of 2023, the adequate employment rate stood at 36.4% and the underemployment rate at 19.5%, while the informal sector represented 52.1% of the total employed population⁵⁵⁸.

323. REDESCA is also concerned about the situation of those who exercise leadership of union activities in the country. In particular, the situation of the leaders of ASTAC, the only union association in the country that is seeking to form by branch, is being closely monitored. According to public complaints, death threats against Maricela Guzmán, Diana Montoya and Miriam Terno, coordinators of the union, have been identified. In this regard, on Wednesday, October 4, 2023, they would have received WhatsApp messages in which the senders threatened them and their families, including information about the place of residence of the union members and family data. The demand to these persons is to refrain from defending workers' rights and not to interfere in this matter⁵⁵⁹.

324. In this scenario, the Office of the Special Rapporteur notes with concern that, according to the global index of the International Trade Union Confederation, Ecuador is a country in the classification 5 of "rights not guaranteed". According to this data, the countries classified in group 5 are those where there are no full guarantees for labor and trade union rights⁵⁶⁰. According to an official letter from the Ecuadorian Ombudsman's Office, it stated that although legislation may enumerate certain rights, workers effectively lack access to them and are therefore exposed to autocratic regimes and unfair labor practices. In this regard, it requested the Attorney General's Office to implement the National System for the Protection and Assistance of Victims and to adopt the protection measures deemed pertinent to safeguard the life, integrity and health of

⁵⁵² Constitutional Court, [Organic law to promote the violet economy](#), Official Gazette Supplement No. 234, January 20, 2023.

⁵⁵³ Scoops, [Maternity and breastfeeding leave time may be shared](#), January 25, 2023.

⁵⁵⁴ Firsts, [Violet Economy Law that reduces breastfeeding period is in effect](#), January 20, 2023.

⁵⁵⁵ Primicias, [Government launches employment platform for young people](#), April 11, 2023.

⁵⁵⁶ La Hora, [Suprimen responsabilidad solidaria de gerentes en las obligaciones laborales](#), May 26, 2023.

⁵⁵⁷ Bloomberg Línea, [Labor informality dominates in Ecuador and absorbs 55% of workers](#), February 24, 2023.

⁵⁵⁸ INEC, Encuesta Nacional de empleo, desempleo y subempleo, [II trimestre de 2023](#).

⁵⁵⁹ Ombudsman's Office of Ecuador, Oficio No. DPE-DPE-2023-0793-O, October 12, 2023.

⁵⁶⁰ International Trade Union Confederation (2021). ITUC Global Index of Rights 2021. The world's worst countries for workers. Executive Summary.

the affected persons⁵⁶¹. REDESCA demands that the State offer due guarantees for the life and integrity of the trade unionists. In this regard, it places itself at the disposal of the State to coordinate the technical assistance required in this regard.

E. Fiscal and economic policies

325. The Special Rapporteur notes that the budget presented by the Ecuadorian Government for 2023 allocated 17.7% of total resources to Education, 14% to Public Debt Amortization⁵⁶², 11.4% to Health, 5.3% to Social Welfare, 0.5% to Environment, and 0.2% to Urban Development and Housing⁵⁶³. Likewise, it takes note of some fiscal constraints taking into account that in September 2020, the IMF approved a 27-month Extended Fund Facility of SDR 4,615 million (661% of the quota, equivalent to USD 6.5 billion) and that Ecuador is one of the 14 countries that exceeded 187.5% of the IMF quota in 2021, with the result that between 2023 and 2033, Ecuador is estimated to make surcharge payments of USD 1,079 million⁵⁶⁴.

326. The Rapporteurship noted that the Ecuadorian government reached the public debt reduction target ahead of schedule, since, according to the Law for the Ordering of Public Finances, the debt was to be equivalent to 57% of Ecuador's Gross Domestic Product (GDP) by 2025, but by the end of 2022 it was already at 56%, closing at USD 63,731 million⁵⁶⁵. Likewise, REDESCA became aware of a tax reform, promoted through a decree law by President Guillermo Lasso, which extends the ceiling of tax exemptions based on the number of members of each family, directly benefiting 99.8% of taxpayers who pay income tax⁵⁶⁶. Additionally, in 2023 the Ecuadorian State allocated more than \$ 1,300 million to the monthly delivery of eight bonds and pensions to 1,438,782 beneficiaries, according to data from the Ministry of Economic and Social Inclusion (MIES)⁵⁶⁷.

F. Right to education: academic freedom and university autonomy

327. REDESCA is concerned about the effects of violence and insecurity on the right to education of children and adolescents, particularly the suspension of on-site classes in several cantons of the country. According to the Ministry of Education, such decisions were taken in order to preserve the life and integrity of the student body⁵⁶⁸. Additionally, according to public information, the Ministry of Education informed that it will allocate US\$ 14 million for the hiring of private security in these areas. These would be part of the actions that the State would be implementing within the framework of the Emergency Educational Continuity Plan⁵⁶⁹. Additionally, it takes note of the implementation of the campaign "Todos al Aula" (Everyone to the Classroom) of the Ministry of Education, which travels through the provinces, especially those popular and rural sectors

⁵⁶¹ Ombudsman's Office of Ecuador, Oficio No. DPE-DPE-2023-0793-0, October 12, 2023.

⁵⁶² LEXIS, [What is the 2023 General State Budget](#), December 28, 2022.

⁵⁶³ Observatorio de Gasto Público, [Las cifras del Presupuesto de 2023](#), November 18, 2022.

⁵⁶⁴ United Nations Special Rapporteur on Extreme Poverty and Human Rights, End of Mission Statement of the Special Rapporteur on extreme poverty and human rights, Mr. Olivier De Schutter, August 28 to September 8, 2023, p. 5.

⁵⁶⁵ Firsts, [Government exceeds debt reduction target](#), March 3, 2023.

⁵⁶⁶ Los Andes, [Ecuador: after dissolving the General Assembly, Lasso decreed a tax reform](#), May 18, 2023.

⁵⁶⁷ El Universo, Estos son los bonos que se entregan en Ecuador: para 2023 el presupuesto asignado es de más de \$ 1.3 billion (<https://www.eluniverso.com/noticias/informes/estos-son-los-bonos-que-se-entregan-en-ecuador-para-2023-el-presupuesto-asignado-es-de-mas-de-1300-millones-nota/>), May 24, 2023.

⁵⁶⁸ Ministry of Education of Ecuador, [Distance classes in specific educational institutions in Districts 8 and 24 of Zone 8](#), September 24, 2023.

⁵⁶⁹ Primicias, [Ministry of Education offers private security for schools in conflict zones](#), September 21, 2023.

that concentrate the main problems that cause school dropout, so that 70,861 children and adolescents from all over the country enter school⁵⁷⁰.

328. Despite these efforts, REDESCA deeply regrets the impact that violence has on guaranteeing the right to education for children and adolescents. According to public data, only in the province of Esmeralda between the school period of 2021 to 2023, at least 12 thousand students abandoned their schools and colleges⁵⁷¹. According to statements by State officials, one of the main causes that pushes students to abandon the classroom is violence, added to poverty, teenage pregnancies and the health crisis caused by the HIV/AIDS pandemic⁵⁷².

⁵⁷⁰ El Comercio, [Todos al aula, el programa para combatir la deserción escolar](#), January 17, 2023.

⁵⁷¹ Periodistas sin Cadenas, Deserción escolar forzada: la realidad de niños, niñas y adolescentes en Esmeraldas, September 3, 2023; See Ministerio de Educación ([Datos Abiertos del Ministerio de Educación del Ecuador - Ministerio de Educación \(educacion.gob.ec\)](#)).

⁵⁷² Primicias, [In Esmeraldas, "we have children who have been recruited by gangs"](#), October 28, 2022.

15. EL SALVADOR

329. Regarding the ratification of international instruments relevant to ESCER from a regional perspective, the Office of the Special Rapporteur notes that the country has ratified the American Convention and the Protocol of El Salvador, but has not yet ratified the Escazú Agreement. This fact constitutes an aspect that should be evaluated to strengthen the protection of these rights.

330. REDESCA welcomes the measures to contribute to the eradication of poverty reported by the State, especially for the native population, including social protection through monetary transfers to vulnerable families and support for productive development through the delivery of "seed capital, equipment and inputs"⁵⁷³. Also noteworthy are the works and projects implemented by the Ministry of Public Works and Transportation with a view to reducing rural poverty, promoting the development and welfare of people in all territories, full access to basic services and equal opportunities within cities, between urban and rural areas⁵⁷⁴.

331. Without detracting from the above, REDESCA notes that, according to the National Statistics and Census Office of El Salvador, in 2022 the monetary poverty rate reached 26.7%, the highest in five years. This translates into 55,000 new households in poverty between 2021 and 2022 as a result of the increase in food prices and the lack of sufficient income to cover the Basic Food Basket. In this context, it is noted that poverty has increased since 2020, evidencing the need to continue implementing measures to combat poverty and extreme poverty. In this regard, it should be noted that the increase in public debt also aggravates the country's economic situation and its ability to invest in sectors directly linked to guaranteeing ESCER⁵⁷⁵.

A. Right to health and social determinants

332. In relation to the right to health, REDESCA has taken note of the progress reported by the State regarding the design of strategies aimed at improving health reparation measures for victims of the internal armed conflict and their families. These strategies include home visits by multidisciplinary health teams, coordination meetings with victims, community assemblies and health activities at the local level. In this context, it has been observed that the State has highlighted the satisfaction expressed by the victims and their families with the health actions implemented, as well as the need to maintain constant follow-up by health personnel to expedite the processes of care, medical referrals and appointment management⁵⁷⁶.

333. However, it has been reported that, in general terms, only approximately a quarter of the population has access to health services, and this situation is aggravated by a gap between the rural and urban population. According to data from the 2022 Multipurpose Household Survey, in that year, only 25.7% of the country's total population indicated having some type of health insurance, with 14% in rural areas and 33% in urban areas⁵⁷⁷. This aspect must continue to be addressed in order to achieve a greater expansion of health coverage.

⁵⁷³ State of El Salvador, Informe del Estado de El Salvador a la Comisión Interamericana de Derechos Humanos respecto a la solicitud de información sobre el capítulo IV A del informe anual CIDH 2023, October 2023, p. 21.

⁵⁷⁴ Ibid.

⁵⁷⁵ El Economista, Pobreza aumentó en El Salvador en 2022, April 4, 2023.

⁵⁷⁶ IACHR, Annual Report 2023, Chapter V -Follow-up to recommendations made by the IACHR in its country or thematic reports, Second follow-up report on the recommendations made by the IACHR in the report on the situation of human rights in El Salvador, 2023, para. 65/66.

⁵⁷⁷ IACHR - REDESCA, Report on Poverty, Climate Change and DESCA in Central America and Mexico, in the context of Human Mobility, July 28, 2023, para. 66.

335. For its part, the Office of the Special Rapporteur is closely following reports on the health impact of toxic agro-chemicals, particularly in the context of sugar cane monoculture, since the agrochemicals used in this process, in addition to polluting the environment, may be contributing to chronic renal failure, which is the third leading cause of death in the country⁵⁷⁸.

336. REDESCA notes that El Salvador is one of the countries in the region where more and more communities face acute food insecurity⁵⁷⁹. In turn, the Rapporteurship has closely followed the impact on ESCER of the State of Emergency, which has been extended 19 times from March 2022 to October 2023. In this context, the guarantee of the right to health and other ESCER of persons deprived of liberty continues to be of special concern⁵⁸⁰. In particular, the lack of care for patients with serious and chronic diseases, the lack of provision of medicines and treatments, the multiple skin conditions and malnutrition suffered by people inside prisons⁵⁸¹. Thus, it is observed that, after one year of the state of emergency, there have been 7,900 complaints by March 2023 about human rights violations of persons detained in this context⁵⁸². In this regard, various civil society organizations have joined the complaints regarding respect for the human rights of these individuals. Amnesty International observed that at the end of March 2023, the number of deceased persons in State custody was 132 -without prejudice to the presumption of underreporting by Salvadoran organizations-, while documenting at least 10 deaths and verifying that, among the main causes, is the lack of access to health services⁵⁸³.

337. According to testimonies of persons deprived of liberty collected by the organization Cristosal in its report on human rights violations during the emergency regime -March 2022 to March 2023-, it is noted that there were at least 200 people with malnutrition⁵⁸⁴. Therefore, REDESCA reiterates its call regarding the duty to provide adequate medical care to persons deprived of their liberty, taking into account the State's obligation to guarantee the personal integrity of these persons; and recalls that failure to comply with this obligation could generate, in turn, international responsibility for the violation of the right to health⁵⁸⁵.

B. Climate emergency and the human right to water

338. With regard to the right to water, the Rapporteurship notes that the State, through the Salvadoran Water Authority, has implemented the "White Box" ultrafiltration water system, which provides water for human consumption and directly benefits communities in the municipality of Coatepeque, as well as the "Blue Box" system, designed to place drinking water machines at strategic points in the country to ensure access to water for a greater number of people⁵⁸⁶. According to the authorities, these projects have benefited

⁵⁷⁸ Ibidem, para. 67.

⁵⁷⁹ UN News, [Hunger threatens to spread to 22 countries](#), May 29, 2023.

⁵⁸⁰ IACHR, Report on the Emergency Regime and its effects on human rights submitted by the State of El Salvador to the IACHR, July 14, 2023.

⁵⁸¹ Cristosal, Un año bajo el régimen de excepción: una medida permanente de represión y de violaciones a los derechos humanos, May 12, 2023, pp. 43-45.

⁵⁸² UN News, [El Salvador must respect human rights even during state of emergency](#), March 28, 2023.

⁵⁸³ Amnesty International, [El Salvador: One year into emergency rule, authorities systematically commit human rights violations](#), April 3, 2023.

⁵⁸⁴ Cristosal, Un año bajo el régimen de excepción: una medida permanente de represión y de violaciones a los derechos humanos, May 12, 2023, p. 45.

⁵⁸⁵ IACHR - REDESCA, [Annual Report 2022](#), March 6, 2023, para. 830.

⁵⁸⁶ Report of the State of El Salvador, following up on the recommendations of the Report "Situation of Human Rights in El Salvador" issued by the Inter-American Commission on Human Rights, in the framework of its *on-site* visit carried out in 2019, p. 65.

more than 600,000 families, many of which are located in rural areas⁵⁸⁷. Despite these measures, El Salvador is the most populated Central American country with the lowest water availability⁵⁸⁸. Likewise, the Special Rapporteur on the human rights to safe drinking water and sanitation and the Special Rapporteur on the issue of human rights obligations related to the enjoyment of a healthy environment expressed concern about the unequal treatment that the law would give to community water boards that supply drinking water to the population and to the private company that exploits water for profit⁵⁸⁹.

339. In addition, the Rapporteurship notes that the largest reservoir in El Salvador, El Cerrón Grande, has been converted into a landfill with tons of garbage and diluted pollutants from rivers. In this regard, 4,226 tons of garbage are generated daily in the country, of which 60% is plastic and organic waste. The lack of adequate treatment has led part of this garbage to end up in the reservoir, affecting the environment and the fishing activities of the inhabitants⁵⁹⁰. Therefore, REDESCA calls for guaranteeing the right to water and a healthy environment, in addition to highlighting the importance of preserving the ecological balance and biodiversity of the country.

C. Business and human rights

340. The Special Rapporteurship welcomes the State programs aimed at guaranteeing respect for the rights of workers. According to the authorities, El Salvador has the Gira por el Empleo (Tour for Employment) program, which has enabled the Ministry of Labor and Social Security to raise awareness among employers of the importance of human rights in contractual relations, as well as the Programa de Intermediación Laboral para sectores vulnerables (Labor Intermediation Program for vulnerable sectors), aimed at generating employment for persons with disabilities⁵⁹¹.

341. REDESCA notes that more than 50 organizations in El Salvador have demonstrated demanding that the government respect the Law of Prohibition of Metallic Mining, which prohibits the exploration, extraction, exploitation and processing of minerals, as well as the use of toxic chemicals. The organizations have denounced the lack of compliance with the law, in terms of technical closure of mines that operated in the past, remediation of the environmental impact of damage caused by mining, and the prohibition of artisanal mining⁵⁹². They also warn about possible signs of mining reactivation and highlight the unfeasibility of this activity for the country, mainly due to the environmental damage caused by this extractive industry⁵⁹³.

342. Along these lines, the Office of the Special Rapporteur expresses its concern over the detention of five environmental defenders as a result of their advocacy work against the mining ban in the country⁵⁹⁴. In this context, REDESCA highlights the fundamental role played by human rights defenders in the defense of the

⁵⁸⁷ Ibid.

⁵⁸⁸ IACHR - REDESCA, Report on Poverty, Climate Change and DESCA in Central America and Mexico, in the context of Human Mobility, July 28, 2023, para. 219.

⁵⁸⁹ Ibid.

⁵⁹⁰ El País, [Pescadores de plástico: cómo el embalse más grande de El Salvador se convirtió en una gran cloaca go to content](#), February 1, 2023.

⁵⁹¹ El Salvador, Informe del Estado de El Salvador, de seguimiento a las recomendaciones del Informe "Situación de los derechos humanos en El Salvador" emitido por la Comisión Interamericana de Derechos Humanos, en el marco de su visita *in loco* realizada en 2019, pp. 61/62.

⁵⁹² Mesa Nacional Frente a la Minería Metálica en El Salvador, Contribución de la Mesa Nacional Frente a la Minería Metálica en El Salvador al Cuestionario - Pobreza, Cambio Climático y DESCA en Centro América y México, en el Contexto de Movilidad Humana para la Relatoría Especial.

⁵⁹³ Pressenza, [El Salvador: Social organizations ask to respect the ban on metal mining](#), March 30, 2023.

⁵⁹⁴ The Guardian, [Salvadoran environmental defenders arrested for decades-old crimes](#), January 14, 2023.

environment. Likewise, the Inter-American Court, the IACHR and REDESCA have emphasized the duty of the States to facilitate the necessary means for these people to freely carry out their activities⁵⁹⁵.

343. The Rapporteurship also takes note of the situation of the Cerro Blanco mine, currently under concession to a Canadian mining company that is proposing an open pit mine on the site⁵⁹⁶. The mine is located in the State of Guatemala, 14 kilometers from Lake Güija in El Salvador. Due to the amounts of natural arsenic it receives from the mining activity, the lakes would be contaminating the Lempa River, which is the most important water source for El Salvador⁵⁹⁷. It is for these reasons that it is urgent for the State to carry out agreements with the State of Guatemala to safeguard the transboundary waters and, consequently, the human rights of the people in the sector, especially of the indigenous peoples who live there.

D. Labor and union rights

344. In the area of labor rights, the Office of the Special Rapporteur welcomes the measures adopted by the State to ratify ILO Convention 189 on domestic workers, as well as the inspections carried out by the Ministry of Labor and Social Security in response to complaints received by the domestic and textile industry sectors⁵⁹⁸. It also notes that ILO Convention 169 on indigenous and tribal peoples is currently being analyzed⁵⁹⁹.

345. The Rapporteurship has also taken cognizance of the complaints made by the Asociación Mujeres Trabajando, regarding the violation of ESCER suffered by women working in maquilas, particularly in the textile industry under the home-based work scheme⁶⁰⁰. Of particular concern are the complaints about the lack of compliance with their labor rights on the part of the companies, which do not carry out formal hiring, and place the women workers in a situation of helplessness before the state authorities who, according to the complaints, do not act diligently to prevent or investigate these situations. REDESCA notes that, according to this association, 56% of the people working in the maquilas are women, which is equivalent to approximately 50,000 women in the textile industry. The denunciations also point to the productive model that "turns women into machines that produce", which generates physical and mental deterioration, as well as a denial of human development for them and their families⁶⁰¹.

346. In the same vein, REDESCA notes with concern the many complaints made regarding the lack of guarantee of labor rights in the education sector. Thus, regarding the suspension of teachers due to lack of budget and the suppression of double shift salary payments⁶⁰², the decision would have affected numerous teachers in different departments of the country, mainly in rural areas. According to education authorities, in the department of Sonsonate alone, between 50 and 60 teachers were dismissed from their jobs⁶⁰³. Likewise,

⁵⁹⁵IACHR - REDESCA, Business and Human Rights: Inter-American Standards, 2019, para. 47.

⁵⁹⁶ Giada Ferrucci, Amanda Grzyb, Bernard Hammond, Rupert Knox and Ainhoa Montoya, [Cerro Blanco Open Pit Mine in Guatemala](#), April 2023, p.3.

⁵⁹⁷ Ibidem, p. 7.

⁵⁹⁸ Report of the State of El Salvador, following up on the recommendations of the Report "Situation of Human Rights in El Salvador" issued by the Inter-American Commission on Human Rights, in the framework of its *on-site* visit carried out in 2019, pp. 38/39.

⁵⁹⁹ Ibidem, p. 66.

⁶⁰⁰ Information obtained in a private meeting between the REDESCA team and representatives of Organización Mujeres Transformando in Washington DC on October 31, 2023.

⁶⁰¹ Asociación Mujeres Transformando, [Mujeres en la Maquila Textil: Cuerpos, Vidas y Resistencias](#), San Salvador, October 2023.

⁶⁰² La Prensa Gráfica, [Denuncian suspensión de docentes en sector público](#), January 13, 2023.

⁶⁰³ Ibid.

the Sindicato de Maestras y Maestros de la Educación Pública and the Asociación Nacional de Educadores Bases Magisteriales have denounced the Ministry of Education for irregular hiring and arbitrary processes of interim teachers⁶⁰⁴. In particular, the groups have expressed their opposition to the new platform administered by the Ministry of Education -SIGOB-SOL- for the selection of teaching personnel, for contravening the Teaching Career Law⁶⁰⁵. According to what was stated, the system would have failures to store the information entered by the applicants, which would result in the vacancy of the position and the subsequent discretionary appointment by the Ministry⁶⁰⁶.

E. Fiscal and economic policies

347. REDESCA reiterates the importance of fiscal and economic policies aimed at achieving a redistribution of wealth that reduces inequality gaps, while contributing to the investment necessary to guarantee the ESCER⁶⁰⁷. In this regard, the Office of the Special Rapporteur takes note of the 2024 General State Budget Bill and welcomes the increase allocated to the areas of education and health, which, together with security and defense, received \$221.7 million dollars more than in the previous fiscal period⁶⁰⁸. However, REDESCA is concerned about the data obtained through the survey "Coyuntural 2023", according to which 42.9% of Salvadorans consider that their family economic situation worsened in 2023, 72.8% see the economy as the country's main problem, while 86.7% perceive an increase in the cost of living, and many households have stopped buying basic foods due to high prices⁶⁰⁹. Meanwhile, 64.0% consider the reforms to the pension system to be positive⁶¹⁰.

348. Likewise, the Office of the Special Rapporteur expresses its concern for the allegations regarding the lack of transparency and lack of access to information regarding certain sectors linked to the ESCER. In this regard, it takes note of the agreement made between the Government and the company Google in which the State will allocate at least \$500 million dollars in the framework of a Law for the Digital Modernization of the State⁶¹¹. REDESCA recalls that both the right to public information and the principle of transparency in state administration are protected by Article 13 of the ACHR and are considered to be the main tools in the fight against corruption⁶¹².

F. Right to education: academic freedom and university autonomy

349. The Rapporteurship takes note of the progress made by the State in the field of education. According to official information, a curricular transformation is being implemented within the framework of

⁶⁰⁴ El Salvador, [Exigen revertir contratación de docentes interinos](#), February 3, 2023.

⁶⁰⁵ El Mundo, [Denuncian irregularidades en contratación de maestros interinos](#), January 27, 2023.

⁶⁰⁶ Diario Co Latino, [Denuncian que plataforma SIGOB-SOL no existe en la ley para nombrar docentes interinos](#), February 3, 2023.

⁶⁰⁷ IACHR - REDESCA, [Press Release: REDESCA calls on States in the region to put human rights at the center of their fiscal policies](#), July 20, 2023.

⁶⁰⁸ Government of El Salvador - Ministry of Finance, [Proyecto de Presupuesto 2024 garantiza la educación, salud, seguridad e inversión pública para los salvadoreños](#), 2023.

⁶⁰⁹ FUNDAUNGO, [Aumenta la preocupación de los salvadoreños sobre su situación económica familiar](#), March 27, 2023.

⁶¹⁰ Ibid.

⁶¹¹ Legislative Assembly of the Republic of El Salvador, [General Law for the Digital Modernization of the State](#), September 5, 2023.

⁶¹² IACHR, [Resolution 1/18: Corruption and Human Rights](#), March 16, 2018.

the educational reform "Mi Nueva Escuela" (My New School) aimed at adopting a human rights approach⁶¹³. It also notes a slight increase in enrollment by 2023 in private schools in El Salvador, as well as measures aimed at extending the school day after two years of virtual classes⁶¹⁴.

350. However, REDESCA is concerned about the high dropout rates and lack of access to education. According to official sources, during 2022, 40% of children and adolescents were out of the education system and since 2014 the number has risen to 800,000⁶¹⁵. In turn, the Ministry of Education reported more than 26,000 cases of school dropouts due to low academic performance in 2020 and 2021. Of the total of 67,184 dropout cases in 2021, more than 56,000 would be due to economic hardship, bullying, delinquency, illness or death of the student⁶¹⁶. Likewise, it is observed that since 2020 there has been a great negative impact on education as a result of the deterioration in family economies. Thus, the 40% increase in the price of school supplies affects families to such an extent that children are prevented from accessing this right⁶¹⁷.

G. Human mobility and ESCER

351. In the area of human mobility, REDESCA welcomes the implementation of the National Response Plan with 43 commitments that began in 2022 with a focus on protection, health, education and livelihoods to assist internally displaced persons, refugees and asylum seekers⁶¹⁸. Likewise, the Rapporteurship takes note of the information received by the State regarding the decrease in the incidence of forced internal displacement during the first quarter of 2023 as a result of the recovery of control of territories and spaces that had been taken over by criminal groups⁶¹⁹. It also notes that the Directorate for Attention to Victims, together with UNHCR and other government institutions, has begun a process of updating data on forced internal displacement, for subsequent decision-making based on evidence⁶²⁰.

⁶¹³ Report of the State of El Salvador, following up on the recommendations of the Report "Situation of Human Rights in El Salvador" issued by the Inter-American Commission on Human Rights, in the framework of its *on-site* visit carried out in 2019, p. 62.

⁶¹⁴ La Prensa Grafica, [Private schools have received a slight increase in enrollment, 85% will start classes in mid-January](#), January 10, 2023.

⁶¹⁵ La Prensa Gráfica, [Every year, 800.000 school-age children miss out on education](#), June 12, 2023.

⁶¹⁶ La Prensa Grafica, [26,000 dropped out of school in 2020 and 2021 due to low performance](#), June 5, 2023.

⁶¹⁷ Prensa Latina, [Alzas de precios golpean curso escolar en El Salvador](#), January 12, 2023.

⁶¹⁸ UNHCR, [Fact Sheet - El Salvador](#), August 2023.

⁶¹⁹ Report of the State of El Salvador, following up on the recommendations of the Report "Situation of Human Rights in El Salvador" issued by the Inter-American Commission on Human Rights, in the framework of its *on-site* visit carried out in 2019, p. 52.

⁶²⁰ *Ibidem*, p. 53.

16. UNITED STATES OF AMERICA

352. In the framework of the Inter-American system, it should be noted that the United States of America, despite being a member of the Organization of American States (OAS), has not ratified the American Convention on Human Rights or the Protocol of San Salvador. REDESCA encourages the country to consider ratifying these instruments.

353. The Special Rapporteur is concerned about the significant impact of poverty and inequality on the lives of millions of people in one of the richest and most prosperous countries in the world. While income inequality declined for the first time in 15 years, this was not due to a better redistribution of wealth, but mainly to a decline in the average real income of middle- and upper-class households, which was 2.3% between 2021 and 2022⁶²¹. Likewise, it is also observed that geographic inequality has increased, suggesting that economic opportunities are becoming less uniform in the country. This type of inequality has grown by more than 40% between 1980 and 2021⁶²². In this regard, it is noted that many of the lowest income communities are in rural areas: incomes are 24% higher in large metropolitan areas than in smaller metropolitan areas, 39% higher than in rural areas, and 51% higher than in counties outside metropolitan areas⁶²³.

354. Of primary concern in this regard is the differential negative impact of income inequality on African-American and other minority families. According to a study by the *Children's Defense Fund*, compared to families of all racial categories, the incomes of Black, Hispanic and American Indian families are nearly half those of White and Asian/Pacific Islander families⁶²⁴. In the nation's capital, 40% of black children live in poverty, leaving children and families of color further and further behind.

355. On the other hand, 1 in 18 people live in what is considered "deep poverty". In 2020 this equaled almost 18 million people, including approximately 5 million children and adolescents⁶²⁵. In line with what was described in the previous paragraph, poverty hits black households the hardest: in 2019, the median white household had a net worth of \$188,200, while the median black household had a net worth of only \$24,100⁶²⁶.

A. Right to health and social determinants

356. Regarding the right to health, REDESCA continues to closely observe the crisis of homelessness in the United States. It is recalled that the Office of the Special Rapporteur conducted a visit in March of this year to the city of Los Angeles to monitor this problem⁶²⁷. According to the testimonies gathered, the fear that these people feel of falling asleep due to the possibility of being awakened by security forces, being handcuffed and taken to prison is particularly alarming⁶²⁸. In this situation, homeless people frequently resort to the use of drugs and other substances, which aggravates their health and well-being. Mental health problems are prevalent in this population and require appropriate attention. According to the information gathered, the

⁶²¹ U.S. Census Bureau, [Income Inequality Down Due to Drops in Real Incomes at the Middle and Top, But Post-Tax Income Estimates Tell a Different Story](#), September 12, 2023.

⁶²² U.S. Department of Commerce, [Geographic Inequality on the Rise in the U.S.](#), June 15, 2023.

⁶²³ Ibid.

⁶²⁴ Children's Defense Fund, [The State of America's Children - Income and Wealth Inequality](#), 2023.

⁶²⁵ CNBC, [5 alarming stats on U.S. economic inequality in Pulitzer Prize-winning author's new book](#), March 28, 2023.

⁶²⁶ Ibid.

⁶²⁷ REDESCA, [Concluding Observations and Recommendations of REDESCA following its Visit to Los Angeles on the Human Rights Situation of Street People](#), July 2023.

⁶²⁸ Ibidem, para. 19.

people most vulnerable to these problems are those with a history of mental disorders and those who have developed mental health problems as a result of substance abuse⁶²⁹.

357. On the other hand, REDESCA notes that, following the repeal of the right to access abortion in 2022, women have seen an increase in barriers to accessing reproductive health services⁶³⁰. In a context of unclear regulations and lack of information regarding the legality of procedures and access to certain medications, women are impeded in their right to receive the information necessary to make informed decisions. Of particular concern are those women in situations of special vulnerability, such as women of African descent, indigenous women, migrant women, women living in rural areas and/or in situations of poverty, as they face greater limitations in receiving medical care and are at greater risk of being criminalized in their search for abortion services⁶³¹.

358. On the other hand, the Office of the Special Rapporteur also notes with concern the increase in various regulations that seek to restrict access to health care for LGBTI persons. At least 30 states have passed regulations restricting puberty-blocking medications and hormone therapies for trans persons seeking these treatments⁶³². These measures affect both adults and trans and intersex youth. The Office of the Special Rapporteur recalls the duty to guarantee access to health services for LGBTI persons without fear of violence or discrimination.

B. Climate emergency and the human right to water

359. REDESCA notes with concern that, during this northern hemisphere summer, temperatures are rising in several places. In addition, as a result of nearly 500 forest fires, at least 9 million hectares were affected by July 2023. These were of such magnitude that smoke and toxic gas emissions were felt in cities such as New York, Philadelphia and Washington D.C.⁶³³. Likewise, as a consequence of extremely dry weather conditions and intense winds, the state of Hawaii recorded a series of wildfires in August, which resulted in the death of at least 100 people in Maui County and a large number of injuries⁶³⁴. It recalls the urgency of taking action to address the long-term effects of the fires and their link to the climate crisis, implementing the standards and recommendations of Resolution 3/2021 on Climate Emergency: Scope of Inter-American Human Rights Obligations⁶³⁵.

360. In addition, REDESCA notes that in this context there is an exacerbated impact on indigenous populations in the country. In this regard, it is important to note that the situation of tribal and native communities in the United States is worrisome given the systemic and historical racial discrimination they have

⁶²⁹ Ibidem, para. 25.

⁶³⁰ IACHR, [Press Release: United States Must Protect and Guarantee Women's Right to Reproductive Health](#), June 24, 2023.

⁶³¹ Ibid.

⁶³² IACHR, [Press Release: IACHR Warns Against Regressive Health Measures Impacting Trans and Intersex Youth in the United States of America](#), May 25, 2023.

⁶³³ WMO, [Simultaneous heatwaves hit northern hemisphere in summer of extremes](#), July 18, 2023.

⁶³⁴ IACHR, [Press Release: IACHR and REDESCA express solidarity with the victims of the forest fires in Hawaii](#), August 18, 2023.

⁶³⁵ REDESCA, [Resolution 3/2021 on Climate Emergency: Scope of Inter-American Human Rights Obligations](#), December 2021.

suffered. REDESCA is concerned that the efforts are not benefiting the target populations, especially those most vulnerable and at risk⁶³⁶.

361. These communities in western Alaska and low-lying coastal Louisiana, respectively, are experiencing the most severe impacts due to the effects of climate change, such as permafrost thaw, erosion, sea level rise, nuisance flooding and storm surges. These, in turn, are being exacerbated by the situation of poverty and extreme poverty experienced by most communities, as well as by their lack of participation - where their knowledge is not taken into account - and in the case of Louisiana, by their lack of recognition as native communities⁶³⁷.

362. Consequently, communities find themselves in a situation of climate migration. This phenomenon modifies the complex socio-economic, cultural and political connections of a community to its geographic region, making it especially difficult for decision-makers and communities to consider as a resilience strategy. Therefore, partial or full community migration efforts must be community-driven, with the agreement of all relevant levels of indigenous governance⁶³⁸.

C. Business and human rights

363. With respect to the impacts that business activities can have on the enjoyment of ESCER, the Office of the Special Rapporteur takes note of the ruling issued by the Supreme Court in cases against technology companies, where it decided not to review the current rule that grants immunity to Internet intermediaries for content generated by third parties that display or distribute⁶³⁹. This contributes to the helplessness of individuals, who are hindered from accessing redress when their human rights have been violated by technology companies. Given the large number of companies headquartered in the United States, there is an urgent need for a thorough review of current regulations to make them compatible with international human rights standards.

364. Furthermore, REDESCA has become aware of the serious human rights consequences of the toxic rail accident in the state of Ohio, ranging from health complaints and complications to environmental damage and water contamination⁶⁴⁰. REDESCA welcomes the state's diligence in demanding accountability from the company involved, as well as its implementation of a comprehensive plan to ensure water, air and soil safety and its initiation of a \$1 million fund as a method of redress following allegations of homelessness among dozens of families, including children⁶⁴¹.

D. Labor and union rights

365. In the area of labor rights, the Office of the Special Rapporteur has become aware of worrying increases in the number of exploited migrant children. According to official data, approximately 300,000 children and adolescents have arrived in the country between 2021 and 2023 alone. Of these, according to the Department of Labor, there has been an 87% increase in fines to employers in recent months for child labor.

⁶³⁶ REDESCA, [REDESCA's Concluding Observations and Recommendations following its visit to Louisiana and Alaska: Climate-Induced Displacement of Indigenous Communities](#), August 2023, para. 76.

⁶³⁷ Idem.

⁶³⁸ Para. 81-

⁶³⁹ Supreme Court of the United States, [Reynaldo, et al., petitioners v. Google LLC](#), May 18, 2023; [Twitter, INC. V. Taamneh et al.](#), May 18, 2023.

⁶⁴⁰ CNN, [As reports of health problems near a toxic train wreck pile up, Ohio sets up a clinic while federal help gets into gear](#), February 20, 2023.

⁶⁴¹ The Guardian, ['It feels like an apocalyptic movie': life in East Palestine six months after toxic train crash](#), 4 August 2023.

Additionally, they are investigating more than 700 open cases and have already found 4,474 children working illegally since the beginning of the fiscal year, a 44% increase over the previous year⁶⁴². In the same vein, REDESCA is concerned that according to civil society organizations the number of minors employed in violation of child labor laws increased by 37% in the last year and at least 10 states introduced or passed laws reversing child labor protections in the last two years. Attempts to weaken state child labor standards are part of a coordinated campaign backed by industry groups intent on eventually diluting federal standards that cover the entire country⁶⁴³.

366. For its part, REDESCA has closely followed the wave of multiple strikes that began during the summer of 2023 and continued throughout the rest of the year. By September, 362,000 workers had gone on strike, almost 890% more than the previous year⁶⁴⁴. This year has seen an increase in the number of strikes, mainly among workers in private companies, extending to several sectors, including automotive and the arts. Although workers are protected under state labor laws during strikes, it is important to mention that there is no federal law to ensure unemployment benefits in these circumstances, which highlights an important gap in the protection of labor rights at the national level⁶⁴⁵. With the above, REDESCA welcomes the fact that there is a strong union culture in the country that allows for these activities and calls for fruitful tripartite dialogues for the improvement of labor conditions in the country.

E. Right to education: academic freedom and university autonomy

367. With respect to the right to education, the Rapporteurship takes note of the worrisome rates shown by the latest National Assessment of Educational Progress with respect to learning losses by children and adolescents, especially those in low-income school districts and communities⁶⁴⁶. For its part, REDESCA has closely monitored the debt forgiveness plan for college students presented by President Biden, and finally rejected by the Supreme Court⁶⁴⁷. It is concerned about the impact that this measure may have on students who accumulate large amounts of debt in order to be able to access this right.

368. According to a study by the *Pew Research Center*, tuition is outpacing students' ability to pay, with the proportion of students taking out loans to finance their degrees rising from about half (49%) to more than two-thirds (69%) between 1993 and 2012, while between 1993 and 2020, the average loan amount increased nearly threefold, exceeding \$30,000⁶⁴⁸. In turn, there is concern about the differential impact faced by African American students, who, by financing their education through debt, suffer from the widening wage wealth gap: four years after graduation, the average black college graduate owes \$52,726 compared to \$28,006 for the average white college graduate⁶⁴⁹.

369. Likewise, REDESCA notes with concern that in certain states stigmatizing discourses have been reinforced by local and state authorities against educational philosophies and even with educational material. According to civil society organizations, during the first half of the 2022-23 school year, PEN America's Schoolbook Bans Index lists 1,477 cases of individual books banned, affecting 874 unique titles, an

⁶⁴² The New York Times, [Labor Department Denounces Surge in Exploited Migrant Children](#), July 27, 2023

⁶⁴³ Economic Policy Institute, [Child labor laws are under attack in States across the country](#), March 14, 2023.

⁶⁴⁴ CNBC, [UAW strikes could make 2023 the biggest year for labor activity in nearly four decades](#), September 22, 2023.

⁶⁴⁵ Ibid.

⁶⁴⁶ Stanford News, [New research details the pandemic's variable impact on U.S. school districts](#), October 28, 2022.

⁶⁴⁷ The Washington Post, [Supreme Court rejects Biden student loan forgiveness plan](#), June 30, 2023.

⁶⁴⁸ Per Research Center, [Cumulative Student Debt Among Recent College Graduates](#), October 7, 2014.

⁶⁴⁹ Brookings, [Student loans, the racial wealth divide, and why we need full student debt cancellation](#), June 23, 2021.

increase of 28% compared to the previous six months, from January to June 2022. Particularly, authorities banning texts are especially focused on those that promote stories about and by people from historically discriminated groups and the LGBTIQ community⁶⁵⁰.

F. Human mobility and ESCER

370. In the area of human mobility, the Rapporteurship welcomes the termination of the Title 42 public health order, implemented during the COVID-19 pandemic, which allowed U.S. authorities to immediately remove migrants at their land borders without the opportunity to apply for asylum⁶⁵¹. However, it notes with concern new restrictive measures that allow authorities to remove anyone crossing the country's southwest border within days if they have not scheduled their arrival at a port of entry using the *CBP One* mobile app⁶⁵². These restrictions are of particular concern given that more and more entire families, with children, are stranded at the border in fear of removal⁶⁵³. These restrictions, according to the International Organization for Migration (IOM) and the United Nations Refugee Agency (UNHCR), transgress the principles of international refugee law by limiting access to asylum seekers who arrive after transiting through another country⁶⁵⁴.

371. In the same vein, REDESCA notes with concern the irregular movement of migrants from border points to metropolitan areas of the country. In its visit to Los Angeles, REDESCA noted with concern that migrant or undocumented persons are also experiencing a differentiated impact. In this regard, language barriers are often one of the biggest challenges these people face in getting any type of humanitarian attention to their needs. Likewise, this office received troubling information in which residents of the Skid Row neighborhood claimed that busloads of people in irregular human mobility situations parked nearby and let them leave without any instructions or information as to where they should seek information or assistance⁶⁵⁵.

372. REDESCA emphatically calls on the U.S. State to develop a comprehensive federal strategy to enable those entering the country to receive adequate care. The State Department and the Department of Homeland Security announced measures to reduce irregular migration through the expansion of legal avenues for protection and the safe, orderly and humane processing of migrants⁶⁵⁶. It is crucial that these actions be coordinated with state governments to minimize removals that may create further inconvenience and affect the rights of migrants, including their ability to reunite with their families.

⁶⁵⁰ PEN AMERICA, [Banned in the USA: State law supercharges book suppression in school](#), April 20, 2023.

⁶⁵¹ Centers for Disease Control and Prevention, [CDC Public Health Determination and Termination of Title 42 Order](#).

⁶⁵² EY, [US immigration: The return to Title 8](#), July 20, 2023.

⁶⁵³ PBS, What's behind the influx of migrants crossing the U.S. southern border?

⁶⁵⁴ United Nations News, [End of Title 42 in the United States: Preventing the Right to Seek Asylum, Violates International Laws](#), May 12, 2023.

