



**REDESCA**

Special Rapporteur for Economic,  
Social, Cultural and Environmental Rights

Inter-American  
Commission on  
Human Rights **IACHR**

OAS/SER.L/V/V/II.

Doc. 28

March 30, 2021

Original: Spanish

FOURTH ANNUAL REPORT OF THE SPECIAL RAPPORTEURSHIP ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS (REDESCA) OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), 2020

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

**"Human and planetary health face an unprecedented crisis."**

**Soledad García Muñoz**

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



**OAS** | More rights  
for more people

Approved by the Inter-American Commission on Human Rights on March 30, 2021



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*Dedicated to all health, care and essential service workers who during 2020 were (and continue to be) the first line of action in the face of the pandemic. Dedicated to all those suffering from COVID19 and to their families.*

*To the Memory of ESCER Defenders who lost their lives in 2020, with special recognition to Gilda Pacheco Oreamuno, human rights defender from Costa Rica, for her legacy of promoting and defending ESCER in the Americas and deep appreciation for her invaluable support to REDESCA's mandate.*

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## TABLE OF ACRONYMS AND REFERENCES

IACHR:	Inter-American Commission on Human Rights
American Convention:	American Convention on Human Rights
IACHR Court:	Inter-American Court of Human Rights
CESCR:	United Nations Committee on Economic, Social and Cultural Rights (CESCR)
American Declaration:	American Declaration of the Rights and Duties of Man
OAS:	Organization of American States
ILO:	International Labor Organization
UN:	United Nations
OPS:	Pan American Health Organization
WHO:	World Health Organization
ICESCR:	International Covenant on Economic, Social and Cultural Rights
UNDP:	United Nations Development Programme
San Salvador Protocol:	Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.
PCR	Polymerase Chain Reaction Tests
REDESCA:	Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights.





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## CHAPTER I: GENERAL INFORMATION

### A. Introduction

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

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

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

<sup>3</sup> VID <http://www.oas.org/es/cidh/docs/anual/2017/docs/IA2017Anexo-REDESCA-es.pdf>, p.6.



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- i) Perform 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 Office of the Special Rapporteur on ESCER.
5. During 2020, the Office of the Special Rapporteur has developed an intense work agenda, effectively fulfilling most of these functions, as well as the Work Plan presented and approved by the IACHR at the beginning of the mandate. Thus, it has provided specialized and constant advice to the IACHR, as well as to the different areas of the Executive Secretariat in ESCER matters. It has provided specialized and constant advice to the IACHR, as well as to the different areas of the Executive Secretariat in ESCER matters, both in the case system and in monitoring, as well as in promotional and technical assistance matters.
6. Likewise, it has actively and permanently monitored the situation of ESCER in the Americas, always willing to provide advice and assistance to Member States in the adoption of legislative, judicial, administrative or other measures to make the exercise of ESCER effective. It has also organized and participated in numerous promotional activities aimed at States, authorities, civil society, trade unions, businesses, professionals, journalists, and human rights defenders.
7. The Office of the Special Rapporteur on ESCER has also promoted initiatives for the generation of new interpretative standards on ESCER by the Inter-American Court of Human Rights. In this regard, the IACHR and the Office of the Special Rapporteur submitted to the Inter-American Court of Human Rights a request for an advisory opinion based on Article 64.1 of the American Convention on Human Rights. The main purpose of this request is to determine the scope of the obligations of the States, under the Inter-American system, on the guarantees of freedom of association, its relationship with other rights and its application from a gender perspective.<sup>4</sup>
8. Likewise, REDESCA presented the report on Business and Human Rights: Inter-American Standards for consideration by the IACHR during the 172nd Period of Sessions in Kingston, Jamaica. After its preliminary approval and the inclusion of the contributions received by the Commission and the Executive Secretariat teams, the report was unanimously approved by the IACHR and was presented during the III Inter-American Forum on Human Rights. The report was published in early 2020.
9. It should also be noted that Soledad García Muñoz was unanimously reelected for a second term of office, which began in September 2020. The Special Rapporteur thanks the IACHR for renewing her confidence to continue serving as head of the REDESCA Office for a new cycle, highlighting the opportunity this represents to consolidate and deepen the achievements made during the first three years of her mandate.
10. REDESCA expressly thanks the IACHR, as well as each and every one of its members for all the support received during 2020 for the development of its work. It also calls to continue strengthening the mandate and synergies with all other thematic and country rapporteurships of the IACHR. The COVID19 pandemic has further highlighted the importance of the IACHR's decision to create REDESCA and the work led by the Office, in relation to rights that are particularly challenged in the current circumstances, such as the Right to Health and other ESCER.

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

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<sup>4</sup>IACHR, Press Release No. 195/19, [IACHR and its REDESCA request Advisory Opinion on freedom of association with a gender perspective](#), July 31, 2019.



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11. Since the beginning of its mandate, the Office of the Special Rapporteur has carried out countless activities to comply with its agenda and strategic plan, unanimously approved by the plenary of the Commission during 2018, 2019 and also for the year 2020. These plans are focused on the pillars of action of the IACHR - case system, monitoring, promotion, training and technical assistance in public policy - in relation to ESCER, prioritizing the fulfillment of the work commissioned by the IACHR, as well as the commitments made to the donors of the mandate.
12. REDESCA's actions are aimed at fulfilling the general objective of its Strategic Agenda, which is to consolidate the functioning and sustainability of the Special Rapporteurship on ESC rights as the body responsible for articulating all the mandates, functions and mechanisms of the IACHR for the protection and promotion of ESC rights in the Americas. Efforts have also focused on the strategic objectives of the mandate, which consist of: developing inter-American standards for the effective realization of ESC rights; monitoring and raising awareness of the situation of ESC rights in the hemisphere; promoting a culture of indivisibility in the area of human rights; providing technical assistance to the public agencies of the Member States; and coordinating with other international entities and members of civil society to guarantee the full exercise of ESC rights in the region. In this regard, special emphasis should be placed on the work carried out by the Special Rapporteur as a member of the OAS Working Group on the Protocol of San Salvador.
13. In the generality of its actions and in accordance with its strategic agenda, REDESCA has applied the approaches of indivisibility, progressiveness, gender, diversity and intersectionality, development and human rights (Agenda 2030), interdisciplinarity, human rights education and anti-corruption. In turn, it works through the following cross-cutting themes: equality and non-discrimination, participation, access to information, accountability and justiciability of ESCER.
14. The year 2020 was particularly challenging for the mandate in the context of the health crisis caused by COVID-19, which highlighted the great inequities existing in the continent and imposed a significant workload on the mandate, especially in its monitoring work. Additionally, due to this same reason, under the disposition of the OAS General Secretariat, the entire REDESCA team carried out its work under the teleworking modality as of March 2020. This has meant several challenges for the daily work of monitoring and promoting the mandate, in relation to the commitments it had in place. The Special Rapporteur is deeply grateful to her work team and to all the institutions, individuals and various entities, both public and private, that have made it possible for the Office to carry out its work on a regular basis despite the current context.
15. In addition to the technical work inherent to the mandate, the Special Rapporteur has also had to concentrate her efforts on administrative and management tasks, such as seeking and securing financial resources, in order to make possible the sustainability and strengthening of the Office. In this regard, it is worth expressing our satisfaction with the progress made in such a complex scenario, as well as our gratitude to donors and REDESCA's supporters for their trust and commitment to the mandate (see sections on Financing and the Task Force), together with the Rapporteur's constant call for them and others, especially OAS Member States and observers, to make contributions to this mandate, which is so necessary for the realization of human rights in the most unequal region on the planet.
16. The following is a summary of the activities carried out during 2020:

## **1) Pandemic and SACROI COVID19**

17. As soon as the pandemic was declared, and even before, REDESCA's work has been strongly oriented towards ensuring that its own response, like that of the IACHR as a whole, was equal to the challenges that the health crisis represents for the continent and especially for the populations in the greatest situation of vulnerability or historical discrimination. Thus, REDESCA's vision and work, as well as the



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standards advanced in the area of ESCER during its first period of mandate, have been decisive in keeping the right to health and other ESCER at the center of the analyses and recommendations made to the States by the IACHR and its Special Rapporteurs.

18. Thus, REDESCA has actively participated in the work of SACROICOV19, coordinating with the Executive Secretariat the process of drafting Resolution 1/2020 on "Pandemic and Human Rights" in the Americas<sup>5</sup>; and leading the drafting of Resolution 4/2020, called "Inter-American Guidelines on the Human Rights of Persons with COVID19"<sup>6</sup>. Additionally, REDESCA has been instrumental in maintaining and strengthening dialogues with international organizations of high relevance in the topics of the mandate, such as in relation to the pandemic, such as ECLAC, OEI, PAHO, UNESCO, as well as with the UN Working Group on Business and Human Rights, or the Rapporteur on the Right to a Healthy Environment of the OAS.
19. The tasks deployed by REDESCA within the framework of SACROICOV19 have included working with all the mechanisms of the IACHR, as well as with the broad agenda of promotion developed through Webinars. On the other hand, REDESCA has actively participated in all the Social Forums developed and in meetings with States. During 2021 it is preparing to intensify these efforts based on the important developments achieved in 2020, with special emphasis on issues such as access to vaccines against COVID19, the climate emergency in the face of the pandemic or the economic recovery of the States in ESCER.

## 2) Petition and Case System

20. The Office of the Special Rapporteur on ESCER has provided specialized contributions to the IACHR's system of petitions and cases. Thus, during 2020, REDESCA provided expert advice on 47 draft reports in the admissibility stage, 10 in the merits stage, 20 drafts or memos related to the system of protection of precautionary measures.
21. Regarding the substantive stage, REDESCA has worked jointly with the Executive Secretariat's case team on various issues related to the enjoyment of ESCER in the region. In particular, the efforts of the Rapporteurship have been aimed at strengthening the consolidation of standards in different areas, particularly those related to the right to health and labor rights. Thus, for example, this year it has worked on issues related to the right to work, to prior consultation on issues related to business activities. For its part, the IACHR decided to refer two cases related to the enjoyment of ESCER to the Inter-American Court of Human Rights in 2020: the case of the Tagaeri Taromenane Indigenous Peoples in Voluntary Isolation in Ecuador, referred on September 30, and the case of the Uwa Indigenous Peoples in Colombia, referred to the Inter-American Court on October 30.
22. In relation to the precautionary measures mechanism, REDESCA participated by offering its technical inputs from the initial evaluation stage and requesting information from the parties to the formulation of resolutions in matters of serious risk related to ESCER, particularly with respect to the right to health in matters related to the pandemic and other issues in which the population in a situation of vulnerability was directly affected. It is worth mentioning Resolution No. 7/20 regarding the inhabitants of the areas surrounding the Santiago River in the state of Jalisco in Mexico. This resolution refers to serious violations of the rights to life, personal integrity and health as a result of the environmental contamination of the Santiago River and Lake Chapala. Likewise, Resolution No. 6/2020 regarding the conditions of persons deprived of their liberty at the Jorge Santana Public Penitentiary in Brazil. The resolution indicated that the conditions of detention, overcrowding and poor sanitation would affect the life, integrity and health of the people detained there.

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<sup>5</sup> See, <https://www.oas.org/es/cidh/decisiones/pdf/Resolucion-1-20-es.pdf>

<sup>6</sup> See, <https://www.oas.org/es/cidh/decisiones/pdf/Resolucion-4-20-es.pdf>





23. REDESCA also prepared the written arguments and oral presentation on the request for an Advisory Opinion on freedom of association and gender perspective before the Inter-American Court, in a hearing attended by numerous regional and international institutions.

### 3) Participation in IACHR sessions and public hearings

24. During 2020, the Rapporteurship participated in the 175th, 176th, 177th, and 178th Sessions of the IACHR. Except for the 175th, which was held in Haiti, the others were held remotely due to the context of the pandemic. REDESCA has accompanied the IACHR in countless public hearings, as well as in the working sessions of the IACHR, actively participating in discussions on issues within the mandate's competence.
25. In this regard, REDESCA would like to indicate that for the 177th Session, a virtual discussion was organized with Civil Society Organizations from Central America to address issues related to the impacts of climate change on human rights in that region. The meeting was also attended by the Special Rapporteur and Commissioner Julissa Mantilla.
26. On the other hand, REDESCA participated and contributed actively in the preparation of public hearings related to its mandate, therefore, the following is a summary of the public hearings in which the Special Rapporteur participated in 2020:

State / Regional	Session	Title of the Hearing	Date
<b>Colombia</b>	175 Regular Session	Gender and the Peace Accords	March 5
<b>Venezuela</b>	175 Regular Session	Violations of the right to education, academic freedom and university autonomy in Venezuela	March 5
<b>Peru</b>	175 Regular Session	Case No. 13,627 Carlos Alberto Moyano Dietrich	March 5
<b>Venezuela</b>	175 Regular Session	Humanitarian Emergency	March 5
<b>Ecuador</b>	175 Regular Session	Human rights situation of Venezuelan migrants	March 6
<b>Regional</b>	175 Regular Session	Asylum and refugee systems in the face of humanitarian situations in the region	March 6
<b>Regional</b>	175 Regular Session	ESCER of the LGBTI population in the Americas	March 6



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State / Regional	Session	Title of the Hearing	Date
<b>Colombia</b>	176 Regular Session	MC-51-15 - Children and adolescents from the communities of Uribia, Manaure, Riohacha and Maicao of the Wayuu People in the department of La Guajira, and others,	July 8
<b>Peru</b>	176 Regular Session	MC 113-16 - Tres Islas Native Community	July 8
<b>Colombia</b>	176 Regular Session	MC-204-17 - Jani Silva and others (Leaders of the Perla Amazónica Campesino Reserve Zone)	July 8
<b>Colombia</b>	176 Regular Session	MC 9-02, 355-10, 152-14 - Afro-descendant communities in the Naya basin and others	July 9
<b>Colombia</b>	176 Regular Session	MC-395-18 - Buenavista and Po Pipuya communities of the Siona People	July 9
<b>Brazil</b>	177-Regular Session	RT Case 12,571 Neusa dos Santos	September 28
<b>Guatemala</b>	177-Regular Session	MC 317/12 Patients in Federico Mora Hospital	September 28
<b>Colombia</b>	177-Regular Session	Case 11,754 Uwa People	September 30
<b>Belize</b>	177-Regular Session	Follow-up Case 12,053 Mayan Community of Toledo	September 30
<b>Nicaragua</b>	177-Regular Session	Repression, persecution and imprisonment of student leaders in Nicaragua	October 1
<b>Honduras</b>	177-Regular Session	Situation of persons deprived of liberty in Honduras in the face of the COVID-19 pandemic	October 2





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State / Regional	Session	Title of the Hearing	Date
<b>Mexico</b>	177-Regular Session	Threats, protection and security of migratory populations in Mexico	October 2
<b>Colombia</b>	177-Regular Session	Reports of lack of protection for groups of victims of the armed conflict in Colombia:	October 5
<b>El Salvador</b>	177-Regular Session	Repression and militarization of public security in El Salvador	October 5
<b>Brazil</b>	177-Regular Session	Pandemic and indigenous peoples of the Amazon in Brazil	October 6
<b>Ecuador</b>	177-Regular Session	Human and collective rights violations against indigenous peoples in Ecuador	October 6
<b>Peru</b>	177-Regular Session	Human rights of indigenous peoples of the Amazon in Peru	October 6
<b>United States</b>	177-Regular Session	Structural racism and police violence in the U.S.	October 7
<b>Venezuela</b>	177-Regular Session	Corruption in the Venezuelan public health system in the context of the COVID-19	October 7
<b>Bolivia</b>	177-Regular Session	General human rights situation in Bolivia	October 8
<b>Regional</b>	177-Regular Session	Sexual violence, forced pregnancies and access to health services in the context of the COVID-19 pandemic.	October 8
<b>Regional</b>	177-Regular Session	The right to consultation and free, prior and informed consent of indigenous peoples	October 9
<b>Regional</b>	177-Regular Session	Human rights situation of migrants, refugees and unaccompanied children and adolescents in the region	October 9
<b>Regional</b>	177-Regular Session	Situation of the human rights of persons with disabilities in the face of the COVID-19 pandemic in the Americas	October 9
<b>Regional</b>	178-Regular Session	System of impunity for sexual abuse of children and adolescents in religious institutions	December 3



State / Regional	Session	Title of the Hearing	Date
<b>El Salvador</b>	178-Regular Session	Situation of persons deprived of liberty in El Salvador in the context of the pandemic, with a gender perspective	December 3
<b>Colombia</b>	178-Regular Session	Case 13.144-Pueblo Indígena Embera Katío del Alto Sinú vs.	December 8
<b>Brazil</b>	178-Regular Session	Forced evictions of land rights defenders reported in Brazil	December 9
<b>Colombia</b>	178-Regular Session	Situation of human rights in Colombia	December 9
<b>Peru</b>	178-Regular Session	Situation of indigenous peoples in isolation and initial contact in Peru	December 9
<b>Haiti</b>	178-Regular Session	Access to justice and judicial independence in Haiti	December 10, 2009
<b>Regional</b>	178-Regular Session	The human rights situation of persons in human mobility in Mexico and the Northern Triangle	December 10, 2009

#### 4) Monitoring Activities

27. REDESCA continues to actively and permanently monitor the situation of ESCER in the Americas, in close coordination with the teams of the Executive Secretariat of the IACHR. The emphasis of the monitoring has been on the right to health, the right of health workers and the intersectional impact with other ESCER, together with the follow-up of the guidelines established by Resolutions 1/2020 and 4/2020.
28. The Office of the Special Rapporteur closely monitored the situation in the region since the outbreak of the COVID-19 pandemic as the main advisory office on the right to health within the IACHR. REDESCA paid particular attention to health workers and health professionals. REDESCA actively participated in the activities of SACROI-COVID19 in its monitoring, promotion, training and dissemination work. REDESCA also published a series of statements through its social networks, specifically on its Twitter account: @desca\_cidh.
29. In the development of these tasks, the following are noteworthy: (i) preparation and participation in 9 press releases; (ii) preparation of observations and recommendations on the on-site visit to Venezuela; (iii) Preparation of the ESCER chapter for the report on the Situation of Human Rights in Cuba and El Salvador, and (iv) support in the preparation of two Practical Guides within the framework of SACROI COVID-19. Finally, REDESCA has sent 4 letters of request for information Art. 41, to the States of Nicaragua, Panama, Uruguay and Mexico, plus a regional letter in conjunction with the Executive Secretariat, requesting information to all OAS Member States, on the measures they are taking due to the pandemic that was sent in conjunction with the Executive Secretariat.

#### 5) Mandate Promotion and Technical Assistance Activities



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30. In 2020, the mandate carried out several activities to promote ESCER and, in particular, to increase the capacities of public sector officials, particularly in institutions related to the social sphere. It also held meetings with national human rights institutions and civil society organizations, seeking to create greater opportunities for training in the topics covered by the mandate. These actions are detailed in the following table:

Activity	Subject(s)	Place/ Date	Observation
<b>Academic Visit and Conference at International Seminar</b>	International Human Rights Mechanisms and Human Rights	Los Angeles/February 28	As a result of this academic visit, a partnership was established with UCLA, which supports the mandate with a scholarship during 2020.
<b>Presentation of the Business and Human Rights Report</b>	Presentation of REDESCA's Business and Human Rights Report at the Forum on Due Diligence, Human Rights and Remedies for the Impacts of Business Activities	Mexico City/ March 13	This was REDESCA's last face-to-face intervention in 2020.
<b>Training for Nicaraguan CSOs</b>	Right to Health and ESCER; Functioning of the Inter-American Human Rights System.	April 22-23;	This training was conducted in two phases with different organizations in Nicaragua.
<b>Inaugural Conference of the 21st Program of Advanced Studies in Human Rights and International Humanitarian Rights</b>	The role of REDESCA and the protection of ESCER in the IAHRs	May 25	Organized by the Academy of Human Rights and International Humanitarian Rights.
<b>Nicaragua</b>	Virtual training: Journalism and freedom of expression in Nicaragua in the context of the pandemic.	June 10	Event organized by RELE
<b>Training for CSOs in Central America</b>	The right to health in times of health crises; The right to health and other ESCER	June 18-19;	A group from Guatemala, Honduras and Costa Rica were present
<b>Training for Central American NHDR Officials</b>	The right to health in times of pandemic and other ESCER	June 24, 25	The event was also part of the implementation of the commitment signed with the Central American Council of Human Rights Attorneys.
<b>Training for officials of public institutions in Central America</b>	Right to health and other ESCER in the context of health crises	July 13 and 14	The event was attended by officials from social and health institutions from Costa Rica, Panama, Honduras, Guatemala, El Salvador and Mexico.



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<b>Training for members of the Guatemalan judiciary</b>	Labor rights and general standards in the ISHR	ESCE R	July 17	Training conducted in coordination with the Technical Cooperation and Public Policy Section of the Executive Secretariat of the IACHR for staff of the Judiciary of Guatemala. Twenty-three people participated, 15 of whom were women.
<b>Training for Civil Society Organizations in Central America</b>	Right to Health and other ESCER in the context of Pandemic; Intersectionality approach and human mobility.		August 6 and 7	The event was attended by participants from Guatemala, Costa Rica, Honduras, Mexico and El Salvador.
<b>Inauguration of the ESCER diploma course in conjunction with the University of Buenos Aires.</b>	The role of REDESCA in the protection of ESCER and the IAHR		August 4	Approximately 200 people registered.
<b>Workshop series in Colombia with the Heinrich Boell Foundation and the Business and Human Rights Information Center.</b>	Human rights situation of people affected by business activities in different regions of Colombia.		Online/ September- November 2020	This was a long process that was carried out in conjunction with the CIEDH of Colombia, with the participation of several CSOs from all over the region.
<b>Participation in the V Regional Forum on Business and Human Rights</b>	Introductory session on the Guiding Principles on Business and Human Rights; Promoting Responsible Business for Human Rights in LAC; Process towards a Binding Legal Treaty on Business and Human Rights		September 7, 8 and 9	Event organized by the Office of the High Commissioner for Human Rights and OECD
<b>Inaugural Session of the International Network on Climate Change, Energy and Human Rights, RICEDH</b>	Climate change and its impacts on human rights		October 3	Event organized by the RICEDH
<b>Participation in the commemoration event for cholera victims in Haiti</b>	Evaluation of the right to health in Haiti, 10 years after the Cholera outbreak		October 21	Cooperation with Lawyers Without Borders
<b>Participation of the Rapporteur in the "Ibero-American Forum: Proposals for Education in Human Rights, Democracy and Citizenship.</b>	Democracy and citizen awareness were promoted within the framework of human rights, especially ESCER.		October 22nd	The event was organized by the IEO.



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<b>Training provided by REDESCA to students of the "Héctor Fix-Zamudio" Diploma in Training in the Inter-American Human Rights System of the Diploma in Social and Environmental Rights Litigation.</b>	To impart a general knowledge of the functioning of the Inter-American human rights system.	October 27th	Organized by the National University of José C. Paz (UNPAZ), Argentina.
<b>Training by REDESCA to students enrolled in the Global Health Organizations and Regulations course.</b>	Right to health in the framework of the ISHR. The content of the IACHR Resolutions published in the context of the pandemic.	November 5	Organized by George Washington University.

31. Between June 13 and September 11, REDESCA participated in 26 promotional and academic activities on topics related to its mandate in various countries of the region, coordinated with universities, international organizations and/or civil society organizations. Between September 12 and November 15, REDESCA participated in 26 promotional and academic activities on various topics related to its mandate in several countries of the region. In this regard, REDESCA had the opportunity to participate in different spaces for dissemination, including the series of webinars conducted by the IACHR's SACROI COVID-19, and was also invited by numerous civil society organizations and academic institutions, as summarized in the following detail:

Scope	Subject	Date	Observation
<b>Mexico</b>	The impact of the pandemic on low-income working children and families	April 8	Organized by REDIM de México
<b>Regional</b>	Indigenous peoples before COVID-19	April 23rd	Organized by the International Institute of Law and Society
<b>Regional</b>	International Human Rights Law in the Context of the Pandemic	April 24	Organized by the Research Group on International Protection of the Rights of Persons and Peoples of the PUCP.
<b>Regional</b>	Protection and Defense of Human Rights from the Inter-American System	May 4	Organized by the Inter-American Institute of Human Rights and the Presidential Commissioner for Human Rights of Venezuela.
<b>Regional</b>	Right to health from the standpoint of indivisibility and interdependence	May 15	Webinar Organized within the framework of SACROI COVID-19 by REDESCA
<b>Colombia</b>	COVID-19: A View of Human Rights from the Inter-American System	May 19	Invitation from the CSO Hey Pila!
<b>Region</b>	Challenges of COVID-19 for health systems	May 25	Organized by RINDHCA and FIO
<b>United States/Region</b>	Pandemic and Indigenous Communities: The significance of COVID-19 in the enjoyment of the rights of the peoples of Abya Ayala	May 27	Organized by the Promise Institute at UCLA



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<b>Regional</b>	The right to work is a human right	May 28	Organized by the Human Rights Commission of the OAB of Sao Paulo
<b>Regional</b>	The right to work and the health contingency	June 4	Organized by the Universidad Autonoma de Coahuila
<b>Region</b>	Alternatives to the deprivation of liberty in the COVID-19 emergency	June 3	Organized by EuroSocial
<b>Regional</b>	ESCER and COVID-19	June 10	Invitation by the Universitas Foundation
<b>Regional</b>	Economic and Social Impacts of COVID-19: Challenges for Promoting the Enjoyment and Effective Protection of Human Rights	June 12	Organized by the IACHR Court
<b>Regional</b>	The challenges of justice to guarantee the right to health in times of pandemics	June 16	Organized by SaluDerecho and the World Bank
<b>Regional</b>	Inclusion and Diversity in the Fashion Industry	June 16	Talk as part of the Latin American Fashion Summit
<b>Regional</b>	Business and Human Rights in COVID's Time	June 23rd	Organized by RINDHCA and FIO
<b>Nicaragua</b>	Discussion on the documentary "Nicaragua calls for justice for the murder of its peasants".	July 17	Event organized by Expediente Público
<b>Mexico</b>	Challenges of Business in the Face of the Pandemic COVID-19	July 20	Organized by the State Commission of Chiapas
<b>Colombia</b>	19 years of impunity in the Anchicaya case	July 21	Organized by the Rios Vivos Movement
<b>Regional</b>	The region facing four months of pandemic: the human rights of people with COVID-19	July 28	Presentation of Resolution 4/2020
<b>Regional</b>	Environment and ISHR: Climate Litigation and Human Rights in LATAM	August 5	Organized by GNHRE
<b>Regional</b>	COVID-19 and its Impacts in Latin America: A Climate Crisis Approach	August 6	Organized by the RICEDH and the Max Planck Institute
<b>Regional</b>	Care, a human right to care	August 18	Organized by REDESCA in conjunction with OXFAM
<b>Mexico</b>	Human Rights of People with COVID-19	August 20	Organized by the Instituto de Investigaciones Jurídica of UNAM
<b>Regional</b>	Public Policies, Sexual Diversity and Human Rights: a path to equality	August 25	Organized by the Municipality of Córdoba
<b>Regional</b>	Poverty, inequality and fiscal policies in the context of the pandemic.	August 26	Webinar of the IACHR SACROI COVID19 cycle, organized by REDESCA
<b>Brazil</b>	ESCER in the Inter-American Human Rights System: The REDESCA of the IACHR	August 27th	Organized by the Brazilian Institute of Human Rights





<b>Chile</b>	Climate Crisis and Constituent Process: Towards a sustainable social pact	September 3	Organized by GIESCR
<b>Regional</b>	Financing a transformational recovery	September 4	Organized by the Human Rights and Fiscal Policy Initiative
<b>Regional</b>	Multistakeholder Dialogue on Freedom of Expression, Online Disinformation and the Pandemic by COVID-19	September 15	Organized by RELE
<b>Regional</b>	The Protection of ESCER from the ISHR in the context of the Pandemic	September 16	SACROI COVID-19 SACROI Cycle Webinar
<b>Brazil</b>	Pandemic, Social Crisis and Human Rights in the World of Labor	September 24	Event organized by the OAB of Sao Paulo
<b>Brazil/ Regional</b>	Environmental Defenders: Rights in National and International Frameworks	September 24	Organized by OHCHR, UNEP and WWF
<b>Brazil</b>	Diverse masculinities and gender violence: Debate on gender violence in access to justice.	September 25	Event carried out with the support of SCJM-CJF-Tribunal Electoral.
<b>Brazil</b>	Sanitation and Human Rights in the Global Sphere	October 13	Organized by the FIOCRUZ Foundation
<b>Regional</b>	World Food Day	October 19	Organized by FAO
<b>Regional</b>	Launch of report. Business and Human Rights: Inter-American Standards. Reflections from a multi-stakeholder space.	October 22nd	Webinar organized by REDESCA
<b>Regional</b>	Launch of thematic report. Corruption and Human Rights.	October 28	Webinar organized by the IACHR
<b>Regional</b>	COVID-19: Impacts on children's mental health	November 10, 2010	REDIM
<b>Regional</b>	Launching of report. Trans and Gender Diverse People and their economic, social, cultural and environmental rights.	November 24	Webinar organized by the IACHR

## 6) Working Group of the OAS Protocol of San Salvador

32. During 2020, the ESCER Special Rapporteur continued to perform her functions as a member of the OAS Working Group on the Protocol of San Salvador (WGSSS), which she began to perform in November 2017, following her appointment as Special Rapporteur. Thus, as a member of the WGPSG on behalf of the IACHR, the Special Rapporteur contributed to its work throughout the year, which included the evaluation and review of State Party reports, ESCER inputs for the WGPSG on the same, as well as her active participation in the virtual sessions and sessions.
33. REDESCA is prepared to continue working in a particularly collaborative manner with the Working Group for the year 2021, in order to achieve the ratification of the Protocol of San Salvador by the OAS Member States that have not yet done so.



## 7) Visits and business meetings

State	Dates/ Locations	Topic(s)/ reports	Institutions visited	Commissioner/Rapporteur	Nature of the visit	Observation
Venezuela	Cúcuta, February 5 to 7	Human rights situation in Venezuela and migratory exodus.	Colombian and Venezuelan public institutions, civil society and international organizations.	Com. Esmeralda Arosemena de Troitiño and Com. Julissa Mantilla/ Special Rapporteur Soledad García Muñoz	Visit <i>in loco</i>	ESCER are at the center of Venezuela's human rights crisis and the visit made this clear.
Mexico	December 17 and 18	State of the human rights of people in a situation of human mobility/ Migrants and REDESCA	Ministry of Foreign Affairs, National Institute of Migration, COMAR, CNDH, Legislative Branch, Ministry of Labor and Social Welfare, Ministry of Labor and Social Welfare.	Com. Julissa Mantilla, / Special Rapporteur Soledad García Muñoz	Virtual Work Visit	First virtual working visit of the IACHR

## 8) Thematic reports, annual reports and production of expert knowledge

34. Although this year has been particularly challenging for the mandate, REDESCA has managed to accomplish a prolific agenda in this area. Specifically, REDESCA provided input for the concluding observations presented by the IACHR on its visit to Venezuela earlier this year. Likewise, REDECA also contributed inputs for the report on the human rights situation in Cuba, which was published this year and included the presence of the Special Rapporteur on the presentation panel. Likewise, REDESCA published this year the Compendium on Labor and Trade Union Rights Standards, as well as the publication of the Report on the ESCER rights of Transgender and Gender Diverse Persons in collaboration with the Office of the Rapporteur on LGBTI Persons. Likewise, REDESCA also celebrates the publication of the report on the ESCER rights of Afro-descendants, which was also prepared in collaboration with the IACHR's Rapporteurship on thematic issues.
35. On the other hand, within the framework of the tasks carried out within the context of SACROI-COVID-19, REDESCA actively participated in the drafting of Resolution 1/2020 on Pandemic and Human Rights in the Americas, and led the drafting of Resolution 4/2020, which establishes guidelines on the Human Rights of Persons with COVID-19. Both resolutions emphasize the ESCER in the center of the attention of the public policies of the States in their attention to the pandemic. Along the same lines, REDESCA has also been constantly contributing to the drafting, research and dissemination of the Practical Guides published by the IACHR. At the close of this report, REDESCA led the publication of Practical Guide No. 02 on access to the right to education for children and adolescents. REDESCA is also currently supporting the drafting of a guide on labor rights and another guide on access to the Internet, which will be published by the Commission in due course.





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36. Another of the main tasks of the Office of the Special Rapporteur is the preparation of the Annual Report on the situation of economic, social, cultural and environmental rights in the hemisphere, based on the strategic agenda of the mandate. The preparation of the report entails constant monitoring and analysis of the situation of these rights, including the identification of violations that undermine the full exercise of these rights. To this extent, REDESCA contributed to the Executive Secretariat with inputs for Chapter IV.B on Venezuela, Cuba, Nicaragua and Bolivia, as well as for Chapter V on Honduras, Guatemala and Colombia.
37. Finally, during this period, REDESCA has made several academic contributions in different areas, thus promoting a wide dissemination of the mandate as well as of the different standards on the subject. On the one hand, it contributed with an article on "The centrality of the right to health and ESCER in the Inter-American Human Rights System in the context of the COVID-19 pandemic", which was submitted to the Global Initiative for ESER (GIESCR). REDESCA also contributed to the preparation of an article for the Human Rights Magazine of the Human Rights Council of the Human Rights Council of the Ombudsman's Office of the City of Buenos Aires, on Inter-American Standards on Business and Human Rights for a Dossier on the subject.

