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SPECIAL RAPPORTEURSHIP ON
ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS

2018

II ANNUAL REPORT OF THE OFFICE OF THE SPECIAL RAPPORTEUR
ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS
2018

**“Working for the indivisibility and effective interdependence of all
human rights for all people in the Americas”**

Special Rapporteur: Soledad García Muñoz



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Chapter I Introduction

A. Nature and Creation of the Mandate: adoption of the first Strategic Agenda and Work Plan.

1. The Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA by its initials in Spanish, SRESCER) of the Inter-American Commission on Human Rights (IACHR) is the second of its kind created by the IACHR. The decision is the result of a firm commitment on the part of the Commission to strengthen its work on ESCER, in the context of the constant demands from civil society organizations to do so, as well as of numerous OAS member States in the framework of the so-called process for strengthening the inter-American system for the protection of human rights.

2. The decision to create the Special Rapporteurship for ESCER was adopted in 2014, the process was initiated in April of that year through the opening of a special fund to collect the resources necessary to finance it. Previously, in 2012, the IACHR had created an ESCR Unit which was initially entrusted to Commissioner Rose-Marie Belle Antoine, until January 2014 when passed to Commissioner Paulo Vannuchi, who remained until the actual installation of SRESCER.

3. Like the Office of the Special Rapporteur for Freedom of Expression, SRESCER was established by the Commission as a permanent and autonomous office with its own operating structure and functional independence, which operates with the support and within the legal framework of the IACHR to stimulate the hemispheric defense of the ESCER.

4. After the corresponding inter-American public contest, resolved within the frameworks of the 164th Sessions Period, held in Lima, the IACHR appointed Soledad García Muñoz as the first Special Rapporteur¹.

5. The main functions of the Special Rapporteur are²:

- Prepare the work plan of the Office of the Special Rapporteur for ESCER, in accordance with the strategic plan of the IACHR.
- Prepare reports about ESCER for approval and publication by the IACHR, including thematic reports, general human rights situation of the member states and sections of the Commission's annual report.
- In accordance with the Rules of Procedure of the IACHR and in coordination with its Executive Secretariat, process petitions and individual cases about ESCER for the decision of the IACHR, as well as to represent the Commission, by delegation, in the litigation before the Inter-American Court of Human Rights, in cases related to ESCER.

¹ VID <http://www.oas.org/es/cidh/prensa/comunicados/2017/090.asp>

² VID <http://www.oas.org/es/cidh/docs/anual/2017/docs/IA2017Anexo-SRESCER-es.pdf>, p.6.



- Assist the IACHR in the promotion of international instruments related to ESCER, including the organization and participation in promotional activities directed at authorities, civil society, social movements, trade union organizations, professionals, journalists and students about the work of the IACHR in this field.
- Make recommendations to the IACHR regarding urgent situations that could require the adoption of precautionary measures or the request for adoption of provisional measures before the Inter-American Court of Human Rights, among other mechanisms.
- Monitor the situation of ESCER in the region and provide advice and assistance to the Member States of the Organization of American States (OAS) in the adoption of legislative, judicial, administrative, or other measures that are necessary to make effective the exercise of economic, social, cultural and environmental rights.
- Advise and assist other OAS bodies in matters related to ESCER in the Americas.
- Develop the necessary procedures for the collection and management of cooperation funds and for the development of the projects required to comply with the assigned mandate.
- Carry out other tasks related to the promotion and protection of ESCER that are delegated to it by the IACHR in accordance with the mandate of the Special Rapporteurship for ESCER.

6. The Special Rapporteur's Office began its work at the end of August 2017. The achievements made during its first period of work and, in particular, in 2018, confirm the historic value of the IACHR's decision to implement it, in order to ensure the promotion and protection of human rights in its integrality, in accordance with the principles of indivisibility, interdependence and interrelation that requires the effective realization of human dignity, in its intrinsic relationship with democracy, development and the environment.

7. The first year of the Rapporteurship's work has been key to identifying the profile and strategic orientation of the mandate. In compliance with its function of promoting and protecting economic, social, cultural and environmental rights in the Americas, SRESCER prepared its 2017-2021 strategic agenda and first work plan for the countries of the region. All of this, based on the IACHR's Strategic Plan, as well as consultations and spaces led by the mandate itself in various face-to-face instances, as well as through social networks.

8. SRESCER's agenda and work plan includes actions around all the main pillars of the IACHR -the case system; monitoring, promotion, training; and technical assistance in public policies- in relation to the general nature of the ESCER, as it is visualized in the attached strategic map. The agenda and the work plan were unanimously approved by the plenary of the Commission in the in February 2018 during the period of sessions in Colombia, as well as the image and the institutional logo of the Special Rapporteurship.

9. On this basis, this Office worked during 2018 on issues related to the situation of poverty in the region, as well as in relation to all ESCER from a holistic perspective and informed by the following approaches: indivisibility, progressivity, gender, diversity and intersectionality, development and human rights, interdisciplinarity, human rights education and anti-corruption. Based on the intersectionality approach, special attention is paid to people in situations of historical vulnerability or discrimination, such as women, indigenous peoples, Afro-descendants, LGBTI people, migrants,



children and adolescents, the elderly, people with disabilities or defenders of social and environmental rights, among others, in relation to the effects on the enjoyment of ESCER.

10. In accordance with its strategic agenda, the Vision of SRESCER is "To be the leading specialized entity in the promotion and regional protection of ESCER, promoting the integrality of human rights, with emphasis on the structural causes of inequality and the populations in situation of vulnerability or historical discrimination".

11. Correspondingly, the mission is to: Support the IACHR in the fulfillment of its mandate to promote and protect ESCER in the Americas based on the development and implementation of standards in order to safeguard human dignity and contribute to the defense of the environment.

12. The guiding principles for the actions SRESCER has included in its strategic agenda are: independence and autonomy; continuity and innovation; excellence and impact; dialogue and participation; sustainability.

13. In addition, the themes of the mandate are: the rights to water and sanitation; The right to food; Labor rights; Union rights; Human rights and business; The right to a healthy environment, especially focused on the adverse effects of Climate Change; The right to Education; The right to Housing; The right to Social Security; Cultural Rights; The right to Health and the Right to Care.

B. Main Activities of the Special Rapporteurship for ESCER

14. In its first year of operation, SRESCER focused on fulfilling the commitments that the IACHR delegated to it in the constitutive project of the mandate, as well as adopting and beginning to implement its strategic agenda, which in turn is aligned with the Sustainable Development Goals (SDG), also known as the 2030 Agenda. SRESCER is therefore a key channel for linking more and more the work agenda of the IACHR with the Development pillar in its essential dialogue with those of Democracy and Human Rights.

15. In essence, the actions of SRESCER have been articulated around the fulfillment of the general objective of its Strategic Agenda, which is to: Consolidate the functioning and sustainability of the Special Rapporteurship for ESCER as responsible for articulating all the mandates, functions and mechanisms of the IACHR for the protection and promotion of ESCER in the Americas. To this end, efforts have focused on the strategic objectives that converge towards it, namely: developing Inter-American standards for the effective realization of the ESCER, monitoring and making visible the situation of the ESCER in the hemisphere; promote a culture of indivisibility in Human Rights; provide technical assistance to public agencies of Member States and coordinate with other international entities or civil society organizations; as well as guarantee the necessary resources, infrastructure, technology and personnel for the execution of the mandate.

16. In the generality of its actions and in accordance with its Strategic Agenda, SRESCER has applied the approaches of indivisibility, progressivity, gender, diversity and intersectionality, development and human rights (2030 Agenda), interdisciplinarity, education in human rights and anti-

corruption. In turn, the work is done through the following transversal axes: equality and non-discrimination, participation, access to information, accountability and justiciability of ESCER.

1. Participation in periods of sessions and public hearings of the IACHR

17. During 2018, SRESCER has actively participated in the generality of the internal processes under way in the IACHR, including the Rapid and Integrated Response Coordination (SACROI by its Spanish acronym) put into operation by the Executive Secretariat for the permanent monitoring of the countries that go through human rights situations of particular concern.

18. The Office of the Special Rapporteur also participated in the 168, 169, 170 and 171 period of sessions of the IACHR, held in Bogotá, Santo Domingo, Boulder and Washington D.C., respectively. On such occasions, SRESCER attended countless public hearings, as well as the working sessions of the IACHR, actively participating in discussions on issues of its competence.

19. The Rapporteur has also been part of the delegation of the IACHR at the Summit of the Americas, held in Lima, as well as at the OAS General Assembly that took place in Washington. She has also made several presentations to the Permanent Council and before the Committee on Juridical and Political Affairs of the organization (CAJP) throughout 2018 on issues related to the mandate. Among them, the sessions related to business and human rights, environment and commemoration of the first year of the mandate stand out.

20. On the other hand, SRESCER promoted, participated and contributed to the preparation of various hearings related to its mandate. Regarding those contemplated for the 167th regular session period of the IACHR held in Bogotá, Colombia, between February 22 and March 2, 2018, and the 168th regular period of sessions held in Santo Domingo, Dominican Republic, between May 3 and 11 of the same year. In particular, the Special Rapporteur participated in the following hearings:

- Situation of Cultural Rights of Indigenous Women in Guatemala (167 POS)
- Protection of Land and Environment Defenders in the Andean Region (167 POS)
- Right to Food and to Health in Venezuela (167 POS)
- Business and Human Rights in Venezuela (167 POS)
- Business and Human Rights: Input for the Preparation of Inter-American Guidelines (167 POS)
- Economic, Social and Cultural Rights Situation of Older Persons in Mexico (168 POS)
- Human Rights Situation of Indigenous Communities Affected by Oil Spills in Cuninico and Vista Alegre, Peru (168 POS)
- Reports of Human Rights Violations and Criminalization of Defenders in the Context of Extractive Industries in Nicaragua (168 POS)
- Reports of Human Rights Violations in the Context of Evictions in Guatemala (168 POS)
- Right to Sexual and Reproductive Health for Women in Argentina (168 POS)
- Due diligence, Prevention and Access to Justice for Human Rights Violations by Private Companies in the Americas (168 POS)



- Freedom of Religious and the Secular State in Latin America (168 POS)
- Control of Public Spending, Fiscal Policies and of Economic, Social and Cultural Rights Guarantees in Latin America (168 POS)
- Human Rights Situation of Venezuelans in the Context of Human Mobility in the Americas (168 POS)

21. In the same way, as part of the 169 Period of Sessions, which took place in the city of Boulder, Colorado from September 30 to October 5 of this year, the Special Rapporteur participated particularly in the following hearings:

- Citizen Security and Allegations of the Irregular Use of Police Force in Natural Resource Exploration and Mining Activities in Peru (169 POS).
- Serious Health Problems Experienced by Peruvian Miners and State and Corporate Responsibility (169 POS).
- CICIG's role in the fight against corruption and its impact on the human rights situation in Guatemala (169 POS).
- Protection of Defenders of Human Rights of Women, LGBTI Persons, and Children in El Salvador (169 POS).
- Rights of Indigenous Q'eqchi Maya Families Affected by Forced Evictions in Guatemala (169 POS).
- Gender Equality, Sexual and Reproductive Rights, and Allegations of Forced Sterilization of Women in Peru (169 POS).
- Reports of Harassment and Violence against Female Social Leaders in Bolivia (169 POS).
- Guarantees for Freedom of Expression, Association, and Peaceful Assembly for Trade Unions in the Americas (169 POS).
- Violations of the Economic, Social, Cultural, and Environmental Rights of LGBTI Persons in the Region (169 POS).
- Rights of Internally Displaced Persons in Honduras (169 POS).
- Reports of Killings, Threats, and Forced Displacement of Defenders of Land Rights of Indigenous Peoples and Afrodescendants in Colombia (169 POS).
- Reports of Violations of the Rights of Afro-Colombian Communities Affected by the Armed Conflict in Colombia (169 POS).
- Use of Hydraulic Fracturing (Fracking) and the Violation of Human Rights of Communities and Defenders of Environmental and Land Rights in the Americas (169 POS).
- Political Crisis in Venezuela and its Impacts on Elderly Persons and the LGBTI Community (169 POS).
- Humanitarian Situation and Social Control Mechanisms in Venezuela (169 POS).
- Drug Policy and Reports of Human Rights Violations within the Mental Healthcare Model in Mexico (169 POS).
- Reports of Violations of the Rights to Healthcare and Social Security in the Dominican Republic (169 POS).
- Human Rights of Venezuelan Migrants and Refugees in the Region (169 POS).
- Collective Land Titling and Protection for the Emberá, Wounaan, Kuna, Buglé, Ngöbe, Naso, and Bribri Indigenous Peoples in Panama (169 POS).



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- Reports of Killings, Threats, and Forced Displacement of Defenders of Land Rights of Indigenous Peoples and Afrodescendants in Colombia (169 POS).

22. Finally, for the 170 Period Ordinary Sessions, which were held between December 3 and 7, 2018, in the city of Washington D.C. SRESCER participated in the following hearings:

- Situation of human rights defenders in Brazil (170 POS)
- Situation of persons deprived of liberty in Haiti (170 POS)
- Situation of indigenous people in the Peruvian Amazon, land and environment (170 POS)
- Equal Marriage in the region (170 POS)
- Human Rights of Older Persons: International Convention and its Follow-up Mechanism (170 POS)
- Repression and violations of human rights in Nicaragua (170 POS)
- PM-112-16: Berta Cáceres - Honduras (170 POS)
- Complaints of impunity for killings and attacks on human rights defenders in Colombia (170 POS)

2. System of Petition and Cases

23. The Rapporteurship has also provided its specialized contributions in the system of petitions and cases. The Rapporteurship has also provided its specialized contributions in the system of petitions and cases. Throughout 2018, SRESCER provided expert advice on 37 draft reports at the admissibility stage, 9 at the merits stage, 13 resolutions on requests for precautionary measures and 1 hearing before the Inter-American Court of Human Rights. With the contributions of SRESCER, the IACHR has begun to develop new standards in relation to social and environmental rights traditionally not addressed as such by the Commission, but indirectly or in connection with civil and political rights.

24. On March 6, 2018, the Special Rapporteur had her first participation before the Inter-American Court of Human Rights (Inter-American Court of Human Rights) in the hearing of the case *Cuscul Pivaral and others against Guatemala*, regarding the right to health of patients living with HIV / AIDS; Subsequently, the Office of the Special Rapporteur participated in the preparation of the final written arguments on the case presented before the Inter-American Court. The sentence continues to develop the application and content of article 26 of the ACHR in the Inter-American system, in particular related to the right to health and the obligation of progressivity in the realization of the ESCER.

25. In relation to the mechanism of precautionary measures, SRESCER participated by offering its technical inputs from the initial evaluation and the requirement of information to the parties, until the formulation of resolutions on risk issues related to the protection of social rights, particularly the right to health. It should be noted that, based on the advice of SRESCER, the IACHR has begun to give greater visibility and expressly protect the right to



health in matters where the requirements for granting protection measures are met. An important precedent in this regard is the measures granted by the IACHR in the situation related to the contamination of the Mezapa River in Honduras, as both the rights to personal integrity and life, as well as the right to health, of people who use the river as a source of access and consumption of water are protected³.

26. Additionally, since the creation of SRESCER, the IACHR has given greater visibility to article 26 of the ACHR, through its admissibility in petitions that involve social or environmental rights. The same has happened with its treatment in the merits phase where various standards of the ESCER or Business and Human Rights have been developed, framed in the facts in dispute. In this regard, the Case 12.428, *Employees of the Fires Factory in Santo Antonio de Jesus and their relatives versus Brazil*, is highlighted, which involves issues such as safety at work, child labor and the State's obligation to supervise dangerous business activities. This matter has been submitted to the Inter-American Court since September 2018⁴.

3. Monitoring Activities

27. On the other hand, the Rapporteurship is developing its monitoring labor in close coordination with the Commissioners, in their respective thematic or country rapporteurships, as well as with the teams of the Executive Secretariat of the IACHR, receiving and seeking information on the situation of the ESCER on the continent.

28. In carrying out these tasks, SRESCER has contributed to the preparation of the 2018 annual report of the IACHR and also to the preliminary observations on the countries visited together with the IACHR in 2018. Furthermore, with the contribution of its SRESCER, the reports of the IACHR are acquiring an increasingly explicit and profound dimension of indivisibility and interdependence of all Human Rights in its approach to the situation in the countries under analysis.

29. Regarding the monitoring activities, SRESCER has been concerned with gathering the necessary information about different situations in countries of the region through the use of the various mechanisms that are stipulated in the IACHR Regulations. In this respect, SRESCER sent 5 letters requesting information in accordance with Article 41 of the American Convention on Human Rights and 18 of its Statute.

30. On May 3, 2018, a letter was sent to the Peruvian State in accordance with Article 41 of the American Convention on Human Rights in order to request information on the situation of the rights to education, health, equality and a life free of violence of girls and adolescents within the educational sphere, with emphasis on indigenous and Afro-descendant girls and adolescents. The Office of the Special Rapporteur emphasized that States must ensure that schools are safe spaces for the development and protection of the best interests of girls and adolescents of all ethno-racial origins. It also indicated that the protection of the human right to integral education, which includes education in human rights and sexual education, is of special relevance to ensure women, girls and adolescents their right to live free from violence and discrimination. In this way, in order for school

³ VID, http://www.corteidh.or.cr/docs/casos/articulos/seriec_359_esp.pdf

⁴ VID, <https://www.oas.org/es/cidh/decisiones/pdf/2018/12-18MC772-17-HO.pdf>



education to be comprehensive and meet its objectives, it must have a solid gender focus. At the moment, no response has been received to this request for information.

31. On July 18, in coordination with the team of the Executive Secretariat of the IACHR, a request for information was sent to the Colombian State regarding the situation of the elderly in three geriatric homes in the city of Villavicencio, department of Meta, who would be being subjected to cruel, humiliating and degrading treatment and mistreatment with risk to their life, health and personal integrity. These people would be presenting chronic allergies on the skin, malnutrition, they would remain between 3 and 4 days without being able to bathe and with access to 1 disposable diaper per day.

32. On July 26, a letter was sent requesting information to the Plurinational State of Bolivia on the health situation of cancer patients who were being treated in the radiotherapy unit of the Hospital de Clínicas of La Paz. The SRESCER was aware that last May medical care was stopped in the radiotherapy unit of the Hospital de Clínicas of La Paz and that it will remain closed for at least six months, suspending the treatment given to patients with cancer. According to public information, up to 60 people were being treated at this hospital and require treatment to survive. At the moment, no response has been received to this request for information.

33. On July 27, a letter was sent requesting information from the State of Chile on the right to health and dignified life of the people living in the Antofagasta region of Chile, particularly children and adolescents. According to information received by SRESCER, people in the Antofagasta region would be severely affected by pollution in water, soil and air, mainly from the mining industry. According to public information, the population in this area suffers from serious health problems, suffering even from chronic diseases and various types of cancer. According to the figures, the death by cancer has increased to 29.4% in the region. At the moment, no response has been received to this request for information.