⁶⁵⁵ REDESCA, [REDESCA'S CONCLUDING OBSERVATIONS AND RECOMMENDATIONS FOLLOWING ITS VISIT TO LOS ANGELES ON THE HUMAN RIGHTS SITUATION OF STREET PEOPLE](#), July 2023, para. 23.

⁶⁵⁶ U.S. Department of Homeland Security, [Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration](#). Retrieved, 2023.

17. GRENADA

373. In relation to the ratification of international instruments relevant to ESCER from a regional perspective, it is noted that although the country has ratified the American Convention, as well as the Escazú Agreement, it has not ratified the Protocol of San Salvador. Therefore, the Office of the Special Rapporteur expresses the importance of Grenada's progress in the ratification of this important inter-American instrument.

374. REDESCA notes that Grenada still faces challenges in reducing poverty and inequality. In this regard, poverty in the country reached at least 33.5% of the population by 2020, partly because of the impacts of the COVID-19 pandemic, which contracted the economy by 13.8%. In that sense, although there has been an increase in economic recovery, mainly due to the increase in tourism activity, poverty rates have not decreased below 28%⁶⁵⁷.

A. Right to health and social determinants

375. With respect to the evolution of the pandemic caused by COVID-19, the Office of the Special Rapporteur observes a stable situation since September 2022, with a total of 19,693 confirmed cases, 238 deaths and 90,686 doses of vaccine administered⁶⁵⁸. For its part, REDESCA notes that by 2023, women had an average of 2.0 children throughout their reproductive life. In the specific case of adolescent births, there was a decrease of 30.8%, from 45.6 live births per 1000 women aged 15-19 years in 2000 to 31.5 this year⁶⁵⁹.

376. REDESCA welcomes the fact that the State is implementing policies to address the health situation in the country and especially to reduce adolescent maternity. For its part, REDESCA regrets that there is not ample information available regarding the health situation in the country. In this regard, it calls on the State to provide information to international entities and to make efforts to digitize and update the corresponding databases.

B. Climate emergency and human right to water

377. The Special Rapporteur notes that Grenada is located in a high-risk area for climate change, so its particular situation should draw the attention of the international community. In this regard, it is noted that, according to the fifth annual report on air quality in the world, Grenada is one of the 6 countries that met the WHO PM2.5 guideline, out of 131 countries, territories and regions analyzed⁶⁶⁰. This shows the commitment of the State to generate climate actions that can recover the quality of life of people living in their territories, even when they are not the countries that contribute most to the generation of greenhouse gases.

378. On the other hand, the Rapporteurship learned that the Government of Grenada announced in March the updating of the "National Energy Policy" with the technical assistance of the World Bank, to guide the energy sector in its transition from fossil fuels to renewable energies, with the objective of promoting sustainable development and enabling Grenada to achieve its goal of a 40% reduction in 2010 emission levels by 2030, explained the Government⁶⁶¹.

379. The Rapporteurship also notes an announcement that the Basic Needs Trust Fund (BNTF) of the Caribbean Development Bank (CDB) will finance a wastewater treatment and recycling plant with a system

⁶⁵⁷ World Bank, [Country Profile: Grenada](#), October 2023

⁶⁵⁸ WHO, [Grenada Situation](#), June 16, 2023.

⁶⁵⁹ PAHO, [Country profile Grenada](#), 2023

⁶⁶⁰ IQAir, [IQAir World Air Quality Report 2022 Finds Only 5% of Countries Meet WHO PM2.5 Air Pollution Guideline](#), March 14, 2023.

⁶⁶¹ Now Grenada, [Grenada Government updating energy policy](#), 21 March 2023

that uses recycled glass instead of sand at the Princess Alice Hospital in Mirabeau, St Andrew⁶⁶². For its part, the Special Rapporteurship learned that, as of February 1, 2023, the National Water and Sewerage Authority began collecting an environmental tax from customers or users, both residential and non-residential premises, the levy of which depends on the volume of water consumed⁶⁶³.

C. Business and human rights

380. In relation to business activities and the protection of human rights, REDESCA notes that a family-owned business group in the United Kingdom has expressed its intention to issue a public apology to the people of Grenada. This is because their ancestors, during the 19th century, held over 1,000 people in slavery in the country. In addition to this apology, they have announced a donation of 100,000 pounds sterling for the purpose of establishing a community fund for economic development on the island⁶⁶⁴.

381. For its part, REDESCA takes note of the initiative to start with an agricultural census in the country, to collect vital data to map the sector's contribution to the country's economy, but also its importance as an employer. The last census was conducted 11 years ago in 2012 and is expected to be completed in 2024⁶⁶⁵. In this regard, the Special Rapporteur welcomes the fact that the State seeks to make efforts to acquire data on the general situation of the country. In this regard, it should be noted that any planning to improve the country's productive sectors must be accompanied by a strategy to strengthen the rights of land workers, communities that may be affected by these activities, among other social and environmental factors that affect the protection of the rights of individuals.

D. Labor and union rights

382. REDESCA notes that the research study entitled "Gender and Age Inequalities in Disaster Risk", prepared by UN Women and UNICEF, highlights the situation of women in Dominica. This study highlights that women in this country play an important role in the informal economy, especially in subsistence agriculture, which has been severely affected by various factors. The study also notes that women in Dominica have a considerably lower formal employment rate, at 42.2%, compared to men, who have 57.8%. It is also relevant to note that women are more likely to work without pay or at significantly lower wages⁶⁶⁶.

E. Fiscal and economic policies

383. The Special Rapporteur notes that economic growth is expected in 2023, albeit at a slower pace of 3.9 percent, led by activity in tourism-related sectors. However, an economic slowdown in major tourist source markets, further increases in food and fuel prices, a natural disaster, or an abrupt decline in Citizenship by Investment (CBI) program revenues could weaken growth, worsen the fiscal position, and threaten debt sustainability. On the positive side, developments in demand for services in advanced economies could further increase tourism demand and investment projects could have a more concentrated impact on the economy⁶⁶⁷.

384. At the same time, REDESCA notes that the IMF highlights that public debt has returned to a downward path and debt is considered sustainable. However, it is noted that Grenada remains "in debt overhang" due to its outstanding arrears of some US\$37.6 million to official bilateral creditors, including

⁶⁶² Now Grenada, [Basic Needs Trust Fund finances novel wastewater project](#), March 27, 2023.

⁶⁶³ Now Grenada, [Nawasa to charge monthly environmental levy](#), January 30, 2023.

⁶⁶⁴ RNZ, [Wealthy UK family to apologise in Grenada over slave-owning past](#), 6 February 2023.

⁶⁶⁵ Now Grenada, [2023 Agricultural Census to improve Grenada's farming sector](#), November 8, 2023

⁶⁶⁶ Dominica News online, [Strengthening women farmers' response to climate adaption](#), 27 February 2023

⁶⁶⁷ IMF, [IMF Executive Board Concludes 2023 Article IV Consultation with Grenada](#), July 19, 2023

Trinidad and Tobago and Algeria. In this context, the Special Rapporteurship stresses that, while spending on relief measures should decline as the initial increase in food and fuel prices dissipates, adjustment policies should not impact the most vulnerable groups. In this regard, the IMF notes that the focus should be on structurally improving the effectiveness and targeting of social assistance programs (including through improvements in eligibility determination) and moving away from broad-based support⁶⁶⁸.

⁶⁶⁸ Ibid.

18. GUATEMALA

385. In the framework of the specific instruments relevant to the protection of ESCER, it is noted that the State is a party to the American Convention and the Protocol of San Salvador. However, the absence of ratification of the Escazú Agreement is noteworthy. From the perspective of strengthening the protection of ESCER in the national context, it is considered that the reevaluation of the State's position with respect to the ratification of said Agreement would be a highly positive measure, as will be developed in detail in this chapter.

386. REDESCA notes that Guatemala is one of the most unequal countries in terms of income distribution in Latin America. The growth of poverty and the lack of equitable distribution of wealth have contributed to the increase in Guatemalan migration to the United States⁶⁶⁹. In this regard, according to an IOM study, 80% of Guatemalan migrants cite economic reasons for migrating, while only 10% cite reasons related to violence. Although the Guatemalan economy has experienced growth, poverty and inequality persist.

387. For its part, the Office of the Special Rapporteur notes that social organizations have stated that the poverty line is calculated arbitrarily, and that economic improvement is reflected in the long term. It is noted that the poverty rate was estimated at 22.4% in 2021⁶⁷⁰.

388. REDESCA also considers it relevant to examine the context of the presidential elections in Guatemala, which is also marked by inequality, poverty, systemic corruption and institutional crisis⁶⁷¹. The OAS has deployed a Mediation Mission to address the complex social situation and offer recommendations to the Guatemalan government⁶⁷². REDESCA supports this initiative and calls on all political and social actors to assume with absolute clarity and awareness that any deviation or excess puts peace at risk and, with it, the right of all Guatemalans to choose their destiny⁶⁷³.

A. Right to health and social determinants

389. REDESCA notes that the Executive Branch reported on actions taken in the first four months of 2023 by the Ministry of Public Health and Social Assistance (MSPAS) to strengthen health services in Guatemala. In this regard, the Ministry of Communications, Infrastructure and Housing (CIV) would support health infrastructure projects⁶⁷⁴.

390. In the first four months of 2023, REDESCA highlights the efforts of Guatemala's Executive Branch, especially through MSPAS, to strengthen health services. With significant budget execution, MSPAS has advanced in health infrastructure projects, including hospitals and health centers, focusing on remote areas. In parallel, the VIC has supported these efforts, with a considerable budget earmarked for the development of vital infrastructure, including health and housing projects, thus contributing to the expansion and strengthening of care nationwide⁶⁷⁵.

⁶⁶⁹ Expansión, [Guatemala: the country from which people flee poverty, not violence](#), March 30, 2023.

⁶⁷⁰ UFM Universidad Francisco Marroquín, [¿Por qué surgió la polémica de la tasa de pobreza](#), April 25, 2023.

⁶⁷¹ The Grand Continent, [Ten points to understand Guatemala's 2023 elections](#), June 25, 2023.

⁶⁷² OAS, [Communiqué of the Mediation Mission of the OAS General Secretariat in Guatemala](#), October 13, 2023.

⁶⁷³ OAS, [Communiqué of the Mediation Mission of the OAS General Secretariat in Guatemala](#), October 18, 2023.

⁶⁷⁴ Government of Guatemala Press, [Acciones efectuadas en salud en el primer cuatrimestre 2023, en beneficio de los guatemaltecos](#), June 23, 2023.

⁶⁷⁵ Government of Guatemala Press, [Acciones efectuadas en salud en el primer cuatrimestre 2023, en beneficio de los guatemaltecos](#), June 23, 2023.

391. In the first four months of 2023, REDESCA highlighted PAHO/WHO support to Guatemala to guarantee the supply of medicines and supplies in response to the shortage. This cooperation focused on strengthening the country's capacity to acquire medicines and health technologies through PAHO's Strategic Fund⁶⁷⁶. In addition, REDESCA closely followed information regarding the case of the former Vice Minister of Hospitals, who was criminally prosecuted for fraud in the case of the National Hospital of Chimaltenango.⁶⁷⁷

392. REDESCA notes that Guatemala has a National Food and Nutritional Security Policy that defines food and nutritional security as "the right of every person to have physical, economic and social access, timely and permanently, to adequate food in quantity and quality, with cultural relevance, preferably of national origin, as well as its adequate biological use, to maintain a healthy and active life". In this regard, in March 2022, using the Integrated Food Security Phase Classification (IPC) protocol, the State analyzed the situation of acute food insecurity in the 22 departments of the country, 17.4 million inhabitants⁶⁷⁸.

B. Climate emergency and the human right to water

393. REDESCA is concerned about the environmental problems caused by the tons of garbage and plastic waste that flow from the Las Vacas River to the Motagua River in Guatemala, ultimately affecting the beaches of Honduras. This situation has serious environmental consequences, and directly impacts the human right to water of the communities that depend on these resources⁶⁷⁹.

394. Also, during this year, the situation of environmental defenders in the region has been reported, aggravated in Guatemala by cases of disappearances and murders linked to conflicts generated by extractive activities, mainly mining⁶⁸⁰. The Unit for the Protection of Human Rights Defenders in Guatemala documented 3,574 cases of aggressions in 2022, which is equivalent to almost 10 per day⁶⁸¹.

395. The Special Rapporteur takes note of Governmental Agreement Number 298-2022, which establishes September 27, 2024, as the new deadline for the regularization of environmental projects. Previously, the deadline was December 16, 2022, but it was extended due to the increase in regularization requests⁶⁸².

C. Business and human rights

396. The Office of the Special Rapporteur has learned of the commitment made by companies and economic groups that are members of the Alliance for Central America, including AgroAmerica, Grupo Mariposa, Corporación AG, Mastercard, Microsoft, Millicom, Pantaleón, Parkdale Mills, PepsiCo and PriceSmart. This commitment focuses on strengthening public and private institutions in Guatemala, El Salvador and Honduras by promoting transparent and legal business practices. The signatories are committed to supporting

⁶⁷⁶ PAHO, [Guatemala strengthens capacities to guarantee supply of medicines and supplies with PAHO/WHO support](#), February 28, 2023.

⁶⁷⁷ Prensa Libre, [¿Quién es Gerardo Hernández? el exviceministro de Salud investigado por supuesto fraude millonario en hospital de Chimaltenango](#), March 15, 2023. Publinews, [Exviceministro ligado por fraude en caso Hospital de Chimaltenango](#), 25 March 2023.

⁶⁷⁸ REDESCA, [Report: Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, p. 37.

⁶⁷⁹ Prensa Libre, [Trash in the Motagua River: the Interceptor 006 barricade that The Ocean Cleanup installs to stop plastic tsunamis](#), May 18, 2023.

⁶⁸⁰ Confidential, [Defenseless defenders: 177 killed in Central America in the last five years](#), September 19, 2023.

⁶⁸¹ Idem.

⁶⁸² Government of Guatemala, [Ministry of Environment and Natural Resources, Compliance with environmental regularization is extended until September 2024](#), December 2, 2023.

the economy and investment in the region, with the goal of achieving sustainable development and combating corruption. This effort includes working with local governments to implement legal reforms and public policies to improve legal security and foster a stronger and more transparent business climate⁶⁸³.

397. REDESCA takes note of the Cerro Blanco open pit gold and silver mine project, currently owned by Bluestone Resources, a Canadian mining company with operations in Asunción Mita, Jutiapa, Guatemala, near the border with El Salvador. Cerro Blanco is located in an environmentally sensitive area shared by Guatemala, Honduras and El Salvador. Bluestone's proposal calls for an open pit mine at this site, near a river and lake that are the headwaters of the Lempa River, a vital source of water for El Salvador⁶⁸⁴. This situation has been of great interest in relation to extraterritorial impacts and is available to States and other stakeholders for information and follow-up on these actions.

398. The Special Rapporteur is also aware of the situation of the Maya Chuj, Maya Q'anjob'al, Maya Popti, Maya Akateco and Maya Mam indigenous communities in the Yichk'is/Ixquisis micro-region, in the northwest of Guatemala. In the context of the construction of the San Mateo and San Andres hydroelectric plants, which were financed by IDB Invest, and the effects of these projects on the communities, these communities filed a complaint with the IDB's Independent Consultation and Investigation Mechanism (MICI) in August 2018, alleging breaches of operational policies in relation to the financing⁶⁸⁵. In September 2021, the MICI's final report noted multiple violations by IDB Invest of policies related to environmental and social sustainability, information availability, environment, safeguards, indigenous peoples' rights, and gender equality. In response, in March 2022, IDB Invest submitted an Action Plan to address the MICI's recommendations regarding the San Mateo and San Andres Generating Projects. However, the indigenous communities are still awaiting a responsible response that includes remedies and restoration⁶⁸⁶.

399. REDESCA notes that IDB Invest recognizes the complex contextual risks present in the project region and the existence of different views of the communities with respect to development needs and the difficulties in achieving a peaceful dialogue. In this regard, the IDB Group has supported the Dialogue Table, which involved third parties and impartial observers, in the hope that constructive steps would be taken to strengthen social cohesion in Huehuetenango. However, the situation remains conflictive. In this regard, IDB Management indicated that it would strive to implement exit and transition plans to avoid the escalation of such conflicts⁶⁸⁷.

400. However, REDESCA notes that the company executing the project sued the State before ICSID, alleging the right to compensation due to the impossibility of executing the projects. The communities, through their accompanying organizations, have requested to be recognized as a non-disputing party in this process and have filed an intervention brief alleging that the company's lack of due diligence contributed to the impossibility of carrying out the hydroelectric projects⁶⁸⁸.

⁶⁸³ Partnership for Central America, [Partnership for Central America \(PCA\) Corporate Pledge on the Rule of Law](#), June 15, 2023.

⁶⁸⁴ Alianza Centro Americana Frente a la Minería (ACAFREMIN), [Cerro Blanco open pit mine in Guatemala](#), April 2023.

⁶⁸⁵ AIDA, [Indigenous communities in Guatemala achieve divestment and exit plan from IDB for violation of their rights](#), March 29, 2022.

⁶⁸⁶ Ibid.

⁶⁸⁷ IDB Invest, Management Action Plan Addressing the MICI Compliance Verification Report for the Generadora San Mateo S.A. and Generadora San Andrés S.A. Projects, MICI Case No. MICI -CII-GU-2018- 0136, March 1, 2022. See also the Follow-Up plans and Annual Follow-Up Report filed with the MICI at: [MICI-CII-GU-2018-0136 | micí \(iadb.org\)](#).

⁶⁸⁸ AIDA, [Indigenous communities in Guatemala achieve divestment and exit plan from IDB for violation of their rights](#), March 29, 2022.

D. Labor and union rights

401. REDESCA expresses concern regarding the protection of labor rights and the stability of judicial officials during the institutional crisis affecting the country. In this context, it takes note of the call of the United Nations High Commissioner for Human Rights, urging the authorities to take appropriate measures to strengthen and preserve the independence of the justice system.⁶⁸⁹

402. In this regard, REDESCA highlights that the IACHR also warned that a number of situations exemplify the progressive deterioration of democratic institutions, the rule of law and the human rights situation in Guatemala. Among them, the continuous interference in the electoral process, through the interpretation of regulations and practices that prevented the effective participation of individuals and political parties, the suspension of the announcement of the results of the first round for more than two weeks, the attempt to suspend the registration as a legal entity of the Semilla Movement to prevent its members from being awarded public office and the raid on its headquarters⁶⁹⁰.

E. Right to education: academic freedom and university autonomy

403. REDESCA is concerned about events that occurred in March of this year in connection with protests by parents and students from rural schools. On Friday, March 3, they blocked four lanes in zone 16 in order to urge the Ministry of Education to ensure that there are enough teachers. Those who participated in the demonstrations pointed out that up to 80 students are crowded in the same classroom under the supervision of a single teacher, which makes movement in class difficult due to the proximity of the desks⁶⁹¹. Likewise, the serious situation of the schools and classrooms, the lack of desks and school furniture has been reported⁶⁹².

404. Meanwhile, protests by teachers continued in May of this year due to assemblies called by the National Teachers' Union in response to draft legislation that would reduce the pensions of those working in the education sector⁶⁹³.

405. Guatemala is the second country in Central America with the second lowest average number of years of schooling, after Honduras. This is of concern to the Office of the Special Rapporteur, since in October of this year, protests and natural disasters prevented the start of classes, which led to the implementation of virtual education in conditions that were not adequate to the best standards and with the disagreement of families and civil organizations,⁶⁹⁴.

406. Finally, REDESCA condemns and calls attention to the arrests made by the Public Ministry in the context of the process that has been opened in relation to the selection of authorities of the University of

⁶⁸⁹ UN, OHCHR, [Guatemala: UN Human Rights Chief Volker Türk expresses deep concern at persecution of judicial officials](#), January 18, 2023.

⁶⁹⁰ IACHR, Guatemala: IACHR Urges the State to Respect the Constitutional Order, October 4, 2023.

⁶⁹¹ Prensa Libre, [Niños hacinados y sin maestros: la desesperación de padres que los llevaron a bloquear calles en la zona 16](#), March 3, 2023.

⁶⁹² Prensa Libre, [En el suelo por falta de ESCERitorios: video muestra cómo estudiantes en Zacapa se ven afectados por carencias del sistema educativo](#), March 17, 2023.

⁶⁹³ Prensa Libre, [Se confirma suspensión de clases en escuelas públicas y esto se sabe de posible protesta de maestros](#), May 3, 2023.

⁶⁹⁴ Prensa Libre, [Students begin distance and virtual classes](#), October 10, 2023.

San Carlos (USAC). REDESCA joins the IACHR and the RELE, regarding the dangers that such events pose to legal security and academic freedom in the State⁶⁹⁵.

⁶⁹⁵ IACHR, [IACHR and RELE Reject Detention Orders](#), November 16, 2023.

19. GUYANA

407. In relation to international commitments in the field of ESCER, Guyana has ratified the Escazú Agreement, being the first country to do so on April 18, 2019. On the other hand, regarding the American Convention and the Protocol of San Salvador, it has not yet proceeded with its accession, indicating an area of opportunity for the promotion and protection of these rights in the country.

408. The Special Rapporteurship notes that the country has experienced a significant decline in poverty levels over the last decade, from 60.9% in 2006 to 48.4% in 2019⁶⁹⁶ ... Since 2020, the country's economy has shown extraordinary growth, with an average GDP increase of 42.3% in the last three years and an estimated 63.4% increase in real GDP in 2022. However, despite these economic advances, recent data are not yet available to assess progress in poverty reduction. Moreover, despite economic growth, poverty and social exclusion, including limited access to basic services, persist in inland regions⁶⁹⁷.

A. Right to health and social determinants

409. In terms of health challenges, we note World Bank data indicating that health outcomes in Guyana remain below the region's average. In 2021, the infant mortality rate was 23.2 per 1,000 live births (compared to a LAC average of 14 per 1,000 live births), and the under-five mortality rate was 28 per 1,000 live births (compared to a LAC average of 16)⁶⁹⁸.

410. According to the Global Monitoring Report, in which WHO reports on countries' progress towards achieving universal health coverage as part of SDG tracking, Guyana's service coverage rate stood at 76% in 2021⁶⁹⁹. This means that about 76% of Guyana's population can effectively access essential services. Although this is a significant improvement from 65% a decade ago, due to, among other things, advances in antenatal care and immunization coverage, service coverage levels have not progressed in recent years⁷⁰⁰.

411. REDESCA notes that one of the most significant challenges in Guyana's health sector is the shortage of health personnel, especially nurses. This situation has led the government to seek emergency support from Cuba, a long-time partner in healthcare, to fill the shortage of health professionals⁷⁰¹. In response to this ongoing challenge, the government has implemented a program to train 1,000 people annually through an expanded nursing program that began this year, with the goal of mitigating this deficiency and securing employment in the health sector for graduates⁷⁰².

412. The Rapporteurship notes with concern the increase in cases of dengue fever in the region and the deaths caused by this disease in Guyana. Although by August the number of infections was reduced, a total of 239 hospitalized patients and 11 deaths had been recorded, of which 6 were children⁷⁰³. The WHO reported that the increase in the number of dengue cases is aggravated by global warming, since high temperatures favor the reproduction of the mosquito that transmits the disease⁷⁰⁴.

⁶⁹⁶ World Bank, [Guyana: overview](#), 2023.

⁶⁹⁷ World Bank, [Guyana: overview](#), 2023.

⁶⁹⁸ Ibid.

⁶⁹⁹ WHO, [Universal Health Coverage 2023 Global Monitoring Report](#), September 18, 2023.

⁷⁰⁰ Ibid.

⁷⁰¹ NewsRoom Guyana, [With nurses 'doubling up' shifts. Guyana looks to Cuba for short-term help](#), July 13, 2023

⁷⁰² Caribbean Times, [Guyana to train 1,000 registered nurses annually](#), April 5, 2023.

⁷⁰³ Pensa Latina, [Guyana experiences a decrease in dengue cases, according to authorities](#), August 24.

⁷⁰⁴ Ibid.

B. Climate emergency and the human right to water

413. REDESCA highlights and positively acknowledges Guyana's Low Carbon Development Strategy 2030⁷⁰⁵. This strategy charts a path for new clean economic growth, emphasizing the valuation of ecosystem services provided by tropical forests and promoting investments in clean energy, such as hydropower and solar⁷⁰⁶. This programmatic instrument sets out interconnected objectives, including valuation of ecosystem services, investment in clean energy to stimulate low-carbon growth, protection against climate change and biodiversity loss, and alignment with global climate and biodiversity targets.

414. Regarding climate change adaptation, the Rapporteurship views positively the development of a Guyana Climate Resilience Strategy and Adaptation Plan, which provides a comprehensive and holistic framework for building resilience to the impacts of climate change. This plan builds on work done in Guyana over the years and focuses on identifying key climate risks and priority resilience building actions. This instrument includes a roadmap for the next five years, project concepts for priority climate resilience programs, and capacity building actions to enhance national climate change adaptation and resilience planning⁷⁰⁷.

415. The Rapporteurship takes note of the World Bank's report of Guyana's high exposure to climate-related hazards such as increased heavy rains and flooding, sea level rise and storm surges, especially in coastal areas⁷⁰⁸. Also, the impact of sea level rise and storm surge intensification in Guyana would be one of the largest in the world, exposing 100% of the country's coastal agriculture and 66.4% of coastal urban areas to flooding and coastal erosion, with potential GDP losses exceeding 46.4%⁷⁰⁹.

C. Business and human rights

416. The Rapporteurship notes that Guyana has been considered one of the fastest growing countries in the world, with a GDP increase of 57.8% in 2022 where oil already accounts for 60%⁷¹⁰. If the growth trend continues, according to estimates, Guyana could reach a historic milestone in 2030 as the first country in the world to produce more barrels of oil per day than the amount of population it possesses.

417. In this context, the Office of the Special Rapporteur notes with concern that 10.5% of Guyana's population belongs to indigenous peoples, whose lands are affected by mining concessions granted by the government, including extractive activities by companies such as ExxonMobil since 2019⁷¹¹. REDESCA expresses concern about the lack of environmental impact studies and the absence of transparent information to communities near extractive areas⁷¹². Some reports indicate that indigenous communities have denounced significant damage to their environment and livelihoods due to mining and commercial logging, and have requested to limit mining concessions⁷¹³.

418. In this regard, the Special Rapporteur recalls that States have the obligation, within their jurisdiction, to regulate, supervise and oversee activities that may significantly affect the environment within

⁷⁰⁵ Government of Guyana, [Low Carbon Development Strategy 2030](#), July 2022

⁷⁰⁶ World Bank, [Guyana: overview](#), 2023.

⁷⁰⁷ Ibid. Green Policy Platform, [Climate Resilience Strategy and Action Plan for Guyana](#).

⁷⁰⁸ Ibid.

⁷⁰⁹ Ibid.

⁷¹⁰ Bloomberg Line, [Can Guyana, the South American miracle, avoid 'Dutch disease'](#), August 29, 2023.

⁷¹¹ ExxonMobil, [Guyana Project Overview](#), October 1, 2022.

⁷¹² Stabroek News, [The range of tenures \(property rights\) that underlie the jurisdictional carbon credits sold by Guyana to oil company Hess Corporation](#), December 15, 2022.

⁷¹³ StabroekNews, [Mining Impacts](#), July 2, 2021.

or outside their territory; in addition to establishing contingency plans, to have safety measures and procedures to minimize the possibility of major environmental accidents and mitigate the significant environmental damage that could be generated⁷¹⁴. 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, to identify, prevent and mitigate their environmental impact, and allow for the remediation of the negative effects on human rights that they have caused or contributed to cause⁷¹⁵. At the same time, it reiterates the importance for States to ensure spaces for participation and transparency prior to adapting their regulatory frameworks, in which the position of those whose rights may be threatened or affected is seriously taken into account.⁷¹⁶

D. Fiscal and economic policies

419. The Rapporteurship highlights that the budget in 2023 for education amounted to \$94.4 billion dollars, which implied an increase of \$20 billion with respect to 2022⁷¹⁷. According to the Ministry of Finance, it would have been used to improve the infrastructure of educational institutions, grant scholarships to ensure greater access to education, provide textbooks and other materials for all primary school students, among other measures⁷¹⁸. It is also noted that the health sector has received a budget of \$73.2 billion dollars, that is, \$10.7 billion dollars more than the 2022 period, which would have been used to create new hospitals, increase the supply of medicines, as well as expand the mental health area of the *Georgetown Public Hospital Corporation*⁷¹⁹.

E. Right to education: academic freedom and university autonomy

420. REDESCA, based on World Bank reports, recognizes Guyana's significant progress in access to education over the past 15 years. By 2022, Guyana achieved enrollment rates of 91% and 103% at the preschool and primary levels, respectively⁷²⁰. However, improving learning outcomes at all levels of education is crucial. According to the Human Capital Index 2022, a child born in Guyana just before the COVID-19 pandemic will have a potential productivity of only 50% compared to what he or she could achieve with a full education and optimal health. This is lower than the average for the Latin America and Caribbean region⁷²¹. Although the average Guyanese student is expected to complete 12.2 years of schooling, this translates into only 6.8 years of effective learning, measured in Learning Adjusted Years of Schooling⁷²²,

F. Human mobility and ESCER

421. According to UNHCR data as of June 2023, Guyana hosts 21,611 Venezuelan refugees and migrants and 190 refugees and asylum seekers of other nationalities; almost 370 Venezuelan forcibly displaced persons participated in UNHCR interventions on gender-based violence and promotion of gender equality and

⁷¹⁴ IACHR - REDESCA, [Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations](#), December 31, 2021, para. 40.

⁷¹⁵ Ibid., para. 46.

⁷¹⁶ IACHR - REDECA, [Business and Human Rights: Inter-American Standards, November 1, 2019](#), para. 111.

⁷¹⁷ Stabroeknews, [Education allocated 94.4 billion dollars in 2023 budget](#), January 17, 2023,

⁷¹⁸ Ibidem, para. 3.114-3.124.

⁷¹⁹ Ibidem, para. 3.104-3.110.

⁷²⁰ World Bank, [Guyana: overview](#), 2023.

⁷²¹ Ibid.

⁷²² Ibid.

228 persons received information and sessions on international protection, Sexual and Reproductive Health and Rights and prevention of gender-based violence⁷²³.

422. With regard to the challenges, the Special Rapporteur warns that one of the main ones is to ensure proper access to education and to be able to overcome the language barrier. According to a study conducted by the Interagency Coordination Platform for Refugees and Migrants in Venezuela (R4V), as of July 2022 there were 2,036 refugee and migrant children enrolled in formal education of which 90% came from Venezuela and speak Spanish or indigenous languages⁷²⁴. This confronts them with language barriers to integrate and follow the curriculum in English as many teachers (whose native language is English) lack the training and skills to effectively teach students in a second language⁷²⁵. The study also indicates that the remote location of communities and the absence of language support in schools has led to marginalization, exclusion, harassment and protection risks for non-English speaking students. In addition, their educational progress is impeded by delays in enrollment due to limited enrollment slots and inadequate infrastructure⁷²⁶. With respect to adults from Venezuela, there is concern about the lack of vocational and language training opportunities, as their degrees and diplomas are not recognized by the Guyanese authorities, which restricts their access to the formal labor market⁷²⁷.

2021 ⁷²³ UN News, [Indigenous Venezuelans in Guyana need urgent humanitarian aid. UNHCR warns](#), November 26,

⁷²⁴ R4V, [Caribbean: Education Sector background notes. July 2023](#), July 7, 2023, p. 3.

⁷²⁵ Ibid.

⁷²⁶ Ibid.

⁷²⁷ Ibid.

20. HAITI

423. Although Haiti has ratified the American Convention and signed both the Protocol of San Salvador and the Escazu Agreement, it has not yet ratified either of these last two international instruments of great importance for the protection of ESCER in the country.

424. REDESCA notes that in April, UNICEF estimated that the number of children in need of humanitarian assistance in Haiti rose to 3 million in June, the highest number on record⁷²⁸. UNICEF also estimates that the number of children suffering from life-threatening malnutrition increased by 30% in just one year⁷²⁹, and that nearly one in four children are chronically malnourished nationwide⁷³⁰. The Rapporteurship also notes with concern the 25% reduction in the number of people receiving emergency assistance in Haiti from the United Nations World Food Program due to lack of funds⁷³¹.

425. On October 23, the Executive Director of UNICEF informed the UN Security Council that the crisis in Haiti is worsening every day, that half of the population needs humanitarian aid, including almost 3 million children, but that half of those who need it do not receive it due to insecurity and insufficient funds; she also reported that basic services are on the verge of collapse⁷³². This delicate situation was the subject of a public hearing at the IACHR with the participation of REDESCA, the Bureau des Droits en Haïti (BDHH) - Biwo dwa moun and the State of Haiti during the 187th session⁷³³.

A. Right to health and social determinants

426. Regarding the evolution of the COVID-19 pandemic, the Office of the Special Rapporteur welcomes the stable situation that positions Haiti as one of the countries with the lowest rate of confirmed cases in the world⁷³⁴. However, the Special Rapporteur notes that Haiti has a very low rate of fully vaccinated population, which in June was 3.06%⁷³⁵. In this regard, REDESCA learned that in March, the Ministry of Public Health and Population reported an availability of 120,000 doses of COVID-19 vaccine⁷³⁶.

427. For its part, the Special Rapporteur is concerned about the evolution of the cholera epidemic in Haiti, which as of October 3 exceeded 64,000 suspected cases and 915 deaths since October 2022⁷³⁷. It is also noted that children and adolescents up to 14 years of age represent almost 45% of suspected cases as of

⁷²⁸ UNICEF, [Nearly 3 million children in need of urgent humanitarian aid in Haiti, the highest number ever recorded](#), June 15, 2023.

⁷²⁹ Ibid.

⁷³⁰ UNICEF, [Armed violence plunges children and adolescents into severe acute malnutrition in Haiti](#), May 11, 2023.

⁷³¹ United Nations, [Haiti: Half the population suffers from hunger, but WFP cuts assistance due to lack of funds](#), July 17, 2023.

⁷³² UNICEF, [UNICEF Executive Director Catherine Russell UN Security Council briefing on the humanitarian situation in Haiti](#), 23 October 2023.

⁷³³ IACHR, 187th Period of Sessions, [hearing on the "Situation of human rights in Haiti in the context of the humanitarian and citizen security crisis."](#) July 13, 2023.

⁷³⁴ Datosmacro.com, [Haiti - COVID-19 - Coronavirus crisis](#), October 18, 2023.

⁷³⁵ Datosmacro.com, [Haiti - COVID-19 - Vaccines administered](#), June 15, 2023.

⁷³⁶ Le Novelliste, [Les remous de l'actualité](#), March 10, 2023.

⁷³⁷ PAHO, [Cholera resurgence in Hispaniola](#). Accessed October 24, 2023.

October 3⁷³⁸ due to the lack of access to safe drinking water, sanitation and hygiene that mostly impacts this population group⁷³⁹.

428. Regarding the right to food, REDESCA is concerned that according to the latest analysis of the Integrated Food Security Phase Classification, in May 4.9 million people in Haiti - almost half of the country's population - were experiencing high levels of acute food insecurity, representing an increase of 200,000 people in five months⁷⁴⁰. The Special Rapporteurship also noted with concern an FAO report indicating that 85.9% of Haiti's population cannot access a healthy diet. In turn, REDESCA learned that, according to the United Nations, 185 persons deprived of their liberty died in Haiti in 2022, many of them from diseases related to malnutrition; in June 2023, it already counted more than 20 deaths⁷⁴¹.

429. Also, REDESCA notes the worsening food crisis resulting from high unemployment, inflation, gasoline price increases and food shortages⁷⁴². The World Food Program reported that in 2022 alone drought caused the deaths of 43,000 people and that lack of funds has forced the program to cut aid to at least 100,000 people, a figure that could reach 700,000 by the end of the year; the program also reported that causes of hunger include armed violence, economic slowdown and delayed rains⁷⁴³.

430. REDESCA noted with concern that, due to the situation of constant violence and armed clashes in the streets, the Cité Soleil Hospital in Port-au-Prince had to close temporarily in February, leaving only one hospital in operation for a commune of 300,000 inhabitants⁷⁴⁴. In this regard, after visiting the country, the United Nations High Commissioner for Human Rights warned that in the capital "armed gangs control access to water, food, health care and fuel, where kidnappings are commonplace and children are prevented from going to school or recruited for violence or abuse"⁷⁴⁵. REDESCA is therefore deeply concerned about the humanitarian situation in Haiti. It is urgent that, within the framework of international assistance actions, access to essential services that guarantee access to dignified living conditions be taken into consideration.

B. Climate emergency and the human right to water

431. The Rapporteurship noted with concern that heavy rains, floods and landslides in June affected seven of the country's ten departments, resulting in at least 51 deaths, a score of missing persons and more than a hundred injured⁷⁴⁶. The authorities also reported that at least 820 houses were washed away and approximately 32,000 were flooded⁷⁴⁷; and more than 46,000 people were affected and another 13,000 displaced⁷⁴⁸.

⁷³⁸ Haiti Free, [Haiti - Cholera: Daily Bulletin #208](#), June 15, 2023.

⁷³⁹ PAHO, [Cholera Epidemic in Haiti and the Dominican Republic - Situation Report 19](#), August 8, 2023.

⁷⁴⁰ FAO, [Haiti: Nearly half of the population suffers from acute hunger](#), May 29, 2023.

⁷⁴¹ Clarín, [El drama de los haitianos que se están muriéndose de hambre y sed en las cárceles](#), June 8, 2023.

⁷⁴² The Haitian Times, [State of Haiti: Hunger spreads as food supply chain disrupted](#), February 10, 2023.

⁷⁴³ World Food Programme, ['Left with nothing' - in Somalia and Haiti, millions lose WFP assistance](#), 29 September 2023.

⁷⁴⁴ El País, ["Estamos en la primera línea de fuego" Médicos Sin Fronteras closes hospital in Haiti due to armed clashes](#), March 10, 2023.

⁷⁴⁵ Accent, [UN Commissioner finds in Haiti that gangs control even the water](#), February 10, 2023.

⁷⁴⁶ Euronews, [At least 50 confirmed dead in Haiti due to rains after earthquake](#), June 6, 2023.

⁷⁴⁷ Fidez Agency, [AMERICA/HAITI - Earthquakes, landslides, and floods give no respite: missionaries alongside the population](#), June 12, 2023.

⁷⁴⁸ IOM, [In Haiti, Gang violence displaces 165,000 people and hinders provision of assistance](#), June 8, 2023.

432. Regarding forest fires, REDESCA learned that the Minister of Environment reported in March that between 70% and 80% of forest fires in affected National Parks were under control. According to satellite data provided by the Canadian Space Agency and the Department of Natural Resources Canada, approximately 285 hectares of the Macaya Pine and Broadleaf Forests National Natural Park burned, and almost another 23 hectares have burned outside the park boundaries⁷⁴⁹. For its part, the Rapporteurship highlights the US\$4.6 million grant that the Global Environment Facility (GEF) has made available to the Haitian State to provide the population with basic drinking water and sanitation services, and to reduce the effects of the main natural hazards related to climate change⁷⁵⁰.

433. The Rapporteurship welcomes an agreement "Cooperation Framework for Sustainable Development for the period 2023-2027" signed between the Government of Haiti and the United Nations, by which the UN commits to invest around \$1 billion over the next five years in Haiti's governance, security, inclusive economic transformation, social services and environment⁷⁵¹.

434. REDESCA recalls that in the framework of the implementation of the principle of common but differentiated responsibilities, while the State of Haiti has the responsibility to assume its climate commitments, the particular situation of the State must also be taken into consideration. In this regard, REDESCA calls on the international community to support Haiti in its efforts to combat climate change.

C. Fiscal and economic policies

435. The Rapporteurship notes that during the IMF Staff Monitored Program period, which ran from June 2022 to May 31, 2023, the 2022-2023 national budget⁷⁵² allocated 11.6% of funds to the Ministry of Social Affairs and Labor for the purpose of addressing food insecurity. This represents an increase of 2.185% compared to the allocation made to the same institution two years earlier⁷⁵³. REDESCA notes that the SPM has been reinstated for nine months for the period June 2023 to March 2024⁷⁵⁴.

436. However, the Special Rapporteur noted with concern that one of the largest expenditures in the budget, even higher than the expenditure to combat food insecurity that affects the lives of almost half of the country's population, was related to debt amortization and interest, given that it comprised 13.7% of the items⁷⁵⁵. Haiti is the fourth most indebted Caribbean country to the IMF⁷⁵⁶ and one of the twelve "Small Island Developing States (SIDS)" facing or already experiencing a potential debt crisis⁷⁵⁷.

437. Regarding the measures taken by the State, the Rapporteurship notes the announcement of a program of social assistance to people in vulnerable situations through the delivery of food and other aid for

⁷⁴⁹ Haiti Libre, [Environnement: Premier bilan officiel des incendies de forêt](#), March 22, 2023.

⁷⁵⁰ Haiti Libre, [Environnement: 4.5 millions de dollars de subvention pour l'eau potable dans le Sud](#), March 13, 2023.

⁷⁵¹ Elpaís.cr, [Government of Haiti and UN sign cooperation agreement](#), April 20, 2023.

⁷⁵² International Monetary Fund, [Press Release No. 23/14: IMF management completes first review of staff-monitored program with Haiti](#), January 24, 2023.

⁷⁵³ Le Novelliste, [Budget 2022-2023, une place importante aux programmes sociaux](#), January 6, 2023.

⁷⁵⁴ International Monetary Fund, [IMF Staff Reaches a Staff-Level Agreement with Haiti on a New Staff-Monitored Program](#), June 30, 2023.

⁷⁵⁵ Ministère de l'Économie et des Finances, [Adoption du Budget initial de l'Exercice Fiscal 2022-2023](#), December 27, 2022.

⁷⁵⁶ St. Vincent [among 10 Caribbean nations most indebted to IMF](#), March 24, 2023.