## 9) Special pronouncements and statements

38. In carrying out its mandate, by permanently monitoring the situation of ESCER in the region, the Office of the Special Rapporteur issues statements as well as press releases, reports and opinions on cases and petitions related to the topics of the mandate. Likewise, the information received by the Rapporteurship generally comes from information received through different channels, as well as from press releases and requests for information made during the year.
39. During 2020, the Office of the Special Rapporteur has prepared and collaborated in the production of several press releases to draw attention to facts that are of particular concern in relation to the topics of the mandate, especially during the global health crisis. During 2020, the Office of the Special Rapporteur published 10 press releases, which can be found on the website of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights. Below is a summary of the press releases issued in 2020 by the Office of the Special Rapporteur<sup>7</sup>:

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



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Country	Topics	Number	Title	Place/Date
<b>Regional</b>	Tropical depression Eta in different countries of the region.	276/20	<u>The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on States and the international community to address the situation of those affected</u>	Washington, D.C., November 17, 2020
<b>Regional</b>	Mental health and universal access	243/20	<u>The States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access.</u>	Washington, D.C., October 2, 2020
<b>Regional</b>	Climate Change and the Right to a Healthy Environment	198/20	<u>The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic.</u>	Washington, D.C., August 13, 2020
<b>Regional</b>	Poverty in the context of the COVID-19 pandemic; right to work; right to education; right to housing; right to a healthy environment.	124/20	<u>IACHR and its REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas from COVID-19 pandemic</u>	Washington, D.C., June 2, 2020
<b>Nicaragua</b>	Right to access to information in the context of the COVID-19 pandemic.	119/20	<u>IACHR and its Special Rapporteurs RELE and REDESCA express grave concern over violations of the right to information in Nicaragua and its consequences for access to health in the context of the COVID-19 pandemic.</u>	Washington, D.C., May 27, 2020
<b>Regional</b>	Right to health; access to public health; nondiscrimination.	092/20	<u>The IACHR and its REDESCA call on the States of the region to guarantee the rights of Afro-descendants and prevent racial discrimination in the context of the COVID-19 pandemic.</u>	Washington, D.C., April 28, 2020
<b>Regional</b>	Business and human rights in the context of the pandemic	N/A	<u>Joint statement by ILO, OECD, OHCHR, UN Global Compact, UNICEF and REDESCA: Joining forces in Latin America and the Caribbean to minimize the COVID-19 crisis and promote responsible and sustainable enterprises.</u>	Washington, D.C., April 28, 2010
<b>Nicaragua</b>	Duty to guarantee human rights; implementation of sanitary measures.	072/20	<u>IACHR and its REDESCA express serious concern over the human rights situation in the context of the response to the COVID-19 pandemic in Nicaragua</u>	Washington, D.C., April 8, 2020
<b>Venezuela and Region</b>	COVID-19 sanitary and containment measures; appropriate conditions in hospital care.	064/20	<u>The IACHR and its REDESCA express deep concern over the effects of the COVID-19 pandemic in Venezuela and call for guaranteeing the rights of Venezuelans in the region</u>	Washington, D.C., March 29, 2020
<b>Region</b>	Right to health; measures aimed at the care and treatment of	060/20	<u>IACHR and its REDESCA urge to ensure comprehensive human rights and public health protection perspectives in the face of the COVID-19</u>	Washington, D.C., March 20, 2020



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COVID-19 patients;  
COVID-19  
containment  
measures; business  
and human rights.

pandemic

## 10) Financing

40. REDESCA was launched in September 2017 thanks to a project with funds initially planned to ensure a single year of operation, mainly from the Spanish Fund at the OAS, with a partial contribution from Swiss cooperation and small amounts of voluntary contributions from Argentina, Peru, Paraguay and Uruguay.
41. The efficient management of available resources, such as the securing of new specific appropriations, has made it possible for REDESCA to continue operating beyond the first year, even without any resources from the regular OAS fund.
42. In view of this situation, during 2020 the Special Rapporteur has continued with an intense agenda of meetings, with the aim of seeking strategic alliances and sources of funding in order to strengthen and give sustainability to the mandate. Thus, she has maintained an intense agenda of meetings with different actors, while making constant use of the media and social networks to promote the mandate and its actions.
43. During 2020, REDESCA completed the implementation of the second phase of the project financed by the Spanish Fund for the OAS (FEPO), which has enabled a considerable part of the achievements described in this Annual Report. FEPO has renewed its support to REDESCA through the approval of funding for the third phase of the project "Promotion and Protection of ESCER in the Americas".
44. REDESCA has also completed the first year of implementation of the project financed by the Norwegian Cooperation Agency. This project, which has a duration of 4 years, aims to protect and promote ESCER in Central America and Mexico, with emphasis on human mobility.
45. REDESCA has received and executed in 2020 a seed grant from the Open Society Foundation for the development of its strategic work agenda on the Right to Health.
46. The Office of the Special Rapporteur has also continued to develop valuable ties with the missions of the OAS member states before the organization, as well as with their public institutions, especially with the National Human Rights Institutions, the Ibero-American Federation of Ombudsmen and the RINDHCA. Likewise, with civil society, universities and other international organizations.
47. Among the main collaborations developed during 2020 are the Semester Scholarship sponsored by the University of Monterrey (UDEM) and the Semester Scholarship jointly funded by the University of California, Los Angeles (UCLA) and the OXFAM Foundation, as well as the assignment of an associate staff member by the Public Ministry of Labor of Brazil.
48. In addition, REDESCA has received specific contributions from the Justice Studies Center of the Americas (JSCA) and the Center for Economic and Social Rights (CESR).
49. During 2020, REDESCA has co-organized important activities with the Bread for the World Foundation, the Center for Information on Business and Human Rights (CIEDH), the Heinrich Boll Foundation and the University of Buenos Aires (UBA). With the latter, and in conjunction with the



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Inter-American Court of Human Rights, it has launched a distance-learning diploma course on ESCER, which in its first edition was attended by more than 200 students<sup>8</sup>.

50. The Special Rapporteur is grateful for all the contributions made to the REDESCA voluntary fund by OAS member states and observers. To date, contributions have been received from Argentina, Mexico, Paraguay, Peru and Uruguay. On the part of the Observers, special mention and thanks are due to the financial support received from Spain, through successive projects, and Norway, with whom a first four-year agreement has been signed in 2019. France has also contributed to the voluntary contributions fund and Switzerland has contributed to some of the projects implemented by REDESCA.
51. Through this report, REDESCA makes a strong appeal to all actors of the Inter-American System, in order to have the necessary financial support for the consolidation and sustainability of the mandate, whose birth comes from the clamor of civil society, as well as from the States themselves in the framework of the process of strengthening the system.
52. The value of REDESCA's creation and work has been forcefully confirmed in 2020. The IACHR's comprehensive response to the COVID19 pandemic, focused on the right to health and other ESCER, is one of the best evidence of how necessary the creation of REDESCA was, as well as of the rich work developed during its first and foundational mandate period. (2017-2021).
53. REDESCA notes that all the achievements and work described in this report have taken place despite the difficulties imposed by teleworking, remote management and the financial limitations weighing on the mandate. Thus, in addition to her many responsibilities, the Special Rapporteur has been working tirelessly to seek resources to ensure the sustainability and strengthening of the Office.
54. Recalling that REDESCA was established with minimal resources provided by specific external funds and the fact that the Special Rapporteurships of the IACHR so far do not receive resources from the regular budget of the OAS, it is vital for them to obtain the necessary resources for their proper functioning and fulfillment of objectives. Therefore, the IACHR and its ESCER Special Rapporteur 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 its fundamental mission.

## **11) REDESCA's Team**

55. REDESCA wishes to place on record that, due to the particular circumstances of the pandemic, REDESCA, under the guidelines of the OAS General Secretariat, was subjected to a regime of remote work, which has been a challenge that has been overcome by the command, thanks to the efforts made by the team and the Rapporteur.
56. In this regard, the Office of the Special Rapporteur has continued to carry out its functions under the leadership of the Special Rapporteur, Soledad García Muñoz, who was re-elected by the Commission for a second term and thus saw the confidence placed by the Commission in both the incumbent and the work team and work of the Office<sup>9</sup> strengthened. The following consultants also provided support: Luis Carlos Buob Concha (Peru), Daniel Noroña Torres (Ecuador/USA), Marta Fernández Patallo (Argentina), Agustín Bouthemy (Argentina), María Victoria Faroppa (Uruguay) and Fernanda Alonso (Mexico).

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<sup>8</sup>See <http://www.derecho.uba.ar/institucional/deinteres/2020/diplomatura-a-distancia-en-derechos-economicos-sociales-culturales-y-ambientales>

<sup>9</sup>IACHR, [IACHR renews mandate of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights](#), February 19, 2020.



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57. During 2020 REDESCA has also benefited from the special collaboration of Paula Mora (Fellow, UCLA/OXFAM Agreement, Colombia), Roberto Fávila Blázquez (Fellow, University of Monterrey, Mexico), Roxana Núñez (Intern, Chile) and Ana Suazo (Intern, Honduras), as well as Christel Kristensen (Denmark), Marta González (Spain) and José Ignacio Gómez García (Spain).
58. The Special Rapporteur extends her deepest gratitude to all of them, as well as to the various institutions to which the team has belonged during 2020. She would also like to thank consultants José Manuel Ramos (Mexico), Humberto Cantú (Mexico) and Antonio Jaén (Spain) for all the support they have provided to the mandate in various projects. And to all the staff of the IACHR Executive Secretariat who has contributed to REDESCA's work during the year, especially in the administrative and management areas.
59. In the same vein, the Office of the Special Rapporteur has entered into cooperation agreements with institutions willing to strengthen the equipment and technical, theoretical and research capacities of REDESCA-IACHR in order to fulfill its mandate. In this regard, it is worth noting the agreements signed with the Center for Economic and Social Rights, or Studies (USA), the University of Monterrey (Mexico), UCLA (USA) and OXFAM.



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

### **INTRODUCTION AND METHODOLOGY**

60. REDESCA contributed to the preparation of Chapter IV A of the Commission's Annual Report, which describes the panorama of the current human rights situation in the 35 States of the region, with special attention to the issues prioritized by the IACHR, as well as the cross-cutting themes established by the Commission in its Strategic Plan 2017-2021. Likewise, REDESCA also provided the inputs required in the preparation of chapters IV.B and V of the Commission's annual report, taking into account the information it received in the course of its work.
61. The mandate was based on information received during country visits, ex officio investigations, inputs from the different mechanisms through which the Commission has followed up on the situation of Member States, such as public hearings, thematic visits, requests for information under Articles 41 and 18 of the American Convention, precautionary measures, as well as other information received from civil society organizations, academic institutions, journalistic notes, reports from the Working Group of the Protocol of San Salvador, decisions and recommendations from specialized international organizations, among other sources of information available to REDESCA.
62. In all cases, the sources used are cited as established in Article 58, paragraph five, of the Commission's Rules of Procedure. It should be noted that the amount of information used varies from country to country depending on the data and sources available for the mandate. This does not presuppose establishing comparisons between countries, but rather reflecting the main findings of REDESCA in its monitoring exercise during 2020 and its approach to the general situation of ESCER in the American continent.
63. In the methodology used, REDESCA has sought above all to ensure that its regional monitoring work is carried out as efficiently and rigorously as the resources at its disposal allow. In this regard, it is important to remember that the objectives of REDESCA's mandate are outlined in its strategic agenda, which establishes the issues to be addressed by the mandate, which in turn are aligned with the United Nations Sustainable Development Goals (SDGs).
64. For this reason, it has also considered the institutional and contextual analysis methodology developed by the United Nations Development Program (UNDP)<sup>10</sup>, taking into account as a main guide the inter-American and universal standards applicable to ESCER.
65. In this sense, REDESCA agrees in general with the application of the Inter-American normative framework on ESCER with the United Nations Committee on Economic, Social and Cultural Rights (hereinafter, ESCER Committee), when in relation to the International Covenant on Economic, Social and Cultural Rights it states: *"the Committee reaffirms that the rights recognized in the Covenant<sup>11</sup> can be realized in the context of a wide variety of economic and political systems, provided only that the interdependence and indivisibility of human rights, are the principles used for their implementation."*<sup>12</sup>
66. For REDESCA, the fight against poverty and inequality is the overarching umbrella of the entire mandate, in line with the United Nations 2030 Agenda. Considering that in the last decade significant progress was made in the region in terms of ESCER, which allowed large sectors of the population to escape from poverty and extreme poverty, it is particularly worrying that these achievements are now at serious risk of regression at the regional level<sup>13</sup>. Therefore, REDESCA recalls that the States have the obligation to take deliberate and concrete steps to advance in the eradication of poverty, addressing

<sup>10</sup> [United Nations Development Programme, Institutional and Contextual Analysis for the SDGs](#), August 2017, p. 5.

<sup>11</sup> International Covenant on Economic, Social and Cultural Rights.

<sup>12</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 8.

<sup>13</sup> IACHR, [Report on Poverty and Human Rights in the Americas](#), OEA/Ser.L/V/II.164 Doc. 147, September 7, 2017, para. 349.





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this problem from a human rights approach and developing strategies to guarantee at least the essential content of social and environmental rights to their entire population<sup>14</sup>.

67. In addition to expressing its concern about the persistence of poverty and inequality in the region, as well as the risk of increasing poverty and extreme poverty in countries where serious human rights crises are occurring, REDESCA emphasizes that these aspects of particular concern have guided the preparation of this Report. However, taking into consideration the circumstances of the pandemic, REDESCA indicated from the outset that the health crisis represents a series of extraordinary challenges from the point of view of health systems, the daily lives of people and for the enforcement of human rights within the framework of democratic systems<sup>15</sup>. In this sense, REDESCA took the right to health as its main focus of work, taking into consideration the social determinants of health from a cross-cutting and intersectional perspective.
68. Likewise, REDESCA takes into consideration the cross-cutting effects of poverty on the enjoyment of all human rights, particularly ESCER. Therefore, in the event that the monitoring exercise has not been able to gather sufficient information on a particular right, the situation is analyzed under the section on poverty and human rights. In this way, the Rapporteurship seeks to make visible the direct effects of this phenomenon on ESCER. It should be emphasized that the amount of information used varies from country to country depending on the data and sources available for the mandate, and does not presuppose establishing comparisons between countries, but rather reflects the main findings of REDESCA in its monitoring exercise during 2020.
69. Likewise, REDESCA follows the line of the Committee on Economic, Social and Cultural Rights (CESCR) of the United Nations, in its General Comment No. 3, in that the measures related to the application of Economic, Social, Cultural and Environmental Rights, also in light of the inter-American norms, are called to progressively achieve the full effectiveness of the rights. Thus, the expression "progressive realization" constitutes recognition of the fact that the full realization of all economic, social, cultural and environmental rights in general cannot be achieved in a short period of time<sup>16</sup>.
70. On the other hand, as the Inter-American Court of Human Rights has stated, there are two types of obligations deriving from ESCER: those of immediate enforceability, such as non-discrimination, and those of progressive realization. Regarding the latter, the progressive development of ESCER cannot be achieved in a short period of time, but requires the effective realization of actions to achieve the full enjoyment of these rights. In this logic, the Court established that the obligation of progressive realization of ESCER prohibits the inactivity of the State in its task of implementing actions for the effective protection of these rights, especially in those matters where the total absence of state protection places people before the imminence of suffering harm to their life or personal integrity<sup>17</sup>.
71. In this sense, since ESCER rights are enshrined in the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and its Protocol of San Salvador - among other normative instruments and specific human rights treaties of the inter-American system - the "progressive" nature of ESCER rights does not make them any less rooted in human dignity or in the same inter-American instruments than civil or political rights. On the contrary, the universality, indivisibility, interdependence and interrelatedness of all human rights increasingly appear as central elements in ensuring their effective protection, as well as the preservation of democracy and the rule of law in States that are truly committed to the development of their peoples and, therefore, to the fulfillment of the 2030 Agenda.

<sup>14</sup> IACHR, Press Release No. 048/19, [The Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(CESCR\) presents report on its results in 2018 and together with the IACHR calls for commitment to its strengthening](#), February 27, 2019.

<sup>15</sup> IACHR, [IACHR and its REDESCA urge to ensure comprehensive human rights and public health protection perspectives in the face of the COVID-19 pandemic](#), March 20, 2020.

<sup>16</sup> Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 3, [The nature of States parties' obligations](#), fifth session, 1990.

<sup>17</sup> I/A Court H.R., Case of Cuscul Pivaral et al. v. Guatemala, Judgment of August 23, 2018, paras. 140 et seq.



## INFORMATION BY COUNTRY

### 1) ANTIGUA AND BARBUDA

72. By the end of December 2020, the COVID-19 pandemic had caused approximately 163 infections, 5 deaths and 149 people recovered in the country<sup>18</sup>. Faced with this scenario, which would have started on March 13 with the first case<sup>19</sup>, it was identified that despite the ease with which the virus is transmitted, it was possible to maintain a relatively low rate of infection, and in fact, in mid-July - almost 4 months later- only 74 accumulated cases of infection, 3 deaths and 57 people recovered were reported<sup>20</sup>. This was the result of the rapid implementation of government measures, in which the first infected person was immediately isolated, contacts were traced to reduce the risk of contagion and a quarantine facility was set up only a week after the first case<sup>21</sup>. Despite the above, REDESCA notes that the country would have a shortage of nurses to deal with the emergency, which, according to the president of the Antigua and Barbuda Nurses Association, would be the result of migration and lack of opportunities internally<sup>22</sup>.
73. Likewise, in the context of measures, on March 27 a state of emergency was declared and a curfew was established from March 28 for 14 days between 8 pm to 6 am, with the closure of non-essential services<sup>23</sup>. Likewise, the schedule of activities to stock up on supplies and/or essentials -including supermarkets, banks, pharmacies, among others- was restricted<sup>24</sup>. Although in mid-May some measures to open the economy began to be relaxed and since June 1 the borders were reopened<sup>25</sup>, due to the rebound of cases, restrictions -including curfew- have had to be resumed and the state of emergency will be extended until March 2021<sup>26</sup>.
74. REDESCA highlights that the State, in spite of facing serious economic challenges due to the reduction of income derived from tourism<sup>27</sup>, decided to decree economic measures to support the population, of which the increase of 0.5% of the GDP in investment in health, the reduction of 20% in the costs of electricity and fuel for fishermen for 90 days, as well as incentives for one year for the renovation and reconstruction of houses, the suspension of tariffs on imported food, together with the expansion of social security programs, are highlighted<sup>28</sup>. In the same sense, from the same day the state of emergency was decreed (on March 27), the immediate payment to public servants and pensioners was ordered<sup>29</sup>. In addition, direct food deliveries were made to dismissed hotel workers and an

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<sup>18</sup> Worldometer. [Coronavirus Cases in Antigua and Barbuda](#), December 30, 2020.

<sup>19</sup> Loop, [Antigua and Barbuda records first case of the novel coronavirus](#), March 13, 2020.

<sup>20</sup> Worldometer. [Total Coronavirus cases in Antigua and Barbuda](#). July 13, 2020.

<sup>21</sup> Loop, [Antigua and Barbuda records first case of the novel coronavirus](#), March 13, 2020.

<sup>22</sup> The Daily Observer, [Schools reopening reignites calls for retention on nurses](#), 13 de Agosto de 2020

<sup>23</sup> Antigua and Barbuda Government. [Government institutes 14-day curfew in Antigua and Barbuda](#). March 26 2020.

<sup>24</sup> Ibid

<sup>25</sup> International Monetary Fund, [PolicyTracker](#), December 18, 2020.

<sup>26</sup> Gardaworld, [Antigua and Barbuda: Authorities extend COVID-19-related state of emergency through March 31 /update 12](#), December 31st, 2020.

<sup>27</sup> Travel Agent Central, [Antigua And Barbuda Reopens For Tourism, Receives First International Flight](#), June 4<sup>th</sup>, 2020.

<sup>28</sup> International Monetary Fund, [PolicyTracker](#), last updated June 02, 2020.

<sup>29</sup> Antigua and Barbuda Government. [Government institutes 14-day curfew in Antigua and Barbuda](#). 28 de marzo de 2020





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emergency food assistance program was established for the elderly, people with disabilities, unemployed heads of household, people living in poverty or extreme poverty, among others<sup>30</sup>.

75. While taking note of the measures implemented by the State to alleviate the impacts of the crisis and the programs designed to protect economically vulnerable people, REDESCA also expresses its concern about the limitations of these programs, taking into account the threat that the pandemic represents for the resources of the State, and with it, the care of people who are becoming economically vulnerable. This is due to the fact that the tourism industry accounts for more than 70% of the Gross Domestic Product<sup>31</sup> and more than 80% of employment<sup>32</sup>, so that -according to ECLAC- an economic contraction of the GDP of 18.3% is estimated<sup>33</sup>. Given that this situation significantly reduced the income of a high percentage of the population, as well as threatened the survival of most local businesses, the pandemic could have repercussions on food insecurity, housing insecurity, poverty levels, indigence, among others<sup>34</sup>. For this reason, the need to use the maximum of available resources to guarantee human rights, especially ESCER, is highlighted, as well as the need to adopt specific and targeted programs to address the particular poverty situation of households, with an intersectional and differentiated perspective<sup>35</sup>, within the framework of containment measures in the face of the pandemic.

## A. Right to Health

76. Regarding care for other diseases or health problems in the context of the pandemic, REDESCA has learned of the refusal to perform HIV tests due to the risk of HIV infection that this would represent<sup>36</sup>. Faced with this situation, the Rapporteurship expresses its concern, since this interruption of services not only generates risks of setbacks in the fight against HIV and its prevention, but also increases the health risks of COVID-19 for people with HIV who cannot detect it and, as a result, do not receive effective treatment that would allow them to have a healthy immune system. For this reason, it calls for the IACHR guidelines to be followed in the face of the pandemic, which determined that States should ensure equitable distribution of and access to health facilities, goods and services without discrimination, ensuring care for persons with COVID-19 and groups disproportionately affected by the pandemic, as well as persons with pre-existing conditions that make them especially vulnerable to the virus<sup>37</sup>.
77. On the other hand, REDESCA takes note of the measures that are being taken to prevent an outbreak of dengue in the country, in view of the outbreaks that have reportedly occurred in Jamaica, St. Lucia, and St. Vincent and the Grenadines<sup>38</sup>. These measures include social information campaigns, field visits and the treatment and/or destruction of areas where the vector that produces the disease develops<sup>39</sup>.

## B. Labor Rights

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<sup>30</sup> The Daily Observer, [Food packages for laid off Hotel Staff](#), April 7 de 2020.

<sup>31</sup> Borgen Magazine, [COVID-19 in Antigua and Barbuda](#), October 8, 2020

<sup>32</sup> ECLAC, [Confronting the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020.

<sup>33</sup> ECLAC, [Preliminary Overview of the Economies of Latin America and the Caribbean](#), December 2020.

<sup>34</sup> Borgen Magazine, [COVID-19 in Antigua and Barbuda](#), October 8, 2020; CNW Network, [Antigua and Barbuda Welcomes Return of International Flights](#), June 5, 2020

<sup>35</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020.

<sup>36</sup> The Daily Observer, [Suspending HIV testing in the era of COVID-19 is dangerous](#), 15 de mayo de 2020

<sup>37</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, para. 8, April 10, 2020.

<sup>38</sup> The Daily Observer, [Nation on high alert for dengue fever](#), September 24, 2020

<sup>39</sup> Ibid.



78. REDESCA highlights the State's decision to protect public servants by maintaining their jobs during the pandemic<sup>40</sup>, as well as the support measures it adopted for laid-off workers in the tourism sector, particularly in hotels. However, REDESCA is very concerned about the situation of economic vulnerability in which these people have been left, who not only have been dismissed without further conditions, but also have not been provided with long-term assistance, taking into account that it was reported that the delivery of food was only for a limited time and only one package per person<sup>41</sup> would be given. This situation, resulting from the dismissals by the private companies, would go against the recommendations of the IACHR and its REDESCA in the context of the pandemic, since insufficient measures have been adopted to protect the human rights, and particularly the ESCER, of the workers, including those necessary to ensure their economic income and livelihoods in the context of the pandemic<sup>42</sup>.
79. With regard to the same group of workers in the tourism sector, the Special Rapporteur is also concerned about the lack of protection for some people who remain employed in the hotels, for example at the Sandals Grande Hotel. In this regard, the industrial relations consultant, Anderson Carty, on behalf of the workers, complained about the potential exposure to the virus, since the clients would not be required to wear mouth covers at all times, nor other safety measures recommended by the WHO, such as those associated with social distancing<sup>43</sup>. Although it is noted that the managers responded that these measures are required, and that this would mitigate the risk of contagion of the staff, REDESCA is concerned about the information related to the alleged pressure that the consultant would have experienced to identify the workers who had contacted him<sup>44</sup>.

## C. Right to Education

80. REDESCA highlights the efforts of the Ministry of Education to ensure a COVID-19 safe environment for children and adolescents by reopening schools<sup>45</sup> after a disinfection program of the different facilities<sup>46</sup>. Likewise, these would have been equipped with hand washing and disinfection stations for the protection of students and educational<sup>47</sup> personnel. In the case of educational institutions that were not ready to ensure these biosecurity measures, their opening was delayed<sup>48</sup>. Likewise, children and adolescents between 5 and 18 years of age could access a free education platform developed for Caribbean nationals so that they could continue accessing education during the health emergency caused by COVID-19<sup>49</sup>.

## D. Right to a healthy environment and climate change

81. Taking into account the special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase of inequality and poverty<sup>50</sup>, REDESCA expresses its concern about the

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<sup>40</sup> Borgen Magazine, [COVID-19 in Antigua and Barbuda](#), October 8, 2020

<sup>41</sup> The Daily Observer, [Food packages for laid off Hotel Staff](#), April 7, 2020.

<sup>42</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. 5, April 10, 2020.

<sup>43</sup> Antigua Observer, [Concerns raised over Covid safety for resort staff](#), June 12, 2020

<sup>44</sup> Ibid.

<sup>45</sup> UNICEF [LACRO COVID-19 EDUCATION RESPONSE: SCHOOLS REOPENING](#), Update 17, September 30, 2020.

<sup>46</sup> UNICEF, [Latin America & the Caribbean COVID-19 Education Response](#), July 22, 2020

<sup>47</sup> Ibid.

<sup>48</sup> The Daily Observer, [Delayed reopening for schools whose protocols are not up to par](#), September 8, 2020

<sup>49</sup> The Daily Observer, [A&B students among thousands to benefit from free virtual learning platform](#), April 1<sup>st</sup>, 2020

<sup>50</sup> IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by Tropical Depression Eta in countries of the region, and call on States and the international community to address the situation of the affected people](#), Press Release No. 276, November 17, 2020.



situation of the people of Barbuda who have been displaced by Hurricane Irma in 2017, with a special impact on women, children and adolescents, among others, and who would have been violated their ESCER and deprived of their communal lands (according to the Barbuda Land Act of 2007 and provisions dating back to 1834 on the cooperative approach to property)<sup>51</sup>.

82. According to information received by REDESCA, after the Hurricane evacuation, the Government of Antigua has leased this land to private investors without the consent of the Barbuda Council and the displaced persons, where projects - such as the international airport and hotel projects - have been carried out without even a proper Environmental Impact Study<sup>52</sup>. In addition, along with the lack of reparations, delays were reported for reconstruction works, including the construction of schools, hospitals, among others<sup>53</sup>. Regarding the right to education of children and adolescents in Barbuda, this would have had repercussions in that children and adolescents have to use the same curricula as in Antigua, in which their own cultural identity is not recognized or contemplated.
83. It should be noted that this situation is even more serious when considering that some of these investment projects would be environmentally contaminating the island, affecting the land and water, which are fundamental for the subsistence of these communities. Although it is still in controversy whether the lands of the people of Barbuda are considered communal due to different attempts of legal reforms by the Government of Barbuda<sup>54</sup> and the decision by the Privy Council of London<sup>55</sup>-which would be definitive for the<sup>56</sup>dispute-, REDESCA calls to ensure the effective reparation of the people affected by the Hurricane, as well as the guarantee of their ESCER. It also stresses the need, in the event of any modification to the communal land arrangements, to respect the human rights of the people of Barbuda and to guarantee their cultural identity and livelihoods, which implies the guarantee of a healthy environment.

## 2) ARGENTINA

84. In relation to the Republic of Argentina, REDESCA notes that before the arrival of the pandemic, the government of Argentina created a special fund of 1.7 billion pesos to strengthen the response to the new coronavirus; optimize the diagnosis and monitoring of COVID-19, strengthen the equipment of the country's laboratories and the national reference laboratory, have reagents for diagnosis in the winter season and strengthen the equipment in hospitals were the main objectives<sup>57</sup>. To this extent, it should be noted that, as of December 22, 2020, the government of Argentina reported a total of 1,555,279 positive cases in the country, of which 1,379,726 are recovered patients and 133,299 are confirmed active cases.<sup>58</sup> In the same fight against the pandemic, the Secretariat of Media and Public Communication announced the launching of the CONFIAR platform, with the aim of fighting false information and sharing truthful and relevant information on the subject<sup>59</sup>.

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<sup>51</sup> Human Rights Watch, [Antigua and Barbuda: Barbudans Fighting for Land Rights](#), July 12, 2018; New Internationalist, [BARBUDANS ARE RESISTING DISASTER CAPITALISTS](#), January 21, 2020

<sup>52</sup> Independent, ['Vulnerable to climate change so the rich can play golf': An untouched island, a billionaire 'environmentalist' and a legal fight over a luxury resort](#), December 13, 2020

<sup>53</sup> New Internationalist, [BARBUDANS ARE RESISTING DISASTER CAPITALISTS](#), January 21, 2020

<sup>54</sup> Human Rights Watch, [Antigua and Barbuda: Barbudans Fighting for Land Rights](#), June 12, 2018

<sup>55</sup> Independent, ['Vulnerable to climate change so the rich can play golf': An untouched island, a billionaire 'environmentalist' and a legal fight over a luxury resort](#), December 13, 2020

<sup>56</sup> Antigua Newsroom, [Council maintains Barbuda lands are not for sale](#), November 16, 2020

<sup>57</sup> Casa Rosada, [The Government created a special fund of 1.7 billion pesos to strengthen the health system in the face of the COVID-19 Coronavirus](#), March 10, 2020

<sup>58</sup> Ministry of Health of Argentina, [Daily Evening Report No. 473](#), December 22, 2020.

<sup>59</sup> National Government, [CONFIAR: The official platform to combat infodemia](#), April 6, 2020.



85. One of the first actions taken by the Argentine government was the issuance of sanitary recommendations in conjunction with Law No. 27.5415, ordering the suspension of admission of foreigners into the<sup>60</sup>national territory. Subsequently, Decree 260/2020 was issued with the same effects to address the sanitary emergency. In the same sense, the government issued Decree 97/2020 of "Preventive and Mandatory Social Isolation", which initially lasted from March 21 to March 31, but has been extended on several occasions<sup>61</sup>. On the other hand, public transportation was regulated by limiting passenger capacity<sup>62</sup>.
86. Parallel to the above, REDESCA recognizes the efforts of the State with the creation of the Interministerial Council for the Progressive and Responsible Reopening of Tourism, considering that this sector, in addition to being a source of work for many people (especially some who are vulnerable), is also an important economic source for the country<sup>63</sup>. On the one hand, an assistance program was created for tourism providers in the face of the fall of the tourism market due to the pandemic, supporting guides, hikers, cabins, among others<sup>64</sup>. Subsequently, through decree 814/2020, the opening of tourism was authorized with respect to those countries bordering Argentina, with the need for PCR tests and COVID medical insurance and for specific and controlled entries<sup>65</sup>.

## A. Right to Health

87. Since the beginning of the pandemic, PAMI decided to create an exclusive toll-free line (138-option 9) for elderly people where they can be consulted in case of suspicion of COVID-19 and access relevant information<sup>66</sup>. On the other hand, it was decided in favor of the construction of 12 modular emergency hospitals, equivalent to 840 extra hospital beds to attend patients with COVID-19<sup>67</sup>. Likewise, maximum prices were established for masks, thermometers and disinfectant gel in order to guarantee access to citizens and the purchase at overprices by the State<sup>68</sup>.
88. REDESCA became aware of the increase in mental health conditions in Argentina during 2020. According to the Observatory of Applied Social Psychology ("OPSA"), the demand for free mental health care calls has doubled, with 2,940 people as of June 29, where 57% had symptoms of depression, 18% severe depression, 41% loss of meaning of life, among others<sup>69</sup>. In this regard, REDESCA notes that mental health is part of the comprehensive protection policies under which States are obliged to provide in the framework of the full guarantee of the right to health. In particular, these services must be provided without discrimination in the face of the effects of pandemic contexts and their consequences, which includes the equitable distribution of such services and goods in the community, particularly to populations that are more exposed or at greater risk of

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<sup>60</sup> Official Gazette. [Decree 260/2020](#). March 14, 2020.

National Government. [Extension of border closure](#). April 26, 2020.

<sup>61</sup> Idem.

National Government. [Extension and administration of social isolation, preventive and mandatory](#). April 11, 2020.

National Government. [Extension of isolation up to and including May 10 and new provisions](#). April 26, 2020.

National Government. [Extension of the isolation up to and including May 24 and new exceptions](#). May 10, 2020.

<sup>62</sup> National Ministry of Transportation. [New provisions for public transportation](#). March 17, 2020.

<sup>63</sup> National Government. [Creation of the Interministerial Council for the Progressive and Responsible Reopening of Tourism](#). September 22, 2020.

<sup>64</sup> Ministry of Tourism and Sports. [Creation of the Assistance Program for Tourism Providers](#). June 16, 2020.

<sup>65</sup> National Government. [Opening of borders for tourists from neighboring countries](#). October 28, 2020.

<sup>66</sup> Argentina Gob. [Toll free consultation line for senior citizens](#). March 13, 2020.

<sup>67</sup> Ministry of Public Works. [Construction of 12 emergency modular hospitals](#). March 18, 2020.

<sup>68</sup> Ministry of Productive Development. [Maximum prices for chinstraps, thermometers and alcohol gel](#). April 16, 2020.

<sup>69</sup> The Nation. Quarantine. [They warn about an increase in consultations for loss of sense of life](#). June 29, 2020.



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being affected, such as health professionals, the elderly, or persons with medical conditions that require specific attention to their mental health.<sup>70</sup>

89. During the pandemic, REDESCA has observed risk situations in mental health care centers. In Argentina, following complaints from civil society organizations regarding the lack of protective supplies for staff, the absence of controls on readmissions, as well as the lack of communication with people admitted to mental health hospitals in Buenos Aires<sup>71</sup>, a court granted precautionary measures to the four hospitals in the city. The court ordered the municipal authorities to provide protective equipment and supplies to prevent and avoid the spread of COVID-19 in the centers<sup>72</sup>. REDESCA urges the State to improve the availability, accessibility, acceptability and quality of services without any discrimination, taking into account the context of the pandemic and providing sufficient supplies to ensure the physical and emotional integrity of people. In this regard, REDESCA reminds the State that the objective of all policies and measures adopted must be based on a human rights approach that considers the universality and inalienability; indivisibility; interdependence and interrelatedness of all human rights; equality and non-discrimination; gender perspective, diversity and intersectionality; inclusion; accountability; respect for the rule of law and strengthening cooperation between States.<sup>73</sup>
90. Similarly, REDESCA was informed of the infection of 49 of 52 residents of a nursing home and five of its workers<sup>74</sup>. This was attributed to the lack of personal protective equipment and lack of PCR tests<sup>75</sup>. At the same time, another similar case was reported, in which 45 people were infected (30 residents and 15 workers) and 7 died at the Del Arco Home for the Elderly<sup>76</sup>. In this regard, REDESCA recalls the need to take the necessary measures to prevent COVID-19 infections in the elderly population, especially those living in long-stay residences, hospitals and detention centers<sup>77</sup>.
91. REDESCA has observed a worrying decline in emergency consultations in medical centers following the declaration of the pandemic. According to the Association of Clinics, Sanatoriums and Private Hospitals of the Republic of Argentina and the Chamber of Diagnostic and Ambulatory Treatment Entities, consultations fell by 74% in April 2020, which could imply a risk of 6-9 thousand extraordinary deaths in patients with cardio and cerebral vascular<sup>78</sup> diseases.
92. On the other hand, the impact of the pandemic on the treatment of people with addictions and even on the increase of these addictions is also relevant. Information has been made public on the increase in the consumption of drugs, alcohol and tobacco, among others, as a consequence of the effects of mobility restrictions. The Defensoría de los Habitantes of Buenos Aires indicated that 21% of people with addictions before the pandemic increased their consumption of substances, especially among people addicted to alcohol, tobacco and antidepressants<sup>79</sup>.
93. Likewise, greater prioritization by the State is required in the care of people in vulnerable groups. Such is the case of a pregnant woman who went to the Fernandez hospital because of severe pain and was kept waiting for more than ten hours. The victim was misdiagnosed and was sent back to her home after making derogatory comments towards her; the victim died the following day even with

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<sup>70</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020: Pandemic and Human Rights, para. 11.

<sup>71</sup> CELS. [The COVID-19 pandemic in the asylum: the deepening of neglect](#). April 28, 2020.

<sup>72</sup> CELS. [Precautionary measure in favor of people treated in Buenos Aires psychiatric hospitals](#). May 14, 2020.

<sup>73</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020: Pandemic and Human Rights, para. 3.e.

<sup>74</sup> Page 12. [Eviction in a nursing home due to 58 cases of coronavirus](#). June 14, 2020.

<sup>75</sup> Idem.

<sup>76</sup> Buenos Aires Times. [Seven residents of City nursing home die of COVID-19](#). June 25, 2020.

<sup>77</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020: Pandemic and Human Rights, para. 4.

<sup>78</sup> Infobae. [Concern: figures showing that people stopped going to the doctor for fear of catching coronavirus](#). May 13, 2020.

<sup>79</sup> Office of the Ombudsman of Buenos Aires. [COVID-19 and addictions: study on tobacco, alcohol and narcotics consumption in the context of isolation](#). April 13, 2020.





medical assistance from another health center<sup>80</sup>. In this sense, REDESCA calls for guaranteeing the right to health, especially the accessibility, availability and continuity of sexual and reproductive health services without discrimination during the pandemic<sup>81</sup>.