34. On August 14, in coordination with the team of the Executive Secretariat of the IACHR, a request for information was sent to the State of Venezuela on the right to health of hemodialysis patients in the state of Mérida. The IACHR received information indicating that, as of November 2017, the Hemodialysis Unit of the Libertador municipality, state of Mérida, would have difficulties in accessing supplies and treat its patients accordingly. It is indicated that these people are receiving dialysis only once a week, for a very short time, when they should receive it at least three times a week, four hours each. At the moment, no response has been received to this request for information.

35. On August 15, a letter was sent requesting information to the State of Nicaragua in relation to the allegations of arbitrary dismissals of medical personnel in hospitals and health centers for having treated the injured or manifested a critical position of the government in the context of the social political crisis that has been going through this country. SRESCER also recalled that during the days of the work visit, it was possible to identify a tense environment and possible labor persecution in different State institutions.

36. Finally, it is important to emphasize that in 2018 the Office of the Special Rapporteur participated in all the In-Loco visits that the IACHR made to the continent.



37. It is worth mentioning the participation in the working visit to Nicaragua in April 2018 and the report issued on it in which serious human rights violations are documented in the context of the social protests that began on April 18, 2018. In particular, it focused on the guarantee of the right to health and the effect on other social rights such as food, education and work, continuing these tasks up to the present in constant coordination with the MESENI of the IACHR.

38. In addition, the Special Rapporteur, ESCER, joined the delegation of the IACHR during her working visit to Honduras in September. It is noteworthy that in addition to Tegucigalpa, the Rapporteur visited the Mosquitia region, one of the most isolated and impoverished areas of the country with serious problems in the matter of ESCER. The SRESCER contributed to the Preliminary Observations, as well as to the final report of the visit that is in writing.

39. The Rapporteur also participated in the IACHR's visit to Brazil, in November, where in addition to accompanying the IACHR in Brasilia and Rio de Janeiro, she led the delegation to the State of Roraima on the border between Venezuela and Brazil, where, among other issues, the situation of Venezuelan migrants was verified. Likewise, SRESCER contributed to the Preliminary Observations, as to the final report of the visit that is in writing.

40. On the other hand, on August 15, a note was sent requesting the acquiescence of the Venezuelan State to carry out a working visit together with the United Nations Rapporteur on the Right to Health, in order to verify the situation of the right to health and know the plans of actions that the State has to face the context that has been going through, as well as the difficulties and obstacles encountered for the protection and guarantee of the right to health. Unfortunately, the visit did not have the consent of the State.

41. In addition to integrating the delegations of the IACHR itself, for SRESCER it is fundamental to be able to receive information and evaluate in situ the actions of the States, making visits specifically promoted by the mandate, for whose realization it is also a priority and urgent to have financing.

4. Promotion Activities and Technical Assistance of the Mandate

42. During 2018, SRESCER has developed innumerable activities to promote the ESCER and its mandate, through a wide range of actions, communication platforms and events. In social networks, action has been taken through the Twitter account of the Rapporteur and also the institutional accounts of the IACHR. In addition, in July 2018 the official Twitter account of the Rapporteurship was created under the @ESCER_CIDH user name. Since its creation to date, the account has more than 1,500 followers and the number continues to increase as the mandate works.



43. Of these activities, it should be noted that in September 2018, on the occasion of the first anniversary of the Rapporteurship and thanks to the efforts made by the Permanent Mission of Costa Rica to the OAS, the Special Rapporteur for ESCER presented to the Permanent Council during an extraordinary session, a report on the actions taken with emphasis on the perspectives and challenges of the mandate, within the framework of the Permanent Council of the Organization of American States. Said session took place on September 27, 2018 and once the exhibition was over, the delegations of Argentina, El Salvador, Ecuador, the United States, Costa Rica, Uruguay, Bolivia and Mexico took the floor, which can be observed between the minute 1:24:14 and 1:42:57 of the following link <https://www.youtube.com/watch?v=QKNmBYASi1A>.

44. On the other hand, a productive agenda of meetings with States, public institutions, academia, civil society organizations, other entities of the OAS and other intergovernmental organizations has been maintained. Thus, the Rapporteur and her team carried out numerous promotional and academic activities in several countries of the region on various issues related to their mandate. Among them, it is worth mentioning the participation in the Summit of the Americas alongside the IACHR, where she was also a panelist in the Forum "Venezuela, a crisis that impacts the world" and in the Forum "Promoting higher standards on access to information and transparency in the extractive sector" on April 11. Likewise, a meeting was held with the Minister of Justice and Human Rights of Peru, Salvador Heresi on April 13, taking advantage of the stay of the Commission in the Andean country.

45. Additionally, work meetings have been held in the main office in Washington D.C. to look for areas of cooperation with different actors within the Inter-American System. On April 20, a high-level delegation of the Public Prosecutor's Office of Brazil was received with its Attorney General Dr. Ronaldo Curado, resulting in the signing of an agreement through which associate personnel of this public entity can be brought in to provide their services in this office. Regarding academic activities carried out at the headquarters, the Special Rapporteur gave a course on ESCER and participated in a discussion on business and human rights at the Academy of Human Rights and International Humanitarian Law of the Washington College of Law of the American University in June.

46. Likewise, in July 2018, a meeting was held with the Environmental Law Institute, seeking to coordinate actions to find synergies between both institutions in order to promote projects on environmental issues and climate change. On the other hand, the Special Rapporteur was invited by the Carter Center to participate in the International Forum "Restoring Faith in Freedom" in the city of Atlanta, from July 21 to 24, which was attended by several Human Rights Defenders from the region, as well as the presence of former President of the United States, Jimmy Carter.

47. It should also be noted that, on August 14, upon the commemoration of the 30th anniversary of the Protocol of San Salvador, a virtual presentation of the Rapporteur was made. She was also part of a seminar organized by the Permanent Mission of Canada on Businesses, Human Rights and Anti-corruption on August 24.

48. On the other hand, the Rapporteur has held meetings with the diplomatic missions of both the Member States and those that are Permanent Observers. In this regard, the Special Rapporteur has held bilateral meetings with the Permanent Missions accredited to the Organization of American States, including Ecuador, El Salvador, Canada, Costa Rica, Mexico, Paraguay and Uruguay. For its part, she has also held meetings with the representatives of the Missions as Permanent Observers: as is the case of Spain, France, Switzerland and Norway.

49. SRESCER has also maintained a particularly active agenda on environmental issues. In this regard, in October, within the context of the approval of the Escazú Agreement, participated in a meeting to mark the opening of the treaty in New York City at the invitation of ECLAC and the Open Society Foundation. Likewise, the Special Rapporteur participated in a special session of the OAS Council on environmental rights and the Inter-American System at the invitation of the Permanent Mission of Costa Rica. Finally, at the invitation of AIDA, the Special Rapporteur was a panelist for a Webinar organized in cooperation with AIDA and the Inter-American Court of Human Rights regarding the application of Advisory Opinion OC-23/17. Likewise, the outstanding Afro-Colombian defender of land and environment France Márquez, together with Ryan Mac of Goldman Prize, visited the offices of SRESCER on April 27 and held a meeting with the Special Rapporteur.

50. Among the promotional activities, it is worth mentioning the tour of Europe by the Special Rapporteur, with the support of the Executive Secretary of the IACHR in order to visit and explore synergies and strategic alliances with international cooperation agencies of permanent observer countries to the OAS, academic entities and non-governmental organizations based in the European continent. The Special Rapporteur participated in the discussion and discussion on ESCER at the Max Planck Institute and also had a fruitful day of work and exchange with FIAN International in the city of Heidelberg, Germany, from 25 to 29 June. Also, in Brussels, SRESCER, through its Special Rapporteur, was with Eu-Lat Network organizations and representatives of the Gender Equality Unit on Human Rights and Democratic Governance of the European Commission from July 1 to 3.

51. Meetings were also held with OXFAM Ibis and various organizations working on Nicaragua in Copenhagen, in the Kingdom of Denmark on July 8. Subsequently, meetings were held with authorities of the Spanish Agency for International Cooperation and Development (AECID), the Ministry of Foreign Affairs of Spain and the City of Madrid; Also, during her visit to Spain, the Special Rapporteur held a discussion with the Board of Directors of the NGOD Coordinator of Spain in Madrid on July 10. Lastly, in the city of Berne in the Swiss Federation, a meeting was held with representatives of the Swiss Agency for Cooperation and Development as well as the Federal Department of Foreign Affairs and Ambassador Benedict De Cerjat on July 13.

52. In addition, SRESCER has participated in various activities in Mexico, both nationally and regionally, including:

- Participated in the forum on the right to the city and ESCER in Mexico City organized by the Human Rights Commission of the Federal District on August 13.



- The Rapporteur participated in the International Seminar “The enforceability and protection of social rights”, organized by the Center for Constitutional Studies of the Supreme Court of Justice of the Nation of Mexico and the Autonomous University of Mexico on August 14 and 15;
- In the framework of the Citizen Forum on the ESCER and the Sustainable Development Goals held in Guadalajara, and organized by the National Human Rights Commission and the Jalisco State Human Rights Commission, the Special Rapporteur was part of the inaugural event of said event .
- She also delivered two keynote addresses, one regarding gender perspective and women's rights in the light of the mandate of SRESCER-CIDH in an event organized by the Autonomous University of San Luis Potosí on August 20 and the other regarding the common agenda between the SDGs and the ESCER in the framework of the International Forum for ESCER and the Agenda 2030 organized by the CNDH of Mexico on October 23.
- In the same way, he dictated a class during the development of the Fix Zamudio Course in Mexico on September 3, A training for public servants with the Human Rights Commission of the Federal District on the ESCER, and participation in the Mexican Congress of Constitutional Procedural Law on October 25.
- Regarding institutional activities, the SRESCER organized the meeting of Experts on ESCER of the Observatory of the Inter-American Human Rights System of UNAM, on October 22 and 23, within the context of the completion of the thematic report led by the Office of the Special Rapporteur .

53. The Special Rapporteur also visited Guatemala to participate in a meeting organized by UNICEF in the City of Antigua on October 8 and 9, with the name: Walking Together for the Rights of Girls, Adolescents and Women, a dialogue intergenerational

54. On the other hand, in November, in Medellín, Colombia, the Rapporteur participated in the International Specialized Course on Human Rights organized by the Colombian Rights Institute, where she also participated in the launch of the book "Energy, Climate Change and Sustainable Development. Impact on human rights ", invited by the Heinrich Boll Stiftung Foundation. Shortly after, in December she participated in the III Inter-American Forum on Human Rights.

55. It also stands out, the presentation of the report on Poverty, Extreme Poverty and Human Rights in the Americas, both in the Permanent Council session in Washington DC and in several of the activities carried out in Mexico City.

56. Finally, the Office of the Special Rapporteur has organized several training events for State officials, among which those carried out with the Constitutional Court of Guatemala and the Human Rights Commission of Mexico City, both carried out thanks to the support of the Spanish Agency for International Cooperation (AECID) and the co-organizing institutions.



5. Working Group of the Protocol of San Salvador of the OAS

57. By unanimous decision of the IACHR, the Special Rapporteur for ESCER was appointed to the Working Group of the Protocol of San Salvador of the OAS (GTPSS), functions that she officially began to perform during the month of July 2017. Since her appointment, she was also designated by the IACHR as their liaison with the Group and she began to make contributions. Specifically, on the report submitted by the Republic of Honduras, also assuming the account of the work on the report presented by the State of Guatemala. After submitting an initial assessment document and recommendations to the Working Group, the report was duly approved and transmitted to the State.

58. In addition, prior to her appointment as a member of the Working Group based upon the new regulations of the Commission, the Special Rapporteur participated as a guest at the VI session of the Group held in May in Quito, Ecuador, where she also participated as a speaker at the public promotional seminar organized in the framework of the visit and held meetings of interest for the mandate with officials of the Ecuadorian Foreign Ministry.

59. Similarly, on November 26, the Special Rapporteur participated in the first meeting of the new composition of the GTPSS. Likewise, SRESCER organized a working lunch with staff of the IACHR in order to promote knowledge about the work of the Group and increase mutual synergies.

60. Celebrating having been unanimously designated by the IACHR as its representative in the GTPSS and having sought to ensure the necessary coordination and synergy from the beginning of its mandate, the Rapporteur wishes to acknowledge the special support received from the Commissioners Esmeralda Arozamena de Troitiño and Flavia Piovesán as the titular and alternate members of the Group, prior to the designation of the Rapporteur.

61. SRESCER is prepared to work in a particularly collaborative manner with the Working Group in order to achieve the ratification of the Protocol of San Salvador by the OAS Member States that have not yet done so.

6. Thematic Reports

62. The Office of the Special Rapporteur prepared the concept note and the preliminary index of the report on inter-American standards in the area of Business and Human Rights, which was approved unanimously by the IACHR in February 2018. On the subject, an ex officio hearing was held in Colombia on the 167th period of sessions in Colombia entitled "Business and human rights: inputs for the construction of inter-American guidelines" promoted by the Office of the Special Rapporteur, which also participated in different related hearings during 2018.

63. In addition, a questionnaire was sent to the OAS Member States, civil society and the public interested in submitting their contributions⁵. SRESCER has focused its major efforts on the

⁵ VID, <http://www.oas.org/es/cidh/docs/pdfs/2018/CuestionarioEmpresasDDHH-ES.pdf>

consultation and drafting process of what will be the first thematic report of the IACHR, and thus of the Inter-American System on the matter.

64. As of the writing date of this document, SRESCER is completing the drafting of the report on Business and Human Rights, whose preparation has set in motion an intense process of consultation and participation. Thus, in addition to the corresponding questionnaire, SRESCER consulted with independent experts in the matter to advice on the progress of the report.

65. This consultation was carried out thanks to the support of the AECID and was sponsored by the Observatory of the Inter-American Human Rights System of the Faculty of Legal Sciences of the UNAM. Coordinated by the Special Rapporteur of the IACHR, Soledad García Muñoz, and the specialist lawyer of SRESCER, Luis Buob Concha, the consultation was attended by Prof. Douglas Cassel of the School of Law of the University of Notre Dame, the Dr. Humberto Cantú of the University of Monterrey, Prof. Cecilia Bernuy of the University of San Martín de Porres, Prof. Salvador Herencia of the University of Ottawa, Katherine Valencia of the Due Process Foundation, Melissa Ortiz of Business in Human Rights, Belissa Guerrero of Amnesty International, and Nicolás Carrillo of the University of La Sabana.

66. Likewise, SRESCER is also participating in the development of the report on the status of the ESCA rights of trans people in the hemisphere, together with the LGBTI Rapporteurship of the IACHR. The SRESCER also began in October 2018 the construction of the first thematic report on the situation of the ESCER of people of African descent in the Americas, which is coordinated in the same way with the Rapporteurship of the same theme. During this period, the SRESCER team has also reviewed the English translation of the report on Poverty and Human Rights, which the IACHR launched in December 2017, which will increase the scope of said document. The mandate has also actively contributed to Resolution 1/18 of the IACHR on Corruption and Human Rights, ensuring the centrality of the perspective of indivisibility and interdependence in it.

7. Statements

67. In the development of its mandate, in addition to collaborating in the drafting of various Press Releases with the Executive Secretariat, SRESCER issued 5 press releases specific to the mandate, namely: On February 1, 2018, the IACHR and its SRESCER expressed their concern about the context of scarcity and shortage of food and medicines in Venezuela. They also regretted the refusal of the Venezuelan State to receive international cooperation to alleviate the economic and social crisis the country is going through, as well as the absence of official public data that would allow for adequate monitoring of the State's obligations in this area. They also urged the State to respect and guarantee the right to food and health of the population under its jurisdiction.⁶

68. On March 23, 2018, as part of the international water day, the SRESCER urged the States of the continent to prioritize actions aimed at the realization of the rights to water and sanitation, in particular strengthening their recognition as human rights in their national normative frameworks; establishing participatory strategies, adequate budgets and clear and measurable objectives that

⁶ VID, <http://www.oas.org/es/cidh/prensa/comunicados/2018/016.asp>



allow the full realization of all its components and contents. It also urges the establishment of prevention policies and due diligence parameters to reduce risks and avoid violations related to the rights to water and sanitation; and to ensure the existence of procedures and effective legal remedies that allow reparation to victims, such as the accountability of state and non-state actors⁷.

69. On April 17, 2018, this Special Rapporteur welcomed decisions taken in the hemisphere to confront climate change. On the one hand, it welcomed the approval of the Framework Law on Climate Change in Peru, and the ruling of the Colombian Supreme Court that protects the right to a healthy environment and orders concrete actions in the face of global warming. It also welcomed the approval of a binding treaty in the region that seeks to materialize Principle 10 of the Rio Declaration on Environment and Development.⁸

70. On September 10, 2018, through press release D203/18, SRESCER expressed serious concerns about arbitrary dismissals and harassment of medical personnel, university professors and students in Nicaragua. They have also expressed with regret that up to that date, the Nicaraguan State had not given any kind of response to the requests for information from this office and MESENI. Finally, SRESCER has urged the Nicaraguan authorities to protect students and medical or educational workers from any undue intervention, as well as to provide as soon as possible complete information on the guarantee of these rights, in particular that required in its note of August 15, 2018.⁹

71. By October 1, 2018, through press release No. 215/18, SRESCER together with several United Nations special rapporteurs expressed their concern regarding the crisis of the health system in Venezuela, alluding to the death of at least 16 children in a hospital due to poor hygiene, and the death of others due to various health conditions, including malnutrition. They also urged the government to act urgently to mobilize the necessary and available resources, including through international cooperation, to restore the country's health system, and finally urged the state to ensure adequate care for older people through an annexed declaration.¹⁰

C. Financing

72. This Special Rapporteur's Office was put into operation thanks to a project with funds initially foreseen to ensure a single year of operation, coming mainly from the Spanish Fund in the OAS, with a partial contribution from the Swiss cooperation and small amounts of voluntary contributions from Argentina, Peru, Paraguay and Uruguay. The efficient management of available resources, such as the securing of budgetary items, has made it possible for SRESCER to continue

⁷ VID, <http://www.oas.org/es/cidh/prensa/comunicados/2018/059.asp>

⁸ VID, <http://www.oas.org/es/cidh/prensa/comunicados/2018/083.asp>

⁹ VID, <http://www.oas.org/es/cidh/prensa/comunicados/2018/203.asp>

¹⁰ VID, <http://www.oas.org/es/cidh/prensa/comunicados/2018/215.asp>



operating beyond the first year, however it is extremely worrying that it does not yet have sources for financing that could adequately support the importance and sustainability of the mandate.

73. Faced with this situation, in the interval between her first months of work and 2018, the Special Rapporteur has focused very much on seeking strategic alliances and sources of financing in order to strengthen and make the mandate sustainable. Thus, she has maintained an intense agenda of meetings and visits, both in the Americas and in Europe, while making constant use of the media and social networks to promote the mandate and its actions.