⁷⁵⁷ Eurodad, [Riders on the storm - How debt and climate change are threatening the future of small island developing states](#), October 11, 2022.

six months, with a budget of 21.6 billion gourdes, of which about 15.6 billion were donated by the international community; according to the Minister of Social Affairs and Labor, the program benefited at least 700,000 households of five members, which amounts to about three million citizens⁷⁵⁸. In this regard, the Rapporteurship notes that the United Nations called for 720 million dollars in humanitarian aid for the Haitian population, which represents the largest appeal for Haiti since the 2010 earthquake and more than double the amount requested in 2022, which reflects the gravity and urgency of the humanitarian crisis in the country⁷⁵⁹.

D. Right to education: academic freedom and university autonomy

438. REDESCA notes with concern the impact on the right to education generated by the situation of violence and insecurity in urban areas. In this regard, according to UNICEF data, attacks by these groups multiplied nine times during the first four months of the academic year that began in October. In total, 72 schools were attacked, compared to 8 during the same period in 2022⁷⁶⁰.

E. Human Mobility and ESCER

439. The Special Rapporteur noted with concern the increase in internal displacement caused by rising insecurity in the Port-au-Prince metropolitan area, which exceeded 200,000 people as of early October, of whom one third have very limited access to basic services such as safe drinking water and sanitation⁷⁶¹. In addition, it also notes IOM's alert on the increased vulnerability of the country's internally displaced persons, who face greater risks in makeshift camps, such as sexual violence, discrimination and abuse, and poor hygiene conditions⁷⁶².

440. REDESCA is concerned that on September 15, the government of the Dominican Republic decreed the closure of its land, sea and air border with Haiti due to the dispute over the construction of an irrigation canal on the Masacre River, shared by the countries, in addition to suspending visas and prohibiting the entry of Haitians, which has more serious repercussions for Haiti, since, according to a UN expert, due to the situation of insecurity and violence in the country, many essential products such as food, medical equipment and medicines are imported from the Dominican Republic⁷⁶³. Also of concern is the detention and deportation of Haitian migrant women who are pregnant or have recently given birth through the Dominican Republic, which has serious negative effects on the health of mothers and children⁷⁶⁴.

⁷⁵⁸ TeleSur, [Government of Haiti announces aid program for vulnerable people](#), April 14, 2023.

⁷⁵⁹ UN News, [Migrants in Darien, Haiti, prayer for peace, money for education... Friday's news](#), April 14, 2023; OCHA, [Plan de Réponse Humanitaire](#), April 21, 2023.

⁷⁶⁰ UN News, [Haiti's schools, new target for armed gangs](#), February 9, 2023.

⁷⁶¹ Haiti Libre, [Insécurité: Les gangs ont forcé le déplacement d'au moins 160.000 haïtiens](#), March 31, 2023; IOM, [In Haiti gang violence displaces 165,000 people and hinders provision of assistance](#), June 8, 2023; UN News, [Tens of thousands require humanitarian assistance in Haiti](#), October 10, 2023.

⁷⁶² United Nations, [Displaced in Haiti face increased risks in makeshift camps](#), August 16, 2023.

⁷⁶³ UN News, [Dominican Republic should reconsider closing its border with Haiti, says UN expert](#), September 19, 2023.

⁷⁶⁴ UN News, [Dominican Republic detains and deports pregnant Haitian women seeking medical care](#), September 12, 2023.

21. HONDURAS

441. While Honduras has ratified the American Convention and the Protocol of San Salvador, it has not ratified the Escazú Agreement. The ratification of this instrument by Honduras could contribute significantly to strengthening transparency practices, public participation in environmental matters and the protection of environmental defenders.

442. In reference to the situation of inequality and poverty in Honduras, REDESCA notes that notable efforts have been made in recent years to address these issues. Significant measures include the repeal of the Special Economic Development Zones Law and the presentation of a tax justice bill. However, despite these efforts, the economic and social situation of many people in Honduras remains critical. This challenge disproportionately affects various population groups, including women, people with disabilities, indigenous peoples, Afro-descendants and Garifunas. These groups face significant obstacles in accessing their economic, social, cultural and environmental rights⁷⁶⁵.

443. In this regard, poverty levels reach 73% of the population, while extreme poverty reaches 54%. According to INE data, 84% of children from 0 to 17 years of age live in poverty and 65% in extreme poverty. In this context, understanding poverty as a structural problem that affects the enjoyment and exercise of human rights, it is observed that this situation has materialized, among other aspects, in the food insecurity of approximately 6.5 million people in the country. According to UNICEF data, children under 5 years of age face high rates of chronic malnutrition, which in some departments even affects up to 50% of children between 6 and 23 months. This situation is aggravated by the serious impacts of climate change, corruption, price increases and high levels of labor informality. In this regard, it is noted that 58% of the population works in the informal sector and does not receive social security⁷⁶⁶.

A. Right to health and social determinants

444. REDESCA recognizes the increase in the budget allocated to the sector. Despite this, there are still significant challenges in terms of guaranteeing coverage and accessibility, particularly for vulnerable groups and individuals. In this regard, REDESCA received complaints of neglect in health services at different levels, especially in first level hospitals, as well as shortages and shortages of medicines and medical supplies. This is aggravated by an insufficient number of health personnel and the lack of job stability⁷⁶⁷. Specifically, REDESCA takes note of the shortage recorded at the Honduran Social Security Institute (IHSS) despite the fact that the authorities made a series of drug purchases for this year 2023. According to official data from the IHSS, from November 2022 to January of this year the entity has made seven purchases of medicines in which they have disbursed a total of 163,510,157 lempiras.

445. In this context, the Office of the Special Rapporteur expresses its deep concern about the forced takeovers that are occurring in regional and local second-level health centers by political groups. This situation has not only made it impossible to provide services in these places, but has also generated greater pressure on first level health centers, increasing the serious limitations they face in meeting the health care needs of the population. The Special Rapporteurship is grateful for the information provided by the Medical Association of Honduras⁷⁶⁸.

446. REDESCA visited the Alonso Suazo Teaching Hospital in Tegucigalpa, where it was able to observe the harsh conditions in which hospital personnel work and in which patients are treated. He also took note of the shortage of medicines and supplies, hospital overload and generalized wear and tear of the basic

⁷⁶⁵ IACHR, [On-site Visit to Honduras: Preliminary Observations](#), April 28, 2023, para. 7.

⁷⁶⁶ Id., para. 8.

⁷⁶⁷ Id., para. 11.

⁷⁶⁸ IACHR, [On-site Visit to Honduras: Preliminary Observations](#), April 28, 2023, para. 13.

infrastructure. Among the underlying causes of this situation are the weakness of health policies, as well as insufficient budget allocation and staff shortages. In addition, it was learned that the hospital is one of the two health centers with the highest demand for services in the country -together with the Mario Catarino Rivas hospital in San Pedro Sula-, since they are the only hospitals in the public network that provide specialized services at the national level and to which people from the interior of the country travel to receive them⁷⁶⁹.

B. Climate emergency and the human right to water

447. REDESCA notes with attention that Honduras is experiencing high vulnerability to climate change, which has impacted the guarantee of the right to food and increased humanitarian needs. Flooding in September led the government to declare a 90-day state of national emergency. Storm Julia in October resulted in more than 144,000 people affected and damage in 15 of the 18 departments⁷⁷⁰.

448. The Office of the Special Rapporteur notes that the right to food is at serious risk due to factors associated with structural inequality as well as the effects of the climate emergency. In this regard, the World Food Program indicated that, in the Dry Corridor of Honduras, located in the southern and western regions of the country, four years of continuous drought have undermined the ability of the population to ensure sufficient nutritious food. Similarly, almost three-quarters of the families that depend on agriculture own small plots of land or work as day laborers for large landowners, so that limited access to land, technology and agricultural assets also become obstacles to the potential development of the agricultural sector. All this is accentuated by the fact that poverty is the cause of chronic food insecurity in Honduras⁷⁷¹. In this scenario, it has been estimated that there are close to 2.7 million people facing a food crisis and another 600,000 in emergency situations, making Honduras one of the 20 hunger hotspots in the world⁷⁷². This is of concern to the Office of the Special Rapporteur, since intensified natural disasters can have a greater impact on the impact on this right. For example, this year there was a large forest fire in the sector of El Hatillo, in the buffer zone of La Tigra National Park, which consumed 400 hectares. During 2023, at least 760 forest fires were recorded, which have consumed 26 hectares of forest and 4000 hectares of other vegetation⁷⁷³⁷⁷⁴.

C. Business and human rights

449. The country faces a series of long-standing social, environmental and agrarian conflicts related to land and territory stemming from structural problems such as the inequitable distribution of land and resources, which has led to high levels of violence. Structural problems include weaknesses in the institutional framework responsible for land registration and titling, corruption, irregularities in the authorization and concession of development projects, as well as a lack of effective response from the authorities. Conflict has differentiated impacts on certain populations, especially peasant, Afro-Honduran, Garifuna and indigenous communities, as well as on defenders of land, territory and the environment⁷⁷⁵.

450. The Special Rapporteurship takes note of estimates made by civil society indicating that in the year 2020, approximately 80% of privately owned land lacked title deeds or the existing titles were insufficient.

⁷⁶⁹ Idem

⁷⁷⁰ OHCHR Honduras, Report on the situation of human rights in Honduras 2022, A/HRC/52/24, March 1, 2023, para. 14.

⁷⁷¹ WFP. [Honduras](#). 2023.

⁷⁷² El Heraldo, Honduras en alerta por crisis alimentaria en 2022, February 11, 2022; UN News, [Más de 20 países sufrirán hambre aguda si no se les asistirá con urgencia](#), March 23, 2021.

⁷⁷³ Weather <https://tiempo.hn/incendio-en-la-tigra-ha-consumido-400-hectareas-de-bosque/> 4 April 2023

⁷⁷⁴ IACHR-REDESCA, Resolution 3/2021 Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021, para. 16.

⁷⁷⁵ IACHR, Preliminary Observations of the In Loco Visit to Honduras, April 24-28, 2023.

This situation leads to legal insecurity regarding land tenure, ownership, use and enjoyment. In addition, the overlapping of private titles over ancestral titles is observed, as well as challenges in the capacity of authorities to prevent and resolve conflicts related to property rights⁷⁷⁶. The State recognizes that due to land titling approved by the National Agrarian Institute (INA) and the Property Institute (IP), there are disputes over land tenure, possession or ownership between private lands, since institutionally there are oppositions of already approved management, which would generate conflicts⁷⁷⁷.

451. In this regard, the Office of the Special Rapporteur takes special note of the situation in the Bajo Aguán region, regarding a long-standing land dispute between peasants and businessmen, which has resulted in deaths, threats, harassment, intimidation and even disappearances of peasants claiming their territories⁷⁷⁸. According to the information received, acts of violence perpetrated by violent structures have been reactivated after the signing of an agreement between the government, the Agrarian Platform and the Coordinator of Popular Organizations of Aguán (COPA) in February 2022, and are promoting extrajudicial evictions, threats, harassment and intimidation against members of the cooperatives, to the point that 8 peasant leaders have been killed during 2023⁷⁷⁹. Also of concern is information received about the alleged hiring of paramilitary groups by private companies⁷⁸⁰. REDESCA recalls that since 2014, the IACHR adopted precautionary measures in favor of a significant number of people from peasant organizations in Bajo Aguán⁷⁸¹. In this regard, REDESCA recalls the importance of effective compliance with the precautionary measures for members of the peasant organizations of Bajo Aguán issued by the IACHR.

452. According to information provided by the State, the Unit for Violent Deaths in Bajo Aguán (UMVIBA) carried out between 2014 and 2015 a total of 86 exhumations in investigation processes. In this regard, REDESCA welcomes the fact that, in the context of 34 prosecutions, 26 convictions and 8 acquittals were obtained⁷⁸². For its part, the Honduran Council of Private Enterprise (COHEP) indicated to the Commission and REDESCA that this conflict requires considering the owners, possessors and holders in good faith, ensuring their participation in the framework of the measures implemented by the State and taking into account the economic losses due to acts of recovery of dispossessed territories and land invasions⁷⁸³. The State must promote an open dialogue between the parties involved in these conflicts with a view to finding a peaceful solution.

453. Similarly, the Office of the Special Rapporteur learned of the progress of commercial and tourism development projects in the collective territories of Garífuna peoples without obtaining their free,

⁷⁷⁶ Peace Brigades International Honduras, [Human Rights Situation in Honduras 2021](#), May 2022, p. 28.

⁷⁷⁷ Government of the Republic of Honduras, Respuesta del Estado de Honduras a la solicitud de información complementaria respecto a la visita *in loco* se la Comisión Interamericana de Derechos Humanos en abril de 2023, August 2, 2023, p. 17.

⁷⁷⁸ IACHR, Report on the Situation of Human Rights in Honduras, OEA/Ser.L/V/II. Doc. 146, August 27, 2019 para. 175; IACHR, Situation of human rights in Honduras, OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 160.

⁷⁷⁹ IACHR. [Preliminary Observations](#), *On-Site* Visit to Honduras, April 24-28, 2023, paras. 16 and 17; United Nations, Preliminary Observations of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Dr. Morris Tidball-Binz, at the conclusion of his visit to Honduras, June 2, 2023, p. 5.

⁷⁸⁰ Meeting with organizations of Bajo Aguán in the framework of the on-site visit of the IACHR held from April 24 to 28, April 26, 2023.

⁷⁸¹ IACHR. [Resolution 11/2014](#), Precautionary Measure No. 50-14. Peasant leaders of Bajo Aguán with respect to Honduras. May 8, 2014; IACHR. [Resolution 60/2016](#), Precautionary Measure No. 50-14. Members of members, leaders and women leaders of the Bajo Aguán region with respect to Honduras. December 6, 2016.

⁷⁸² Government of the Republic of Honduras, Response of the State of Honduras to the request for complementary information regarding the *on-site* visit of the Inter-American Commission on Human Rights to Honduras in April 2023, August 2, 2023, Annex II.

⁷⁸³ IACHR, Preliminary Observations In Loco Visit to Honduras, April 28, 2023, para.17.

prior and informed consent in cities such as Tela, Puerto Cortés and La Ceiba. In this regard, REDESCA urges the State to move forward in complying with the reparation measures ordered by the Inter-American Court in the judgments of the Garífuna communities of Punta Piedra and Triunfo de la Cruz, especially the lack of diligence regarding the demarcation and titling of the territories and the territorial regulation of the Garífuna communities, which has generated an atmosphere of conflict in the area as the IACHR was able to confirm during its visit to the San Juan community⁷⁸⁴.

454. Similarly, the Garífuna communities informed the Commission of their opposition to the Employment and Development Zones (ZEDES)⁷⁸⁵. In this regard, the Commission has observed that their creation and establishment has had a differentiated impact on indigenous and Afro-Honduran communities due to the broad powers that the ZEDES have in terms of disposing of territories without their free, prior and informed consultation and consent⁷⁸⁶. REDESCA is concerned that the State does not have information on the number of ZEDES that were granted concessions prior to the repeal of the Law⁷⁸⁷.

455. Although the National Congress repealed them in a first legislature, since it is a constitutional reform, its ratification in a second one is necessary for it to have legal effects. REDESCA notes that the ratification of the constitutional reform that repeals a text introduced on the matter in Article 329 of the Constitution is pending. According to the OHCHR, this has given way to one of the companies that had already been established under this regime of tax incentives and transfer of state powers to claim acquired rights before the International Centre for Settlement of Investment Disputes (ICSID)⁷⁸⁸. The Commission is aware that, for example, the ZEDE Próspera located in Roatán and developed mainly by investors from the United States of America, intends to sue the State of Honduras for nearly USD 11 billion if it is expropriated⁷⁸⁹.

D. Fiscal and economic policies

456. REDESCA notes that the executive presented a proposal for the Tax Justice Law, approved by the Council of Ministers in April 2023 and submitted for legislative processing in May. According to the Revenue Administration Service, the objective of the reform is to modify special trade regimes and reverse tax privileges, creating a fair and transparent tax system. The regulation eliminates the regimes of Free Zones, Temporary Importation, *call center*, renewable energy, thermal energy, agro-industrial, tourism promotion, land transportation and Tourist Free Zone of the Bay Islands department⁷⁹⁰.

457. In this context, REDESCA notes that a far-reaching tax reform would reduce the numerous income tax exemptions while safeguarding the competitiveness of the Honduran economy. According to an International Monetary Fund analysis, if approved, it will be essential that the reform be implemented in a

⁷⁸⁴ Meeting with civil society organizations in Tela in the framework of the on-site visit of the IACHR held from April 24 to 28, April 25, 2023.

⁷⁸⁵ Meeting with civil society organizations in Tela in the framework of the on-site visit of the IACHR held April 24-28, April 25, 2023

⁷⁸⁶ IACHR, Annual Report 2021, Chapter V [Second follow-up report on the recommendations made by the IACHR in the report on the Situation of Human Rights in Honduras](#), para. 127.

⁷⁸⁷ Government of the Republic of Honduras, Response of the State of Honduras to the request for complementary information regarding the *on-site* visit of the Inter-American Commission on Human Rights to Honduras in April 2023, August 2, 2023, p. 20.

⁷⁸⁸ OHCHR, Information provided by OHCHR at working meeting during visit, April 23, 2023.

⁷⁸⁹ Association for a More Just Society (ASJ), [From Transition to Action: 2022 Conflict Analysis](#), February 23, 2023, p. 13.

⁷⁹⁰ Revenue Administration Service, [Tax Fairness Act Proposals](#), March 2023.

transparent and predictable manner, as should be established in the corresponding regulations, and will be critical to favor urgent infrastructure investments⁷⁹¹.

458. In view of the above, ECLAC has stressed that, to strengthen the effective taxation of higher-income individuals and ensure that the tax burden contributes effectively to the reduction of inequality, it is imperative to consider increasing the tax rates applied to personal income tax, along with adjustments in tax scales. These steps represent only one of the possible paths towards this goal⁷⁹². In this context, according to ECLAC, differences in average per capita income are largely associated with the composition of their income sources. The comparative analysis between the extremes of income distribution shows the notorious inequality between the income share of the richest and poorest deciles, reiterating the insufficiency of efforts to achieve greater progressiveness in income redistribution. While the trend shows that the gap between the income share of the richest and poorest decile has narrowed slightly between 2000 and 2018, it has not been due to an increase in the income share of the poorest 10% (which went only from 0.8% to 0.9%), but rather due to a reduction in the share of the richest decile (which went from 41.8% to 39.1%)⁷⁹³.

459. REDESCA welcomes the fact that the State is actively seeking fiscal and economic solutions to reduce existing gaps. However, it recalls that in these contexts it should not lose sight of the fact that human rights principles constitute a framework that underpins the key functions of fiscal policy and taxation. 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-discrimination. In relation to the latter, according to Inter-American standards, States are obliged to adopt affirmative action measures and to establish distinctions based on de facto inequalities for the protection of individuals and groups in situations of vulnerability and structural and historical discrimination⁷⁹⁴.

E. Right to education: academic freedom and university autonomy

460. REDESCA notes that Honduras continues to face serious challenges in guaranteeing the right to education. Aspects such as gender, socioeconomic status, ethnicity and geographic area have a significant influence on access to quality educational services⁷⁹⁵. This situation is even more worrying when considering that, although the exercise of the right to education facilitates the exit from intergenerational poverty, multidimensional child poverty affects 79.4% of children and adolescents⁷⁹⁶; and that, according to INE data, 84% of children from 0 to 17 years old are in poverty and 65% in extreme poverty⁷⁹⁷.

461. The Office of the Special Rapporteur takes note of the measures adopted by the State to advance in guaranteeing this right, including the increase in the budget for the sector⁷⁹⁸ from 34 billion lempiras in 2022 to just over 38 billion lempiras in 2023 in order to address various components, including

⁷⁹¹ IMF, [IMF and Honduras reach three-year staff-level agreement under the IMF's Extended Fund Facility and Extended Credit Facility](#), August 11, 2023.

⁷⁹² Economic Commission for Latin America and the Caribbean (ECLAC), *Fiscal Panorama of Latin America and the Caribbean, 2023* (LC/PUB.2023/5-P), Santiago, 2023, p. 100.

⁷⁹³ Economic Commission for Latin America and the Caribbean (ECLAC), "La desigualdad social en Honduras: evolución y respuesta institucional", Project Documents (LC/TS.2021/208; LC/MEX/TS.2021/25), Mexico City, 2021, p. 13.

⁷⁹⁴ IACHR, *Poverty and Human Rights Report*, OEA/Ser.L/V/II.164 Doc. 147, 7 September 2017, para. 161, 502.

⁷⁹⁵ IACHR, *Situation of Human Rights in Honduras*, OEA/Ser.L/V/II. Doc. 146, 27 August 2019, para. 128.

⁷⁹⁶ UNICEF Budget Report-Submitted to ECOSOC, E/ICEF/2022/P/L.10, December 2021, para. 1.

⁷⁹⁷ IACHR, *Preliminary Observations In Loco Visit to Honduras*, April 28, 2023.

⁷⁹⁸ OHCHR, *Situation of human rights in Honduras Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Honduras*, A/HRC/52/24, 1 March 2023, para. 13.

school infrastructure, equipment of technological classrooms in schools and ongoing teacher training⁷⁹⁹. In this regard, it also welcomes the initiatives to reduce illiteracy, with special attention to rural and remote areas; the design of an early warning system to prevent and respond in a timely manner to school dropout; as well as the recovery of school infrastructure that, under the plan to intervene 12,000 educational centers, would have achieved the repair of 1,000 schools in the country during 2022⁸⁰⁰.

462. Thus, REDESCA notes with concern that in the country persist, among others, high levels in terms of illiteracy and school dropout, as observed in the country visit carried out in 2018⁸⁰¹. Said situation translates into approximately half of school-age children being excluded from the educational system, which is aggravated by the fact that about half of the schools would not have adequate hygiene conditions and 25% would not have water. In this context, it has been reported that, although education is free, there is insufficient aid to address the barriers that the poorest families face in accessing education, in addition to the lack of data on educational exclusion and its consequences, the scarce use of flexible modalities in the education system and insufficient investment to expand coverage and quality⁸⁰².

463. In this scenario, it is highlighted that groups in situations of vulnerability and historical exclusion face the greatest challenges to access education, including indigenous peoples, Afro-Hondurans and Garifunas, people in rural and/or remote areas, people with disabilities and people in situations of human mobility. In this line, it is observed that the lack of guarantee of this right, in addition to being one of the causes that generate human mobility⁸⁰³, also has a particular impact on returning children, who in some cases would be made invisible by the protection system⁸⁰⁴, thus continuing to perpetuate the cycle of rights violations and migration. In addition, more than 2,000 vulnerable and neglected villages in Honduras, representing 53.7 percent of these communities in the country, still have an 18 percent dropout rate in the education system. Enrollment in these regions reaches some 558,979 children and youth, of which about 100,000 decide not to be part of an academic growth process. In both rural and urban areas, thousands of these students prefer to be part of the informal labor market, being part of the 1.6 million Hondurans who work in this field⁸⁰⁵.

⁷⁹⁹ Channel 8, [Education Budget to increase L4 billion for fiscal year 2023](#), October 6, 2022.

⁸⁰⁰ REDESCA. Information provided by the Secretariat of Education at meeting, April 24, 2023.

⁸⁰¹ IACHR, Situation of Human Rights in Honduras, OEA/Ser.L/V/II. Doc. 146, 27 August 2019, para. 138.

⁸⁰² UNICEF, [United Nations Children's Fund Executive Board First regular session 2022 8-11 February 2022, E/ICEF/2022/P/L.10](#), 27 December 2021, para. 12.

⁸⁰³ Meeting with CONADEH in the framework of the on-site visit of the IACHR from April 24 to 28, 2023, April 24, 2023.

⁸⁰⁴ UNICEF, [United Nations Children's Fund Executive Board First regular session 2022 8-11 February 2022, E/ICEF/2022/P/L.10](#), 27 December 2021, para. 18.

⁸⁰⁵ El Heraldo <https://www.elheraldo.hn/honduras/18-por-ciento-desercion-escolar-zonar-rurales-honduras-KP12959773> April 5, 2023.

22. JAMAICA

464. In relation to international commitments in the field of ESCER, Jamaica has ratified the American Convention. It has also shown initial interest in signing the Escazu Agreement, being among the first six countries to do so. However, to date, it has not ratified this treaty. On the other hand, it has not ratified the Protocol of San Salvador, which represents an opportunity to strengthen the promotion and protection of these rights in the country.

465. REDESCA, in analyzing Jamaica's situation in the context of poverty and socioeconomic development, highlights that the country has strengthened its social protection system. According to the World Bank, since the implementation of an austerity program in 2013, it has managed to significantly reduce its public debt relative to GDP, which has favored post-pandemic recovery in a challenging global environment. During the peak of the pandemic, the Jamaican government provided temporary assistance to vulnerable households and businesses to offset the loss of income, protect jobs and stimulate demand. In addition, additional assistance was provided to vulnerable households to mitigate the potential impact of rising prices⁸⁰⁶. This approach has contributed to the country's improved credit rating and prudent macroeconomic management.⁸⁰⁷. However, it calls for continued planning of the targeting of social assistance programs to reduce access gaps and inequalities. In this sense, it is vital that a general poverty reduction policy also contemplates progressive access to ESCER, especially for the most vulnerable groups.

A. Right to health and social determinants

466. The Rapporteurship notes the relatively stable situation in Jamaica in relation to the COVID-19 pandemic, with 155,063 confirmed cases and 3,550 deaths as of mid-June, making it one of the countries in the world with the lowest rate of confirmed coronavirus patients per 100,000 population⁸⁰⁸. However, with regard to vaccination against COVID-19, the Rapporteurship does not observe a significant evolution, given that the fully vaccinated population did not vary from 27%⁸⁰⁹, which places Jamaica as the second country in the continent with the second lowest rate of fully vaccinated persons.

467. Furthermore, REDESCA notes that, as stated by the Minister of Health and Welfare, due to a 2019 public-private partnership agreement, more than 120,000 Jamaicans have received vital treatment and care under the Government's "Healthcare Delivery Improvement Project"⁸¹⁰. In addition, the Rapporteurship highlights that the Government announced the transformation of the Cornwall Regional hospital, which will be the only public hospital offering the full range of healthcare services⁸¹¹.

468. In addressing the challenges related to the right to health in Jamaica, REDESCA is concerned about the difficulties faced by the population in affording a healthy diet, which according to information from the Food and Agriculture Organization of the United Nations (FAO) affects 66.2% of the Jamaican population⁸¹². REDESCA also closely monitors health coverage indices in recent years. According to the Global Monitoring Report, in which WHO reports on countries' progress towards achieving universal health coverage as part of

⁸⁰⁶ World Bank, [Multidimensional Poverty Outlook: Jamaica](#), October 4, 2023.

⁸⁰⁷ World Bank, [Multidimensional Poverty Outlook: Jamaica](#), October 4, 2023.

⁸⁰⁸ Datosmacro.com, [Jamaica - COVID-19 - Coronavirus crisis](#), June 15, 2023.

⁸⁰⁹ Datosmacro.com, [Jamaica - COVID-19 - Coronavirus crisis](#), June 15, 2023.

⁸¹⁰ The Cleaner, [Over 120,000 persons get free diagnostic services](#), March 23, 2023.

⁸¹¹ The Cleaner, [Cornwall Regional Hospital transformation will take time](#), March 19, 2023.

⁸¹² St. Vincent Times, [About 7% of St Vincent's population is undernourished - UN Report](#), January 23, 2023.

SDG tracking, Jamaica's service coverage rate stood at 74% in 2021, which translates to a 3% decrease from 2019 and a 1% decrease from 2017⁸¹³.

B. Climate emergency and the human right to water

469. The Office of the Special Rapporteur has become aware of the situation in Jamaica, where a severe drought has been reported that has affected 11 of the island's 14 parishes⁸¹⁴, negatively impacting agriculture and water supply, especially in rural areas⁸¹⁵. This circumstance is alarming given the country's vulnerability to the impacts of climate change, which can potentially affect the quality of life and livelihoods of the people. Given this reality, the need for any social protection or economic development program to incorporate the climate variable as a determining factor in the formulation and implementation of public policies is emphasized⁸¹⁶.

470. REDESCA noted with concern that, due to the lack of access to potable water, many communities had to be assisted with water transported by trucks⁸¹⁷. In this regard, initiatives to address water challenges are noted. In recognition of the need to improve access to drinking water, the Prime Minister announced the implementation of a series of projects aimed at expanding access to drinking water in several communities, with a particular focus on rural areas including the construction of new dams in several communities with difficulties in accessing water⁸¹⁸.

471. Furthermore, note is taken of the project to strengthen Kingston's resilience to climate change through the planned implementation of an urban infrastructure insurance scheme project, undertaken by the Municipal Corporation of Kingston and St. Andrew in partnership with the International Council for Local Environmental Initiatives (ICLEI). The project envisions ICLEI interacting with insurance providers on options available to government and citizens to help safeguard infrastructure and other critical inputs against the impacts of climate change⁸¹⁹.

472. The Special Rapporteur highlights the measures taken by the Jamaican Meteorological Service to strengthen preparedness and response to adverse weather conditions. Specifically, on June 25, a mobile application was launched that provides hourly forecasts for all locations on the island five days in advance and sends severe weather alerts. This technological advancement is significant, as with over 1.8 million smartphone users in Jamaica, the app will facilitate better preparation of citizens to respond appropriately to weather warnings⁸²⁰.

C. Business and human rights

473. The Special Rapporteur has noted with concern reports that public drinking water stores in Jamaica, established to address the water access crisis in many communities, have been used for commercial purposes by private economic actors. Such uses include car washing and agriculture, as well as the filling of

⁸¹³ WHO, [Universal Health Coverage 2023 Global Monitoring Report](#), September 18, 2023.

⁸¹⁴ El País CR, [Jamaica earmarks additional \\$100 million against drought](#), March 6, 2023.

⁸¹⁵ Jamaica Observer, ['We need some rain prayer'](#), 17 March 2023.

⁸¹⁶ World Bank, [Multidimensional Poverty Outlook: Jamaica](#), October 4, 2023.

⁸¹⁷ Jamaica Observer, [North-west Clarendon residents demand better roads and water](#), January 18, 2023.

⁸¹⁸ Jamaica Observer, [Clarendon residents excited about plans for dam to ease water problems](#), March 27, 2023. <https://jamaica-gleaner.com/article/news/20220210/nwc-undertake-26-water-supply-projects-across-jamaica>

⁸¹⁹ The Cleaner, [Kingston to implement climate change resilience pilot project](#), March 23, 2023.

⁸²⁰ United Nations, [The Caribbean will strengthen its early warning systems](#), 7 August 2023.

jerry cans for subsequent sale⁸²¹. For its part, the actions of the company Discovery Bauxite, which, in the context of the lack of access to water, has been supplying water to schools and communities in its operational areas, are noted⁸²². While the Office of the Special Rapporteur welcomes these actions by the company, it recalls that the precautionary measures in favor of the community of St. Ann persist, which is facing the impacts of bauxite mining in its territory.

474. REDESCA also highlights the unveiling of a monument entitled "Lest We Forget", built by the Appleton Estate, in honor of the enslaved people who worked for the Appleton Estate during the slavery period. In this regard, the Minister of Culture stated that the monument pays tribute to the enslaved ancestors whose unpaid labor was at the root of the Appleton Estate's success story⁸²³.

D. Labor and union rights

475. REDESCA expresses its concern regarding a circular issued by the Jamaican Ministry of Education warning teachers of possible deductions from their salaries and leave entitlements, as well as other disciplinary measures, for participating in protests related to unresolved salary negotiations⁸²⁴. The Special Rapporteur recalls that since the right to strike is "a prerequisite, and at the same time, the result of the enjoyment of other human rights⁸²⁵" for workers to defend their interests, it constitutes, together with freedom of association, "a freedom in that it is necessary for the State to refrain from unduly interfering in the exercise of this right and to ensure that the necessary conditions and guarantees exist for its effective realization⁸²⁶".

E. Fiscal and economic policies

476. The Rapporteurship notes with concern that, in addition to being the Caribbean country most indebted to the International Monetary Fund (IMF)⁸²⁷, a report estimates that Jamaica is one of the "Small Island Developing States (SIDS), which is going through or about to enter a debt crisis, given that in 2023 it would have allocated 17.4% of its public resources to the payment of its external public debt⁸²⁸".

The Special Rapporteur also notes that the 2023 budget allocated 14.4% and 11.6% of total resources to Education and Health, respectively⁸²⁹. For its part, it is noted that the Government of Jamaica provided almost \$9 billion to the school feeding program during 2023, which represents an increase of \$2 billion over the previous year⁸³⁰.

⁸²¹ Jamaica Observer, [Water crisis hampering development in Manchester, says Phillips](#), February 12, 2023.

⁸²² The Cleaner, [Discovery Bauxite helps to alleviate water shortage its operating area of St Ann](#), March 23, 2023.

⁸²³ The Cleaner, [Appleton Estate pays homage to former slaves](#), February 28, 2023.

⁸²⁴ The Cleaner, [MOE tells school administrators to take action against protesting teachers](#), March 9, 2023.

⁸²⁵ IACHR, *Merits Report No. 157/19 Case 12.432. Former workers of the judicial body. Guatemala*, para. 84.

⁸²⁶ Ibidem

⁸²⁷ St. Vincent Times, [St Vincent among 10 Caribbean nations most indebted to IMF](#), March 21, 2023.

⁸²⁸ Eurodad, [Riders on the storm - How debt and climate change are threatening the future of small island developing states](#), October 11, 2022.

⁸²⁹ PWC, [2023/24 Budget: Jamaica](#), March 7, 2023.

⁸³⁰ Jamaica Observer, [School-feeding program gets \\$9 billion for 2023/24, says Williams](#), May 18, 2023.

23. MEXICO

477. Regarding the relevant international instruments in the field of ESCER in the region, the country has ratified the American Convention, the San Salvador Protocol, as well as the Escazú Agreement. The main challenge for Mexico now lies in achieving a comprehensive implementation of the standards established in these significant normative instruments."

478. REDESCA takes note of the progress made in terms of poverty: multidimensional poverty went from 43.9% to 36.3%, which implies that some 7.2 million people ceased to be in this situation⁸³¹. Regarding extreme poverty, there was also a decrease of 1.4% in relation to the year 2020, whose percentage was 8.5%, and by 2022 it was 7.1%⁸³², that is, 1.7 million less people in this condition.

479. However, the Office of the Special Rapporteur notes with concern that according to official figures, only 12 out of every 100 people have conditions of well-being with decent income and without deprivation, and only 12 out of every 100 women and 7 out of every 100 children and adolescents live in these conditions⁸³³. Similarly, it is evident that poverty disproportionately affects children, especially those between the ages of 0 and 5, with 48%, and between 6 and 11, with 47%.⁸³⁴. It is also evident that 18.2% of people did not have access to decent food, that is, 23.4 million inhabitants in Mexico lacked access to quality nutritious food⁸³⁵.

A. Right to health and social determinants

480. REDESCA welcomes the approval of the decree of May 9, 2023⁸³⁶, which marks the official closure of the health emergency caused by COVID-19 in the country. This decree also establishes a long-term management plan covering stages of supervision, monitoring, hospital adaptation, universal immunization and revision of response strategies⁸³⁷. Regarding coverage, the Special Rapporteur notes with concern the 39.1% lack of access to health services, which means that 50.4 million people are not guaranteed this right⁸³⁸.

481. Similarly, REDESCA continues to closely monitor the problem of shortages, which seriously affects the supply of medicines, particularly those needed to treat diseases such as cancer, diabetes, hypertension and mental health disorders⁸³⁹. According to information from the Colectivo Cero Desabasto, in 2022, more than 15.2 million prescriptions for medicines were not delivered to patients in the main health institutions of the country⁸⁴⁰. In the health centers of these entities, one out of every two patient

⁸³¹ CONEVAL, [Measuring Poverty 2022](#), August 10, 2023,

⁸³² Ibid.

⁸³³ Ibid.

⁸³⁴ Ibid.

⁸³⁵ Ibid.

⁸³⁶ Secretaría de Gobernación, [Decreto por el que se declara terminada la acción extraordinaria en materia de salubridad general que tuvo por objeto prevenir, controlar y mitigar la enfermedad causada por el virus SARS-CoV-2 \(COVID-19\)](#), May 9, 2023.

⁸³⁷ Ibid.

⁸³⁸ CONEVAL, [Measuring Poverty 2022](#), August 10, 2023,

⁸³⁹ REDESCA, VI 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), 2022, para. 1269.

⁸⁴⁰ Colectivo Cero Desabasto, [El colectivo cero desabasto presenta: "radiografía del desabasto de medicamentos en México 2022"](#) n.d.

prESCERiptions was not effectively filled over two years⁸⁴¹. In 2023, according to public figures, during the annual purchase of drugs, 22% of the medical supplies required by the national health system were not acquired, which impacted the provision of psychiatric, oncological and arterial hypertension medicines⁸⁴² and generated that between 2017 and 2022 more than 5,837 amparo lawsuits were filed seeking to obtain medicines and health supplies⁸⁴³.

482. In this regard, it is noted that the State made adjustments to the National Compendium of Health Inputs, which helped to increase the purchase of medicines⁸⁴⁴. However, there are allegations of corruption⁸⁴⁵. For example, during the first semester of 2023, the purchase process of 362 contracts totaling more than 2 billion pesos is unknown⁸⁴⁶. On the other hand, regarding the illegal marketing of adulterated drugs without health registration in the country, the Federal Commission for the Protection against Health Risks (COFEPRIS) during 2023 has issued 42 alerts on different drugs⁸⁴⁷, while they would have been counterfeited and marketed; many of them reported as stolen drugs and with expired expiration date⁸⁴⁸.

B. Climate emergency and the human right to water

483. In the year 2023, Mexico is facing several climate challenges that demand immediate attention. One of the most urgent problems is the drought caused by the El Niño phenomenon⁸⁴⁹, which affects 1,688 municipalities in the country's 32 states⁸⁵⁰. Until September 2023, 67.8% of the areas will experience moderate to extreme droughts⁸⁵¹. Likewise, these droughts have intensified the number of forest fires, affecting populations such as Jalisco with 112,752 hectares burned between January and May 2023⁸⁵², a figure that doubled compared to the 2022 period, which recorded 52,644 hectares burned⁸⁵³. In the same sense, REDESCA regrets the impacts of Hurricane Otis, which according to the Government of Guerrero left 45 people dead and 47 missing⁸⁵⁴.

⁸⁴¹ Ibid.

⁸⁴² Political Expansion, [Insabi does not acquire 22% of drugs in second consolidated purchase of 2023-2024](#), February 9, 2023.

⁸⁴³ Colectivo Cero Desabasto, [Radiografía del desabasto de medicamentos en México 2022](#), May 2023. P..34.

⁸⁴⁴ Ministry of Health, [Consolidated purchase of medicines is assured for 2023 and 2024: Jorge Alcocer Varela](#), August 1, 2023.

⁸⁴⁵ Our Money, [Ineffective and illegal healthcare contracts: public procurement in the first half of 2023](#), July 20, 2023.

⁸⁴⁶ Ibid.

⁸⁴⁷ Cofepris, [Alertas sanitarias de medicamentos | Comisión Federal para la Protección contra Riesgos Sanitarios](#), March 29, 2022; Cofepris, [Cofepris emite alerta sobre falsificación de cuatro medicamentos](#), May 28, 2023. Cofepris, [Alerta Sanitaria Falsificación Aspirina Protect](#), July 19, 2023. Cofepris, [Alerta Sanitaria Falsificación y adulteración de Co-Diovan](#), August 3, 2023.

⁸⁴⁸ [Cofepris issues alert on counterfeiting of four drugs](#), May 28, 2023.

⁸⁴⁹ INFOBAE, [Alertan por fenómeno 'El Niño' 2023: así afectará a México](#), April 17, 2023.

⁸⁵⁰ CONAGUA, [Mexico Drought Monitor September 2023](#), September 20, 2023.

⁸⁵¹ Ibid.

⁸⁵² Mongabay, [in just five months, Jalisco lost more than 100.000 hectares of forest to fires](#), May 25, 2023.

⁸⁵³ Ibid.

⁸⁵⁴ El País, [Guerrero death toll rises to 45 dead and 47 missing after Hurricane Otis](#), October 30, 2023

484. According to the National Water Commission's report, Mexico's 210 large dams are estimated to have a total storage of 52,583 cubic millimeters (Mm3)⁸⁵⁵. This figure represents a 12% deficit compared to the national average storage⁸⁵⁶. Likewise, most of these facilities have less than 50% storage in about 19 states⁸⁵⁷⁸⁵⁸. This situation affects the operation of schools, hospitals, institutions and homes in these states⁸⁵⁹. In this regard, the Mexican Government formulated the "Strategy for the Attention to the 2023 Stormy Season, which seeks to mitigate the effects of the water shortage crisis caused by the drought in the country⁸⁶⁰.

485. Regarding the situation of environmental defenders, a report by *Front Line Defenders* highlighted that by 2022 Mexico was the country with the third highest number of homicides of human rights defenders⁸⁶¹, it is also estimated that the main victims of homicides were members of indigenous peoples and environmental defenders⁸⁶². For 2023, REDESCA, together with OACNDUH and the IACHR, identified the cases of environmental defenders Félix Vicente Cruz, in Oaxaca; Eustasio Alcalá Díaz, and Alfredo Cisneros Madrigal from Michoacán⁸⁶³. Additionally, in the cases of Guerrero, Chihuahua and Chiapas, environmental defenders and indigenous communities were victims of armed attacks, forced disappearance, generalized violence and homicides, and it has been reported that around 18 indigenous people were murdered due to their defense and leadership activities⁸⁶⁴.