94. In a similar vein, REDESCA was informed of worrying situations regarding the rights of indigenous people. Amnesty International reported more than 20 different cases of discrimination and violation of rights, such as lack of attention by the State, lack of hygienic measures and even invasions of their territories that prevent the population from contagion<sup>82</sup>. Likewise, there are records of deaths in the Lantawos Fwolit community of Tartagal, where even with symptoms of COVID-19 they were never allowed to stay in a medical center or underwent a PCR test, but were reported as cardiac arrest<sup>83</sup>. In this sense, it is recalled that access to health is a universal right, and that indigenous peoples have the right to receive culturally relevant care, both in preventive and curative measures<sup>84</sup>.

## **B. Poverty and Human Rights**

95. With respect to the impact that poverty has had on the enjoyment and guarantee of human rights, particularly in the context of the pandemic, this Office of the Special Rapporteur notes that as of the first week of August, information from UNICEF reveals that poverty among children and adolescents has increased by 1.3 million, from 7 to 8.3 million. This figure is expected to increase before it is reduced, and that by the end of the year child poverty will reach 62.9%<sup>85</sup>. Similarly, extreme poverty among children and adolescents is estimated to increase from 1.8 to 2.4 million by the end of the year<sup>86</sup>, together with a 2.5% increase in extreme poverty in the general population and 5.4% increase in poverty in the first half of 2020 compared to the last half of 2019<sup>87</sup>.
96. In this regard, REDESCA is aware of the following efforts made by the State to this end. In order to promote health among the popular sectors of Argentina, the Ministry of Social Development launched the program "El Barrio Cuida al Barrio" (The Neighborhood Takes Care of the Neighborhood), which provides support to vulnerable groups, distributes safety and hygiene elements and even community kitchens<sup>88</sup>. This is due to the fact that the overcrowding and precariousness of many homes make it difficult for people to spend 24 hours inside<sup>89</sup>. Therefore, unlike home confinement in middle and upper class areas, in the villas the quarantine decreed by COVID-19 is communal -within the neighborhood-. In the streets, most of the inhabitants of 1-11-14 have their mouths and noses covered, but it is not possible to maintain physical distance when crossing corridors that are little more than one meter wide<sup>90</sup>.
97. The national government developed the Emergency Family Income (Ingreso Familiar de Emergencia) in order to guarantee those families in unemployment or informal work the support of \$10,000 per month<sup>91</sup>. It also granted and extended unemployment insurance until August 31 for all those entitled to this benefit<sup>92</sup>. On the other hand, a family support subsidy for COVID-19 deceased was created,

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<sup>80</sup> Red Harvest. [Villa 31: pregnant and in pain, they did not want to admit her and she died](#). July 28, 2020.

<sup>81</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020: Pandemic and Human Rights, para. 4, 53.

<sup>82</sup> Sputnik News. [Amnesty Argentina warns of increased discrimination against indigenous people by COVID-19](#). August 6, 2020.

<sup>83</sup> La Izquierda Diario. [A cacique died in Salta and they suspect that it is due to COVID-19: they deny the swabbing](#). August 23, 2020.

<sup>84</sup> IACHR. Resolution 4/2020: Human rights of persons with COVID-19, para. 17.

<sup>85</sup> Página 12. [Child poverty would reach more than 8 million children in Argentina](#). August 5, 2020.

<sup>86</sup> Idem.

<sup>87</sup> Infobae. [Poverty affects 40.9% of Argentines, triggered by the pandemic](#). September 30, 2020.

<sup>88</sup> Ministry of Social Development. [Launching of the "El Barrio cuida al Barrio" Program](#). April 14, 2020.

<sup>89</sup> El País. [The elderly in Argentina's shantytowns, between fear of leaving and the need for survival](#). April 25, 2020

<sup>90</sup> Idem.

<sup>91</sup> National Government. [Emergency family income](#). March 23, 2020.

<sup>92</sup> Ministry of Labor, Employment and Social Security. [Extension of unemployment insurance collection](#). May 28, 2020.



# REDESCA

Special Rapporteur for Economic,  
Social, Cultural and Environmental Rights

Inter-American  
Commission on  
Human Rights **IACHR**

since those who do not have a job or any kind of governmental support could be entitled to such assistance<sup>93</sup>. In this sense, REDESCA recognizes the State's efforts to protect people's rights, adopting measures with differentiated perspectives for the different economic sectors, workers, victims of the pandemic, as well as family members during the mourning stage and economic situation<sup>94</sup>.

98. On the other hand, it is of concern that the shortage of basic services together with the need to go out in the streets and not being able to be confined has caused that population to account for approximately 30% of the infections<sup>95</sup>. In the same sense, REDESCA learned of the situation in Barrio Padre Mugica, where the community expressed its dissatisfaction with the government for a lack of attention, presence and support in the face of the pandemic<sup>96</sup>. This follows the death of dozens of people and that by June 10 the neighborhood had 5,522 infections, of the 12,033 total infections in the capital<sup>97</sup>.
99. REDESCA was informed of the worrying context in which the inhabitants of the Toba ("Qom") people find themselves. In this case, it is highlighted that, due to the confinement orders and the prohibition of itinerant commerce, approximately 5,000 indigenous people have seen their income affected and depend on their social security to subsist<sup>98</sup>. In addition to this, they are in a precarious situation where malnutrition and overpopulation predominate, making rapid infection very likely. REDESCA recalls the importance of adopting strategies that consider the differentiated impact that people suffer, prioritizing access to health and personal protection supplies, as well as livelihoods such as food, water, among others<sup>99</sup>. Specifically, REDESCA has previously indicated that serious and sustainable strategies must be put forward to address the differentiated effects that the pandemic and its consequences will have on the most disadvantaged and excluded sectors. The high levels of inequality in the region, coupled with the increase in poverty and extreme poverty as a consequence of the pandemic, threaten to tear the social fabric, deteriorating democracy and the rule of law if States do not ensure robust institutional and regulatory protections for the realization of ESCER, or if they exclude human rights from the center of their decisions, policies and measures in this context.

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## C. Right to Housing

100. In relation to the right to housing, REDESCA is aware that, in order to prevent evictions in Argentina, the State ordered a freeze on rental prices, as well as the suspension of evictions until September 30 of this year<sup>101</sup>. On the other hand, the "Argentina Construye" program was launched, contemplating the construction of 5,500 new homes for people who are unable to afford high-cost housing or for marginalized communities<sup>102</sup>. However, as of September, the UOCRA Construction Workers' Union and the Union of Workers of the Popular Economy (Unión de Trabajadores de la Economía Popular)

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<sup>93</sup> National Government. [Family support allowance for coronavirus deceased](#). August 7, 2020.

<sup>94</sup> IACHR. [Resolution 1/2020: Pandemic and Human Rights, April 2020](#). April 10, 2020.

IACHR. [Human Rights of Persons with COVID-19: Resolution 4/2020](#). July 27, 2020.

<sup>95</sup> La Nación. [Coronavirus in Argentina. Almost 30% of the cases in the city were detected in slums and vulnerable neighborhoods](#). May 14, 2020.

<sup>96</sup> Page 12. [Two referents of Barrio Mugica died from coronavirus Death as such is present in Villa 31](#). May 18, 2020.

<sup>97</sup> Chronicle. [Three deaths and 187 new coronavirus infections in Buenos Aires slums](#). June 10, 2020

<sup>98</sup> Buenos Aires Times. [Coronavirus decimating indigenous Latin American communities](#). 23 June 2020.

<sup>99</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020. Op cit.

<sup>100</sup> IACHR, [IACHR and its REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas in the face of the COVID pandemic-19](#), June 2, 2020

<sup>101</sup> National Government. [Temporary rent freeze and suspension of evictions](#). March 29, 2020.

National Government. [Popular Neighborhoods](#). February 19, 2020.

<sup>102</sup> National Government. [Argentina Construye Program](#). May 14, 2020.



were concerned about the paralysis of this program, since only 300 of the total amount committed were being built<sup>103</sup>.

101. This becomes even more relevant in view of the increasing cases of evictions in the national territory. It is estimated that in Buenos Aires alone there are more than 2,500 families (and 3,000 children and adolescents) who had to leave their homes and move to a 100 hectare vacant lot in Guernica<sup>104</sup>. It should be noted that in the face of this situation, a judge ordered the eviction of more than 2,500 families from the property<sup>105</sup>, which led to a demonstration by both the families and the citizens to demand that the eviction be stopped<sup>106</sup>. However, the families were still evicted<sup>107</sup>, and this act was repudiated by various human rights organizations<sup>108</sup>. It is important to point out that poverty in Argentina reaches 44%-50% of the population, which increases the likelihood that cases such as the one mentioned above will be reproduced throughout the region, as is the case of Neuquén, in the province of Vaca Muerta<sup>109</sup>. It is of great importance that the State guarantees the adequate measures to face the pandemic, this also implies the respect and guarantee of housing, understanding the differentiated impacts suffered by people in the face of salary cuts, unemployment due to the pandemic, among other factors<sup>110</sup>.
102. In a similar vein, REDESCA learned that the Argentine government has taken the initiative to create eight new shelters for homeless people<sup>111</sup>. This will prevent them from sleeping on the streets and provide a more hygienic alternative for quarantine to about 800 people<sup>112</sup>. However, only two weeks later, it was already recorded that at least 79 of the 92 people housed had COVID-19, without knowing the origin of the outbreak<sup>113</sup>. Although this policy has protocols in place, REDESCA urges the government to complement them in order to increase their effectiveness and avoid repetition of such cases.

## D. Right to adequate food

103. Following the suspension of on-site classes, the Ministry announced that the facilities would remain open only for administrative and food assistance purposes<sup>114</sup>. On the other hand, the Ministry of Productive Development froze the prices of food of the basic food basket in order to avoid abuses and deprivation of the right to adequate food of citizens<sup>115</sup>. In a similar sense, the Government approved an extraordinary payment to holders of the Alimentar Card, consisting of \$4,000 for families with one child and \$6,000 for those with two or more<sup>116</sup>.

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<sup>103</sup> La Nación. [The harsh claim of two allies of the Government for the lack of housing](#). September 9, 2020.

<sup>104</sup> La Izquierda Diario. [Land takeover in Guernica: "I had to choose between paying rent or eating"](#). September 9, 2020.

<sup>105</sup> News Agency Redacción. [Families recovering land in Guernica again mobilize the municipality for "land to live on"](#). September 14, 2020.

<sup>106</sup> Infobae. [Protest in Argentina against eviction of homeless people](#). September 17, 2020.

<sup>107</sup> Página 12. [Police evicted from the Guernica property: clashes with occupants and arrests](#). October 29, 2020.

<sup>108</sup> Página 12. [Human rights organizations repudiated the eviction in Guernica](#). October 29, 2020.

<sup>109</sup> 24 Matins. [Dramatic land seizure in Argentina at worst time of pandemic](#). August 29, 2020.

La Izquierda Diario. [Land seizure: "In Neuquén there is a deficit of 80,000 housing units"](#). September 15, 2020.

<sup>110</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020. Op cit.

<sup>111</sup> Clarín. [Coronavirus in Argentina: 835 people living in the street quarantine in the eight new shelters of the City](#). April 30, 2020.

<sup>112</sup> Idem.

<sup>113</sup> Page 12. [Coronavirus: 79 cases confirmed in a shelter for homeless people](#). May 13, 2020.

<sup>114</sup> Ministry of Education. [Suspension of face-to-face classes in all schools in the country](#). March 15, 2020.

<sup>115</sup> Ministry of Productive Development. [Maximum prices for basic food basket and staple products](#). March 20, 2020.

Secretariat of Domestic Commerce. [Extension of Maximum Prices](#). May 16, 2020.

<sup>116</sup> National Government. [Extraordinary reinforcement of the Alimentar Card](#). April 25, 2020.





104. However, REDESCA is concerned about the situation of the most vulnerable populations such as indigenous peoples and their children and adolescents. In the first month of 2020 alone, five Wichí children in the community of El Tráfico, in the town of Embarcación, in northern Salta, died from malnutrition<sup>117</sup> and dehydration<sup>118</sup>. In response, the government declared a socio-sanitary<sup>119</sup> emergency; however, the inhabitants themselves deny that any kind of aid has been provided.<sup>120</sup> At the same time, another death of a seven-month-old baby was reported in Salta.<sup>121</sup> In this sense, REDESCA emphasizes the importance of attending to indigenous populations, guaranteeing access to health, food and water and sanitation, especially the latter considering its sanitary functions<sup>122</sup>.
105. Parallel to the above, REDESCA received information about a distribution of up to two million liters of drinking water in Delta de Tigre-San Fernando, benefiting approximately four thousand families<sup>123</sup>. REDESCA recognizes the efforts to provide this resource, understanding its importance to maintain hygienic measures in the pandemic. However, REDESCA recommends that the State implement measures to guarantee a continuous, systematic and ad hoc supply for the Delta populations, without running risks or depending directly on unsustainable vessels to obtain drinking water.

## E. Labor Rights

106. Regarding the guarantee of labor rights, this Office of the Special Rapporteur takes note that through the Ministry of Labor, Employment and Social Security, it granted licenses and remote work modalities for both the public and private sectors in order to prevent further spread of the virus and to protect especially vulnerable people such as the elderly, pregnant women and parents with school-age children<sup>124</sup>. In the same sense, credits were granted to MSMEs to guarantee workers' salaries<sup>125</sup> and prohibited suspensions and dismissals for up to 60 days as from March 31<sup>126</sup>.
107. REDESCA recognizes the efforts to encourage its health personnel to remain on the front line in the face of COVID-19 through the granting of bonuses consisting of three installments of \$5,000 per month<sup>127</sup>. This subsidy is intended to reach 700,000 people, including public and private hospitalization, geriatric, clinical analysis, emergency and transfer personnel, as well as primary care workers in the public system.
108. On the other hand, REDESCA is concerned about the various attacks suffered by health personnel in Argentina: in Buenos Aires, a doctor received a letter under her door in which the community forced her not to visit common areas or touch the stair railings<sup>128</sup>; Agustín D'Angelo, a urologist at the Durand hospital, received a threatening letter under his door demanding that he move to another area<sup>129</sup>. Similarly, in the Province of La Rioja, a doctor had her car burned and a sign was left in her

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<sup>117</sup> Infobae. [Another child died from malnutrition in Salta: eight cases already this year](#). February 11, 2020.

<sup>118</sup> La Izquierda Diario. [Wichí community of Salta without water for three months: "There is no answer"](#). September 19, 2020.

<sup>119</sup> La Nación. [Salta: after the death of another Wichí child, socio-sanitary emergency will be declared](#). January 27, 2020.

<sup>120</sup> Infobae. [Another child died from malnutrition in Salta: eight cases already this year](#). February 11, 2020.

<sup>121</sup> Idem.

<sup>122</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020: Pandemic and Human Rights, April 2020

<sup>123</sup> Infobae. [AySA delivered two million liters of drinking water in the Tigre-San Fernando Delta](#). November 16, 2020.

<sup>124</sup> Ministry of Labor, Employment and Social Security. [Coronavirus: leave and remote work in the public and private sector](#). March 16, 2020.

<sup>125</sup> Ministry of Labor, Employment and Social Security. [Credits to MSMEs for the payment of salaries](#). March 26, 2020.

<sup>126</sup> National Government. [Prohibition of layoffs and suspensions for 60 days](#). March 31, 2020.

National Government. [Extension of the prohibition of dismissals and suspensions](#). May 18, 2020.

<sup>127</sup> Ministry of Health. [Extension of the bonus for health and primary care personnel](#). September 15, 2020.

<sup>128</sup> T13. [Health workers denounce threats from their neighbors](#). April 13, 2020

<sup>129</sup> Infobae. [Serious threat to a doctor in Barrio Norte: "Look for another place to live, you decide or I will decide"](#). April 23, 2020.



hospitalization, geriatric, clinical analysis, emergency and transfer personnel, and includes primary care workers of the public system.

108. On the other hand, REDESCA is concerned about the various attacks suffered by health personnel in Argentina, because in Buenos Aires a doctor received a letter under her door where the community forced her not to visit common spaces or touch the railings of the ladders<sup>128</sup>; Agustín D'Angelo, a urologist at Durand Hospital, received a threatening letter under his door demanding that he move to another area<sup>129</sup>. In a similar sense, in the Province of La Rioja, a doctor had her car burned and a poster was left at her house with threats to leave her after having contracted COVID-19<sup>130</sup>. Even a 33-year-old firefighter suffered threats and his truck set on fire due to rumors that he was infected with COVID-19<sup>131</sup>.
109. Likewise, there is knowledge of other worrisome situations, such as that of the health workers at the Garrahan Hospital, where at least 281 workers were infected by the virus. In addition to this, a lack of supplies is reported and even the refusal to provide free PCR tests<sup>132</sup>. In the same way, there was knowledge of a wave of infections within the medical staff at the Hospital Misericordia de Córdoba, where despite this the outbreak had not been traced or sought to close or control the area<sup>133</sup>. In addition to this, the workers expressed concern about the lack of personnel<sup>134</sup>, gender violence<sup>135</sup>, salary discounts<sup>136</sup>, assaults<sup>137</sup>, police repression<sup>138</sup>, precariousness, lack of inputs and even subjective classification and discrimination against workers<sup>139</sup>. In this sense, REDESCA calls for the broad protection of the human rights of health workers, adopting measures that ensure sufficient means of subsistence, including their labor rights and decent and satisfactory conditions.<sup>140</sup> Such obligations are subsumed for the State from what is derived from Art. 26 of the American Convention, considering that the Commission and the Court have already established that the right to work is one of those that derives from the economic and social norms mentioned in the Article.<sup>141</sup>
110. However, REDESCA is concerned about the degree of exposure faced by a large part of the working population. The fact that approximately 55% of them work in the informal sector is highlighted, together with a total of 5.3 million people who, even in formal employment, do not count as a vulnerable population or cannot work remotely, increasing the risk of contagion<sup>142</sup>. On the other hand, there was knowledge of a municipal campaign focused on informal Senegalese workers, promoting racial and xenophobic stereotypes, accusing them of criminal participation<sup>143</sup>. In this

<sup>128</sup> T13. [Health workers report threats from their neighbors](#). April 13, 2020

<sup>129</sup> Infobae. [Serious threat to a doctor in Barrio Norte: "Find yourself another place to live, you decide or I decide."](#) April 23, 2020.

<sup>130</sup> Page 12. [Repudiation of the attack against a doctor with coronavirus in La Rioja](#). April 21, 2020.

<sup>131</sup> The Herald of Mexico. [Neighbors burn firefighter's truck for suspecting COVID-19](#). August 3, 2020.

<sup>132</sup> La Izquierda Diario. [There are already more workers infected in Garrahan than patients with COVID-19](#). August 12, 2020.

<sup>133</sup> La Izquierda Diario. [Worrying situation due to COVID-19 infections at the Hospital Misericordia de Córdoba](#). August 29, 2020.

<sup>134</sup> Page 12. [In Oran, the fatality rate far exceeds the national average](#). September 15, 2020.

<sup>135</sup> La Izquierda Diario. [She reported gender violence at the Tornú Hospital and her contract was not renewed](#). 6th October 2020.

<sup>136</sup> The nation. [Jujuy. Doctors reported that they deducted the days of absence from the infected staff](#). September 9, 2020.

<sup>137</sup> The Observer. ["I got tired of having to choose who to give a bed to": the doctor who resigned after a physical assault](#). September 14, 2020.

<sup>138</sup> Page 12. [Nurses denounced police aggression in front of the Buenos Aires Legislature](#). September 22, 2020.

<sup>139</sup> The Observer. ["I got tired of having to choose who to give a bed to": the doctor who resigned after a physical assault](#). September 14, 2020.

<sup>140</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020;

<sup>141</sup> I / A Court HR. Case of Lagos del Campo v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 31, 2017. Series C No. 340, para. 146; I / A Court HR. Case of the Dismissed Petroperú Workers and others v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 23, 2017. Series C No. 344, para. 192; and I / A Court HR. Case of San Miguel Sosa et al. V. Venezuela. Merits, Reparations and Costs. Judgment of February 8, 2018. Series C No. 348, para. 220

<sup>142</sup> Infobae. [In Argentina, around 5 million workers are more economically vulnerable and are more exposed to the contagion of the coronavirus](#). May 14, 2020.

<sup>143</sup> La Izquierda Diario. [Garro attacks informal workers with a racist and xenophobic campaign](#). September 13, 2020.



sense, REDESCA urges the State to implement measures to prevent and combat xenophobia and the stigmatization of people in a situation of human mobility in the framework of the pandemic.<sup>144</sup> It is important to adopt awareness strategies and protocols that address the health and essential needs for the subsistence of these people<sup>145</sup>.

111. On the other hand, REDESCA looks with concern at the performance of some companies towards their workers. Such is the case of the Ledesma Company, which in August would already have at least 305 people infected with COVID-19 and 9 deaths from the same cause<sup>146</sup>. Parallel to this, there has been knowledge of undue payments, harassment, threats and even reprisals and arbitrary dismissals for exercising freedom of association and freedom of expression within some companies.<sup>147</sup> It is necessary to adopt measures that protect the physical and mental integrity of workers in the context of the pandemic, providing sufficient inputs to minimize the risk of contagion and reinforcing due diligence obligations in the field of business activities<sup>148</sup>.

## F. Education rights

112. In March, the federal government through its Ministry of Education issued resolution 103/2020, where it established that upon confirmation of a positive case of COVID-19 in teaching, managerial, auxiliary or non-teaching staff (including students) should order the suspension of classes for fourteen consecutive days<sup>149</sup>. Later, through resolution 104/2020, it issued the recommendation to all educational institutions to transcend a remote model in order to take care of the health of all people<sup>150</sup>.
113. As of March 16, the face-to-face classes and with the facilities open only for administrative and food assistance purposes<sup>151</sup>. Said suspension was seconded by the creation of the "We continue to educate" program, which includes the distribution of didactic material and the creation of a virtual platform for educational purposes.<sup>152</sup> In this sense, REDESCA recognizes the prompt action by the Ministry of Health and that it also ensures the right to adequate food for children and adolescents. Accompanied by an action protocol<sup>153</sup>, on November 5, the national government withdraws the suspension of classes, leaving the decision in the hands of the respective provinces and the Autonomous City of Buenos Aires, who may resume or suspend classes as they observe the development of the virus in their entity<sup>154</sup>.
114. On the other hand, REDESCA positively acknowledges the ruling issued by the Administrative and Tax Litigation Court No. 2 of Buenos Aires. He issued a precautionary measure ordering the Buenos

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<sup>144</sup>IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020. Op cit.

<sup>145</sup> Idem.

<sup>146</sup> La Izquierda Diario. [Ledesma worker: "They don't care about our lives."](#) August 7, 2020.

La Izquierda Diario. [Healthcare collapse in Luján: workers leave their lives and businessmen amass fortunes.](#) August 18, 2020.

<sup>147</sup> La Izquierda Diario. [Under threat of eviction, workers from the Algodonera Avellaneda block the entrance to the Vicentin oil company.](#) August 25, 2020.

La Izquierda Diario. [Workers of the mining company Ambar de Zapala occupy factory against closure and dismissals.](#) September 8, 2020.

<sup>148</sup>IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020. Op cit.

<sup>149</sup> Ministry of Education. [Resolution 103/2020.](#) March 12, 2020.

<sup>150</sup> Ministry of Education. [Measures for university and higher education institutions.](#) March 14, 2020.

<sup>151</sup> Ministry of Education. [Suspension of the dictation of face-to-face classes in all schools in the country.](#) March 15, 2020.

<sup>152</sup> Ministry of Education. [Creation of the program "We continue to educate".](#) March 15, 2020.

<sup>153</sup> National government. ["Framework protocol and general guidelines for the return to face-to-face academic activities at universities and university institutes."](#) November 5, 2020.

<sup>154</sup> National government. [Return to face-to-face academic activities at universities and university institutes.](#) November 5, 2020.



Aires government to provide technological devices and internet access to all students who are in a situation of vulnerability<sup>155</sup>.

115. However, it is worrisome that the policy of creating “Cyber Schools” has been denied, which were intended to provide educational spaces to students who do not have connectivity in their homes to continue their education.<sup>156</sup> It should be noted that this rate is from 15% to 21%, representing approximately 16,000 students who are suffering an educational backwardness.<sup>157</sup> In addition to this, it is worrying that according to the Ministry of Education of the Nation, in primary school dropout resulted in 13% while in secondary it rose to an alarming 46%<sup>158</sup>. In this sense, REDESCA recommends the effective adaptation of measures that allow children and adolescents to access quality education and contemplating the differentiated impacts suffered by some population groups<sup>159</sup>.

## G. Right to a Healthy Environment

116. Information was obtained about the detriment of the environment during the pandemic. Only between March 15 and July 31 of this year 29,229 hectares of native forest were deforested between Santiago del Estero, Salta, Formosa and Chaco<sup>160</sup>. In this sense, it should be noted that the equivalent of a city in Buenos Aires has been lost, representing the second most important focus of deforestation in South America, only after the Amazon<sup>161</sup>.
117. Complementary to this, until the end of September, Argentina had already registered at least 51,000 fire outbreaks, more than three times the total for 2019<sup>162</sup>. In this sense, one of the most worrying is the case of Delta Paraná, where the cause of the fires is attributed to the agricultural initiative<sup>163</sup> and at least 265,100 hectares have been burned since January<sup>164</sup>. In addition, fires are registered in Córdoba (consuming more than 60 thousand hectares)<sup>165</sup>, San Luis, Buenos Aires, Mendoza, Jujuy and Tucumán<sup>166</sup>. REDESCA urges the State to control fires and prevent their repetition, taking into account that many of them could be avoided, likewise, it reaffirms the importance of guaranteeing the right to a healthy environment and taking measures against actions that may aggravate the effects of climate change.
118. REDESCA is concerned that said deforestation and fires do not only occur naturally, since most of these would be caused by people and industry for extractive or economic purposes.<sup>167</sup> Complementary to this situation, a large part of the exacerbated damage to ecosystems occurs in the indigenous territory of the Chaco, which not only damages the flora and fauna of the area, but also the healthy environment of the indigenous peoples, also promoting the spread of the virus and risking the life of these groups<sup>168</sup>. It also recalls that native forests are protected by Law 26,331 on

<sup>155</sup> ACIJ. Court order: the GCBA must provide internet in all the villages, and computers on loan to students in vulnerable situations. June 8, 2020.

<sup>156</sup> La Izquierda Diario. The implementation of “cyber schools” in the City was halted. August 26, 2020.

<sup>157</sup> Idem.

<sup>158</sup> The Twelve TV. School dropout worries: there are a million students at risk. September 9, 2020.

<sup>159</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights, April 2020. Op cit.

<sup>160</sup> The nation. In quarantine, the equivalent of a city of Buenos Aires and a half was deforested in northern Argentina. August 12, 2020.

<sup>161</sup> Idem.

<sup>162</sup> The capital. Argentina rises among the countries most affected by fires. September 21, 2020.

<sup>163</sup> BBC News. Fires in Latin America: the catastrophe that is affecting a large part of the American continent. September 22, 2020.

<sup>164</sup> Red Harvest. The Delta burns: the equivalent of 15 cities in Rosario have already been burned. September 23, 2020.

<sup>165</sup> The day. Forest fires have already devastated more than 60 thousand hectares in Córdoba. September 30, 2020.

<sup>166</sup> Associated Press News. Fires reignite in the Argentine province of Córdoba. September 22, 2020.

<sup>167</sup> Sudestada. The businesses behind the extractivist model. September 9, 2020.

<sup>168</sup> Unearthed. Deforestation and land-grabs bring COVID-19 threats to Amazon and Gran Chaco residents. September 17, 2020.



"Minimum budgets for the environmental protection of native forests" since 2007, which is why the State is urged to comply with the corresponding rule of law<sup>169</sup>.

119. On the other hand, REDESCA highlights the worrying case of the Klaukol Company, since, although this conflict has been going on for more than a decade, its effects still have effects today. Even with more than 100 people who died due to contamination effects in the community, as well as respiratory, ophthalmological, dermatological and even oncological diseases, no actions have yet been taken to mitigate the damage.<sup>170</sup> In this sense, REDESCA reminds the State of the obligation to guarantee a healthy environment for people, as well as access to justice and health, urging them to take action in this regard. On the other hand, REDESCA welcomes the issuance by the Inter-American Court of the Judgment in the case of Indigenous Communities Members of the Lhaka Honhat (Our Land) Association, dated February 6, 2020.<sup>171</sup> The ruling has set an important precedent within the inter-American system through which the interpretation of the rights to the healthy environment is expanded from an intercultural perspective, in relation to the cultural rights and collective property of indigenous peoples. The REDESCA will carry out important monitoring on the implementation of this decision, realizing that its content is extremely important to advance in the systematization of standards on the matter in the region.

### 3) BAHAMAS

120. At the end of December 2020, the COVID-19 pandemic had caused approximately 7,857 infections, 170 deaths and 6,221 people recovered in the country<sup>172</sup>. Faced with this scenario, which would have started on March 15 with the first confirmed case<sup>173</sup>, the Government announced the immediate closure of schools as of March 16, hand in hand with restrictions on international travel (especially to places identified with high contagion at that time) and the promise of more resources for the health system, with in order to be able to adequately attend to the emergency<sup>174</sup>. Additionally, on March 17 the Governor General issued an emergency proclamation and on March 18 a regulation of emergency powers was approved against COVID-19, through which the State was given powers to respond in a timely manner in areas of health, distancing social, curfews, acquisitions of goods and services, requisitions, among others<sup>175</sup>.
121. From that moment, measures such as curfews, closure of non-essential businesses or the obligation to conduct non-essential businesses remotely, and the closure of borders were taken.<sup>176</sup> Likewise, timetables were imposed in supermarkets and public places, restrictions so that people over 75 years old did not leave their homes, the obligation to wear face masks and adopt biosecurity measures, among others.<sup>177</sup> Although since May some measures have been made more flexible through the phases established in the government's gradual economic and social reopening

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<sup>169</sup> Idem.

<sup>170</sup> Pulse News. [Klaukol in La Matanza: heavy metals, death threats and repression](#). September 21, 2020.

<sup>171</sup> See I / A Court HR, [Case of Indigenous Communities Members of the Lhaka Honhat \(Our Land\) Association v. Argentina](#), Judgment of Merits, reparation and costs, February 6, 2020

<sup>172</sup> Worldometer. [Coronavirus Cases in Bahamas](#), December 30, 2020.

<sup>173</sup> PAHO, [COVID-19 Bahamas and Turks and Caicos Islands Situation Report](#), April 24, 2020

<sup>174</sup> Office of the Prime Minister, [Prime Minister outlines COVID-19 response](#), March 16, 2020

<sup>175</sup> Office of the Prime Minister, [Emergency Regulations provide legal powers to respond quickly to COVID-19](#), March 18, 2020

<sup>176</sup> Office of the Prime Minister, [Prime Minister Minnis announces 24-hour curfew](#), March 24, 2020

<sup>177</sup> Office of the Prime Minister, [Prime Minister announces three new cases of COVID-19 and plans to extend state of emergency for eight days](#), March 29, 2020





plan<sup>178</sup>. Some of these measures - including the curfew - have been resumed in some areas of the country due to the increase in cases.

122. REDESCA highlights that the State, despite facing serious economic challenges due to the socioeconomic consequences of the pandemic preceded by a complex process of recovery from the impacts of Hurricane Dorian<sup>179</sup>, decided to enact economic measures to encourage the economy and support the population. In this context, the investment of 1% of the Bahamas' GDP (B \$ 121.7 million) stands out, distributed as follows: B \$ 15 million for the health sector; B \$ 4 million for food programs; B \$ 15.9 million in aid for the self-employed; B \$ 20 million to support SMEs in business loans; B \$ 60 to grant deferrals and tax credits to companies with a minimum of 25 employees and annual sales of B \$ 3 million that retain at least 80 percent of the workforce, added to B \$ 1.8 million to support Family Islands with expenses related to the COVID-19<sup>180</sup>.
123. Although REDESCA takes note of the measures implemented by the State to alleviate the impacts of the crisis and of the programs designed to protect people in conditions of economic vulnerability, it also expresses its concern about their limitations, taking into account the challenges the country was facing to recover from the impacts of Hurricane Dorian and the threat that the pandemic poses to the State's resources, and with it, the care of people who are being left in a situation of economic vulnerability. In this regard, it should be noted that more than 40% of the Gross Domestic Product and more than 50% of employment comes from the tourism industry.<sup>181</sup> Therefore, together with other factors and according to ECLAC, an economic contraction of GDP of 14.5% is estimated<sup>182</sup>.
124. According to the World Bank, the health emergency has led to the cessation of activities in key economic sectors, with unprecedented levels of unemployment, especially in low-income households<sup>183</sup>. With this, significant increases in poverty levels are expected.<sup>184</sup> In this scenario, the need to use the maximum of available resources to guarantee human rights, especially the ESCER, is highlighted, as well as that, within the framework of containment measures against the pandemic, specific and targeted programs are adopted to address the particular poverty situation of households, with an intersectional and differentiated perspective<sup>185</sup>.

## A. Right to health

125. Regarding the right to health, one of the issues that draws attention are the statements of the head of the island's COVID-19 Task Force, Dr. Frank Bartlett, who in July acknowledged that the coronavirus tests that were being carried out had been decreasing significantly<sup>186</sup>, despite the reopening of borders and the easing of the measures that were being presented at that time. In this regard, it was emphasized that there had been no outbreaks or sources of contagion and that the positive cases that had been reported had been sporadic<sup>187</sup>.

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<sup>178</sup> Office of the Prime Minister, [Prime Minister Minnis: 'We are living in a new normal'](#), May 28, 2020

<sup>179</sup> IM F, [IMF Executive Board Approves a US \\$ 250 Million Disbursement to The Bahamas to Address the COVID-19 Pandemic](#), June 1, 2020; France24, [Life in the Bahamas after the devastating passage of Hurricane Dorian](#), March 2, 2020

<sup>180</sup> International Monetary Fund, [Policy Tracker](#), December 16, 2020.

<sup>181</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>182</sup> ECLAC, [Preliminary Overview of the Economies of Latin America and the Caribbean](#), December 2020

<sup>183</sup> World Bank, [The Bahamas](#), October 20, 2020

<sup>184</sup> Ibid.

<sup>185</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>186</sup> The Freeport News, [Bartlett confirms decrease in testing for Coronavirus](#), July 3, 2020.

<sup>187</sup> Ibid.



126. In this sense, REDESCA calls to bear in mind that the reactivation of activities by the States implies the need to adopt measures to minimize the risks of contagion and prevent massive outbreaks of COVID-19, which includes public policies aimed at ensuring the availability of diagnostic tests<sup>188</sup>. Therefore, it is called to adopt all the necessary measures to ensure the prevention, comprehensive treatment and care of people with COVID-19, through the timely provision of service<sup>189</sup>.
127. This recommendation is even more pressing considering the reports on the challenges for health care in the context of a pandemic, when considering the limits of the health infrastructure in various areas of the country after Hurricane Dorian.<sup>190</sup> As an example, after the hurricane, in Grand Bahamas most health services would have to be provided in tents or tents<sup>191</sup> Therefore, given the increase in cases on the island, concern was expressed about the place where these people would be treated, even more so considering that, at that very moment - in July -, it was also being reported that New Providence would arrive to its capacity limits in the event of a significant increase in cases<sup>192</sup>.