74. Likewise, the Special Rapporteur organized a donor table, in which she had the support of a special communication from the Secretary General, in which he made an express appeal in favor of this office, stating that: *"it is the second Special Rapporteur established by the IACHR in all its history, with the purpose of developing its mandate to promote and protect social rights. Its agenda and strategic actions make it a key space for the IACHR, the organization as a whole and all member states to guarantee human rights in a comprehensive manner. It is urgent and necessary to contribute to its sustainability and to the realization of its projects in their foundational stage."*¹¹

75. The Special Rapporteur notes her gratitude to the Secretary-General, as well as to her Principal Adviser Luis Porto and the person in charge of Foreign Affairs and International Affairs Gisela Vergara for all the support received for the organization and implementation of this donor round table. This gratitude is also especially addressed to Commissioner Joel Hernández and Human Rights Defender Liliana Ortega (Venezuela), who for that occasion recorded messages of support for the work and search for resources of the mandate

76. In addition, the Special Rapporteur undertook a tour of several European countries during the month of July with a view to publicizing the mandate and seeking potential donors. The first part of this mission (Germany, Norway, Sweden and Denmark) was carried out jointly with the Executive Secretary of the IACHR and his Chief of Staff, and later visited Spain and Switzerland individually.

77. Furthermore, the Special Rapporteur Office has also begun to develop valuable partnerships with public institutions, in particular with national human rights institutions, the Ibero-American Federation of Ombudsmen and the Regional Program to Support the Ibero-American Ombudsman's Office of the University of Alcalá de Henares. As well, with civil society, universities and other international organizations. In this regard, the mandate has begun to negotiate and sign specific inter-institutional agreements on ESCER. Among them, those agreed and signed with the National University of Córdoba (Argentina), the University of Monterrey (Mexico) and OXFAM International stand out.

78. The WGPSS in its report of 2018, also makes an express recognition and call for the strengthening of SRESCER, by expressing: *"It is pleased with the appointment of the Special Rapporteur for ESCER, Soledad García Muñoz, as a member of the Group representing the IACHR, and foresees an excellent integration work process, valuing cooperation with the IACHR as a priority, as*

¹¹ Cf. OSG 231-18 de 18 de mayo de 2018.

well as the strengthening of this mandate and the allocation of economic and technical resources from the regular fund as well as from other sources so that the Rapporteur can carry out her regular work, as with the tasks inherent to her participation in the Working Group of the Protocol of San Salvador.”¹²

79. The Rapporteur gratefully acknowledges all contributions made to the voluntary contributions fund by OAS member states and observers. Among the members, to date contributions have been received from Argentina, Mexico, Paraguay, Peru and Uruguay. On the part of the Observers, the financial support received from Spain, through successive projects, deserves special mention and gratitude. France has also contributed to the voluntary fund and Switzerland has done so in some of the projects that SRESCER implements.

80. Through this report, SRESCER makes an energetic appeal to all the actors of the Inter-American System, in order to have the necessary financial support for the consolidation and sustainability of the mandate, the birth of which comes from a clamor of civil society, as well as from the States themselves in the framework of the process of strengthening the system.

81. The SRESCER notes that all the achievements mentioned in this report have occurred in spite of the financial uncertainty that weighs on the mandate. In addition to her many responsibilities, the Special Rapporteur has been carrying out an enormous task of seeking resources, which, in addition to holding a donor roundtable with the support of the Secretary General of the OAS and a tour of Europe, has involved the management, formulation and presentation of various projects to donors during 2018.

82. Recalling that this mandate of the IACHR was established with minimal resources and the fact that the Special Rapporteurs of the IACHR so far do not receive resources from the regular OAS budget, it is vital for them to obtain the necessary resources for its proper functioning and fulfilling of objectives. For this reason, the IACHR and its Special Rapporteur on ESCER reiterate the urgent call to receive financial support from member states and observers, as well as from other donors committed to the issues of the mandate in order to ensure the consolidation and development of their fundamental mission.

D. Staff

83. In addition to the Special Rapporteur and specialist lawyer Luis Carlos Buob Concha, the SRESCER has received the support of Pedro de Paula Lopes Almeida and Joao Panitz (associate staff, DPU-Brazil), Daniel Noroña (consultant, Ecuador), Kelis Moreno (Fellow of the Rapporteurship on the Rights of Afro-descendants and of SRESCER, Colombia), Alicia Mussi (intern, Paraguay), Macarena Contreras (intern, Chile), and Renán Kalil (associate personnel, Public Ministry of Labor, Brazil). The Special Rapporteur extends her profound gratitude to all, and especially to the

¹² Cf., Informe de Actividades Grupo de Trabajo para el examen de los informes nacionales previstos en el Protocolo de San Salvador, Periodo 2018, OEA/Ser.L/XXV.2.1, GT/PSS/doc.39/18, pág.16.



consultant José Manuel Ramos (Mexico) for all the support given to the mandate in the construction of the strategic agenda and first work plan of SRESCER.

Chapter II Situation of Economic, Social, Cultural and Environmental Rights (ESCER) in the hemisphere.

A. Introduction

84. On August 3rd, 2018, the Commission approved Chapter IV A of its 2018 Annual Report which presents a general overview of the human rights situation in the 35 States of the region, with a special focus on rights and themes that are priorities to the IACHR, as well as the following transversal axis established by the Commission in its 2017-2021 Strategic Plan: Democratic Institutionalality, Institutionalality in Human Rights, Access to Justice and Citizen Security, as well as Environmental Rights.

85. In line with this decision, besides contributing to the preparation of the Chapter IV A of the IACHR on issues related to the mandate, the SRESCER strived to prepare a section in its own report that highlights the main data collected as reasons for concern, regarding the situation of the ESCER generally considered in the 35 countries of the region during the exercise of its monitoring function in 2018. It should be noted that issues related to business and human rights have not been included in the present report, for being part of the ongoing special effort of the mandate towards the publication of a thematic report on the subject.

86. The mandate relied on the information received during country visits with the IACHR, the investigations carried out ex officio, the inputs from the different mechanisms through which the IACHR has followed up on the situation in the country, such as public hearings, thematic visits, requests for information under Article 41 of the American Convention and precautionary measures; journalistic notes; the reports of the Working Group of the Protocol of San Salvador; as well as decisions and recommendations from specialized international organizations, among others.

87. In all cases the sources used are cited as dictated by Art. 59 section five of the Rules of Procedure of the Commission. In most cases, the Special Rapporteur refers to the direct source of the information by quoting the electronic address of the corresponding website. When the information is not published directly by the source, the date on which it was received is mentioned in the office e-mail box or when this Office of the IACHR became aware of the information. This

report does not include information collected by the Office of the Special Rapporteur through requests for precautionary measures that have not been made public.

88. In preparing this chapter of the 2018 Annual Report, the ESCER Special Rapporteurship took into account, in general, the data available as of 27 December 2018. Information relating to cases that occurred after the closing date of Annual Report 2018 can be found in the IACHR's press releases section (<http://www.oas.org/es/cidh/>).

89. The methodology used, the SRESCER has sought above all, to ensure the development of its regional monitoring work with the greatest efficiency and rigor that the resources at its disposal allow. In this sense, it is important to remember that the objectives of SRESCER's mandate are outlined in its strategic agenda, which establishes the issues of attention of the mandate, which in turn are aligned with the proposals of the Sustainable Development Goals (SDG) of the United Nations.

90. For this reason, the methodology of institutional and contextual analysis constructed by the United Nations Development Programme (UNDP)¹³ has also been considered. It is based on an analysis focused on the political and institutional factors of each country and how these have a positive or negative impact on the implementation of public policies to comply with the SDG's. In the case of the SRESCER, the monitoring work is mainly underlined by the inter-American and universal standards applicable to ESCER¹⁴.

91. In this sense, the SRESCER agrees with the United Nations Committee on Economic, Social and Cultural Rights (hereinafter referred to as the Committee on ESCR) regarding the application of the Inter-American normative framework on ESCER, when in relation to the International Covenant on Economic, Social and Cultural Rights it affirms "the Committee reaffirms that the rights recognized in the Covenant can be realized in the context of a wide variety of economic and political systems, provided only that the interdependence and indivisibility of human rights are the principles used for their application".¹⁵

92. It should be noted that the amount of information detailed varies from country to country depending on the data and sources to which the mandate has had access, without presupposing comparisons between the different countries, but rather reflecting the main findings considered by the mandate in its monitoring exercise during 2018 in its approximation to the general situation of the ESCER in the continent. Most of the sources used are therefore from that year.

¹³ Programa de las Naciones Unidas para el Desarrollo, [Análisis Institucional y Contextual para los ODS](#), Agosto 2017, pág. 5

¹⁴ Programa de las Naciones Unidas para el Desarrollo, [Análisis Institucional y Contextual para los ODS](#), Agosto 2017, pág. 5

¹⁵ Comité DESC, Observación General No. 3, Párr. 8



93. Taking into account the above considerations regarding this Office's financing capabilities, it should be noted that since this is one of the most relevant projects for the mandate, in this first year it has not had specific resources to carry it out. For this reason, the urgent call for political support is reiterated, as is the financial support required for this task of major importance for the continent.

94. The Special Rapporteur Office, also notes that the standards, promotion and protection of ESCERs are at a peak of evolution in the Inter-American system. In order to record these developments, within the framework of the mandate's strategic agenda, a specific project has been presented for the compilation, systematization and advance of general ESCER standards. This Office states that this project is a priority and urgent in order to ensure that the standards and efforts of the system in this area are produced ensuring the necessary consistency and articulations, especially within the IACHR.

95. Regarding the general situation of ESCER in the region, this Office of the IACHR, as a fundamental part of its mandate, notes with concern that the situation of poverty and extreme poverty in the continent is persistent, which detriment to the effective enjoyment of all human rights and especially of the ESCER. According to ECLAC data, by 2017, the number of poor people in Latin America reached 184 million, equivalent to 30.2 per cent of the population, while the number of people living in extreme poverty stood at 62 million, representing 10.2 per cent of the population. However, GDP growth of 1.3 percentage points is expected in the region, which could lead to a slight reduction in the poverty rate to 29.6 per cent³. As a result, the number of people living in poverty would be reduced by about two million. In turn, the rate of extreme poverty would remain at the same level as in 2017, bringing the number of people living in extreme poverty to about one million¹⁶. Generally speaking, poverty at the regional level in the medium term has been reduced by between 1.1 and 0.2 percentage points per year, but this figure is not reflected in extreme poverty. The increase in incidence and the increase in the total population result in a net increase of 8 million people in that situation.¹⁷

96. Based on the content and standards of the IACHR report on poverty and human rights, the Office of the Special Rapporteur is concerned as to the persistence of poverty and inequality on the continent, such as the risk of increased poverty and poverty in countries where there are serious human rights crises or austerity measures that reduce social investment. It also draws attention to the direct relationship between poverty, inequality and lack of opportunities with the increase in human mobility in the region. In this regard, the mandate is paying particular attention to the causes and consequences in relation to social and environmental rights of the Venezuelan exodus, such as the so-called "caravans of migrants" in Central America, Mexico and North America

Antigua and Barbuda

¹⁶ Comisión Económica para América Latina y el Caribe de Naciones Unidas, [Panorama Social de América Latina: 2018](#), p. 80, 82

¹⁷ Comisión Económica para América Latina y el Caribe de Naciones Unidas, [Panorama Social de América Latina: 2017](#), p. 89-90

97. With regard to the issues concerning the effective guarantee of the right to work, in Antigua and Barbuda, it was noted that women tend to have lower paying jobs than men and suffer a higher unemployment rate. Similarly, REESCER found that there are reports of sexual harassment in the workplace, both in the public and private sectors.¹⁸

98. Conversely, on the right to education, the Special Rapporteur notes that UNICEF has pointed out the need for the State to pay more attention to preschool education, increasing its coverage, since most of these institutions are currently private. In secondary education, there is a high dropout rate, despite efforts to achieve universal education. Nevertheless, UNICEF emphasized that efforts must be made to reduce the costs associated with education, such as food, transportation and school supplies, in order to achieve effective universality.¹⁹

Argentina

99. With regard to the right to a healthy environment, REDESCA received information on institutional actions that the State has taken. For example, the National Secretariat for the Environment and Sustainable Development has developed various communication channels under National Law No. 25,831, which guarantees the right of access to environmental information. The State also pointed out that the National Strategy for Environmental Education is currently being implemented, a public policy that guides the bases for the construction of intersectoral programs on the subject, promoting the action of individuals, groups and society as a whole for the integral care of the environment. He also indicated that a National Cabinet on Climate Change has been formed, assisted by a national round table on climate change. The cabinet is currently working on the articulation of mitigation and adaptation measures on the implementation of the country's National Contributions Determined. Finally, there is also the generation of indicators for the management of biosphere reserves and private initiatives for biodiversity conservation.

100. Civil society organizations have indicated that the use of agrochemicals is currently one of the concerning issues for the country in environmental matters. There is data that in fumigated populations respiratory problems are much more frequent, as are chronic dermatitis. In times of fumigation, the frequency of illnesses such as depression, convulsions, immune and endocrine disorders also increases. In an analysis carried out in the Cordoba town of Monte Maíz, where agricultural activity is predominant, it was found that the number of people dying of cancer doubles compared to the mortality rates in Córdoba Capital, a city with almost no agricultural activity. On the other hand, the lack of compliance with the rights of consultation and free, prior and informed consent of indigenous communities in Jujuy was also denounced. There is also growing concern about the melting of the Patagonian glaciers, which would have lost 1,000 square kilometers in the last 60 years.

¹⁸ Consejo de Derechos Humanos de Naciones Unidas, [Grupo de Trabajo sobre el Examen Periódico Universal: Antigua y Barbuda](#), 2016.

¹⁹ UNICEF, [Situation Analysis of children in Antigua and Barbuda](#), Agosto 2017



101. Regarding the right to health, REDESCA has given special attention to the various obstacles that women, girls and adolescents continue to face in the exercise of their sexual and reproductive rights, as well as to the mobilization and legislative debate for the exercise of these rights. The Special Rapporteur also notes that, in view of the resurgence of the discussion to reform the Sex Education Act (Act No. 6,150), proposals have been made to revise and reform it, some of which are aimed at limiting its reach and abolish references to gender and sexual diversity, issues which are monitored by the Commission to ensure that revisions are carried out in line with inter-American standards in this area. For the Special Rapporteur, the figures for 2016 were alarming, since abortion ranks first among the causes of death of pregnant women.

102. The SRESCER, as part of the WGPSS, endorses the findings and recommendations contained in the report of Final Observations and Recommendations to the Argentine Republic of May 2018 on the first set of rights: social security, health and education. On right to health, the WGPSS indicated that for 2010 the data available for the Argentine census round revealed that 36% of the population was not covered by any type of service, without having updated information to analyze the continuity of the efforts made to fulfil this right. In this regard, the WGPSS expressed its concern recommending that the Argentine Republic increase public resources allocated to this right and continue to intensify policies and actions to ensure access to universal, quality health care without discrimination.

103. REDESCA also takes note of the adoption by the Committee on Economic, Social and Cultural Rights of its Concluding Observations on the fourth periodic report on Argentina, on 1 November 2018. In its strategic logic of interaction with the universal system and its treaty monitoring bodies, such as special procedures and other mechanisms related to the mandate's agenda, the Special Rapporteur welcomes the constructive dialogue that gives rise to these Concluding Observations, echoing the Committee's findings and recommendations. Consequently, he encourages the Argentine State to comply with all recommendations, as well as to count on the technical support of REDESCA in their implementation, as well as those of the WGPSS. A special appeal is made in relation to the first of the reasons for concern and recommendation on austerity measures. The same applies to freedom of association and the right to social security, food, health and the environment.

Bahamas

104. In the Bahamas, as reflected in the report of the Working Group on the Universal Periodic Review, the United Nations Special Rapporteur on Human Trafficking, noted that while the Employment Act sets minimum standards for labor protection, it does not cover domestic work, which remains a much unregulated sector. Furthermore, according to the same source, the ILO Committee of Experts expressed confidence that changes would be made to the Industrial Relations Act to formally recognize the penitentiary system staff the right to organize. Also, it was recommended that the Registrar who is in charge of recording trade unions should be given broad



discretion. Additionally, the ILO stated that it is confident the government will amend the legislation so that unions can hold votes without interference from the authorities.²⁰

105. On the other hand, regarding the right to education, a positive increase in access to education has been observed, with schooling levels rising; however, reports from multilateral organizations indicate that it is still necessary to improve the quality of education, especially in the area of mathematics.^{21 22} Similarly, the SRESCER became aware of the existence of legislative initiatives that would seek to limit access to education for migrant children, considering the citizenship requirement for access to schools in the national education system.²³ This office expressly calls for the right to education to be guaranteed for children regardless of their migratory status.

Barbados

106. In Barbados, as reflected in the report of the Working Group on the Universal Periodic Review, the United Nations Committee on the Elimination of Discrimination against Women noted with concern the lack of education on sexual and reproductive health rights for girls and women, as well as the lack of family planning services and shortcomings in the procurement of contraceptives. It also notes that there is a high rate of HIV infection among women. Furthermore, the Committee on the Rights of the Child expressed concern about the high rate of teenage pregnancy in the country, and the rate of young people using drugs and alcohol. On the other hand, chronic non-communicable diseases continue to be the main cause of health problems in the population²⁴.

107. Faced with this reality, REDESCA stresses that abortion has been regulated by law for certain circumstances since 1983²⁵ and that the State informed the IACHR of the impact that access to abortion has had on the increase in women's life expectancy²⁶. REDESCA also notes that Barbados passed a law on sexual harassment in the workplace in 2017, which seeks to ensure a decent work environment, where they can feel safe and comfortable²⁷. The new law established that by December 15, 2018, companies must design and distribute among their employees their corporate policy on the matter²⁸.

²⁰ Consejo de Derechos Humanos de las Naciones Unidas, [Informe de la OACNUDH: Bahamas](#), A/HRC/WG.6/29/BHS/2, 27 de octubre de 2017, párr. 31- 32.

²¹ Tribune 242, [IMF warns over education quality](#), 18 de mayo de 2018

²²Fondo Monetario Internacional, [Bahamas: Selected Issues](#), Mayo 2018

²³ Eye Witness News, [Rights Bahamas to take legal action over children denied school entrance](#), 16 de Agosto del 2018.

²⁴ Consejo de Derechos Humanos de las Naciones Unidas, [Informe de la OACNUDH: Barbados](#), A/HRC/WG.6/29/BRB/2, noviembre de 2017

²⁵ Women on Waves, [Abortion Law Barbados](#); The Guardian, [Why do politicians still force women through unwanted pregnancies?](#), 28 de septiembre de 2017; Reuters, [In the Caribbean, crossing borders by land and sea for safe abortions](#), 26 de mayo de 2016.