C. Business and human rights

486. REDESCA takes cognizance of the existence of the "Diagnosis on the state of the legal and public policy framework on business and human rights at the federal level in Mexico from 2019-2022". This study analyzes the constitutional obligations related to human rights in the field of business activity, both in the public and mixed sectors. In this regard, the Ministry of the Interior of the country is in the process of drafting the national policy on business and human rights, which will establish strategies and lines of action to be developed from a participatory, plural and inclusive approach⁸⁶⁵. In this context, the Office of the Special Rapporteur takes note of the proposed construction of the Tesla Manufacturing plant in Santa Catarina, Nuevo León, which intends to install a 260-hectare industrial site. Community leaders have requested more information regarding the environmental impact statement, especially with regard to access to water, bearing in mind that Nuevo León has already had several years of below-normal average rainfall⁸⁶⁶.

⁸⁵⁵ Ibid.

⁸⁵⁶ Ibid.

⁸⁵⁷ Sistema Nacional de Información del Agua CONAGUA, [Sistema Nacional de Información del Agua Monitoreo de las Principales Presas de México](#), August 2023.

⁸⁵⁸ Infobae, [Imminent water crisis? Extreme droughts and dams at historic lows threaten Mexico](#), August 14, 2023.

⁸⁵⁹ Government of Mexico, [Estrategia de atención ante la temporada de estiaje](#), March 7, 2023.

⁸⁶⁰ Poresto, [These are the 10 companies that will provide water to CDMX inhabitants during the drought](#), March 24, 2023.

⁸⁶¹ FrontLine Defenders, [Global Analysis 2022](#), April 4, 2023.

⁸⁶² Ibid.

⁸⁶³ IACHR, [Violence against human rights defenders persists in the first four months of 2023](#), June 27, 2023.

⁸⁶⁴ Ibid.

⁸⁶⁵ REDESCA, [Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, para. 230.

⁸⁶⁶ ICHRP, [Mexico: environmentalists and labor rights defenders request more information on the electric car plant in Nuevo Leon announced by Tesla](#), March 2, 2023

487. REDESCA reiterates its concerns regarding the Tren Maya project, against which there are various complaints from the affected population and civil society. Despite suspensions and other jurisdictional measures imposed, the President of the Republic has indicated that construction will continue, as well as its inauguration in December 2023. In 2022, 5 injunctions were filed before the First District Court in Yucatan in response to the damages caused by the construction works and the lack of information on the environmental impact. Additionally, the Special Rapporteur highlights that the Supreme Court of Justice declared unconstitutional the decree that classified large government works as part of national security for violating the right of access to information⁸⁶⁷.

488. In this sense, organizations and communities affected by the construction of this project state that it has caused devastation to the ecosystems of Yucatan. Among the impacts are the massive deforestation of thousands of hectares, the disappearance of cenotes and aquifers, and the displacement of biodiversity and local communities. In addition to these negative environmental effects, it has been pointed out that the government did not carry out an informed consultation on the construction, which has generated a series of protests from the inhabitants of the area⁸⁶⁸. REDESCA takes note of the complaints made about Route 5 of the train in Quintana Roo, regarding 119 caverns impacted by the construction, which are part of the canal system of the aquifer of the Yucatan Peninsula⁸⁶⁹. The above, not only has connotations in terms of ecological impacts, but also affects social and cultural issues, since this construction is adopted in a model of mass tourism that would bring with it problems of insecurity, labor exploitation and cultural dispossession of the Mayan people⁸⁷⁰.

489. In turn, REDESCA takes note of the situation that has arisen in the Sonora River due to the spill of 40 million liters of acidified copper sulfate by a Grupo Mexico mining company⁸⁷¹. The Ministry of Environment and Natural Resources presented an Environmental Diagnostic Report of the Sonora River, which revealed that the presence of contamination in the water, air, flora and fauna continues, as well as heavy metals above the norm, despite the remediation carried out after the spill⁸⁷². According to available information, Grupo Mexico owes 20,508 million pesos for damages to the inhabitants of the Sonora River Basin⁸⁷³.

490. These situations are framed in a context of extreme concern for the contamination of water flows by industries. In this regard, REDESCA recalls that in the Precautionary Measure concerning the residents of the Santiago River in the State of Jalisco in Mexico, federal and state entities were urged to take the appropriate actions to protect the rights of the population threatened by the pollution caused by the companies.

D. Labor and union rights

491. The Special Rapporteurship welcomes the Government's initiative through the Jóvenes Construyendo Futuro Program, which is implemented through the National Employment Service. This initiative

⁸⁶⁷ REDESCA, [Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, para. 230.

⁸⁶⁸ El País, [Activists and inhabitants of communities affected by the Mayan Train denounce new environmental damages](#), March 22, 2023.

⁸⁶⁹ Animal Político, [Tramo 5 del Tren Maya: entre afectaciones a las cuevas subterráneas y dudas sobre su estabilidad estructural](#), September 24, 2023.

⁸⁷⁰ Ibid.

⁸⁷¹ Mongabay, [Mexico: "For us that territory and that river meant life, but now the way things are going, they are death" | INTERVIEW](#), August 17, 2023.

⁸⁷² Secretaría de Medio Ambiente y Recursos Naturales, [Dictamen Diagnóstico Ambiental Río Sonora](#), September 28, 2023.

⁸⁷³ Animal Político, [Nueve años de impunidad en el río Sonora: compartiendo experiencias de lucha](#), August 19, 2023; Expok, [Reconocen deuda por desastre de Grupo México en Sonora](#), May 19, 2021;

has benefited approximately 2,600,000 young people by providing them with employment training. In addition, 1,700,000 people have obtained employment through the National Employment Service⁸⁷⁴.

492. REDESCA notes that, according to the report of the National Institute of Statistics and Geography, in the second quarter of 2023, 58.5 million people were employed, an increase of 1.1 million people compared to the period of 2022⁸⁷⁵. On the other hand, regarding labor informality, by August 2023, 32.7 million people in Mexico worked informally, that is, 55.2% of the employed population in the country⁸⁷⁶.

493. With regard to the absence of guarantees for the right to social security, it should be noted that this continues to be one of the most widespread social deprivations in the Mexican population⁸⁷⁷. During the year 2022, 50.2% of the population, equivalent to 64.7 million people, did not have access to this right⁸⁷⁸. In addition, 63.6% of employed people lacked access to social security through their employment⁸⁷⁹.

E. Right to education: academic freedom and university autonomy

494. REDESCA notes with concern that the educational system in Mexico faces important challenges regarding access to education, educational quality and the creation of spaces conducive to the teaching process. According to official figures, by 2022 there will be a 19.4% backwardness, which is equivalent to 25.1 million people. Likewise, civil society organizations highlighted that in the 2022-2023 school cycle, 1,285,670 students did not return to school⁸⁸⁰. Additionally, civil society organizations reported that, despite the normative provisions on universal access to education, the lack of standardized criteria for access to education means that most people require guidance and accompaniment from an organization to enter the educational system⁸⁸¹.

495. REDESCA has observed a weakening of institutional autonomy through austerity measures and political prioritization of research addressing "national problems". The state has regularly appointed university directors, which has often led to student protests. In addition, the lack of integrity on campus has also contributed to the decline of academic freedom, with attacks on students, especially women, protests against these harassments, and a war on drugs waged on university campuses⁸⁸².

F. Human mobility and ESCER

496. REDESCA takes note of the migration situation in the country. During the last few years, the number of irregular migrants entering Mexico has increased by 47.9%⁸⁸³. In this context, the Office of the Special Rapporteur received information on the lack of dignified conditions in migration centers. On March 28, 2023, a fire broke out in the temporary stay for irregular migrants in Ciudad Juarez, Chihuahua, where 40

⁸⁷⁴ Government of Mexico, [Jóvenes Construyendo el Futuro and the National Employment Service key to reducing social inequalities](#), June 27, 2023.

⁸⁷⁵ INEGI, [National Occupation and Employment Survey \(ENOE\)](#), September 28, 2023.

⁸⁷⁶ INEGI, [National Occupation and Employment Survey \(ENOE\)](#), September 28, 2023.

⁸⁷⁷ CONEVAL, [Poverty Measurement 2022](#), August 10, 2023.

⁸⁷⁸ Ibid.

⁸⁷⁹ Ibid.

⁸⁸⁰ López Loriga Digital, [Concluye ciclo escolar 2022-2023 con rezago educativo y deserción, denuncia organización](#), 12 de julio de 2023.

⁸⁸¹ REDESCA, [Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, para. 192.

⁸⁸² Academic Freedom Index 2023, Regional Tendencies: Mexico, 2023, p. 9.

⁸⁸³ IOM, [Perfil Migratorio - Boletín Anual 2022](#), n.d.

people died and 28 suffered serious injuries⁸⁸⁴. In this regard, it was reported that the situation was part of complaints made by the detainees regarding the lack of drinking water⁸⁸⁵.

497. The Office of the Special Rapporteur had the opportunity to observe in the border city of Tapachula the urgent situation of persons in a situation of mobility with respect to access to their ESCER. For example, in terms of mental health care, attention is limited for the entire population since, for example, there are only two psychiatrists. This, added to the psychosocial impacts of the practices of containment and migratory detention, generates conditions that violate or aggravate the mental health of migrants, asylum seekers and refugees⁸⁸⁶. In its visit to shelters in Tapachula and Mexico City, the Office of the Special Rapporteur received several testimonies from migrants or asylum seekers, who pointed out the difficulties in receiving medical attention both at border posts and in health centers. In the Iztapalapa shelter of the Archdiocese of Mexico, they have a health care center in collaboration with UNAM where they provide primary care⁸⁸⁷.

⁸⁸⁴ IACHR, [Mexico: One month after the fire in the migrant detention center, IACHR urges to establish responsibilities and ensure non-repetition](#), May 1, 2023.

⁸⁸⁵ Animal Político, [Indemnizan con 140 mdp a familiares de migrantes que murieron en el incendio de la estación migratoria de Ciudad Juárez](#), August 13, 2023.

⁸⁸⁶ REDESCA, [Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, para. 80.

⁸⁸⁷ REDESCA, [Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, para. 81.

24. NICARAGUA

498. 277. In the exercise of its competence to promote and protect ESCER in the Americas, REDESCA has been monitoring the situation in Nicaragua. Since 2018, the country has been immersed in a profound political and social crisis that has had a significant impact on the protection of several rights, including ESCER. In previous reports, the Office of the Special Rapporteur has noted that in this context, the people who have historically suffered the greatest exclusion and discrimination are the most affected by this situation⁸⁸⁸.

499. The United Nations Economic Commission for Latin America (ECLAC) indicated that in 2022, poverty in Nicaragua will be between 46.0% and 46.8%, which represents an increase compared to 2021, when it was 45.3%⁸⁸⁹. 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, a growth of at least 20.3% was recorded. This was also observed 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 Information⁸⁹⁰.

A. Right to health and social determinants

500. The Office of the Special Rapporteur has been closely monitoring the development of the COVID-19 pandemic in Nicaragua. Although the Ministry of Health has provided total numbers of cases and deaths, discrepancies have been detected with the data presented by the Observatorio Ciudadano COVID-19, a network of independent physicians that has been monitoring the pandemic. As of July last year, this observatory reported 6,066 deaths from pneumonia and other complications related to the coronavirus, along with 32,650 suspected cases. According to the Nicaraguan Ministry of Health it reported only 244 deaths during the same month⁸⁹¹. It should be noted that the Observatory is no longer operational.⁸⁹² Also, over the course of this year, the IACHR and REDESCA have recorded more than 400 dismissals of health professionals who were separated from their duties for performing their work or expressing criticism of the Government, including in the context of the management of the COVID-19 pandemic⁸⁹³.

501. At the same time, the dissemination of misinformation about an alleged HIV outbreak in Nicaragua has generated alarm among the population⁸⁹⁴. The Special Rapporteurship highlights the importance of effective and accurate public health communication to dispel unfounded fears and promote understanding based on scientific evidence. The State is urged to strengthen information campaigns to ensure an accurate understanding of the epidemiological situation and to intensify efforts to have transparent and accurate records to understand the true magnitude of the impact of the pandemic.

⁸⁸⁸ REDESCA, [Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, p. 2.

⁸⁸⁹ REDESCA, [Report: Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, p. 14.

⁸⁹⁰ Instituto Nacionales de Información de Desarrollo (INIDE), Precio Canasta Básica September 2022 and Precio Canasta Básica September 2021, updated to November 2022.

⁸⁹¹ Expansión: Datosmacro.com, [Nicaragua: COVID-19 Coronavirus Crisis](#), January 2023.

⁸⁹² SWI swissinfo.ch, [Nicaragua accumulates 245 deaths and 20,552 cases of COVID-19](#), March 28, 2023.

⁸⁹³ OAS, [5 years since the beginning of the human rights crisis in Nicaragua: IACHR calls for the reestablishment of democracy and stands in solidarity with the victims](#), April 18, 2023.

⁸⁹⁴ Confidencial, [Datos y médicos desmienten supuesto brote de VIH en Nicaragua](#), May 23, 2023.

502. For its part, REDESCA expresses its concern over the repeal of the founding decree of the Nicaraguan Red Cross⁸⁹⁵. The Special Rapporteur urges the State to ensure that legal actions do not negatively affect the ability of humanitarian organizations to provide impartial and neutral medical assistance. Regarding mental health, the Rapporteurship commends the State for the presentation of the booklet "Preventing Depressions, Suicides and Promoting Mental Health", considering it a positive step. This booklet includes definitions, concepts, the meaning of depression and how to identify symptoms and signs of mental health disorders⁸⁹⁶.

503. On the other hand, REDESCA is concerned about the increase in cases of dengue⁸⁹⁷, highlighting the need to strengthen prevention and control measures for vector-borne diseases. The Special Rapporteur recommends immediate action to address the spread of dengue and the implementation of long-term strategies to prevent future outbreaks. It is crucial to consider this disease as a consequence of climate change and to address it through state adaptation strategies.

504. On the other hand, REDESCA notes that, according to FAO, Nicaragua boasted the highest rate of undernourishment in the sub-region during the 2019-2021 period, with 18.6%, followed by Guatemala with 16% and Honduras with 15.3%. Which is equivalent to almost 1.2 million hungry people in the country⁸⁹⁸. Likewise, more than a third of the inhabitants cannot afford a healthy diet, even when they have one of the lowest costs to access a healthy diet⁸⁹⁹.

505. In this regard, REDESCA shares the concern of the Committee on ESC rights, noting that in the State there are high levels of malnutrition and malnutrition, including overweight and obesity⁹⁰⁰. Additionally, according to civil society organizations, Nicaragua is among the 45 countries around the world that are exposed to a serious food crisis. Consequently, REDESCA is concerned that 3% of Nicaragua's population would be in a very high food insecurity zone, and up to 37% of the population in a high zone. In addition, spending on food is between 74% of the household budget in the most vulnerable families and 48% in the case of the least vulnerable families⁹⁰¹.

B. Climate emergency and the human right to water

506. The Office of the Special Rapporteur has closely followed the progress in water and sewerage infrastructure in Nicaragua. Between 2023 and 2026, it is planned to provide access to sanitary sewerage services to 654,000 families and potable water to 909,000 families, reaching an impressive 98% access in potable water and around 80% in sanitary sewerage⁹⁰².

507. In relation to guaranteeing the right to a healthy environment and State actions in the face of the climate emergency, REDESCA takes note of decision B.36/17 of the Board of the Green Climate Fund (GCF), regarding GCF project FP146: Bio-CLIMA: Integrated Climate Action to Reduce Deforestation and Strengthen Resilience in the BOSAWAS and Rio San Juan Biosphere Reserves on the Caribbean Coast of Nicaragua. In its

⁸⁹⁵ El País, [El régimen de Ortega y Murillo disuelve Cruz Roja de Nicaragua y confisca sus bienes](#), May 10, 2023.

⁸⁹⁶ SWI swissinfo.ch, [Nicaraguan government launches primer to prevent depression and suicide](#), 12 May 2023.

⁸⁹⁷ 100% Noticias, [Dengue cases increase by more than 50% in the last week in Nicaragua](#), August 01, 2023.

⁸⁹⁸ REDESCA, [Report: Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), July 28, 2023, p. 40.

⁸⁹⁹ Ibid,

⁹⁰⁰ Committee on ESC rights, Concluding observations on the fifth periodic report of Nicaragua, E/C.12/NIC/CO/5, para. 38.

⁹⁰¹ Idem.

⁹⁰² Radio La Primerísima, [Almost 100% of the population will have access to drinking water by 2026](#), July 6, 2023.

decision, the Board noted that the funding proposal for the FP146 project did not comply with GCF policies and procedures⁹⁰³. Additionally, it was reported that the compliance review report found that the accredited entity should have applied enhanced due diligence prior to obtaining Board approval⁹⁰⁴.

508. The Office of the Special Rapporteur has learned that since 2021 there have been reports of attacks on traditional indigenous communities in the area by armed outsiders. In March 2023, the Mayangna Wilú indigenous community, located in the core zone of the Bosawas Biosphere Reserve, was attacked by approximately 60 heavily armed non-indigenous persons. As a result, five Mayangna community members between the ages of 20 and 45 were killed, two were injured, and all the houses - except for the school and the community church - were burned down⁹⁰⁵.

C. Business and human rights

509. REDESCA warns about the impact of extractive companies in areas inhabited by indigenous populations. The economic activity resulting from the concession of territories to international companies is causing impacts on human rights, along with the invasion of territory, burning of houses and crops⁹⁰⁶. It would also generate a food crisis and forced internal displacement of community members. In the first semester of 2023, the murders of at least 7 people belonging to the Miskitu and Mayangna communities have been registered. These attacks also include reports of abuses, kidnappings, burning of crops, death threats and rape⁹⁰⁷.

510. In this context, the Inter-American Court of Human Rights has recognized the increase in violence against indigenous peoples as a result of extractive activities in the territory⁹⁰⁸. In these circumstances, REDESCA calls on the State to take the necessary actions and fulfill its regulatory role, ensuring that companies comply with their human rights responsibilities.

D. Labor and union rights

511. REDESCA notes with concern the allegations of violations by the State of the DR-CAFTA (Central American Free Trade Agreement with the United States) agreements. Specifically in the field of labor, it is noted that the Nicaraguan government has failed to comply with the labor part of the agreement, disregarding both union and environmental aspects⁹⁰⁹.

512. The Office of the Special Rapporteur has monitored the consequences on the ESCER of persons who lost their nationality in Nicaragua this year, documenting violations of the right to property and access to ESCER, especially for older persons. The Commission and REDESCA received information indicating that the State has reportedly removed from the records of the Nicaraguan Social Security Institute (INSS) all elderly persons who have been declared stateless and "traitors to the homeland". As a consequence, neither they nor

⁹⁰³ Independent Redress Mechanism of the GCF, Case C.0006-Nicaragua, Board Decision B.36/17.

⁹⁰⁴ FVC Independent Redress Mechanism, Case C-0006-Nicaragua, Summary of the Board's reasons, 2023.

⁹⁰⁵ Mongabay, [Nicaragua: experts say that behind the massacre of Mayangna indigenous people is the interest in the natural resources of the Bosawas reserve](#), March 28, 2023.

⁹⁰⁶ IACHR, 188th Period of Sessions, Hearing on the impacts of illegal mining on human rights, November 8, 2023.

⁹⁰⁷ Idem; CEJIL, Nicaragua: [Manifestamos profunda preocupación por situación de pueblos indígenas y afrodescendientes](#), August 11, 2023.

⁹⁰⁸ Resolution of the IACHR Court, [Extension of Provisional Measures. Case of the Inhabitants of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast Region with respect to Nicaragua](#), June 27, 2023.

⁹⁰⁹ 100% Noticias, [Informe de Diálogo Interamericano revela violaciones de la dictadura a acuerdos del DR-CAFTA](#), May 24, 2023.

their families would have access to the payment of their pensions. There would also be no way to obtain certificates that they were ever insured within the social security system.⁹¹⁰

513. In particular, the IACHR and REDESCA note that the people most affected by this decision are older persons who are mostly in exile, including former FSLN supporters⁹¹¹. In this regard, the Commission and the Office of the Special Rapporteur recall that the right to social security -recognized in several Inter-American treaties- protects against contingencies that may cause harm to persons and has a particular emphasis on the protection of persons during old age. The protection of the elderly and their right to a dignified old age and subsistence have been recognized as an international obligation in the inter-American system.

514. In this context, the Commission and REDESCA emphasize that the cancellation or impediment of access to severance payments and pensions means that the affected persons are forced to look for new jobs, to compromise their assets and resort to loans or the sale of their assets, or to adapt to a new socioeconomic situation at one of the most difficult moments of their lives. In light of the above, REDESCA urges the State of Nicaragua to adopt the appropriate measures to ensure that the elderly victims of confiscatory actions have access to food, health and housing services and the care required to live a dignified old age⁹¹².

E. Right to education: academic freedom and university autonomy

515. REDESCA notes with concern that during 2023 different acts were recorded that undermined the enjoyment and guarantee of full access to this right, particularly with regard to academic freedom and university autonomy. In this regard, REDESCA recorded the closure of 5 universities during 2023, of which the cases of the Universidad Centroamericana (UCA) and the Instituto Centroamericano de Administración de Empresas (INCAE) stand out. REDESCA notes that since 2020, another 25 universities have been closed through the cancellation of their legal status, which has affected more than 37,000 students.⁹¹³

516. Regarding the closure of the UCA, REDESCA received information on the forced closure and cancellation of the legal status of the institution, in compliance with the sentence issued by the Tenth District Criminal Court of Nicaragua on August 15. The court ordered the seizure of all movable and immovable property and bank accounts of the university, stating that it functioned as a "center of terrorism", "organizing armed and hooded criminal groups that used terrorist methods in the country".⁹¹⁴ In 2022, the University denounced mechanisms of pressure and interference such as the non-extension of certifications necessary for its operation and its exclusion from the National Council of Universities (CNU), with the purpose of weakening its budget. These facts are framed in a context of severe restrictions to religious freedom and persecution against the Catholic Church in Nicaragua.⁹¹⁵ In replacement of the UCA, the State approved the creation of the National University "Casimiro Sotelo Montenegro" and ordered the delivery of all information on students, teachers, careers, curricula and enrollment databases to the CNU⁹¹⁶.

⁹¹⁰ IACHR-REDESCA, [Nicaragua: IACHR and REDESCA express concern over violations of property and social security rights](#), April 14, 2023.

⁹¹¹ Los Angeles Times, [Nicaragua: Jubilaciones a opositores desterrados quitan Jubilaciones a opositores desterrados](#), February 24, 2023.

⁹¹² I/A Court H.R., Case of Acevedo Buendía et al ("Cesantes y Jubilados de la Contraloría") v. Peru. Preliminary Objection, Merits, Reparations and Costs. Judgment of July 1, 2009. Series C No. 198, para. 131.

⁹¹³ IACHR, [Nicaragua: IACHR and its Special Rapporteurs condemn arbitrary interference with academic freedom](#), August 29, 2023.

⁹¹⁴ IACHR, [Nicaragua: IACHR and its Special Rapporteurs condemn arbitrary interference with academic freedom](#), August 29, 2023.

⁹¹⁵ Idem.

⁹¹⁶ Idem.

517. Subsequently, the State cancelled the legal status of INCAE, stating that the entity has not submitted its financial statements for 2020, 2021, and 2022. As well as mentioning the existence of inconsistencies in the 2015-2019 financial statements, indicating that the legal requirements established for the receipt of donations were not complied with and they were not registered as foreign agents⁹¹⁷. In view of this situation, INCAE indicated that in addition to regretting the situation, since 2018 the campus had been operating only with its administrative offices and since that date all academic programs were transferred to the campus in Costa Rica⁹¹⁸.

518. In these contexts, the Commission and REDESCA agree with the Group of Experts on Human Rights in Nicaragua that the Nicaraguan university sector as a whole lacks independent institutions to protect university autonomy and the rights of students. This has led to a massive flight of intellectual capital, which also makes it difficult for them to continue their studies abroad, due to the lack of documentation and student records provided by university authorities.⁹¹⁹ In this regard, the OHCHR has documented at least 43 cases of persons among the 316 persons deprived of their nationality, who were denied copies of civil registry documents and academic records at the universities, and were informed by officials that they "did not exist" in the public records. As a result, these individuals have been prevented from exercising their right to seek and receive information, including their personal information.⁹²⁰

519. According to reports from civil society organizations, students who have requested information from university centers have faced questions about their motives for accessing such information from the center's authorities⁹²¹. In addition, there have been complaints from individuals who, being openly critical of the Government, have experienced document withholding or unjustified delays. There are also cases of students alleging that their applications, processed through the National Union of Students of Nicaragua, are subject to compliance with indoctrination or political activities⁹²².

520. Additionally, REDESCA is concerned about acts of harassment and intimidation of members of student groups critical of the government or who took part in anti-government protests. The targets of attacks have been mainly leaders of student movements not aligned with UNEN. Cases have been reported where students, although not formally expelled, have had their grades and academic records completely removed. In addition, students reported that they have been interviewed on a sustained and systematic basis by the National Police, pro-government paramilitary groups and the structures of the Sandinista National Liberation Front (FSLN) in an arbitrary manner about their non-academic activities.⁹²³

521. In this context, REDESCA notes with concern that students who are perceived as dissidents or opponents of the authorities have paid a high price. Persecution also extends to academic authorities and professors. Students and staff in these circumstances have been forced to leave the country, and some have been deprived of their nationality once abroad⁹²⁴. In particular, REDESCA notes that on 19 August, information was received about the arrests of student leaders Adela Espinoza and Gabriela Morales by the National Police.

⁹¹⁷ La Gaceta-Diario Oficial de Nicaragua, No. 172, September 25, 2023.

⁹¹⁸ INCAE, On the cancellation of the legal status of INCAE Business School in Nicaragua, September 26, 2023.

⁹¹⁹ OHCHR, Group of Experts on Nicaragua notes escalating persecution of dissidents and suppression of independent academic institutions, September 12, 2023.

⁹²⁰ OHCHR, OHCHR Report on the situation of human rights in Nicaragua, A/HRC/54/60, August 2023, para. 33.

⁹²¹ Group of Experts on Human Rights on Nicaragua, 54th Regular Session of the Human Rights Council, Oral Statement by the Chair, September 12, 2023.

⁹²² Aula Abierta, Denial of academic records as a weapon of political repression against Nicaraguan university students, September 14, 2023.

⁹²³ Idem.

⁹²⁴ OHCHR, Group of Experts on Nicaragua notes escalating persecution of dissidents and suppression of independent academic institutions, September 12, 2023.

On 25 August, an appeals court in Managua ordered that the student Espinoza be presented after her sentence, within seventy-two hours, however there is no confirmation of compliance with this measure⁹²⁵.

522. At the same time, the Commission and REDESCA highlight the situation of JSNR, leader of the 19 April University Movement (MU19A), who has been deprived of his liberty since April 4, 2023 in a state of incommunicado detention. On June 19, 2023, the IACHR granted precautionary measures in favor of JSNR, stating that the conditions of detention of the beneficiary should be ensured⁹²⁶. The IACHR Court also granted Provisional Measures to the same person, characterizing the detention operation as arbitrary and disproportionate. This is due to the fact that there was no court order and that three vans with police officers raided the house and captured JSNR by force. In its decision, the Court required the State to adopt measures to effectively protect the life, integrity, personal liberty, health and food of JSNR⁹²⁷. In the same vein, REDESCA has been closely monitoring the complaint filed by the Unidad Sindical Magisterial de Nicaragua, which highlights violations of labor rights, as well as cases of harassment, persecution and dismissal of teachers critical of the government.⁹²⁸ This situation, which has been ongoing since the beginning of the socio-political crisis in 2018, poses a significant threat to academic freedom and university autonomy in the country.

523. REDESCA recalls that the Inter-American Principles on Academic Freedom and University Autonomy state that any interference with academic freedom must meet the requirements of legality, legitimate purpose, suitability, necessity and proportionality in accordance with the American Convention on Human Rights in a democratic society, since they constitute a safeguard against arbitrariness on the part of the authorities both inside and outside academic institutions⁹²⁹.

F. Human mobility and ESCER

524. Throughout 2023, REDESCA has been monitoring the increase in human rights violations in Nicaragua, particularly in the context of the political, social and human rights crisis that has caused the forced displacement of thousands of people. In this context, there continue to be reports of people in exile facing difficulties in obtaining validation of their studies, according to civil society organizations. The situation of Nicaraguans in Costa Rica who, due to national requirements, face obstacles for the revalidation of their merits and the exercise of professions such as medicine or law, as well as to validate their studies carried out in their country of origin, stands out⁹³⁰.

⁹²⁵ Nicaragua Investiga, [Court of Appeals asks to show Adela Espinoza](#), August 25, 2023.

⁹²⁶ IACHR, MC No. 304-23 JSNR regarding Nicaragua, Resolution 34/2023, June 19, 2023.

⁹²⁷ I/A Court H.R., I/A Court H.R. Case of Juan Sebastián Chamorro et al. v. Nicaragua. Extension of Provisional Measures. Resolution of the Inter-American Court of Human Rights of September 25, 2023. Resolution adopted in San José, Costa Rica.

⁹²⁸ Infobae, [Nicaraguan teachers denounced persecution, dismissals and indoctrination by Daniel Ortega's regime](#), June 29, 2023.

⁹²⁹ IACHR, [Nicaragua: IACHR and its Special Rapporteurs condemn arbitrary interference with academic freedom](#), August 29, 2023 - IACHR, [Nicaragua: IACHR and its Special Rapporteurs condemn arbitrary interference with academic freedom](#), August 29, 2023.

⁹³⁰ REDESCA, Meeting with student leaders, July 30, 2023.

25. PANAMA

525. In relation to international treaties relevant to ESCER in the region, it is important to note that the country has ratified the American Convention, the Protocol of San Salvador and the Escazú Agreement. The main challenge at present is to achieve full implementation of the standards established in these normative instruments.

526. REDESCA notes that in Panama, poverty and inequality are significant challenges that affect various groups, such as children, women, peasants and indigenous people⁹³¹. In this regard, it has been estimated that more than one million people live in poverty, with a quarter of the population living in these conditions⁹³². Thus, despite being classified as a high-income country, Panama was positioned as the third most unequal country in the region according to the Gini coefficient in 2021⁹³³. These levels of inequality have been accentuated since the pandemic, especially affecting women, girls and young people⁹³⁴. Thus, by way of example, the UNDP representative in Panama has highlighted the importance of strengthening the training of women in digitalization tools and promoting their financial inclusion, addressing the problem from a systematic perspective⁹³⁵.

527. For its part, the Rapporteurship notes with concern the rates of multidimensional poverty among children and adolescents. At the national level, 1 out of every 3 children under 18 years of age lives in this situation, with a total of 453,837 children and adolescents affected, which represents 32.8% of this population in the country⁹³⁶. This situation is particularly serious in the province of Darien, where according to UNICEF reports, 59% of children and adolescents, that is, at least 6 out of 10, live in multidimensional poverty, the highest rate in the country⁹³⁷. In this regard, it is noteworthy that inequities are aggravated and become more evident in indigenous and rural communities and areas of difficult access⁹³⁸, regions such as Darien and Bocas del Toro, show the highest percentages of children and adolescents in conditions of multidimensional poverty, exceeding the national index⁹³⁹.

A. Right to health and social determinants

528. In the area of health, REDESCA welcomes the passing of Law 364 on mental health, whose purpose is to develop the human right to mental health and guarantee its coverage at a national level⁹⁴⁰. In this

⁹³¹ Panama Without Poverty Initiative, [Report on Poverty and Extreme Poverty in Panama 2023](#), June 2023.

⁹³² Ibid.

⁹³³ Statista, [Inequality in income distribution based on the Gini coefficient in Latin America and the Caribbean in 2021, by country](#), October 15, 2023.

⁹³⁴ La Prensa, [Panama must generate more economic and social welfare](#), March 28, 2023.

⁹³⁵ Ibid.

⁹³⁶ Panama Without Poverty Initiative, [Multidimensional Poverty in Panama](#), 2022.

⁹³⁷ UNICEF, [Desafíos de los niños y niñas en Panamá limitan su desarrollo y la garantía plena de sus derechos](#), May 30, 2023.

⁹³⁸ Ibid.

⁹³⁹ Panama Without Poverty Initiative, [Multidimensional Poverty in Panama](#), 2022.

⁹⁴⁰ Official Gazette, [Law 364, Panama](#), February 6, 2023.

regard, patients and organizations are awaiting the prompt regulation of the law to solve problems such as the shortage of medicines, limitations in private insurance and access to emergency care and ambulances⁹⁴¹.

529. The Rapporteurship also welcomes the initiative of the Panamanian State in the joint purchase of medicines by the Ministry of Health and the Social Security Fund. This action, consisting of the purchase of 351 lines of medicines⁹⁴², represents a significant step to counteract the medicine shortage crisis⁹⁴³, which had been declared a critical issue at the State level⁹⁴⁴.

530. REDESCA will continue to monitor this issue of utmost importance for the proper exercise of the right to health, due to the prolonged nature of drug shortages in Panama⁹⁴⁵. In this regard, the State is urged to continue taking the necessary measures to guarantee unrestricted access to health, ensuring the accessibility and affordability of medicines.

531. According to WHO, dengue transmission has increased in recent years in the region of the Americas and the current year began with strong spread. In this context, REDESCA has monitored the situation of the dengue epidemic in Panama⁹⁴⁶, for which up to October, 13,397 cases were reported⁹⁴⁷, which means 40% more cases than those registered in all of 2022. In addition, the increase in malaria cases in specific areas such as the Guna Yala region, Darien, the Ngäbe Bugle region and East Panama⁹⁴⁸ is of concern.

532. REDESCA also takes note of the situation of oncology patients, in relation to which the Ombudsman's Office has received numerous complaints from family members regarding the violation of the right to health of patients, who wait for hours standing outdoors in hospitals in an attempt to be treated, which, according to available information, in most cases would be unsuccessful⁹⁴⁹.

B. Climate emergency and the human right to water

533. REDESCA notes with concern the significant increase in vegetation fires in the country. During the year 2023, the Benemérito Fire Department has intervened in 3,009 incidents of this nature, with a significant concentration of 1,312 cases in March⁹⁵⁰. This situation, which is part of a context of more than 16,000 vegetation fires in the last decade affecting 229,528.69 hectares⁹⁵¹, not only implies severe

⁹⁴¹ La Prensa, [Panama has a mental health law; it has already been enacted in the 'Gaceta Oficial](#), February 7, 2023.

⁹⁴² Social Security Fund (CSS). [Joint purchase of medicines MINSA-CSS takes an important step](#). November 11, 2023.

⁹⁴³ Ministry of the Presidency of the Republic of Panama, [Executive approves joint purchase of 351 medicines](#), September 21, 2023.

⁹⁴⁴ Panama24Horas, [Government of Panama addresses medicine shortage as a State issue](#), August 8, 2023.

⁹⁴⁵ OHCHR, [Mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#), December 4, 2020.

⁹⁴⁶ WHO, [Geographic expansion of dengue and chikungunya cases beyond historical areas of transmission in the Region of the Americas](#), March 23, 2023.

⁹⁴⁷ PAHO, [Reported Cases of Dengue in the Americas](#), 2023.

⁹⁴⁸ La Prensa, [Panama has 2,661 accumulated malaria cases in the first three months of 2023](#), April 4, 2023.

⁹⁴⁹ Defensoría del Pueblo, [República de Panamá. Defensoría abrirá queja al Oncológico](#), February 13, 2023; [El Siglo, Abrirán queja contra el Oncológico por vulneración del derecho a la salud](#), February 13, 2023.

⁹⁵⁰ Panama America, [Firefighters warn of increase in grass fires](#), April 4, 2023.

⁹⁵¹ Ministry of Environment of Panama, [Ministry of Environment launches campaign to prevent forest fires](#), 2023.

environmental impacts but also threatens the integrity of flora and fauna, particularly in sensitive areas such as the La Yeguada Forest Reserve in Veraguas.

534. On the other hand, the Rapporteurship takes note of the declaration of a state of environmental emergency regarding the Cerro Patacón landfill and expresses its concern about the critical situation in environmental terms and also in terms of the labor situation of the people who depend on the landfill, such as recyclers⁹⁵². Although a fire mitigation and prevention plan was established, there were multiple complaints alerting of the inefficiency of the state due to the delay in declaring the environmental emergency⁹⁵³.

535. In May, a state of environmental emergency was also declared due to the prolonged drought throughout the territory. This occurred in a context of high temperatures, evaporation and lack of rainfall, which, in turn, reduced water production for human consumption and agricultural activity⁹⁵⁴. In this line, access to water was compromised in some areas of the country, which has generated protests and unrest among the population. Although the Rapporteurship is aware that the country has abundant water resources, it has been reported that there are urban areas without regular drinking water service. The lack of access to water directly affects the quality of life of the people and becomes a challenge for the satisfaction of their basic rights⁹⁵⁵.

C. Business and human rights

536. The Rapporteurship notes that Panama faces significant challenges in terms of social inequality, poverty and women's empowerment. It is therefore positive that the State has implemented initiatives both at the governmental level and through public-private partnerships to reverse this situation. Women are particularly affected, with a higher incidence of both general poverty and extreme poverty compared to men⁹⁵⁶. In this regard, the United Nations Development Program (UNDP) has played a key role in collaborating with companies to promote the generation of decent employment and inclusive growth. Recently, eight companies from different productive sectors in Panama have been recertified with the Gender Equality Seal, demonstrating a commitment to gender equality in their operations⁹⁵⁷.

537. In turn, the Special Rapporteur welcomes the participation of the Ombudsman's Office and other civil society organizations in activities that promote compliance with human rights by the private sector. In this line, the National Plan for Public-Private Social Responsibility and Human Rights (PNRS), signed in 2020, which involves 11 ministries and is led by the Ministry of Commerce and Industries, is recognized⁹⁵⁸. The Plan seeks to promote the 2030 Agenda for Sustainable Development and the fulfillment of human rights. Likewise, during 2023, the Responsible Business Conduct in Latin America and the Caribbean Project has carried out activities to promote the implementation of human rights due diligence processes for the Ministry of

⁹⁵² REDESCA, [Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), 2023, para. 129.

⁹⁵³ TVN Panamá, [State of environmental emergency in Cerro Patacón: Solution or business?](#), April 19, 2023.

⁹⁵⁴ CNN, [Government of Panama declares state of environmental emergency due to prolonged drought](#), May 30, 2023.

⁹⁵⁵ Panama America, [Chamber of Commerce: Water is a national priority](#), April 9, 2023.

⁹⁵⁶ Panama Without Poverty. [Poverty](#). June 2023.

⁹⁵⁷ UNDP, [Ocho empresas logran recertificación del Sello de Igualdad de Género en Panamá](#), March 29, 2023.

⁹⁵⁸ UNDP, [Signing of the National Pact for Public-Private Social Responsibility and Human Rights 2020-2030](#), February 6, 2020.

Agricultural Development⁹⁵⁹. Additionally, the REDESCA Rapporteurship welcomes that, within this framework, the Ministry of Commerce and Industries has implemented training for the comprehensive development of the PNRS, with a view to "accelerating government action in the achievement of the SDGs"⁹⁶⁰.

538. On the other hand, the Rapporteurship notes with concern the allegations of massive layoffs by the mining company First Quantum Minerals, as a result of a contractual dispute with the Panamanian government⁹⁶¹. In this regard, it is important to point out that the situation derives from the negotiation and approval of a new contract law that would cover the exploitation of copper by this Canadian company. The Sindicato Único Nacional de Trabajadores de la Construcción y Similares de Panamá has urged other organizations to continue the struggle against this agreement, calling for mobilizations in rejection of it⁹⁶².

539. The Rapporteurship has also noted that following the enactment of the new Law 406 on mining concession contracts, there have been several protests and complaints about environmental damage and violations of workers' rights⁹⁶³. In October 2023 the legislature passed a law granting a 4-year moratorium on metallic mining in the country. However, a ruling by the Supreme Court suspending the mining contract is still pending.

D. Labor and union rights

540. REDESCA observes a decrease in the unemployment rate by 1% between April 2022 and July 2023, according to data from the National Population and Housing Census⁹⁶⁴. Notwithstanding this increase, employment generation does not reach the level of the pre-pandemic period and more and more informal jobs are being generated, going from 1,900 per month in 2017 to more than 10,000 per month in 2022⁹⁶⁵. For its part, the Rapporteurship welcomes the joint decision of the Ministry of Labor and Labor Development and the National Council of Private Enterprise to create the Network of companies against child labor in 2022⁹⁶⁶. However, it stresses the importance of having updated data on child labor - of which there would not be enough due to lack of budget⁹⁶⁷.

541. The Rapporteurship also welcomes Panama's participation in the First Tripartite Meeting on Labor Migration and Human Mobility in Central America, Mexico, Panama, and the Dominican Republic at the end of 2022. At the meeting, held within the framework of the International Labor Organization, the countries concluded the need to take urgent action on various issues related to regional cooperation on employment and migration⁹⁶⁸.

⁹⁵⁹ Business and Human Rights, [Panama](#), 2023.

⁹⁶⁰ Ministry of Commerce and Industries of the Republic of Panama, [MICI continues with the roadmap of the Public-Private PNRS 2020-2030](#), May 11, 2023.

⁹⁶¹ Swiss Info, [Employees of Canadian mining company in Panama request the resumption of operations](#), March 1, 2023.

⁹⁶² Deutsche Welle (DW), [Blockades and protests against Canadian mining company in Panama](#), October 24, 2023.

⁹⁶³ Bloomberg Linea, [Mining contract in Panama 2023: The keys to why the protests](#), October 31, 2023.

⁹⁶⁴ El Capital Financiero, [Panama's unemployment rate falls to 8.9% at the end of July 2023](#), August 28, 2023.

⁹⁶⁵ Ibid.

⁹⁶⁶ ILO, [Panama on the Road to Zero Child Labor](#), June 6, 2022.

⁹⁶⁷ La Estrella de Panamá, [Detect 58 cases of child labor so far in 2023](#), June 16, 2023.

⁹⁶⁸ ILO, [First Tripartite Meeting on Labor Migration and Human Mobility in Central America, Mexico, Panama and Dominican Republic](#), November 2022.