## B. Labor rights

128. As of August alone, the Inter-American Development Bank projected that 100,000 workers - between the self-employed and those in formal employment - could lose their job, income, or both.<sup>193</sup> Which would be consistent with what was seen during the first months of the pandemic, in which 17,000 unemployment claims were already reported at the end of March, not including those who worked in the island's large hotel chains (with which was chatting to ensure faster pay from affected staff)<sup>194</sup>. Likewise, only between March and April 27,870 unemployment claims were reported (28 times more compared to the same period of the previous year)<sup>195</sup>.
129. Faced with this situation, the Office of the Special Rapporteur highlights the dialogues with employers in the tourism sector, as well as the decision of the State to financially support people who are self-employed and people who have lost their jobs, in order to provide them with food and assistance social support<sup>196</sup>. In this regard, it was reported that both the food assistance program and unemployment benefits were extended until the beginning of 2021, and that with the expanded unemployment benefits program, more than 36,959 people have benefited, for whom their benefits have already finished after 13 weeks, or who under other circumstances, would not have qualified to receive them<sup>197</sup>.
130. Notwithstanding the foregoing, REDESCA is concerned about the situation of economic vulnerability in which a large percentage of the population would be left. Therefore, the Office of the Special Rapporteur urges to ensure respect for the labor guarantees of workers, and especially, of people employed in hotels, who would be asked to take unpaid leave or vacations in the face of the crisis.<sup>198</sup>, and with this, they would be leaving without a livelihood for their homes. Thus, although note of these aid and the food assistance vouchers of \$ 100 every two weeks for those who face reduced working

<sup>188</sup> IACHR, [Human Rights of People with COVID-19](#), Resolution 4/2020, July 27, 2020

<sup>189</sup> Ibid.

<sup>190</sup> Eyewitness News, [PLP gravely concerned about healthcare strain in GB](#), July 29, 2020

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> The Tribune, [Idb: 100,000 Workers 'Vulnerable' To Job Loss](#), August 20, 2020

<sup>194</sup> The Tribune, [17,000: Help Us... And That Doesn't Include Nib Claims From Hotel Workers](#), April 31, 2020.

<sup>195</sup> Ibid.

<sup>196</sup> International Monetary Fund, [Policy Tracker](#), December 16, 2020; The Bahamas Journal, [\\$ 11 Million Added to Health Sector for COVID-19](#), March 19, 2020

<sup>197</sup> Office of the Prime Minister, [Govt. to extend unemployment benefit and food assistance programs](#), December 7, 2020

<sup>198</sup> The Bahamas Journal, [\\$ 11 Million Added to Health Sector for COVID-19](#), March 19, 2020





weeks, the REDESCA states that The lack of guarantees in these cases would go against what is recommended by the IACHR and its REDESCA in the framework of the pandemic, specifically regarding the need to adopt sufficient measures to protect human rights, and particularly ESCER, of the working people, including those necessary to ensure their economic income and means of subsistence in the face of the pandemic<sup>199</sup>.

## C. Education rights

131. Since March 16, 2020, the closure of schools at all levels would have been ordered<sup>200</sup>. Against this background, in order to ensure the right to education, the State has used distance educational platforms (educational digital repository), along with television and radio.<sup>201</sup> Likewise, the Ministry of Education, in collaboration with internet providers Aliv and BTC, would have designed a platform to offer internet access, devices and training to students who lack technological resources<sup>202</sup>. Although the Rapporteurship recognizes these efforts, it calls for the adoption of measures to ensure the education of children and adolescents in the schools of the Family Islands, where there would not be this technological capacity<sup>203</sup>, as well as to address the lack of teacher training to use these resources.

## D. Right to a healthy environment and climate change

132. Faced with the right to a healthy environment and climate change, REDESCA recognizes the government's measures to transform the energy sector, through which it seeks to reduce dependence on fossil fuels and use renewable energy sources. Faced with this last point, the acquisition of the GE TM2500 generator stands out, which would work to generate backup power in cases of natural disasters, network instability, among others<sup>204</sup>.
133. Additionally, and taking into account the special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty.<sup>205</sup>, REDESCA highlights the efforts of the State to ensure recovery after the passage of Hurricane Dorian and highlights the importance of continuing to adopt measures to guarantee the human rights, and especially ESCER, of the affected people.
134. In this regard, it is known that the United Nations estimated that, from the Hurricane, 70,000 people needed humanitarian aid<sup>206</sup>. Likewise, it is estimated that 76,000 people would have been left homeless.<sup>207</sup>, 13,000 houses, a hospital, the port, educational institutions, among others, have been destroyed, and in fact, there is still no established death toll - although the Government estimates 120<sup>208</sup>.

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<sup>199</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>200</sup> Reuters, [Bahamas](#), January 5, 2021

<sup>201</sup> IDB, [Bahamas Social Digital](#), December 11, 2020

<sup>202</sup> The Government of The Bahamas, [Ministry of Education designing platform for internet-deprived and device-challenged students](#), April 8, 2020

<sup>203</sup> IDB, [Bahamas Social Digital](#), December 11, 2020

<sup>204</sup> Office of the Prime Minister, [New BLP generator will lead to millions in savings](#), March 5, 2020

<sup>205</sup> IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people](#), Press Release No. 276, November 17, 2020

<sup>206</sup> France24, [Life in the Bahamas after the devastating passage of Hurricane Dorian](#), March 2, 2020

<sup>207</sup> The Guardian, [Devastation 'still unfolding' in Bahamas as Dorian death toll rises to at least 50](#), September 10, 2019

<sup>208</sup> Ibid.



# REDESCA

Special Rapporteur for Economic,  
Social, Cultural and Environmental Rights

Inter-American  
Commission on  
Human Rights **IACHR**

135.

In adopting these measures, as in the case of the pandemic, REDESCA recalls the need to adopt a human rights approach, in which ESCER is guaranteed for all people, especially those in vulnerable situations. . In this way, in this particular case, attention is drawn to the condition of people in a situation of human mobility - especially Haitians. The foregoing, due to the fact that this group has experienced acts of discrimination and stigmatization, against which it would have taken advantage of the fact that the majority do not have documents to have cheap labor in the country<sup>209</sup>. Even so, after the hurricane, there were several calls for his deportation<sup>210</sup>.

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<sup>209</sup> Univision, [After surviving Hurricane Dorian, Haitian migrants in the Bahamas face deportation and stigma](#), December 5, 2019

<sup>210</sup> France24, [Life in the Bahamas after the devastating passage of Hurricane Dorian](#), March 2, 2020



## 4) BARBADOS

136. At the end of December 2020, the COVID-19 pandemic had caused approximately 372 infections, 7 deaths and 312 people recovered in the country<sup>211</sup>. Faced with this scenario, which would have started on March 16 with the first case<sup>212</sup>, an adequate management of the pandemic was identified from its inception, as measures were immediately taken for isolation, adaptation of treatment centers, restriction of social events and the establishment of complementary medical facilities<sup>213</sup>. As a result, and despite the ease with which the virus is transmitted, as of June 30, 2020, Barbados completed 35 days without receiving any new cases of COVID-19 - although it continued to carry out daily tests to monitor the situation<sup>214</sup>- and had one of the lowest contagion rates in the world, occupying position 182 in July<sup>215</sup>.
137. In the context of measures, a state of emergency was declared in March<sup>216</sup> and curfew for two weeks<sup>217</sup>, which was later extended<sup>218</sup>. Likewise, measures were established to ensure the purchase of essential goods (with two special days for the elderly), the closure of schools, and modification of hours for services and the sale of some goods, among others.<sup>219</sup> As of May, and due to the effective containment of the virus in the country, some measures began to be made more flexible and the resumption of commercial trips was allowed.<sup>220</sup>, coupled with the requirement of tests or check-in on admission<sup>221</sup>. These measures were carried out in accordance with the four-phase plan adopted by the State<sup>222</sup>. However, the state of emergency would be extended until March 2021<sup>223</sup>.
138. REDESCA highlights that the State, despite facing serious economic challenges resulting from the decline in tourism - which contributes 40% of the national economy<sup>224</sup>-, decided to decree economic measures to support the population. These include the resources to renovate hospitals and clinics, the construction of isolation centers and the provision of supplies and medicines.<sup>225</sup> Likewise, a social program was established for workers affected by the pandemic and a household "survival" program, which sets a minimum income for people unemployed by COVID-19 and supplementary unemployment benefits.<sup>226</sup> Additionally, a 12-month employment program and a stimulus and transformation package for the tourism sector (for up to two years) were announced in September.<sup>227</sup> However, it is specified that traditional unemployment and severance benefits would have been the first line for workers who had been impacted by the crisis<sup>228</sup>.
139. Although REDESCA takes note of the measures implemented by the State to alleviate the impacts of the crisis and of the programs designed to protect people in conditions of economic vulnerability, it

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<sup>211</sup> Worldometer. [Coronavirus Cases in Barbados](#), December 30, 2020.

<sup>212</sup> International Monetary Fund, [Policy Tracker](#), June 02, 2020.

<sup>213</sup> Ibid.

<sup>214</sup> CARICOM. [COVID-19 Update Barbados: No Confirmed Cases But Testing Continues](#), June 30, 2020.

<sup>215</sup> TeleSUR. [July 12th Coronavirus Update](#). July 12, 2020.

<sup>216</sup> CNW Network, [Barbados Extends National State of Emergency to March 2021](#), October 28, 2021

<sup>217</sup> Jamaica Observer, [Barbados under 10-hour curfew](#), March 27, 2020

<sup>218</sup> Nation News, [Curfew extended](#), April 11, 2020

<sup>219</sup> Ibid.

<sup>220</sup> CARICOM Today, [COVID-19 Update Barbados: No Confirmed Cases But Testing Continues](#). June 30, 2020.

<sup>221</sup> Reuters, [Barbados](#), December 30, 2020

<sup>222</sup> International Monetary Fund, [Policy Tracker](#), June 02, 2020.

<sup>223</sup> CNW Network, [Barbados Extends National State of Emergency to March 2021](#), October 28, 2021

<sup>224</sup> International Monetary Fund, [Policy Tracker](#), January 7, 2021

<sup>225</sup> Ibid.

<sup>226</sup> Ibid.

<sup>227</sup> Ibid.

<sup>228</sup> Ibid.



also expresses its concern about their limitations, since the reduction of income that will affect the State and households will lead to an increase in poverty levels. In this regard, ECLAC estimates that tourism activity contributes more than 30% to both Gross Domestic Product and employment.<sup>229</sup>, for which an economic contraction of the GDP of 8.8% is estimated<sup>230</sup>. In this way, according to the World Bank, this economic situation in Barbados would trigger higher levels of unemployment and poverty<sup>231</sup>.

140. In the same sense, according to a survey of the impacts of the pandemic launched by Caricom, 62% of the people surveyed said they had lost their job or a reduction in household income and a third expressed concern because they did not know if could meet your basic needs<sup>232</sup>. Due to the foregoing, REDESCA calls for the maximum use of available resources to guarantee human rights, especially ESCER, of the population, as well as that, within the framework of containment measures against the pandemic, they be adopted specific programs aimed at addressing the situation of poverty and economic vulnerability of households, with an intersectional and differentiated perspective<sup>233</sup>.

## A. Right to health

141. Regarding the right to health, it is reported that currently the State would not have the critical health capacity to face a serious outbreak of an epidemic or natural disaster<sup>234</sup>. Therefore, REDESCA recognizes the resources that the State has invested to renovate hospitals and clinics, the construction of isolation centers and the provision of supplies and medicines.<sup>235</sup>. However, it expresses its concern, since the end of December a substantial increase in cases has been reported, in which only between December 22 and January 6 there are 416 additional cases<sup>236</sup>- which represents more than the cases presented in 2020-. Therefore, it calls for a progressive investment in the health sector that allows it to significantly expand its capacity, while not only the pandemic will continue to represent a challenge for the States, but particularly in the case of Barbados, there are climatic phenomena that could impact you, which make it necessary for health systems to be adequately prepared for any emergency.
142. On the other hand, REDESCA takes note of the initiatives that the Government, through the Health Emergency Operations Center, would have implemented to support the population in the face of the impacts of COVID-19, including an outreach program for mental health and cyber-social wellness, a creative arts competition for teens, and a community outreach program for seniors<sup>237</sup>. In this sense, REDESCA congratulates the State for having included mental health care in its emergency plans, because as expressed by the IACHR and its REDESCA, this pandemic has not only generated a physical health crisis, but also substantive impacts on the mental health of the population<sup>238</sup>.

## B. Labor rights

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<sup>229</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>230</sup> ECLAC, [Preliminary Overview of the Economies of Latin America and the Caribbean](#), December 2020

<sup>231</sup> World Bank, [Program Information Document Barbados](#), December 2, 2020

<sup>232</sup> CARICOM, [Caribbean COVID-19 Food Security & Livelihoods Impact Survey BARBADOS Summary Report | August 2020](#), September 16, 2020

<sup>233</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>234</sup> UNDP, UNICEF and UN Women, [Barbados, COVID-19 heat report](#), June 3, 2020

<sup>235</sup> International Monetary Fund, [Policy Tracker](#), January 7, 2021

<sup>236</sup> Worldometer, [Coronavirus Cases in Barbados](#), January 7, 2021

<sup>237</sup> Loop, [Government launches programs to help locals cope with COVID-19](#), April 23, 2020

<sup>238</sup> IACHR, [The States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access](#), Press Release 243, October 2, 2020



143. The adoption of measures to contain the pandemic had serious repercussions on the country's tourism sector, and with this, the use of generalized labor licenses and temporary hotel closures were reported.<sup>239</sup> In this context, it was reported that, although the unemployment rate before the pandemic was higher than 10%, it would grow to 21% in 2020<sup>240</sup>. Likewise, it is highlighted that the households most affected have been those with middle income, who would represent half of the job losses and a third of the businesses closed.<sup>241</sup> Even so, the first line of "defense" for people impacted by the crisis was the use of their traditional unemployment and severance benefits.<sup>242</sup>-despite government programs-. For this reason, REDESCA highlights the importance of protecting the human rights, and particularly ESCER, of workers most at risk from the pandemic and its consequences, which includes taking measures to ensure the security of economic income and means of subsistence<sup>243</sup>.
144. On the other hand, REDESCA highlights as a fundamental advance the new law for the prevention of discrimination in employment which, in line with its obligations under the American Convention on Human Rights, prohibits discrimination based on race, origin, political opinion, union affiliation, creed, sex, sexual orientation, marital status, domestic partnership status and health, among others<sup>244</sup>. Faced with it, the protection that the law would represent for LGTBI people - who would suffer great discrimination in the country - stands out.<sup>245</sup>-, and for the union rights of workers. However, note is taken of the concern of some civil society organizations, who state that the law set aside the rights of trans and non-binary people, by not explicitly including the prohibition based on gender identity and expression.<sup>246</sup> The protection that the law would represent for LGTBI people - who would suffer great discrimination in the country<sup>247</sup> - and for the union rights of workers, stands out.

## C. Education rights

145. REDESCA highlights the State's efforts to ensure the rights to education of children and adolescents in the midst of the pandemic, in which after the temporary closure of schools in March<sup>248</sup>These were gradually opened by levels. The above, coupled with a strictly implemented health protocol, in which it was established that only those who were contacted by the school administration would have the power to attend classes.<sup>249</sup> Likewise, the hours were cut to minimize the crowding of people inside the facilities.<sup>250</sup> Although it was initially established that the constant sanitation of classrooms and the mandatory use of face masks were necessary, on June 17, the Executive Director of Education, Joy Adamson, established that when there is a distance greater than six feet, people could remove their masks<sup>251</sup>. This directive is worrying because not only students, but also teachers and other workers of educational institutions can present health risks and contagion.

<sup>239</sup> International Monetary Fund, [Policy Tracker](#), January 7, 2021

<sup>240</sup> UNDP, Unicef and UN Women, [Barbados. COVID-19 heat report](#), June 3, 2020

<sup>241</sup> World Bank, [Program Information Document Barbados](#), December 2, 2020

<sup>242</sup> International Monetary Fund, [Policy Tracker](#), January 7, 2021

<sup>243</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>244</sup> Barbados Today, [Lawmakers approve bill to tackle the problem in the workplace](#), July 29, 2020; Parliamentarians for Global Action, [Parliament of Barbados adopts workplace protections for individuals of diverse sexual orientation](#), August 11, 2020

<sup>245</sup> Human Rights Watch, ["I Have to Leave to Be Me". Discriminatory Laws against LGBT People in the Eastern Caribbean](#), March 21, 2018

<sup>246</sup> Outright International, [Barbadian Parliament Prevention of Discrimination Bill Leaves Trans and Non-binary Persons Behind](#), August 17, 2020

<sup>247</sup> IACHR, [Report on Trans and Diverse Gender People, and their economic, social, cultural and environmental rights](#), OEA / Ser.L / V / II, August 7, 2020

<sup>248</sup> Reuters, [Barbados](#), December 30, 2020

<sup>249</sup> CNW Network, [Schools in Barbados to reopen on June 8th](#), June 2, 2020

<sup>250</sup> Ibid.

<sup>251</sup> Barbados Today. [Masks no longer mandatory in classrooms](#). June 17, 2020.



146. On the other hand, regarding the use of educational platforms that occurred alternately<sup>252</sup>, REDESCA highlights the importance of ensuring access to the internet, media and connectivity to children and adolescents living in poverty, so that educational gaps do not widen in the midst of the pandemic. In this regard, it has been reported that in Barbados there is unequal access to internet service that would lead to children in poverty being particularly impacted.<sup>253</sup> In this sense, REDESCA calls for all necessary and effective measures to be taken so that children and adolescents at the national level can access an education with the stimuli that their age and level of development require.<sup>254</sup> To this end, an intersectional and differentiated approach is required that takes into account the particularities of children and adolescents living in poverty and extreme poverty.

## 5) BELIZE

147. The first case of coronavirus in Belize was reported on March 23, 2020<sup>255</sup>, which led the national authorities to close the international airport, schools and the implementation of mandatory quarantine measures<sup>256</sup>. In April, the government declared a state of emergency and a night curfew in which no one was allowed to leave except to work in essential services<sup>257</sup>.
148. In this regard, REDESCA takes note that, as an international cooperation measure, Cuba sent brigades of medical personnel and technical assistance to fight the disease caused by the coronavirus.<sup>258</sup> Also, in May, PAHO and WHO donated instruments to take samples and perform diagnostic tests for COVID-19<sup>259</sup> while the United Nations Development Program provided additional essential materials to support the Minister of Health during the emergency<sup>260</sup>
149. The contagion around the country had been controlled until the end of June, when the restrictions of the state of emergency began to relax, which led to a second wave of infections and deaths in the second half of the year.<sup>261</sup> As of December 7, Belize had 7,769 positive cases of COVID-19, 173 deaths from the disease and a continuous increase curve<sup>262</sup>.
150. After June, the state of emergency eased restrictions and some companies were again allowed to operate, including the reopening of the international airport in October, following appropriate testing and tracing measures.<sup>263</sup>, as well as the opening of hotels, restaurants and tours that follow the biosafety and cleaning protocols of the "Tourism Gold Standard", a certification program designed by the Belize Tourism Board<sup>264</sup>
151. In November, Dr. Fernando Cuellar, a member of the medical staff of the Belize Medical Associates hospital, reported that the public and private health systems were saturated due to the health

<sup>252</sup> UNICEF, [Eastern Caribbean rolls out online education as COVID-19 closes schools](#), April 23, 2020

<sup>253</sup> UNDP, UNICEF and UN Women, [Barbados, COVID-19 heat report](#), June 3, 2020

<sup>254</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. 64, April 10, 2020

<sup>255</sup> IMF, [COVID-19 Policy Responses Belize](#), November 20, 2020.

<sup>256</sup> Idem.

<sup>257</sup> Idem.

<sup>258</sup> The country, [Belize counts on help from Cuba to face COVID-19](#), April 13, 2020.

<sup>259</sup> PAHO, [Additional Viral Swabs Donated from PAHO / WHO Belize to the Ministry of Health](#), May 21, 2020.

<sup>260</sup> Breaking Belize News, [UNDP and Global Fund support Ministry of Health COVID-19 national efforts with medical supplies and equipment](#), June 22, 2020.

<sup>261</sup> Idem.

<sup>262</sup> Worldometer, [Coronavirus Cases in Belize](#), December 7, 2020.

<sup>263</sup> IMF, [COVID-19 Policy Responses Belize](#), November 20, 2020.

<sup>264</sup> Afar, [Belize Reopens to International Travelers With New Safe Corridor in Place](#), October 2, 2020.





emergency.<sup>265</sup> Faced with this situation, and with a contagion rate of 21%, the new government of John Briceño announced a night curfew for three weeks and stricter quarantine measures to try to face the second wave of infections in the country<sup>266</sup>.

152. The health emergency has been properly handled in the Central Prison of Belize. With the implementation of mandatory measures of hand washing, use of masks, disinfection of surfaces and vehicles, social distancing and review of temperatures for visitors<sup>267</sup>. In addition, the institution is implementing education programs on the coronavirus disease and placing newly admitted people in isolation for 14 days<sup>268</sup>. In December, the prison was finally declared 100 percent COVID-19 free<sup>269</sup>.

## A. Poverty and Human Rights

153. The pandemic hit Belize's economy when the country was already in recession due to the drought and dwindling tourism sector in 2019<sup>270</sup>. Added to the indirect effects on companies in the country due to the restrictive measures necessary to contain the virus, the country is projected to experience an even deeper recession for the rest of the year<sup>271</sup>.
154. Prime Minister John Briceño, newly elected in November, reported that Belize's foreign debt went from 97.7 percent of gross domestic product to 132 percent in 2020<sup>272</sup>, denounced to the previous government of taking out loans uncontrollably and of not having had a real plan to deal with the pandemic<sup>273</sup>.
155. This is despite the fact that, in May, the Caribbean Development Bank granted an emergency loan of 15 million dollars to Belize, estimating that the country's gross domestic product would fall by 5.4% during 2020<sup>274</sup>. Likewise, the Inter-American Development Bank had granted a loan of 6.2 million dollars to the Belizean government in June<sup>275</sup>, while the World Bank provided financial aid of 12.4 million dollars in July for social assistance to the population in conditions of poverty and vulnerability due to the pandemic<sup>276</sup>.
156. The infrastructural destruction caused by hurricanes ETA and IOTA worsened the economic situation of the country and its inhabitants. Five of the six districts experienced large-scale flooding, reaching the point where the water reached the transmission lines and water pumps, elevated to 30 feet and 25 feet, respectively.<sup>277</sup> It was reported that more than 15 percent of the Belizean population was affected by the damage, with a greater impact on the agricultural regions of the country<sup>278</sup>.

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<sup>265</sup> Breaking Belize News. [Dr. Fernando Cuellar: both public and private hospitals are overwhelmed by the COVID-19 pandemic](#). November 26, 2020.

<sup>266</sup> CNW Network. [Belize Announces New COVID-19 Measures Including Nightly Curfew](#). November 27, 2020.

<sup>267</sup> In Public Safety. [Belize Prison Is Dealing Successfully with the Coronavirus](#). September 10, 2020.

<sup>268</sup> Idem.

<sup>269</sup> Amandala. [Belize Central Prison declared COVID-19 free](#). December 12, 2020.

<sup>270</sup> IMF. [COVID-19 Policy Responses Belize](#). November 20, 2020.

<sup>271</sup> Idem.

<sup>272</sup> CNW Network. [New Government of Belize Says the Economy is Far Worse Than Anticipated](#). November 20, 2020.

<sup>273</sup> Idem.

<sup>274</sup> Breaking Belize News. [Caribbean Development Bank to give Belize emergency loan of US \\$ 15 million for COVID-19 pandemic](#). May 19, 2020.

<sup>275</sup> Mena FN. [IDB supports Belize COVID-19 health response](#). June 8, 2020.

<sup>276</sup> Mena FN. [World Bank to assist Belize response to COVID-19 impacts](#). July 17, 2020.

<sup>277</sup> CNW Network. [Belize Seeks Hurricane Eta Relief](#). November 22, 2020.

<sup>278</sup> Idem.





157. In rural communities, the quarantine has halted cross-border trade in beans and corn, leaving many families in an even direr economic situation.<sup>279</sup> Faced with this situation, the Maya Leaders Alliance and the Toledo Alcalde Association bought surplus grains from farmers and distributed it as part of a food program led by the local government<sup>280</sup>.
158. Another challenge for farmers in these communities is that they operate from the informal sector, which is why they have not been able to qualify for the government program for the unemployed.<sup>281</sup> In addition, many people have not been able to receive the food packages distributed by the government because they do not have access to the internet or electricity to apply for these programs online<sup>282</sup>.

## B. Right to health

159. In relation to the guarantee of the right to health, REDESCA takes note of certain related facts. The new Health Minister Michel Chebat denounced that the previous administration of former Prime Minister Dean Barrow left the Health Ministry with a serious lack of human resources, machinery and adequate equipment, as well as a budget reduced by 40 percent.<sup>283</sup> This would have resulted in the lack of preparation of public hospitals to receive the sudden increase in cases at the end of the year, the restriction of hiring and the insufficiency of biosafety equipment for medical personnel.<sup>284</sup> Thus, for example, a contagion of 10 frontline workers was reported<sup>285</sup>.
160. In August, the Karl Heusner Memorial Hospital (KMH) announced that its isolation unit for patients with the coronavirus had reached its capacity limit, for which they had to enable its Accident and Emergency unit for this group of patients<sup>286</sup>.
161. After Dr. Fernando Cuéllar warned that Belizean hospitals were already at the limit of their capacities in November, it was reported that patients began to die on the streets and in hospital parking lots because medical centers were overwhelmed by the large number of COVID-19 patients<sup>287</sup>. Mr. David Jimenez, for example, died in an ambulance parked outside the KMH hospital after experiencing severe COVID-19 symptoms and being denied entry to his ambulance by the hospital<sup>288</sup>.
162. REDESCA observes with concern the case of Ulysease Roca Terry, who would have suffered physical and verbal harassment due to his sexuality, being an HIV patient and dying a few days later due to the failure of his internal organs<sup>289</sup>. According to his relatives, a reliable autopsy was not carried out and they did not receive adequate treatment from the medical examiner who performed the post-mortem and the Belize Police Department<sup>290</sup>.

## C. Labor rights

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<sup>279</sup> Amandala. [Belize's indigenous communities suffering the most during the COVID-19 pandemic](#). August 27, 2020.

<sup>280</sup> Idem.

<sup>281</sup> Idem.

<sup>282</sup> Idem.

<sup>283</sup> Love FM. [Findings at the Ministry of Health](#). November 26, 2020.

<sup>284</sup> Idem.

<sup>285</sup> Breaking Belize News. [Dr. Marvin Manzanero: more front line workers infected with COVID-19](#). August 8, 2020.

<sup>286</sup> Amandala. [KMH's COVID-19 isolation unit full to capacity!](#). August 26, 2020.

<sup>287</sup> Amandala. [Cop dies after 3-hour wait outside KMH](#). December 5, 2020.

<sup>288</sup> Idem.

<sup>289</sup> UNAIDS. [Caribbean community organizations call for decisive action to end homophobic abuse and cyberbullying](#). May 29, 2020.

<sup>290</sup> LoveFM. [LGBT communities demand better for Ulysease Roca](#). April 21, 2020



163. In April, the Belizean government launched the “COVID-19 Unemployment Relief Program” to distribute biweekly checks of \$ 150 for three months to people who lost their jobs as a result of the health emergency.<sup>291</sup> It was reported that just three days after its launch, more than 44,000 people had applied to the program<sup>292</sup>.
164. In July, after 81,000 people applied for the program explained above, Prime Minister Dean Barrow announced the second phase of the program, including the launch of the “Micro-Small-Medium Enterprises (MSME) Program” to provide financial assistance to micro, small and medium-sized companies in the country<sup>293</sup>.
165. In May, the Belize Medical and Dental Association denounced the labor abuse of medical personnel during the pandemic, citing arbitrary transfers of doctors to distant cities and the deplorable conditions and lack of resources that regions like Hopkins' were facing.<sup>294</sup> In July, the same group published a press release in response to the dismissal of specialist medical personnel from the KHHM hospital in times when their services are most needed.<sup>295</sup> The hospital argued that the layoffs were due to a shortage of income from the hospital center<sup>296</sup>
166. In August, the Belize Communication Workers Union and the Belize National Commerce Union Congress publicly rejected the Labor 2020 amendment bill because it would allow companies to reduce their workers' wages if their hours were cut. Due to "exceptional circumstances" such as the health emergency, as well as the permission to send an employee to work suspension without pay under circumstances of "economic concern", without requiring any justification for such suspension<sup>297</sup>. Both unions asked the government to be included in the conversation about this project, as it directly affects their lives<sup>298</sup>.

## D. Education rights

167. Six months after the pandemic began, the 300 elementary schools and 57 colleges around the country began the new academic year remotely in October, with each academic institution responsible for the creation and distribution of educational materials.<sup>299</sup> For its part, the Ministry of Education was in charge of distributing a large amount of school materials donated by organizations and companies around the country.<sup>300</sup> In addition, the Ministry of Education promised to equip 8,000 high school students with electronic equipment to participate in their virtual classes, in the event that they do not have these resources.<sup>301</sup> For students in rural communities with limited access to electricity and the internet, the Minister of Education indicated that they have established consortia with the Digi Company to facilitate internet access and will explore the option of installing solar charging stations or with generators to maintain the charged devices<sup>302</sup>. This is an important

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<sup>291</sup> Breaking Belize News. [Over 44,000 Belizeans apply for COVID-19 unemployment relief program](#). April 6, 2020.

<sup>292</sup> Idem.

<sup>293</sup> Amandala. [Government launches 2nd phase of unemployment relief program and MSME](#). July 4, 2020.

<sup>294</sup> LoveFM. [BDMA condemns ill treatment of Doctors](#). May 12, 2020.

<sup>295</sup> Amandala. [Haad time forces KHHM to let doctors go](#). July 11, 2020.

<sup>296</sup> Idem.

<sup>297</sup> Breaking Belize News. [Government insists it is protecting workers' rights with amendments to Labor Act](#). August 19, 2020.

<sup>298</sup> Breaking Belize News. [Communication Workers Union rejects Labor Amendment Bill 2020](#). August 19, 2020.

<sup>299</sup> Love FM. [Schools to engage in distance learning](#). August 21, 2020.

<sup>300</sup> News 5. [No School to be Left Behind During Reopening](#). July 21, 2020.

<sup>301</sup> Love FM. [Ministry of Education will procure devices to assist students](#). August 27, 2020.

<sup>302</sup> Amandala. [Belize's indigenous communities suffering the most during the COVID-19 pandemic](#). August 29, 2020.



initiative due to the limited access to telephone signal, Internet connection and electricity with which students live in rural and indigenous communities<sup>303</sup>.

168. It also highlights the UNICEF initiative in Belize "In It Together", which consists of television, radio and Facebook programs presented by boys and girls for the learning of other boys and girls, contributed to the continuous learning of students during the confinement in the wake of the pandemic<sup>304</sup>.
169. However, REDESCA observes with concern the impact of the pandemic on the right to education of Guatemalan students who cross the border to Belize to receive their studies, as the Executive Head of the Ministry of Education announced in June that students from Guatemala were not allowed to enter Belizean schools<sup>305</sup> due to fear of contagion in schools<sup>306</sup>.

## **E. Right to a Healthy Environment**

170. REDESCA highlights the environmental and territorial defense that is taking place in Belize. Environmental activists, led by activist Nigel Portillo, protested in June calling for land reform to reclaim ancestral lands in Cotton Tree Village<sup>307</sup> - whose owner died long ago and did not leave any beneficiary<sup>308</sup> - and provide land to Belizean workers to practice agriculture and lift themselves out of poverty<sup>309</sup>. The foregoing in a context where Cotton Tree farmers have been awaiting trial for 6 years before their lawsuit against the Belizean government in 2014, in which it acquired 245 lots from that community to distribute them among eight electoral districts<sup>310</sup>.
171. In October, the social organizations Maya Leaders Alliance, Toledo Alcaldes Association and Julian Cho Society accused the State of Belize of the usurpation of communal lands belonging to the Maya population of the Toledo district after the increased presence of surveyors in their territories.<sup>311</sup> Faced with this situation, they asked the IACHR for precautionary measures for this community and demanded that the Belizean government provide them with a list of concrete and specific steps that they will take to prevent the involvement of economic actors in their ancestral lands.<sup>312</sup> On the other hand, REDESCA recognizes the importance of the agricultural aspect of the post-COVID-19 economic recovery plan in the country, which will seek to guarantee the climatic resilience of the products of local farmers, especially in the context of floods or droughts<sup>313</sup>.

## **6) BOLIVIA**

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<sup>303</sup> Idem.

<sup>304</sup> UNICEF. [In Belize, children take the lead to teach their peers on TV, radio and Facebook](#). August 11, 2020.

<sup>305</sup> Breaking Belize News. [Ministry of Education bars educational services to foreigners and Belizeans living outside Belize](#). June 28, 2020.

<sup>306</sup> Amandala. [GOB ambivalent about Guatemalan students returning for new school year](#). June 13, 2020.

<sup>307</sup> Love FM. [The illegalities of the Cotton Tree land](#). May 18, 2020.

<sup>308</sup> News 5. [Understanding a Need for Land in Cotton Tree](#). May 19, 2020.

<sup>309</sup> Breaking News Belize. ["This is bigger than Cotton Tree." says Nigel Petillo, vows to continue land initiative](#). June 5, 2020.

<sup>310</sup> Love FM. [Farmers in Cotton Tree still awaiting judgment](#). September 15.

<sup>311</sup> Breaking Belize News. [Maya Leaders Alliance and Toledo Alcaldes Association accuse Government of perpetrating "land grabs" in Toledo](#). October 29, 2020.

<sup>312</sup> Idem.

<sup>313</sup> LoveFM. [Help is coming for the Agriculture sector](#). July 31, 2020.



172. At the beginning of December, Bolivia would have a total of 144,708 cases, 8,957 deaths and 121,702 people recovered<sup>314</sup>. With the first case reported on March 10<sup>315</sup>, the State adopted Supreme Decree 4196, determining the health emergency and national quarantine throughout the territory<sup>316</sup>.
173. Similarly, in March the closure of borders, non-essential services, schools and the postponement of the general elections that were initially scheduled for May 3 were ordered.<sup>317</sup> Due to the rebound in cases, especially in July and August, the measures have been extended several times -although with some flexibilizations- and since September 1 it is in a post-confinement stage that would be in force until mid-January 2021<sup>318</sup>. Likewise, regarding the closure of borders, from September 1 you can enter the country, as long as you have a negative test for COVID-19 (although flights from Europe would be restricted until February 15)<sup>319</sup>.
174. REDESCA highlights that the State, despite facing significant economic challenges in light of the socioeconomic impact of the pandemic, has decreed economic measures to support the population, with special emphasis on the elderly, pregnant women, people with disabilities and children and girls in primary school. In this sense, the aid for low-income people in the form of vouchers that would go directly to families (for a total value of between 431 to 500 million dollars) also stand out.<sup>320</sup> Likewise, it takes note of the measures to support companies to pay debts and salaries.
175. According to official figures, as of September 15, 12,799,991 payments for a value of Bs. 5,762,975,250<sup>321</sup> corresponding to the payments of the following programs: dignity income (monthly, universal and life payment for people over 60 years of age<sup>322</sup>); family basket (elderly people with Dignity Income and without other income, some mothers and people with disabilities<sup>323</sup>); family voucher (girls and boys of the initial level, primary and young people of the secondary level<sup>324</sup>) and universal voucher (people over 18 years of age who do not have any economic income or receive any other income from the State<sup>325</sup>).
176. Despite the foregoing, REDESCA notes that these measures have been classified as insufficient by the population given the great economic impact of the health emergency<sup>326</sup>, as well as that the reduction in income has impacted access to adequate food by especially vulnerable sectors, such as people living in poverty, people who work in the informal sector, the peasant and indigenous population, as well as people living in poverty of human mobility. Therefore, this situation produced strong social protests from the beginning of the confinement, in order to demand food or more aid to face the pandemic.<sup>327</sup> Especially noteworthy are the protests in the city of Cochabamba, where the protesters requested an end to the quarantine and where, after lifting blockades in the streets, they were repressed with tear gas by the state security forces<sup>328</sup>.