²⁶ CIDH, Visita promocional a Barbados, Reunión Protocolar con Autoridades, 20 de febrero de 2018.

²⁷ Barbados Today, ["Write sexual harassment policies now", employers told](#), 22 de septiembre de 2018

²⁸ Barbados Today, [Let us do away with the fallacy of female domination](#), octubre de 2018



108. On the other hand, there is a worrying disproportion between the number of women in the workforce compared to men, as well as a large wage gap between the two.²⁹

109. Positive developments were also identified, especially with regard to tertiary education, since the government announced that it would assume the costs of university education for the entire population, restoring an old state policy.³⁰

Belice

110. In Belize, a study carried out by the ILO found that people living with HIV suffer labor discrimination, which is expressed in lack of job opportunities, loss of work or loss of promotion in the workplace, a problem that is aggravated in the case of women^{31 32}.

111. On the other hand, speaking about the right to health, it has been pointed out that the greatest health problems are due to the increase in both communicable and non-communicable chronic diseases, such as diabetes and HIV. Another difficulty that would affect access to health is the shortage of trained health professionals who can treat these types of health conditions.³³

112. Regarding the right to education, the United Nations Educational, Scientific and Cultural Organization (UNESCO) expressed concern due to the lack of an explicit constitutional guarantee of the right to education. On the other hand, it was highlighted that the program aimed at achieving universal primary education, reached 96.14%, and the State was recommended to seek ways of reducing school dropout, given that enrolment of boys and girls in secondary education is only 69.54%³⁴.

Bolivia

113. In respect of the right to health, the Bolivian government stated that it would implement a new Universal Health Insurance to provide free care to its entire population. However, professional associations have declared themselves against this program since they affirm that it has no financial or technical support³⁵. One of the health problems facing Bolivia is the high rate of HIV infection,

²⁹CEDAW, [Observaciones finales sobre los informes periódicos quinto a octavo combinados de Barbados](#), julio 2017

³⁰ Caribbean Life, [Education relief in Barbados](#), 27 de julio de 2018

³¹ Noticias ONU, [Las personas que viven con el VIH siguen enfrentando discriminación laboral](#), 26 de julio de 2018

³²OIT, [HIV Stigma and Discrimination in the World of Work: Findings from the people living with HIV Stigma Index](#)

³³ Organización Panamericana de la Salud, [Informe de País: Belice](#)

³⁴ Consejo de Derechos Humanos de las Naciones Unidas, [Informe de la OACNUDH: Belice](#), A/HRC/WG.6/31/BLZ/2, 27 de agosto de 2018

³⁵ Los Tiempos, [VIH: la realidad de miles de personas entre políticas](#), 3 de diciembre de 2018



and the low percentage of people diagnosed who receive antiretroviral treatment consistently, only 20%. In addition, there are problems with the infrastructure and the lack of health personnel to meet the needs of the population^{36 37}.

114. Concerning the right to work, the general unemployment rate was calculated at 4.5%; however, it is also evident that women have a higher unemployment rate at 6.5%. Self-employment is also recorded as the main form of occupation, involving between 70 and 80 per cent of the working population. On the other hand, another figure recorded is that approximately 117,735 people are employed as domestic workers. Of these, 94.3% are women and 28.1% of this figure is between 15 and 24 years of age³⁸.

115. The REDESCA notes that the Ministry of the Environment and Water has implemented a project for the reduction and management of polluting waste, which ends in July 2019. There is also an Environmental Dissemination Program, which is aimed at establishing actions of environmental education in order to promote the construction of an environmental culture and strengthen citizen participation for the conservation and sustainable use of natural resources³⁹.

116. However, this Special Rapporteur is concerned about the reports on Tacana II territory in the Bolivian Amazon, which indicate that it became an area of oil activity as a result of the overlap decreed by the Nueva Esperanza Bloc Government, which together with the Beni Bloc became the first hydrocarbon exploration projects in the Bolivian Amazon⁴⁰. This is particularly relevant since the Toromona people live in this territory in voluntary isolation. The IACHR was also informed about the approval of the construction of a road that crosses the Indigenous Territory and Isiboro-Secure National Park (TIPNIS). REDESCA is concerned about the environmental effects of lifting the protected area status, such as the lack of free, prior and informed consultation with indigenous communities in the sector⁴¹.

Brazil

117. On the right to water and sanitation, it is a matter of concern that in Brazil, nearly 100 million people live without access to sanitation services, and it is estimated that 55 per cent of

³⁶Sputnik, [El gobierno boliviano ratifica inicio de seguro universal de salud pese a rechazo de médicos](#), 28 de diciembre de 2018

³⁷La Izquierda Radio, [Claves para entender la crisis del sistema de salud en Bolivia](#), 10 de enero de 2018

³⁸OIT, Bolivia: Programa de Acción 2018-2019, Agosto 2018, p. 2, 3, 5

³⁹Nota de la Misión del Estado Plurinacional de Bolivia ante la OEA, REF: MPB-OEA-NV257-18, 12 de diciembre de 2018, p. 12

⁴⁰Organizaciones Ambientales de la Región Andina, Abusos de Poder contra defensores y defensoras de los derechos humanos, del territorio y del ambiente, marzo 2018, p. 20

⁴¹Centro de Documentación e Información de Bolivia, Tipnis Resiste: Dossier de Publicaciones 2010-2017, p. 27-28



sewage is discharged directly into nature. In addition, despite Brazil's large freshwater reserves, 35 million people still live without access to safe drinking water⁴².

118. With regard to the right to education, a United Nations report estimates that 64% of Afro-Brazilian people have not completed their basic education. Although the State has implemented various forms of affirmative action, there are reports that the current administration will consider reducing the percentage of ethnic quotas. Worrying are the statements made by the new head of government, on projects to militarize education, prohibit in schools themes related to gender equality, gender identity, and the idea of conducting practical classes to “help combat Marxism”⁴³.

119. REDESCA notes with concern that Brazil is considered the most dangerous country in the world for those who defend the land and the environment⁴⁴. According to the Pastoral Commission on Land, by 2017, 65 people were killed in rural or land related conflicts⁴⁵. Added to this are the cases presented in the area of Rio Maria, in the southeast of the state of Pará, where constant impunity and unjustified delays are denounced in the processes to determine those responsible for the crimes of land defenders⁴⁶.

120. In this context, REDESCA considers alarming the impact of hydraulic power generation projects on the natural development of the lives of indigenous peoples, even more since these projects do not comply with the environmental regulations in force, especially as a result of the suspension of judicial decisions⁴⁷. The Special Rapporteur is also concerned that three years after the break-up of the Fundão Dam in Mariana on 5 November 2015, little progress has been made in the investigation, punishment and reparation of the victims affected⁴⁸.

121. The Special Rapporteur also warns against the persistence of discrimination towards the indigenous and Afro-descendant population in relation to the right to health. This mainly affects pregnant women and children who receive poorer quality health care. In addition to this, there are

⁴² TrataBrasil, [Aguas subterráneas e saneamento básico](#), 2016; Iagua, [Brasil: tanta agua y tan poca](#), octubre 2017

⁴³ El País, [Las propuestas de Bolsonaro en seguridad, medio ambiente, economía y educación](#), 29 de octubre de 2018; El Confidencial, [El plan Bolsonaro](#), 29 de octubre de 2018; Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACDHNU: Recopilación sobre Brasil](#), febrero 2017

⁴⁴ Centro por la Justicia y el Derecho Internacional, Defensores de Derechos Humanos, recibido 2 de noviembre de 2018, p. 2

⁴⁵ Centro por la Justicia y el Derecho Internacional, Defensores de Derechos Humanos, recibido 2 de noviembre de 2018, p. 3

⁴⁶ Ministerio Público Federal, Procuraduría de la República en Matto Grosso, Oficina de Pueblos Indígenas y Comunidades Tradicionales, Acción Civil Pública, recibido 15 de diciembre 2018

⁴⁷ Ministerio Público Federal, Procuraduría de la República en Matto Grosso, Oficina de Pueblos Indígenas y Comunidades Tradicionales, Acción Civil Pública, recibido 15 de diciembre 2018

⁴⁸ CIDH, [Observaciones Preliminares de la visita in loco de la CIDH a Brasil](#), p. 7



reports of health problems on the part of indigenous communities due to illegal mining activity and the presence of other industries⁴⁹.

Canada

122. In relation to the right to health, Canada is working to bring about improvements in care, especially in the area of mental health. To this end, investments have been made by the federal government and have been accepted by all provincial governments in the country, most of which have their own work plans to improve mental health care and addictions⁵⁰.

123. In this regard, REDESCA takes note of the visit made by the United Nations Special Rapporteur on the Right to Health from November 5 to 16, 2018. He indicated that although there is an approach to the public health system that is compatible with the essential elements of accessibility, availability, acceptability and quality, and a rights-based approach to its implementation, the incorporation of a right to health perspective should be strengthened, with particular attention to population groups that are in a situation of vulnerability⁵¹.

124. In addition, REDESCA emphasizes the health situation of indigenous peoples. During the same visit by the United Nations Rapporteur, it was indicated that, although the federal Government has made progress in addressing the situation, there are complaints from representatives of indigenous organizations that difficulties persist in gaining access to and incorporating intercultural criteria. Indigenous peoples have been seen as a population disproportionately affected by the use of opioids, mental health, suicides and deprivation of liberty. This phenomenon shows that there are cross-cutting factors that are affecting the health of indigenous peoples and that they need an intercultural response to their situation⁵².

125. REDESCA also notes the announcement in October of the draft "Act to Proactively Establish Equitable Payment in the Federal Public Sector and Private Sectors (Equitable Payment Act)". The project seeks to address the structural discrimination women face in the workplace, as they are overrepresented in part-time jobs and significantly underrepresented in decision-making positions⁵³.

126. In the same way, the Rapporteurship notes that the government of Canada announced in 2017 that it would introduce a bill officially recognizing the human right to housing, which would be the beginning of a 10-year national program, with an expenditure of 40 billion dollars, focused

⁴⁹ Consejo de Derecho Humanos de Naciones Unidas, [Informe de la OACDHNU: Recopilación sobre Brasil](#), febrero 2017

⁵⁰ Consejo de Derechos humanos de Naciones Unidas, [Informe nacional presentado con arreglo al párrafo 5 del anexo de la resolución 16/21 del Consejo de Derechos Humanos: Canadá](#), A/HRC/WG.6/30/CAN/1, 3 de abril de 2018, párr. 32-34

⁵¹ OACNUDH, [Observaciones Preliminares del Relator Especial de Naciones Unidas para el disfrute del derecho a un alto nivel de salud física y mental, Sr. Dainius Pūras](#), 16 de noviembre de 2018

⁵² *Ibidem*.

⁵³ Gobierno de Canadá, [Government of Canada introduces historic proactive pay equity legislation](#), 29 de octubre de 2018.



on ensuring the right of everyone to housing⁵⁴ ⁵⁵. The mandate has been monitoring the evolution of the issue.

Chile

127. In Chile, REDESCA notes that relative poverty, the proportion of low-skilled workers, as well as gender gaps in both wages and labor force participation and youth unemployment remain high by OECD standards⁵⁶.

128. On the other hand, the Special Rapporteur is concerned about cases of pollution from extractive activities, which tend to be concentrated in three focal points: in the northern part of the country, particularly between the Regions of Antofagasta, Atacama and Coquimbo; in the Regions of Biobío and La Araucanía; and in the Region of Valparaíso⁵⁷.

129. To the same extent, it was indicated that these effects on the environment have strongly affected the communities, especially young people and fishermen, to the point that there are so-called "sacrifice" zones, such as Tocopilla, Mejillones and Quintero-Puchuncaví. In these areas, gases and particulate materials are highly harmful to health: high levels of toxic elements are usually reported in the population near the thermoelectric plants. In Coronel, the criticisms of the population to these plants have been reiterated after children presented contamination by heavy metals in their organism⁵⁸.

130. On March 23, 2011, a toxic blue cloud was released into the environment by the Ventanas Division of CODELCO-Chile, consisting of sulphur dioxide, a polluting gas whose harmful effects on people's health immediately fell on the residents of the communities of La Greda, Ventana, Campiche, La Chocota, Horcón and Mallen. .⁵⁹

131. It was also reported that in the country, cases of industrial pollution tend to be concentrated in three focal points: in the northern part of the country, particularly between the regions of Antofagasta, Atacama and Coquimbo; in the regions of Biobío and La Araucanía, as well as in the region of Valparaíso. In addition, there are three inter-regional controversies (Pampa Hermosa mining project, exploitation of lithium reserves and Andina 244) and three that are not anchored to a particular territory, as they are linked to legal initiatives relevant to natural

⁵⁴ Radio Canadá Internacional, [Ley sobre el derecho a la vivienda: Canadá parece echarse atrás](#), 26 de noviembre de 2018

⁵⁵The Canadian Alliance to End Homelessness, [Advocates urge independent oversight and Human Rights hearings in forthcoming legislation](#), 26 de noviembre de 2018

⁵⁶ Organización para la Cooperación y el Desarrollo Económico (OCDE), [Estudios Económicos de la OCDE: Chile](#), Febrero 2018, p. 2

⁵⁷ Instituto Nacional de Derechos Humanos de Chile, [Informe Anual 2016: Situación de los Derechos Humanos en Chile](#), p. 158

⁵⁸ Instituto Nacional de Derechos Humanos de Chile, [Informe Anual 2018: Situación de los Derechos Humanos en Chile](#), Noviembre 2018, p. 145

⁵⁹ Instituto Nacional de Derecho Humanos de Chile, Informe visita Quintero-Puchuncavi, 14 de septiembre de 2011, p. 2



resources: draft law on Plant Breeders, Fisheries Law, and the draft law on Protection and Conservation of Glaciers⁶⁰.

132. Similarly, despite the fact that access to drinking water and sanitation is at 99.9% and 96.5% respectively in urban sectors, REDESCA notes that there is still inequality in the enjoyment of this right in comparison to the population of rural areas where the number of households with drinking water and sanitation services reaches 90% and 89% respectively⁶¹.

133. In Chile, a survey has shown that 58% of the population feels unprotected by their health plan. One of the biggest problems of the system is the long wait that users have to endure in order to get medical attention, with long waiting lists for attention, which in many cases is needed more quickly⁶². In part, the long wait is due to the lack of doctors, who work mostly in the private sector. In 2018, the IACHR condemned the State of Chile for not guaranteeing the rights to life, integrity and health of a person who did not receive the medical attention he needed, a situation that occurred in part due to his age, being an elderly person, resulting in his death⁶³.

134. With regard to the right to education, REDESCA notes that the Special Rapporteur on the right to education, of the United Nations, in his last visit to Chile, highlighted the Government's policies aimed at strengthening free public education and eliminating all lucrative purposes of State-subsidized educational establishments. The Rapporteur also recommended working to eliminate profit throughout the education system, regardless of whether or not schools receive state funds. In terms of quality, it was noted that there is still a large gap between the performance of public and private schools, which increases inequalities and discrimination on socio-economic grounds. In addition to this, it is necessary to expand the coverage and quality of the educational system especially for rural and indigenous communities⁶⁴. On the other hand, REDESCA observed that during 2018 there were a series of demonstrations by students, including marches and school takeovers, indicating their disagreement with the need to get student debt in order to have access to education and mainly the demand for non-sexist education, and protocols for cases of harassment and abuse within universities⁶⁵.

Colombia

135. In Colombia, the right to health faces a major process of adaptation and financing. To this extent, it has been recorded that people have to resort to the judicial system, through the filing of

⁶⁰ Instituto Nacional de Derechos Humanos de Chile, [Informe Anual 2016: Situación de los Derechos Humanos en Chile](#), p. 158

⁶¹ CAF, [Implementación del derecho humano al agua en América Latina](#), abril 2015

⁶² La Nación, [La medida que propone el MINSAL para frenar las listas de espera](#), 4 de abril de 2018

⁶³ El Mostrador, Corte IDH Condena a Chile por violar acceso a la salud de adulto mayor, junio de 2018

⁶⁴ Consejo de Derechos Humanos de Naciones Unidas, [Informe del Relator Especial sobre el Derecho a la Educación sobre su misión a Chile](#), A/HRC/35/24/Add.1, 3 de abril de 2017

⁶⁵ Diario U de Chile, [Marcha por la educación: estudiantes afirman que protestas irán en ascenso](#), 19 de abril de 2018; BBC Mundo, [La marcha contra la violencia machista y a favor de la educación no sexista en Chile](#), 17 de mayo de 2018



appeals for protection in order to exercise their right to health⁶⁶. Along the same lines, in July the IACHR asked the State for information on conditions in the care centers in the city of Villavicencio, following information received on alleged harmful treatment, as well as the lack of palliative medicines and timely medical care, food insufficiency, and verbal and psychological abuse of older persons. According to the available information, older persons would not be receiving adequate care and attention, given that the resources and quotas in geriatric homes would be overstretched and they would not have sufficient resources to provide care services for older persons.

136. In this regard, the State reported that supervisions had been carried out in the care centers and that the individuals housed were stable and in accordance with the medical requirements of each of them, taking into account their age, clinical history and specific pathologies. The State also reported that older persons are cared for by the general subsidized health insurance system, and if they require medical attention, they are transferred to the health post or to the hospital in accordance with the medical requirement⁶⁷.

137. For its part, the Committee on the Elimination of Racial Discrimination expressed concern at the lack of availability, accessibility and acceptability of health services in the regions where the majority of indigenous and Afro-Colombian populations lived. To that extent, the Secretary-General of the United Nations noted that among the difficulties in implementing some health measures were logistical problems and a lack of supplies. REDESCA notes that among the main challenges faced by the Peace Agreement in relation to health is the creation of a national rural health plan⁶⁸.

138. In 2018, the ILO registered an unemployment rate of 9.7% in Colombia, with women being most affected with 12.8% of registered unemployment. Also, the unemployment rate for young people was 16.1 %. The wage gap between men and women narrowed between 2016 and 2017 from 18.7% to 17.6%, respectively. For its part, total informality was recorded at 60.6%, which is mostly concentrated in the rural sector with 89.2 %⁶⁹. In view of these figures, REDESCA shares the concerns of the Committee on Economic, Social and Cultural Rights regarding precarious working conditions in the agricultural sector. In this sense, the same Committee indicates that it is worrying that still a considerable number of people continue to participate in the manual eradication of illicit crops, and that many have died or suffered injuries due to anti-personnel mines or clashes with illegal armed groups⁷⁰.

139. During 2018, REDESCA has followed with particular concern the situation of the Wayuu people in Guajira, noting that despite the precautionary measures adopted by the IACHR in 2015 and expanded in 2017, the affected communities continue to suffer from a lack of access to water, food and health. The high number of deaths of children due to malnutrition is alarming and is also

⁶⁶El Universal, [Realidad de los derechos a la salud en el escenario colombiano](#), 07 de diciembre de 2018 RCN Radio, Se [dispara número de tutelas dentro del sistema de salud en Colombia](#), 07 de diciembre de 2018

⁶⁷ República de Colombia, REF: Nota S-DIDHD-18-043780, 09 de agosto de 2018.