E. Fiscal and economic policies

542. REDESCA notes that the State has presented a budget for fiscal year 2024 that would prioritize investment in the justice and education sectors. It is noted that the requested amount of 700 million will be allocated to the justice sector, while education would be allocated 7% of GDP⁹⁶⁹. It is also noted that the Minister of Economy detailed that 76% of the resources included in the total budget will be transfers granted to other institutions and subsidies "to support the economic and social development of Panamanians"⁹⁷⁰.

543. Likewise, it is observed that the Consumer Price Index has increased by 2% in the first quarter of the year and by 0.6% in July 2023, which has not contributed to reduce inflationary pressure⁹⁷¹. According to the IMF, these pressures could be the main risks to the region's economic outlook, as well as social tensions and, in the particular case of Panama, coupled with climate shocks, which would have a negative impact on the country's economy⁹⁷².

544. For its part, it also notes that unemployment and informality increased between 2017 and 2019, especially during the COVID-19 pandemic⁹⁷³. While REDESCA welcomes the mitigation measures carried out by the State, such as transfers and subsidies to guarantee ESCERs, the high rates of perceived corruption, which have not decreased since 2012, are of concern⁹⁷⁴. Although Panamanian legislation provides for criminal penalties for corruption by public officials, in Panama there is no evidence of effective measures to investigate and punish those responsible for human rights abuses through acts of corruption⁹⁷⁵.

F. Right to education: academic freedom and university autonomy

545. In terms of education, REDESCA is pleased to report that, according to the National Operation Center (NOC) Schools 2023, 99.4% of Panama's educational centers are operational and functioning⁹⁷⁶. Within the framework of the NOC, a plan is also being carried out to implement modular classrooms for schools with the highest demand in East Panama, such as Tocumen and Paso Blanco, as well as in West Panama and the Ngäbe Buglé region, where 67 classrooms have already been installed in 34 schools⁹⁷⁷. The Office of the Special Rapporteur also notes that 360 teachers have been transferred to areas of difficult access located in the comarcas⁹⁷⁸.

546. Note was also taken of the measures taken by the Ministry of Education to ensure quality food for children and adolescents attending school. According to official data, \$22.7 million were invested in food,

⁹⁶⁹ Ministry of Economy and Finance, [Presupuesto de 2024 priorizará inversión social, independencia judicial y educación](#), July 28, 2023.

⁹⁷⁰ Ministry of Economy and Finance, [MEF sustains its budget for fiscal year 2024](#), September 26, 2023.

⁹⁷¹ National Institute of Statistics and Census, [Consumer Price Index \(CPI\)](#), July 2023.

⁹⁷² IMF, [Economic Outlook for the Americas: Securing Low Inflation and Fostering Potential Growth](#), October 13, 2023.

⁹⁷³ Ibid.

⁹⁷⁴ Transparency International, [Corruption Perceptions Index](#), 2022.

⁹⁷⁵ U.S. Department of State, [Panama Human Rights Report](#), 2022.

⁹⁷⁶ Ministry of the Presidency, [99.4% of the country's educational centers are operational, reveals report of the CON Escuelas 2023 program](#), March 30, 2023.

⁹⁷⁷ Panama America, [Meduca claims progress in repair and construction of schools](#), July 27, 2023.

⁹⁷⁸ La Estrella de Panamá, [Meduca will begin the transfer of 360 teachers to remote areas of the Ngäbe and Darién comarca](#), February 22, 2023.

within the framework of the Complementary School Food Program⁹⁷⁹, while \$9 million were allocated to continue financing the "Study without Hunger" program, which provides quality food prepared by school nutritionists, based on guidelines established by the Ministry of Health⁹⁸⁰. On the other hand, the Rapporteurship welcomes the enactment of Law 378, which establishes guidelines for implementing a policy of education for sustainable development in schools⁹⁸¹.

547. Although REDESCA welcomes the enactment of Law 362, which establishes the objective of allocating at least 7% of GDP to the education sector as of 2024⁹⁸², there are concerns regarding the complaints made by the Panamanian Teachers Association (ASOPROF). These allegations focus on the government's failure to allocate funds to the education sector, as agreed at the dialogue tables. According to ASOPROF, there is a situation of non-compliance in the budgetary allocations agreed upon for the education sector⁹⁸³. Also of concern are the reports made by ASOPROF together with the Asociación de Educadores Veragüenses (AVE) and the Asociación Movimiento Gremialista de Educadores de la República de Panamá regarding late payments to teachers, poor conditions in schools, lack of teachers, among other problems faced by schools and professionals in the education sector⁹⁸⁴.

548. In the same vein, REDESCA is closely monitoring the critical situation of children and adolescents in Darien, which has a negative impact on the exercise of their ESCER, including the right to education. It is of particular concern that this province has 59% of children and adolescents living in multidimensional poverty, which is equivalent to the highest percentage in the country and translates into high levels of deprivation of access to health services, education, water and protection⁹⁸⁵. Therefore, the State is urged to reinforce measures to ensure quality education for all children, regardless of where they live or their migratory status.

G. Human mobility and ESCER

549. REDESCA has closely monitored the critical situation of migrants in Panama, especially in the Darien region, which borders Colombia. During the year 2023, record numbers of migrants found in the jungle have been reached: in the first 8 months of the year they had already surpassed 330,000 people (an increase of more than 33% over the total reached in 2022)⁹⁸⁶ and it is estimated that by the end of this year the total will reach 500,000⁹⁸⁷. Most of the people using this route are Venezuelan: between January and August 2023, more

⁹⁷⁹ Panama America, [Meduca invests \\$22.7 million in food for students](#), March 8, 2023.

⁹⁸⁰ La Estrella de Panamá, [Estudiar sin Hambre will have an execution of \\$9 million for the 2023 school year](#), February 27, 2023.

⁹⁸¹ Official Gazette, [Government of Panama, Law 378](#), May 3, 2023.

⁹⁸² Official Gazette, [Government of Panama, Law 362](#), February 2, 2023.

⁹⁸³ La Estrella, [Docentes reclaman asignación del 5,5% del PIB](#), March 21, 2023.

⁹⁸⁴ Metro Libre, [Docentes anuncian piqueteo en Meduca: la entidad afirma que desde hoy entregarán pagos atrasados](#), 8 de mayo de 2023.

⁹⁸⁵ UNICEF, [Desafíos de los niños y niñas en Panamá limitan su desarrollo y la garantía plena de sus derechos](#), May 30, 2023.

⁹⁸⁶ UN News, [More than 330,000 migrants have crossed El Darien so far this year, one-fifth are children](#), September 5, 2023.

⁹⁸⁷ Human Rights Watch, [How the Dangerous Darien Gap Became the Migration Crossroads of the Americas](#), October 10, 2023.

than 209,000 crossings were recorded. Together with migrants from Ecuador and Haiti, they represent approximately 84% of the total migratory flow through the Darien in that period⁹⁸⁸.

550. The situation is particularly alarming due to a number of factors that represent significant challenges not only for the protection of their ESCER, but also for their very survival. In this context, families face the threat of gang violence, social instability, poverty, as well as the consequences of climate change. In addition, they are exposed to hazards such as turbulent rivers and the inherent risks of living in a tropical rainforest.

551. Likewise, many of the migrants in the Darién region are women, elderly or disabled people, who are in a situation of aggravated vulnerability to violence and abuse⁹⁸⁹. In this regard, organizations such as Doctors Without Borders and the International Committee of the Red Cross have warned that the vast majority of people who cross the Darién arrive with some type of condition, whether skin wounds, diarrhea and gastric diseases or post-traumatic stress, which are then not properly treated by the authorities⁹⁹⁰. In turn, the Rapporteurship notes that one fifth of the people affected are children and adolescents⁹⁹¹. Half of them are under five years old and have specific needs. In this regard, REDESCA, following the call of UNICEF's Regional Director for Latin America and the Caribbean, stresses the urgency for Panama and Colombia to adopt national migration policies focusing on the vulnerability of children, providing solid humanitarian responses and adequate child protection⁹⁹².

⁹⁸⁸ Ibid.

⁹⁸⁹ UN News, [Etzaida Rios: helping migrants in the Darien, even when the pain seems to become unbearable](#), October 8, 2023.

⁹⁹⁰ Médecins Sans Frontières, [Darién Jungle: Médecins Sans Frontières warns of insufficient response to migrant surge](#), 25 August 2023.

⁹⁹¹ Ibid.

⁹⁹² UNICEF, [Darién Rainforest: Transit of children in 2023 already exceeds all of 2022](#), August 3, 2023.

26. PARAGUAY

552. With regard to significant international treaties in the field of ESCER in the region, the country has ratified the American Convention and the Protocol of San Salvador, but has not yet ratified the Escazú Agreement, despite having been one of the signatory countries. The main challenge now lies in advancing towards ratification of the pending instrument and concentrating efforts on achieving full implementation of the standards established in the aforementioned norms of the Inter-American system.

553. REDESCA salutes the State for the social programs "Tekoporã" and "Pension for the Elderly" which, according to data from the National Institute of Statistics of Paraguay (INE), have prevented total poverty from reaching 26.9%, preventing around 158 thousand people from falling below the total poverty line. Likewise, these programs have contributed to keeping extreme poverty below 7.3%, which has prevented some 124 thousand people from falling into extreme poverty⁹⁹³.

554. According to the March 2023 Report of the National Statistics Institute (INE) of Paraguay, there is an evolution in the dynamics of monetary poverty in the country. The report highlights that total monetary poverty, which includes both non-extreme and extreme poverty, registered an incidence of 24.7% in 2022. This represents approximately 1 million 817 thousand people living in households with per capita income below the cost of a basic consumption basket estimated for that year. Additionally, a change in the trend of extreme poverty or indigence stands out, which had an increase of 1.7 percentage points compared to 2021, standing at 5.6% and affecting more than 414 thousand people⁹⁹⁴. These data reflect the continuing challenges in the fight against poverty and the need for comprehensive strategies to address these challenges as a priority in Paraguay.

555. On the other hand, REDESCA takes note of the World Bank report which indicates that the poverty rate in the country remained at 19%, and extreme poverty increased due to drought, high inflation (9.8%), and the reduction of economic assistance to the neediest people related to the pandemic. In this regard, the World Bank's Human Capital Project estimated that a child born in Paraguay in 2020 would only achieve 53% of the productivity that could have been achieved if he/she had full access to health and education, which is below regional and upper middle-income country averages⁹⁹⁵.

A. Right to health and social determinants

556. In relation to the protection of the human right to health, REDESCA has been monitoring regulations related to mental health. In November 2022, the Executive Branch enacted Law No. 7,018, which aims to guarantee the right to mental health protection and provide humanized care centered on the person and his or her psychosocial context. This legislation seeks to ensure that all people have access to mental health protection, receiving care that respects their dignity, considering their psychosocial environment and without isolating the user from their environment. It also seeks to guarantee the full exercise of the human rights recognized in international instruments and national legislation for those persons with mental disorders who are in the national territory⁹⁹⁶. The Special Rapporteurship considers it a positive aspect that the regulation of this regulation was approved in August 2023⁹⁹⁷.

⁹⁹³ National Institute of Statistics of Paraguay, [Total poverty stood at 24.7% in 2022](#), March 31, 2023.

⁹⁹⁴ Coprofam, [Extreme poverty increased 82% in urban areas of Paraguay](#), April 3, 2023.

⁹⁹⁵ World Bank, [Paraguay: overview](#), April 4, 2023.

⁹⁹⁶ Ministry of Public Health and Social Welfare of Paraguay, [Executive enacts "Mental Health" law](#), November 17, 2022.

⁹⁹⁷ Library and Central Archive of the National Congress of Paraguay, [Law No. 7018 / Mental Health](#).

557. On the other hand, the Office of the Special Rapporteur is concerned about the response to the outbreak of vector-borne diseases, especially the sustained increase in cases of diseases transmitted by the *Aedes Aegypti* mosquito this year. It has been reported that chikungunya in Paraguay has claimed the lives of at least 51 people, most of them elderly people and children under one year of age⁹⁹⁸. This has occurred throughout the year and has led the Ministry of Public Health and Social Welfare to confirm a "national spread" of this pandemic. Paraguay is in a state of alert as it has registered more than 24,000 cases of chikungunya. In February, the Ministry of Public Health and Social Welfare issued an epidemiological alert due to the atypical clinical-epidemiological behavior of chikungunya fever, in response to the epidemiological situation of outbreaks of this disease throughout the country⁹⁹⁹.

558. In addition, REDESCA has been closely monitoring the increase in cases of monkeypox in Paraguay earlier this year. According to the most recent report from the Directorate of Health Surveillance, most of the diagnosed cases are concentrated in the Central Department, while the rest are located in Asunción, the country's capital¹⁰⁰⁰.

559. The Office of the Special Rapporteur recognizes the efforts of the State of Paraguay in the expansion of its National Immunization Program, particularly with the recent incorporation of the bivalent vaccine against COVID-19, to be administered as of January 2023 to individuals over 18 years of age¹⁰⁰¹.

B. Climate emergency and the human right to water

560. The Office of the Special Rapporteur has been monitoring the reports of the State with the arrival of El Niño this year. It highlights what was reported regarding the expectations of its intensity to be moderate to strong in the territory of Paraguay. In this context, the National Directorate of Meteorology and Hydrology of the country issued a bulletin in July that confirms a probability of more than 90% of El Niño in Paraguay¹⁰⁰², and the authorities expect the effects of El Niño to occur in Paraguay at the end of this year and during the first quarter of 2024, with frequent and intense rains¹⁰⁰³.

561. In this context, the Office of the Special Rapporteur salutes the State for the presentation of Paraguay's fourth National Communication to the United Nations Framework Convention on Climate Change this year in compliance with the international obligations assumed¹⁰⁰⁴.

562. In addition, REDESCA takes note of flooding in the country, and draws attention to the situation in the "bañados" of Asunción, where thousands of people are forced to abandon their homes every time the Paraguay River rises. These "bañados" of Asunción are home to the majority of Paraguay's slums, with an estimated population of more than 100,000 inhabitants, which represents about one fifth of the capital's population. These settlements are distributed in three main areas: Bañado Sur, Bañado Norte and the lower

⁹⁹⁸ Swiss Info, [Paraguay confirms "national spread" of chikungunya, leaving 51 deaths](#), March 17, 2023.

⁹⁹⁹ Paraguay Ministry of Public Health and Social Welfare, [Chikungunya: more than 8000 cases in the last three weeks](#), February 3, 2023.

¹⁰⁰⁰ Prensa Latina, [Aumentan casos de viruela simica en Paraguay](#), January 7, 2023.

¹⁰⁰¹ Swiss Info, [Paraguay begins administering bivalent vaccine against COVID-19](#), January 31, 2023.

¹⁰⁰² Dirección de Meteorología e Hidrología en Paraguay, [Current status of ENSO \(El Niño Southern Oscillation\)](#), July 4, 2023.

¹⁰⁰³ Ciencia del Sur, [El Niño is here. What can we expect in Paraguay](#), July 6, 2023.

¹⁰⁰⁴ [Fourth National Communication of Paraguay to the United Nations Framework Convention on Climate Change](#), 2023.

area of the Ricardo Brugada neighborhood, known as La Chacarita. However, the river floods are increasingly periodic and, more worryingly, unpredictable due to alterations in the natural dynamics of the river¹⁰⁰⁵.

563. Likewise, the Government's Environmental Health Monitoring report shows that the northern San Pedro area was also affected by flooding. There, 50 families were reported affected and dead fish were found in Puerto Antequera¹⁰⁰⁶.

564. Also, REDESCA has followed up on the events of September 2023 regarding the conflict in the Paraguay-Parana Waterway. The presidency of Paraguay shared a joint communiqué on behalf of the governments of Bolivia, Brazil, Paraguay and Uruguay lamenting the measures imposed by Argentina in relation to navigation on the waterway¹⁰⁰⁷. The communiqué points out that Argentina is applying a toll in an arbitrary manner, which goes against previous agreements. These actions have generated concern, as they impact the free transit of strategic and sensitive goods, such as fuel. In addition, the communiqué mentions the internal measures to be taken by the State¹⁰⁰⁸. The governments of Bolivia, Brazil, Paraguay and Uruguay emphasize the importance of collaborating to facilitate commercial transport, improve the efficiency of navigation and strengthen the institutional framework of the Paraguay-Paraná Waterway system. In this sense, they reiterated their request to the Argentine Republic to suspend the application of resolutions 625/2022 and 1023/2022 of the Ministry of Transportation and take the necessary measures to guarantee freedom of navigation and transit. Likewise, they are requested to refrain from applying other restrictive measures to navigation until the dispute is resolved in the intergovernmental sphere of the Waterway.

C. Business and human rights

565. REDESCA notes that Paraguay continues to face significant challenges related to the activities of business sectors in its territory. These challenges include the occupation of indigenous communities' territories, the expansion of monocultures and deforestation, which have a major impact on communities that have been structurally and historically victims of forms of discrimination, especially indigenous communities¹⁰⁰⁹. Historically, there has been a marked trend in the country towards deforestation and land use change, especially related to livestock and agricultural activities. According to available information, forest loss and land use change have also been linked to activities such as logging, charcoal production and the cultivation of illicit crops¹⁰¹⁰.

D. Labor and union rights

566. Regarding the guarantee of labor and union rights, REDESCA expresses its concern regarding the results of the Continuous Permanent Household Survey 2022 in Paraguay¹⁰¹¹. According to this survey, it

¹⁰⁰⁵ El País, [Los "bañados" de Asunción, los paraguayos obligados a abandonar su casa cada vez que crece el río](#), September 29, 2023.

¹⁰⁰⁶ Environmental Health Monitoring Report N° 8/2023, [Flash floods due to heavy rainfall in Paraguay](#), March 14, 2023.

¹⁰⁰⁷ Presidency Paraguay, [Joint Communiqué of Bolivia, Brazil, Paraguay and Uruguay](#), September 10, 2023.

¹⁰⁰⁸ CNN, [Bolivia, Brazil, Paraguay and Uruguay regret navigation restriction imposed by Argentina](#), September 10, 2023.

¹⁰⁰⁹ Biogui. "[Monocultures compromise indigenous territories in Paraguay](#)". 22 May 2022. International Work Group for Indigenous Affairs (IWGIA). "[The Indigenous World 2023: Paraguay](#)." March 28, 2023. Amnesty International. "[Human Rights in Paraguay - Current Situation](#)" (2023).

¹⁰¹⁰ Food and Agriculture Organization of the United Nations (FAO). "[Connecting forest monitoring data in Paraguay](#)." May 29, 2023.

¹⁰¹¹ Ministry of Public Health and Social Welfare of Paraguay, [Week for the Eradication of Child Labor, we raise our voice against this injustice](#), June 15, 2023.

is estimated that around 6% of children and adolescents between 10 and 17 years of age in the country, equivalent to some 64,000 people, are employed in the labor force, which is considered child labor. It should be noted that this figure is even higher in rural areas, where 8.3 percent of children and adolescents are employed, covering approximately 35,000 people. In urban areas, the proportion is 4.5 percent, which translates into approximately 29,000 people. When the data is broken down by gender, it is observed that, at the national level, 3.3 percent of girls and adolescents are employed, which is equivalent to some 17,000 people, while among boys, the figure rises to 8.5 percent of children and adolescents, that is, around 47,000 people approximately¹⁰¹².

567. On the other hand, the Office of the Special Rapporteur takes note of the rate of informal labor in the country. On the one hand, the government reports full recovery of jobs after the harsh pandemic in Paraguay¹⁰¹³. However, on the other hand, the former Minister of Finance, Cesar Barreto, said that the rate of informal labor in the country has reached 70%, marking the highest rate in Latin America¹⁰¹⁴.

568. The Office of the Special Rapporteur has also learned of the situation faced by persons with disabilities when seeking employment in Paraguay. There are allegations of corruption in the procedures, apocryphal certificates to access jobs for persons with disabilities, and long and complicated processes that can take months to obtain the document proving the disability status¹⁰¹⁵.

E. Fiscal and economic policies

569. REDESCA highlights the need to strengthen fiscal efforts and the allocation of public resources in education in Paraguay. Despite recent budgetary efforts aimed at promoting educational transformation and guaranteeing free education and access to school supplies¹⁰¹⁶, Paraguay continues to be one of the countries with the lowest public investment in education in the region¹⁰¹⁷, investment according to some reports is approximately half of what is required in education, as well as in areas such as health, social protection, housing, care, the fight against violence, sports, culture and recreation¹⁰¹⁸.

F. Right to education: academic freedom and university autonomy

570. The country's current data reveal a significant gap in access to early education, with one out of every two children excluded from this fundamental stage, and an alarming trend of school dropout, where five out of every ten children do not complete the 12 years of compulsory schooling. Furthermore, only two out of every ten students reach a basic level in mathematical competencies¹⁰¹⁹.

571. REDESCA also takes note of the serious incidents of school violence that have taken place in Paraguay. Throughout this year, the country's Ministry of Education and Science (MEC) has registered a total of 17 cases including bomb threats, possible massacres, possession of sharp and firearms, as well as the

¹⁰¹² [Paraguay has a child labor rate of 6%, according to official statistics](#), June 13, 2023.

¹⁰¹³ Ministry of Information and Communication Technologies of Paraguay, [Government highlights full recovery of jobs after harsh pandemic in Paraguay](#), February 20, 2023.

¹⁰¹⁴ La Nación, [Informality reaches 70%: Paraguay has the highest rate in Latin America](#), March 18, 2023.

¹⁰¹⁵ NPY, [The odyssey of having a disability and looking for a job in Paraguay](#), January 31, 2023.

¹⁰¹⁶ Macrofinance. [PGN 2023 allocates G. 8.2 trillion to the MEC and aims at educational transformation](#). September 6, 2022. FOCO Magazine. [They urge to position the challenges of education in the national agenda](#). June 21, 2023.

¹⁰¹⁷ Macrofinance. [PGN 2023 allocates G. 8.2 trillion to the MEC and aims at educational transformation](#). September 6, 2022. FOCO Magazine. [They urge to position the challenges of education in the national agenda](#). June 21, 2023.

¹⁰¹⁸ Última Hora, [Más esfuerzo fiscal para una educación integral y de calidad](#), February 20, 2023.

¹⁰¹⁹ La Nación, [Paraguay has the urgency to invest better in education](#), October 16, 2023. FOCO Magazine. [They urge to position the challenges of education in the national agenda](#). June 21, 2023.

presence of dangerous objects in various schools and colleges throughout the territory. According to available information, these situations have experienced a marked increase since 2022¹⁰²⁰.

572. In response to these concerns, members of the Organization of Education Workers of Paraguay have held demonstrations in front of the offices of the MEC, urging the Minister of Education to enact a regulation that guarantees the safety of teachers. As a preventive measure, the entity authorized the revision of students' backpacks to avoid the entry of firearms or bladed weapons into schools, as well as the use of transparent backpacks.¹⁰²¹ This determination has been motivated by the growing concern for school safety, greatly accentuated by threats and, especially, by the tragic and violent murder of a school principal in May¹⁰²².

G. Human mobility and ESCER

573. In the area of human mobility, REDESCA has been following actions aimed at strengthening the care and epidemiological surveillance of migrants at the border. In this regard, note was taken of the delivery by the International Organization for Migration (IOM) in Paraguay to the Ministry of Public Health and Social Welfare of three fully equipped container modules for the operation of a health unit at the Mayor Infante Rivarola Migration Control Post, located in the Department of Boquerón (Paraguayan Chaco). This location is on the northern border of the country, adjacent to the Plurinational State of Bolivia¹⁰²³.

574. In relation to internal human mobility in Paraguay, REDESCA has followed up on initiatives aimed at preventing the forced migration of indigenous communities in the country due to climate change, environmental degradation and deforestation. These actions were carried out by the Instituto Paraguayo del Indígena and the International Organization for Migration in Paraguay, with the technical and operational support of the Ministry of Agriculture and Livestock in June 2023¹⁰²⁴.

¹⁰²⁰ ABC, [Education: 17 more threats to schools and colleges in 2023. Transparent backpacks are no solution, they say](#), May 31, 2023.

¹⁰²¹ Idem

¹⁰²² Semana, [Serious case of school violence in Paraguay: teenager stabbed and killed school principal](#), May 31, 2023

¹⁰²³ IOM Paraguay, [IOM delivers to the Government of Paraguay container modules for the care and epidemiological surveillance of migrants at the border](#), August 2, 2023.

¹⁰²⁴ IOM Paraguay, [INDI and IOM continue to support Mbya Guarani communities in Paraguay in adaptation and development projects in the face of climate change](#), July 7, 2023.

27. PERU

575. In relation to international treaties of great relevance in the field of ESCER in the region, it is important to note that the country has completed the process of ratification of the American Convention and the Protocol of San Salvador. However, it is worth mentioning that, despite having signed the Escazú Agreement, it has not yet completed the ratification of this regional treaty.

576. REDESCA expresses its concern about the institutional crisis and the social protests that began in December 2022 and have left hundreds of people dead and injured¹⁰²⁵. As stated by the IACHR after its visit to the country, the political crisis is closely related to the social and economic model, as well as to the structural inequality and historical discrimination that generate exclusion in access to ESC rights, particularly for indigenous peoples and peasant communities¹⁰²⁶. Likewise, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, after his visit to the country, indicated as root causes of the protest the historical socio-environmental conflicts and the lack of equitable access to ESC rights including, above all, access to education and health care, together with the persecution of indigenous and traditional communities¹⁰²⁷.

577. Although the Rapporteurship welcomes the fact that Peru has managed to lower its poverty rates during the crisis caused by the COVID-19 pandemic¹⁰²⁸, the data published by the National Institute of Statistics and Informatics is of concern, according to which poverty increased by 1.6% between 2021 and 2022, affecting 27.5% of the population¹⁰²⁹. Extreme poverty, on the other hand, affected 5% of the country's population, which indicates an increase of 0.9% with respect to 2021. Within the population groups by area of residence affected, extreme poverty affected 14.6% of the rural population and 2.6% of the urban population. Likewise, poverty mainly affected women, children and adolescents, and within the latter, even more those who have not had access to any level of education other than primary school¹⁰³⁰. Regarding inequality, REDESCA notes with concern that Peru ranks among the most unequal countries in the world, with the top 1% earning between 25-30% of the country's total income¹⁰³¹.

A. Right to health and social determinants

578. The Rapporteurship welcomes the approval of a national plan to guarantee surgical operations postponed due to the health crisis resulting from the HIV/AIDS pandemic¹⁰³², as well as the decision of the Ministry of Health to participate in the Health of Indigenous Peoples in the Andean Amazon Border Project, which seeks to improve health services in indigenous communities in Peru, Ecuador, Colombia and Bolivia¹⁰³³. Likewise, REDESCA highlights that more than 600,000 boys and girls from public and private

¹⁰²⁵ Amnesty International, [Facts and Figures: Human rights in the Americas in 2022-2023](#), March 28, 2023.

¹⁰²⁶ IACHR, [Situation of Human Rights in Peru in the context of social protests](#), May 3, 2023.

¹⁰²⁷ OHCHR, [End of mission statement of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voulé, on his visit to Peru, May 8-17, 2023](#), May 17, 2023.

¹⁰²⁸ UN News, [Some 1.1 billion people are poor despite progress in 25 countries](#), July 11, 2023

¹⁰²⁹ INEI, [Peru: Monetary Poverty, 2022 \(main results\)](#), May 2023.

¹⁰³⁰ Ibid.

¹⁰³¹ Infobae, [Peru is the fourth most unequal country in the world](#), February 6, 2023.

¹⁰³² Ministry of Health of Peru, [Ministerial Resolution No. 221-2023](#), February 24, 2023.

¹⁰³³ Infobae, [Peru participates in project to improve indigenous health services](#), January 23, 2023.

schools have been vaccinated against the human papilloma virus¹⁰³⁴ within the framework of a vaccination campaign initiated by the Ministry of Health, as well as the screening campaign carried out in October to detect this disease in women between 18 and 75 years of age¹⁰³⁵.

579. In the same line, the Rapporteurship notes that Peru has reduced by almost 3% the infrastructure gap in hospitals in 2022, which had gone from 51% to 96% during 2020 and had reached its peak of 97.57% in 2021. However, it remains with concern that, according to the Ministry of Health, in 15 Peruvian regions, 100% of hospitals operate in inadequate conditions, which implies precarious infrastructure and obsolete, inoperative or insufficient equipment¹⁰³⁶. Likewise, the Rapporteurship joins the recommendations of the Working Group of the Universal Periodic Review of the United Nations Human Rights Council regarding the need to improve the conditions of health centers at the national level, especially in rural areas and for indigenous peoples, as well as to guarantee sexual and reproductive rights, expand equitable access to affordable sexual and reproductive health services, information and quality education¹⁰³⁷.

580. REDESCA also follows with concern the reports of dengue outbreaks that have led the government to declare a health emergency in several districts of the country throughout the year¹⁰³⁸. According to official data, by the end of September the numbers had risen to 257,089 infections and 421 deaths nationwide¹⁰³⁹, which translates into an increase of more than 400% compared to infections recorded during the same week in 2022 and more than 800% compared to the annual average¹⁰⁴⁰. Peru is dealing with the largest outbreak of dengue fever so far this century, which was greatly aggravated by the climatic phenomena of El Niño¹⁰⁴¹ and Cyclone Yaku¹⁰⁴². The Office of the Special Rapporteur is also closely following the Guillain-Barré Syndrome epidemic, which led to the declaration of a state of emergency for 90 days between July and October¹⁰⁴³.

B. Climate emergency and the human right to water

581. The Special Rapporteur welcomes the agreement signed with the United Kingdom to protect the Amazon, contribute to climate change and reduce poverty in the area¹⁰⁴⁴. It also takes note of the construction of an infrastructure to dispose of solid waste and thus prevent soil contamination, which would

¹⁰³⁴ SwissInfo, [More than 600,000 children have been vaccinated against human papillomavirus in Peru](#), October 30, 2023.

¹⁰³⁵ Infobae, [Metropolitano: free breast and cervical cancer screening to be held at Central Station](#), October 1, 2023.

¹⁰³⁶ Ministry of Health of Peru, [Diagnóstico de Brechas de Infraestructura o Acceso a Servicios del Sector Salud](#), August 2023, p. 10.

¹⁰³⁷ OHCHR, [Working Group on the Universal Periodic Review - Peru](#), June-July 2023.

¹⁰³⁸ Infobae, [Dengue in Peru: Minsa announced that the number of cases rose to 11,585, 15 deaths and 4 people in ICU nationwide](#), February 20, 2023.

¹⁰³⁹ Ministry of Health of Peru, [Centro Nacional de Epidemiología, Prevención y Control de Enfermedades, Dengue situation in Peru up to week 38 of 2023](#), 2023.

¹⁰⁴⁰ Save the Children, [Peru: 31 children dead and nearly 46,000 sick in largest dengue outbreak](#), June 16, 2023.

¹⁰⁴¹ Swiss Info, [Peru's Congress to question health minister over dengue outbreak in the country](#), July 15, 2023.

¹⁰⁴² Unique digital platform of the Peruvian State, [INS alert on dengue cases before the arrival of rains due to cyclone Yaku](#), March 18, 2023.

¹⁰⁴³ Swiss Info, [Peru seeks to protect 790,000 schoolchildren against human papilloma](#), March 21, 2023.

¹⁰⁴⁴ Single digital platform of the Peruvian State, [MINAM and United Kingdom sign Memorandum of Understanding to protect our Amazon and contribute to climate action](#), October 11, 2023.

benefit more than 96,000 people living in the rural province of Tambopata¹⁰⁴⁵. Also noteworthy is the implementation of the project developed by the Peruvian Amazon Research Institute in the framework of the project "Strengthening and cultural appreciation of economic enterprises of Amazonian indigenous women based on their traditional practices", which allows for an improvement in the quality of life of women through the development of their enterprises, while achieving the visibility of indigenous peoples such as the Bora, Ticuna and Uraruna¹⁰⁴⁶.

582. Regarding the challenges related to climate emergency, REDESCA is concerned about the declarations of State of Emergency due to climatic events. In March, a State of Emergency declaration was issued for a period of 60 days in numerous districts of the departments of Ancash, Huancavelica, Ica and Lima, in response to heavy rains caused by Cyclone Yaku¹⁰⁴⁷. This climatic phenomenon resulted in at least 65 deaths, 57 injuries, 8 missing persons, 8,222 victims and the destruction of 420 houses¹⁰⁴⁸.

583. REDESCA also deplors the severe impacts of heavy rains and floods on the northern coast of Peru, which have affected more than 711,000 people. This situation has resulted in the destruction of thousands of homes and has left more than 93,000 people homeless¹⁰⁴⁹. Likewise, a state of emergency has been declared in 14 regions, 87 provinces and 544 districts due to the predicted water deficit caused by the El Niño Phenomenon between 2023 and 2024¹⁰⁵⁰. In this regard, the National Superintendence of Sanitation Services has indicated that half a million citizens of Lima have access to water service for less than nine hours a day¹⁰⁵¹. Along these lines, the Special Rapporteur on the human rights to safe drinking water and sanitation concluded, after his visit to Peru in December 2022, that it is necessary to address water management as a strategic priority and move towards an "integrated model of democratic governance in the management of basins and aquifers from an ecosystemic approach that guarantees their sustainability and prioritizes the human rights to safe drinking water and sanitation"¹⁰⁵².

584. The El Niño phenomenon not only produced a water deficit, but the heavy flooding caused serious damage to people and property. Up to May alone and with 66% of the damages registered, the numbers amounted to 67,200 people whose homes were uninhabitable or completely lost, while 391,000 people were victims of direct or indirect damages due to the impact of the floods¹⁰⁵³. In turn, this climatic phenomenon is characterized by the presence of high temperatures. Which is of concern, since Peru recorded between 2017 and 2021 a 160% increase in heat-related deaths¹⁰⁵⁴. More than a third of deaths caused by high temperatures

¹⁰⁴⁵ Single digital platform of the Peruvian State, [Madre de Dios: inauguration of modern infrastructure for safe disposal of solid waste in Tambopata province](#), October 20, 2023.

¹⁰⁴⁶ Unique digital platform of the Peruvian State, [Amazonian indigenous women develop sustainable enterprises that contribute to climate change mitigation](#), October 12, 2023.

¹⁰⁴⁷ Sociedad Peruana de Derecho Ambiental, [Ciclón Yaku: ¿cuál será su duración y qué zonas del Perú serán las más afectadas](#), March 9, 2023.

¹⁰⁴⁸ El Tiempo, [Cyclone 'Yaku': heavy rains and floods in Peru leave 7 dead](#), March 9, 2023.

¹⁰⁴⁹ United Nations, [UN agencies in Peru mobilize aid for those affected by heavy rains](#), June 9, 2023.

¹⁰⁵⁰ El Peruano, [Supreme Decree No. 104-2023-PCM](#), September 19, 2023.

¹⁰⁵¹ Sunass, [Sedapal should not cut service to families who have less than 9 hours of water per day](#), August 16, 2023.

¹⁰⁵² OHCHR, [Visit to Peru. Report of the Special Rapporteur on the human rights to safe drinking water and sanitation. Pedro Arrojo Agudo. A12/HRC/54/32/Add.2](#), 26 July 2023.

¹⁰⁵³ UN News, [Peru: nearly 400,000 people affected by flooding caused by coastal El Niño](#), May 1, 2023.

¹⁰⁵⁴ The Lancet, [The 2022 South America report of The Lancet Countdown on health and climate change: trust the science. Now that we know, we must act](#), 28 March 2023.

arise because of climate change and in Peru these deaths exceed 60%, making it one of the countries with more deaths due to heat waves¹⁰⁵⁵.

585. On the other hand, REDESCA has taken cognizance of the denunciations made by the National Organization of Andean and Amazonian Indigenous Women of Peru regarding the weakening of food sovereignty of indigenous women and peoples, the dispossession and inequity in access to water, and the dispossession of their territory¹⁰⁵⁶. In this regard, of particular concern are the demonstrations against the privatization of water, the disabling of ancestral water sources, the impacts of extractivism, pollution and the commercialization of ancestral territories, as well as the approval without prior consultation of the law modifying the General Law on Cultural Heritage, as it would deny the rights of indigenous peoples¹⁰⁵⁷.

C. Business and human rights

586. According to the Peruvian Foreign Trade Society, mining exports accounted for 85% of total exports in the first half of 2023, so that, as the IACHR has concluded, Peru bases its economy, for the most part, on an extractivist model¹⁰⁵⁸. This percentage, in turn, represents an increase of 7% in relation to the previous period. In this regard, it is noted that this economic model is one of the main historical causes of social conflict in the country, which in turn is closely related to the protests that have taken place since December 2022¹⁰⁵⁹. According to the Ombudsman's Office, 141 of the 225 active social conflicts as of August 2023 are motivated by socio-environmental causes, of which 68.1% correspond to conflicts related to mining activities that affect, to a greater extent, indigenous peoples and peasant communities¹⁰⁶⁰.

587. In turn, the Rapporteurship follows with concern the serious socioeconomic and environmental impacts of the spill that occurred in Ventanilla in January 2022. According to final reports, 10,000 hectares and more than 48 beaches were affected, causing significant damage to wildlife and leaving approximately 2,500 fishermen without livelihoods¹⁰⁶¹. Although the company has stated that it has compensated the affected people¹⁰⁶², the Association of Artisanal Fishermen of the Pasamayo Stream reported that there are people affected who have not been included in the single list agreed upon, prepared and delivered to Repsol by the Presidency of the Council of Ministers and the National Institute of Civil Defense¹⁰⁶³. In addition, on August 1, 2023, the Rapporteurship learned of a new spill that occurred on the Cavero and Delfines beaches in the same district of Ventanilla¹⁰⁶⁴. Although Repsol authorities assured that they were not involved

¹⁰⁵⁵ Nature Climate Change, [The burden of heat-related mortality attributable to recent human-induced climate change](#), May 31, 2021.

¹⁰⁵⁶ IACHR - REDESCA, Letter No. 0042-2023/ONAMIAP/LIMA, November 7, 2023.

¹⁰⁵⁷ Ibid.

¹⁰⁵⁸ Comex Perú, [Exportaciones peruanas cayeron un 1.5% en el primer semestre del año: ¿cuáles fueron los departamentos más afectados](#), August 11, 2023; IACHR, [Situación de Derechos Humanos en Perú, en el contexto de las protestas sociales](#), April 23, 2023, para. 32.

¹⁰⁵⁹ Ibid.

¹⁰⁶⁰ Ombudsman's Office, Social Conflicts Report N. 234, August 2023, p. 23-26.

¹⁰⁶¹ El País, [Fishermen are still ashore one year after the Repsol spill in Peru](#), January 17, 2023.

¹⁰⁶² Repsol Commitment, [96% of those affected by the spill have received their financial compensation](#), July 9, 2023.

¹⁰⁶³ El País, [Fishermen are still ashore one year after the Repsol spill in Peru](#), January 17, 2023.

¹⁰⁶⁴ Unique digital platform of the Peruvian State, [OEFA supervises the presence of hydrocarbons in Cavero and Delfines de Ventanilla beaches](#), August 1, 2023.

in this event¹⁰⁶⁵, the Environmental Evaluation and Oversight Agency partially denied the company's statement and urged it not to disseminate confusing information¹⁰⁶⁶.

588. For its part, the Rapporteurship takes note of the decision of the IACHR Court on February 4, which declared the international responsibility of the Peruvian State for violating the right to equality before the law and judicial protection of Christian Olivera Fuentes, after he suffered discrimination due to sexual orientation in a commercial establishment and by Peruvian officials¹⁰⁶⁷. The judgment marks a significant advance in business and human rights, especially in the protection of the LGBTI+ population. In this regard, the Court urged the State to implement a comprehensive educational plan on sexual diversity and gender, as well as public policies to ensure equality and non-discrimination of LGBTI+ people in the business environment¹⁰⁶⁸.

D. Labor and union rights

589. REDESCA notes that, according to official data, as of August 2023, 76.8% of workers had informal employment¹⁰⁶⁹. Likewise, the Permanent National Employment Survey shows that women are more affected, since only 24% of employed women have a formal job. With respect to men, 26.6% are formally employed¹⁰⁷⁰.

590. In addition, REDESCA is closely monitoring the situation of delivery drivers on digital platforms. According to the Peruvian Institute of Economics, in 2022 approximately 133,000 people were engaged in providing their services on digital platforms for urban and home mobility. This number is equivalent to 1.8% of self-employed workers, which means an increase of more than 400% compared to 2020¹⁰⁷¹. In this regard, it is observed that there is still a lack of regulation and adequate working conditions to which these workers are exposed, since according to the companies, there is no dependency relationship, but a relationship between "consumers", so they do not have access to any social security mechanism, such as access to compensation for time of service provided, pension fund, or health insurance¹⁰⁷². According to the Observatorio de Plataformas and the Friedrich Ebert Foundation, between 2017 and 2021, 17 legislative initiatives were presented with a view to regulating this type of services. However, none of them managed to pass to debate¹⁰⁷³.

¹⁰⁶⁵ Repsol Commitment, [Oil stains found in Ventanilla DO NOT come from its operations](#), August 1, 2023.

¹⁰⁶⁶ Environmental Assessment and Oversight Agency, [Comunicado No. 2](#), August 10, 2023.

¹⁰⁶⁷ I/A Court H.R., [Case of Olivera Fuentes v. Peru. Preliminary Objections, Merits, Reparations and Costs](#), Judgment of February 4, 2023, para. 124-129.

¹⁰⁶⁸ Rule of Law Agenda, [Olivera Fuentes v. Peru: advances in human rights and business and LGBTIQ+ population](#), May 23, 2023.

¹⁰⁶⁹ Infobae, [The Government of Peru recognizes that 76.8% of the country's workers are informal](#), August 15, 2023.

¹⁰⁷⁰ Ibid.

¹⁰⁷¹ Instituto Peruano de Economía, [Impacto de las plataformas digitales en la economía peruana - Informe final](#), August 2023.

¹⁰⁷² Ibid.

¹⁰⁷³ Observatorio de Plataformas - Peru; Friedrich Ebert Foundation - Peru, [El desafío de regular las plataformas en Perú](#), September 2022.