<sup>314</sup> Worldometer. [Total Coronavirus cases in Bolivia](#), December 1, 2020.

<sup>315</sup> International Monetary Fund, [Policy Tracker](#), December 18, 2020.

<sup>316</sup> Bolivia.com. [Government decrees health emergency and national quarantine to contain COVID-19](#), March 18, 2020

<sup>317</sup> International Monetary Fund, [Policy Tracker](#), December 18, 2020.

<sup>318</sup> Ibid.

<sup>319</sup> International Monetary Fund, [Policy Tracker](#), January 6, 2021

<sup>320</sup> DW, [Bolivia will distribute up to USD 500 million in bonds for COVID-19](#), April 15, 2020

<sup>321</sup> Safe Bolivia, [Bonus Payment](#), September 15

<sup>322</sup> APS, [Income Dignity Requirements](#), October 28, 2020

<sup>323</sup> Page Seven, [The 15 most frequently asked questions about the three government bonds](#), April 20, 2020

<sup>324</sup> Idem.

<sup>325</sup> Idem.

<sup>326</sup> Idem.

<sup>327</sup> The times. [Four regions have conflicts due to lack of food in the quarantine](#), April 1, 2020.

<sup>328</sup> The country, [The repression of a protest against the quarantine increases the tension in Bolivia](#), May 13, 2020; Infobae, [Protests in the Bolivian city of Cochabamba to ease the quarantine](#), May 15, 2020.



177. REDESCA expresses its concern about the limitations of the measures, taking into account the threat that the pandemic represents for the State's resources, and with it, the care of the people who are being left in a situation of economic vulnerability. The foregoing, while ECLAC estimates a GDP contraction of 8%<sup>329</sup> and an increase in poverty of 3.8% (from 32.3% to 36.1%)<sup>330</sup> and extreme poverty of 2.5% (from 14.3% to 16.8%)<sup>331</sup>, to which is added a substantial increase in inequality in income distribution -through the variation of the Gini between 3% and 3.9%<sup>332</sup>-. For this reason, the pandemic could affect food insecurity, housing insecurity, poverty levels, among others.
178. This panorama is even more worrying considering that the deterioration of the political, economic and social context, together with the pandemic, has placed the population in a situation of greater vulnerability in a transversal way, although with greater affectation to some population groups, such as indigenous peoples; women; children and adolescents; population deprived of liberty; people living in poverty and extreme poverty, among others.
179. Therefore, the pandemic has made visible and exacerbated the problems associated with the guarantee of ESCER in the country and REDESCA calls for the maximum use of available resources to guarantee the human rights, especially ESCER, of the population, as well as in the framework of containment measures against the pandemic, specific programs are adopted aimed at addressing the particular poverty situation of households, with an intersectional and differentiated perspective<sup>333</sup>.

## A. Right to health

180. In relation to the right to health in the context of a pandemic, REDESCA emphasizes that its greatest concern has been associated with the growing number of deaths in a scenario in which the saturation of medical centers, funeral homes, crematoriums and agencies has been reported. collection of corpses; the lack of medical supplies and approval of treatments not endorsed by the scientific community and / or the WHO to face the pandemic, together with the neglect of people with other diseases or pathologies.
181. In the first place, the Office of the Special Rapporteur takes note of the deaths that would have resulted from the impossibility of distributing hospital supplies essential for the care of people with respiratory symptoms derived from COVID-19 due to blockages<sup>334</sup>. In this regard, the state efforts to guarantee the distribution of oxygen, including by air, are once again highlighted.<sup>335</sup> However, it also takes note of a previous panorama in which there were complaints of oxygen shortages before these events<sup>336</sup> and an accelerated increase in infections<sup>337</sup>, coupled with the instructions of the Central Obrera Boliviana so that those who blocked the passage on the highways allow the transport of ambulances, medicine and oxygen<sup>338</sup>.
182. Faced with this scenario, in which there was a growing number of infections and an increase in dead people in streets and hospitals due to saturation of the demand for medical services and oxygen

<sup>329</sup> ECLAC, [Preliminary Overview of the Economies of Latin America and the Caribbean](#), December 2020

<sup>330</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>331</sup> Ibid

<sup>332</sup> Ibid.

<sup>333</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>334</sup> IACHR, [IACHR calls on the State of Bolivia to reinforce its efforts to establish a national dialogue and to prevent the escalation of violence in the context of recent demonstrations](#), Press release No. 192/20, August 7, 2020

<sup>335</sup> Idem.

<sup>336</sup> Telesur, [MAS-Ipsp denounces lack of medical oxygen in Bolivia](#), July 23, 2020

<sup>337</sup> BBC News, [Coronavirus in Bolivia | "Babies can die in 20 minutes": the dramatic oxygen crisis amid the coronavirus in the South American country](#), August 8, 2020

<sup>338</sup> IACHR, [IACHR calls on the State of Bolivia to reinforce its efforts to establish a national dialogue and to prevent the escalation of violence in the context of recent demonstrations](#), Press release No. 192/20, August 7, 2020





shortages<sup>339</sup>, in which, as an example, only in Cochabamba 3 out of 10 infected died due to lack of medical care between June and July<sup>340</sup>, REDESCA notes that only until July 31 was the decree promulgated that prioritized the importation of medical liquid oxygen, oxygen cylinders, oxygen concentrators and generators<sup>341</sup>.

183. Faced with these problems in meeting demand, which were experienced even when the cases were low<sup>342</sup>, REDESCA, in turn, expresses its concern about the impact this had on groups in a special situation of vulnerability. Thus, for example, native indigenous peoples such as the Qhara Qhara Nation, Suras Nation, Jach'a Karangas Nation, Killakas Nation, and Guaraní Nation reported lack of state attention to the pandemic in their territories<sup>343</sup>. Likewise, they denounced abandonment without even being provided "an aspirin" in care centers near their territories, which was reported by peoples such as the Qhara Qhara Nation.<sup>344</sup> and the Araona nation<sup>345</sup>.
184. Regarding the growing number of deaths reported in the country associated with the saturation of medical centers, funeral homes, crematoriums and corpse collection agencies, it should be noted that, just three months after the first cases in the country - that is, to June -, and when there were less than 20,000 cases of COVID-19, there were already various reports of people dying in homes<sup>346</sup> and streets, as well as others related to the saturation of medical centers, such as those of Santa Cruz, Beni, Cochabamba and La Paz<sup>347</sup>. From this it is highlighted that some of the people found lifeless had tried to request help and medical attention in various hospitals without any success<sup>348</sup>.
185. As a result of the increase in the number of deaths from COVID-19 or related, the absence of protocols to bury them and the funerary collapse were evidenced, so families would have found it necessary to leave the bodies on the streets<sup>349</sup>, without being able to have the right to mourning in some cases, or if they do, with unjustified delays and to the detriment of their mental health. This is in disregard of the recommendations of the IACHR in the context of the pandemic on the need to guarantee mourning for the relatives of the victims who died from COVID-19
186. In this regard, it is noted that although the guidelines on bereavement and the rights of the relatives of the victims who died from COVID-19 mention that the right to bereavement and mortuary rites could be restricted through the least harmful measures that are suitable. To protect life, health or integrity, and to address the specific circumstances and recommendations of the health authorities based on the scientific evidence available, it was also established that incurring unjustified or unreasonable delays in the delivery of the mortal remains should be avoided.<sup>350</sup>
187. In this sense, the absence of clear protocols and effective guarantee of means that would ensure the delivery of mortal remains promptly to celebrate the mortuary rites and mourn on the part of the next of kin, would have affected the rights of the victims' loved ones. REDESCA observes that within the internal protocols it was specified that once the death was declared, the health services would have to wait to take samples -which took several days-, and later, wait for the results and certificate

<sup>339</sup> The newspaper, [They collected 420 corpses in streets and houses due to lack of hospitals and oxygen](#), July 24, 2020

<sup>340</sup> Opinion, [COVID-19: Three out of 10 died between June and July due to lack of hospitals in Cochabamba](#), October 21, 2020

<sup>341</sup> Lexivox, [Bolivia: Supreme Decree No. 4304, July 31, 2020](#), July 31, 2020

<sup>342</sup> The country, [The quarantine unleashes protests in popular neighborhoods of Bolivia](#), April 2, 2020

<sup>343</sup> Chaski Clandestina, [Pandemic advances on native indigenous peasant peoples. There is no state health care for them](#), July 28, 2020

<sup>344</sup> South Mail, [The Qhara Qhara nation, hit by the pandemic, claims that it did not receive "not even an aspirin"](#), August 14, 2020

<sup>345</sup> Opinion, [COVID: They ask for help for the Araonas, an Amazonian people in danger of extinction](#), August 05, 2020

<sup>346</sup> Infobae, [Corpse of a Bolivian suspected of COVID-19 has been in his house for two days](#), June 30, 2020

<sup>347</sup> Duty, [Six people die in the streets due to the saturation of hospitals](#), June 16, 2020

<sup>348</sup> Ibid

<sup>349</sup> France 24, [Abandoned corpses on the streets of Cochabamba increase](#), Bolivia, July 8, 2020

<sup>350</sup> IACHR, [Human Rights of People with COVID-19](#), Resolution No. 4/2020, July 27, 2020.



- of death, to find out if it was necessary to adopt specific biosecurity protocols for the funeral, in case the person had died from the virus<sup>351</sup>.
188. To this is added that in many cases it was not possible to be certain of the cause of death, even accumulating at one time up to 180 proofs of deceased persons<sup>352</sup>. These delays, although the result of saturation and high demand, resulted in direct impacts on families that were already experiencing great suffering and anguish due to the loss of their loved ones.
189. Likewise, and in relation to the same matter, REDESCA expresses concern about the "disappearance" of corpses of people who have died from Covid 19, and echoes the calls of the Ombudsman's Office to urgently and diligently initiate an investigation that identifies and punishes those responsible for the events of this type that would have occurred in different health facilities in El Alto, Oruro and Cochabamba<sup>353</sup>.
190. Second, and regarding the use of drugs or treatments not endorsed by the scientific community, although it is recognized that the Ministry of Health stated that it would prosecute those who promote the use of chlorine dioxide to face COVID-19 for attacking health<sup>354</sup> and has prohibited its use, for REDESCA the supply of chlorine dioxide for the treatment of patients with COVID-19 by some departmental services (Headquarters) is of great concern, as well as the enactment of laws to approve it. In this regard, at the end of June, the government of the Chuquisaca region stated that patients with COVID-19 were consuming chlorine dioxide with "excellent effectiveness", despite the fact that a national scientific committee had also warned of health damage from the consumption of this, including respiratory failure, blood disorders, low blood pressure, liver failure, anemia, vomiting and diarrhea<sup>355</sup>.
191. Likewise, the director of the Departmental Health Service (Headquarters) of Chuquisaca stated that, in addition, Ivermectin (anti parasite chemical for animals) would begin to be supplied for the treatment of patients with COVID-19. This despite knowing the alerts of the Ministry of Health and the scientific committee, justifying their position that decision-making always involves risks, and that if they are not taken, the population is left without possibilities<sup>356</sup>. These misinformation situations would have generated long lines in the country to acquire the treatment (despite being unauthorized)<sup>357</sup> and high commercialization of this on the black market<sup>358</sup>.
192. The foregoing facts contradict what is established in Resolution 1/2020 of the IACHR, by which it was determined that all measures to guarantee the right to life, health, and personal integrity in the context of the pandemic must be adopted taking into account to the best scientific evidence<sup>359</sup>. In the same way, it would be the recent enactment of the Chlorine Dioxide Law, which although authorizes it under informed consent<sup>360</sup>, ends up legitimizing and promoting its use despite the fact that it is not authorized by the Ministry of Health or endorsed by the WHO or the scientific communities.
193. Finally, another problem that has been identified is the treatment of other diseases or pathologies, against which its attention has been relegated to giving priority attention to suspected cases of

<sup>351</sup> France 24, [Abandoned corpses on the streets of Cochabamba increase](#), Bolivia, July 8, 2020

<sup>352</sup> Ibid

<sup>353</sup> Ombudsman's Office, [Ombudsman's Office ASKS THE PUBLIC OFFICE TO INVESTIGATE THE DISAPPEARANCE OF BODIES OF PEOPLE WHO WOULD HAVE DEATH FROM COVID-19](#), July 30, 2020

<sup>354</sup> The reason, [Health warns with prosecuting promoters of the use of chlorine dioxide against COVID-19](#), July 20, 2020

<sup>355</sup> 24 hours, [Bolivia Region Provides Chlorine Dioxide to COVID-19 Patients "Effectively"](#), June 30, 2020

<sup>356</sup> Idem.

<sup>357</sup> EFE Agency, [Long lines in Bolivia for chlorine dioxide despite being unauthorized](#), July 10, 2020

<sup>358</sup> Page Seven, [A black market for chlorine dioxide explodes on the internet and nobody controls](#), July 13, 2020

<sup>359</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>360</sup> Senate, [President of the ALP promulgates the Chlorine Dioxide Law and the Mandatory Permanence Law](#), October 14, 2020





COVID-19<sup>361</sup>. In this scenario, one of the groups that is of greatest concern are people with cancer, especially women (as they report the highest number of cases) and children and adolescents<sup>362</sup>, who before the pandemic already faced serious challenges in receiving care.

194. Despite their medical preexistence, which increases their risk in the face of the pandemic, cancer patients would not have transportation services (despite the quarantine that restricts public transportation), nor with facilities to access medical care. Likewise, they would have greater problems acquiring their medications<sup>363</sup>. In the case of children and adolescents who have been diagnosed with COVID-19, there would be no specialists to treat them or isolation rooms<sup>364</sup>.
195. Similar difficulties in guaranteeing the right to health are also being experienced by people with HIV / AIDS, who during the confinement measures faced serious obstacles to access retroviral drugs and, afterwards, rationing of some drugs<sup>365</sup>. In this sense, REDESCA recalls that States must ensure equitable distribution and access to health facilities, goods and services without any discrimination, ensuring care for people with COVID-19 and groups disproportionately affected by the pandemic, as well as people with pre-existing diseases that make them especially vulnerable to the virus<sup>366</sup>.

## B. Labor rights

196. Regarding labor rights, the Ombudsman's Office has reported that, as of August, a total of 587 complaints had been filed about violation of labor rights during the pandemic, most of which were filed against state institutions at the central, departmental and municipal levels; decentralized entities, in addition to the private sector and individuals<sup>367</sup>. Added to this was the situation of more than 350 former officials of the Ministry of Culture and Tourism who had been purged, who had not been reinserted into the Ministry of Education (as planned), and because of this, they were without a source of labor income and health insurance<sup>368</sup>.
197. Although in front of some former employees of the former Ministry of Cultures (more than 200) an appeal was granted that obliges the Ministry of Education to cancel pending salaries and accumulated vacations owed by that portfolio from management within a period of 10 days, for REDESCA the violation of the labor rights of these workers is of great concern. Additionally, given the closure of the Ministry of Culture and Tourism - and the consequent setback that this generated for cultural rights-, REDESCA takes note of the recent decision to create the Ministry of Cultures and Decolonization<sup>369</sup>.

## C. Right to education

198. Regarding the right to education, although on August 19 the Court of Justice annulled the resolution by which the school year was closed and gave a period of 10 days to the Ministry of Education to develop a public policy that guarantees education<sup>370</sup>, there is still concern about the guarantee of the right to education of children and adolescents, while the Government faces and has recognized serious challenges to guarantee virtual education to those who are in rural areas and those who live

<sup>361</sup> Duty, [Six people die in the streets due to the saturation of hospitals](#), June 16, 2020

<sup>362</sup> The reason, [There are no doctors for children with cancer infected with COVID-19](#), August 31, 2020

<sup>363</sup> France 24, [Cancer patients face tragedy in Bolivia amid pandemic](#), May 28, 2020

<sup>364</sup> The reason, [There are no doctors for children with cancer infected with COVID-19](#), August 31, 2020

<sup>365</sup> Duty, [The pandemic complicates access to drugs against HIV-AIDS](#), December 1, 2020

<sup>366</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>367</sup> Opinion, [Ombudsman's Office received 587 complaints of violation of labor rights during the pandemic](#), August 17, 2020

<sup>368</sup> Opinion, [Cultures: Government ignores former officials without pay or insurance](#), August 18, 2020

<sup>369</sup> Duty, [The Government creates the Ministry of Cultures and Decolonization and puts Segundina Flores in command](#), November 13,

2021

<sup>382</sup> BBC, [Fires in Latin America: the catastrophe that is affecting a large part of the American continent](#), September 22, 2020



in poverty and extreme poverty<sup>371</sup>, which would lead to the inequality gaps in the country continuing to widen.

199. Meanwhile, in the midst of the implementation of distance programs, a high number of desertions has begun to be observed.<sup>372</sup>, and although it was initially announced that semi-classroom classes would be resumed from the first quarter of 2021 to complement the virtual classes if biosafety conditions allowed it<sup>373</sup>, at the beginning of January the return was ruled out due to the high number of infections in the country<sup>374</sup>. For this reason, REDESCA calls for all necessary and effective measures to be taken so that children and adolescents at the national level can access an education with the stimuli that their age and level of development require, as recommended by the IACHR to the States in the pandemic frame<sup>375</sup>. To this end, an intersectional and differentiated approach is required that considers the particularities of children and adolescents living in poverty and extreme poverty, as well as those who are in rural and remote areas.

## D. Right to a Healthy Environment

200. REDESCA notes that, despite the concerns expressed by specialists and indigenous communities regarding the impact on biodiversity and human health of transgenic crops<sup>376</sup> On May 7, the Government issued - in the midst of a pandemic and without a broad debate - a decree instructing the National Biodiversity Committee to review the authorization of some types of transgenic crops to be introduced into the country within a period of 10 days -through an abbreviated process-<sup>377</sup>. However, after several complaints from civil society organizations, the review period was increased to 40 days<sup>378</sup>. Despite the social rejection of various sectors, in October the first constitutional chamber of the Departmental Court of Justice in Santa Cruz rejected a popular action appeal that called for the suspension of the decree<sup>379</sup>.
201. Likewise, REDESCA expresses its dismay at the wave of forest fires in the country, which have profound repercussions on the enjoyment and enjoyment of the rights to a healthy environment, health, housing, food, among other ESCER of the population, and especially the indigenous peoples and peasant communities. In this regard, it is specified that more than four million hectares were burned in 2020<sup>380</sup> and that three of the main ecosystems were affected: the Chaco, the Chiquitanía and the Pantanal<sup>381</sup> -the largest wetland in the world, shared with Paraguay and Brazil (approximately 60% is Brazilian territory) -<sup>382</sup>. Therefore, REDESCA urges the State to adopt the necessary measures to mitigate the effects caused by forest fires, which also includes implementing long-term solutions to guarantee their reduction in the region.

<sup>371</sup> Ministry of Education, Sports and Cultures, [Government announces the closure of the 2020 educational management](#), August 2, 2020

<sup>372</sup> Eju, [More than 20% of students dropped out of complementary education in Chuquisaca](#), October 31, 2020

<sup>373</sup> Duty, [Minister of Education anticipates blended classes from the first quarter of 2021](#), November 17, 2020

<sup>374</sup> Infobae, [Bolivia rules out face-to-face classes at the beginning of the school year](#), January 8, 2021

<sup>375</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. 64, April 10, 2020

<sup>376</sup> Mongabay, [Bolivia: decree opens the doors to transgenic seeds for five crops](#), May 27, 2020; Telesur, [Bolivia's de facto government criticized for transgenic crops](#), May 9, 2020

<sup>377</sup> Ombudsman's Office. [Ombudsman's Office observes Decree 4232 that gives free rein to transgenics and is contrary to the Constitution and the right to food security](#). May 10, 2020.

<sup>378</sup> Senate Chamber. [Decree that allows the use of GMOs protects business interests and not people's health](#). May 11, 2020.

<sup>379</sup> Poultry industry, [Bolivia confirms its transition to transgenic crops](#), October 1, 2020

<sup>380</sup> Mongabay, [Bolivia's environmental debts in 2020: forest fires, an intense drought and the election of a new president](#), January 6, 2021

<sup>381</sup> Mongabay, [Bolivia's environmental debts in 2020: forest fires, an intense drought and the election of a new president](#), January 6,

2021

<sup>382</sup> BBC, [Fires in Latin America: the catastrophe that is affecting a large part of the American continent](#), September 22, 2020



## 7) BRAZIL

202. Regarding the situation in Brazil, REDESCA expresses its deep concern, as the country has become one of the largest sources of COVID-19 infections in the region, being surpassed only by the United States. Brazil represents 3% of the world's population, however, they account for approximately 14% of infections<sup>383</sup>. By January 9, 2021, Brazil registered 8, 075, 998 accumulated cases, with around 202, 631 thousand people died.<sup>384</sup> Although some regions of Brazil are in the economic reopening phase, other localities are still under strict sanitary measures<sup>385</sup>. Borders and airports are closed, there are only exceptions for residents, professionals from international organizations, Brazilians and commercial cargo<sup>386</sup>.
203. After the declaration of a State of Calamity in the Brazilian State, it chose to issue various provisions<sup>387</sup>. Among the main measures taken is the closure of borders, the limitation of free transit on highways, sea and air ports, both inbound and outbound, including interstate and interurban transport.<sup>388</sup> On the other hand, tenders for the acquisition of goods and services by the Presidency of the Republic were eliminated<sup>389</sup>. Likewise, quarantines and blocks were applied in a coercive manner and face-to-face classes were suspended nationwide<sup>390</sup>.
204. However, the context in which the vulnerable populations find themselves is worrying, since socioeconomic inequality has worsened due to the effects of the pandemic. In this sense, it stands out that in Brazil the Afro-descendant population dies from COVID 40% more than the Caucasian population<sup>391</sup>. On the other hand, in the city of Manaus in Brazil since April, the number of burials in public cemeteries has multiplied by four, going from a daily average of 30 to 120<sup>392</sup>. As a consequence and in response to the saturation of the morgues, mass burials took place in thousands of graves dug as an emergency measure.<sup>393</sup> In this sense, REDESCA highlights the importance of adopting strategies that take into account the differentiated effects of groups in vulnerable situations, guaranteeing access to health and the necessary means of subsistence without any discrimination.<sup>394</sup>.
205. Parallel to this, the documentation of alleged cases of corruption linked to the purchase of sanitary materials is of great concern to REDESCA. Such is the case of the registration of the personal home of the governor of Rio de Janeiro in Brazil for alleged irregularities in the purchase of field hospitals<sup>395</sup> or the diversion of 12 million dollars in the processing of PCR test awards<sup>396</sup>. In view of this, REDESCA urges the State to ensure the existence of mechanisms of accountability and access to justice in the event of possible effects on the human rights of people due to acts of corruption<sup>397</sup>.

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<sup>383</sup> World O Meter. [Brazil](#). July 27, 2020. Amnistía Internacional Brazil. [We are about 3% of the world population, but we concentrate 14% two deaths from COVID-19](#). August 8, 2020.

<sup>384</sup> Ministry of Health of Brazil, [COVID-19 No Brazil](#), as of January 9, 2021

<sup>385</sup> International Monetary Fund. [Policy Tracker](#). July 24, 2020.

<sup>386</sup> Idem.

<sup>387</sup> The country. [Brazil declares itself in a state of calamity after confirming its first death from coronavirus](#). March 18, 2020.

<sup>388</sup> National Congress. [Provisional Measure No. 926, 2020](#). February 6, 2020.

<sup>389</sup> Idem.

<sup>390</sup> Idem.

<sup>391</sup> CNN. [Morrem 40% more black than white due to coronavirus in Brazil](#). June 5, 2020.

<sup>392</sup> Infobae. [The coronavirus plunged Manaus into chaos: "We were not prepared for this."](#) May 8, 2020.

<sup>393</sup> Or Globe. [With coronavirus hair collapse, Manausenterra 1,249 in two weeks and still fears lack of caixões](#). April 25, 2020.

<sup>394</sup> Inter-American Commission on Human Rights. [Human Rights of people with COVID-19: Resolution 4/2020](#). July 27, 2020.

<sup>395</sup> DW. [Police register residence of the governor of Rio de Janeiro](#). May 26, 2020.

<sup>396</sup> Infobae. [The Police arrested the leadership of the Brasilia Health area for fraud in the middle of the coronavirus pandemic](#). August 25, 2020.

<sup>397</sup> Inter-American Commission on Human Rights. [Pandemic and Human Rights in the Americas: Resolution 1/2020](#). April 10, 2020.



## A. Poverty and Human Rights

206. According to the State, in accordance with the National Survey of Household Samples (PNAD) COVID-19, published by the Brazilian Institute of Geography and Statistics (IBGE), Emergency Aid reached 29 million Brazilian households in October, or the 42.2% of the total. The index remained the same level, even with the new eligibility criteria for the extension of Emergency Assistance.<sup>398</sup> This measure was approved by the Brazilian Senate in March 2020, through which a delivery of 600 reais (\$ 115) was made to low-income families for 3 months.<sup>399</sup> On the other hand, in the case of a single-parent household whose head of household is a woman, they will receive 1,200 reais instead.<sup>400</sup> In total, according to information provided by the State, the federal government has invested more than R \$ 230 billion and they were essential for the most vulnerable population to go through the most acute moments of the pandemic<sup>401</sup>
207. Similarly, REDESCA received information from the State regarding actions taken by the Ministry of Women, Family and Human Rights, in particular regarding the street population. In this regard, the State indicated that it has been carrying out coordination activities with the National Movement of Street Boys and Girls (MNMMR), the National Movement of the Street Population (MNPR), the Pastoral of Street People and also religious entities of different creeds. In addition, there has been dialogue with the National Human Rights Council (CNDH), the Ombudsman's Office (DPU) and the Federal Public Ministry (MPF). The objective of these meetings was mainly to mitigate the contagion and transmission of COVID-19<sup>402</sup>.
208. However, despite the measures adopted by the federal government and local entities, due to the growing and more intense unemployment due to the economic slowdown in the short and medium term; you will see an increase in the number of people living in this situation. Along these lines, according to a study released by the Brazilian Applied Economics Research Institute (IPEA), indicates that as the pandemic progresses, these people face more difficulties in accessing hygiene, water and shelter. In this sense, there is a need to urgently seek alternatives for the temporary increase in reception capacity, such as the use of schools and hotels, which are currently inactive and can adapt quickly<sup>403</sup>
209. The economic situation is worrisome, especially of groups in vulnerable situations. In this regard, REDESCA emphasizes the historical discrimination suffered by indigenous peoples, which has as a consequence, for example, that 43% of the indigenous population of Brazil is in a situation of moderate poverty, compared to 21% of the non-indigenous population, which translates into structural deficiencies in basic services based on discrimination and inequality, which in the context of the pandemic seriously affect their right to health, their right to life and even their cultural survival<sup>404</sup>.
210. In the same sense, the Office of the Special Rapporteur has special consideration regarding the communities of "quilombolas" Afro-descendants. In particular, REDESCA expresses its concern about

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<sup>398</sup> Latin American and Caribbean Economic System, [COVID-19: Summary of the main measures, actions and policies implemented by the Member States of SELA](#), December 9, 2020

<sup>399</sup> The country, [The Senate of Brazil approves a basic income for the poorest due to the coronavirus crisis](#), March 31, 2020

<sup>400</sup> ECLAC, [The social challenge in times of COVID-19](#), May 12, 2020, p. 10

<sup>401</sup> Latin American and Caribbean Economic System, [COVID-19: Summary of the main measures, actions and policies implemented by the Member States of SELA](#), December 9, 2020

<sup>402</sup> The country, [The Senate of Brazil approves a basic income for the poorest due to the coronavirus crisis](#)

<sup>403</sup> Permanent Mission of Brazil to the OAS, Note No. 117: Response to Letter Art. 41 on measures taken against COVID-19, June 5, 2020

<sup>404</sup> IPEA, [População em situação de rua cresce e fica more exposed to COVID-19](#), June 12, 2020

<sup>404</sup> IACHR, [The IACHR warns about the special vulnerability of indigenous peoples to the COVID-19 pandemic and calls on the States to take specific measures consistent with their culture and respect for their territories](#), May 6, 2020.



the situation of the Rio community before the National Coordination of Black Rural Communities Quilombolas in Maria Joaquina, they assure a lack of health care from the State<sup>405</sup>. Given this, the same civil associations are those that must provide care to people. It is important to highlight that a large part of the people who inhabit these communities were unemployed since they are engaged in domestic employment or some informal work. In this sense, REDESCA recommends that the State adopt strategies that contemplate the differentiated impact of groups in vulnerable situations, guaranteeing sufficient economic, material and hygiene means to preserve the well-being of people without any discrimination<sup>406</sup>.

211. Parallel to the above, REDESCA notes with concern the lack of attention to the areas with the highest poverty rates in the country, especially in the face of the pandemic. Vila de Barca, for example, has more than 7,000 people who live in precarious situations, where there is a shortage of drinking water, electricity, sewage and garbage is abundant in the environment.<sup>407</sup> Likewise, this community faces problems of health, housing and a healthy environment, since among the greatest concerns is the concentration of people with addictions and without housing. In the same sense, the Tapanã neighborhood, belonging to an indigenous community near Belém, is found between garbage and sewage water and its population suffers from malnutrition and health problems<sup>408</sup>. On the one hand, REDESCA reminds the State of its responsibility to guarantee the right to decent housing, water and sanitation, adequate food and health. On the other hand, it is recommended that the Brazilian government adopt sufficient and adequate measures to guarantee the health and protection of people in the framework of the pandemic, considering the housing, labor, economic, educational and health complexities that may arise in such context<sup>409</sup>.

## B. Right to health

212. Regarding the guarantee of the Right to Health, REDESCA learned that the executive made accusations to his political opponents, as well as to the media, of deceiving citizens about the risks of the coronavirus<sup>410</sup>. In addition to this, efforts were made to minimize the global health crisis, characterizing it as "a little flu", and that it was a campaign against the head of state in order to overthrow him<sup>411</sup>. There was even information that a live broadcast was carried out on the social networks of the President of the Republic, where he exhorted the population to enter the hospitals and carry out campaigns to find out if the beds are really being occupied by patients with COVID - 19<sup>412</sup>. It should be noted that on July 7, the president contracted COVID-19<sup>413</sup> and promoted chloroquine as a cure against the virus even when the WHO stated otherwise<sup>414</sup>.
213. In the same sense, REDESCA is concerned about the lack of coordination of some statements by public authorities, especially with respect to the central government.<sup>415</sup> In this sense, there was a confrontation between the statements made by the Executive and its actions, compared to the activities carried out by local or state authorities to contain the transmission of COVID<sup>416</sup>. These actions affected the capacity and made difficult the work of the States in the face of the pandemic,

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<sup>405</sup> AP News. [Coronavirus aggravates hardships of Brazilian "quilombos"](#). July 20, 2020.

<sup>406</sup> IACHR. Resolution 1/2020. Op cit.

<sup>407</sup> Brazil of Fato. [How the inhabitants of one of the largest slums in Brazil live](#). July 19, 2020.

<sup>408</sup> Brazil of Fato. [We do not want to be exploited or marginalized: the Warao indigenous people ask for autonomy](#). August 27, 2020.

<sup>409</sup> IACHR. Resolution 1/2020. Op cit.

<sup>410</sup> The Guardian. [Brazil's Jair Bolsonaro says coronavirus crisis is a media trick](#). March 23, 2020.

<sup>411</sup> Idem.

<sup>412</sup> State of Minas. [Bolsonaro recommends the 'invasion' of public hospitals: 'Find a way to enter and film'](#). June 11, 2020.

<sup>413</sup> International Monetary Fund. [Policy Tracker](#). July 24, 2020.

<sup>414</sup> Infobae. [Jair Bolsonaro promotes a 'cure' that has not been proven as the pandemic intensifies in his country](#). June 15, 2020.

<sup>415</sup> HRW. [Brazil: Bolsonaro traps police forces anti-COVID-19](#). April 10, 2020.

<sup>416</sup> Brazil of Fato. [Mayors fight against Bolsonaro's speech to achieve good results against COVID](#). August 9, 2020.





against which the REDESCA endorses the call of the WHO a "firm national and subnational coordination"<sup>417</sup>. In addition, there have also been statements and public actions that deny or minimize the effects of the pandemic. In this regard, facts should be highlighted<sup>418</sup> in which the President of the Republic celebrated and participated in demonstrations and social gatherings, directly greeting older people and taking photographs<sup>419</sup>, contrary to what is indicated by the country's own Ministry of Health<sup>420</sup>.

214. On the other hand, REDESCA obtained information on the lack of transparency in reference to the information on the pandemic. The media and the Public Defender itself denounced the omission and delay of data on people infected and deceased by COVID-19 by the Ministry of Health<sup>421</sup>, a situation that was investigated by the Attorney General's Office<sup>422</sup> and it resulted in a ruling of the Supreme Court where it orders the corresponding authorities to reestablish in an ordinary and constant way the epidemiological data of the territory<sup>423</sup>. Likewise, it was announced that, for the month of November, the Sao Paulo hospitals provided inaccurate data on intensive care beds in relation to availability and occupancy.<sup>424</sup> In this sense, REDESCA recommends that the State establish a transparent strategy that accurately provides the data relevant to the pandemic, guaranteeing such right to citizenship without any discrimination.<sup>425</sup> In a particular way, REDESCA reiterates that in accordance with the provisions of Resolution 1/2020, States are obliged to observe special care in the pronouncements and statements of public officials with high responsibilities regarding the evolution of the pandemic. . In the current circumstances, it is a duty for state authorities to inform the population, and when deciding on the matter, they must act diligently and have a reasonable scientific basis<sup>426</sup>
215. In a similar sense, the situation of indigenous people stands out, because even when the Special Secretariat for Indigenous Health of the Ministry of Health recorded 10,517 infections and 216 deaths, the Articulation recorded 14,700 infections and 501 deaths only until the month of July<sup>427</sup>. It should be noted that the same association denounced the Empresa Brasil de Comunicacao for censoring the information provided by and about indigenous peoples in the context of the pandemic<sup>428</sup>. REDESCA urges the State of Brazil to take into account the differentiated impact of said group in a vulnerable situation, providing adequate information on the pandemic, with transparent data and effective monitoring that reproduces the reality in the framework of the pandemic<sup>429</sup>.

<sup>417</sup> WHO. Update of the strategy against COVID-19. April 14, 2020. P.7.

<sup>418</sup> Infobae. Bolsonaro encourages supporters in marches amid political upheaval over pandemic in Brazil. May 24, 2020.

<sup>419</sup> Reuters. Brazil president takes selfies, cheers demonstrators despite virus warnings. March 15, 2020.

Folha de Sao Paulo. Após Mandetta defending isolation, Bolsonaro turned for trade in Brasília. March 29, 2020.

<sup>420</sup> Brazilian Ministry of Health. Ministry of Health declares national transmission of the community. March 20, 2020.

<sup>421</sup> Or Globe. Defensoria da União pedena Justiça that the Ministry of Health fully discloses information about coronavirus até 19h. June 6, 2020.

DW. Controversy due to omission of COVID-19 data in Brazil. June 7, 2020.

UOL News. Mandetta says he hid pessimistic projections of the pandemic: "It didn't help". July 7, 2020.

<sup>422</sup> Or Globe. Órgão da PGR opens investigation on exclusion of data on COVID-19 on the platform of the Ministry of Health. June 6, 2020.

<sup>423</sup> Reuters. Brazil restores data on COVID-19 after Supreme Court decision. June 9, 2020.

<sup>424</sup> UOL. COVID: São Paulo hospitals have inaccurate data on bed occupancy. November 28, 2020.