⁶⁸ Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACNUDH: Recopilación sobre Colombia](#), A/HRC/WG.5/30/COL/2, marzo de 2018

⁶⁹ OIT, Colombia: Programa de Acción 2018-2019, p. 2-4

⁷⁰ Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACNUDH: Recopilación sobre Colombia](#), A/HRC/WG.5/30/COL/2, marzo de 2018



being monitored by national institutions, especially the Constitutional Court and the Ombudsman's Office of Colombia⁷¹.

Costa Rica

140. With regard to Costa Rica, 2018 was characterized by the long strike led by public sector workers' unions, mainly teachers and health professionals, a protest that began following the government's announcement of a bill to mitigate the nation's fiscal deficit, which for the unions would disproportionately affect poor workers and the public sector⁷². During the strike, there were reports of repression and violence against workers, as well as attempts to criminalize workers' actions. The law proposed by the government was finally passed⁷³.

141. In Costa Rica, although the health system is recognized as one of the most advanced in the region, challenges persist such as inequality and discrimination faced by the country's indigenous population, which has limited access to health care centers, suffers chronic infections, high levels of obesity and is exposed to large amounts of pollutants in their territories⁷⁴.

142. Costa Rica's efforts in the area of education are also noteworthy, especially with regard to the universalization of preschool education. Since 2018, the school curriculum has been modified, making preschool mandatory in order to advance to primary school⁷⁵.

143. In Costa Rica, 92 % of the population has access to drinking water, thanks in part to the work of the Associations for the Administration of Aqueducts and Communal Sewers, which voluntarily manage water resources to ensure their availability.

144. The State has remained concerned about its environment. To that end, 25 per cent of the national territory has been declared conservation areas and a catalogue of all the species present in the country, representing 7 per cent of the planet's biodiversity, has been drawn up. Currently it has been proposed to reach the goal of carbon neutrality by 2021.⁷⁶

Cuba

⁷¹ Resumen latinoamericano, [Colombia: 4770 niños wayuu muertos de hambre](#), 19 de octubre de 2018

⁷² El País CR, [ACODEHU denuncia violaciones a derecho humanos durante huelga de servidores públicos](#), 4 de octubre de 2018

⁷³ El País CR, [Sindicatos de educadores anuncian fin de la huelga en Costa Rica](#), 7 de diciembre de 2018

⁷⁴ Seminario Universidad, [Derecho a la salud: una deuda con la población indígena](#), 3 de octubre de 2018

⁷⁵ CRC Hoy, [5 cambio en el sistema educativo que marcarán el 2018](#), 9 de enero de 2018; CRC Hoy, [Educación Preescolar será obligatoria a partir del 2018](#), 1 de agosto de 2017

⁷⁶ El País CR, [Costa Rica celebra gestión del agua como forma de ejercer la democracia](#), 14 de septiembre de 2018 ; La Razón, [Costa Rica y la protección del medio ambiente](#), 22 de noviembre de 2018; Presidencia de Costa Rica, [Meta de carbono neutralidad para el 2021 se mantiene y fortalece](#), septiembre de 2016



145. In relation to the Republic of Cuba, REDESCA has followed up on the constitutional reform process in respect of its possible impacts on the issues of the mandate. Details of the situation can be found in Chapter 4.B of the IACHR Annual Report.

146. In this matter, REDESCA takes note that for this year the unemployment rates in Cuba are 1.3%, or that it points to a situation of full employment. By 2014, the State made a reform of labor legislation to increase opportunities for self-employment. However, there are reports of violations of freedom of association, collective bargaining, wage protection and prohibition of forced labor. Despite the law that would seek to guarantee the formation of independent unions, only entities linked to the Central de Trabajadores de Cuba are authorized to act⁷⁷. In June 2018, the ILO Committee on Freedom of Association analyzed the complaint filed by the Independent Trade Union Association of Cuba (ASIC). The ASIC denounced the practice of attacks, harassment and persecution, with arrests, aggressions and dismissals, against independent trade unionists, among other acts of discrimination and anti-union interference by public authorities, as well as the official recognition of a single state-controlled trade union center and the non-existence of collective bargaining and legal recognition of the right to strike⁷⁸. REDESCA has also had access to information regarding the situation of Cuban doctors who work outside the country, which reports worrying data on the salaries and working conditions of these professionals⁷⁹.

147. With regard to the right to education, it should be stressed that the Committee on the Elimination of Discrimination against Women recommended that Cuba ensure equal access for girls and women to secondary and tertiary levels of education, including for minority and disadvantaged groups. The Committee also recommended that Cuba encourage more women to apply for senior posts in the education sector. It also drew the attention of the Committee on the Rights of the Child to the fact that children as young as 14 years of age can enroll in military schools and that the minimum age for entry into a military higher education school is 17 years⁸⁰.

Dominica

148. The State of Dominica has primary and secondary health care for its inhabitants, however, third level care must be obtained outside the country. The country also has a shortage of health-care staff, which could be worsened by the fact that the only university in the territory, an American company, decided to relocate to another State, although the Government has announced that it is in talks to establish a new medical school. In addition, a new general hospital is being built on the island, which although it had to stop momentarily, is still under construction.⁸¹

⁷⁷ Naciones Unidas. [Resumen de las comunicaciones de las partes interesadas sobre Cuba](#). Marzo, 2018.; Human Rights Watch. [Informe mundial 2018](#). Enero, 2018.

⁷⁸ Oficina Internacional del Trabajo, Consejo de la Administración, [386º Informe del Comité de Libertad Sindical](#), junio, 2018

⁷⁹ http://www.diariodecuba.com/cuba/1541762045_42885.html

⁸⁰ Consejo de Derechos Humanos de Naciones Unidas, [Informe de la Oficinas del Alto Comisionado de las Naciones Unidas para los Derechos Humanos dentro del proceso de Examen periódico Universal](#), 16 de marzo de 2018

⁸¹ OPS-OMS, [Salud en las Américas: Dominica](#), 2017



149. It is worth mentioning that Dominica has suffered the impact of Hurricane Maria in 2017, which destroyed or left in poor condition most of the public infrastructure, including educational establishments. Since then, efforts have been focused on the reconstruction of educational centers with the support of international cooperation.^{82 83}

Ecuador

150. REDESCA endorses the report and recommendations of the WGPSS to Ecuador. In the report, the Working Group noted that there is a high level of informality in employment, which entails restrictions on access to social security benefits. To the same extent, the GTPSS also found that the unemployment rate is higher among young people, women (particularly in long-term unemployment), people with intermediate and higher non-university education, and people with disabilities, and at the same time access to unemployment insurance is significantly low. Specifically, for REDESCA it is essential that (based on the recommendations of the GTPSS), the mechanisms to combat unemployment of the most vulnerable population be strengthened, as well as to focus on reducing the gender wage gap and on public policy actions that allow for modifying the traditional sexual division of labor, which means that unpaid family care work falls on women⁸⁴.

151. Similarly, despite the progress made, the GTPSS is concerned that no information was provided on the rate of unionization and its corresponding disaggregation, and that no resources were allocated for the protection and promotion of trade union freedoms. To this end, GTPSS reminds the State to develop policies and programs for the promotion of trade union rights, as well as to construct and provide information in its next report on the rate of unionization of Ecuadorian workers⁸⁵

152. With regard to the environment, REDESCA emphasizes the report of the GTPSS, which refers to the robust normative body that exists regarding the issue in Ecuador⁸⁶. In the same way, REDESCA notes that there is a proposal for regulation of the Organic Environmental Code (which entered into force on 13 April 2018), which is under consideration by the Office of the President of

⁸²Banco Caribeño de Desarrollo, [CDB support Dominica in rebuilding resilient schools](#), 25 de octubre de 2018

⁸³ UNICEF, [Hurricane Maria aftermath: Children's education on hold in Dominica](#), octubre de 2017

⁸⁴ Grupo de Trabajo del Protocolo de San Salvador, [Observaciones y Recomendaciones Finales al Estado de Ecuador: Examen de los Informes prestados por los Estados Partes al Segundo Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador"](#), OAS/Ser.L/XXV.2.1, GT/PSS/doc.35/18, mayo 2018, párr. 52-53

⁸⁵ Grupo de Trabajo del Protocolo de San Salvador, [Observaciones y Recomendaciones Finales al Estado de Ecuador: Examen de los Informes prestados por los Estados Partes al Segundo Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador"](#), OAS/Ser.L/XXV.2.1, GT/PSS/doc.35/18, mayo 2018, párr. 55

⁸⁶ Grupo de Trabajo del Protocolo de San Salvador, [Observaciones y Recomendaciones Finales al Estado de Ecuador: Examen de los Informes prestados por los Estados Partes al Segundo Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador"](#), OAS/Ser.L/XXV.2.1, GT/PSS/doc.35/18, mayo 2018, párr. 56



the Republic⁸⁷. Similarly, REDESCA notes that the Ministry of the Environment issued Ministerial Agreement 102, through which the National Citizen Council of the Environmental Sector is restructured, which constitutes a space for participation and exchange between civil society and the national environmental authority⁸⁸.

153. REDESCA has also learned of the situation in the Sinangoe community, part of the A'I Cofán people in Sucumbíos Province. In this regard, REDESCA takes note of the decision of the Sucumbíos Provincial Court acknowledging the violations already declared in the first instance against the right to free, prior and informed consultation regarding mining projects being developed in its territory⁸⁹⁹⁰.

154. For its part, the State reported that at the Popular Consultation held in February 2018, questions were incorporated regarding the prohibition without exception of metal mining in all its stages, in protected areas, intangible zones and urban centers; the increase in the intangible zone created to protect the rights of peoples in voluntary isolation; and the reduction in the area of oil exploitation in the Yasuní National Park⁹¹. Likewise, there is a proposal for regulation of the Organic Environmental Code that entered into force on April 13, 2018⁹². Also, REDESCA notes that the Ministry of the Environment issued Ministerial Agreement 102, through which the National Citizen Council of the Environmental Sector is restructured, a space for participation and exchange between civil society and the national environmental authority.

El Salvador

154. According to the most recent information on the right to housing, in El Salvador only 2 out of every 10 houses meet the minimum requirements for decent housing, i.e. they have basic services and adequate infrastructure, leaving a deficit of 1,281,058 houses that need to be improved. Added to this, there are 191,810 families that do not own homes. ⁹³

155. With regard to the right to work, problems have been detected with the labor insertion of the youngest groups of the population, with unemployment among people between 15 and 29 years

⁸⁷ Nota de la Misión de la República del Ecuador ante la OEA, No. 4-2-309/2018, de 16 de noviembre de 2018, p. 6

⁸⁸ Nota de la Misión de la República del Ecuador ante la OEA, No. 4-2-309/2018, de 16 de noviembre de 2018, p. 7

⁸⁹ The Guardian, [Our territory is our life: one struggle against mining in Ecuador](#), 9 de Abril de 2018

⁹⁰ El Comercio, [Tribunal de la Corte Provincial de Sucumbíos dictó sentencia favorables para la comunidad de Sinangoe](#), 22 de Octubre de 2018

⁹¹ Nota de la Misión de la República del Ecuador ante la OEA, No. 4-2-309/2018, de 16 de noviembre de 2018, p. 6

⁹² Nota de la Misión de la República del Ecuador ante la OEA, No. 4-2-309/2018, de 16 de noviembre de 2018, p. 6

⁹³ INCAE Business School, [Estado de la Vivienda en Centroamérica](#), Noviembre 2016, p. 92



old reaching 11.8%, a high number compared to the national unemployment rate which is only 7%.⁹⁴

156. In El Salvador, violence is one of the main factors affecting and hindering access to education. The United Nations Committee on the Rights of the Child found that most educational establishments are located in areas where gangs operate and there is a presence of drug and arms trafficking. The report from the United Nations also points out that children must travel dangerous roads to get to their schools, and that the schools themselves have become the scene of sexual abuse, trafficking, and a large number of murders of students and teachers. Finally, the report also mentions the high level of school dropouts, poor infrastructure, and low public spending in the area.⁹⁵

157. Furthermore, in El Salvador only 86% of the population has intermittent access to piped water. Due to the limited access to water, several legislative initiatives have been presented for a general water law, however, the proposal that has been most discussed is that of handing over control of water resources to private companies, which has caused great concern among the country's social actors, who have called for protests against privatization.⁹⁶

158. In this regard, the WGPSS recommended that the State intensify its efforts to approve the Water Law and make progress on effective measures to conserve water sources, in addition to expanding access to drinking water and other basic public services, which is currently under debate in the legislative branch.⁹⁷ Likewise, the WGPSS urged El Salvador to systematically promote joint participation actions with civil society organizations and to increase environmental education measures in relation to actions oriented towards access to information and prevention.⁹⁸ The SRESCER endorses the content and recommendations of the WGPSS on El Salvador, from September of 2018.

Guatemala

159. With regard to trade union rights in Guatemala, it was reported that those who participate in these organizations are being persecuted, with acts such as mass dismissals and a blockade by

⁹⁴La Prensa Gráfica, [El desempleo en El Salvador afecta más a los jóvenes](#), 27 de diciembre de 2018

⁹⁵Comité de los Derechos del Niño, "[Observaciones finales sobre los informes periódicos quinto y sexto combinados de El Salvador](#)", CRC/C/SLV/CO/5-6, 29 de noviembre de 2018

⁹⁶ Organización Panamericana de la Salud, [El Salvador: Contexto General](#) Agencia EFE, [La lucha en defensa del derecho humano al agua se fortalece en El Salvador](#), 27 de septiembre de 2018 InformaTVX, [El derecho al agua no está en venta](#), 29 de mayo de 2018

⁹⁷ Grupo de Trabajo del Protocolo de San Salvador, [Observaciones y Recomendaciones Finales al Estado de El Salvador: Examen de los Informes prestados por los Estados Partes al Segundo Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador"](#), OAS/Ser.L/XXV.2.1, GT/PSS/doc.29/17, Octubre 2017, párr. 65

⁹⁸ Grupo de Trabajo del Protocolo de San Salvador, [Observaciones y Recomendaciones Finales al Estado de El Salvador: Examen de los Informes prestados por los Estados Partes al Segundo Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador"](#), OAS/Ser.L/XXV.2.1, GT/PSS/doc.29/17, Octubre 2017, párr. 66



the government, which is responsible for registering trade union groups in order to limit their actions⁹⁹. In its 2018 report, the Human Rights Ombudsman's Office was able to indicate that although Guatemala's unemployment rate is 2.1%, the IDB's Latin America Best Employment Index places Guatemala in last place. In this sense, REDESCA is concerned that Guatemala has one of the highest rates of informality in the continent where there are no minimum guarantees in labor issues. It is estimated that 69.7% of people are employed in the informal sector, which increases to 80% in rural areas¹⁰⁰.

160. Along the same lines, REDESCA endorses the concerns of GTPSS regarding the gender gap in most coverage actions. For example, the coverage rate for accidents at work in general is very low, covering only 29.5% of workers, of whom 66.4% of men have coverage, while 33.6% of women were previously covered for accidents at work. Likewise, since there are high rates of labor informality, which does not have protection against accidents at work, more systematic efforts are required in labor registration and inspection¹⁰¹.

161. With respect to Guatemala, REDESCA noted that there are great inequalities in access to health care between the urban and rural sectors, the latter being at a disadvantage. Of particular concern is the level of infant mortality in the country, which has been maintained over the years, partly explained by the low level of access to prenatal care¹⁰². There is also a deficit in the rate of vaccination. Another major problem detected in Guatemala is the high number of women suffering from cervical cancer, for which preventive measures have been implemented such as a vaccination program against the human papillomavirus¹⁰³. Likewise, there is concern regarding unsafe or illegal abortions that continue to be one of the main causes of maternal mortality. In this regard, the Committee on Economic, Social and Cultural Rights recommended that consideration be given to the possibility of providing exceptions to the prohibition of abortion, particularly in cases of pregnancies resulting from rape or incest¹⁰⁴. In this context, REDESCA is concerned that the health budget did not improve substantially, which may have an impact on improving the supply of medicines and equipment, as well as having sufficient staff to provide services¹⁰⁵.

162. Guatemala faces major challenges in the area of education, with an average of four years of schooling. One of the problems is the high dropout rate¹⁰⁶. The most common reasons why so many children drop out of school are related to the multidimensional poverty experienced in the country, with children going to work at an early age, and girls staying at home to help with household chores such as cleaning and caring for siblings. Other factors for abandoning education are teenage

⁹⁹ El Periodico, [OIT tiene 30 casos por quejas de libertad sindical en Guatemala](#), 28 de marzo de 2018

¹⁰⁰ Procuraduría de Derechos Humanos de Guatemala, [Informe Anual Circunstanciado:2018](#), 2018, p. 491

¹⁰¹ Grupo de Trabajo del Protocolo de San Salvador, Informe presentado por los Estados al Primer Agrupamiento de Derechos: Observaciones Finales a la República de Guatemala, Septiembre 2018. Párr. 25-26

¹⁰² Organización Panamericana de la Salud, [Desigualdades en salud en Guatemala](#), 2016

¹⁰³ Agencia Guatemalteca de Noticias, [Gobierno de Guatemala fortalece medidas para reducir muertes por cáncer cervicouterino](#), 30 de agosto de 2018

¹⁰⁴ Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACNUDH: Guatemala](#), A/HRC/WG.6/28/GTM/2, agosto 2017

¹⁰⁵ Procuraduría de Derechos Humanos de Guatemala, [Informe Anual Circunstanciado:2018](#), 2018, p. 423

¹⁰⁶ PNUD, [Guatemala en breve](#)



pregnancy, which is why many women leave their studies incomplete, and the migration of thousands of children and adolescents who travel to other countries in search of better living conditions¹⁰⁷.

163. For its part, within an institutional framework, REDESCA notes that the State has reduced its economic contributions to education by 40% between 2012 and 2013, and in 2014 there is only a record of the first semester, which shows a considerable decline. Similarly, there is concern about the illiteracy rate, which is extremely high for young people between 15 and 19 years of age, and which shows an increase of almost 5 percentage points between 2010 and 2015, resulting in a figure close to 20 per cent of young people of that age who do not read or write; it has reached almost 30 per cent of older people and has a significant impact in terms of gender¹⁰⁸.

164. Furthermore, REDESCA emphasizes the concern identified by the Committee on ESC Rights regarding the low budget allocated to education. Along these lines, the Committee recommended that all direct or indirect costs be eliminated in primary education, which should be mandatory and accessible to all free of charge, that the necessary resources be ensured to guarantee the quality and adequate infrastructure of the education system, and that the material and salary conditions of teachers and their training be improved¹⁰⁹.