591. In this context, REDESCA reiterates what was established by the IACHR Court in its Advisory Opinion 27/21 regarding the duty of States to regulate labor in the context of new technologies in accordance with the criteria of universality and unwaivability of labor rights, guaranteeing decent and dignified work¹⁰⁷⁴.

E. Fiscal and economic policies

592. REDESCA notes that Peru's annual inflation from October 2022 to September 2023 decelerated to 5.04% and salutes the State for the efforts made to reach the lowest percentage in two years¹⁰⁷⁵.

593. The Special Rapporteurship notes that the report presented by the Inter-American Development Bank (IDB) on Peru's economic situation highlights fiscal prudence and responsible management of debt levels as key factors for the country's economic growth. According to the IDB, medium-term fiscal consolidation plans show consistency by maintaining prudent debt levels, which range between 28% and 33% of Gross Domestic Product (GDP). It also notes that the country has macroeconomic stability and significant fiscal strength that has contributed to facing global economic challenges, such as mitigating the negative impacts of the COVID-19 crisis¹⁰⁷⁶.

594. For its part, the Rapporteurship is concerned about the impacts of water security shortcomings on the country's economy. According to the World Bank, water-intensive sectors account for almost two-fifths of Peru's GDP (13% in manufacturing, 12% in mining and hydrocarbons, 7% in construction, 6% in agriculture and 2% in water and electricity)¹⁰⁷⁷. The combination of unfavorable climatic factors such as water shocks (droughts, floods), low continuous water coverage in many areas of the country and the deficient capacity of water infrastructure result in negative economic impacts for the country, such as losses of between 1.3% and 3.5% of GDP¹⁰⁷⁸.

F. Right to education: academic freedom and university autonomy

595. The Special Rapporteur notes that, according to official data, in 2023 more than 360,000 people between 4 and 18 years of age who do not receive education in Peru will be out of school in Peru¹⁰⁷⁹. In this regard, REDESCA welcomes the initiative of the Ministry of Education "Todos Presentes" aimed at offering children and adolescents who are outside the school system the "necessary pedagogical recovery so that they can be incorporated into the educational system as soon as possible"¹⁰⁸⁰.

596. Along the same lines, it is of concern that the population aged 6 to 11 years presented, during the year 2022, a rate of school absenteeism of 6.9%, while 33.6% presented school backwardness¹⁰⁸¹. It is also noted that school classes in 2023 were seriously affected by Cyclone Yaku, which delayed the start of the school year and left dozens of schools damaged due to the lack of infrastructure preparedness to cope with floods and landslides. The start of the school year had to be postponed for two weeks in many localities, including

¹⁰⁷⁴ 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,

¹⁰⁷⁵ INEI, [Variación de los indicadores de precio de la Economía](#), September 2023.

¹⁰⁷⁶ Infobae, [The Inter-American Development Bank \(IDB\) highlights fiscal prudence and debt management as factors for Peru's growth](#), April 19, 2023.

¹⁰⁷⁷ World Bank, [Peru: strategic actions for water security](#), June 2023.

¹⁰⁷⁸ Ibid.

¹⁰⁷⁹ Ibid.

¹⁰⁸⁰ Single digital platform of the Peruvian State, [Minedu launches strategy to locate minors who are not in the education system](#), October 25, 2023.

¹⁰⁸¹ UN News, [Some 1.1 billion people are poor despite progress in 25 countries](#), July 11, 2023.

Arequipa, Cajamarca, Lambayeque, Loreto, Piura, Trujillo and Tumbes¹⁰⁸². In addition, thousands of children and adolescents had their schooling interrupted as a result of the dengue epidemic, which affected more than 20,000 people in total¹⁰⁸³.

597. On the other hand, REDESCA is concerned about the provision in Law No. 31.498 that grants family organizations the ability to supervise and veto the creation of educational materials. This approach raises important questions about the independence and quality of education, as it could restrict the teaching of relevant topics such as sexual and reproductive rights¹⁰⁸⁴.

598. REDESCA also reiterates its concern about the events that took place in January, when police officers entered the Universidad Nacional Mayor de San Marcos in the capital of the country without authorization and using force¹⁰⁸⁵. The agents forcibly evicted and detained 205 people¹⁰⁸⁶, which would go against the Inter-American principles of academic freedom and university autonomy¹⁰⁸⁷.

G. Human mobility and ESCER

599. REDESCA notes with concern the modification of the Peruvian Migration Law, articles 10, 45, 61 and 63 of which criminalize the rental of housing to undocumented migrants¹⁰⁸⁸. Likewise, the Office of the Special Rapporteur shares the positions of the Special Rapporteur on the right to adequate housing and the Rapporteur on the human rights of migrants of the United Nations regarding the regressive nature of the law, which undermines the human rights of the migrant and refugee population in Peru¹⁰⁸⁹. Currently, Peru hosts more than 650,000 people without formal residency status, who could see their human right to decent housing violated¹⁰⁹⁰. In this regard, REDESCA calls on the State, based on the Inter-American Principles on the Human Rights of All Migrants, to respect all their rights, including the right to housing¹⁰⁹¹.

600. Along the same lines, the situation of refugees and migrants in the Tacna region continues. According to UNHCR and IOM Peru, in many cases people have been stranded without any type of health care, accommodation, food or water since February of this year. This situation particularly affects unaccompanied children and adolescents, people with critical illnesses who do not have adequate care, as well as women, girls and LGBTIQ+ persons, including reported cases of sexual abuse¹⁰⁹². In this context, the IACHR has urged the

¹⁰⁸² Infobae, [Educación en el Perú: ¿Cuánto se ha logrado en este año a pocos meses de acabar el ciclo escolar](#), September 17, 2023.

¹⁰⁸³ Ibid.

¹⁰⁸⁴ HRW, [Peru threatens human rights education](#), January 24, 2023.

¹⁰⁸⁵ Agenda Rule of Law, [University Autonomy and Social Protests in Peru: Attack on the Universidad Nacional Mayor de San Marcos](#), February 9, 2023.

¹⁰⁸⁶ BBC, [Peru protests: more than 200 protesters detained at a major public university in Lima](#), January 21, 2023.

¹⁰⁸⁷ IACHR, [Peru: IACHR and RELE condemn violent evictions and mass arrests at the Universidad Nacional Mayor de San Marcos](#), 27 January 2023; IACHR - REDESCA, [Annual Report 2022](#), 6 March 2023, para. 1561.

¹⁰⁸⁸ El Peruano, [Law No. 31689](#), February 15, 2023.

¹⁰⁸⁹ OHCHR, [Peru: Renting housing to migrants should not be criminalized, say UN experts](#), 22 May 2023.

¹⁰⁹⁰ Ibid.

¹⁰⁹¹ 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, principle 38.

¹⁰⁹² UNHCR, [Peru: UNHCR and IOM warn of serious situation in Tacna for refugees and migrants](#), April 20, 2023.

State of Peru to strengthen cooperation on international migration, especially in the face of humanitarian emergencies¹⁰⁹³.

601. REDESCA welcomes the regularization measures, such as the Temporary Permit to Stay Card, to which Venezuelan nationals have been able to apply. However, they note that it has been denounced that this does not guarantee access to all the rights that would correspond to refugees or beneficiaries of complementary or temporary protection¹⁰⁹⁴. Thus, migrants and refugees in Peru, in addition to not having instruments to protect them against refoulement, would face obstacles in accessing health services¹⁰⁹⁵. For its part, the Rapporteurship highlights the existence of the "Special Resident Migratory Quality", a protection mechanism aimed at groups of people in special vulnerability, which enables the regularization of migration, exemption from fines, the right to access work, education, opening bank accounts and the Integrated Health System of Peru. Despite recognizing this measure, it is noted that, according to the National Superintendence of Migration of Peru, only 24 Venezuelan women requested access to it and 17 actually managed to access it¹⁰⁹⁶. In this March, Amnesty International has pointed out that the requirements that women must meet and prove to access this status are revictimizing and limit its effectiveness, as does its short duration and the need to renew it annually¹⁰⁹⁷.

602. The Rapporteurship closely follows the challenges of human mobility in Peru due to climate change, with more than 600,000 people displaced between 2018 and 2019, and urges that all necessary measures be taken to protect the rights of these people, guaranteeing dignified conditions and measures to address the impacts of climate change¹⁰⁹⁸. In this regard, it should be noted that climate-related displacement in Peru generates a negative impact especially on women and girls, who are at high risk of suffering gender-based violence and discrimination¹⁰⁹⁹.

¹⁰⁹³ IACHR, [statement through its official "X" account](#), May 2, 2023.

¹⁰⁹⁴ Amnesty International, [Regularize and Protect: International Obligations to Protect Venezuelan Individuals](#), September 21, 2023.

¹⁰⁹⁵ Ibid.

¹⁰⁹⁶ Amnesty International, [Regularize and Protect: International Obligations to Protect Venezuelan Individuals](#), September 21, 2023.

¹⁰⁹⁷ Ibid.

¹⁰⁹⁸ Salud con Lupa, [More than 600,000 Peruvians have moved due to climate change](#), January 31, 2023.

¹⁰⁹⁹ UN News, [Women displaced by floods and rains in Peru at high risk of gender-based violence](#), August 21, 2023

28. DOMINICAN REPUBLIC

603. Although the country has ratified the American Convention, it has not done the same with the Protocol of San Salvador or the Escazú Agreement. REDESCA urges the Dominican Republic to consider ratifying the latter international instruments.

604. REDESCA notes that, according to official information, poverty in the Dominican Republic in 2022 was reduced by 3% with respect to 2021, standing at 27.7%¹¹⁰⁰. Likewise, regarding the incidence of poverty by sex, the Rapporteurship highlights that the gap between men and women was reduced, from 4.6% to 3.6%, in the same period¹¹⁰¹. Likewise, in terms of inequality, there was a reduction in the Gini coefficient, from 0.388 in 2021 to 0.376 in 2022¹¹⁰².

605. However, the limited access to early childhood services for the most vulnerable families in the Dominican Republic is of concern, with only 32% benefiting from such services according to UNICEF¹¹⁰³. It is also worrying that only 28% of young people between 18 and 23 years of age have completed secondary education, in contrast to 90% of young people belonging to higher income sectors.

A. Right to health and social determinants

606. With regard to the evolution of the COVID-19 pandemic, the Rapporteurship notes that while the positivity rate has been steadily increasing since early May 2023, when it stood at 0.65%, it reached 5.53% in mid-June¹¹⁰⁴. Regarding vaccination, the Rapporteurship notes that according to some available reports the rate of fully vaccinated population reached 55% on September 3¹¹⁰⁵.

607. The Special Rapporteur recognizes the actions of the Dominican Republic in the face of the cholera outbreak, marked by the report of the first case on October 20, 2022, and subsequent efforts that resulted in 99 confirmed cases with no deaths as of mid-May¹¹⁰⁶. The arrival of approximately 85,000 doses of cholera vaccines provided by the Pan American Health Organization (PAHO) in January reflects international cooperation in the public health response¹¹⁰⁷. In addition, REDESCA notes the high incidence of dengue cases in the country, urging further strengthening of prevention and control measures¹¹⁰⁸.

608. Note is also taken of the efforts in the fight against malaria, which have been recognized by the World Health Organization (WHO) after verification of the epidemiological behavior of the last three years, which shows a significant trend towards the eradication of the disease¹¹⁰⁹. Despite an increase in malaria cases

¹¹⁰⁰ Government of the Dominican Republic, [Boletín de estadísticas oficiales de pobreza monetaria en República Dominicana 2022](#), [No. 10 | Year 8], May 23, 2023.

¹¹⁰¹ Ibid.

¹¹⁰² Ibid.

¹¹⁰³ SIN News, [In DR only 32% of most vulnerable families have access to early childhood services, says Unicef](#), 15 June 2023.

¹¹⁰⁴ El Dia, [COVID-19 indicators are steadily increasing](#), June 15, 2023.

¹¹⁰⁵ Datosmacro.com, [Dominican Republic - COVID-19 - Vaccines administered](#), June 16, 2023.

¹¹⁰⁶ PAHO, [Cholera outbreak in Hispaniola 2023 - Situation Report 18](#), May 19, 2023.

¹¹⁰⁷ PAHO, [Dominican Republic receives cholera vaccines through PAHO/WHO](#), January 24, 2023.

¹¹⁰⁸ PAHO, [Epidemiological Update - Dengue, chikungunya and Zika - June 10, 2023](#), June 10, 2023; Diariosalud.do, [DR among countries with highest incidence of dengue in the region](#), March 31, 2023.

¹¹⁰⁹ Diario Libre, [WHO recognizes the country for results in the fight to eliminate malaria](#), February 23, 2023.

at the beginning of 2023 compared to the same period in 2022, WHO has highlighted the country's progress, and if current efforts are maintained, malaria elimination is projected for 2025¹¹¹⁰.

609. The Office of the Special Rapporteur notes with concern that, according to data provided by the United Nations Population Fund, a significant percentage of women in the Dominican Republic face barriers in access to reproductive health services. Specifically, it is noted that 46% of Dominican women do not have access to contraceptive methods, and 23% of them lack the capacity to make autonomous decisions regarding their sexual and reproductive health¹¹¹¹. This panorama raises serious questions about the effectiveness of public policies in guaranteeing women's sexual and reproductive rights in the country.

610. REDESCA highlights the significant progress in reducing the hunger rate, from 8.3% to 6.7% in recent years, an achievement in contrast to regional and global trends of increasing hunger rates¹¹¹². In addition, it is recognized that, as of March, the Dominican Republic has the most accessible Basic Food Basket in terms of cost in the Central American and Caribbean region. Likewise, the Rapporteurship notes that as of March, the Dominican Republic would have the most affordable Basic Food Basket (BFB) in terms of cost in the Central American and Caribbean region¹¹¹³.

611. However, REDESCA is concerned about the food insecurity situation affecting approximately 14% of the Dominican population, according to a report by the Food Security Information Network in collaboration with the United Nations¹¹¹⁴. This phenomenon is largely attributed to the limited accessibility to food for large sectors of the population and the consequences of Hurricane Fiona in September 2022¹¹¹⁵.

612. The Special Rapporteurship also notes with concern the results of a study conducted by the National Institute for Student Welfare in conjunction with the Ministry of Public Health, which indicates that 31% of school-age children suffer from overweight and obesity¹¹¹⁶. This situation raises important questions regarding the quality of food available and public policies on nutrition and child health.

613. REDESCA, referring to the findings of the Independent Expert on the human rights of older persons in the Dominican Republic, highlights the specific barriers faced by the elderly in employment, housing, health and education. It underlines the structural discrimination in health, evidenced by the high cost of medicines not covered by post-retirement health insurance, and the inaccessibility of disability pensions for non-active persons. It also highlights that the elderly in poor or marginalized areas are particularly vulnerable

¹¹¹⁰ Diario Libre, [WHO recognizes country for results in fight to eliminate malaria](#), 23 February 2023; SNSDigital, [República Dominicana, país en la región de las Américas más próximo a erradicar el paludismo](#), 25 April 2023; Fundación IO, [Abril 2023. Malaria in the Dominican Republic](#), April 29, 2023.

¹¹¹¹ UNFPA, [State of World Population Report 2023: 8 billion lives, Infinite Possibilities, arguments for rights and freedoms](#), 2023; La Vanguardia, [El 46 % de las dominicanas no tiene acceso a anticonceptivos, según Unfpa](#), 23 April 2023.

¹¹¹² Presidency of the Dominican Republic, [FAO affirms Dominican Republic achieves lower hunger rate from 8.3 % to 6.7 %](#), January 3, 2023.

¹¹¹³ Presidency of the Dominican Republic, [DR has the cheapest basic food basket in Central America and the Caribbean](#), May 2, 2023.

¹¹¹⁴ FAO, [Global Report on Food Crises: In 2022, the number of acutely food insecure people increased to 258 million in 58 countries](#), May 3, 2023.

¹¹¹⁵ FSIN and Global Network Against Food Crises. 2023. [RCC 2023](#). Rome.

¹¹¹⁶ Diario de Salud, [El 31% de los niños dominicanos en edad escolar sufre de obesidad y sobrepeso](#), March 3, 2023.

to natural disasters due to the precariousness of their housing and their location in areas prone to floods and droughts¹¹¹⁷.

614. With regard to the right to housing, the Office of the Special Rapporteur recognizes, based on United Nations reports, that approximately 11.2% of the Dominican population resides in informal settlements¹¹¹⁸, facing a lack of basic services such as water, electricity and sanitation, and in vulnerable locations¹¹¹⁹. Despite the fact that, according to available information, more than 43,000 families have benefited from government programs such as "Dominicana se Reconstruye", "Mi Vivienda" and "Familia Feliz" up to February¹¹²⁰, the Rapporteurship has become aware, through the "Housing and Habitat Commission of Foro Ciudadano", of a significant housing deficit among the poorest families in the informal sector. This deficit is aggravated by limited access to state housing programs, which are generally available only to those in the formal sector with incomes above RD\$30,000 per month¹¹²¹.

B. Climate emergency and the human right to water

615. REDESCA acknowledges the estimate of the Ministry of Environment and Natural Resources of the Dominican Republic, which indicates that an investment of approximately US\$9 billion is required to address the challenges imposed by climate change. This investment is crucial for the development of fundamental aspects such as water security, food security and the construction of resilient cities, which are essential for the adaptation and mitigation of the effects of climate change in the country¹¹²².

616. For its part, the Office of the Special Rapporteur noted with concern the water shortages faced by the population due to the low levels of the reservoirs of the drinking water systems due to the lack of rain and droughts throughout the territory. In this regard, the Santo Domingo Aqueduct and Sewer Corporation (CAASD) announced in May that the daily drinking water deficit was around 139 million gallons per day, due to a drastic decrease in water production¹¹²³.

617. The Special Rapporteurship, considering the available information, recognizes that only 7% of the Dominican Republic's water reserve is regulated by law. In addition, it has been identified that the country has basins with only 20% of its reserve capacity and it is projected that in 30 years the availability of water would be exhausted, as warned by the Director of Planning and Water Development of the National Institute of Hydraulic Resources¹¹²⁴. In relation to the Dominican Republic's proposal for the designation of a biosphere reserve, it is noted that the nation has technical and financial cooperation from UNESCO for its initiative to create the "Madre de las Aguas" biosphere reserve, focused on areas of mountain ranges that capture approximately 80% of the water for the country¹¹²⁵. The Rapporteurship also takes note of the "Dominican Pact for Water 2021-2036" signed by the Government and more than 100 representatives of

¹¹¹⁷ UN News, [Expert urges Dominican Republic to include all older persons in its social protection systems](#), March 10, 2023.

¹¹¹⁸ Habitat for Humanity Dominican Republic, [Habitat for Humanity Dominican Republic launches "Home is..." campaign in support of those residing in informal settlements around the world](#), May 16, 2023.

¹¹¹⁹ América Retail, [11% of the Dominican population lives in 'informal houses'](#), May 29, 2023.

¹¹²⁰ Presidency of the Dominican Republic, [Government has benefited more than 43,000 families through the housing programs Dominicana se Reconstruye, Mi Vivienda and Familia Feliz](#), February 27, 2023.

¹¹²¹ Today, [Foro Ciudadano affirms housing programs do not reach the poorest](#), March 1, 2023.

¹¹²² Today, [Against climate change, DR would need US\\$9,000 MM](#), May 11, 2023.

¹¹²³ Today, [the water deficit is around 139 million gallons per day](#), May 19, 2023.

¹¹²⁴ Diario Libre, [Dominican Republic has only 7% of its annual water reserve regulated](#), June 14, 2023.

¹¹²⁵ Presidency of the Dominican Republic, [DR will have technical support from UNESCO in its initiative to create the "Madres de las Aguas" biosphere reserve](#), 15 June 2023.

various organizations and institutions, which includes commitments to "assume water as a good of public domain and as strategic heritage of the Dominican Republic; promote the approval of the Water Law, enshrine by the State a regime of formal rights for the use and exploitation of water; value water in its three basic dimensions: social, economic and environmental; design, reach consensus and approve with civil society as a whole the National Water Resources and Infrastructure Plan, for its effective implementation"¹¹²⁶.

C. Business and human rights

618. REDESCA, taking into account the available information, recognizes the efforts of the Ministry of Environment and Natural Resources of the Dominican Republic in the development of a plan to completely dismantle the single-use plastics industry. This plan, which is expected to take approximately 24 to 25 months to complete, has as its main objective to promote the substitution of disposable plastics for more sustainable and environmentally friendly alternatives¹¹²⁷. Minister Miguel Ceara Hatton has highlighted the worrying situation of approximately 20 million tons of plastics that end up in Dominican water bodies annually, underlining the urgency to seek solutions and end the use of single-use plastics in the country. Among the measures proposed is the substitution of plastic bottles for cardboard containers¹¹²⁸.

D. Labor and union rights

619. The Special Rapporteurship, based on verified information, notes that the unemployment rate in the Dominican Republic stood at 5.2% during the January to March 2023 quarter, which represents an inter-annual reduction of 1.2%. This data, provided by the Central Bank of the Dominican Republic, evidences a positive change in the country's labor market, reflecting a significant decrease in the unemployment rate compared to the same period of the previous year¹¹²⁹.

620. The Office of the Special Rapporteur takes note of the decision of the Constitutional Court of the Dominican Republic, which annulled Resolution 14-2022 of the Ministry of Labor. This resolution, issued on August 25, 2022, aimed to regulate domestic work in the country, in line with ILO Convention 189. The resolution established norms on the determination of working hours, breaks, form, periodicity of payment and inclusion in the Social Security System¹¹³⁰. The ruling reverses efforts to regulate and improve the working conditions of domestic workers, which represents a setback in the progress towards compliance with the obligation to "adopt measures to provide labor protections in the regulatory framework for the benefit of women working in the informal sector (and) domestic workers"¹¹³¹.

E. Fiscal and economic policies

621. The Special Rapporteur notes that the Central Government's budget for the fiscal year 2023 not only projected considerable allocations to interest and commissions on public debt, reaching 20.7% of GDP, but also to the development of education, with an increase of 19% over the previous year, representing 4% of the projected GDP. In the area of Social Protection, the government maintains its subsidy policy to cushion

¹¹²⁶ Government of the Dominican Republic, Ministry of Economy, Planning and Development. [President Luis Abinader highlights that the "Pacto Dominicano por el Agua" is an agreement for life in the Dominican Republic](#), August 14, 2023.

¹¹²⁷ CDN, [Dominican Republic to dismantle single-use plastics industry](#), June 8, 2023.

¹¹²⁸ El Caribe, [Ceara Hatton says DR to dismantle single-use plastics industry](#), 8 June 2023.

¹¹²⁹ Banco Central República Dominicana, [Central Bank Labor Market Survey shows year-on-year growth of 128.627 employed in the January-March quarter of 2023](#), July 3, 2023.

¹¹³⁰ Diario Libre, [TC declara inconstitucional resolución del Ministerio de Trabajo sobre domésticas](#), June 6, 2023.

¹¹³¹ 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. 3 November 2011, para. 169.

possible price increases, allocating resources for electricity and fuel subsidies, as well as for the expansion of social protection programs. On the other hand, the budget for the Ministry of Public Health represents 2.0% of GDP, showing a slight decrease compared to the previous year¹¹³².

622. For its part, the Rapporteurship highlights that the Dominican Republic is among the 10 countries with the greatest budget transparency, ranking ninth out of 120 and number 3 in the entire continent, given that the country achieved a score of 77 out of 100 in transparency¹¹³³. In this sense, the Office of the Special Rapporteur highlights that the General Budget Directorate (DIGEPRES) has presented the "Open Consultation on the Citizen Budget 2023", which allows for increased social participation in the budget cycle processes through the open possibility of making contributions, opinions and observations¹¹³⁴.

F. Human mobility and ESCER

623. REDESCA has noted with concern that since 2014 through mid-February, there have been a minimum of 300 cases of people dead or missing en route between the Dominican Republic and Puerto Rico. The predominant causes of these human losses include drowning, traffic accidents, and extreme environmental conditions, as well as lack of adequate shelter and lack of access to food and water¹¹³⁵.

624. The Office of the Special Rapporteur notes with concern the impact on the right to housing due to the displacement of 30 families in the popular sectors of La Mara and La Bomba, on the border between the Dominican Republic and Haiti. This displacement is due to the demolition of their homes to pave the way for the construction of the border fence between the two countries¹¹³⁶. In addition, REDESCA expresses its concern regarding the closure of the border with Haiti, initiated on 15 September, in the context of a dispute between the two countries over the construction of a canal on the Masacre River, which has generated additional tensions in the border area¹¹³⁷.

625. In a public hearing before the IACHR, civil society organizations exposed that the Dominican State is not complying with its obligation to guarantee access to health services and reproductive rights for pregnant immigrant women and girls¹¹³⁸. This group includes especially Haitian women, Dominicans of Haitian descent, and those identified as Afro-descendants, underscoring the perpetuation of structural discrimination. In addition, it was denounced that access to health services for migrants in an irregular situation is being hindered, transforming health centers into places of detention for deportation processes. The State, for its part, claimed that there was a financial impact and an impact on migration and humanitarian policies due to the increased demand for pregnant Haitian women in the national health system; that the measures do not

¹¹³² Presidency of the Dominican Republic, Proyecto de Ley Presupuesto General del Estado 2023 - Informe Explicativo 2023 y Marco de Gasto de Mediano Plazo, Table 58; Revista Mercado, [Presupuesto RD 2023: las cifras clave](#), October 3, 2022; , DiarioSalud.do, [Presupuesto salud 2023 cumple lo establecido por ley?](#), November 28, 2022.

¹¹³³ Presidency of the Dominican Republic, [General Directorate of Budget presents "Open Consultation on Citizen Budget 2023"](#), November 28, 2022.

¹¹³⁴ Ibid.

¹¹³⁵ Telemicro, [At least 7,489 migrants have died or disappeared in the Americas since 2014; DR registers 300](#), February 25, 2023.

¹¹³⁶ Infobae, [Muro fronterizo entre República Dominicana y Haití desplaza a decenas de familias](#), 24 March 2023; El Espectador, [Familias desplazadas por muro fronterizo entre República Dominicana y Haití](#), 24 March 2023.

¹¹³⁷ g1, [Dominican Republic dates border with Haiti over river dispute: understands crisis of island visions in the Caribbean](#), September 15, 2023.

¹¹³⁸ IACHR, Public Hearing, 188th Period of Sessions, Dominican Republic: Access to health care for pregnant Haitian migrant women and girls, November 6, 2023.

disproportionately target pregnant women because they represent a small percentage of people from Haiti who have been deported; and that it provides health care for all persons, without discrimination.

626. In the current context, REDESCA emphasizes the priority need for States to adopt specific and effective measures to guarantee the ESCER of all persons, especially those in situations of human mobility. This includes the progressive development of these rights, ensuring access without discrimination and their effective protection, always with a focus on gender and intersectionality¹¹³⁹.

¹¹³⁹ REDESCA, Pobreza, cambio climático y DESCA en Centroamérica y México, en el contexto de movilidad humana, OEA/Ser.L/V/II.doc.158/23, July 28, 2023, Recommendations 1 and 2.

29. SAN CRISTOBAL Y NIEVES

627. As for the country, it has ratified the Escazú Agreement; however, it has not yet carried out the same action with respect to the American Convention and the Protocol of San Salvador. This raises the need to prioritize the ratification of the aforementioned Inter-American instruments, which would be fundamental to achieve a more comprehensive recognition of ESCER.

628. REDESCA notes that according to the United Nations Office for the Coordination of Humanitarian Affairs, 21.8% of the population of St. Kitts and Nevis is living in poverty¹¹⁴⁰. In this regard, it is noted that, with the purpose of combating poverty in the country at the beginning of 2023, the Government began updating the poverty relief program, which provides a monthly stipend of \$500 dollars to those households that do not exceed a monthly income of \$3,000 dollars¹¹⁴¹. According to the authorities, more than 12,000 applications were received at the start of the program, including unemployed persons and persons with low monthly income¹¹⁴². It is also noted that, during the restructuring of the program in the first half of 2023, services would have been improved and the beneficiary households reevaluated¹¹⁴³.

A. Right to health and social determinants

629. REDESCA notes with concern that, due to the increase in rainfall, there could be a high increase in the levels of mosquito vectors, increasing the risk of the spread of diseases such as chikungunya, Sika or dengue¹¹⁴⁴. In view of this situation, the Government has urged citizens to take the pertinent recommendations in order to mitigate transmission¹¹⁴⁵.

630. In the same vein, the Rapporteurship notes that the Ministry of Health, with the support of the Pan American Health Organization, achieved the "Baby Friendly Hospital Initiative" certification for its recognition of the importance of addressing non-communicable disease crises from an early age, as well as the implementation of breastfeeding policies and those focused on young children¹¹⁴⁶.

B. Climate emergency and the human right to water

631. In the context of the climate emergency, REDESCA takes note of the flood warnings that have been issued in St. Kitts and Nevis and other nearby countries as a result of heavy rains associated with Hurricane Tammy, which produced moderate to heavy rains on some islands¹¹⁴⁷.

632. In this same context, REDESCA notes that the Government has expressed its concern about the challenges faced by island developing countries in the face of climate change impacts and the El Niño

¹¹⁴⁰ OACH, [Saint Kitts & Nevis: Country Profile \(as of May 2022\)](#), July 13, 2022.

¹¹⁴¹ St. Kitts Nevis Information Service, [Poverty Alleviation Programme payments summary](#), February 3, 2023.

¹¹⁴² St. Kitts Nevis Information Service, [Government processing over 12,000 poverty alleviation program applications](#), January 19, 2023.

¹¹⁴³ St. Kitts Nevis Information Service, [Restructured poverty alleviation programme yielding improved efficiency](#), July 10, 2023.

¹¹⁴⁴ Government of St. Kitts and Nevis, [Ministry of health press release re: vector borne diseases including dengue](#), October 8, 2023.

¹¹⁴⁵ Ibid.

¹¹⁴⁶ PAHO, [St. Kitts and Nevis supports PAHO policy to prevent NCDs among youth](#), September 28, 2023.

¹¹⁴⁷ Loop News, [Flash flood watch for St Kitts, Nevis, Anguilla from Tammy rain bands](#), October 23, 2023.

phenomenon. In addition, the country has experienced water shortages in the northern part of the Leeward Islands¹¹⁴⁸.

C. Labor and union rights

633. Regarding the guarantee of labor and union rights, the Rapporteurship highlights the implementation of the first personnel policy to improve service to employees at *Solid Waste Management Corporation*, who will have greater benefits and comprehensive labor support¹¹⁴⁹. Likewise, it is noted that during the month of June 2023, the payment of more than \$700,000 dollars to retired government auxiliary employees was resumed¹¹⁵⁰.

D. Right to education: academic freedom and university autonomy

634. REDESCA highlights the government's measures to continue creating opportunities in the education sector through scholarships and financial incentives¹¹⁵¹. In this sense, the "Graduate Financing Project" was implemented, which helped reduce from 9% to 5% the interest rate of new student loans obtained only through the Development Bank¹¹⁵².

¹¹⁴⁸ St. Kitts Nevis Information Service, [Prime Minister dr. Drew highlights water scarcity concerns at Grenada's high-level climate change dialogue](#), October 5, 2023.

¹¹⁴⁹ St. Kitts Nevis Information Service, [Government implements staff first policy to improve service of swmc employees](#), December 20, 2022.

¹¹⁵⁰ St. Kitts Nevis Information Service, [Over ec \\$700.000 paid out to retired government auxiliary employees in St. Kitts and Nevis](#), June 13, 2023.

¹¹⁵¹ St. Kitts Nevis Information Service, [Government of St. Kitts and Nevis increasing and expanding opportunities to ensure every child has access to quality education](#), September 1, 2023.

¹¹⁵² Ibid.

30. SANTA LUCIA

A. Right to health and social determinants

635. As far as the country is concerned, it is relevant to note that it has ratified the Escazú Agreement, however, it has not yet proceeded in a similar manner with respect to the American Convention or the Protocol of San Salvador. The need to give priority to the ratification of the aforementioned instruments is emphasized, as this would be essential to achieve a more adequate recognition of ESCER in the context of the relevant regional instruments.

636. REDESCA notes that St. Lucia had an increase in respiratory illnesses, which prompted the Ministry of Health, Welfare and Elderly Affairs to issue an advisory to reduce its impact on health¹¹⁵³. Likewise, this Ministry expressed concern about the situation regarding cancer in the population, which would account for approximately 20% of deaths per year during the last decade. According to the Department of Epidemiology, between 2016 and 2020, approximately 280 new cases of cancer were diagnosed each year¹¹⁵⁴.

637. On the other hand, the Office of the Special Rapporteur learned that according to a report published by UNICEF, 62% of the girls in the state received the last dose of the human papillomavirus vaccine according to the national program of the country¹¹⁵⁵.

B. Climate emergency and the human right to water

638. The Special Rapporteur welcomes the State for having submitted this year a proposal to the Green Climate Fund to obtain funding to strengthen climate resilience¹¹⁵⁶. In another development, REDESCA notes that the State, through the Caribbean Water and Sewerage Association (CAWASA), has conducted a series of training courses on Wastewater Treatment and Wastewater Collection, aimed at benefiting four CARICOM member states, namely Barbados, Belize, Grenada and St. Lucia. This regional project, called "Caribbean Water and Wastewater Capacity Building Program", is being implemented in collaboration with Operators Without Borders (OWB), and its main objective is to strengthen capacity building initiatives in the Caribbean Region by supporting the regional training program for Water and Wastewater Operators currently being carried out by CAWASA¹¹⁵⁷.

639. On the other hand, the Office of the Special Rapporteur notes that the State, in conjunction with the Organization of Eastern Caribbean States (OECS), with funding from the European Union, is implementing the Recycle OECS Project, which seeks the development and implementation of a recyclable plastic waste collection and treatment program in the OECS. According to the World Bank, solid waste generated in the Wider Caribbean Region contains an average of 12% plastic¹¹⁵⁸.

¹¹⁵³ St. Lucia TIMES, [Saint Lucia Experiences A Spike In Respiratory Illnesses](#), February 14, 2023.

¹¹⁵⁴ St. Lucia Times, [WATCH: Saint Lucia Cancer Situation 'Alarming' - Health Minister Urges Action](#), February 4, 2023.

¹¹⁵⁵ UNICEF, [Why Adolescent Girls, Why Now](#), June 2023.

¹¹⁵⁶ PAHO, [St. Lucia to seek funding to strengthen climate resilience in the health sector](#), October 11, 2023.

¹¹⁵⁷ St. Lucia Times, [CAWASA Accelerating Change To Solve the Caribbean's Ongoing Water, Sewage Problems](#), March 22, 2023.

¹¹⁵⁸ ST. Lucia Times, [The OECS Continues To Tackle Plastic Pollution In The Caribbean](#), February 18, 2023.

C. Right to education: academic freedom and university autonomy

640. The Special Rapporteurship learned that, according to UNICEF data, 92% of adolescent girls and young women complete the second cycle of secondary education in the state. For its part, the report also shows that 30% of adolescent girls between 15 and 19 years old do not study, do not work and do not receive training, between 2012-2021¹¹⁵⁹.

¹¹⁵⁹ UNICEF, [Why Adolescent Girls, Why Now](#), June 2023.

31. SURINAM

641. As for the country, it is important to note that it has acceded to the American Convention and the Protocol of San Salvador, but has not yet done the same with respect to the Escazú Agreement. The importance of prioritizing accession to the Escazú Agreement is emphasized.

642. REDESCA has monitored the situation of poverty and inequality in the state where the economy is driven by natural resource extractive activities, mainly mining in a context of high inflation and the depreciation of the country's currency¹¹⁶⁰.

A. Right to health and social determinants

643. REDESCA noted that the COVID-19 situation remained stable during the first half of the year, with 82,513 confirmed cases and 1,405 total deaths as of mid-June¹¹⁶¹. On the other hand, the Rapporteurship welcomes the Government's announcement to reduce from 25% to 10% or 15% the profits obtained from the sale of essential goods such as medicines and food, with the aim of reducing their prices¹¹⁶².

644. In October, the Pan American Health Organization/World Health Organization (PAHO/WHO) led an instrumental workshop entitled "Strengthening Health Emergencies, Operations Centers and Coordination Mechanisms" at the request of the Health Disaster Coordination Unit of the Ministry of Health. The focus of this program was on improving Suriname's response to public health emergencies¹¹⁶³. REDESCA commends this proactive initiative by the State to improve its response to such situations.

645. With respect to noncommunicable diseases, the Special Rapporteurship learned of a workshop held in July in collaboration between PAHO and the Ministry of Health of Suriname. This workshop aimed to address the growing epidemic of noncommunicable diseases in the country through a comprehensive, political and social approach aimed at modifying social, environmental and economic conditions to generate a positive impact on health at both the individual and collective levels. PAHO intends to provide its expertise, guidance and resources to assist the Ministry of Health in developing a comprehensive and effective plan to promote health and wellness in Suriname¹¹⁶⁴.

B. Climate emergency and the human right to water

646. Regarding the climate emergency, REDESCA has learned that the La Niña condition has moved into a neutral phase this year and that there was a transition to the El Niño phase from July to August. As a result, the risk of flooding has increased¹¹⁶⁵. The Office of the Special Rapporteur has learned that civil society is demanding that the state invest in waterway infrastructure and hydraulic works to reverse this situation that occurs every season¹¹⁶⁶. REDESCA also welcomes the economic compensation that the Government of

¹¹⁶⁰ World Bank, [The World Bank In Suriname](#), October 2, 2023.

¹¹⁶¹ Datosmacro, [Suriname - COVID-19 - Coronavirus crisis](#), June 14, 2023.

¹¹⁶² Dagblad Suriname, [Overheidsmaatregel ten aanzien van basisgoederen](#), April 1, 2023.

¹¹⁶³ PAHO, [Suriname Enhances Coordination for Health Emergency Responses](#), October 25, 2023.

¹¹⁶⁴ PAHO, [Health Promotion Workshop Addresses Non-Communicable Disease Epidemic in Suriname](#), July 20, 2023.

¹¹⁶⁵ Auare Opus, [Climate Outlook for Suriname April - September 2023](#).

¹¹⁶⁶ Climate Tracker, [Flooding in Suriname: Negligence or climate change?](#), June 26, 2023.

Suriname began to deliver to households in the district of Brokopondo, in response to the damages suffered by the floods of 2022¹¹⁶⁷.

647. On the other hand, REDESCA learned that in April, the State submitted the Third National Communication to the United Nations under the Framework Convention on Climate Change¹¹⁶⁸. The Office of the Special Rapporteur salutes the State for its measures to comply with its international commitments, given that Suriname is classified as one of the ten countries most vulnerable to the effects of climate change, due to its low coastline¹¹⁶⁹.

648. Likewise, the Special Rapporteurship has been following the emergency regarding flooding during the rainy season in the state capital. Furthermore, the Special Rapporteur notes that the Government signed an agreement in February with the European Union ambassador and the Agence Française de Développement allocating 5 million euros to Suriname to support forest-dependent communities and reduce pressure on forest resources¹¹⁷⁰.

C. Business and human rights

649. In relation to business activities and the safeguarding of human rights, the Special Rapporteurship has learned that in September 2023, the French company Total Energies announced the initiation of studies to carry out an oil and gas project with an investment of US\$ 9 billion in the offshore fields of Suriname. This project aims to launch production in Block 58, an offshore oil area intended for energy production and exploration, with the goal of starting production for the first time in 2028. This Office is concerned about the expectations that this project will contribute to the revitalization of the country's ailing economy, with the hope of a significant reduction in poverty. The above in relation to the risks inherent to this activity in relation to ESCER, as well as the challenges associated with climate change¹¹⁷¹.

D. Labor and union rights

650. In terms of labor rights, REDESCA is concerned about the information provided by the World Bank. According to this report, young women in the country face a risk 7 percentage points higher than young men of being unemployed, without education or training. In addition, males are 25 percentage points less likely than females to complete lower secondary school. Men are 4% more likely than women to be in vulnerable employment, and only 33% of companies are owned by women. In addition, there is a dearth of data on gender in key areas, making it difficult to formulate effective policies to reduce disparities between women and men, as well as between boys and girls¹¹⁷².

¹¹⁶⁷ Waterkant, [Regering komt huishoudens Brokopondo financieel tegemoet voor waterschade](#), January 13, 2023.

¹¹⁶⁸ Republic of Suriname, [Third National Communication to the United Nations Framework Convention on Climate Change](#), April 2023.

¹¹⁶⁹ Republic of Suriname, [Third National Communication to the United Nations Framework Convention on Climate Change](#), April 2023.

¹¹⁷⁰ Waterkant, Suriname ontvangt 5 miljoen euro ter ondersteuning bosrijke leefgemeenschappen, February 9, 2023.

¹¹⁷¹ Global Americans, [Suriname, Energy Transition, and Climate Change](#), October 27, 2023.

¹¹⁷² World Bank, [Suriname - Gender Scorecard](#), 2023.

E. Fiscal and economic policies

651. The Special Rapporteur notes that Suriname is going through a severe public debt crisis that is manifested in its relation to GDP, since in 2023 it reached 116.2%¹¹⁷³. This situation is correlated with a series of austerity measures implemented by the Government, in compliance with the directives and recommendations of the International Monetary Fund (IMF)¹¹⁷⁴, such as the elimination of fuel, gas and electricity subsidies, which provoked intense protests by the population¹¹⁷⁵ that ended with the protesters forcibly entering the Parliament.¹¹⁷⁶

¹¹⁷³ Eurodad, [Riders on the storm - How debt and climate change are threatening the future of small island developing states](#), October 11, 2023.

¹¹⁷⁴ World Politics Review, [Suriname's Debt Crisis Is Putting Santokhi in a Bind](#), March 20, 2023.

¹¹⁷⁵ Caribbean National Weekly, [Suriname Parliament resumes debate on budget following last weekend's violent protest](#), February 21, 2023.

¹¹⁷⁶ Infobae, [Tension in Suriname: protesters ransacked the capital and stormed the Parliament demanding the resignation of the President](#), February 17, 2023.