<sup>425</sup> IACHR. Resolution 1/2020.: Pandemic and Human Rights in the Americas, April 10, 2020

<sup>426</sup> IACHR. Resolution 1/2020.: Pandemic and Human Rights in the Americas, April 10, 2020, Recommendation 34

<sup>427</sup> G1. Entities point to the 'genocide' of indigenous people by coronavirus: secretary questions and criticizes the use of the flat. July 15, 2020.

<sup>428</sup> Brazil of Fato. Indigenous people denounce censorship in EBC journalism during pandemic. July 15, 2020.

<sup>429</sup> IACHR. Resolution 1/2020. Op cit.





216. REDESCA observes with concern the situation of health centers, since, since April, for example the João Lúcio Pereira Machado State Hospital<sup>430</sup> or Hospital 28<sup>431</sup> August collapsed, causing a lack of medical care or that patients had to be treated on the floor of hospital centers. In addition to this, collapses were found in Amazonas, Pará, Ceará, Pernambuco, Maranhao and Rio de Janeiro<sup>432</sup>. The insufficiency of the health system is also reproduced with respect to the supply of inputs such as protection material, medicines, PCR tests, among others. Faced with such a situation, the more than 17 thousand complaints about said situation are worrying<sup>433</sup>. In this sense, two UN human rights experts, on External Debt and the Special Rapporteur on extreme poverty, urged the Government of Brazil to drastically modify its austerity policy with which it plans to combat COVID-19.
217. Likewise, it is worrisome that only 10% of Brazilian municipalities have intensive care beds and the single health system does not have even half of the hospital beds that the WHO recommends.<sup>434</sup>. Parallel to the above, it is worrisome that for the first time in the century the State did not reach any goal regarding childhood vaccines, completing only 61% against the expected 95%<sup>435</sup>. In this sense, REDESCA recommends that the Brazilian government ensure the distribution, availability and timely provision of sufficient quantities of biosafety material, supplies and essential medical supplements for use by health personnel, as well as health facilities, emphasizing that the scarcity of resources does not justify acts of discrimination<sup>436</sup>.
218. For the month of June alone, a study found at least 7,000 coronavirus infections and 332 deaths affecting at least 110 indigenous communities<sup>437</sup> and 38 different towns<sup>438</sup>. It is necessary to take into account its historical vulnerability to diseases, since its mortality rate with respect to COVID-19 is almost 250% higher than that of the general population<sup>439</sup>. Parallel to the above, there are approximately 30,000 indigenous people living in the capital of the Brazilian state of Amazonas<sup>440</sup>. Taking this into consideration, the vast majority of indigenous communities lack support from the government, which has led to demonstrations and traffic blockades.<sup>441</sup>. This forces them to travel long distances and expose themselves to various health and safety risks if they wish to go to a health center. Likewise, it is highlighted the fact that the health minister had promised to develop a “campaign hospital” for indigenous people, however, it was carried out just months after the communities were infected.<sup>442</sup>. In addition to this, there have been complaints of discrimination, racism and intentional homicide in health centers<sup>443</sup>.
219. Likewise, REDESCA expresses its concern about the lack of support for the efforts made by the authorities of the indigenous peoples, since FUNAI only managed to distribute 82,000 basic food kits and 43,000 hygiene kits, which do not confirm the consideration of their culture and traditions to

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<sup>430</sup> Or Globe. [Collapse of the health system of the hospital](#). May 1, 2020.

<sup>431</sup> O Globo - TIME. [A portrait of the hospital collapse in Manaus during a pandemic](#). April 24, 2020.

<sup>432</sup> Infobae. [Six states of Brazil already suffer a collapse of their intensive care units due to the coronavirus](#). May 8, 2020.

Abc News. [Brazil threatens to become COVID-19 hotspot with health system on verge of collapse](#). April 25, 2020.

BBC News. [Coronavirus: Hospitals in Brazil's São Paulo 'nearcollapse'](#). May 18, 2020.

<sup>433</sup> Globe Business. [COVID-19: doctors report lack of supplies and equipment](#). May 17, 2020.

<sup>434</sup> OHCHR. [COVID-19: Irresponsible economic and social policies in Brazil put millions of lives at risk, say UN experts](#). April 29, 2020.

<sup>435</sup> Folha. [For the first time in the century, Brazil does not reach a goal for any of the main childhood vaccines](#). September 7, 2020.

UOL. [Children's vaccination plummets in pandemic and back-to-school concern](#). September 21, 2020.

<sup>436</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020

<sup>437</sup> The Guardian. ['We are facing extermination': Brazil losing a generation of indigenous leaders to COVID-19](#). June 21, 2020.

<sup>438</sup> Aljazeera. [Brazil: Coronavirus pandemic reaches dozens of Indigenous groups](#). May 16, 2020.

<sup>439</sup> Reuters. [Indigenous land intrusions help drive higher virus death toll in the Amazon](#). August 14, 2020.

<sup>440</sup> AP News. [Indigenous people in Manaus are unprotected in the face of the pandemic](#). June 10, 2020.

<sup>441</sup> Status. ["Indigenous people block the Amazon route in Pará and demand help against the pandemic."](#) August 17, 2020.

<sup>442</sup> Fola from S. Paulo. [After months of pandemic, the indigenous peoples of SP report on the abandonment of health and new routines in the villages](#). August 10, 2020.

<sup>443</sup> Brazil of Fato. [MPF denounces Samu coordinators for the death of an indigenous person who was denied help](#). July 22, 2020.



adapt them to their needs<sup>444</sup>. Similarly, despite the passing of a law in July to protect indigenous peoples, the President vetoed certain items that guaranteed the provision of drinking water, free distribution of sanitary supplies, internet access, food, hospital beds, intensive care, among others<sup>445</sup>. In this sense, REDESCA urges the State to adopt strategies within the framework of the pandemic that take into account the intercultural context, increasing measures to protect the human rights of indigenous peoples, as well as care and access to health services, among other means necessary for their subsistence<sup>446</sup>.

220. The lack of care and support is also reproduced in prisons, since there is information that 32% of the states do not publish information on COVID-19 in the population deprived of liberty<sup>447</sup>. In Minas Gerais the contagion of at least 75% of the population of persons deprived of liberty was recorded<sup>448</sup>. Information was released that no preventive PCR tests were carried out, but rather massive tests were carried out just 5 weeks after the first outbreak. In the same sense, of the 56 prison workers, 43 were examined and 13 were positive, of which 9 were dismissed from their position. In this sense, REDESCA reaffirms the need to adapt the detention conditions of persons deprived of liberty, especially with regard to food, health, sanitation and quarantine measures to prevent COVID-19 infections<sup>449</sup>.

## C. Right to housing

221. REDESCA recognizes the efforts of the State of Brazil in ordering the prohibition of evictions, as well as the increase in rental income during the health emergency<sup>450</sup>. In a similar vein, it was learned that the Rio de Janeiro mayor's office fitted out the facilities of the Sambódromo da Marquês de Sapucaí to accommodate more than 140 homeless people<sup>451</sup>. However, there have been reports of shelters for human rights abuses, food in poor condition, lack of medical care and even police brutality<sup>452</sup>.
222. REDESCA is concerned about the actions of government authorities and police forces, for example, in the Quilombo Campo Grande Camp, where, since the end of July, house raids have been reported without court orders<sup>453</sup>. Even with the suspension of eviction issued by the governor<sup>454</sup> the armed forces chose to evict 450 families using tear gas and attacks, where even their belongings (including houses and crops) were destroyed<sup>455</sup>. Similarly, 28 families were forcibly evicted in the community of Cajueiro, where arbitrariness and lack of rule of law are denounced in the judicial process.<sup>456</sup> Likewise, more than 50 LGBTI + people have been evicted from a building in Copacabana where they had resided for more than 10 years<sup>457</sup>, more than 1,300 families have been evicted in Sao Paulo

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<sup>444</sup>The Guardian. ['We are facing extermination': Brazil losing a generation of indigenous leaders to COVID-19](#). June 21, 2020.

<sup>445</sup>G1. [Bolsonaro sanctions, with vetoes, a project that provides measures to try to protect indigenous peoples](#). July 8, 2020.

Power 360. [Organizations explain complaint for state violations of the right to information](#). July 22, 2020.

<sup>446</sup>IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020

<sup>447</sup>Brazil of Fato. [With almost 887,000 prisoners, Brazil does not know the magnitude of COVID-19 in prisons](#). October 14, 2020.

<sup>448</sup>The Intercept Brazil. [Zema and the chronicle of an announced outbreak: the negligence of the government infected an entire prison with coronavirus](#). July 27, 2020.

<sup>449</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>450</sup>Or Globe. [Coronavirus: Senate approves bill that prohibits tenant clearance during pandemic](#). April 3, 2020.

<sup>451</sup>Or Globe. [Coronavirus: 140 weeks will be sheltered in the Sambadrome from this second, dizprefeitura](#). March 30, 2020.

<sup>452</sup>Brazil of Fato. ["The Warao Indians suffer poor living conditions in the Belém public shelter"](#). August 26, 2020.

<sup>453</sup>MST. [The police act brutally during the eviction at Camp Quilombo Campo Grande](#). August 12, 2020.

<sup>454</sup>Brazil of Fato. [After pressure, the governor suspends the eviction of the MST camp in Minas Gerais](#). August 12, 2020.

<sup>455</sup>Brazil of Fato. [After 60 hours of resistance, MST families are violently evicted in MG](#). August 14, 2020.

<sup>456</sup>Brazil of Fato. [PM acts violently in eviction for construction of megaport in Cajueiro \(MA\)](#). August 12, 2020.

<sup>457</sup>Brazil of Fato. [In Rio de Janeiro, LGBT shelters at risk face eviction amid pandemic](#). August 24, 2020.



between April and June<sup>458</sup> and even around 850 Venezuelan and indigenous migrants from the Kaúbanoko community<sup>459</sup>. This has led to families moving to abandoned homes and buildings, where up to 30 families have been found in the same home<sup>460</sup>.

223. In a similar vein, the UN special rapporteur for the right to housing criticized the Brazilian state for the massive eviction of residents during the pandemic despite its ban<sup>461</sup>. In the case of thousands of people who have not been able to pay the rent for their home, they have been evicted without taking into account the theory of unpredictability and the fortuitous event equivalent to the pandemic<sup>462</sup>. Taking the foregoing into consideration, it is of the utmost importance that the State guarantees the enjoyment of people's human rights, considering their particular context and adopting measures to ensure adequate housing and access to health, food, water and sanitation, among other means necessary to survive in the context of the pandemic<sup>463</sup>.
224. On the other hand, it is known that more than 18 million people lack access to running water<sup>464</sup>. The State Public Defender<sup>465</sup> of Rio de Janeiro warned about the increase in complaints about the lack of water in the favelas of the State and exposed the need to adopt emergency measures in the face of the pandemic<sup>466</sup>. In this sense, REDESCA recalls the importance of access to water to guarantee essential hygienic measures to prevent the further spread of COVID-19, together with its already basic need for survival.
225. Parallel to the above, during almost the entire month of November there were a series of blackouts in the state of Amapá<sup>467</sup>. Affecting 14 of the 16 municipalities in the region, some areas remained for up to eighty continuous hours without electricity due to the fire of an electrical transformer, however, the problem persisted for more than two weeks<sup>468</sup>. Given this, a state of public calamity was declared by the regional development ministry<sup>469</sup>. It is necessary to remind the State of the importance of having electricity, especially within the framework of the pandemic, since a large part of the activities (including education and jobs) are carried out using digital media that require this resource.

## D. Labor rights

226. With regard to the protection of formal and informal workers, REDESCA recognizes the measures adopted for their care. Regarding formal workers, on the other hand, the procedures for notifying the worker about the change in the work modality were simplified, as well as establishing the obligation of the employer to supply the necessary equipment and infrastructure and defray the additional expenses<sup>470</sup>. On the other hand, the authorities approved a new subsidy aimed at informal workers, self-employed workers, as well as unemployed people for three months<sup>471</sup>.

<sup>458</sup> Brazil of Fato. [They treat us like worms, says a resident of a community threatened with eviction in SP](#). September 2, 2020.

<sup>459</sup> Brazil of Fato. [Operation praised by Bolsonaro at the UN evicts Venezuelans in Boa Vista \(RR\)](#). October 4, 2020.

<sup>460</sup> Folha de S. Paulo. [With no income or housing, families invade abandoned properties in downtown Rio](#). August 20, 2020.

<sup>461</sup> UOL News. [The UN criticizes the "inconsistency" of the Brazilian government for failing to prevent evictions amid a pandemic](#). July 10, 2020.

<sup>462</sup> Idem.

<sup>463</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 2020.

<sup>464</sup> Or Globe. [About 18.4 million Brazilians nao recebem agua encanada daily at IBGE](#). May 6, 2020.

<sup>465</sup> Brazil of Fato. [Favelas do Rio sofrem com falta d'água e população fica mais vulnerável a coronavírus](#). March 23, 2020.

<sup>466</sup> Public Defender of the State of Rio de Janeiro. [Ombudsman receives 475 complaints of lack of water in Rio](#). March 24, 2020.

<sup>467</sup> Infobae. [Brazil decrees a state of public calamity in the Amazon due to an electrical blackout](#). November 23, 2020.

<sup>468</sup> Reuters. [After two weeks of blackout, Bolsonaro will go to Amapá on Saturday](#). November 19, 2020.

<sup>469</sup> Idem.

<sup>470</sup> Trabalho e Previdência Ministry. [The Government accelerates the processing of non-public service processes to favor teleworking](#). March 31, 2020.

General Secretariat of the Presidency of the Republic. [Provisional Measure No. 927](#). March 22, 2020.

<sup>471</sup> Ministry of Citizenship. [Senate approves R \\$ 600 for informal workers and self-employed](#). April 30, 2020.



227. However, REDESCA learned of a decree issued by the President authorizing employers to suspend labor relations for up to four months. Despite this, after receiving several criticisms from different actors, this decree was repealed almost immediately.<sup>472</sup> Similarly, the President vetoed Bill 735, where emergency support for agricultural workers was revoked and the price of cereals was increased.<sup>473</sup> REDESCA urges Brazil to respect the rights of workers, seeking ad hoc measures so that they can have the necessary means for their dignified subsistence<sup>474</sup>.
228. By October 1, Brazilian state and local governments accounted for 30% of the more than 230 labor complaints filed during the pandemic<sup>475</sup>. In this sense, information on the possible violation of ILO conventions number 98, 144, 154 and 155 has been obtained from various unions, including the health sector.<sup>476</sup> One of the issues that stand out is provisional measure No. 927, which establishes COVID-19 as a non-occupational disease, leaving thousands of workers unprotected<sup>477</sup>. REDESCA states that people must be protected against unjustified dismissal as a guarantee of job stability, also affirming the need to include sick leave related to COVID-19<sup>478</sup>.
229. Parallel to the above, for the month of May the unemployment rate stood at 12.9%<sup>479</sup>, only between the month of February and April there were 4.9 million unemployed, of which 727,000 were from domestic service<sup>480</sup>. It is worrying that 80% of them are in the informal sector and this leads them to extreme vulnerability to crises such as the current one, which intersects a pandemic and an economic crisis<sup>481</sup>. In the same sense, it is worrying that the 78 thousand jobs generated in the first half of the year were for children under 17 years of age, which implies the rise in child labor at a rate of 21%, resulting in greater risks of human rights violations<sup>482</sup>. Derived from the foregoing, the Rapporteurship recalls that, according to the applicable inter-American regulations, the right to stable, dignified work in equitable and satisfactory conditions, regardless of the formality or sector of work, every worker has the right to security social, as well as adequate working conditions and decent wages.
230. REDESCA is concerned about the attacks against the community of health workers in the face of the pandemic. Understanding physical and verbal aggressions, coupled with threats and discriminatory acts both in workplaces, public transport and their own homes, for which the REDESCA urges the protection of said personnel<sup>483</sup>. In addition to this, there have been complaints and demonstrations by health personnel due to lack of recognition of their rights, payments, social security, formal labor relations and even fear of repression as the main concerns of the union<sup>484</sup>.
231. Complementary to the above, REDESCA had information that the President of Brazil vetoed a bill approved by the National Congress to compensate health workers who have been permanently

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<sup>472</sup> Infobae. [Brazil backed down with the measure that suspended employment contracts for four months without wages](#). March 23, 2020.

<sup>473</sup> Brazil of Fato. TO [Family agriculture: farmers protest this Wednesday against the negligence of the government](#). September 23, 2020.

<sup>474</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>475</sup> Reuters. [Brazil's public sector hit with lawsuits for COVID-19 labor abuses](#). October 1, 2020.

<sup>476</sup> UOL. [ILO receives accusations against Brazil for working conditions in the pandemic](#). October 1, 2020.

<sup>477</sup> Idem.

<sup>478</sup> IACHR. Resolution 4/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>479</sup> Reuters. [Unemployment in Brazil is probably higher than statistics, official tells Folha](#). July 27, 2020.

<sup>480</sup> Expansion. [70% of domestic workers were unemployed by the coronavirus](#). June 29, 2020.

<sup>481</sup> National Geographic. [Brazil's vulnerable domestic workers cannot afford to get sick](#). April 27, 2020.

<sup>482</sup> R7. [Vacancies were only open to children under 17 in 2020](#). August 4, 2020.

UOL. [The pandemic causes an increase in child labor in São Paulo, says MPT](#). August 19, 2020.

<sup>483</sup> Or Globe. [Coronavirus: profissionais de saúde relatam hostilidade no public transport of SP](#). March 21, 2020.

<sup>484</sup> UOL News. [Doctors with COVID go home without rights, union reports](#). July 23, 2020.



disabled by COVID-19 with R \$ 50 thousand.<sup>485</sup> Likewise, the lack of generalized lack of protection is concerned, but mental health is emphasized among health personnel taking into account the fact that at least 96.1% reported mental health complications in the face of the pandemic, of which 50.4% had insomnia, 49.3% sadness and 45.4% anguish<sup>486</sup>. In this sense, REDESCA expresses the need to ensure the rights and integrity of workers, especially those most exposed to the virus, since both their mental health and their physical integrity are part of their right to work in dignified conditions and satisfactory.

## E. Right to education

232. After the suspension of classes at the national level in March, in July the return to classes in Rio de Janeiro was announced for August 3, conditional on the 30% availability of COVID-19 care beds and a control ad hoc pandemic<sup>487</sup>. Likewise, private and some public schools were allowed to return in person in the states of Acre, Pará, Maranhão, Piauí, Rio Grande do Norte, Alagoas, São Paulo, Paraná and Rio Grande do Sul<sup>488</sup>. However, teachers and other interested parties showed concern at the decision and annoyance at the lack of consultation regarding the action protocols, while the governor of the Federal District suspended the return to face-to-face classes definitively for the semester<sup>489</sup>.
233. In this sense, after the resumption of face-to-face classes in August, where 123 schools with more than 110 thousand students from Manaus returned to classrooms, various complaints and a labor strike were heard due to the lack of protocols and compliance in the facilities<sup>490</sup> as well as in Amazon<sup>491</sup>. With crowds at the doors and corridors, inadequate distance in classrooms, lack of ventilation, absence of alcohol dispensers and even some people without masks were some of the reported complaints.<sup>492</sup> Likewise, just 20 days after returning to face-to-face classes, there was a record of at least 342 teachers infected with COVID<sup>493</sup>. Given this, REDESCA expresses the need to ensure compliance with prevention measures, as well as the guarantee of labor rights to an environment in satisfactory conditions in the framework of the pandemic.
234. REDESCA observes with concern the budget cuts promoted by the Government, since in August the scholarships granted to 604 indigenous children and adolescents to attend school were suspended<sup>494</sup>. Despite the fact that a campaign was created to serve 250 indigenous families with basic food, hygienic materials and cleaning products, the lack of educational support is worrisome, especially given the lack of internet and resources to continue remote education.<sup>495</sup> In relation to the above, REDESCA recommends that the State of Brazil have mechanisms that allow children and adolescents to continue with access to education, considering their differentiated impact as a group in a vulnerable situation and as well as their economic needs.<sup>496</sup>

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<sup>485</sup> Brazilian Post. [Bolsonaro vetoes compensation to health professionals disabled by COVID](#). August 4, 2020.

<sup>486</sup> Brazil of Fato. [Fiocruz: 96% of community health workers suffer suffering related to the pandemic](#). August 18, 2020.

<sup>487</sup> Yahoo. [With premature reopening of schools, Fiocruz predicts 3,000 deaths in Rio de Janeiro](#). July 23, 2020.

<sup>488</sup> State of Minas. [Nine states and the DF can return to classes in private schools](#). August 2, 2020.

<sup>489</sup> Correio Braziliense. [The school year in Mexico City must be completed remotely, says the Secretary of Education](#). September 1, 2020.

<sup>490</sup> Folha De S. Paulo. [Back to school in the public network in Manaus has crowds and teachers' strike](#). August 11, 2020.

<sup>491</sup> Brazil of Fato. [Back to school: protocols not followed and concern for lack of structure](#). September 8, 2020.

<sup>492</sup> Idem.

<sup>493</sup> Reuters. [Amazonas registers 342 teachers with COVID twenty days after returning to classes](#). September 2, 2020.

<sup>494</sup> Brazil of Fato. [MEC cuts indigenous scholarships and institute campaigns to support students](#). August 23, 2020.

<sup>495</sup> Idem.

<sup>496</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.





## F. Right to a Healthy Environment

235. The lack of attention to the environment as a human right by the State of Brazil is a matter of concern for the Office of the Special Rapporteur. On the one hand, Environmental Protection employed fewer environmental protection personnel in the field as a health prevention measure.<sup>497</sup> On the other hand, there is concern about the dismissal of the authorities of the Brazilian Institute of Environment and Natural Resources (IBAMA) in mid-April, after the head of IBAMA's law enforcement announced days before that the agency was starting an operation to large-scale against illegal loggers and miners (garimpeiros) in the Brazilian Amazon<sup>498</sup>. It should be noted that after this situation, information was obtained on a significant increase in illegal deforestation and the massive presence of non-indigenous people.<sup>499</sup> In this sense, a climate coalition made up of companies from the agribusiness and financial sector identified the government as the main responsible for illegalities in the timber market<sup>500</sup>.
236. In addition to the above, there is information that, during the first semester of the year, 71% of the burns were the result of agricultural management, 24% due to forest fires and 5% due to recent deforestation<sup>501</sup>. Likewise, several fires were reported throughout the Brazilian territory, where at the beginning of August there were at least 1.5 million hectares exacerbated in the Pantanal<sup>502</sup>, having the worst year on record<sup>503</sup>.
237. Likewise, at least 93% of the "Parque Encontro das Aguas"<sup>504</sup>, one of the largest jaguar reserves in the region<sup>505</sup>. It should be noted that, of the affected areas, some belong to indigenous lands of Mato Grosso, Amazonas and Gran Chaco, covering the communities in a smoke that damages their health and with invaders carrying COVID-19<sup>506</sup>. REDESCA is concerned about the lack of support and interest from the State to address the matter, since even the government page system reported a 5% decrease in fires when in reality it had an increase of 2%<sup>507</sup>.
238. In a similar sense, the alarming level of deforestation and drought present in the State of Brazil, where both the Midwest, South and Southeast are increasingly experiencing lower levels of precipitation is worrisome.<sup>508</sup> This situation is not a natural phenomenon, but deforestation for

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<sup>497</sup> Reuters. [Exclusive: Brazil scales back environmental enforcement amid coronavirus](#). March 27, 2020.

<sup>498</sup> Or Globe. [Ministry of Environment exonerates director of Ibama, for not limiting supervision](#). April 14, 2020.

Latin Press. [Director of environmental protection is dismissed in Brazil](#). April 14, 2020.

UOL. [Fiscais do Ibama podem ser exonerados após operação against illegal garimpo](#). April 20, 2020.

Federal Public Ministry. [MPF opens investigation into the exoneration of the director of Environmental Protection of Ibama](#). April 20, 2020.

<sup>499</sup> Folha. [After dismissals in Ibama, deforestation increases again in the indigenous area of Pará](#). August 3, 2020.

<sup>500</sup> Reuters. [Group of companies and organizations aponta governo as main responsible for illegalities in the madeira market](#). November 19, 2020.

24 Matins. [Bolsonaro lashes out at "unjustified attacks" due to increased deforestation in Brazil](#). November 22, 2020.

<sup>501</sup> G1. [71% of the burns on rural properties this year in the Amazon occurred due to agricultural management, says IPAM](#). August 4, 2020.

<sup>502</sup> San Diego Union Tribune. [Fires: Government estimates 320,000 hectares affected and analyzes repealing decree of the Chaqueos](#). September 13, 2020.

<sup>503</sup> Reuters. [Bolsonaro dismisses fires in Amazon, accuses NGOs of blocking delivery of titles](#). September 17, 2020.

<sup>504</sup> Brazil of Fato. [Pantanal: the rain does not help and the fire has already destroyed 93% of the Encontro das Águas park](#). September 29, 2020.

<sup>505</sup> AP News. [Brazil: Park with large population of jaguars burns down](#). September 10, 2020.

<sup>506</sup> Folha de S.Paulo. [Fire hits indigenous lands in Mato Grosso and smoke covers the urban area](#). August 4, 2020.

Unearthed. [Deforestation and land-grabs bring COVID-19 threats to Amazon and Gran Chaco residents](#). September 17, 2020.

<sup>507</sup> Reuters. [Brazil Amazon fires likely worst in 10 years, August data incomplete, government researcher says](#). September 2, 2020.

<sup>508</sup> Mongabay. [Deforestation in the Amazon is drying up the rest of Brazil, reports report](#). July 28, 2020.





livestock, extractive and agro-industrial purposes is the main cause<sup>509</sup>. Despite the exacerbation that is already being experienced in the area, the president revoked the measures to preserve the vegetation of the Brazilian coastline, exposing it to extractive projects<sup>510</sup>. Parallel to this, it is highlighted that 70% of the country's water is consumed by the agro-industrial sector, which tends to appropriate the bodies of water for its exploitation, thus hindering access to the surrounding communities that require them to survive<sup>511</sup>.

239. These alarming figures highlight an accelerated loss of the country's biological diversity, as well as its vegetation cover. It is time for the State to take all the necessary measures to stop deforestation in the country, which according to public information has been recorded at 11,088 km<sup>2</sup> between August 2019 and July 2020, equivalent to 7.4 times the territory of the City of Mexico, released the deforestation surveillance system PRODES, of the National Institute for Space Research (INPE).<sup>512</sup> This issue would be aggravating the already worrisome climate crisis that not only Brazil is going through, but the entire region. LA REDESCA is emphatic in pointing out that human health is inextricably linked to the health of ecosystems, and therefore it is the obligation of the State to make all its efforts to protect and restore nature. In this sense, during this particular period of pandemic, the State should suspend or refrain from approving or investing in any large-scale industrial or agricultural activity, particularly if these do not have the approval of the communities through the consultation mechanisms contemplated in the inter-American and international legal framework. Finally, Brazil must ensure that all environmental protection institutions have the financing.<sup>513</sup>

## 8) CANADA

240. At the beginning of January 2021, the COVID-19 pandemic had caused approximately 590,280 infections, 15,715 deaths and 495,077 people recovered in the country<sup>514</sup>. Faced with this scenario, which would have started on January 25 with the first case<sup>515</sup>, at the beginning of March the State began to adopt measures to deal with COVID-19, including restrictions for non-essential travel, with an entry ban for non-citizens or permanent residents<sup>516</sup>. However, over time, some exceptions were allowed for the income of their immediate or extended relatives in case they planned to be more than 15 days in the country<sup>517</sup>, as well as for temporary foreign workers, students and people with work visas<sup>518</sup>, as long as they were not infected and the 14 days of isolation will be ensured<sup>519</sup>. Likewise, the border with the United States was closed.<sup>520</sup>, and the different provinces and territories decreed states of emergency, together with measures in which schools were closed, restrictions were established for mass events, closure of public establishments, among others, although ensuring that essential services continued to function<sup>521</sup>. Although some of these measures had begun to be lifted in some provinces, in September the continuous increase in COVID-19 cases began to be reported,

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<sup>509</sup> Idem.

<sup>510</sup> 24 Matins. [Brazilian government revokes protection measures for coastal areas](#). September 29, 2020.

<sup>511</sup> Brazil of Fato. [Surrounded Waters: How Agribusiness and Mining Dry Up Rivers in Brazil](#). July 30, 2020.

<sup>512</sup> DW. [Deforestation in Brazil continues to advance over one million hectares per year](#). November 30, 2020

<sup>513</sup> REDESCA, [The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#), August 13, 2020

<sup>514</sup> Worldometer, [Coronavirus Cases in Canada](#), January 03, 2021.

<sup>515</sup> Canadian HealthCareNetwork, [COVID-19: A Canadian timeline](#), April 8, 2020

<sup>516</sup> Mc Carthy Tetrault, [COVID-19: Emergency Measures Tracker](#), March 16, 2020

<sup>517</sup> Government of Canada, [Coronavirus disease \(COVID-19\): Travel restrictions, exemptions and advice](#), December 31, 2020

<sup>518</sup> Mc Carthy Tetrault, [COVID-19: Emergency Measures Tracker](#), April 13, 2020

<sup>519</sup> Government of Canada, [Coronavirus disease \(COVID-19\): Travel restrictions, exemptions and advice](#), December 31, 2020

<sup>520</sup> Mc Carthy Tetrault, [COVID-19: Emergency Measures Tracker](#), March 18, 2020

<sup>521</sup> The Guardian, [Two Canadian provinces declare states of emergency as COVID-19 fears deepen](#), March 17, 2020



which were related to the reopening of certain activities, including face-to-face care in some schools.<sup>522</sup> This situation forced to resume some quarantine measures again, which would extend until the beginning of 2021 in some provinces<sup>523</sup>.

241. Along with these measures associated with the restriction of mobility and social distancing, REDESCA highlights the generous package of economic aid provided by the State for individuals and companies in order to help them cope with the socio-economic impacts of the pandemic. These programs include employment insurance for those who require financial assistance (\$ 500 per week); for workers who stopped working or had their income reduced by 50% or more due to COVID-19 (500 per week for up to 26 weeks); for working people who have contracted the virus, are isolated or have preexistence that expose them to a greater risk in the face of the pandemic (500 per week for up to two weeks)<sup>524</sup>.
242. Likewise, support for people with disabilities, students and graduates is highlighted; independent workers; old people; Indigenous villages; Business; organizations supporting populations in vulnerable situations, among others<sup>525</sup>. Thus, the Office of the Special Rapporteur welcomes the budgetary efforts of the State, in which with the previously mentioned measures to support individuals and companies, 270 billion would have been invested, along with 200 billion in loans.<sup>526</sup>, along with 275 million to specifically strengthen the health system through projects for the investigation of medical measures against COVID-19<sup>527</sup>.
243. With the above measures, the State would have followed several of the recommendations of the IACHR and its REDESCA in the context of a pandemic, including measures to protect the human rights, and particularly the ESCER, of workers, through programs to ensure economic income and livelihoods in the context of the pandemic<sup>528</sup>. Likewise, an intersectional and differentiated perspective was sought to be applied in the programs by adopting specific measures in accordance with the needs of the population in a special situation of vulnerability.
244. Without detriment to the foregoing, and despite the measures of the Canadian State, for REDESCA the situation of poverty of a significant percentage of the population is of special concern, taking into account that it is disproportionate to the level of development of the country<sup>529</sup>. In this regard, it should be noted that although some data estimate that poverty is approximately 8.7%<sup>530</sup>, it is estimated that before the pandemic 4.4 million people - not including street dwellers or indigenous communities - lived in a situation of food insecurity due to economic difficulties<sup>531</sup>. Likewise, that with COVID-19 there was an increase of 4.1% of households reporting food insecurity (10.5 to 14.6%)<sup>532</sup>. However, there are even more worrying figures, which estimate that 4.5 million people were affected by food insecurity in the pre-pandemic scenario, and that after the first two months of the pandemic, this figure grew by 39% (affecting 1 in 7 people)<sup>533</sup>. In this regard, it is specified that

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<sup>522</sup> Yahoo. [Canada Concern Over Continued Increase in COVID-19 Cases](#). September 17, 2020.

<sup>523</sup> Mc Carthy Tetrault, [COVID-19: Emergency Measures Tracker](#), December 30, 2020

<sup>524</sup> Government of Canada, [Canada's COVID-19 Economic Response Plan](#), December 31, 2020

<sup>525</sup> Government of Canada, [Canada's COVID-19 Economic Response Plan](#), December 31, 2020

<sup>526</sup> The Conversation, [Canada's fiscal update falls short in facing climate change and income inequality](#), December 6, 2020

<sup>527</sup> Government of Canada. [Government of Canada funds 49 additional COVID-19 research projects - Details of the funded projects](#). Updated April 2, 2020.

<sup>528</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>529</sup> Canadian Poverty Institute, [Poverty in Canada](#), Accessed December 31, 2020

<sup>530</sup> Statistics Canada. [Dimensions of Poverty Hub](#). 2018.

<sup>531</sup> The Conversation. [Canada must eliminate food banks and provide a basic income after COVID-19](#). September 10, 2020.

<sup>532</sup> Ibid.

<sup>533</sup> Cision. [BEYOND HUNGER: New national research report by Community Food Centers Canada reveals hidden, devastating impacts of food insecurity](#). September 29, 2020.



among the people who most report experiencing this situation are households with low income, without their own home or who identify themselves as Afro-descendant or indigenous<sup>534</sup>.

245. In this regard, as the IACHR and its REDESCA have established, the concept of poverty is not limited to an approximation from a monetary approach - in which people living in poverty are those under a certain level of income or consumption-, but in turn this translates into a series of obstacles to the enjoyment and exercise of human rights<sup>535</sup>. Due to this, the Office of the Special Rapporteur is concerned about the poverty experienced by historically discriminated groups in Canada, who face various limitations to their ESCER and carry a greater burden than the rest of the population in the context of a pandemic.
246. According to the Canadian Poverty Institute, 25% of indigenous communities live in poverty, and 40% of indigenous children are in this condition. Similarly, 15% of people with disabilities live in poverty, of which 59% are women.<sup>536</sup> For their part, women in general tend to earn less and 21% of single mothers are low-income compared to 5.5% of married couples<sup>537</sup>. In the case of children and adolescents, the figures are also worrying, since 1 in 5 would be experiencing poverty before the pandemic, compared to what has been reported that, despite the fact that one of the State's measures against the pandemic was to increase the child benefit<sup>538</sup>, it has not made enough investment to respond to this situation<sup>539</sup>. Therefore, even if the percentage of poverty in the country is lower than that of the region and it has decreased in recent years, this is significant in terms of disproportionality with the level of income of the country and the limitations to the ESCER of groups historically discriminated against, manifested especially in food insecurity and child poverty.
247. By virtue of the close and intimate relationship that the realization of the right to health has with other rights, such as food, housing, drinking water, social security, work or education<sup>540</sup>It is convenient to highlight that in the case of indigenous communities, there are still reports that 61 indigenous communities in the country do not have access to drinking water.<sup>541</sup>. This situation not only violates the right to water and sanitation of these communities, but, in the context of a pandemic, increases their level of risk in terms of the right to health, by preventing them from carrying out the WHO hygiene recommendations. Even more worrying is that acts of racism and neglect of pregnant indigenous women have also been reported from health care policies in the context of the pandemic, although it is noted that this would partially be the result of disparities in access to goods and services by these communities, which make it difficult to receive care remotely (only 24% of indigenous households would have access to high-speed internet for consultations)<sup>542</sup>. In addition to this situation, the economic recovery from the pandemic by indigenous people has been slower than that of non-indigenous people, with a greater impact on women<sup>543</sup>.
248. Likewise, REDESCA takes note of the problems that have been reported in residences for the elderly, where COVID-19 has caused great impacts, taking into account that although the contagion of people

<sup>534</sup> The Conversation. [Canada must eliminate food banks and provide a basic income after COVID-19](#). September 10, 2020.