165. In Guatemala, the housing deficit affects approximately 1.6 million homes. To address this problem, the government has proposed various strategies, but one of the most important items is that it has increased the housing budget from 122 million to 473 million quetzales, which could have a significant positive impact on the population.^{110 111}.

166. In this regard, it is worth mentioning that REDESCA takes note of the observations of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which notes the considerable shortage of social housing and expressed concern about the large number of families living in irregular urban settlements, particularly vulnerable to forced evictions, and about reports of forced evictions without prior consultation with the affected persons and without providing compensation, alternative housing or resettlement¹¹².

¹⁰⁷Prensa Libre, [Hay tres millones de pobres más, según informe de PNUD](#), 29 de noviembre de 2018 y [migración condiciona altos índices de deserción escolar en Guatemala](#), Enero 2018

¹⁰⁸ Grupo de Trabajo del Protocolo de San Salvador, Informe presentado por los Estados al Primer Agrupamiento de Derechos: Observaciones Finales a la República de Guatemala, Septiembre 2018. Párr. 37, 51

¹⁰⁹ Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACNUDH: Guatemala](#), A/HRC/WG.6/28/GTM/2, agosto 2017

¹¹⁰ Agencia Guatemalteca de Noticias, [Gobierno propone reducir déficit de vivienda en Guatemala en 4% en 2019](#), 5 de diciembre de 2018

¹¹¹ Diario de Centro América, [Proponen planes para reducir déficit habitacional y garantizar vivienda digna en Guatemala](#), 25 de julio de 2018

¹¹² Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACNUDH: Guatemala](#), A/HRC/WG.6/28/GTM/2, agosto 2017



167. Concerning the right to water and sanitation, REDESCA notes the lack of effective legislation in Guatemala that ensures access to this resource, as well as regulating its use and quality. Only 76 per cent of the population has access to a water system, which may not be optimal. This especially affects the rural and indigenous population. Another problem present in the country is the lack of treatment plants, so that the largest amount of sewage is discharged directly into rivers, for which there are reports that 14 of the 38 largest rivers in the state are polluted¹¹³.

Haití

168. Considered the poorest country in the Americas, during 2018 in Haiti, there was a general strike and various protests from the population against the effects of corruption on their living conditions¹¹⁴. The ILO noted that more than 90% of the working population worked in the informal economy, often in indecent conditions. The Committee on the Elimination of Discrimination against Women noted that women were mostly employed in the informal sector with low pay, lacked social protection and were often victims of sexual harassment¹¹⁵.

169. In another area, of particular concern is the practice known as "restavèks", which involves more than 200,000 children working as domestics, often without pay and enduring abuse¹¹⁶.

170. In Haiti, education is a major problem to be solved, 50 % of children of school age do not attend school, the illiteracy rate is 80 %, and one of the major barriers to access is that the majority of schools in the country are privately owned¹¹⁷. In his latest report on the situation of human rights in Haiti, the United Nations Independent Expert for Haiti indicated that literacy in a reasonably short time for the entire population is a recommendation that has persisted since that mandate was established. In this regard, the expert was able to mention that a large sum of money is not necessary to implement these programs, but that a firm decision is required on the part of the State to pursue policies of continuing education¹¹⁸.

Honduras

171. On Honduras, REDESCA adopts the report and recommendations of the WGPSS, which in its last observations indicated that: "*The Working Group is concerned about the high rates of labor informality, with strong gender biases, preponderance of precarious work, unemployment and acute*

¹¹³ Procuraduría Nacional de Derechos Humanos de Guatemala, [Informe Anual 2018](#), 2018, p. 471, 475

¹¹⁴ <https://www.lanacion.com.ar/2195418-la-tension-politica-y-las-protestas-vuelven-a-las-calles-de-haiti>

¹¹⁵ Comité de Derechos Humanos de las Naciones Unidas, [Informe del OACDHNU: Haití](#), A/HRC/WG.6/26/HTI/2, 2016

¹¹⁶ Comité de Derechos Humanos de las Naciones Unidas, [Informe del OACDHNU: Haití](#), A/HRC/WG.6/26/HTI/2, 2016

¹¹⁷ Derecho a la Educación, [Dignité-El derecho humano a la educación en Haití](#), 2015

¹¹⁸ Consejo de Derechos Humanos de las Naciones Unidas, [Informe del Experto Independiente sobre la situación de los derechos humanos en Haití](#), A/HRC/34/73, marzo 2017



*rates of child labor*¹¹⁹, Nevertheless, in its same recommendations, the Group also points out that: *"recommends that the Republic of Honduras intensify actions to guarantee the participation of workers in collective bargaining processes, but also around labor policies in general. The WG recommends greater dissemination of workers' rights, not only through campaigns, but also through education and effective training"*¹²⁰.

172. Likewise, the GTPSS has indicated that there is a high index of labor informality, with a strong gender bias, there is also a prevalence of precarious work and acute indices of child labor. In this regard, the Special Rapporteur takes note of the recommendation made by the Working Group that an active policy of employment promotion and the implementation of unemployment insurance should be initiated, since the figures indicated that approximately 41% of the population is in the informal labor market¹²¹.

173. The International Labour Organization (ILO) also indicated that the Ministry of Labor and Social Security has failed in its function of protecting workers in labor matters, with reports of violations of teachers' status, denying teachers a salary increase, and a serious lack of protection for defenders of environmental and workers' human rights, while the murder of 20 teachers, indigenous and trade union leaders, environmentalists and peasants remains uninvestigated¹²². During the in-loco visit of the IACHR, REDESCA was able to verify the situation of labor rights in the country, of particular concern being that of the Miskito divers¹²³.

174. On the other hand, REDESCA indicates that although the State has referred to increased investment in the public health system in 2014, 2015 and 2016¹²⁴, there is concern (based on information received by this Special Rapporteur during the visit with the IACHR) about the low coverage in the country, the insufficiency of economic and human resources available to guarantee this right, the prevalence of inadequate infrastructure and various questions about the quality of

¹¹⁹ Grupo de Trabajo del Protocolo de San Salvador, Observaciones y recomendaciones Finales a la República de Honduras: Segundo Agrupamiento de Derechos, OEA/Ser.L/XXV.2.1/GT/PSS/doc.37/18, Julio 2018, párr. 59

¹²⁰ Grupo de Trabajo del Protocolo de San Salvador, Observaciones y recomendaciones Finales a la República de Honduras: Segundo Agrupamiento de Derechos, OEA/Ser.L/XXV.2.1/GT/PSS/doc.37/18, Julio 2018, Párr. 60

¹²¹ Grupo de Trabajo del Protocolo de San Salvador, Observaciones y Recomendaciones Finales al Estado Honduras: Examen de los Informes prestados por los Estados Partes al Segundo Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador", OAS/Ser.L/XXV.2.1, GT/PSS/doc.29/17, Octubre 2017, párr. 58

¹²² Criterio, Honduras, nuevamente señalada por la OIT, por violaciones laborales y los derechos humanos, 9 de junio de 2018

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¹²⁴ Grupo de Trabajo del Protocolo de San Salvador, Observaciones y Recomendaciones Finales al Estado de Honduras: Examen de los Informes prestados por los Estados Partes al Segundo Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador", OEA/Ser.L/XXV.2.1/GT/PSS/doc.37/18, Julio 2018, párr. 50



existing health services, particularly those aimed at the population in rural areas¹²⁵. In the same respect, the GTPSS:

*"(...) noted with concern that still 10.26% of children between 1 and 4 years old die from malnutrition and nutritional anaemia. Likewise, the WG draws attention to the high percentage of people suffering from food insecurity and recalls that malnutrition in children generates stunting or short stature of a child according to his or her age, which in turn is associated with highly vulnerable socio-economic conditions."*¹²⁶

175. [During the in-loco visit](#), REDESCA was informed by the State of progress and challenges in this area, and a particularly worrying situation was noted with regard to access to essential medicines and treatment for the country's most disadvantaged population groups. The State's failure to provide adequate mental health care in Honduras was also underscored, with the predominance of a clinical approach dependent on the excessive use of psychotropic drugs. With regard to sexual and reproductive health, the IACHR regrets that the State continues to criminalize abortion completely and prohibit the distribution of emergency oral contraceptives.

176. It should also be noted that 91.2% of the population has access to drinking water and 82.5% has access to improved sanitation systems; however, the population in rural areas has less access to these services, with 83.8% and 77.7% respectively, compared with 97.4% access to water and 86.7% to sanitation in urban areas. The country has 54 sewerage systems of which only 52% have a purification system, with the rest of the sewage being discharged directly into water bodies¹²⁷.

177. [The IACHR and its REDESCA received information from the Minister of Education regarding the progress and challenges in the area of education, both legal and budgetary, and in terms of quality](#). The Commission takes note of the adoption of the Education Sector Strategic Plan 2017-2030. Information was also received on teacher complaints in Honduras. In particular, the stagnation of salaries, increases in social security contributions and the trend towards the privatization of education were highlighted, which would have an impact on teachers' working conditions. In this regard, the allegations received included acts of corruption, lack of information and improper administration of the funds and social contributions of this sector. The denouncers indicated that there is continuous harassment of union leaders, as well as several cases of unjustified dismissal and suspension from work. Low education quality indices, insufficient budget and the absence of intercultural and gender approaches in education were also highlighted.

178. With regard to the right to a healthy environment, the GTPSS indicated in its comments to Honduras that the country has an institutional framework in charge of managing the environment in a decentralized manner. It also has a national policy to combat climate change and a law on the

¹²⁵ Comité DESC, Observaciones finales sobre el segundo informe periódico de Honduras, 11 de julio de 2016, párr. 51

¹²⁶ Grupo de Trabajo del Protocolo de San Salvador, [Observaciones y Recomendaciones Finales al Estado de Honduras: Examen de los Informes prestados por los Estados Partes al Segundo Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador"](#), OEA/Ser.L/XXV.2.1/GT/PSS/doc.37/18, Julio 2018 párr. 62

¹²⁷ Organización Panamericana de la Salud, [Honduras: Contexto General](#)



subject. However, although this framework exists for the WGPSS, it is worrying that this investment is insufficient and that the necessary capacity is not available to deal with such processes of combating climate change and conserving water sources¹²⁸. Likewise, with respect to Environmental Defenders, REDESCA recalls that, through a [press release dated November 28, 2018](#), the IACHR and the OHCHR expressed their concern about the exclusion of the private accusation on behalf of the victims and the unjustified delays in the Berta Cáceres process, and pointed out that justice for the victims will be effective and integral only when all the material and intellectual authors of the crime are judged and held accountable. Along the same line, REDESCA is concerned about the lack of progress regarding compliance with the precautionary measure in favor of the inhabitants who [consume water from the Mezapa River](#) in the communities of the Pajuiles sector located in the Department of Atlántida, whose water would not be suitable for human consumption because it would be contaminated with fecal coliforms and e-coli sterichia.

Jamaica

179. The REDESCA notes that in Jamaica it was recorded that the main diseases affecting the population are non-communicable, for which the government has established plans to prevent those related to tobacco consumption, poor diet and sedentary life; as well as begin to configure a plan to improve health administration¹²⁹. There is also concern about the large number of people who have developed mental disorders such as anxiety and stress, reaching up to 25% of the population, which can be explained by the levels of violence in the country¹³⁰. The country also has infrastructure problems and a lack of health professionals. Recently the government celebrated the cooperation of the Cuban government in training medical personnel for the island^{131 132}.

180. The Special Rapporteur notes that in Jamaica, while the right to freedom of association is constitutionally protected, the right to strike, which is considered a breach of contract, is not. There are reports that some private companies violate labor rights by firing unionized workers and reinserting them as contractors¹³³.

181. It should also be mentioned that the minimum wage is below the poverty line. With regard to discrimination, it is reported that there is a lack of infrastructure to allow persons with

¹²⁸ Grupo de Trabajo del Protocolo de San Salvador, [Observaciones y Recomendaciones Finales al Estado de Honduras: Examen de los Informes prestados por los Estados Partes al Primer Agrupamiento de Derechos del protocolo adicional a la Convención Americana sobre Derechos Económicos, Sociales y Culturales “Protocolo de San Salvador”](#), OEA/Ser.L/XXV.2.1/GT/PSS/doc.37/18, Julio 2018 párr. 31, 33 y 61

¹²⁹ The Gleaner, [Jamaica to strengthen its national health care system with IDB support](#), 16 de noviembre de 2018

¹³⁰ OPS, [Health in the Americas: Jamaica](#)

¹³¹ The Gleaner, [Jamaica to strengthen its national health care system with IDB support](#), 16 de noviembre de 2018

¹³² Sputnik Mundo, [Jamaica agradece a cuba contribución solidaria en salud pública](#), 6 de junio de 2018

¹³³ Jamaica Observer, [Do you Really have a right to Strike](#), 31 de enero de 2017



disabilities access to their workplaces¹³⁴. In Jamaica, the government announced an increase in the education budget to make further progress towards better education, and funds were earmarked to improve the school feeding program to provide students at least one meal a day¹³⁵. To that extent, it is pertinent to point out that obstacles in access to education and work are identified as determining factors in the promotion of organized crime and in preventing the resocialization of young people involved in these illicit activities¹³⁶.

Mexico

182. With regard to the right to work, according to information received by REDESCA, in Mexico unemployment continues to disproportionately affect vulnerable groups such as young people, indigenous people, migrants, refugees and persons with disabilities. REDESCA is also concerned that the inequality of opportunities for men and women to enter the labour market continues to be a challenge, within the context of a male-dominated society where women have to make double efforts to reach the same opportunities as men¹³⁷. In addition, 50.0% of all young people employed in 2017 were reported to be in informal employment. Similarly, the distribution of working time between men and women continues to be unequal, especially when women spend more time in unpaid household work. Consequently, by 2014, the value of women's unpaid work represented 24.2% of Mexico's GDP¹³⁸.

183. In Mexico, the health system faces problems of fragmentation and lack of personnel, as well as quality of services. It has also been shown that there is a lack of health professionals, especially in the fields of medicine and nursing. There is particular concern about the rates of overweight, obesity and diabetes in Mexico, where the Organization for Economic Cooperation and Development (OECD) projects that 40% of the population will suffer from obesity by 2030, which is why the government has begun to implement public prevention policies¹³⁹.

184. Regarding the right to health, REDESCA shares the concerns of the Committee on ESCR with respect to the considerable number of people who do not have access to adequate and quality health services, the disparities between regions, the possible authorization of internment and treatment of persons with disabilities without their consent, and the lack of adequate programs and centers to care for and reduce the harm associated with drug abuse. It also supports the

¹³⁴ Jamaica Information Service, [Government implementing Community –Level Programme to curtail child labour](#), diciembre 2018

¹³⁵ Jamaica Information Service, [Government investing more resources in education](#), agosto 2018

¹³⁶ Voz Porvos, Jamaica, [La creación de empleo y una mejor educación permitirían reducir el delito](#), 27 de mayo de 2018.

¹³⁷ Comité DESC, [Observaciones Finales del 5to y 6to reportes periódicos sobre México](#), E/C.12/MEX/CO/5-6, 17 de abril de 2018, párr. 24, 26

¹³⁸ Consejo Nacional de evaluación de la Política de Desarrollo Social (CONEVAL), [Informe de Evaluación de la Política Social 2018](#), México, 2018, p. 106, p. 101

¹³⁹ Forbes, [México se enfrenta ante una crisis de salud pública](#), 23 de mayo de 2018



Committee's recommendations to Mexico, encouraging the State to redouble its efforts in this area.¹⁴⁰.

185. Similarly, in Mexico REDESCA observed that low-income families are more food insecure, that is, they lack the resources necessary to maintain a constant supply of food necessary for a healthy life. The percentage of people with lack of access to food in Mexico has not changed much in recent times, with 24.6 million people in this condition¹⁴¹.

186. In the area of the right to education, Mexico demonstrates limitations in access to education, mainly for economic reasons, with the most affected being those with the lowest incomes. It is worrying that only 6 out of every 10 students enter higher secondary education, caused by a lack of resources and a lack of infrastructure¹⁴². According to information produced by state institutions, federal spending on education constitutes 4.3% of GDP, although it is concentrated in primary education. Therefore, REDESCA notes with concern that the combination of insufficient infrastructure and disadvantageous conditions that some of these would be subject to will have negative effects on school achievement, thus widening inequalities¹⁴³.

187. With regard to housing in Mexico, 69% of the people who own homes have deeds in the name of the resident, 18% in the name of someone else who does not live there, and 13% have no deeds at all. Similarly, 22.4% of rural homes had no deeds¹⁴⁴. Particularly worrisome for REDESCA is the situation of people who lost their homes with the earthquake of September 19, 2017¹⁴⁵ and in general with the consequences of natural disasters suffered by Mexico and its effect on the ESCER of its population, especially the most vulnerable groups.

188. REDESCA is concerned that the metropolitan area of Mexico City registered 212 days of the year as the highest ozone pollution in the country in 2015. Similarly, indoor air pollution is particularly dangerous to health because of the proximity between the source of pollution and family members, especially women and children. In 2016, of the total number of non-indigenous households, only 7.6% cooked with firewood or charcoal and had no fireplace, while of the total number of indigenous households, 42.5% used firewood or charcoal for cooking and had no fireplace. This situation shows that, in percentage terms, the indigenous population is more exposed to carbon monoxide and suspended particles¹⁴⁶.

¹⁴⁰ Comité DESC, [Observaciones Finales del 5to y 6to reportes periódicos sobre México](#), E/C.12/MEX/CO/5-6, 17 de abril de 2018, párr. 62 y 63.

¹⁴¹ Consejo Nacional de evaluación de la Política de Desarrollo Social (CONEVAL), [Informe de Evaluación de la Política Social 2018](#), México, 2018, p. 68, p. 92

¹⁴² La Jornada, [Incumple México con garantizar el derecho a la educación: Coneval](#), 3 de diciembre de 2018

¹⁴³ Consejo Nacional de evaluación de la Política de Desarrollo Social (CONEVAL), [Informe de Evaluación de la Política Social 2018](#), México, 2018, p. 70

¹⁴⁴ Consejo Nacional de evaluación de la Política de Desarrollo Social (CONEVAL), [Informe de Evaluación de la Política Social 2018](#), México, 2018, p. 73

¹⁴⁵ New York Times, [Perder el hogar en el sismo, perder la vida en la burocracia](#), 19 de septiembre de 2018

¹⁴⁶ Consejo Nacional de evaluación de la Política de Desarrollo Social (CONEVAL), [Informe de Evaluación de la Política Social 2018](#), México, 2018, p. 85-87



Nicaragua

189. With regard to Nicaragua, REDESCA has been closely monitoring the situation that has arisen since the events of April 2018. In this respect, REDESCA has emphasized monitoring the situation, especially in three areas: education, health and work. Details of the information received by the Rapporteurship can be found in chapter 4B of the IACHR's Annual Report.