32. SAINT VINCENT AND THE GRENADINES

652. REDESCA notes that St. Vincent is not currently a party to the American Convention or its Protocol of San Salvador, even though it has ratified the Escazú Agreement. In this regard, it calls on the State to prioritize the ratification of these instruments, which are indispensable for the protection of human rights.

A. Right to health and social determinants

653. The Office of the Special Rapporteur notes that, in the face of the pandemic generated by COVID-19¹¹⁷⁷, by mid-June of this year, 30.3% of the population had been fully vaccinated¹¹⁷⁸. For its part, the Rapporteurship learned of the shortage of health workers that affected the health system, which prompted the Government to grant a bonus to recent graduates of the Nursing Division of the Community College.¹¹⁷⁹

654. Regarding the right to food, the Rapporteurship notes that about 7% of the country's population does not have access to healthy food¹¹⁸⁰. In this regard, the Rapporteurship notes that St. Vincent and the Grenadines will benefit from a regional FAO project whose overall objective is to contribute to the development and strengthening of public policies on school feeding in Latin American and Caribbean countries¹¹⁸¹.

655. The Special Rapporteur also took note of the government's initiative to create a home gardening project that seeks to improve food and nutritional security in the country's households. In October, around 68 households and 5 community youth groups benefited from theoretical and practical lessons on composting, soil and water conservation measures, space optimization, pruning and trellising, pest and weed management¹¹⁸².

656. On the other hand, REDESCA notes that the government agreed to special, fast-disbursing financing with the World Bank to address food insecurity by taking targeted actions in the production, storage and transport of agricultural products¹¹⁸³.

B. Climate emergency and the human right to water

657. The Office of the Special Rapporteur is closely monitoring the impacts of climate change in the country, especially on agricultural production, a key activity for foreign trade and food security in the country¹¹⁸⁴. In this regard, the country faced a drought in April that affected crops and livestock, in addition to causing an increase in the price of products¹¹⁸⁵.

658. For its part, the Rapporteurship notes that, due to the effects of the drought, the Central Water and Sewerage Authority warned the population in March of the beginning of daily water rationing due to a

¹¹⁷⁷ Datosmacro.com, [Saint Vincent and the Grenadines - COVID-19 - Coronavirus crisis](#), June 15, 2023.

¹¹⁷⁸ Datosmacro.com, [Saint Vincent and the Grenadines - COVID-19 - Vaccines administered](#), June 15, 2023.

¹¹⁷⁹ Searchlight, [Nursing shortage hits the local Health System](#) January 13, 2023.

¹¹⁸⁰ St. Vincent Times, [About 7% of St Vincent's population is undernourished - UN Report](#), January 23, 2023.

¹¹⁸¹ FAO, [Consolidation of School Feeding Programs in Latin America and the Caribbean](#), 2023.

¹¹⁸² Ministry Of Agriculture, Forestry, Fisheries, Rural Transformation Industry And Labour, [Enhancing Household Food And Nutrition Security Through Home Gardening Project](#), October 18, 2023.

¹¹⁸³ St. Vincent Times, [St Vincent gov't will spend \\$18 million to address food security in 2023](#), January 10, 2023.

¹¹⁸⁴ Global Voices, [How climate change is affecting food production in Guyana and St. Vincent & the Grenadines](#), 12 June 2023.

¹¹⁸⁵ St. Vincent Times, [Prolonged dry spell in St Vincent impacting export price of produce](#) May 16, 2023.

significant reduction in flows in most of its main water sources¹¹⁸⁶. The Special Rapporteur also highlights the "Strengthening Resilient Water Resources Management in the Eastern Caribbean (W4R) Project" funded by the Government of Canada, signed on March 23, which aims to improve access to water in communities particularly vulnerable to the impacts of climate change, including droughts, floods and hurricanes¹¹⁸⁷.

C. Labor and union rights

659. REDESCA takes note of the situation in St. Vincent and the Grenadines regarding the High Court decision favoring public employees dismissed in 2021 for not having been vaccinated against COVID-19. The Court ruled that the Government's dismissal of these employees was unconstitutional¹¹⁸⁸.

660. Likewise, the Special Rapporteur learned that, according to the Minister of Tourism, Civil Aviation, Sustainable Development and Culture, during 2023 about 1,000 job vacancies would be available in the tourism and hotel sector, due to the collaboration of the State and chains such as MSC Cruise. Sandals Resorts, Soho House and Canouan Estates, a job fair will be held that will contribute to the generation of many jobs, since the tourism sector accounts for more than 20% of employment in the formal sector in the country¹¹⁸⁹.

D. Right to education: academic freedom and university autonomy

661. With regard to the right to education, REDESCA notes that, according to a report by UNCICEF, in the state there has been a 14% decrease in the enrollment of children and adolescents from pre-primary to secondary school between 2022, compared to the enrollment of children and adolescents from pre-primary to upper secondary school reported at the end of May 2023¹¹⁹⁰.

E. Fiscal and economic policies

662. According to official information, the Rapporteurship highlights that, of the total resources budgeted by the state for 2023, 28.6% were allocated to General Public Services, 12.9% to education, 8.9% to Health and 5.6% to Environmental Protection¹¹⁹¹. Particularly, regarding the resources allocated to the development of the health sector, the Rapporteurship notes that, according to official sources, the investment would have been 72% higher than five years ago and 60% more than in 2013¹¹⁹².

663. REDESCA notes that the country's public debt to gross domestic product (GDP) ratio was 93.2%, placing it as one of the SIDS likely to face a debt crisis or already doing so¹¹⁹³.

¹¹⁸⁶ Loop, [St Vincent and the Grenadines feeling effects of 2023 dry season](#), March 24, 2023.

¹¹⁸⁷ St. Vincent Times, [Vulnerable areas in SVG to benefit from UNDP, Canada W4R Project](#), March 24, 2023.

¹¹⁸⁸ Searchlight, [Public Servants never ceased to hold office, entitled to full benefits - Judge](#), 13 March 2023. Searchlight, [PM says 'conscience is clear' on COVID-19 pandemic actions](#), 21 March 2023.

¹¹⁸⁹ Government of Saint Vincent and the Grenadines, [Some 1,000 Tourism Jobs Available Soon, Says Minister James](#), September 19, 2023.

¹¹⁹⁰ UNICEF, [UPDATE 36 | initiatives and programs for learning recovery and rapid framework](#), June 21, 2023.

¹¹⁹¹ Saint Vincent and The Grenadines, Estimates of revenue and expenditure for the year 2023 (with projections for 2024 and 2025) [Estimates of revenue and expenditure for the year 2023 \(with projections for 2024 and 2025\)](#), December 2022.

¹¹⁹² Searchlight, [Historic spending in 2023 Budget for Health Care](#) January 17, 2023.

¹¹⁹³ Eurodad, [Riders on the storm - How debt and climate change are threatening the future of small island developing states](#), October 11, 2022.

33. TRINIDAD AND TOBAGO

664. 277. In the exercise of its competence to promote and protect ESCER in the Americas, REDESCA has been monitoring the situation in Trinidad and Tobago. REDESCA notes that the latest official figures on poverty date back to 2014, when 20% of the population was estimated to be living in poverty. However, according to the Economic Commission for Latin America and the Caribbean (ECLAC), by 2021, the poverty rate would have been reduced to 16.7%.¹¹⁹⁴.

665. The Office of the Special Rapporteur emphasizes that, in the field 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 pandemic¹¹⁹⁵.

A. Right to health and social determinants

666. In terms of the country's health challenges, REDESCA closely monitors health coverage indices over the past few years. According to the Global Monitoring Report, in which WHO reports on countries' progress towards achieving universal health coverage as part of SDG monitoring, Trinidad and Tobago's service coverage rate stood at 75% in 2021¹¹⁹⁶.

B. Climate emergency and the human right to water

667. Among the challenges facing Trinidad and Tobago in terms of climate emergency, one of the main ones is the water deficit. According to the Regional Dialogue on Water Action in Latin America and the Caribbean, the country has "extremely high levels of water stress"¹¹⁹⁷. In this regard, it is noted that the greatest threats to water security in the Caribbean are generated by climate change impacts, particularly floods, landslides, watershed degradation, sea level rise, storm surges, coastal erosion, salinization of freshwater sources and drought¹¹⁹⁸.

C. Business and human rights

668. According to the latest data collected by the Ministry of Finance of Trinidad and Tobago, the country's economy is undergoing a remarkable turnaround. In 2023, real GDP is expected to grow by 2.7%, following more moderate growth of 1.5% in 2022. Current data for the first quarter of 2023 indicate that real economic activity expanded by 3.0%¹¹⁹⁹. According to the latest data collected by the World Bank in 2015, Trinidad and Tobago's economy is largely based on oil and gas production, with the petroleum and petrochemical industries accounting for about 37% of GDP and minerals and mineral fuels accounting for more than 70% of exports¹²⁰⁰.

¹¹⁹⁴ REDESCA, Annual Report 2022, March 6, 2023.

¹¹⁹⁵ Ibid.

¹¹⁹⁶ WHO, [Universal Health Coverage 2023 Global Monitoring Report](#), September 18, 2023.

¹¹⁹⁷ Seven Seas Water Group, [Caribbean countries are among the most water-stressed](#), April 24, 2023.

¹¹⁹⁸ UNESCO, United Nations [World Water Development Report 2023: Partnerships and Cooperation for Water, Executive Summary](#), 2023.

¹¹⁹⁹ Ministry of Finance of Trinidad and Tobago. (2023). [Review of the Economy 2023](#).

¹²⁰⁰ World Bank, [Trinidad and Tobago: overview](#), 2023.

D. Fiscal and economic policies

669. REDESCA notes that according to the IMF, positive economic growth of 3.2% is projected for the country in 2023, highlighting the government's confidence in its efforts to accelerate economic diversification and build on sound fiscal and financial policies¹²⁰¹. As for inflation, it is projected to decline to 4.5% by the end of 2023 and continue to decline along with international prices¹²⁰²...

670. Also, the Rapporteurship highlights that National School Dietary Services has received a more significant budget allocation for FY 2023: an additional \$181.8 million compared to its 2022 budget of \$88.9 million¹²⁰³. This increased financial allocation allows the program to continue its standard operation of improving the nutritional status of children in order to enhance their ability to learn through the daily provision of catering services to students across 800 schools in Trinidad and Tobago.

E. Right to education: academic freedom and university autonomy

671. In the area of the right to education, REDESCA welcomes Trinidad and Tobago's National Policy for Children 2020-2030, which outlines the country's commitment to ensuring positive outcomes for children, whereby the government has continuously set out to alleviate financial inequalities that can act as a barrier to children's participation in educational institutions¹²⁰⁴.

672. Other policies aimed at promoting the right to education include the textbook rental and loan program, which has provided more than 203,000 books and teaching materials to students, and the free services of the school health program, which includes free eye exams, hearing tests and psychosocial support for children up to the age of 14¹²⁰⁵.

673. The Rapporteurship also notes that the Government of Trinidad and Tobago has also invested in the creation of free Early Childhood Education and Care (ECEC) centers. These centers promote the holistic transition of children ages 3 to 4 into the education system with the goal of bridging the experience and resource gap experienced by children living in poverty through a curriculum focused on skills acquisition and development in the "physical, cognitive, linguistic and socio-economic areas"¹²⁰⁶. According to official data, there are 151 fully operational state and state-subsidized ECCE centers throughout Trinidad and Tobago¹²⁰⁷.

674. However, the Rapporteurship notes with concern the increase in school desertion following the pandemic and notes that some of the reasons for dropout rates have been attributed to job losses, financial difficulties, and the need for older children to stay at home to assist their parents in caring for younger siblings¹²⁰⁸.

¹²⁰¹ Newsday, MF projects economic growth, fall in inflation for TT', 16 March 2023.

¹²⁰² Newsday, MF projects economic growth, fall in inflation for TT', 16 March 2023.

¹²⁰³ Ministry of Finance, [Draft Estimates. Details of Estimates of Recurrent Expenditure for the Financial Year 2023](#), September 2022.

¹²⁰⁴ Ministry of Education, [National Schools Dietary Services Limited \(NSDSL\)](#).

¹²⁰⁵ Ibid.

¹²⁰⁶ The Office of the Prime Minister (Gender & Child Affairs), [Green Paper National Child Policy 2020 - 2030](#).

¹²⁰⁷ Ibid.

¹²⁰⁸ Borgen Project, [Child Poverty in Trinidad and Tobago](#), July 15, 2023.

F. Human mobility and ESCER

675. According to UNHCR data, by August 2023 Trinidad and Tobago was hosting 30,000 refugees and asylum seekers, of which 25% were children and approximately 86% were from Venezuela¹²⁰⁹. The Rapporteurship highlights that, according to the IOM, access to jobs by Venezuelan persons has increased, while cases of informal work and underpayment have decreased¹²¹⁰. In terms of health, it is noted that the majority of respondents had access to health care and were vaccinated against COVID-19, while there was an increase in access to prenatal care for pregnant and lactating respondents¹²¹¹. However, the report notes that 64% of children residing with respondents lacked access to education, which is due to deficient policies in this area.

676. In this regard, REDESCA calls on the State of Trinidad and Tobago to take into account the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons, especially as they establish the right to education of all migrant children and adolescents regardless of their immigration status¹²¹².

¹²⁰⁹ UNHCR, [Trinidad and Tobago Fact Sheet](#), March-April 2023; [Trinidad and Tobago Fact Sheet](#), July-August 2023.

¹²¹⁰ IOM, [Trinidad and Tobago - Monitoring Venezuelan Citizens Presence, Round 5 \(November - December 2022\)](#), March 22, 2023.

¹²¹¹ Ibid.

¹²¹² 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.

34. URUGUAY

677. Regarding the ratification of key international instruments for the protection of ESCER, the country ratified the American Convention, the Protocol of San Salvador, as well as the Escazú Agreement. These commitments reflect the country's alignment with international human rights standards and the need to focus efforts on their effective implementation through public policies.

678. According to official data from the National Statistics Institute (INE), the poverty and indigence indexes have shown a slight improvement with respect to 2022. During the first half of 2023, the poverty gap went from 1.7% to 1.6%¹²¹³. At the same time, households below the indigence line represented 0.2% of the population, while the total number of households below the poverty line stood at 7.2%¹²¹⁴. In this sense, the World Bank recognizes Uruguay as an egalitarian society, with high per capita income and low levels of inequality and poverty¹²¹⁵. However, child poverty in Uruguay is ten times higher than poverty in the population over 65 years of age, and especially affects people of African descent, which also impacts their access to education¹²¹⁶.

A. Right to health and social determinants

679. The Rapporteurship welcomes the measure taken by the Ministry of Public Health of Uruguay together with the Pan American Health Organization (PAHO) to establish a laboratory specialized in the study of insects that transmit diseases such as dengue, zika and chikungunya¹²¹⁷. This measure is particularly relevant in the context of increasing cases of dengue and chikungunya in Uruguay, with 22 cases of dengue and 37 cases of chikungunya reported up to the beginning of May, of which 20 cases of chikungunya are autochthonous and the rest imported¹²¹⁸.

680. The Rapporteurship highlights the signing of the Country Cooperation Strategy between the Pan American Health Organization (PAHO) and the government of Uruguay, which will be in force until 2027. This strategy reflects an integrated approach aligned with the specific needs of Uruguay, prioritizing key aspects such as morbimortality and disability throughout the life course, primary health care and socio-health coordination, institutionalism, quality, efficiency and patient safety, emergency preparedness and response, mental health and control of risk factors¹²¹⁹.

681. Also, the Rapporteurship became aware of multiple complaints regarding the deficiency of mental health services in Uruguay. The Asociación de Familiares del Centro Psicosocial Sur Palermo, along with other groups, have expressed significant concerns regarding the lack of compliance with the Mental Health Law. They point to an absence of willingness to comply with legal standards and a lack of clear direction in mental health care in both the public and private sectors. In addition, the reluctance of families to file formal complaints for fear of reprisals in the care of their family members has been highlighted, evidencing a persistent

¹²¹³ INE, [Estimation of poverty by the income method first semester 2023](#), September 28, 2023.

¹²¹⁴ Ibid.

¹²¹⁵ World Bank, [Uruguay: Overview](#), September 28, 2023.

¹²¹⁶ Swiss Info, [Child poverty hits Afro-descendant population in Uruguay, warns UN](#), March 21, 2023.

¹²¹⁷ PAHO, [PAHO in Uruguay collaborated with the first laboratory for surveillance and breeding of insects of public health concern](#), June 13, 2023.

¹²¹⁸ El Observador: [How many cases of dengue and chikungunya are there in Uruguay?](#) May 3, 2023.

¹²¹⁹ Ministry of Public Health of Uruguay, [The country cooperation strategy 2023-2027 was signed between PAHO and the Uruguayan government](#), August 18, 2023. Pan American Health Organization. (2023). [PAHO/WHO Cooperation Strategy with the Oriental Republic of Uruguay 2023-2027](#).

stigma surrounding mental health¹²²⁰. This information is of concern, especially considering that, according to official data from the Ministry of Public Health, Uruguay has one of the highest adolescent suicide rates in the continent and reached the highest figure in the country¹²²¹.

B. Climate emergency and the human right to water

682. In terms of climate emergency and the human right to water, REDESCA has closely followed the impact of the water crisis that affected the availability and security of water in the departments of Montevideo and the metropolitan area. This crisis represented the largest water deficit in the recorded history of the area, which required coordination between different levels of government, ministries and agencies to ensure water supply to more than 60% of the country's population. This situation led the government to decree a water emergency throughout the country for 34 days¹²²². This was especially worrisome considering that in October 2022 an agricultural emergency had been declared in a context of 60% of the territory affected by extreme drought and more than 75,000 people lacking access to drinking water¹²²³.

683. The Office of the Special Rapporteur notes that, in order to address the water deficit, the Government of Uruguay implemented a series of measures. Among them, the water supply was ensured in hospitals, residential homes, child and family care centers, and facilities of the Uruguayan Institute for Children and Adolescents. In addition, a measure was extended to provide two liters of water free of charge per day to approximately 21,000 beneficiaries of the Ministry of Social Development¹²²⁴. In the fiscal area, tax exemptions for bottled water were announced, both by decree and through a bill¹²²⁵. This action sought to reduce the cost of bottled water for the population, thus facilitating access during the water crisis. Important works were also carried out to mitigate the crisis, such as the construction of a reservoir and a pipeline on the San José River, which would help ensure the flow of drinking water to the affected area¹²²⁶. However, the Rapporteurship notes that according to some reports, the main problem of the water crisis was the overexploitation of water, especially by some business activities in the country¹²²⁷ aspect that will be addressed later in this chapter.

684. On the other hand, REDESCA notes that more than 3,000 people have been displaced by flooding in the departments of Artigas, Salto and Paysandú, where the Uruguay River has reached critical levels¹²²⁸. This situation has required a significant response from the National Emergency System to attend to the affected people and prevent further risks.

¹²²⁰ La Diaria, [Relatives of people with mental disorders argue in addition to budget "something needs to happen with what is reported"](#), June 2, 2023.

¹²²¹ Ministry of Public Health of Uruguay, [Suicide in adolescents in Uruguay: an analysis from the health system](#), October 10, 2023.

¹²²² Presidency of Uruguay, [Government decreed water emergency in metropolitan area and announced tax exemption for bottled water](#), June 19, 2023; [Decree No. 253/023](#), August 23, 2023.

¹²²³ Uruguayan Institute of Meteorology, [Sequía Meteorológica en Uruguay 2020-2023](#), February 14, 2022; UN News, [Climate change is not responsible for drought in Argentina, Uruguay and Chile, but it does aggravate water shortages](#), February 22, 2023.

¹²²⁴ Presidency of Uruguay, [Government cancels water emergency in metropolitan area](#), August 23, 2023.

¹²²⁵ Presidency of the Oriental Republic of Uruguay, [Government decreed water emergency in metropolitan area and announced tax exemption for bottled water](#).

¹²²⁶ Diario Hoy, [Water crisis: water transfer from the San José River to the Santa Lucía River began to operate](#), August 12, 2023.

¹²²⁷ UN News, [Uruguay: Water for human consumption should be above its industrial uses](#), July 13, 2023.

¹²²⁸ La Diaria, [More than 3,000 people displaced by floods in Artigas, Salto and Paysandú](#). 2023.

C. Business and human rights

685. The Rapporteurship notes the central role played by companies in the water crisis that affected the country and echoes the statements made by the Special Rapporteur on the human rights to safe drinking water and sanitation in conjunction with the UN Working Group on Business and Human Rights, in that they detailed that water for human consumption in Uruguay represents only 5% of the total supply of drinking water, so that "not prioritizing its use is unacceptable"¹²²⁹.

686. In this regard, civil society organizations denounce that the crisis was mainly due to the lack of sustainability in the management of the basin that supplies 60% of the population with drinking water, the dismantling of the public water company and the excessive and uncontrolled use of the industry¹²³⁰.

D. Labor and union rights

687. REDESCA notes that the unemployment rate in Uruguay as of September 2023 remained at the same value as the same period in 2022, at 8.3%¹²³¹. While informality in employment registered a decrease compared to previous years¹²³². Also, the Rapporteurship welcomes the agreement signed between the Ministry of Labor and Social Security of Uruguay and the ILO to eradicate child labor¹²³³. In this regard, and according to the Institute for Children and Adolescents of Uruguay, more than 2000 inspections were carried out in the country during 2022 and 38 complaints were received, of which 21 involved situations of illegal child labor and 17 involved adolescent labor, which is permitted under limited conditions¹²³⁴. The State is urged to continue taking measures to monitor and control compliance of adolescent labor in light of international standards.

688. In terms of challenges, the Rapporteurship notes that Uruguay has a gender gap of 71.4%, which means that the State must continue to take effective measures to reduce the difficulties between men and women in terms of participation in the economy and the skilled labor market, in politics, access to education and life expectancy¹²³⁵. Likewise, data on unpaid work indicate that women spend more than 35 hours per week on these tasks, while men spend only 20 hours¹²³⁶.

689. In terms of challenges, the Rapporteurship notes that Uruguay faces a significant gender gap¹²³⁷. Inequality between women and men in Uruguay could be costing the country 13% of GDP per capita, which evidences a considerable economic loss due to the lack of equal labor and salary opportunities between genders. Not only do Uruguayan women face less access to job opportunities compared to men, but they also earn 31% less than their peers for the same work, reflecting a significant wage gap¹²³⁸.

¹²²⁹ OHCHR, [UN experts urge Uruguay to prioritize the use of water for human consumption](#), July 31, 2023.

¹²³⁰ Agencia Tierra Viva, [La crisis del agua en Uruguay y el rol de gobiernos, empresas y el extractivismo](#), July 13, 2023; Redes - Amigos de la Tierra Uruguay, [Los porqué de la crisis del agua: gestión irresponsable, inoperancia, falta de previsión, apuesta a la privatización](#), May 12, 2023.

¹²³¹ INE, [Activity, Employment and Unemployment \(ECH\) September 2023](#), October 19, 2023.

¹²³² Ámbito, [El trabajo informal perforó el piso del 25%](#), 2023.

¹²³³ Ámbito, [The Ministry of Labor signed an agreement with the ILO to end child labor](#), June 12, 2023.

¹²³⁴ Presidency of Uruguay, [INAU inspected more than 2,000 situations related to adolescent labor](#), June 13, 2023.

¹²³⁵ Macro data, [Uruguay - Global Gender Gap Index](#), 2023.

¹²³⁶ El Observador, [Uruguayan women spend almost twice as much time as men on housework and caregiving](#), March 8, 2023.

¹²³⁷ Macro data, [Uruguay - Global Gender Gap Index](#), 2023.

¹²³⁸ World Bank, [Women in Uruguay: Progress and Challenges](#), 2023.

690. In turn, REDESCA takes note of the claims made by the education sector regarding labor, retirement and salary conditions. The Secondary Education Teachers Association has denounced changes in working conditions without collective bargaining, as well as the attempted dismantling and extinction of night schools. In addition to having made claims about the building conditions of the schools,¹²³⁹ and about situations that have been described as persecution of teachers and students to the detriment of the exercise of union and trade union freedom¹²⁴⁰.

E. Fiscal and economic policies

691. In terms of fiscal and economic policies, REDESCA notes that the economic growth achieved in 2022 could not be sustained due to the historic drought that affected agricultural production and drinking water supply¹²⁴¹.

692. The Rapporteurship welcomes the State's decision to again allocate funds for the "Oportunidad Laboral" program with the aim of mitigating the consequences of unemployment¹²⁴². It is noted that 9,000 people have benefited and, according to the authorities, of the total number of participants in the two previous editions, almost 50% were able to find employment¹²⁴³.

693. REDESCA also takes note of the complaints regarding the decrease in the education budget, especially in secondary education, imposed by the National Public Education Administration, which went from 4.9% of GDP in 2020 to 4.6% in 2021 and 4.6% in 2022¹²⁴⁴.

F. Right to education: academic freedom and university autonomy

694. In terms of education, the Rapporteurship highlights that in 2022, Uruguay recorded a total illiteracy rate of 1.1%, a significant percentage that reflects the educational progress in the country¹²⁴⁵. Likewise, it is observed that the percentages of students who completed their educational cycles are the highest since 2006. However, there is concern about the marked difference in the completion of educational cycles between different ages and levels.

695. REDESCA also notes that various teachers' and students' associations have expressed their opposition to the educational reform implemented in the 2023 school year, for having a "business and productivist" content and for the lack of active participation of educational stakeholders in the reform process¹²⁴⁶. The Rapporteurship recalls, as it did in the 2022 Annual Report, that Uruguay, as a State party to the Protocol of San Salvador, has the duty to guarantee the right to education, always oriented to the full development of the human personality and the sense of its dignity. In this context, it is essential that educational reforms be carried out with an inclusive and participatory approach¹²⁴⁷.

¹²³⁹ *Ámbito*, [Teachers' Union strike began in Montevideo](#), October 24, 2023.

¹²⁴⁰ TeleSur, [Uruguayan teachers conclude strike against education reform](#), October 26, 2023.

¹²⁴¹ World Bank, [Uruguay: Overview](#), September 28, 2023.

¹²⁴² Official site of the Oriental Republic of Uruguay, [Job Opportunity Phase 4 second stage](#).

¹²⁴³ *Ámbito*, [How to register for the new edition of the Jornales Solidarios program](#), May 14, 2023.

¹²⁴⁴ La Diaria, [Chart of the week: how much did the education budget fall](#), July 24, 2023.

¹²⁴⁵ Ministry of Education and Culture, [Educational attainment and level achieved by the population 2022](#), August 24, 2023.

¹²⁴⁶ *Ámbito*, [Teachers' Union strike began in Montevideo](#), October 24, 2023. El País, [Teachers criticize the new educational plan that will be in force from next year](#). 2023.

¹²⁴⁷ REDESCA, [Annual Report 2022](#), March 6, 2023, para. 1786.

G. Human mobility and ESCER

696. According to UNHCR data, during the first half of 2023 refugees and asylum seekers increased by 27.6%, while the total population of concern to UNHCR (stateless persons and other persons in need of international protection) grew by 25.3%¹²⁴⁸.

697. The Rapporteurship welcomes the measures taken by the State in the framework of UNHCR's *I Belong* campaign, which seeks to create protection frameworks for stateless persons and procedures for determining statelessness¹²⁴⁹. In this context, the State trained its public officials, teachers, interested personnel from diplomatic representations and other interested sectors by offering a workshop on the Right to Identity, Nationality and Statelessness, together with UNHCR, the National Human Rights Institution and Ombudsman's Office (INDDH) and the Inter-American Court of Human Rights¹²⁵⁰.

¹²⁴⁸ UNHCR, [Statistical Fact Sheet Uruguay](#), June 2023.

¹²⁴⁹ UNHCR, [#IBELONG: Campaign to End Statelessness](#).

¹²⁵⁰ INDDHH, [Workshop on the right to identity, nationality and statelessness](#), May 30, 2023.

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698. In the exercise of its competence to promote and protect ESCER in the Americas, REDESCA has been monitoring the situation in Venezuela. The Office of the Special Rapporteur notes with concern that serious obstacles persist in the country for the respect and guarantee of ESCER, so that improvements in the economic situation have not translated into improved living conditions for the population¹²⁵¹. In the context of a complex, serious and multidimensional humanitarian crisis, Venezuela continues to experience high rates of poverty, inequality and food insecurity, as well as a collapse of the health system and significant limitations to guarantee the ESCER. Along these lines, the Office of the Special Rapporteur notes that structural conditions persist that would subject the majority of the population to a continued situation of survival, despite the improvement in some economic indicators¹²⁵².

699. The Special Rapporteurship notes with interest the results of the National Survey of Living Conditions (2022), conducted by the Andrés Bello Catholic University (UCAB), which indicates a decrease in poverty in Venezuela for the first time since 2014, reaching 50.5% of households and representing a 15% reduction compared to 2021. However, REDESCA expresses concern about the increase in economic inequality in the country. Despite the improvement in some economic indicators, this improvement has not been reflected in the general wellbeing of the population¹²⁵³. Recent economic growth has benefited households with a higher level of income and those with a more educated head of household, while households with lower purchasing power and uneducated heads of household have experienced lower income growth¹²⁵⁴.

700. Likewise, it is noteworthy that HumVenezuela has pointed out that poverty continues to be a widespread problem, so most households do not have sufficient income to meet their basic needs. According to the community diagnosis carried out between July and August 2023, scarce income was the main problem for 86.3% of households and for 56.5% the lack of livelihood. This taking into account that while the median household income in the 20 states of the country where the diagnoses were conducted would be 102.5 USD per month, the basic food basket for August had an approximate value of 372 USD¹²⁵⁵. In this context, while millions of people do not have access to adequate health services and face food insecurity¹²⁵⁶, the Special Rapporteur notes that most protests in the country are characterized by demanding the guarantee of ESCER¹²⁵⁷, until August 2023, this type of protest accounted for 72% of all peaceful demonstrations¹²⁵⁸.

A. Right to health and social determinants

701. According to available information, the country has still not overcome the collapse of its health system, since there are still shortages and shortages of medicines, supplies, materials and medical treatment,

¹²⁵¹ IACHR, [Annual Report Inter-American Commission on Human Rights 2022, Chapter IV.B. Venezuela: Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, The State Apparatus, its Mechanisms of Repression and Restrictions on Civic and Democratic Space](#), A/HRC/54/CRP.8, September 18, 2023.

¹²⁵² IACHR, [Annual Report Inter-American Commission on Human Rights 2022, Chapter IV.B. Venezuela](#), para. 74.

¹²⁵³ Instituto de Investigaciones Económicas y Sociales, Universidad Andrés Bello (UCAB), [Condiciones de vida de los venezolanos ENCOVI 2022](#), November 2022; Misión internacional independiente de determinación de los hechos sobre la República Bolivariana de Venezuela, [El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático](#), A/HRC/54/CRP.8, September 18, 2023.

¹²⁵⁴ Inter-American Development Bank (IDB), [Recent trends in income distribution in Venezuela: an analysis through household survey microdata](#), December 2022, p. 10.

¹²⁵⁵ HumVenezuela, [Diagnósticos comunitarios, July-August 2023](#), October 2023, p. 2.

¹²⁵⁶ Human Rights Watch, [Venezuela. Events of 2022](#), 2023.

¹²⁵⁷ Observatorio Venezolano de Conflictividad Social (OVCS), [Social Conflictivity in Venezuela in 2022](#), June 2022.

¹²⁵⁸ Observatorio Venezolano de Conflictividad Social (OVCS), [Conflictividad social en Venezuela en agosto 2023](#), September 2023.

as well as the precariousness of health personnel and the inoperability of many medical centers and equipment¹²⁵⁹. Although these deprivations are experienced transversally by the entire population, REDESCA has shown that there is a differential and disproportionate impact on people with chronic diseases, kidney disease, cancer, tuberculosis, HIV/AIDS, cystic fibrosis¹²⁶⁰, among other affectations, as well as on the elderly, people with disabilities, people deprived of liberty - especially political prisoners - women, children and adolescents (NNA).

702. In this regard, it is noted that the public health system would have lost 70% of its response capacity since 2016¹²⁶¹. In addition, 82.2% of health centers would present structural and functional deficiencies, with 50.1% of severe type¹²⁶², while 90% of public laboratories would be inoperative¹²⁶³. The shortage of supplies in the operating rooms of public hospitals would be 72%¹²⁶⁴ and by August 2023, there would be a shortage of medicines of 26.3%, with diabetes (31.7%), convulsions (31.9%) and acute respiratory infections (32.6%) being the three causes of morbidity with the highest rates of medicine shortages¹²⁶⁵.

703. In this scenario, 9.3 million people with a chronic problem have no way of attending to it due to lack of resources or medicines¹²⁶⁶. As of August 2023, 88.9% of households reported inoperative services in public health centers, either due to inability to provide care, reduction and limitations of opening hours or due to the closure of services. This includes services provided in Barrio Adentro Modules (97.8%), Popular Clinics (97.3%), Comprehensive Care Centers (90.1%), Outpatient Centers (87.8%) and Hospitals (74.3%)¹²⁶⁷.

704. REDESCA also notes that this situation has resulted in the resurgence of infectious and preventable diseases¹²⁶⁸, as well as the persistence of opacity of information, as the State has not published the annual epidemiological bulletin for more than 7 years¹²⁶⁹. Additionally, there is persistent non-compliance with the precautionary measures granted in favor of newborn patients and their parents at the Concepción Palacios Maternity Hospital and of children and adolescents awaiting transplants and services at the J. M. de los Ríos Hospital¹²⁷⁰. In this regard, and by way of example, at least 79 children and adolescents died in the Nephrology

¹²⁵⁹ 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 Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights (IACHR), 2021, para. 1579.

¹²⁶⁰ In this regard, REDESCA received reports of how children and adolescents with cystic fibrosis have not received the necessary health services and, in fact, as family members, have reportedly experienced mistreatment and comments from governmental bodies stating that their "children were not important because it was more important for the Ministry to buy medicines for diabetics, for people with HIV, and that since [they were a minority] it was not feasible or profitable for the Government to buy medicines". Acción Solidaria, Ref: situation of children and adolescents with cystic fibrosis in Venezuela, April 28, 2023.

¹²⁶¹ El País, [Public health in Venezuela reduced by 70% its response capacity since 2016](#), May 15, 2023.

¹²⁶² HumVenezuela, Diagnósticos comunitarios, July-August 2023, October 2023, p. 9.

¹²⁶³ El Nacional, [90% of the country's public laboratories are inoperative](#), June 16, 2023.

¹²⁶⁴ Voice of America, [The odyssey of giving birth in a public hospital in Venezuela](#), May 22, 2023.

¹²⁶⁵ Convite, [Bulletin 73: August 2023 closes with 26.3% shortage of medicines for the morbidities monitored by Convite](#), September 28, 2023.

¹²⁶⁶ El País, [Public health in Venezuela reduced by 70% its response capacity since 2016](#), May 15, 2023.

¹²⁶⁷ HumVenezuela, Diagnósticos comunitarios, July-August 2023, October 2023, p. 6.

¹²⁶⁸ Human Rights Watch, [Venezuela. Events of 2022](#), 2023.

¹²⁶⁹ [Efecto Cocuyo, Chronic diseases worsened in Venezuela in two years of pandemic, March 17, 2022.](#)

¹²⁷⁰ Provea, [Los niños del Hospital J. M. de los Ríos "siguen muriendo" y se mantienen a la espera de que garanticen sus derechos](#), July 9, 2023; Efecto Cocuyo, [Bancos de leche y lactarios disminuyen sus servicios en Caracas](#), August 15, 2023;

service waiting for transplants after 6 years without transplant service, while as of 2023 there were 14 young people and 25 children in the hematology service of the J. M. de los Ríos waiting for a response¹²⁷¹. On September 14, patients' relatives filed an injunction for the immediate reactivation of the hematology service¹²⁷².

705. REDESCA stresses that deprivations in terms of the right to health are also the result of the failure to guarantee its basic and social determinants. This taking into account that there are estimates that in 2022 at least 6.5 million people would not have been able to acquire enough food to meet the minimum daily food energy needs for at least one year¹²⁷³. However, it should be noted that there are others that indicate that 12.3 million Venezuelans experience food insecurity¹²⁷⁴. The above, especially considering that by July 2023 the country topped the list of the ten countries with nominal food inflation of 414%¹²⁷⁵.

706. Along the same lines, the population faces increasing limitations in accessing water and sanitation, which significantly affects their ability to meet their basic needs. Thus, it has been reported that the service is not continuous and that there has been a reduction in water quality, from which it has been estimated that between 80% and 90% of the population does not have access to water due to problems in its distribution and the situation of the country's water basins¹²⁷⁶. According to available information, as of August 2023, there would be 74.5% of households without regular access to water, including 18.1% that do not have aqueducts, 10.6% with occasional failures and 45.8% with frequent failures¹²⁷⁷.

707. Meanwhile, the country continues to experience serious problems with its electricity service, which has not only affected the quality of life of all people, but has even led to the death of patients in various medical centers. In this regard, according to Doctors for Health, in 2022 alone, 261 people would have died due to power cuts in hospitals¹²⁷⁸.

B. Business and human rights

708. REDESCA notes with great concern the reported cases of forced labor in the country, with 49 cases of labor exploitation and unsafe conditions between May and December 2022¹²⁷⁹. It also continues to

Costa del Sol, [Parir en Venezuela. "Una vecina me quitó los puntos de la cesárea". July 18, 2023; Annual Report Inter-American Commission on Human Rights 2022, Chapter IV.B. Venezuela](#), para. 140. For reference, see: IACHR, Resolution 13/19, MC No. 150/19 Hospital Maternidad Concepción Palacios regarding Venezuela, Venezuela, March 18, 2019; IACHR, Resolution 43/19, MC No. 1039-17, [Niños, niñas y adolescentes pacientes en trece servicios del Hospital José Manuel de los Ríos regarding Venezuela](#), August 21, 2019; IACHR, RESOLUTION 11/2022 Precautionary Measure No. 150-19 [Hospital Maternidad Concepción Palacios regarding Venezuela](#), February 27, 2022.

¹²⁷¹ Provea, [Los niños del Hospital J.M. de los Ríos "siguen muriendo" y se mantienen a la espera de que garanticen sus derechos](#), July 9, 2023.

¹²⁷² Talcual, [Relatives of J.M. de los Ríos patients file amparo to reactivate service](#), September 14, 2023.

¹²⁷³ Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [The State apparatus, its mechanisms of repression and restrictions on civic and democratic space](#), A/HRC/54/CRP.8, September 18, 2023, para. 50.

¹²⁷⁴ Euronews, [Venezuela and Haiti humanitarian crises could worsen, says International Rescue Committee](#), January 24, 2023.

¹²⁷⁵ DW, [Venezuela: world's highest food inflation rate](#), September 6, 2023.

¹²⁷⁶ Amnesty International, [Venezuela: water crisis keeps the right to water in jeopardy](#), March 30, 2023.

¹²⁷⁷ HumVenezuela, [Diagnósticos comunitarios, July-August 2023](#), October 2023, p. 14.

¹²⁷⁸ Provea, [Provea warns that power outages put hospital patients at risk](#), September 17, 2023.

¹²⁷⁹ Movimiento Vinotinto, [Movimiento Vinotinto registers 49 cases of forced labor between the states of Táchira, Lara and Zulia](#), March 15, 2023.

closely monitor the effects of extractive operations in the southern states of the country. These activities have not only resulted in deforestation and contamination of water sources, but have also caused the displacement of indigenous communities. In addition, extremely difficult working conditions and serious abuses have been reported, including amputations, armed assaults and homicides perpetrated by groups that control the illegal gold mines and appear to operate with the tacit approval of the Government¹²⁸⁰.

C. Labor and union rights

709. REDESCA notes that most working people are unable to make a decent living, so low wages and working conditions, particularly in the public sector, continue to be a source of social tension¹²⁸¹. In fact, according to the OVCS, as of August 2023, workers' protests to demand labor rights continue to occupy the first place in peaceful demonstrations, representing 40% of the demands¹²⁸². Within this framework, mainly public sector, education and health sector workers, as well as retirees and pensioners have repeatedly demanded a living wage, better working conditions and adequate pensions¹²⁸³.

710. Likewise, REDESCA follows with concern the acts of persecution and criminalization of workers, trade unionists and organizations dedicated to the defense of human rights, and particularly labor rights, from which it has identified a pattern of generalized repression against persons perceived as opponents of the Government¹²⁸⁴. In fact, the Independent International Mission has also documented numerous cases of acts of intimidation and harassment against union representatives, health care workers, human rights defenders, among others¹²⁸⁵.

711. REDESCA has received reports of how the State has developed a policy of persecution and intimidation through agents of the security forces, intelligence services and armed pro-government civilian groups with the purpose of discouraging workers and stifling their social struggles¹²⁸⁶. In this regard, the IACHR and REDESCA received information on how these events are intensifying in the face of the electoral scenario¹²⁸⁷. It is noteworthy that in April 2023, the Commission granted precautionary measures for seven union leaders and members of the civil association Coalición Sindical Nacional de Trabajadores (CSNT) for

¹²⁸⁰ [Human Rights Watch, Venezuelan Tainted Gold, April 29, 2022; Human Rights Watch, Venezuela. Events of 2022, 2023.](#)

¹²⁸¹ Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [The State apparatus, its mechanisms of repression and restrictions on civic and democratic space](#), A/HRC/54/CRP.8, September 18, 2023, para. 46; Semana, [Venezuela: a week of protests and more and more people take to the streets to demonstrate against low wages](#), January 23, 2023.

¹²⁸² Observatorio Venezolano de Conflictividad Social (OVCS), [Conflictividad social en Venezuela en agosto 2023](#), September 2023.

¹²⁸³ Bloomberg, [Venezuela Wage Protests Grow: Health, Education and Basic Businesses Unite](#), January 11, 2023; Semana, [Venezuela: A Week of Protests and More and More People Take to the Streets to Demonstrate Against Low Wages](#), January 23, 2023; Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [The State Apparatus, Its Mechanisms of Repression and Restrictions on Civic and Democratic Space](#), A/HRC/54/CRP.8, September 18, 2023, para. 709.