<sup>535</sup> IACHR, [Poverty and Human Rights](#), OEA / Ser.L / V / II.164, September 7, 2017

<sup>536</sup> Canadian Poverty Institute, [Poverty in Canada](#), Accessed December 31, 2020

<sup>537</sup> Ibid

<sup>538</sup> CTV News. [PM: Canada-US border closing: \\$ 27B in direct aid, \\$ 55B to businesses](#). March 18, 2020

<sup>539</sup> News Wire, [Child poverty to rise above pre-COVID levels for at least five years in high-income countries including Canada - UNICEF](#), December 10, 2020

<sup>540</sup>In Article 3 of General Comment No. 14, the ESCR Committee establishes that: The right to health is closely linked to the exercise of other human rights and depends on those rights, which are set forth in the International Bill of Rights, in particular the right to food, housing, work, education, human dignity, life, non-discrimination, equality, freedom from torture, privacy, access to information and freedom of association, assembly and movement. These and other rights and freedoms address the integral components of the right to health.

<sup>541</sup> Global Citizen, [61 Indigenous Communities in Canada Still Need to Boil Water for Safety](#), September 30, 2020

<sup>542</sup> Open Democracy, [Indigenous women report racism and neglect in COVID-19 Canada childbirth](#), October 20, 2020

<sup>543</sup> CTV News, [Economic recovery during pandemic slower for Indigenous people: Statistics Canada](#), November 2, 2020



over 80 years of age would represent 12% of the all cases, still constitute 71% of deaths (97% including people over 60 years)<sup>544</sup>. Thus, as of April, 70% of deaths from COVID-19 in Quebec corresponded to older people residing in long-term care centers.<sup>545</sup> Similarly, in Ontario, more than 1,840 residents of these centers died during the first wave of the pandemic, and since September, another 947 people<sup>546</sup>. In this regard, as of October it was reported that at the national level in long-stay residences there were 26,961 cases of infected residents and 13,274 of personnel, resulting in 8,612 deaths of residents and 16 of personnel<sup>547</sup>.

249. Due to this pressure in the centers, a shortage and exhaustion of personnel were reported, as well as risk and vulnerability conditions for the elderly residents.<sup>548</sup> Within the findings, and from a Canadian military investigation in May of conditions in five Ontario long-term care homes, insect infestations, insufficient training of new staff, patients with poor nutrition and care, use of expired medications, abusive behaviors and inappropriate use of personal protective equipment, hand in hand with counterproductive protocols to stop the spread of the virus, in which it was even stated that in some cases staff reused personal protective equipment among residents, as well how residents with COVID-19 were allowed to walk through the facilities<sup>549</sup>. The foregoing would go against the recommendations of the IACHR in the context of a pandemic for this vulnerable population, taking into account that the States were called to adopt the necessary measures to prevent their contagion, and in particular of those who they were in long-stay residences<sup>550</sup>. In the same sense, it was called to reinforce the monitoring and surveillance measures against violence against the elderly<sup>551</sup>. Therefore, for REDESCA it is essential to make an exhaustive evaluation of the guarantee of ESCER for the elderly in these centers, and to take the necessary and timely measures to ensure their protection.
250. Taking into account these impacts mentioned in populations in a special condition of vulnerability, including indigenous communities, women, children and adolescents, people in situations of human mobility, LGTBI people, elderly people, people in poverty, among others, the REDESCA calls to implement and / or reinforce the specific programs aimed at addressing the particular situation of these people, with an intersectional and differentiated perspective, as recommended by the IACHR to the States in order for them to effectively protect the people at the time of issuing measures containment against the pandemic<sup>552</sup>.
251. In the same sense, REDESCA expresses its concern about the guarantee of ESCER for temporary migrant workers in the country, especially those who work in the agriculture sector, who constitute one of the most vulnerable groups in the face of the pandemic.<sup>553</sup> Although it is recognized that the State, at the federal, provincial and municipal levels, has been taking measures, including economic support programs so that employers can ensure the quarantine of workers and their protection against COVID-19<sup>554</sup>, outbreaks of contagion have been reported in some places due to the lack of conducive conditions in their workplaces<sup>555</sup>. For this reason, although the measures that the Government has been taking stand out, as well as the decision of the Supreme Court of Ontario to

<sup>544</sup> Hillnotes, [Long-Term Care Homes in Canada - The Impact of COVID-19](#), October 30, 2020

<sup>545</sup> iPolitics, [70% of Quebec's COVID-19 deaths are in long-term care, seniors' residences](#), April 16, 2020

<sup>546</sup> The Star, [Today's coronavirus news: TTC confirms first employee death from COVID-19; Ontario reports 3,270 new cases, 29 more deaths while outbreaks at LTC homes hit record](#), November 4, 2020

<sup>547</sup> Hillnotes, [Long-Term Care Homes in Canada - The Impact of COVID-19](#), October 30, 2020

<sup>548</sup> CVT News, [Long-term care homes once again emerge as COVID-19 hotspots](#), November 29, 2020

<sup>549</sup> Politician, [Canadian military details horrific conditions in nursing homes battling COVID-19](#), May 26, 2020; Joint Task Force, [OP LASER - JTFC OBSERVATIONS IN LONG TERM CARE FACILITIES IN ONTARIO](#), May 14, 2020

<sup>550</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, Para. 41 and 42, April 10, 2020

<sup>551</sup> Ibid.

<sup>552</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>553</sup> Vice, [Migrant Workers Win COVID-19 Protections in Canadian Court Case](#), August 28, 2020

<sup>554</sup> CBC News, [Canada's health minister talks migrant worker crisis, border restrictions and COVID-19 tests](#), October 8, 2020

<sup>555</sup> Ibid.



limit to three the number of migrant workers who can quarantine together in the same place<sup>556</sup>, reiterates the importance of reinforcing measures to ensure that employers guarantee favorable conditions to protect the right to health of workers, as well as their labor rights, associated with fair conditions with adequate and timely remuneration, rest times, safety and hygiene conditions in your workplace, safe accommodations (in the case of this temporary worker program), among others.

## A. Right to health

252. Faced with the guarantee of the right to health, REDESCA highlights the efforts of the State to strengthen the capacities of the health system to respond to the emergency. Even so, it calls for reinforcing measures to ensure comprehensive care for indigenous communities -as stated above-, and that of LGTBI people. On this last point, trans and non-binary people have stated that, during the pandemic, 35.4% had an unsatisfied need for general medical attention, while, compared to mental health, the percentage was 37.4%<sup>557</sup>. Likewise, 27.8% of those who use hormonal treatments (58.4%) reported that they had to interrupt them, while 45.8% (of 6.8% who required or planned to start doing so) could not receive a prescription to get them<sup>558</sup>.
253. It should be noted that this scenario would not be new, because before the pandemic, 45% of trans and gender non-binary people reported having experienced an unmet need for general medical care<sup>559</sup>. Therefore, the importance of ensuring the provision of health services without discrimination, in which the conditions that lead to a dignified and equal life in society in relation to the right to health are duly observed<sup>560</sup>.

## B. Labor rights

254. REDESCA salutes the State of Canada for the budgetary investment that has made it possible to offer economic aid to working people so that they can largely alleviate the economic crisis generated by the pandemic. Without detriment to the foregoing, the Office of the Special Rapporteur expresses its concern about the guarantees of the labor rights of temporary immigrant workers -as previously discussed- and of some workers of the health personnel and the first line, including the personnel in long-stay residences, as Canada had the highest rate of COVID-19 infections among healthcare workers globally (approximately 1 in 5 people with the virus is a healthcare worker)<sup>561</sup>.
255. In this regard, the national federation of nurses unions indicated that this high level of infections would have been the result of a late response to the pandemic, to which was added the shortage of health personnel and lack of personal protective equipment<sup>562</sup>. This situation would go against what is recommended to the States to protect health personnel, while, in the context of the pandemic, it was called to ensure the availability and timely provision of sufficient quantities of biosafety material, supplies and essential medical supplements use of health personnel<sup>563</sup>.

## G. Right to education

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<sup>556</sup> Vice, [Migrant Workers Win COVID-19 Protections in Canadian Court Case](#), August 28, 2020

<sup>557</sup> Trans PULSE Canada COVID Cohort Working Group on behalf of the Trans PULSE Canada Team. [Impact of COVID-19 on health care access for transgender and non-binary people in Canada](#), December 8, 2020.

<sup>558</sup> Ibid.

<sup>559</sup> Globalnews, [Coronavirus: many transgender, non-binary Canadians report health-care interruptions](#), December 15, 2020

<sup>560</sup> IACHR, [Report on Trans and Gender Diverse People and your economic rights, social, cultural and environmental](#), OEA / Ser.L / V / II, Para. 320, August 7, 2020

<sup>561</sup> Huffpost, [COVID-19 Infections Among Canadian Health-Care Workers Are Above Global Average](#), September 20, 2020

<sup>562</sup> Ibid.

<sup>563</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, Para. April 10, 10, 2020





256. One of the advantages compared to the guarantee of the right to education for children and adolescents in the country, is that approximately 87.6% of the population has access to computer equipment or the internet<sup>564</sup>, which has facilitated the access to the remote classes in the places in which this modality has been implemented. Likewise, REDESCA highlights the investments that have been made for education in all provinces and territories, which have been used to respond to the pandemic, strengthen educational platforms, and even, in some cases, to purchase biosafety elements for educational staff and their students<sup>565</sup>.
257. However, REDESCA takes note of the challenges that international students are experiencing in the country, and in particular, in Ontario. The above, since these people - unlike Canadian students - could not access financial support in the event of the emergency, and to receive additional resources, their only option would be to find jobs in essential services companies.<sup>566</sup>, which increases your risk of contracting the virus.

## C. Right to a healthy environment and climate change

258. In terms of the environment and climate change, REDESCA takes note of some significant steps taken by the Government in this regard. In the first place, the appointment of an Indigenous Advisory Committee by the Federal Energy Regulator (Canada Energy Regulator) is highlighted in order to strengthen the relationship with indigenous peoples and give them a voice in environmental assessments, which would be given from a more strategic advisory perspective at the national level, in which particular projects will not be discussed<sup>567</sup>. In this regard, it is highlighted that it has been established that this would not be detrimental to the rights to consultation of the communities in which particular projects are carried out. Second, the Office of the Special Rapporteur highlights the plan against climate change for a “healthy environment and a healthy economy” announced in December, through which to reduce greenhouse gases, gradual increases were included in federal carbon taxes (\$ 15 per ton each year<sup>568</sup>). It is necessary to specify that in front of this initiative a judicial decision of the Supreme Court of Canada is awaited so that it approves its constitutionality<sup>569</sup>. Finally, the investment of 3.16 trillion stands out to plant 2 trillion trees, as well as that with the new plan, if fulfilled the Government would exceed its goals to 2030 within the framework of the Paris Agreement<sup>570</sup>.
259. Regarding the carbon tax, REDESCA draws attention to the need to adopt measures that ensure that the people affected by the initiative are not those who contribute the least to the problem, but that on the contrary it is ensured that the program discourages emissions by part of large emitters of greenhouse gases, without disproportionately hitting the poorest households and small businesses, as has already been warned<sup>571</sup>. The above, taking into account that this would be the scenario in the event that suppliers and issuers are not prevented from transferring the new production costs to small consumers.<sup>572</sup>. In this context, it is highlighted that the Government has affirmed that the income generated by the tax will be returned in the form of quarterly reimbursements to the

<sup>564</sup> World Bank, [People who use the Internet \(% of the population\)](#). Accessed June 4, 2020.

<sup>565</sup> People for Education, [Tracking Canada's education systems' response to COVID-19](#), October 9, 2020

<sup>566</sup> La Presse. [Le Canada ignore ses étudiants étrangers](#). April 26, 2020

<sup>567</sup> CTVNews, [Canada's federal energy regulator names Indigenous advisory committee](#), August 7, 2020

<sup>568</sup> Global Citizen, [What You Need to Know About Canada's 3 Major Climate Wins This Week](#), December 15, 2020

<sup>569</sup> CBC, [Ottawa to hike federal carbon tax to \\$ 170 a tonne by 2030](#), December 11, 2020

<sup>570</sup> Global Citizen, [What You Need to Know About Canada's 3 Major Climate Wins This Week](#), December 15, 2020

<sup>571</sup> Ibid.

<sup>572</sup> Reuters, [Canada criticized for clean fuel rules that hit poorest households hardest](#), December 22, 2020





population.<sup>573</sup>, as well as initiatives in which funds have been provided so that households can be more energy efficient and incentivize the purchase of electronic vehicles<sup>574</sup>.

260. Additionally, REDESCA expresses its concern over the complaints about the lack of adequate consultation regarding the Coastal Gaslink project, a 670-kilometer gas pipeline with the aim of increasing gas exports, in which not all the autochthonous communities involved have been taken into account. bill<sup>575</sup>. Likewise, the importance of designing effective measures that allow native nations and indigenous peoples to face the impacts of climate change is highlighted, which would be putting their right to food and health at risk due to the depletion of sources of energy. food<sup>576</sup>. This is because Canada is warming at more than twice the world rate and the north of the country at three times, and despite its comparatively small population, it is one of the top ten greenhouse gas emitters<sup>577</sup>.

## D. Business and Human Rights

261. Considering that Canada is the State of origin of two thirds of the mining companies worldwide<sup>578</sup>, REDESCA highlights the importance of the country ensuring that its companies act with due diligence in any territory where they operate. Given that, as reported, mining activities have had a close relationship with violence against indigenous people and the peasant population in Latin America<sup>579</sup>, it is urgent that measures be taken to regulate, supervise, prevent or investigate the behavior of companies domiciled in their territory that involve impacts on the realization of human rights outside this<sup>580</sup>. In this context, REDESCA once again places itself at the disposal of the Ombudsperson for Corporate Responsibility in Canada (CORE) in order to socialize and identify actions for compliance and / or follow-up of the recommendations of the Report on Business and Human Rights: Inter-American Standards.

## 9) CHILE

262. Given the growing situation of the pandemic in the region, Chile has chosen to strengthen its health personnel in order to effectively combat the pandemic. In this sense, the Ministry of Health of Chile requested the approval of reforms to the homologation of titles of foreign medical personnel, so that they can join the country's hospitals<sup>581</sup>. Similarly, the State has already created at least two modular hospitals to treat COVID, with which, through the Integrated Health Network, the Barros Luco and Sótero del Río hospitals already have 200 extra beds, being divided into 100 and 100 respectively<sup>582</sup>.

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<sup>573</sup> Global Citizen, [What You Need to Know About Canada's 3 Major Climate Wins This Week](#), December 15, 2020

<sup>574</sup> Reuters, [Canada criticized for clean fuel rules that hit poorest households hardest](#), December 22, 2020

<sup>575</sup> The country, [The 670 kilometers of gas pipeline that enrages the indigenous people of Canada](#), February 12, 2020

<sup>576</sup> Human Rights Watch, [Canada: Climate Crisis Toll on First Nations' Food Supply](#), October 21, 2020

<sup>577</sup> Ibid.

<sup>578</sup> Human Rights Watch, [Canada Events of 2019](#), accessed December 30, 2020

<sup>579</sup> IACHR and its REDESCA, [III ANNUAL REPORT OF THE SPECIAL RAPPORTEURSHIP ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS \(REDESCA\)](#), OEA / Ser.L / V / II, para. 178, February 24, 2020

<sup>580</sup> IACHR and its REDESCA, [Business and Human Rights: Inter-American Standards](#), OEA / Ser.L. / V / II, para. 152, November 1, 2019

<sup>581</sup> Telesur, [Government of Chile gives the green light to the arrival of foreign doctors](#), May 13, 2020.

<sup>582</sup> 24 hours, [Second Modular Hospital arrives in Chile, adding 100 new beds for Barros Luco](#), May 19, 2020.



263. REDESCA recognizes the efforts of the State of Chile to reinforce resources to combat the virus. It is worth highlighting the initiative of the Ministry of Health on the creation of an integrated system for the management of all health centers in the country, including those of a private nature<sup>583</sup>. This in order for the entire health system in the Chilean territory to have an effective coordination regarding its capacities and availability, especially regarding the availability of beds.<sup>584</sup> Parallel to this, the population deprived of liberty began to manufacture their own masks, as was the Santiago Sur prison, with the aim of manufacturing 50,000 masks<sup>585</sup>. However, the State is reminded of the need to guarantee the effectiveness of the strategies in order to make its right to health effective and not only to provide a “false feeling” of security.
264. However, REDESCA is concerned, on the one hand, by the lack of protection, especially towards health personnel, since only on May 1, health personnel accounted for 10% of the entire incidence of COVID-19 infections.<sup>586</sup>, going from 720 infections on May 1 to 6,840 on June 1<sup>587</sup>. In addition to this, it is worrying that in some places in the region there was a considerable increase in infections during the month of May, which has translated into enormous pressure on health services, as in the case of the capital of Chile that during this period, it saw over 80% occupying its intensive care units<sup>588</sup> and even suffered the collapse of Hospital el Carmen de Maipú<sup>589</sup>.
265. Likewise, REDESCA has obtained information regarding the loss of 21% of jobs during the pandemic, positioning itself as one of the most economically affected countries in the region, surpassed only by Peru and Costa Rica.<sup>590</sup> In this sense, the level of unemployment has affected multidimensionally, since vulnerable groups such as migrants have been mostly affected<sup>591</sup>. As a result of this situation, there is evidence of the displacement suffered not only by migrants, but also by nationals who, due to the loss of jobs and income, are forced to move to land without an owner to build houses without basic services and subsisting on water from hydrants. In this sense, the REDESCA emphasizes in adopting strategies contemplating the differentiated impacts suffered by people in situations of vulnerability<sup>592</sup>.
266. On the other hand, as REDESCA was able to verify during the visit to the country in January<sup>593</sup>, the drought and lack of water in the province of Petorca is seriously affecting the health of the population, a situation that has worsened with the advance of the pandemic<sup>594</sup>, which has led to the request for precautionary protection measures by civil society organizations<sup>595</sup>. Despite the efforts of the authorities to distribute water, the demands of the population continue both due to the

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<sup>583</sup> Chilean Ministry of Health. [Undersecretary of Healthcare Networks establishes a work plan with hospitals and clinics to generate an integrated health network](#). March 31, 2020.

<sup>584</sup> Idem.

<sup>585</sup> EFE. [Chilean prisoners make their own masks against the coronavirus](#). April 8, 2020.

<sup>586</sup> T13. [Coronavirus in Chile: 10% of active infections correspond to health workers](#). April 30, 2020.

<sup>587</sup> CIPER. [Minutes of the Minsal: 6,840 health officials have been infected and more than 10,000 have gone to preventive quarantine](#). May 30, 2020.

<sup>588</sup> Infobae. [Chilean capital has occupied 85% of intensive care](#). May 11, 2020.

<sup>589</sup> U Chile newspaper. [No beds, no respirators, no staff: the collapse of Hospital El Carmen de Maipú](#). May 26, 2020.

<sup>590</sup> Management. [Peru, Costa Rica and Chile, the countries with the most jobs lost due to the pandemic](#). September 14, 2020.

<sup>591</sup> Idem.

<sup>592</sup> IACHR. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>593</sup> IACHR. [IACHR concludes on-site visit to Chile and presents its preliminary observations and recommendations](#). January 31, 2020.

<sup>594</sup> Third. [Petorca: Living the pandemic amid the worst drought in 700 years](#). April 22, 2020.

<sup>595</sup> CEJIL and Modatima. [MODATIMA request Precautionary Measures in favor of rural communities in water shortage in the framework of COVID19](#). May 14, 2020.



insufficiency of the water distributed, as well as the total lack of water in 10 localities<sup>596</sup>. Given this, REDESCA urges the State to adopt measures that guarantee access to basic services in the framework of the pandemic such as water and sanitation, considering this as a necessary resource for health, food and hygiene.

267. Parallel to the above, REDESCA learned of various purchases at exorbitant surcharges of medical supplies. The Viña del Mar Quillota Health Service analyzed the purchase of surgical masks, N95 masks, bibs, face shields and gloves at prices that exceed their value by more than a thousand times in the Gustavo Fricke, Quilpué and Quillota hospitals, in where Gustavo Fricke came to make purchases at a surcharge of up to 5,300% compared to the values that existed in the market before the pandemic<sup>597</sup>. With an upward expense of up to \$ 177 million extra for said surcharge, REDESCA is concerned about the reason why these awards are made, since the expense is excessive, especially considering the need to buy more supplies or other necessary activity during the pandemic.<sup>598</sup> In the same sense, REDESCA urges the Chilean State to act with transparency, ensure accountability mechanisms and access to justice in cases of corruption<sup>599</sup>

## A. Poverty and inequality

268. The growing lack of protection of those people who cannot continue to pay the rent of their home is worrying, because in the face of this they have been forced to move to new territories and create informal homes based on pieces of wood, aluminum, bags and blankets<sup>600</sup>. Entire families after losing their job would be forced to move to the coast of the country, where other people live in the same situation.<sup>601</sup> Without a real kitchen or basic services, they would be forced to drink water from a fire hydrant that crosses the street to bathe and drink.<sup>602</sup> In this sense, REDESCA reminds the State of Chile that all people have the right to a home, as well as water and a dignified life, for which it recommends that the State take efficient and effective actions to guarantee such rights, especially not to deprive people from their homes during the pandemic and economic crisis<sup>603</sup>.
269. REDESCA is concerned about the great increase in poverty of the population, because as mentioned above, 30% of migrants have been left without work and a total of 21% of the national population suffered from unemployment<sup>604</sup>. In this sense, there are situations where people lose their jobs due to labor informality and are forced to look for work in flea markets or other crowded spaces.<sup>605</sup> In addition to this, the context of unemployment and the pandemic has caused problems of malnutrition and malnutrition in the low-income population, causing effects on their health.<sup>606</sup> REDESCA is concerned about the growing number of people who see their lifestyles affected after job losses, where they not only succumb to poverty, but are also deprived of their rights to adequate food, housing, health, among others. . It is important that the State guarantees that the measures adopted

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<sup>596</sup> NHRI. [NHRI enters protection appeal in the Valparaíso Court of Appeals due to lack of water in the Province of Petorca to face the COVID-19 pandemic](#). May 22, 2020.

<sup>597</sup> CHV News. [Masks rose from \\$ 15 to \\$ 800: They report a surcharge of up to 5,300% in basic supplies against COVID-19](#). June 10, 2020.

<sup>598</sup> Idem.

<sup>599</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>600</sup> Aljazeera. [Chile government 'failing' pandemic's economic victims](#). August 23, 2020.

<sup>601</sup> Idem.

<sup>602</sup> Idem.

<sup>603</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>604</sup> Cooperativa Chile. [One in three migrants in Chile has lost their job during the pandemic](#). August 20, 2020.

<sup>605</sup> Bloomberg. [No Meat, No Milk, No Bread: Hunger Crisis Rocks Latin America](#). September 28, 2020.

<sup>606</sup> Idem.



consider the state of need of the people most affected and guarantee their right to health, housing, work, adequate food, among others<sup>607</sup>.

270. On the other hand, the situation in Chile is of special concern for REDESCA, where in the month of May the social protests in the country were reactivated, warning about the hunger that part of the population suffers<sup>608</sup>. Particularly noteworthy is the situation in the popular neighborhoods of Santiago de Chile, where due to poverty and lack of food, there have been strong protests and in some cases repression by the State security forces against the demands of food and financial aid<sup>609</sup>. In this sense, President Sebastián Piñera announced the delivery of 2.5 million food baskets for low-income families and the needy middle class<sup>610</sup>. However, REDESCA highlights the importance of respecting the right to freedom of expression and protest of people regarding claims related to DESCA, urging to continue adopting measures that mitigate the impact of the pandemic, providing the necessary means for subsistence in labor matters. , sanitary, food, among others<sup>611</sup>.

## B. Right to health

271. REDESCA received information that, in March, a COVID-19 Data Table was created led by the Ministry of Science, Technology, Knowledge and Innovation in which different academic and research actors participate with the aim of doing accessible virus contagion data for more accurate projections<sup>612</sup>. However, at the end of April, the Millennium Institute Fundamentals of Data, a member of the panel, denounced the "absence of a policy of open access to health data" and therefore its withdrawal from the space<sup>613</sup>.
272. It is worrying that, in June, the Government recognized a methodological error in monitoring the pandemic, for which an estimated 653 more people died.<sup>614</sup> Although the Government recognized this ruling and corrected it on the same day it was announced, REDESCA is concerned about a lack of certainty after three months the pandemic began and, therefore, that there is an even greater window of error regarding the information shared towards the population<sup>615</sup>. In this sense, the Office of the Special Rapporteur emphasizes the right of individuals to have access to information that is accurate and transparent, therefore it invites the State of Chile to improve its monitoring strategy by not establishing limitations or providing disinformation<sup>616</sup>.
273. On the other hand, REDESCA observes with concern the health status of medical personnel, as it is not only a question of their exposure to contagions, but also requires attention to the mental health of these officials, especially in the face of the pandemic<sup>617</sup>. In a study with more than 2,500 professionals involved and 36 health centers from different parts of the country, it was revealed that at least 54.8% of the personnel present some type of psychological discomfort<sup>618</sup>. Among them, 31.4% stand out with moderate to severe depressive symptoms, 7.1% with suicidal ideas, as well as

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<sup>607</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>608</sup> The fourth. [Chronicle «Hunger»: The protests with barricades and cacerolazos are reactivated](#). May 18, 2020.

<sup>609</sup> Infobae. [COVID-19 cases skyrocket in Chile and military deploy in poor areas after protests](#). May 19, 2020.

Page 12. [Hunger hits the popular neighborhoods of Santiago de Chile](#). May 22, 2020.

<sup>610</sup> Government Bonds. [Food Baskets Bonus: Government Will Deliver 2.5 million Baskets](#). May 17, 2020.

<sup>611</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>612</sup> Millennium Institute Fundamentals of Data. [Lack of data in Chile on COVID-19: a situation that should concern us](#). April 30, 2020.

<sup>613</sup> Idem.

<sup>614</sup> Biobio. [The Government recognizes that there are 653 more people who could have died with COVID-19 in Chile](#). June 7, 2020.

<sup>615</sup> Idem.

<sup>616</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>617</sup> Third. [The other sequelae of the pandemic: study detects depressive symptoms and suicidal ideas in health workers](#). September 09, 2020.

<sup>618</sup> Idem.



30%, 40% with eating, sleeping disorders and lack of energy and fatigue<sup>619</sup>. It should be noted that these figures imply their duplication, since before the pandemic there were half of the newly reported cases<sup>620</sup>. Although the government implemented since July the "Healthy-Mind" project aimed at strengthening access to public and private mental health services for the population.<sup>621</sup>, REDESCA reminds the State of the need to promote, provide and guarantee the right to mental health of people, both health personnel and the general population<sup>622</sup>. In particular, REDESCA expresses its concern and encourages the State of Chile to provide comprehensive health care, including mental health, to people with eye trauma originating in the context of social protests<sup>623</sup>.

274. REDESCA obtained information on at least 281,176 arrests for alleged violations of various regulations regarding the provisions imposed by the health authorities to face the COVID-19 virus<sup>624</sup>. Of these, 335 were for violating the measures knowingly having COVID-19, 219,885 for violating the quarantine, 46,764 for not complying with the curfew and 8,773 for other crimes against public health<sup>625</sup>. Although the government expressed that they do not detain those who take to the streets in search of sustenance, REDESCA observes with concern the number of people who have been arrested and held in prisons, depriving some of their freedom for up to 3 years<sup>626</sup>. In this sense, REDESCA recommends maintaining preventive measures that can replace overcrowding and agglomeration in centers of deprivation of liberty, considering the context of the pandemic and the conditions of the people<sup>627</sup>.
275. REDESCA shows its concern especially in the Greater Santiago region, because for the month of June it accounted for 85% of infections and deaths nationwide<sup>628</sup>. In the same sense, and despite the fact that an improvement in the hospital infrastructure had already been made through the quadruplication of mechanical ventilators and duplication of critical beds, this was exceeded and in the need to request the transfer of patients due to its inability to care for so many patients<sup>629</sup>.
276. Parallel to the above, REDESCA obtained information about a lack of cultural perspective on the part of the Chilean government when implementing sanitary measures against COVID-19 since the conditions and traditions of indigenous communities were not being considered.<sup>630</sup> This is complemented by the fact that 40% of the people in the La Araucanía community remain in informal employment, and that 30.2% suffer from some kind of poverty.<sup>631</sup> Although measures have been implemented to support Mapuche businesses, it must be considered that these communities can hardly maintain the curfew, as well as stay at home in the face of subsistence needs.<sup>632</sup> In addition to this, it is important to emphasize that their immune system is weaker than that of people who live in

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<sup>619</sup> Idem.

<sup>620</sup> Idem.

<sup>621</sup> Ministry of Health. President Piñera presents Healthy-Mind program. June 1, 2020.

<sup>622</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>623</sup> T13. We are going into oblivion: "The increase in victims with ocular trauma after October 18, 16, 2020.

<sup>624</sup> Latin Press. More than six thousand arrested in Chile for transmitting COVID-19. September 28, 2020.

<sup>625</sup> Idem.

<sup>626</sup> Ministry of the Interior and Public Security. Carabineros have arrested 155 thousand people in the Pandemic period and more than 15 thousand in the last week alone. June 9, 2020.

<sup>627</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>628</sup> Unitary Central of Workers. COVID-19: CUT qualifies as "erratic" the new Law that regulates Teleworking and a complaint that it violates the ordinary working day. March 25, 2020.

<sup>629</sup> Idem.

<sup>630</sup> The Guardian. Chile's indigenous communities face new challenges amid pandemic. July 10, 2020.

<sup>631</sup> Idem.

<sup>632</sup> Idem.





the urban community, so it is recommended that the State take actions that are appropriate to the cultures and traditions of indigenous people<sup>633</sup>.

277. In a similar vein, the Inter-American Commission on Human Rights together with the United Nations High Commissioner for Human Rights expressed their concern at the high incidence found in Chilean prisons. This derives from the fact that such a situation implies a risk for the population deprived of liberty and can cause the spread of the virus, becoming sources of infection<sup>634</sup>. In this regard, both bodies asked the State of Chile to take alternative measures to the deprivation of liberty for those detained without sufficient legal grounds and to review promptly and effectively the cases of preventive detention in order to reduce the high rates of overcrowding<sup>635</sup>.
278. Faced with such a situation, the Chilean Ministry of Justice and Human Rights, together with the Public Criminal Defense Office, promoted the Commutative General Pardon Law and the house arrest of at least four thousand (10%) persons deprived of liberty.<sup>636</sup>, among which stand out people with greater risk such as those over 75 years of age, mothers of children under two years of age or pregnant, and guaranteeing that said crimes do not constitute serious crimes such as homicide, domestic violence, drug trafficking, among others.<sup>637</sup>. However, the World Organization Against Torture affirmed that these measures are carried out without guaranteeing the principle of equality and the right to non-discrimination of people, since Mapuche people were denied that right<sup>638</sup>. In this sense, REDESCA reminds the State of Chile of the right to non-discrimination of all people, especially those vulnerable populations and the importance of acting from a cultural and human rights perspective that considers the differentiated impact of people.
279. In a similar sense, REDESCA learned that in the eight prisons concessioned to private initiative in Chile, it was omitted to provide people deprived of liberty with basic supplies against COVID-19, such as masks.<sup>639</sup>. The Alto Hospicio, La Serena and Rancagua campuses; Concepción and Antofagasta and Santiago 1, Valdivia and Puerto Montt<sup>640</sup>. Although the authorities disclaimed responsibility stating that this situation was not included in the tender, it should be noted that the administrative authorities of these prisons are in charge of controlling and managing health situations such as the current one<sup>641</sup>. Even so, only the people who receive them obtain supplies through their relatives, who are only allowed to provide the PPL with 7 face masks per week.<sup>642</sup>. In this sense, REDESCA is concerned about the underestimation of the virus and the lack of protection for people deprived of liberty, since these centers can become sources of infection due to the lack not only of supplies, but of PCR tests that the authorities they are not done<sup>643</sup>. Similarly, it is important to adapt the conditions of detention of persons deprived of liberty with regard to their food, sanitation, quarantine measures and their health<sup>644</sup>.
280. Given this situation, REDESCA observes with concern the lack of attention to said populations, for which it recommends taking action in this regard taking into account the deficiencies of their

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<sup>633</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>634</sup> World Organization Against Torture. Chile: The measures adopted to protect the prison population must be applied to Mapuche prisoners without discrimination. July 24, 2020.

<sup>635</sup> Idem.

<sup>636</sup> Idem.

<sup>637</sup> Infobae. Chile will pardon 1,300 prisoners for the coronavirus pandemic. April 15, 2020.

<sup>638</sup> World Organization Against Torture. Chile: The measures adopted to protect the prison population must be applied to Mapuche prisoners without discrimination. July 24, 2020.

<sup>639</sup> Interference. The failure of the MOP and the concession system to protect inmates of privately run prisons from COVID-19. August 17, 2020.

<sup>640</sup> Idem.

<sup>641</sup> Idem.

<sup>642</sup> Idem.

<sup>643</sup> Idem.

<sup>644</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.





immune systems, the need to keep the virus as far as possible from said communities, as well as take actions based on a cultural perspective that is ad hoc to their traditions and customs<sup>645</sup>.

## C. Right to water and sanitation

281. REDESCA is concerned about the situation regarding the right to water and sanitation in Chile. The foregoing derives, among other causes, from the prioritization that business activities, such as the electricity, forestry or aguacatera industry, would have on the supply of water to citizens, there are regions such as Petorca that since 2019 have been in a "water emergency"<sup>646</sup>. This emergency occurs due to the consumption of avocado producers who consume up to three times what is available for one person and aggravate lead to extreme water shortages<sup>647</sup>.
282. The Government would have allocated 50 liters per day per person in said community, however, there is information that the suppliers are not certified and have sometimes caused infant diarrhea due to the unhealthy conditions of the water provided<sup>648</sup>. In this sense, REDESCA emphasizes the urgency of creating public policies that provide a definitive solution to the problem and guarantee the right to water in accessible, affordable and ad hoc conditions so that people can have a dignified and healthy life.
283. Likewise, REDESCA is concerned about the over-capitalization of water in Chile, since in the territory of Los Maquis, the negotiation that the private initiative has had from 1985 to date has caused serious effects on the populations that require bodies of water to stock up on it<sup>649</sup>. The communities surrounding the Los Maquis River have been deprived of their access to water in view of the fact that El Chabunco legally has 99.9% of the existence of water, for which to the rest of the communities it means that this stream is legally dry and therefore they cannot have it<sup>650</sup>. In the same sense, it should be emphasized that these communities do not have water systems that the State provides them, but they are supplied by said body of water.<sup>651</sup> Given this, the REDESCA reaffirms the importance of access to water not only as an element to combat COVID-19, but as a vital element for all living beings and the environment, for which it urges the State to take measures to preserve the ecosystem and in the same way, provide a permanent solution for the affected people.

## D. Labor, Union and Social Security Rights

284. REDESCA recognizes the efforts of the State of Chile in seeking to advance with the transition to teleworking in times of pandemic. However, it shows its concern when receiving information related to the Teleworking Law itself, within which there is a provision that establishes "the right to disconnect employees for at least 12 continuous hours within a 24-hour period."<sup>652</sup>. The foregoing has led to the filing of various complaints in which various employers have been accused of demanding longer hours than those established when it comes to distance work.<sup>653</sup>. This affects the

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<sup>645</sup> CIHD. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>646</sup> OHCHR. [Chile should give priority to the rights to water and health before economic interests, says the UN Expert](#). August 20, 2020.

<sup>647</sup> Idem.

<sup>648</sup> The lighthouse. [Water crisis, the great ignored during the pandemic](#). September 3, 2020.

<sup>649</sup> The Bewilderment. [Aysén: Water rights for Los Maquis hydroelectric operation block supply to residents of Puerto Guadal](#). September 2, 2020.