190. Among the information received, REDESCA is especially concerned about the reports of irregularities and the denial of medical attention and the obstruction of humanitarian work to assist the injured in the context of the acts of violence and repression that have occurred in the country since April 18, 2018¹⁴⁷. On the other hand, there have also been reports of arbitrary dismissals and acts of harassment against students and personnel from the health and education sectors, as well as negative effects on the health of patients who have not been receiving care due to a lack of medical specialists¹⁴⁸. According to public information, since last July 27, health professionals have been dismissed from different hospitals in the country. Among them, there have been dismissals at the Oscar Danilo Rosales Argüello School Hospital in León, the Santiago Regional Hospital in Jinotepe, the Humberto Alvarado Hospital in Masaya, the Monimbó Health Center and the San Juan de Dios Hospital in Estelí¹⁴⁹.

191. Finally, with regard to the right to education, it should be noted that at least 41 regular school days have been lost. To this extent, 58 teachers from pre-school to university education have been dismissed for reasons related to the protests. Similarly, 144 university students from the National Autonomous University of Nicaragua who were pursuing various careers have so far been expelled. In addition, the budget proposal includes a reduction of 78 per cent (C\$483.9 million) in the total amount of the reduction (C\$623.3 million), which affects primary schools (44 schools out of a total of 56). This modality accounts for approximately 50% of the country's total enrolment.

Panama

192. With regard to the right to education, REDESCA echoes the statement made by the United Nations Committee on the Rights of the Child indicating that the low coverage of preschool and basic levels, the high levels of non-attendance in primary education and the general dropout rate are worrying. As for inequality, the Committee noted that the enrolment rate of students of indigenous origin is very low at the secondary and tertiary levels, and maintains that family income is a determining factor in dropping out of school¹⁵⁰.

193. On the other hand, in Panama, the health system faces problems mainly related to resource management and organization, due to the dual system of care and lack of personnel. With regard to

¹⁴⁷ CIDH, [Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua](#), pág. 50

¹⁴⁸ CIHD-REDESCA, [Comunicado de Prensa No. 203/18](#), 10 de septiembre de 2018

¹⁴⁹ CIHD-REDESCA, [Comunicado de Prensa No. 203/18](#), 10 de septiembre de 2018

¹⁵⁰ Comité de los Derechos del Niño, ["Observaciones finales sobre los informes periódicos quinto y sexto combinados de Panamá"](#), CRC/C/PAN/CO/5-6, 28 de febrero de 2018



the health of the Panamanian population, the rates of obesity are worrying, reaching 45% of the population¹⁵¹. In addition, it is important to mention that inequality mainly affects the rural and indigenous population¹⁵².

194. In addition, Panama records that there are 114,000 families who would not have a decent home, either because they do not have their own home, or because their home has problems that make it uninhabitable. To this must be added the number of homes with qualitative deficits. These problems are due to the high cost of the new housing units that are built, which are not reachable by the low-income population¹⁵³.

195. It should also be noted that during the 169th period of sessions of the IACHR, civil society organizations expressed the State's refusal to demarcate and title the collective lands of the Emberá, Wounaan, Kuna, Buglé, Ngöbe, Naso and Bribi indigenous peoples. They also maintained that the State has allowed the advance of extractive industries on their lands, which constitutes a serious threat to their environmental and cultural rights.

196. In the State of Panama, there is a big difference in access to drinking water and sanitation services for urban and rural populations. In urban areas the water supply is as high as 98%, while in some rural and indigenous territories only 50 % have these services. In addition, there is concern about the quality of water, which is affected by pollution, deforestation and soil erosion¹⁵⁴.

Paraguay

197. REDESCA observes that in the report on her visit to Paraguay, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, mentions that the shortage of decent work in Paraguay can be explained by the size of the informal economy, which, according to official data, accounts for 65.4 per cent of workers. In rural areas, the percentage of workers employed in the informal economy was as high as 78 per cent (compared to 61.7 per cent in urban areas). Informal economy workers, especially women, often experience high levels of precariousness, lack access to social and labor protection and work in sectors not fully covered by labor legislation, making them very vulnerable to exploitation, including contemporary forms of slavery. It is also a matter of concern to REDESCA that the same note by the United Nations Rapporteur mentions that the practice of "criadazgo", in which girls and boys from rural areas (usually girls) are generally sent to live with other families from urban areas in order to guarantee, in theory, their education and food. While this practice is prohibited by domestic law, it is indicated that this practice becomes a form of internal trafficking¹⁵⁵.

¹⁵¹La Prensa, [Obesidad, la enfermedad que más afecta a los panameños](#), 3 de octubre de 2018

¹⁵² Ministerio de Salud de Panamá, [Análisis de Situación de Salud: Panamá 2018](#)

¹⁵³ INCAE Business School, [Estado de la Vivienda en Centroamérica](#), Noviembre 2016, p. 73

¹⁵⁴ Organización Panamericana de la Salud, [Panamá: Contexto General](#)

¹⁵⁵ Consejo de Derechos Humanos de las Naciones Unidas, [Informe de la Relatora Especial sobre las formas contemporáneas de esclavitud](#), A/HRC/39/52/Add.1, mayo de 2018



198. Faced with this reality, a recent OHCHR report on Paraguay recommended that the country should protect domestic workers from any form of servitude and improve their working conditions. Likewise, in a regulatory context, the Committee on Economic, Social and Cultural Rights requested that the articles of the Labor Code be amended to include discriminatory conditions for domestic work. On the other hand, the Special Rapporteur on extreme poverty recommended legislative reforms to bring the labor rights of domestic workers into line with international standards¹⁵⁶.

199. With respect to the right to health, REDESCA draws attention to the fact that in its first report on Paraguay, the GTPSS expressed its concern about the lack of information that would allow it to assess the national situation of the right to health, calling on the State to complete all the necessary information in the report required by 2019. As a member of the WGPSS, REDESCA endorses this concern and in general the recommendations made to Paraguay by the Working Group¹⁵⁷.

200. On the right to food, REDESCA recalls that the United Nations Rapporteur on the right to food in her conclusions identified a wide range of policies and programs in the country to guarantee the effective enjoyment of the right to food. She also stressed that food insecurity is closely related to poverty, recording the positive impact that social assistance programs have had on food security by increasing access to more varied and higher quality food. The same initiatives have also improved food security through increases in domestic production. On the other hand, it is of concern to REDESCA that from the information provided by the State to the GTPSS there is a high percentage of pregnant women in obesity, as well as data relating to the prevalence of diabetes.¹⁵⁸

Peru

201. With respect to Peru, the unemployment rate in the metropolitan Lima region stands at 6.6%, with women again being the most affected group with 8% unemployment. By the same measure, 21.6% of young people between 15 and 29 years of age neither study nor work. Finally, 73.3% of the workers have informal employment and it is concentrated in the rural sector where it reaches 85.7%. Consequently, it has been registered that the two major problems that Peru faces at the moment are the low rate of employment among young people and the high rate of informality¹⁵⁹. Likewise, there are still wage differences between men and women, which translates into one of the most persistent forms of inequality in the labor market in the country. This is partly due to the lack of social benefits for women in the informal sector, especially those in rural areas. In

¹⁵⁶ Consejo de Derechos Humanos de las Naciones Unidas, [Informe de la OACNUDH: Paraguay](#), A/HRC/WG.6/24/PRY/2

¹⁵⁷ Grupo de Trabajo del Protocolo de San Salvador, [Informe presentado al 1er agrupamiento de Derechos: Observaciones Finales a la República del Paraguay](#), OAS/Ser.L/XXV.2.1/GT/PSS/doc.15/16

¹⁵⁸ Consejo de Derechos Humanos de las Naciones Unidas, [Informe de la Relatora Especial sobre el derecho a la alimentación acerca de su misión a Paraguay](#), A/HRC/34/48/Add.2, enero 2017; Grupo de Trabajo del Protocolo de San Salvador, [Informe presentado al 2do agrupamiento de Derechos: Observaciones Finales a la República del Paraguay](#), OAS/Ser.L/XXV.2.1/GT/PSS/doc.33/17

¹⁵⁹ OIT, Perú: Programa de acción 2018-2019, Agosto 2018, p. 2, 4, 5



this regard, it is also a matter of concern that 40 % of women domestic workers do not have health insurance and approximately 87 % do not have any type of affiliation to the pension system¹⁶⁰.

202. Along these lines, the GTPSS recommended that there should be:

“The need to strengthen mechanisms to combat vertical and horizontal occupational segregation of women and encourages the State party to continue along these lines and extend them to areas of political decision-making, especially local government areas, and to focus on reducing the gender wage gap suffered by women”¹⁶¹.

203. In this regard, REDESCA emphasizes the State's recommendation to establish measures to increase public investment and active policies to promote labor insertion for disadvantaged sectors, as well as to advance in actions to improve the quality of employment, seeking to reverse the high rates of precarious work and guarantee work as a right.

204. The State reported that the National Human Rights Plan contains guidelines for the design and inter-institutional strengthening of public policy for the promotion and protection of ESCER¹⁶². The State also mentioned that 52.71% of the national territory has been covered through the application of economic ecological zoning, which contributes to the conservation and sustainable use of the natural resources of the territories; and that the National Strategic Development Plan has a strategic axis regarding natural resources and the environment. The latter includes objectives related to the conservation and sustainable use of natural resources, climate change policy and responsible consumption.

205. In this regard, there is concern that concessions for the extraction of natural resources continue to violate the rights that indigenous peoples have over their lands, including water, leading to environmental problems. The lack of effective implementation of the measures adopted to mitigate environmental impacts is also a matter of concern. In this context, during a [Public Hearing of the 170th Period of Sessions](#), it was learned that agro-industry and other activities invade the ancestral territories of some indigenous communities. According to the information received, there is no security or guarantee for the territory, which means that anyone can enter in order to take possession of land and carry out monoculture planting processes. This would not only affect the way of life of indigenous peoples, but would also cause damage to the eco system.

206. On the other hand, civil society has pointed out that the procedures, criteria and evaluation mechanisms for granting rights in order to be able to carry out hydrocarbon projects (as is the case of the South Peruvian Gas Pipeline) must be more widely disseminated to the public¹⁶³. They also indicated that the elimination of primary forests classified as lands "with capacity for agricultural use" and also the growing purchase of lands with natural forests from small farmers for industrial

¹⁶⁰ Consejo de Derechos Humanos, [Informe de la OACNUDH: Perú](#), A/HRC/WG.6/28/PER/2, agosto 2017

¹⁶¹ Grupo de Trabajo del Protocolo de San Salvador, [Informe presentado al 1er agrupamiento de Derechos: Observaciones Finales a la República del Perú](#), OAS/Ser.L/XXV.2.1/GT/PSS/doc.32/17

¹⁶² Nota de la Misión de la República del Perú ante la OEA, No. 7-5-M-215 de 4 de diciembre de 2018, p. 13-14

¹⁶³ Derecho, Ambiente y Recursos Naturales, *Gobernanza en las APP: Lecciones aprendidas del gasoducto sur peruano*, 2017, p. 70



agriculture, are practices that can jeopardize the sustainability of an ecosystem¹⁶⁴. Finally, in relation to the human right to water, it was indicated that the Ica-Villacurí aquifer would have gone into crisis due to technified overexploitation and, to the same extent, the rivers and the marine coast continue to be used as dumping grounds for urban wastewater and solid waste¹⁶⁵.

Dominican Republic

207. With regard to the Dominican Republic, the high rate of teenage pregnancies is a matter of concern, affecting mainly women with lower resources and less education. To that extent, the total prohibition of abortion in the Dominican Republic endangers the health of the population due to clandestine abortions¹⁶⁶. In the same respect, the high incidence of teenage pregnancies in the country is a cause for concern, since it is the result of sexual violence and is also related to a high number of maternal deaths of teenage girls.

208. It was also reported that maternal and neonatal mortality rates are above regional averages, although 80 per cent of maternal and neonatal deaths could have been avoided and their causes would have been linked to the poor quality of health services. In addition, the fact that 20.8 per cent of children between the ages of 0 and 5 are not on national registers makes it difficult for the State to allocate resources¹⁶⁷. However, REDESCA notes that coverage for access to health insurance has increased, establishing as a right access to family health insurance, which had gone from 28% coverage in 2007 to 73.3% of the Dominican population in 2017¹⁶⁸.

209. The Special Rapporteur notes that the State has increased the budgetary allocation for pre-university education to 4 % of gross domestic product and recognizes the State's efforts to improve the education system. As a result, the coverage of primary education had increased, reaching 92 %, but secondary education faced challenges, with coverage of 55.4 % increasing slowly. However, despite various initiatives aimed at increasing school attendance, the quality of and access to basic education, there were still large disparities in secondary school attendance relative to primary school. To this analysis, it is also important to add that the high drop-out rate among pregnant girls and teenage mothers, and the high rate of violence and harassment among students remain insufficient.¹⁶⁹

210. In reference to the right to work, the high rates of unemployment and underemployment, as well as the high number of workers in the informal economy, are a cause for concern. Likewise, for the Committee on the Rights of Persons with Disabilities, the number of persons with disabilities

¹⁶⁴ Derecho, Ambiente y Recursos Naturales, *Ambiente y Recursos Naturales en el Perú: Quinquenio 2011-2016*, 2016, p. 202

¹⁶⁵ Derecho, Ambiente y Recursos Naturales, *Ambiente y Recursos Naturales en el Perú: Quinquenio 2011-2016*, 2016, p. 207

¹⁶⁶ Human Rights Watch, [Dominican Republic: Abortion ban endangers health](#), 19 de November de 2018

¹⁶⁷ Organización Panamericana de la Salud, [Salud en las Américas: República Dominicana](#), 2017

¹⁶⁸ Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACNUDH: República Dominicana](#), A/HRC/WG.6/32/DOM/2, noviembre 2018

¹⁶⁹ Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACNUDH: República Dominicana](#), A/HRC/WG.6/32/DOM/2, noviembre 2018



included in formal employment is insufficient, and the Human Rights Committee noted the low employment rate among women with disabilities. Added to this is the still significant difference in the gender pay gap, where in some cases it was close to 25 per cent. Similarly, the Committee on Economic, Social and Cultural Rights noted the precarious working conditions of women in the agricultural sector and in domestic service¹⁷⁰.

Saint Kitts and Nevis

211. Saint Kitts and Nevis is working on the creation of a universal health system, which would provide coverage to the entire population. This system was jointly developed with civil society through public meetings and must be submitted to the National Assembly for approval. On the other hand, the government is also implementing a plan to combat HIV, with free testing to detect it, which is expected that by 2020, 90% of the population with HIV will receive treatment¹⁷¹

212. The SRESCER, also notes that unemployment levels are low, reaching 4.5 per cent, the fourth lowest in the Caribbean. Finally, the government has been working towards improving education in recent years, however, one of the biggest problems the country faces, is the quality of teachers in the country.¹⁷².

Saint Lucia

213. The health system in St. Lucia presents profound problems, including the lack of infrastructure, following disasters such as the fire at St. Judes Hospital in 2009 and the collapse of the roof of a section of Victoria Hospital. This added to the lack of equipment and resources has caused a great conflict in which political interests have been involved. The medical and dental association of St. Lucia called on the government to improve the health system and not to privatize it, an idea that has been discussed^{173 174}.

214. On the other hand, important advances are observed in the guarantee of the right to education, as well as an important public investment in this matter, of approximately 13.2 percent of the budget. At the same time, it is observed that there is a lack of policies

¹⁷⁰ Consejo de Derechos Humanos de Naciones Unidas, [Informe de la OACNUDH: República Dominicana](#), A/HRC/WG.6/32/DOM/2, noviembre 2018

¹⁷¹ The St. Kitts and Nevis Observer, [Ministry of Health sets “tall order” target for HIV](#), diciembre 2018 y [State of Arte healthcare centre Project planned in Cristophe Harbour](#), enero 2019

¹⁷² Times Caribbean, [St. Kitts-Nevis listed as having the lowest unemployment rate in the OECS and among the 5 lowest in the Caribbean](#), 6 de mayo de 2018; Borgen Magazine, [10 facts about education in St. Kitts and Nevis](#), noviembre 2017

¹⁷³ The Star, [Saint Lucia Healthcare Crisis](#), 24 de abril de 2018

¹⁷⁴ St. Lucia News Online, [The Crisis of Healthcare in St. Lucia](#), mayo 10 de 2018



encompassing vocational technical education, which could help with the levels of unemployment among the young population¹⁷⁵.

Saint Vincent and the Grenadines

215. In Saint Vincent and the Grenadines, the health system is almost universal, but as in many other Caribbean countries, access to some secondary and tertiary care requires moving outside the country. The main diseases affecting the population are chronic and non-communicable. The Government has also adopted the Quito Consensus adopted at the tenth Regional Conference on Women in Latin America and the Caribbean, which refers to promoting and ensuring sexual and reproductive rights as essential conditions for guaranteeing women's participation in political life and paid work¹⁷⁶.

216. Likewise, it is noted that basic education is free, even at the preschool level; however, there are still aspects to be improved, including the quality of education, which is due to the low levels of teacher training. In addition to this, it is pointed out that the State should endeavor to promote school attendance mainly among the sectors with the fewest economic resources¹⁷⁷

Trinidad and Tobago

217. In 2018, the government of Trinidad and Tobago allocated \$6 billion to improve the health network in the country, resources that were used mainly for the construction of new hospitals and the necessary reconstruction of the hospital in Port of Spain that was affected by the earthquake in August.¹⁷⁸

218. On the other hand, in Trinidad and Tobago, unions must have the support of the absolute majority of a company's workers to obtain bargaining rights, which would limit them. In addition, agreements are required for a minimum of three years which makes it difficult to include workers with short contracts. The minimum wage in the country is less than the poverty line¹⁷⁹.

219. In Trinidad and Tobago, UNICEF has noted that educational levels and fiscal spending have remained positive over the years, maintaining universal education at almost all levels. With this in mind, the agency recommended that the institution encourage early education, especially for the population with the least resources. It also maintained constant training for education professionals and set quality standards..¹⁸⁰

¹⁷⁵ UNICEF, VID [Situation Analysis of Children in Saint Lucia](#), 2017

¹⁷⁶ OPS, VID [Salud en las Américas: San Vicente y Las Granadinas](#), 2017

¹⁷⁷ UNICEF, VID [Situation Analysis of children in Saint Vincent and the Grenadines](#), 2017

¹⁷⁸ Daily Express, [6\\$ Billion goes to health](#), 1 de octubre de 2018

¹⁷⁹ Department of State, VID [Human Rights Report: Trinidad and Tobago](#), 2017

¹⁸⁰ UNICEF, VID [Situation Analysis of Children in Trinidad and Tobago](#), septiembre 2017



United States

220. With regards to the right to health, in the United States of America, since the entry into force of the Affordable Care Act (ACA), millions of people have obtained health insurance coverage. However, the reform carried out at the end of 2017, may signify that the price of premiums for the individuals insurance policies that are part of the state markets under the ACA, will increase. No further information is available on the impact of premiums on the accessibility of the insurance market, however it was reported that this measure will mainly affect people living especially in rural areas who cannot rely on subsidies and are therefore exposed to this increase in prices.¹⁸¹

221. With regard to labor rights, the Special Rapporteur takes note of the opinion delivered by the Supreme Court of the United States, which ruled that non-unionized public sector workers may not be required to pay dues to public workers unions to help pay the cost of collective bargaining with the Government Agencies. This decision would have been based on first amendment rights, which would have been violated by the obligation to hand payments for organizations that may have political opinions different from those of the contributor. However, unions have argued that contributions from non-unionized workers are intended to finance negotiations that benefit all workers, so everyone should play their part.¹⁸² This case is of particular concern to SRESCER in terms of the collective capacity that public unions can retain, as well as overall reach this decision may have on collective bargain.