¹²⁸⁴ UN News, [Water Conference, detention of civilians in Venezuela](#), March 22, 2023.

¹²⁸⁵ Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [The State apparatus, its mechanisms of repression and restrictions on civic and democratic space](#), A/HRC/54/CRP.8, September 18, 2023, para. 708.

¹²⁸⁶ Defend Venezuela, [Attack on workers and unions in Venezuela 2023](#), April 2023.

¹²⁸⁷ IACHR and REDESCA. Meeting with Venezuelan civil society organizations. June 23, 2023.

being in a serious and urgent situation, with their rights to life and personal integrity at risk of irreparable harm¹²⁸⁸.

D. Fiscal and economic policies

712. REDESCA notes that Venezuela would have overcome the hyperinflationary cycle¹²⁸⁹ and experienced economic growth in 2022, with a decrease of 8.5% in the first half of 2023 compared to the previous period¹²⁹⁰. Without detriment to this, it notes that the population still has not improved its living conditions¹²⁹¹. In this scenario, households maintain a strong dependence on bonuses and subsidies - even if these are insufficient - as their own wages and earnings would not be an effective vehicle to ensure sufficient livelihoods¹²⁹².

713. According to the Independent International Fact-Finding Mission, the period between January 2020 and September 2023 on the economic level was characterized by the continuity of the economic and humanitarian crisis, which was exacerbated by the impacts of the 2019 pandemic¹²⁹³.

E. Right to education: academic freedom and university autonomy

714. REDESCA notes that in the country there are serious obstacles to guaranteeing the right to academic freedom and university autonomy. Thus, complaints continued to be received about persecution against students and members of the academic community for political reasons, lack of working conditions for workers in the education sector, together with a high level of salary precariousness¹²⁹⁴, significant budget shortfalls for schools and universities due to lack of funding, as well as regressive measures in relation to university autonomy¹²⁹⁵.

715. In this line, it was reported that the intervention measures are being increased with the excuse of "recovering" the institutions, despite the fact that their current state would be the result of the budget deficit since 2008. According to what was indicated, the Government refers to the agreements for the recovery of the institutions as contributions for the "rescue of the houses of studies", which would be used as political proselytism of its administration, especially when parallel positions have been created and not contemplated

¹²⁸⁸ IACHR, [Precautionary Measures No. 66-23 Carlos Eduardo Salazar Ojeda et al. \(Union leaders of the civil association Coalición Sindical Nacional de Trabajadores\) regarding Venezuela](#), April 1, 2023.

¹²⁸⁹ DW, [Venezuela: world's highest food inflation rate](#), September 06, 2023.

¹²⁹⁰ Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [The State apparatus, its mechanisms of repression and restrictions on civic and democratic space](#), A/HRC/54/CRP.8, September 18, 2023, para. 48.

¹²⁹¹ Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [The State Apparatus, Its Mechanisms of Repression and Restrictions on Civic and Democratic Space](#), A/HRC/54/CRP.8, September 18, 2023; New York Times, [Ferrari, Prada and Hunger: Venezuela's Socialist Vision Falters](#), March 21, 2023.

¹²⁹² HumVenezuela, [Diagnósticos comunitarios](#), July-August 2023, October 2023, p. 2.

¹²⁹³ Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [The State apparatus, its mechanisms of repression and restrictions on civic and democratic space](#), A/HRC/54/CRP.8, 18 September 2023.

¹²⁹⁴ Aula Abierta, [El salario de los académicos en Venezuela: una mirada hacia el abismo](#), March 30, 2023; Aula Abierta, [Se agrava situación de pobreza extrema del profesorado universitario en Venezuela](#), May 27, 2023.

¹²⁹⁵ Human Rights Observatory of the Universidad de Los Andes. 2023. [Report on the situation of Venezuelan universities, July](#). 06 August 2023; Aula Abierta, [Contribución: Informe anual 2022 CIDH: situación de la libertad académica, la autonomía universitaria y libertades fundamentales de los y las universitarios en Venezuela \(2022\)](#), 31 January 2023; Aula Abierta, [Informe del Alto Comisionado en la ONU reitera que persisten dificultades para acceder a una educación de calidad en Venezuela](#), 6 July 2023.

by law (such as those of "protectors") and the delivery of university resources to them in order not to intercede with the legitimate authorities¹²⁹⁶.

F. Human Mobility and ESCER

716. The Office of the Special Rapporteur continues to demonstrate that the lack of guarantee of human rights, particularly ESCER, is at the core of the motivations for emigrating from the country. In this regard, it is noteworthy that the independent international Mission has pointed out that the humanitarian and human rights crisis has continued to fuel the mass exodus¹²⁹⁷. For its part, HumVenezuela has identified that between March 2022 and August 2023, the intention of households to emigrate has increased, with the main reasons being: access to better income and livelihoods, followed by family reunification, the need for health services and medicines, along with other types of public services, schools, among others¹²⁹⁸.

717. As of September 2023, it is estimated that there would be approximately 7.7 million refugees and migrants from Venezuela, of which 6.5 million (84%) would be in Latin America and the Caribbean¹²⁹⁹. Although several countries in the region have adopted various measures for their integration and international protection -where applicable-, a large number of these people continue to experience multiple difficulties in accessing livelihoods and rights such as food, health, education and housing¹³⁰⁰. In this context, REDESCA notes that, in the context of the critical situation in the Darien, the majority of people using this route are Venezuelan, with more than 209,000 crossings between January and August 2023¹³⁰¹. This is especially considering that in this period alone more than 330,000 people had already crossed the Darién, a historic figure that far exceeds the 2022 crossings of approximately 248,000 people¹³⁰².

¹²⁹⁶ Human Rights Observatory of the University of Los Andes. [Report on the situation of Venezuelan universities, August](#). September 6, 2023.

¹²⁹⁷ Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, [The State apparatus, its mechanisms of repression and restrictions on civic and democratic space](#), A/HRC/54/CRP.8, September 18, 2023, para. 51.

¹²⁹⁸ HumVenezuela, [Diagnósticos comunitarios, July-August 2023](#), October 2023, p. 21.

¹²⁹⁹ Regional Interagency Coordination Platform for Refugees and Migrants in Venezuela (R4V). [Refugee and Migrant Needs Analysis \(RMNA\)](#). September 2023, p. 14.

¹³⁰⁰ Regional Interagency Coordination Platform for Refugees and Migrants in Venezuela (R4V). [Refugee and Migrant Needs Analysis \(RMNA\)](#). September 2023, p. 15.

¹³⁰¹ Human Rights Watch, [How the Dangerous Darien Gap Became the Migration Crossroads of the Americas](#), October 10, 2023.

¹³⁰² UN News, [More than 330,000 migrants have crossed El Darien so far this year, one-fifth are children](#), September 5, 2023.

CHAPTER III: CONCLUSIONS AND RECOMMENDATIONS

718. This report has identified relevant trends in monitoring the situation of economic, social, cultural and environmental rights in the region. Data has been collected and analyzed in an impartial manner, with a focus on the defined strategic lines. It is worth noting the concern about the persistence of significant problems that inhibit the protection and guarantee of ESCER in many countries of the region. This observation points to structural and systemic challenges that continue to impede the full exercise of these rights. Despite the progress observed in poverty reduction, which is certainly encouraging and reflects partial progress towards broader development goals, inequality remains a critical issue. This inequality not only remains, but in many cases has been exacerbated. This suggests that, while poverty reduction is a fundamental step, it alone is not sufficient to ensure respect for ESCER.

719. The report also highlights the influence of additional factors such as climate emergency and violence. These phenomena not only constitute challenges in themselves, but also exacerbate the situation of people with regard to their ESC rights, especially those who are part of groups historically subject to forms of structural discrimination. This reality underscores the need to adopt an intersectional perspective in analysis and policy responses. An intersectional view allows us to recognize how different forms of discrimination and disadvantage intersect, disproportionately affecting certain groups. In the context of the climate emergency, for example, it is crucial to understand how the impacts of climate change can be particularly severe for some communities and groups. Similarly, violence, whether social, political or otherwise, does not affect all social groups in the same way. From this perspective a differentiated approach is crucial to ensure that responses are not only effective, but also fair and equitable, ensuring that all people, regardless of any kind of consideration, can be guaranteed their ESCER.

720. REDESCA presents its conclusions and recommendations:

1. Right to health and its social determinants

721. REDESCA notes that despite the fact that in May 2023 WHO declared the end of the international COVID-19 emergency¹³⁰³, the Americas continue to face serious socio-economic consequences as a result of the pandemic. These consequences have further deepened the already high levels of poverty, inequality and informality in the region. The pandemic has not only been a health crisis, but has also caused serious economic and social disruption. Thus, the Office of the Special Rapporteur recognizes that there are significant challenges to guaranteeing the right to health in the Americas, especially considering its basic and social determinants. The combination of these factors has created a scenario with significant limitations for the guarantee of ESCER, particularly the right to health and its basic and social determinants¹³⁰⁴.

722. The Office of the Special Rapporteur notes that according to information published by ECLAC, poverty has been reduced, but progress towards its eradication is insufficient. In 2022, according to the same source of information, 29.0% of the population of Latin America was living in poverty and 11.2% lived in extreme poverty. These percentages show a significant reduction compared to 2021, when these indicators stood at 32.6% and 13.0%, respectively. Moreover, the figures reflect a more positive situation than that

¹³⁰³ PAHO, [Pandemic Emergency Ends, but COVID-19 Continues](#), May 6, 2023

¹³⁰⁴ The Commission and REDESCA have pointed out that the right to health implies attention to its basic and social determinants, as the set of factors that condition its effective exercise and enjoyment. In this framework, they have included, among others, food, nutrition, housing, access to clean drinking water, adequate sanitary conditions, safe and healthy working conditions, a healthy environment, access to education and information on health issues, equitable distribution of resources, cultural, ethnic, age, migratory, disability and gender perspectives, effective participation of the population in health policies, power relations, violence, as well as regulatory, institutional and social discrimination. It has been emphasized that these determinants are enunciative and not exhaustive. For more information, see: REDESCA-IACHR, [Las Enfermedades No Transmisibles y los Derechos Humanos en las Américas](#), August 2023, paras. 177-180; REDESCA-IACHR, [Compendium on Economic, Social, Cultural and Environmental Rights](#), May 2022.

observed in 2019, 30.2% and 11.3%, respectively, before the onset of the COVID-19 pandemic. By 2023, according to ECLAC, no appreciable improvements in the living conditions of low-income people are expected. In a context of low economic growth, it is to be expected that poverty and extreme poverty rates will remain largely stable at the regional level¹³⁰⁵. This is despite the fact that in some cases significant progress has been observed, as has been pointed out in this report in relation to several of the region's countries.

723. Although there has been a gradual improvement in public spending on health in the region, there are still significant challenges in health infrastructure and access to health services in the region. The COVID-19 pandemic highlighted the structural weaknesses of health systems. The World Health Organization (WHO) recommends a public expenditure of 6% of GDP on health, but in 2019 the average expenditure in the Latin American region was 3.8%¹³⁰⁶. In addition to the difficulties linked to insufficient financing, the region faces challenges linked to the segmentation and fragmentation of health systems, which generates problems of solidarity and inequality, compromising universal access to health and the quality of services. This general scenario is even more complex in countries where shortages of resources, medical personnel, supplies and medicines have been observed, in addition to unequal access to services, particularly for groups in situations of vulnerability and/or historical discrimination, people living in poverty, as well as for populations in rural areas¹³⁰⁷.

724. This situation is aggravated by the fact that, by focusing health efforts on pandemic care, the progress achieved in the fight against various diseases has been jeopardized. This has resulted, for example, in a significant resurgence of some diseases that were thought to be under control, such as malaria, dengue fever and cholera, especially in Haiti. Likewise, in the lack of care for chronic diseases, with reports of lack of care for people with cancer, HIV, kidney disease, among others¹³⁰⁸. In this regard, it should be noted that Non-Communicable Diseases (NCDs) have a serious impact in the region, causing around 80% of deaths, 39% of which are premature deaths. This is despite the fact that more than two thirds of NCDs are attributable to modifiable risk factors, including tobacco use, alcohol consumption, lack of physical activity and unhealthy diets¹³⁰⁹.

725. In addition to the above, despite the fact that Latin America and the Caribbean constitute the largest region in terms of net food exports in the world, a substantial increase in hunger levels has been observed, with an increase of 30%, reaching 56.5 million people between 2019 and 2021¹³¹⁰. According to information published in 2023 by the United Nations, which is included in its Panorama of Food Security and Nutrition in Latin America and the Caribbean, 43.2 million people, equivalent to 6.5% of the population, suffer from hunger, and levels of overweight and obesity have been recorded above the world average.¹³¹¹

726. This scenario is aggravated by conflicts, extreme weather events and economic crises, which have led more communities to go hungry in several countries. In this regard, FAO has pointed out that the region's persistent challenges in the face of inequality, poverty and climate change have reversed progress in

¹³⁰⁵ ECLAC, [Social Panorama of Latin America and the Caribbean, 2023](#), (LC/PUB.2023/18-P), Santiago, 2023.

¹³⁰⁶ DW, [The challenges of Latin America's health systems](#), March 1, 2023.

¹³⁰⁷ PAHO, [Building Resilient Health Systems to Advance Toward Universal Health in the Region of the Americas. Lessons from COVID-19](#), September 2022.

¹³⁰⁸ PAHO, [COVID-19 pandemic significantly affected access to medicines for noncommunicable diseases](#), March 22, 2023.

¹³⁰⁹ REDESCA, [REDESCA of the IACHR publishes thematic report "Non-Communicable Diseases and Human Rights in the Americas"](#), August 31, 2023.

¹³¹⁰ [Latin America, Caribbean 'must step up' to tackle rising hunger: FAO | UN News](#).

¹³¹¹ PAHO, [New UN report: 43.2 million people suffer from hunger in Latin America and the Caribbean and the region has higher levels of overweight and obesity than the global estimate](#), November 9, 2023.

the fight against hunger by at least 13 years¹³¹². In this context, REDESCA notes that by 2022 there were 247.8 million people in the region experiencing moderate or severe food insecurity¹³¹³ and that there are countries in critical situations, with large numbers of people facing acute food insecurity, starting with Haiti (where communities face or are at risk of famine or catastrophic conditions) and including El Salvador, Guatemala, Honduras and Nicaragua¹³¹⁴.

727. In light of this scenario, REDESCA underscores the urgent need for the region's States to formulate and implement public policies with a firm focus on human rights, aimed at ensuring the right to health and its determinants. It is essential that these policies recognize and address the structural inequalities and persistent challenges faced by historically discriminated groups. Increased investment in health aimed at ensuring the availability, accessibility, acceptability and quality of services must be accompanied by social protection policies that have a direct impact on the main social determinants. In many cases, the Special Rapporteurship verifies the need to undertake significant reforms aimed at strengthening health systems, all of which should be developed by promoting citizen participation and transparency in the formulation and implementation of health policies.

728. The Office of the Special Rapporteur considers effective oversight of the impact of business activities on public health as a crucial aspect in the framework of the necessary transformations. As well as the implementation of economic and fiscal policies that promote the equitable redistribution of resources to strengthen health systems. In addition, transparency and accountability should be promoted to ensure the efficient use of public funds in health.

2. Climate emergency and the human right to water

729. The climate emergency is making increasingly evident the need for urgent action in the face of the seriousness of the situation. In this regard, the World Meteorological Organization (WMO) pointed out that global temperatures are likely to reach unprecedented levels in the next five years, driven by heat-trapping greenhouse gases and the natural phenomenon of El Niño. Thus, there is a 66% chance that, between 2023 and 2027, the annual global average near-surface temperature will exceed pre-industrial levels by more than 1.5°C for at least one year and a 98% chance that at least one of the next five years This increase in temperature is attributed to greenhouse gases and the natural El Niño phenomenon¹³¹⁵, whose potential development over the next few months could cause a further spike in global warming and increase the chances of record-breaking temperatures, as well as the five-year period as a whole, being the warmest ever recorded¹³¹⁶.

730. In this context, REDESCA notes with concern that, despite the evident signs of urgency for decisive action, the spaces for the discussion of measurable and permanent solutions are increasingly reduced. For example, civil society organizations denounced, within the framework of the Bonn Climate Conference, that States do not listen to civil society organizations and affected communities, and that the positions of other States seeking greater participation are not even taken into account. In particular, they have claimed that the

¹³¹² PAHO, [New UN report: 43.2 million people suffer from hunger in Latin America and the Caribbean and the region has higher levels of overweight and obesity than the global estimate](#), November 9, 2023.

¹³¹³ PAHO, [New UN report: 43.2 million people suffer from hunger in Latin America and the Caribbean and the region has higher levels of overweight and obesity than the global estimate](#), November 9, 2023.

¹³¹⁴ WFP and FAO. 2023. [Hunger Hotspots. FAOWFP -early warnings on acute food insecurity](#), June 2023 to November 2023 outlook, 2023.

¹³¹⁵ UN, [El Niño is expected to begin this summer](#), May 3, 2023.

¹³¹⁶ WMO, [Global temperatures to break records in the next five years](#), May 17, 2023

urgent needs of societies, communities and countries that will be most affected by the climate emergency are not being met by the financial commitments made by high-emission States¹³¹⁷.

731. In addition, in the context of the Financing for Development summit in Paris, communities and organizations denounced that the financing mechanisms currently proposed are not delivering the expected results. In particular, Amnesty International pointed out that several vulnerable low-income states have been overwhelmed by economic crises, debts they cannot pay and the effects of climate change, a crisis to which they have contributed very little, but which is costing the people of these countries dearly¹³¹⁸. In this line, some organizations have warned that mechanisms such as carbon markets and carbon removal mechanisms do not solve emissions reductions and are also catalysts of human rights violations where they take place¹³¹⁹.

732. In the same vein, REDESCA notes that civil society has also expressed concern about climate/nature debt swaps, pointing out that they are not an adequate solution to the debt and climate crises¹³²⁰. Moreover, their implementation can pose significant risks and challenges, harming governments and citizens in the so-called Global South. Instead, they have indicated that efforts should focus on large-scale debt cancellation for all countries in need across all creditors, a renewed consensus on responsible lending and borrowing, and a significant increase in new, additional and grant-based climate finance¹³²¹.

733. Finally, there are several questions regarding the conclusions of the report of recommendations presented by the Transitional Committee of the Loss and Damage Fund established at COP27. In particular, countries of the so-called Global South have objected to the Fund's recommendations regarding a fiduciary role that the World Bank would have in the management of the Fund. In this sense, they emphasize that the World Bank would not have the legitimacy to exercise such functions, since its practices would not be focused on achieving climate justice. Therefore, civil society organizations have pointed out that, in the first place, the Bank cannot under its current structure provide human rights-focused, gender-transformative solutions, offer greater direct access to grant funding for historically discriminated populations, including indigenous peoples, women and diverse gender groups, children and youth, and people living with disabilities¹³²².

734. REDESCA recognizes the seriousness of the climate emergency and its multiple challenges for the integral guarantee of human rights. This situation demands an urgent and effective response, especially in terms of integrating a human rights approach in climate action strategies at the global level. In this regard, REDESCA and the IACHR, through Resolution 3/21 on the climate emergency and human rights in the Americas, have emphasized the need to consider climate change as a human rights emergency, highlighting its impact on the health of ecosystems and the enjoyment of human rights by present and future generations.

735. In this context, the Office of the Special Rapporteur recommends focusing on the reduction of poverty and inequalities with an intersectional perspective, promoting sustainable development models that mitigate greenhouse gases and reduce the risks associated with the effects of climate change. From REDESCA's perspective, climate action policies should be designed and implemented in a way that respects and promotes human rights. This should be an aspect of the issue that should be at the center of the discussion. This includes

¹³¹⁷ CAN, [Bonn Climate Talks: Finance and Trusky key to success for COP28](#), June 15, 2023

¹³¹⁸ Amnesty International, [Global: Paris finance Summit must deliver urgent assistance to states struggling with debt and climate crises](#), June 21, 2023.

¹³¹⁹ [Civil Society Groups Raise Concerns Over Increasing Push for Carbon Markets, Offsets, and False Solutions like Geoengineering and Land Based Removals During Climate Negotiations - Global Campaign to Demand Climate Justice](#)

¹³²⁰ UN Special Rapporteur on Extreme Poverty and Human Rights, [Final Statement of Mission to Ecuador](#), September 8, 2023.

¹³²¹ CAN, [Climate Action network Position on Debt Swaps](#), May 2023

¹³²² HBS, [Compromise Transitional Committee Outcome Falls Short of Expectations and Climate Justice](#), November 15, 2023.

the right to water and sanitation, food, health, housing, and the right to a healthy environment. REDESCA suggests that these efforts be carried out in collaboration with civil society organizations, affected communities, academia, national human rights institutions and other multilateral agencies to ensure a coherent and effective response to the climate crisis.

736. However, since this is a phenomenon that knows no borders, it must be addressed through concerted action in multilateral forums, and for this reason the Office of the Special Rapporteur stresses the importance of international cooperation and dialogue with relevant actors in the framework of the Conferences of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC), in order to align climate negotiations with the human rights obligations of States. The focus should be on developing standards and recommendations to guide States in adopting ambitious and equitable measures to address climate change and its adverse effects. In addition, it is crucial to reform the development and climate finance systems from a human rights perspective.

3. Business and human rights

737. During the year 2023, REDESCA has evidenced a worrying continuity in the irresponsible behavior of business sectors in much of the region, which do not comply with their responsibility to respect human rights. This situation is aggravated by the clear increase in violence against human rights defenders, directly or indirectly affected by corporate activities. In this context, Latin America unfortunately continues to be the most dangerous region for the defense of human rights¹³²³. In fact, it is noted that where most of these homicides occur there is the presence of armed groups, as well as corporations that directly affect the humanitarian situation of the regions affected by their actions. During the first four months of 2023, at least 33 murders were recorded in the region, surpassing the 27 cases of the same period in 2022, and most of the victims have been environmental, land or territorial defenders¹³²⁴.

738. Although human rights abuses by companies occur in almost all business sectors, the most dangerous to the lives of human rights defenders are linked to the extraction and exploitation of natural resources, such as mining activities, the expansion of the agricultural frontier, and oil and gas extraction. In this way, many testimonies have been received that show the impact on the environment and health caused by the use of mercury in artisanal and small-scale gold mining activities, together with the lack of control by the States. The Report "Business and Human Rights: Inter-American Standards" by the IACHR and REDESCA has highlighted that, although companies can be positive agents for the respect and guarantee of human rights, there are still experiences of impunity and abuse of these rights. Despite the time that has elapsed, this affirmation is undoubtedly topical.

739. In this regard, REDESCA takes note of the declaration of Civil Society Organizations regarding business activities in the region and their impact on human rights. To this extent, it is noted that the proposals of the private sector to address the climate emergency do not consider the impact on indigenous peoples, peasant communities and Afro-descendant peoples¹³²⁵. Likewise, REDESCA and the Commission have observed how extractive development models focused on the expansion of agribusiness mean land concentration, the valorization of monoculture, the displacement of small-scale agriculture, the increase of ecological degradation, and the affectation of water sources¹³²⁶. Furthermore, according to the information taken into account in the preparation of this report, agribusiness is based on highly precarious labor conditions,

¹³²³ Front Line Defenders, [Global Analysis 2022](#), April 4, 2023.

¹³²⁴ IACHR, [Violence against human rights defenders persists in the first four months of 2023](#), June 27, 2023.

¹³²⁵ PODER Latam, [Declaration of CSOs convened by the Latin American Platform on Business and Human Rights](#), October 16, 2023.

¹³²⁶ IACHR, [IACHR presents preliminary observations of the on-site visit to Honduras](#), April 28, 2023

in which forced labor, human trafficking and forms of modern slavery are widely and systematically denounced in several countries in the region¹³²⁷.

740. REDESCA has noted with concern how illicit economic activities and illegal economies also contribute to human rights violations, including forced labor, human trafficking and the violation of collective and individual rights, as well as environmental damage. These activities occur within company operations and supply chains, and are often integrated into the formal economy without adequate traceability analysis. This facilitates acts of concealment and dissimulation of the illicit origin of such assets, as evidenced in cases of gold mining and the improper use of mercury in illegal mining, creating situations of money laundering, which, even when detected, are not efficiently addressed due to various circumstances, including structural corruption. These phenomena call into question the integrity and sustainability of markets and the financial sector, but also end up generating human rights violations and affecting the possibilities of financing the public policies needed to guarantee them.

741. In this regard, REDESCA received information on the connection between illicit extractive activities, organized crime and the impacts on vulnerable populations in the region during a thematic hearing at the 188th Session of the IACHR. In this context, the Commission and the Office of the Special Rapporteur expressed their concern about the situation affecting the region. Although the Office of the Special Rapporteur is aware that the majority of these are illicit flows of capital that finance these activities, it calls on the States to strengthen their control entities in order to increase their capacity to ensure their functions of oversight, monitoring and sanctioning when necessary. To that extent, States should not only generate public policy that generates a voluntary compliance framework for companies, but reiterates that legislation should be passed that requires compliance with human rights obligations by the private sector.

4. Labor and union rights

742. The rates and quality of jobs in Latin America and the Caribbean, significantly affected from 2015 to the present, reflect the challenges imposed by the negative effects of environmental crises, the uncertainty generated by technological changes in the future of work, and the limited fiscal space to implement essential reforms and programs¹³²⁸. By 2023, the International Labor Organization (ILO) projected annual employment growth of between 1% and 1.5% in Latin America and the Caribbean, which would only be enough to offset the growth of the working-age population, due to challenges such as likely slow GDP growth¹³²⁹. According to ECLAC, the regional unemployment rate showed a downward trend since 2021, standing at 6.8% in the first quarter of 2023, a decrease of 1.5% compared to the same period in 2022 and 2.1% lower compared to the first quarter of 2019¹³³⁰.

743. Likewise, despite the improvement observed in 2022, inequities in the labor sector are still present. For example, 48 out of every 100 women of working age in Latin America and the Caribbean are not participating in the labor market and there are still gaps in the rates by sex, age and formality¹³³¹. In the first quarter of 2023 the gap between the participation rate of women and men is 22.2 percentage points, similar to

¹³²⁷ PODER Latam, [Declaration of CSOs convened by the Latin American Platform on Business and Human Rights](#), October 16, 2023.

¹³²⁸ ILO, [Labor Outlook 2023: Over the last three decades, Latin America and the Caribbean has shown improvements in its labor market but significant gaps associated with productivity and informality persist](#), November 14, 2023.

¹³²⁹ ILO, *World Employment and Social Outlook: Trends 2023* (2023), p. 62.

¹³³⁰ ECLAC, *Economic Survey of Latin America and the Caribbean 2023*, 2023 (LC/PUB.2023/11-P), p. 20.

¹³³¹ ECLAC/ILO, *Coyuntura Laboral en América Latina y el Caribe. Towards the creation of better jobs in the post-pandemic* (2023), p. 9.

that observed in the fourth quarter of 2019¹³³². The ILO highlighted that the slower recovery of sectors with predominantly female employment continues to leave women at a disadvantage¹³³³. But the existence of a gender gap is not a phenomenon specific to Latin America and the Caribbean; on the contrary, according to available information it affects the entire hemisphere¹³³⁴.

744. Nevertheless, the Office of the Special Rapporteur notes some progress and positive signs, such as the approval of laws aimed at reducing the gender gap, for example, in Brazil¹³³⁵ and Ecuador¹³³⁶; the ratification of the Violence and Harassment Convention, 2019 (no. 190) by Canada and Ecuador¹³³⁷; the commitment signed by Latin America and the Caribbean in October to accelerate the eradication of child labor¹³³⁸, including the duty of due diligence of companies¹³³⁹; and the visibility given to care work, historically relegated to girls and women, without remuneration. The request for an Advisory Opinion to the IACHR Court on "The content and scope of the right to care and its interrelation with other rights", in light of the American Convention and other international human rights instruments, represents a step forward in the latter direction¹³⁴⁰.

745. For its part, REDESCA closely follows the labor rights situation of other groups of special interest, such as waste pickers and workers on digital platforms. In this regard, at the regional thematic hearing on "Labor Rights of Informal Sector Workers in the Americas" held at the 187th Session of the IACHR, it was presented how recyclers belong to one of the most vulnerable populations in informal employment¹³⁴¹ and in addition to their precarious working conditions, they are disadvantaged by various measures that favor companies over them. Regarding the employment situation in digital platforms in Latin America and the Caribbean, it was noted that, in the absence of regulation, this would be highly informal and precarious despite providing employment to millions of people¹³⁴².

746. Given the current challenges in the labor sphere, it is imperative that the countries of the region adopt measures in accordance with the inter-American standards of labor and trade union rights of the ISHR. In this regard, REDESCA emphasizes the importance of guaranteeing the full recognition and exercise of labor rights for all workers, especially those belonging to the most vulnerable groups such as women, girls, Afro-descendants, indigenous peoples, and people living in poverty.

¹³³² ECLAC, Economic Survey of Latin America and the Caribbean 2023, 2023 (LC/PUB.2023/11-P), p. 21.

¹³³³ ILO, World Employment and Social Outlook: Trends 2023 (2023), p. 62.

¹³³⁴ World Economic Forum, [Global Gender Gap Report 2023](#), June 20, 2023.

¹³³⁵ Presidência da República - Ministério do Desenvolvimento e Assistência Social, Família e Combate à Fome, [Presidente Lula sanciona lei que garante igualdade salarial entre mulheres e homens](#), July 3, 2023.

¹³³⁶ Constitutional Court, [ORGANIC LAW TO PROMOTE THE VIOLET ECONOMY](#), Official Gazette Supplement No. 234, January 20, 2023.

¹³³⁷ ILO, [Ratification of C190 - Violence and Harassment Convention, 2019 \(No. 190\)](#), 2023.

¹³³⁸ ILO, [Child Labor Free Latin America and the Caribbean Regional Initiative: Latin America and the Caribbean reinforce their commitment to achieve the first generation free of child labor](#), October 27, 2023.

¹³³⁹ ILO, Putting [the spotlight on supply chains to end child labor](#), August 10, 2023.

¹³⁴⁰ I/A Court H.R., [Request for an advisory opinion, pursuant to Articles 64\(1\) of the American Convention on Human Rights \(ACHR\) and 70 and 71 of the Rules of Procedure of the I/A Court H.R., on "The content and scope of the right to care and its interrelation with other rights", in light of the aforementioned Convention and other international human rights instruments](#), January 20, 2023.

¹³⁴¹ REDESCA 2022 Annual Report, para. 1774.

¹³⁴² Trade Union Confederation of the Americas (TUCA); International Transport Workers' Federation (ITF); International Lawyers Assisting Workers Network-ILAW, Reference: Right to work, social security and other labor rights in digital platforms in Latin America, April 17, 2023.

747. In a region seriously affected by informality, the Office of the Special Rapporteur urges States to design strategies that promote the transition from informal to formal employment, in line with Recommendation No. 204 of the International Labor Organization (ILO), which advocates labor formalization as a crucial step to improve working conditions and reduce the vulnerability of workers¹³⁴³. In addition, it is recommended that countries strengthen their legislation, practices and public policies to promote labor rights from a human rights approach, in accordance with the systematization of inter-American standards carried out by REDESCA and IACHR¹³⁴⁴.

5. Fiscal and economic policies

748. The Americas is the most unequal region on the planet, characterized by deep social gaps where poverty, extreme poverty and inequality are cross-cutting problems in all the States of the region, and which have deepened as a result of the pandemic unleashed by COVID-19. In this regard, within the framework of this report, concern has been expressed about the high levels of indebtedness of countries in the region, mainly in Latin America and the Caribbean, which end up allocating more resources to paying interest than to guaranteeing basic rights such as health, education or decent housing. Debt levels, which increased significantly in 2020 due to the pandemic, are imposing severe restrictions on national budgets, limiting the capacity of States to allocate adequate resources to guarantee ESCER.

749. In this regard, REDESCA agrees with the idea that a transformation of the international financial architecture of sovereign debt is necessary in order to offer indebted countries different options and alternatives that allow for comprehensive, inclusive and sustainable development¹³⁴⁵. In this context, the Special Rapporteur also agrees with the observations on the lack of transparency and accountability in governance, especially in the role of the private financial sector¹³⁴⁶.

750. REDESCA notes with concern that the financial support actions of multilateral lending bodies, although crucial, often impose conditionalities on borrowing States that can restrict their fiscal policy and do not always favor the articulation of financing programs aimed at increasing the inclusion, resilience and sustainable development of these countries. In this regard, it is vital that multilateral financing institutions, as subjects of international law, act as proactive international agents that provide support to States, positively influencing their fundraising capacity, resource mobilization and compliance with their international human rights obligations.

751. The Office of the Special Rapporteur recognizes the special risk faced by ESCER in the context of economic improvement driven by corporate projects in extractive activities. In this sense, it highlights the importance of adopting precautionary measures to mitigate possible negative impacts on economic, social, cultural and environmental rights.

752. The Office of the Special Rapporteur recognizes and appreciates the efforts of the States of the Americas in their active search for fiscal and economic solutions to reduce the existing gaps. However, it stresses the importance of not losing sight of the fact that human rights principles must be the fundamental pillar in the formulation of fiscal and tax policies. This implies considering the principles of equality and non-discrimination; participation; access to guarantee and accountability mechanisms, access to grievance mechanisms; transparency, production and access to information throughout the public policy cycle, among

¹³⁴³ ILO, [Recommendation 204 - Recommendation on the transition from the informal to the formal economy](#), 1 June 2015.

¹³⁴⁴ IACHR, REDESCA, [Compendium on Labor and Trade Union Rights. Inter-American Standards](#). OEA/Ser.L/V/II, 2020.

¹³⁴⁵ ECLAC, [Public Debt and Development Constraints in Latin America and the Caribbean](#), May 2023.

¹³⁴⁶ United Nations Special Rapporteur on Extreme Poverty and Human Rights, End of Mission Statement of the Special Rapporteur on extreme poverty and human rights, Mr. Olivier De Schutter, August 28 to September 8, 2023, p. 5.

other aspects. In this sense, it emphasizes that fiscal policies must be aligned with the principles of ensuring minimum essential levels and the mobilization of the maximum available resources for the progressive realization of ESCER, always maintaining the progressiveness and non-regressivity of these rights.

753. REDESCA identifies key challenges in the region that include low resource mobilization due to insufficient levels of tax collection, regressive taxation that disproportionately affects the poor, and insufficient social spending. These factors not only impede the effective reduction of poverty and inequality, but also contribute to the perpetuation of structural and historical discrimination against vulnerable groups. The Special Rapporteur therefore urges States to adopt affirmative action measures and establish distinctions based on de facto inequalities to ensure substantive equality¹³⁴⁷.

6. Right to education: academic freedom and university autonomy

754. According to UNESCO, in the last 20 years, the enrollment rate increased from 19% to 39% worldwide, with Latin America and the Caribbean being the second fastest growing region in the world. However, growth is uneven between poor and rich countries and the gaps tend to widen¹³⁴⁸. In relation to gender, there has been an increase in the participation of women, even surpassing that of men, with 128 women enrolled in tertiary education for every 100 men. However, it is important to note that many of these women choose careers related to caregiving roles, such as health, welfare and education, as well as social sciences, which may contribute to deepening gender-based inequalities in access. Inequalities are also accentuated in other populations: the gross enrollment rate is 40% for the indigenous population, 45.5% for the Afro-descendant population and 71.9% for the rest, and these gaps have increased in the last five years¹³⁴⁹.

755. REDESCA notes with concern that significant inequalities persist in access to education in the region. These inequalities are manifested in access to technologies, services and educational infrastructure, which seriously hinders the possibility of closing the gaps exacerbated by the pandemic and combating the high levels of poverty at the regional level. The Office of the Special Rapporteur recommends that the States of the region strengthen digital policies in education, from a human rights approach, ensuring that education is inclusive, equitable and of quality.

756. With respect to academic freedom, REDESCA has noted with concern some situations that threaten the guarantee of this right. In some countries, laws are being promoted that limit university autonomy and prohibitions have been registered against various educational and literary texts at both the primary and higher education levels. This situation is more worrisome in countries such as Venezuela and Nicaragua, where there is politicization and discrimination for political reasons at both primary and higher education levels, where criminalization and persecution of teachers, students and workers of the sector who do not support the governments is evident¹³⁵⁰.

757. Civil society discontent in several countries of the Americas has frequently manifested itself in educational institutions, where students and professors raise their voices against public policies, economic crises, repressive governments, cases of judicial impunity and other social issues. Along with union leaders, human rights defenders and activists, the voices of students and university professors continue to play a leading role in demonstrations and protests. During this year, violent demonstrations have taken place on university campuses in some countries of the Americas, putting the safety of academic communities at risk due

¹³⁴⁷ IACHR, Poverty and Human Rights Report, OEA/Ser.L/V/II.164 Doc. 147, 7 September 2017, paras. 161 and 502.

¹³⁴⁸ UNESCO, [What have been the challenges and policy responses in Latin America and the Caribbean to advance towards SDG4 in higher education](#), 24 January 2023.

¹³⁴⁹ Idem.

¹³⁵⁰ IACHR, [Nicaragua: IACHR and its Special Rapporteurs condemn arbitrary interference with academic freedom](#), August 29, 2023.

to illegal incursions by police forces, violent attacks on facilities, armed confrontations, arrests and attacks. Similarly, governmental acts and legislative decisions have jeopardized academic freedom and placed limits on inclusive and democratic debates.

758. Universities have been and continue to be a sounding board for the political conflicts that affect the societies of which they are a part, while their role as spaces for the production of ideas and debate on these conflicts is under attack. These situations that threaten the creation and protection of safe university campuses for professors and students, from police raids on campuses, the arrest of members of the academic community, the closure of universities, or legislative acts that jeopardize democratic debates in the classroom. Protecting classrooms must be a priority to ensure open, diverse and free discussions as promoted by the Inter-American Principles on Academic Freedom and University Autonomy.

759. Likewise, gender-based violence continues to proliferate and wreak havoc in university communities. REDESCA notes that, on the one hand, the existence of response protocols in many of the region's universities is noticeable, as well as the increase in the number of complaints of sexual and gender-based violence, and some significant advances in the response of university and judicial institutions to these complaints. But, on the other hand, there are multiple aspects in which, particularly for women and members of the LGTBQ+ community, studying is a high-risk activity. Many of the complaints are not adequately processed by the universities and it seems to be necessary the collective mobilization of students so that their demands for effective responses to sexual violence on campus are heard. The Office of the Special Rapporteur underscores the obligation of States to investigate and punish sexual and gender-based violence in university contexts.

7. Human mobility and ESCER

760. In relation to significant migration flows in the Americas, trends show a worsening of migration crises with respect to the 2022 Annual Report. Despite applauding and recognizing the measures adopted by States, the Office of the Special Rapporteur continues to observe that the lack of protection of ESCER, along with poverty and the impacts of the climate emergency, are having an increasing impact on human mobility in the region, often as a survival measure. In turn, it reiterates that for REDESCA this situation is also the result of economic models of capital concentration that do not allow for the distribution of resources among different population groups, the absence of fair and distributive fiscal policies, as well as insufficient international cooperation to address this regional problem¹³⁵¹.

761. In this framework, REDESCA's main concerns during 2023 were the displacement crises taking place in Venezuela¹³⁵², the Darien Jungle¹³⁵³, the border of Chile and Peru¹³⁵⁴, and on the border of

¹³⁵¹ REDESCA, [Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility](#), 2023, para. 399.

¹³⁵² Regional Interagency Coordination Platform for Refugees and Migrants in Venezuela (R4V). [Refugee and Migrant Needs Analysis \(RMNA\)](#). September 2023; Amnesty International, [Regularize and Protect: International Obligations to Protect Venezuelan Persons](#), September 21, 2023.

¹³⁵³ UN News, [More than 330.000 migrants have crossed El Darién so far this year, one-fifth are children](#), September 5, 2023; Human Rights Watch, [How the Dangerous Darién Gap Became the Migration Crossroads of the Americas](#), October 10, 2023; Doctors Without Borders, [Darién Jungle: Doctors Without Borders warns of insufficient response to migrant surge](#), August 25, 2023; UNICEF, [Darien Jungle: Child transit in 2023 already exceeds all of 2022](#), August 3, 2023.

¹³⁵⁴ Amnesty International, [Chile and Peru: Authorities must end militarization of borders in response to influx of people in need of protection](#), 27 April 2023.

Mexico and the United States¹³⁵⁵. These migratory crises are of particular interest to the mandate due to the high vulnerability of people in a situation of human mobility, in which their ESCER are minimally respected, thus putting their lives and personal integrity at risk.

762. Thus, REDESCA considers it essential to address the situation of guaranteeing the ESCER of all people in a situation of human mobility with special attention to the impacts associated with climate change, poverty and the political and economic instability affecting the region. Likewise, special attention should be given to the groups most exposed to lack of protection, such as children and adolescents, women, the elderly or people with disabilities, and migrant workers, in an irregular situation or refugees.

763. The Office of the Special Rapporteur recommends that States implement public policies that ensure access to ESC rights for all persons in a situation of human mobility, particularly the right to health, education and work. To this end, States should strengthen national and local coordination, accompanied by partnerships with the private sector, civil society and international organizations, to ensure the integration of these people and respect for their ESCER in conditions of equality and non-discrimination.

764. In turn, REDESCA strongly recommends international cooperation among all States in the region to achieve comprehensive migration governance that takes into account the demographic, economic, social, cultural and environmental realities of each country. In this regard, it encourages the implementation of regional agreements that incorporate a human rights approach -ESCER in particular- when analyzing and resolving the causes of human mobility -poverty, inequality, climate change-, guaranteeing the participation of affected sectors and civil society organizations.

¹³⁵⁵ PBS, [What's behind the influx of migrants crossing the U.S. southern border?](#), September 21, 2023; EY, [US immigration: The return to Title 8](#), July 20, 2023; UN News, [End of Title 42 in the United States: Preventing the right to seek asylum, transgresses international law](#), May 12, 2023.