222. With regard to fair housing in the United States, the Rapporteur warns that there is a shortage of affordable housing for lower-income families, most of which are composed of older adults, persons with disabilities, as well as children. The problem arises from the fact that although housing is available, renting costs are very high, hence people with low-incomes have very limited options.¹⁸³ Federal assistance programs have not been updated to the needs of the current population and have decreased their budget. In that sense, this year the current administration has proposed cuts in funding for programs that help low-income tenants, in addition to new restrictions and requirements.¹⁸⁴

223. The SRESCER notes that, with regard to the right to water, there is a problem of access to drinking water for the most vulnerable populations, especially in rural areas of the country.¹⁸⁵ Water rates are unpayable for millions of people and there are estimates that rates could increase by 41% over the next five years. According to a 2017 Michigan State University study, since 2014 about 50,000 households have lost access to potable water services in the city of Detroit for not being able to pay their bills. Additionally, in other cities like Flint, MI, in addition to the existing

¹⁸¹Washington Post, [Republicans didn't repeal Obamacare: they solidified it](#), 22 de diciembre de 2017

¹⁸²Bloomberg News, [Supreme Court deals blow to Unions by rejecting mandatory fees](#), 27 de junio de 2018

New York Times, [Supreme Court ruling delivers a sharp blow to labor unions](#), 27 de junio de 2018

¹⁸³ UNIVISION, [Estos son los estados y las ciudades con la mayor escasez de vivienda asequible en el país](#), 16 de marzo de 2018

¹⁸⁴ National Low Income Housing Coalition, [President Trump calls for drastic cuts to affordable housing](#), 12 de febrero de 2018 y [Out of Reach: The High cost of Housing](#), 2018

¹⁸⁵ New York Times, [Here are the places that struggle to meet the rules on safe drinking water](#), 12 de febrero de 2018



water quality crisis, it is possible that at least 8,000 people will be affected by not being able to pay their bills. This situation is aggravated in states with higher levels of poverty such as Mississippi, Louisiana, Alabama, Kentucky and Arkansas.¹⁸⁶

On the other hand, it should be emphasized that the IACHR and SRESCER expressed their concern after the devastation caused by the impact of two hurricanes in September 2017 in Puerto Rico, which caused shortages and shortages of basic services, such as drinking water, electricity, medicines, health care and telecommunications, as well as barriers to the exercise of civil, political, economic, social, cultural and environmental rights. Puerto Rico is the territory of the United States with the highest rates of poverty and extreme poverty. Moreover, information has been received on shortages of materials for the reconstruction of the island, as well as complaints about the lack of access to humanitarian aid offered by the Federal Emergency Management Agency (FEMA).¹⁸⁷

Uruguay

224. REDESCA notes that unemployment rates in Uruguay are higher among youth and women. Public policies to strengthen access to employment for people of African descent would not have had the expected impact¹⁸⁸. In addition, general concerns persist in various treaty bodies regarding the gender pay gap; higher rates of unemployment and self-employment among women, especially among women of African descent; the disproportionate participation of women in the informal economy; the obstacles they faced in accessing career opportunities under the same conditions as men; and the overrepresentation of Afro-Uruguayan women in the domestic work sector and discrimination against them¹⁸⁹.

225. Uruguay is one of the closest States to universality with regard to drinking water and sanitation services, reaching 99 per cent of the population. The Uruguayan State recognized the right to water in its Constitution in 2005, a reform that also establishes that all drinking water and sanitation services must be provided by the State¹⁹⁰. However, it is necessary to emphasize that in order to be able to serve all persons in situations of vulnerability, poverty and extreme poverty, it is necessary to adequately implement the National Water Plan and provide access to sanitation services for the most disadvantaged and marginalized groups¹⁹¹.

Venezuela

¹⁸⁶ VOX, [America has a water crisis no one is talking about](#), 22 de marzo de 2018

¹⁸⁷ CIDH, [CIDH expresa profunda preocupación por la situación de derechos humanos de Puerto Rico](#), 18 de enero de 2018.

¹⁸⁸ Comité DESC, Observaciones finales sobre el quinto informe periódico del Uruguay, 20 de julio de 2017, E/C.12/URY/CO/5, párr.17

¹⁸⁹ Consejo de Derechos Humanos, VID [Informe de la OACNUDH: Uruguay, A/HRC/WG.6/32/URY/2](#), noviembre 2018

¹⁹⁰ <https://www.caf.com/media/2630071/implementacion-derecho-humano-agua-america-sur-caf.pdf>

¹⁹¹ Consejo de Derechos Humanos, VID [Informe de la OACNUDH: Uruguay, A/HRC/WG.6/32/URY/2](#), noviembre 2018



226. With regard to Venezuela, it should be noted that a complex humanitarian crisis has emerged, as evidenced by certain factors closely related to the full enjoyment of all human rights. Consequently, there is a lack of guarantee for the full exercise of all human rights, including the ESCER. In health, as well as in issues related to food security and the right to education, they have been in a situation of detriment that can be seen in detail in Chapter 4.B of the IACHR's annual report.

227. In issues related to the right to health, it is estimated that at least 60% of the medical assistance available in 2011 was lost between 2012 and 2017; provided by public health services to 82% of the user population. With respect to care, it is mentioned that between 2012 and 2015, the proportion of beds occupied in public hospitals fell 40% and, between 2014 and 2015, the number of people treated daily for consultations, emergencies and childbirth fell 58%, according to the latest performance statistics published by the Ministry of Health in its Memory and Account¹⁹².

228. On the right to food, the scarcity and also the increase in price of the few protein products or nutritional supplements available in the country threaten to raise child malnutrition rates to 25%, for the population to suppress the number of meals per day and that these have less and less protein of animal origin, vegetables, fruits and vegetables. This has particular and serious effects on children, older adults as well as those suffering from diseases such as pneumonia, hepatitis, tuberculosis or HIV/AIDS who also report not having received their medications for months or had access to adequate food for their survival¹⁹³.

229. Finally, in the area of the right to education, with special attention to higher education, it is noted with concern that on November 21, 2018, the President of the Republic, in the framework of the university student's day, on a national radio and television network, asked the students to create "University Militias" to defend the "revolution" and support their government "with arms in hand. Within this same dynamic between 2010 and 2018, at least 50 judicial decisions have been issued that violate university institutional autonomy¹⁹⁴.

Chap. III Conclusions

230. For the SRESCER, the fight against poverty and inequality is the overarching umbrella of the entire mandate, aligned with the 2030 United Nations Agenda. For this reason, the Rapporteur is pleased to have inaugurated her functions with the approval and presentation of the first thematic report on Poverty and Human Rights of the IACHR, which is the first one on this issue in all of the Commission's history. During the first year of the mandate, this report was also published and a special micro website was produced. Considering that in the last decade important advances

¹⁹² Excubitus Derechos Humanos, Reporte Nacional: Emergencia Humanitaria Compleja en Venezuela: Derecho a la Salud, Septiembre 2018

¹⁹³ CIDH, [Comunicado de Prensa No. 016/2018](#), 1 de febrero de 2018

¹⁹⁴ Aula Abierta, [Informe preliminar sobre decisiones del Poder Judicial venezolano que vulneran la autonomía universitaria y la libertad académica](#).



have been made in the region in the area of ESCER, which allowed large sectors of the population to come out of poverty and extreme poverty, it is especially worrying that these achievements are now at serious risk of regression at the regional level. Therefore, the Office of the Special Rapporteur recalls that States have the obligation to take deliberate and concrete steps to advance in the eradication of poverty, taking into account a human rights perspective and developing strategies to guarantee to all its population at least the essential core of social and environmental rights. States must also guarantee the participation of people living in poverty to contribute their own perspectives and experiences, in order to achieve their economic and social empowerment. Special efforts must be made to guarantee women's ESCER and combat the feminization of poverty.

231. In fulfilling its mandate, the SRESCER identifies great challenges and impacts on the human rights of people, groups and collectives living in situations of poverty and extreme poverty, as well as serious situations of lack of access to or contamination of water sources in the hemisphere, lack of access to adequate food, malnutrition among children and pregnant women, challenges in terms of access to housing, informal settlements, forced evictions, human rights impacts generated by business activities, lack of access to education, health and employment or freedom of association in the region, as well as particular obstacles for individuals, groups and collectivities living in situations of historical vulnerability or discrimination.

232. The Office of the Special Rapporteur also highlights how, with the increase in human mobility in the region, ESCER are particularly threatened for migrants, refugees and asylum seekers. Similarly, the SRESCER expresses concern at the threats, criminalization, reprisals and violence against defenders of social and environmental rights in the Americas, as well as the disproportionate use of force and police repression in the context of demonstrations, protests and claims clearly related to the ESCER. The SRESCER has also been expressing its deep concern with the expansion of anti-rights groups in the region, with especially negative effects in relation to sexual and reproductive rights, access to abortion under conditions compatible with international human rights standards, the rights of LGBTTI people and the right to education with a gender perspective.

233. The Special Rapporteur is particularly concerned about the trend that she has been identifying as regards to the adoption of legislation, social and fiscal policies as austerity measures in various countries of the region that limit or imply setbacks in access to and enjoyment of ESCER, especially for the most vulnerable sectors of the population. In this sense, the Office of the Special Rapporteur shares the analysis of the Committee on ESC rights, when it states that *"all proposed changes or adjustments to policies must meet the following requirements: first, the policy must be a provisional measure covering only the period of crisis. Second, it must be necessary and proportional, in the sense that the adoption of any other policy, or simple inaction, would have more detrimental effects on economic, social and cultural rights. Thirdly, it must be non-discriminatory and include all possible initiatives, including fiscal measures, to support social subsidies aimed at mitigating the possible increase in inequalities in times of crisis and preventing the rights of disadvantaged and marginalized individuals and groups from being disproportionately affected. Fourth, policy should specify a minimum core content of rights or the minimum level of social protection, concepts*



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developed by the International Labour Organization, and ensure that this minimum core content is always protected.”¹⁹⁵

234. As well, it draws attention to the consequences of natural disasters and corruption in the enjoyment of ESCERs. In fact, the Special Rapporteur has expressly incorporated an anti-corruption approach into its strategic agenda. In this sense, the mandate made its contributions to resolution 1/18 of the IACHR, introducing the dimension of special affectation that corruption implies for the ESCER and social policies.¹⁹⁶

235. The SRESCER is paying particular attention to the relationship between the activities of extractive industries and the enjoyment of human rights in the Americas, and in particular economic, social, cultural and environmental rights. Although the IACHR and the Special Rapporteur recognize that such projects and business activities can promote the economic development of States and benefit the populations where they are located, they have often received worrying information about violations and negative impacts of these activities on the enjoyment of human rights. This translates, for example, into latent situations of social conflict over the quality of and access to water sources and soils, into the guarantees for a broad processes of access to participation and information in decision-making, and finally on the deficiencies in the provision of adequate resources and effective reparations for victims. This Special Rapporteur's Office has also been aware of cases of forced displacement of persons, and also of the effects on the right to health due to environmental pollution as a result of such industrial activities. On many occasions, the areas where a large amount of natural resources are found, and therefore where the projects are located, are territories historically inhabited by indigenous, Afro-descendant and farming communities, which are already in a situation of vulnerability. Regarding this last issue, it is important to mention that the lack of effective implementation of consultation and prior, free and informed consent as well as environmental and social impact studies in accordance with the standards developed by Inter-American jurisprudence, compiled also in the thematic report of the IACHR on Indigenous Peoples, Afro descendant Communities and Extractive Industries of 2015, is one of the main causes of human rights violations of these people both individually and collectively.

236. Accordingly, the SRESCER expresses its concern regarding the situation of human rights defenders in these industries, particularly those who seek the protection of the environment and the land in the continent because they are constantly targets of stigmatization, threats and reprisals due to their opposition or for bringing forward the negative impacts of such projects. For example, during the first semester of 2018, the IACHR indicated that 57 people had been killed for being environmental defenders in Brazil, while in Colombia alone in the first quarter of 2018, 48 deaths of social leaders and defenders of the land were reported. According to information provided by Global Witness (a non-governmental organization that monitors the activities of environmental defenders), in its last report it indicated that of the 10 most dangerous countries to be an environmental defender, 7 are in Latin America. To that extent the SRESCER reminds States that they have a particular obligation to respect and protect environmental and land defenders, since

¹⁹⁵ Carta de fecha 16 de mayo de 2012 dirigida a los Estados partes en el Pacto Internacional de Derechos Económicos, Sociales y Culturales por el Presidente del Comité de Derechos Económicos, Sociales y Culturales, Doc. HRC/NONE/2012/76

¹⁹⁶CIDH, [Resolución No. 1/18: Corrupción y Derechos Humanos](#), VID ítem 3.



the work that this group does is paramount to all human rights. Likewise, this office also underlines that extraction activities are carried out by national, transnational, private and public companies, or through various association schemes, who also occur within the formal sector or under informal and illegal actions which generate an intense rhythm of deforestation, violence and pollution. This reflects the importance of the obligation to have a robust and effective regulatory framework, timely state oversight and the responsibility of companies in this sector to respect human rights by exercising due diligence and preventing possible violations of these rights through their operations, whether local or international.

237. The SRESCER has also been particularly active in relation to the right to a healthy environment. Thus, the mandate accompanied the opening events for the signing of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters, also known as the Escazú Agreement. This would be the first instrument at the regional level that obliges States to comply with the precepts of Principle 10 of the Rio Declaration on Environment and Development. Similarly, the Special Rapporteur's Office is also an active part of the efforts to implement Advisory Opinion No. 23 on the content of the Right to a Healthy Environment in light of the instruments of the inter-American human rights system. On the other hand, REESCER, within its strategic agenda, is seeking support to promote a regional project on the impact of climate change on human rights. The same in relation to the human right to water and sanitation, in relation to the right to food.

238. From the information and analyses consulted on the region, it can be observed that inequality has decreased in the last decade. However, there has been a stagnation in this reduction in inequality. There is therefore an urgent need to return to redistributive policies, promoting the adoption of progressive fiscal policies that not only protect the progress made but also prevent setbacks in the fight against poverty and inequality.¹⁹⁷

239. To this end, it is essential that a human rights approach, with the indivisibility principle as its beacon, be applied at all stages of public policymaking. This is based on affirming the political will of all State powers which, in compliance with the commitments made to the international community and, above all, to their societies, ensure that States organize their apparatus to ensure the maximum mobilization of resources in favor of progressivity and non-regression in rights. Anchored in the principle of indivisibility and progressivity of human rights, public policies in ESCER are an indispensable tool for the reduction of inequalities. In this manner, they contribute to the construction of a more just and democratic society.

240. It is for the same reason that in this regional scenario of uncertainty and change, it should be a priority to reinforce the labor policies of the countries, especially taking into account the accelerated impact of robotization and new technologies on labor relations.¹⁹⁸¹⁹⁹ For this reason, it is necessary to build new institutional capacities that seek innovative long-term solutions, in

¹⁹⁷ CEPAL, [La desigualdad disminuye en América Latina en la última década, pero su reducción presenta signos de estancamiento](#), 12 de abril de 2018

¹⁹⁸BID, [La automatización en la región: actualidad y perspectivas](#), 3 de septiembre de 2018

¹⁹⁹ Infobae, [La región frente a la robotización](#), 9 de octubre de 2018/

addition to facing the imminent risks that arise in the formulation and implementation of such policies.

241. Therefore, the SRESCER observes that at a general level in almost all the countries of the region there are programs, policies and legislation focused on addressing the different rights that are part of the mandate. However, their effectiveness depends on various measures of how States respond to this need. For example, informality in the labor sector is persistent throughout the region. Although the unemployment rate is declining, it contrasts with the high percentages of people in the informal sector, which in turn conspires against the full effectiveness of the social protections associated with full employment and employment guarantees.

242. On the other hand, the Office of the Special Rapporteur expresses its special concern for the regional situation of the right to health in its relationship with other ESCER. In its monitoring work, as within the IACHR case system, the SRESCER draws attention to the fact that this is a right that has been identified as being seriously violated in various countries of the region, and that it is urgent and a priority to adopt national and regional measures and actions to highlight the most serious situations. As to also identify good practices in passing of legislation and public policies; and coordinate efforts in this area. Along these lines, one of the strategic projects of REESCER is precisely articulated around the right to health.

243. Finally, the SRESCER highlights the existence of an Inter-American normative framework that generates different obligations in ESCER matters for the 35 OAS countries. Mainly these obligation emanate from the OAS Charter, the American Declaration, the Pact of San José, the Protocol of San Salvador and other treaties adopted by the OAS. Since the degree of commitment to ESCER is greater to the extent that the treaties of the system that recognize them have been ratified, the SRESCER reiterates its special call for the ratification of the American Convention on Human Rights, as well as the signing and ratification of the Protocol of San Salvador and other human rights treaties of the system. The Office of the Special Rapporteur is especially available, together with the Working Group of the Protocol of San Salvador, to generate processes of technical assistance and advocacy in those countries that have not yet ratified this Protocol.

Acknowledgements

244. In view of the foregoing, the Special Rapporteur will like to acknowledge, first of all, for all the support received from the OAS member states in its founding phase, reiterating its commitment to the promotion and protection of ESCERs in support of the fulfilment of the obligations assumed by the States in guaranteeing them. It also expresses its special appreciation for the support received from Observer States, encouraging their continuation and expansion. It also expresses its gratitude for the support it has received from the General Secretariat and other spaces of the OAS with which it has been working side by side on issues related to the mandate.

245. The Rapporteur expresses her deep gratitude to the IACHR for the trust and support received during 2018, which extends to the Executive Secretary and all the staff in his charge, as well as to the Special Rapporteur for Freedom of Expression and his team. Special recognition is



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given to the Rapporteur's team, made up of specialists, interns, associate staff, scholars and volunteers. The same goes for all persons and institutions that have been contributing selflessly to the tasks of the mandate. Especially after such a short time since its foundation and with scarce resources, each support received has been key to the work that this report accounts.



Annex 1