<sup>650</sup> Idem.

<sup>651</sup> Idem.

<sup>652</sup> Unitary Central of Workers. [COVID-19: CUT qualifies as "erratic" the new Law that regulates Teleworking and a complaint that it violates the ordinary working day](#). March 25, 2020.

<sup>653</sup> Idem.



right to just and satisfactory conditions of work, especially in the reasonable limitation of working hours. Likewise, the same workers' union has already denounced various labor abuses<sup>654</sup>.

285. REDESCA observes with concern the growing level of unemployment in the Chilean territory, since it has reached historical levels for a decade. In this sense, according to the National Institute of Statistics, only in the third quarter of 2020 was an increase of 5.6 percentage points in the unemployment rate, positioning it at 13.1%<sup>655</sup>. In this regard, it is estimated at least 1,065,450 unemployed people and another 763,914 who became unemployed, but could benefit from the Employment Protection Law, created in March of this year.<sup>656</sup> Likewise, REDESCA is concerned that of the 7,073,193 employed persons, 33.8% declared a detriment or decrease in their income<sup>657</sup>.
286. REDESCA has obtained information on the lack of support from the State to the cultural, artistic and entertainment sector during the pandemic. Due to the fact that in March Chile closed the commercial and leisure premises, together with any business considered that was not of "first necessity", every person related to it was left without work; technicians, producers, makeup artists, movie ushers, even food vendors were not only paralyzed at work, but the Ministry of Cultures did not show any kind of support for said population<sup>658</sup>. Given this, approximately 400 people left the streets of Santiago de Chile in September to demand the State's action in search of solutions<sup>659</sup>.
287. In a similar sense, REDESCA obtained knowledge of already three consecutive weeks of manifestations by the Health personnel of the Higher Level Nursing Technicians (TENS)<sup>660</sup>. This in order to receive recognition from the State through the Health Code towards workers who are part of the "first line" of health<sup>661</sup>. Even considering that there are approximately 180,000 nursing technicians who claim such a right throughout the national territory, they denounce that they have been ignored by the respective authorities and, on the contrary, they only receive more police personnel in the demonstrations, but without obtaining any effective response whatsoever provided a solution about it<sup>662</sup>. In this sense, REDESCA recommends that the State guarantee the rights of working people, especially those most at risk from the pandemic and its consequences, ensuring their economic income and sufficient means of subsistence to maintain their lifestyle<sup>663</sup>.
288. REDESCA is concerned about the deficiencies in the care and protection of health personnel, including among them doctors, nurses, administrative and cleaning personnel. The Chilean Medical College assured that at least 60% of the staff would lack ad hoc protective equipment to stay protected against the virus<sup>664</sup>. N95 masks are mainly lacking, 27% claim protective visors, 25% bibs, 24% surgical masks, among others. The above is motivated by the statement of the Medical College, who stated that for May 1<sup>st</sup> of the 6,612 infections, 720 turned out to be health personnel (10% of the total)<sup>665</sup>. However, it took only one month (June 1) for the number of infections from medical personnel to rise from 720 to 6,840<sup>666</sup>.

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<sup>654</sup> Unitary Central of Workers. COVID-19: CUT reiterates the urgency of decreeing a National Quarantine and, due to abuses by employers, requests a Tripartite Monitoring Table to take measures that give workers peace of mind. March 25, 2020.

<sup>655</sup> Infobae. Unemployment in Chile broke another record: it reached 13.1% in the quarter between May and July. August 28, 2020.

<sup>656</sup> Idem.

<sup>657</sup> Idem.

<sup>658</sup> France 24. Chilean art protests its marginalized situation after the closure of leisure. September 29, 2020.

<sup>659</sup> Idem.

<sup>660</sup> La Izquierda Diario. Health workers call to demonstrate this Friday in Plaza de la Dignidad. October 02, 2020.

<sup>661</sup> Idem.

<sup>662</sup> Idem.

<sup>663</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>664</sup> T13. Coronavirus in Chile: 10% of active infections correspond to health workers. April 30, 2020.

<sup>665</sup> Medicine School. 60% of health teams say that personal protection elements are missing during the COVID-19 pandemic. April 28, 2020.

<sup>666</sup> CIPER. Minutes of the Minsal: 6,840 health officials have been infected and more than 10,000 have gone to preventive quarantine. May 30, 2020.



289. In a similar sense, REDESCA obtained information on various complaints by health personnel delegated to combat COVID-19, known as "the first line." It highlights its concern about a lack of care that would be reflected in a lack of supplies, little attention from managers and inaccuracies from the Ministry of Health, directly affecting workers and indirectly patients<sup>667</sup>. The fact that by August 7 there were already at least 17,000 cases of COVID-19 among said personnel, but there were no official records of the deaths, although at least 26 people are estimated according to local media.<sup>668</sup>.
290. In addition to this, there is a record of various testimonies from the staff, especially from public centers -among them Puente Alto, La Florida, Maipú, San Berardo, Peñalolén, La Pintana and Rocoleta, for being more affected by the virus, which some have reached a mortality rate of 25% - which reaffirms the above<sup>669</sup>. In view of the above, it is highly important that the State ensure the availability and provision of sufficient quantities of safety equipment, as well as fair conditions so that workers - especially health workers - can work in decent conditions.<sup>670</sup>.
291. Parallel to the above, REDESCA is concerned about the presence of attacks against health personnel, from doctors<sup>671</sup> and nurses to administrative personnel<sup>671</sup>. Likewise, there are testimonies from municipal workers whose purpose is to sanitize areas of the city, who have received both verbal and physical aggressions from the citizens; Bottles, coins, stones and beer cans have been thrown at them in order to damage them and detract from their dignity<sup>672</sup>. In the same sense, the Chilean Medical College, through its president, Izkia Siches, denounced threats against him, so the Eastern Prosecutor's Office addressed the situation and protective measures were adopted in this regard.<sup>673</sup>.
292. On the other hand, REDESCA recognizes the efforts of the State to promote progressive development and especially the development of the fight against the pandemic through the training of a thousand health workers with high-flow oxygen therapy courses.<sup>674</sup> Through these trainings, the staff is taught to work with more effective techniques and at the same time seeking a greater possibility for COVID patients to defeat the disease, since it is estimated that with such therapy, the requirement can be reduced by up to 40% mechanical ventilation<sup>675</sup>. In addition to this, the provision of 600 high-flow oxygenation equipment for health centers was carried out<sup>676</sup>.
293. REDESCA obtained information regarding the copper mining union in Chile, which took industrial action and warned with taking legal action in case of not correcting sanitary deficiencies<sup>677</sup>. The foregoing derives from the death of two miners due to COVID-19 as well as a constant increase in infections and poor control and measures to mitigate or prevent infections.<sup>678</sup> After the second death, Codelco (the copper producer responsible for the situation) announced the halting of

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<sup>667</sup> The Bewilderment. [Amnesty International report reveals serious violations suffered by health personnel and warns of a possible peak of COVID-19.](#) August 18, 2020.

<sup>668</sup> Idem.

<sup>669</sup> Idem.

<sup>670</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>671</sup> Daily the Day. [Ovalle Sanitation Officials Again Victims of Attacks.](#) May 28, 2020.

<sup>672</sup> Idem.

<sup>673</sup> Chilean Prosecutor's Office. [East Prosecutor's Office investigates complaints of threats against the president of the Medical College and decrees protection measures.](#) April 23, 2020.

<sup>674</sup> Ministry of Health. [COVID-19: One thousand professionals are trained in high-flow oxygen therapy.](#) June 8, 2020.

<sup>675</sup> Idem.

<sup>676</sup> Idem.

<sup>677</sup> Reuters. [Chilean mining unions increase pressure after second death from coronavirus.](#) June 21, 2020.

<sup>678</sup> Idem.



construction projects and a reduction in staff at the Chuquicamata mine<sup>679</sup>. Notwithstanding the foregoing, it is worrying that few measures have been implemented as well as the lack of guarantee on a salary for those workers whose work was suspended. Likewise, the State is recommended to monitor this situation, since the industry also implies the adoption of the necessary health measures to guarantee a healthy environment for workers.

294. In addition to the previous case, various regions are added where they have had exponential outbreaks: Antofagasta went from 39 cases to 8,308 in two months; O'Higgins went from 26 to 5,606 cases; Valparaíso from 136 to 11,307 and Tarapacá from 10 to 5,893 cases are just some of the regions that in total accumulate more than 280,000 infections and 5,688 deaths confirmed by COVID-19<sup>680</sup>. It is worrying that mining activity is still considered an essential activity and that ad hoc measures are not taken, which has been reflected in not only one, but several mining regions<sup>681</sup>. Similarly, the establishment of ad hoc measures is required to not only prevent further spread, but also to attend and provide effective care for those infected and those suspected.
295. REDESCA is concerned about the lack of protection experienced by the migrant population, since it is estimated that to date at least half a million migrants (more than 30% of the total migrant population) in Chile lost their jobs only during the pandemic<sup>682</sup>. Added to this are 21% of the population that remains on temporary contract suspension and 18% that had their working hours reduced, causing at least 75% of the total to not have sufficient income to cover their basic needs.<sup>683</sup> While only 30% receive a kind of support from the government, it was announced that Congress is working on a New Immigration Law proposed by the Executive that seeks to toughen immigration policy<sup>684</sup>. In this sense, REDESCA recalls the importance of guaranteeing fair conditions so that people can carry out their work in a dignified and safe manner, while on the other hand, it recommends the adoption of measures to guarantee sufficient means of subsistence so that people in a situation of vulnerability can overcome the current crisis<sup>685</sup>.
296. The risk that elderly workers run is worrying, as there are reports that express the need for people to go out to the streets to try to earn money. People are known to have insufficient pension and are forced to go to work<sup>686</sup>. In addition to this, in many cases the pension does not even reach the minimum wage, while it should be emphasized that due to a new law, breaking the curfew (among other health measures) implies a fine of up to \$ 10 million and 3 years in prison.<sup>687</sup> In addition to the risk involved in going out to the streets per se, the elderly see their rights seriously violated in view of the fact that they can be sanctioned by the same State even when they only try to have a dignified life that their own social security and rights must to guarantee.
297. REDESCA learned that Congress approved the withdrawal of pension funds at the beginning of July<sup>688</sup>. The foregoing is carried out with the intention that those workers who consider it pertinent have the power to withdraw up to 10% of their saved pensions.<sup>689</sup> Despite the efforts made to mitigate the impacts of the pandemic and the economic crisis, the possibility of affecting people's

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<sup>679</sup> Idem.

<sup>680</sup> World Socialist Web Site. [Chile: COVID-19 outbreak in mining regions](#). July 02, 2020.

<sup>681</sup> Idem.

<sup>682</sup> Cooperativa Chile. [One in three migrants in Chile has lost their job during the pandemic](#). August 20, 2020.

<sup>683</sup> Idem.

<sup>684</sup> Idem.

<sup>685</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>686</sup> France 24. [Chilean older adults cannot stop working during the pandemic \(5/5\)](#). June 28, 2020.

<sup>687</sup> Idem.

<sup>688</sup> Free Journal. [The reform for the retirement of pensions puts the Chilean Government in crisis](#). July 15, 2020.

<sup>689</sup> Idem.



pension savings is worrying. Since it is already known that these tend to be insufficient at the time, weakening said pension by 10% in advance can result in a long-term violation of people's Social Security. REDESCCA urges the State of Chile to adopt measures that guarantee sufficient means to survive in a dignified manner and without affecting the right to social security<sup>690</sup>.

## H. Right to education

298. On March 25, the education ministry announced the extension on the suspension of classes derived from the pandemic. Likewise, and in order to guarantee effective class times, winter classes were brought forward, so that until April 24 the schools would remain closed.<sup>691</sup> It should be noted that to date no pronouncement has been made on a date to resume school activities<sup>692</sup>. Later, President Sebastián Piñera announced a new educational television signal<sup>693</sup>; "TV EducaChile" is available from April 27 and has an availability from 07:00 to 23:00 hours<sup>694</sup>. In the same vein, the Minister of Education announced the digital learning platform "Aprendo en Línea"<sup>695</sup>. These channels are intended to promote education to more than 3.5 million children, which have content in history, geography, social sciences, technology, environment, language, among other subjects<sup>696</sup>.
299. However, REDESCCA observes with concern the fact that there are areas in Chile (especially in the south) where there is a population of up to 76% of students who do not have internet access<sup>697</sup>. There is even a record of a small school that uses vans to bring local children to the classroom who do not have access to the internet or television to continue their education.<sup>698</sup> In this sense, it should be noted that the indigenous people, especially the Mapuche, have been the most affected populations, who, despite their already historical marginalization, can add an even greater educational gap due to the lack of technologies to continue with an ad hoc education. In this sense, REDESCCA urges the State to adopt measures that are adapted to the differentiated needs of children and adolescents and with stimuli that their age and level of development require through support systems, communication strategies and accessible content<sup>699</sup>.
300. Similarly, REDESCCA observes with concern the performance of distance classes, as well as the impact on children and adolescents. This is in light of the responses to the 2020 education survey and the information provided by Alejandra Arratia of 2020 education, as they express that 50% of students have "occasional to null" access to a computer while 70% do not have access to a computer an adequate space to study at home, as well as that 45.7% only have a cell phone to do homework or simply do not have any internet connection<sup>700</sup>. Added to this is the concern over the dropout of approximately 80,000 students, classified as one of the largest dropouts in the history of Chile.<sup>701</sup>
301. Given the evident educational backwardness suffered by the Chilean population, REDESCCA recalls that said violent situation not only the right to education, but also the free development of children and adolescents, as well as future rights that fall from the threshold of poverty to housing, work,

<sup>690</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>691</sup> Ministry of Health. [Mineduc extends the suspension of classes and advances the winter holidays](#). March 25, 2020.

<sup>692</sup> Idem.

<sup>693</sup> Government of Chile. [President Piñera announces a new educational TV signal to help students study from home: "3.5 million children and young people will benefit from the initiative."](#) April 14, 2020.

<sup>694</sup> Idem.

<sup>695</sup> Ministry of Education. [Coronavirus: Mineduc launches I Learn Online platform](#). March 17, 2020.

<sup>696</sup> Government of Chile. [President Piñera announces a new educational TV signal to help students study from home: "3.5 million children and young people will benefit from the initiative."](#) April 14, 2020.

<sup>697</sup> Peru 21. [Without internet, a classroom on wheels saves the year for children in Mapuche areas of Chile](#). June 24, 2020.

<sup>698</sup> Idem.

<sup>699</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>700</sup> Left Diary. [The virtual classes forgot the students, the face-to-face classes of Minister Figueroa even more](#). August 31, 2020.

<sup>701</sup> Idem.





food, among others. For this reason, REDESCA urges the State to take urgent action to mitigate this situation and to monitor the dropped out students to reincorporate them as soon as possible and thus mitigate the damage that is evident today.

## E. Right to a Healthy Environment and Climate Change

302. REDESCA obtained knowledge of the low levels of contamination produced in the Chilean territory due to the low productivity derived from the COVID-19 quarantine. According to a member of the Regional Ministerial Secretary for the Environment of the Metropolitan Region, there were records of up to -30% of coarse particulate material and -12% of fine particulate material, obtaining an average decrease of 40% in contamination due to low productivity in industry, as well as in transport<sup>702</sup>. However, as the lack of refinement progresses, pollution levels rose again<sup>703</sup>. In this sense, REDESCA emphasizes what was expressed by the Minister of the Environment, since it is necessary that not only the State of Chile, but all the countries of the region reinforce attempts to transcend to a more sustainable lifestyle<sup>704</sup>.
303. REDESCA observes with concern the refusal of the State of Chile to adhere to and sign the Escazú Agreement, insofar as the Foreign Minister stated that said treaty "is not convenient for Chile."<sup>705</sup> While the Chancellor and the Minister of the Environment affirmed the refusal to sign the Escazú agreement with the justification that it "imposes ambiguous obligations", and "Chile already has modern and very complete legislation in relation to the environment", other people (physical and moral) have shown their disagreement<sup>706</sup>. In view of this, civil society reported that such a decision "responds particularly to a model of dispossession that exists in the country associated with the intensive and irrational exploitation of finite natural assets, particularly soil and water."<sup>707</sup> In this sense, REDESCA reminds the State that in 2012 Chile was one of the main promoters of the implementation of said treaty, and emphasizes in the same sense that this implies the promotion of progressive development on the environment and even reinforces actions for the compliance with the Sustainable Development Goals for the 2030 agenda.

## 10) COLOMBIA

304. At the beginning of January 2021, the COVID-19 pandemic had caused approximately 1,816,082 infections, 46,782 deaths and 1,646,892 people recovered in the country<sup>708</sup>. Faced with this scenario, which would have started on March 6 with the first case<sup>709</sup>, the State would have sought to respond in a timely manner to the pandemic, and therefore, on March 10, it issued a resolution on preventive isolation and quarantine measures for people entering the country from China or some European countries.<sup>710</sup>, and on March 12, once the WHO declared the COVID-19 situation as a pandemic, the

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<sup>702</sup> Earth Challenge. [Contamination returns to Santiago as the lack of refinement progresses](#). August 18, 2020.

<sup>703</sup> Idem.

<sup>704</sup> Idem.

<sup>705</sup> The Clinic. ["It is not convenient for Chile": Minister Allamand closes any possibility of signing the Escazú Agreement](#). September 8, 2020.

<sup>706</sup> Associated Press. [Chile refuses to sign Escazú environmental agreement](#). September 22, 2020.

<sup>707</sup> Idem.

<sup>708</sup> Worldometer. [Coronavirus Cases in Colombia](#), January 12, 2021.

<sup>709</sup> Ministry of Health, [Colombia confirms its first case of COVID-19](#), Press Bulletin No 050 of 2020, March 6, 2020

<sup>710</sup> Ministry of Health and Social Protection, [Resolution no. 380](#), March 10, 2020





State declared a health emergency, and 5 days later - on March 17 -, it decreed the State of Economic, Social and Ecological Emergency<sup>711</sup>.

305. Additionally, mandatory preventive isolation, restrictions on mobility, the closure of borders and non-essential services were established, face-to-face classes were suspended<sup>712</sup>, as well as social distancing and biosecurity protocols were imposed<sup>713</sup>. Although some restrictions were maintained, at the end of April the reopening of some sectors began, and on August 25 the end of the quarantine was announced with effect from September 1, while international flights resumed from September 19 September (on a limited basis)<sup>714</sup>. Due to the rebound in cases, some measures have been resumed since January, including curfews in some cities of the country (where intensive care units have a high occupancy)<sup>715</sup>.

## A. Poverty and Human Rights

306. REDESCA highlights that, despite the challenges in economic terms faced by the State and the effects of the pandemic, economic measures were adopted to support the population. Thus, the Solidarity Income program for the benefit of households in situations of poverty, extreme poverty and economic vulnerability is highlighted, which, although it excludes those who are part of other State social programs, such as Families in Action, Social Protection for Adults Mayor - Colombia Mayor, Jóvenes en Acción, among others, guarantees unconditional cash transfers. According to the information provided by the State, in the first cycle of this program, transfers were made to more than 2 million households for a value of USD 87 million.<sup>716</sup> This program also highlights the attention to the middle class, which is in a great state of economic vulnerability in the face of the health emergency.
307. Likewise, the Colombian Government stated the allocation of resources to strengthen existing social programs and additional monetary transfers to its beneficiaries: Familias en Acción (2.6 million families in total with 4 million children and adolescents; including 127 thousand indigenous households, 138 thousand Afro-descendant households and 875 thousand households that have been victims of displacement), Jóvenes en Acción (296,000 young people) and Colombia Mayor (1.5 million older adults)<sup>717</sup>. Finally, as a support measure, the implementation of the VAT refund scheme (value added tax) for the most economically vulnerable households was accelerated<sup>718</sup>.
308. In the same sense, within the measures adopted to ensure income and / or means of subsistence for all people, the State would have granted subsidies for people who lost their jobs during the emergency (76,000 beneficiaries of the unemployment protection mechanism) and subsidy to companies for payment of wages, with a reported reach of more than 6 million workers<sup>719</sup>. Additionally, in terms of housing and public services, the drinking water service was reconnected to homes that were in default (to more than 274,000 families); Subsidies for more than USD 268 million had been provided for electricity and natural gas services for the poorest households; the execution of eviction orders was suspended and financial relief was given to more than 300,000 families on their housing loans<sup>720</sup>. In the same sense, the Department of Social Prosperity would have maintained

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<sup>711</sup> Presidential Council for Human Rights and International Affairs, [report and recommendations during the COVID-19 pandemic in light of human rights, analysis period from March 17 to April 21](#), July 16, 2020

<sup>712</sup> Yucatan Newspaper. [Colombia joins the closure of schools due to COVID-19](#), March 15, 2020

<sup>713</sup> Ibid.

<sup>714</sup> International Monetary Fund, [Policy Tracker](#), January 7, 2021

<sup>715</sup> Ibid.

<sup>716</sup> Government of Colombia, Diplomatic Note No. S-DIDHD-20-000053, June 1, 2020

<sup>717</sup> Ibid.

<sup>718</sup> Ibid.

<sup>719</sup> Ibid.

<sup>720</sup> Ibid.



the payment for children and adolescents of the Familias en Acción program, corresponding to nutritional and education components<sup>721</sup>.

309. REDESCA takes note of these measures, as well as those implemented to ensure the provision of health services in the face of the health emergency produced by COVID-19, as they seek to address the human right to health and its basic determinants and social, which are related to the content of other human rights, such as access to drinking water and adequate housing<sup>722</sup>. Likewise, these financial aid and the granting of subsidies would have partially met the needs of people living in poverty and extreme poverty in the country, who are recognized as a group at special risk in the face of the health emergency<sup>723</sup>.
310. Notwithstanding the foregoing, REDESCA states that the State needs to go a long way to overcome poverty and inequality indices in the country, and face the socioeconomic impacts of the health emergency produced by COVID-19. In this sense, although it is reported that in 2019 multidimensional poverty in the country would have decreased by 1.6 percentage points compared to 2018 - from 19.1% to 17.5% -, the figures continue to cover a large percentage of the population, in which people in dispersed rural and populated centers are particularly affected, since multidimensional poverty in these places stands at 34.5%, compared to 12.3% in the headwaters of the country<sup>724</sup>. Regarding monetary poverty, this increased compared to 2018, going from 34.7% to 35.7% at the national level in 2019 (47.5% in dispersed rural and populated centers and 32.3% in capital cities)<sup>725</sup>. Likewise, for the same period of time, extreme monetary poverty grew from 8.2% to 9.6% at the national level, placing 19.3% of people in populated and dispersed rural centers in this condition and 6.8 % at header level<sup>726</sup>.
311. Compared to the multidimensional poverty index of 2019, the indicator with the highest percentage at the national level was informal work, with 72.9%<sup>727</sup>. Likewise, given the educational conditions, there would be a low educational achievement of 44% of the population and a school lag of 25.8%<sup>728</sup>. This situation raises serious concerns as it is in this context of high informality and significant challenges in education that the health emergency of COVID-19 arose. Due to this, the panorama implies decisive efforts on the part of the State, since this scenario would have exacerbated the socioeconomic impacts of the pandemic and, with it, the challenges to face poverty and extreme poverty in the country.
312. According to ECLAC projections, like the regional growing trend, in which the number of people living in poverty would increase by almost 45.4 million people, while another 28.5 million would enter conditions of extreme poverty, In the Colombian case, poverty would increase by 5.1%, while extreme poverty by 4%<sup>729</sup>. In the same sense, the agency projects greater inequality in the distribution of income for the country, with a variation of the Gini index between 4 and 4.9%<sup>730</sup>.
313. These estimates would be in line with what was mentioned by the Inter-American Development Bank, stating that the Colombian market has been particularly impacted by the pandemic, with a

<sup>721</sup> Yucatan Newspaper. [Colombia joins the closure of schools due to COVID-19](#), March 15, 2020

<sup>722</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020, para. 4

<sup>723</sup> Ibid.

<sup>724</sup> Dane, [Multidimensional Poverty in Colombia 2019 and 2018](#), Press Release, July 14, 2020

<sup>725</sup> Dane, [Monetary and multidimensional poverty in Colombia 2019](#), October 13, 2020

<sup>726</sup> Dane, [Monetary and multidimensional poverty in Colombia 2019](#), Technical Bulletin, October 13, 2020

<sup>727</sup> Dane, [Multidimensional Poverty in Colombia 2019 and 2018](#), Press Release, July 14, 2020

<sup>728</sup> Ibid.

<sup>729</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>730</sup> Ibid.



direct impact on unemployment and poverty rates.<sup>731</sup> In this sense, based on the health emergency, today there are estimates that estimate an increase of 5.5 million poor people (reaching approximately 19 million people living in poverty in the country), which would represent a setback over 10 years<sup>732</sup>.

314. Likewise, there are reports that 23% of the people in the country went from eating 3 to 2 times a day<sup>733</sup>, together with the fact that 52.4% of the population lives in food insecurity and more than 2.7 million Colombians suffer from chronic hunger<sup>734</sup>. The foregoing, despite the different government programs in the face of the pandemic and in the face of efforts to protect people in situations of poverty and extreme poverty. In fact, in April protests to request aid and food from the authorities increased due to the lack of food and the impossibility of leaving the houses to buy or work, from which they were made publicly visible in Bogotá, Ciudad Bolívar or Medellín through protests that gathered hundreds of people or red rags on the facades of the houses<sup>735</sup>. Likewise, REDESCA has received worrying information about the situation in the department of Valle del Cauca, where up to the month of June, 13 boys and girls have died of malnutrition, 4 of them less than one year old.<sup>736</sup>, which represents an increase of more than double compared to the 2019 figures (when 5 minors died from the same events)<sup>737</sup>.
315. Even so, understanding poverty as a structural problem that translates into effects on the enjoyment and exercise of human rights<sup>738</sup>, REDESCA highlights some progress that the State has made in this matter, as well as the efforts and measures implemented. Among the outstanding programs for people in conditions of economic vulnerability and with serious limitations to access the right to housing, water, as well as economic income, include: "100% subsidized housing" for population in extreme poverty and with priority to victims of forced displacement, in order to provide them with housing for free<sup>739</sup>; the "My house now" program that grants subsidies for the purchase of a home to households in proportion to their purchasing power<sup>740</sup>; the "Semillero de Propietarios" program that seeks to benefit households that live on informal rents and in homes with unworthy conditions, as well as reward household savings<sup>741</sup>, together with the "Casa Digna, Vida Digna" program to improve homes and their surroundings, through which 383,933 households have so far benefited<sup>742</sup>.
316. Additionally, regarding the right to water, the "Guajira Azul" program is highlighted to increase the coverage and quality of drinking water and sanitation, by increasing 7 hours of water continuity (from 9 to 16 hours) in urban areas and increasing coverage in 66% (from 4% to 70%) in rural areas of the department with greater limitations regarding access to water in the country<sup>743</sup>. Likewise, the "Agua al Campo" program, designed to increase aqueduct and sewerage services in rural areas,

<sup>731</sup>Money. Recovering employment and reducing poverty in Colombia will take "many years." <https://www.dinero.com/economia/articulo/como-sera-la-recuperacion-economica-de-colombia/296729> August 24, 2020

<sup>732</sup>Redmas. Colombia would have 19 million poor people after the pandemic! <https://redmas.com.co/w/analisis-colombia-tendria-19-millones-de-pobres-despues-de-la-pandemia?redirect=%2Finicio?color=> August 28, 2020

<sup>733</sup> Ibid.

<sup>734</sup> Infobae, [2.7 million Colombians suffer from chronic hunger](#), October 15, 2020

<sup>735</sup>Time. [Red rags and blockades, hunger protests in various areas of the country](#). April 15, 2020.

The Colombian. [Hunger does not stop, nor do the protests in popular neighborhoods of Medellín](#). April 15, 2020.

The viewer. [Ciudad Bolívar: its tragedy after the arrival of the coronavirus in the country](#). April 18, 2020.

<sup>736</sup>Time. [Concern in the Valley: there are 13 deaths of children due to malnutrition](#). June 3, 2020.

<sup>737</sup>Valdel Cauca Government. [Valle Health Secretariat will carry out special intervention in municipalities with cases of child malnutrition](#). June 1, 2020.

<sup>738</sup> IACHR, [Poverty and Human Rights](#), OEA / Ser.L / V / II.164, September 7, 2017

<sup>739</sup> Ministry of Housing, City and Territory of Colombia, [100% subsidized housing](#).

<sup>740</sup> Ministry of Housing, City and Territory of Colombia, [My house now](#), October 9, 2020

<sup>741</sup> Ministry of Housing, City and Territory of Colombia, [seedbed of owners](#), November 14, 2020

<sup>742</sup> Ministry of Housing, City and Territory of Colombia, [dignified house dignified life](#), November 20, 2020.

<sup>743</sup> Vice Ministry of Water and Sanitation, [Guajira Blue](#), September 17, 2020



stands out.<sup>744</sup>, together with the "home connections" program to promote the construction or improvement of home and home connections<sup>745</sup>.

## B. Right to health

317. Regarding the health system, REDESCA highlights the importance of ensuring the existence of accountability mechanisms and access to justice in the event of possible human rights violations in the context of the pandemic, including acts of corruption or State capture.<sup>746</sup>, taking into account that corruption is one of the evils that seriously affects the availability of resources for effective access to the right to health, and in general, to all human rights<sup>747</sup>. For this reason, it is recommended to carry out an exhaustive investigation in a serious, timely and diligent manner against the information on the documentation of alleged cases of corruption linked to the supply of health goods and services.
318. In this regard, although after declaring a state of emergency on March 17, the State enacted a series of economic measures for some 15,000 million dollars to alleviate the crisis derived from the COVID-19 pandemic -including credits, subsidies and resources to the health system-<sup>748</sup>, there is a significant number of complaints regarding cost overruns and the lack of suitability of contractors to deal with the pandemic<sup>749</sup>. Likewise, since the health emergency began in March, the Office of the Attorney General of the Nation would have 837 records with initiation of disciplinary action, including 417 mayors, 26 governorates and 32 municipal councils<sup>750</sup>.
319. For this reason, REDESCA makes a call to address these complaints and investigate these events. Furthermore, taking into account that state corruption substantially affects the poorest, and therefore is a limitation for the guarantee of ESCER for the population in general, but for people living in poverty in particular, since the latter are deprived to a greater extent of the enjoyment of their human rights due to daily corrupt practices and systemic practices<sup>751</sup>.
320. Likewise, it is worrisome that in Colombia the impact on medical services is being generated not only due to the challenges generated by the pandemic, but also due to the debt of more than 40 billion pesos to companies that provide health services<sup>752</sup>, as well as the low execution of the money destined to the expansion of the supply of services and the strengthening of public health. This situation, which has implied limitations and challenges to guarantee access to health services at the national level, is more serious in rural and remote areas of the country where vulnerable and historically discriminated populations live.
321. In this regard, one of the main reasons would be the result that in these areas there are greater limitations to follow the WHO recommendations, since in a significant part of them access to water is not guaranteed. Thus, although in the municipal capitals the majority would have access to aqueduct

<sup>744</sup> Vice Ministry of Water and Sanitation, [Water to the Field](#), September 28, 2020

<sup>745</sup> Vice Ministry of Water and Sanitation, [Intradomiciliary Connections](#), September 16, 2020

<sup>746</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 16, 10, 2020

<sup>747</sup> IACHR, [III Annual Report of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(REDESCA\)](#), OEA / Ser.L / V / II.Doc. 5, February 24, 2020. Para. 655.

<sup>748</sup> Infobae, [Colombia launches economic measures for USD 15,000 million to face pandemic](#), March 18, 2020

<sup>749</sup> El Espectador, [Until July, hiring to attend COVID-19 totaled \\$ 2.5 billion.](#) <https://www.elespectador.com/noticias/politica/contratacion-para-atender-COVID-19-suma-25-billones/>, 18 August 2020

<sup>750</sup> Briefcase, [Corruption in Colombia, a more serious evil than the coronavirus](#), October 4, 2020.

<sup>751</sup> IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA / Ser.L / V / II., December 6, 2019.

<sup>752</sup> Time. Debts to hospitals and clinics exceed \$ 40 billion: Attorney General [https://www.eltiempo.com/salud/informe-de-la-procuraduria-revela-deudas-de-las-eps-a-hospitales-y-clinicas-530946?utm\\_medium=Social&utm\\_source=Twitter#Echobox=1597900495](https://www.eltiempo.com/salud/informe-de-la-procuraduria-revela-deudas-de-las-eps-a-hospitales-y-clinicas-530946?utm_medium=Social&utm_source=Twitter#Echobox=1597900495) August 19, 2020



service, in rural areas such as Guainía, Amazonas, Guaviare, Vaupés, Chocó or La Guajira, the supply of drinking water does not exceed 30%<sup>753</sup>.

322. In this sense, REDESCA has observed that populations in a particularly vulnerable situation in Colombia face greater challenges to see their right to health guaranteed. Thus, as an example, the middle and lower middle sectors in the country (strata 1 to 3) would represent the majority of hospitalizations, deaths and admissions to intensive care, so that a person from stratum 1 (low socioeconomic level) would be 10 times more likely to be hospitalized or die from COVID-19 and six times more likely to enter intensive care than a person in stratum 6 (the highest socioeconomic level)<sup>754</sup>. Said estimates would be consistent with the DANE estimates, which report that 2 out of every 3 deaths in the country have been of low-stratum people and that 69% of the deceased belong to stratum 1 or 2<sup>755</sup>.
323. The foregoing would be intrinsically linked to inequality and levels of labor informality in the country, and not only linked to the lack of follow-up to health protocols<sup>756</sup>, since most of these people have had to leave to have an economic support, since State aid would not be enough, while people from high socioeconomic strata have the possibility of receiving an income while isolating themselves (through teleworking)<sup>757</sup>. In fact, when analyzing the profile of the deceased in the country, the result would be people living in poverty (stratum 1 and 2) and with maximum basic primary education in terms of educational level, among others associated with the composition from their homes (married to families of more than two people)<sup>758</sup>.
324. This disproportionate impact has also been experienced by the country's indigenous peoples, in contrast to what stands out, for example, the collapse or saturation of medical services in the Amazon region.<sup>759</sup>, where particularly in Leticia (department of Amazonas) there was such an increase as of May, that it became the city with the most cases in the country for every million inhabitants<sup>760</sup>. This situation even led the only hospital in the city to request on May 16 the transfer of all the people admitted to the intensive care unit due to lack of oxygen.<sup>761</sup> Although this risk situation would have been controlled<sup>762</sup>, the reported events contextualize the serious situation that indigenous populations and communities are going through in the Amazon, which until May 23 had more than 84 thousand infections and 5,104 deaths according to data from local organizations in the 9 countries that comprise the region<sup>763</sup>. In this regard, REDESCA emphasizes the historical discrimination suffered by indigenous peoples who, in the context of the pandemic, have seen their right to health, life and even their cultural survival affected.

## C. Labor rights

325. In the case of labor rights, REDESCA recognizes the measures adopted by the State to protect workers and people who have become unemployed due to the pandemic. Even so, it expresses its concern because as of October alone, DANE reported that the pandemic increased the unemployment rate by about 8 additional points and 11.5 in the main cities, which was represented mostly by

<sup>753</sup> Gutiérrez, J. On the first line drinking water and COVID-19. [https://www.dejusticia.org/wp-content/uploads/2020/08/EN\\_LA\\_PRIMERA\\_LÍNEA\\_AGUA\\_POTABLE\\_Y\\_COVID\\_19.pdf](https://www.dejusticia.org/wp-content/uploads/2020/08/EN_LA_PRIMERA_LÍNEA_AGUA_POTABLE_Y_COVID_19.pdf) July, 2020.

<sup>754</sup> Time, [Low strata in Bogotá feel the effects of the covid more rigorously](#), August 14, 2020

<sup>755</sup> Time, [2 out of 3 deaths from covid in the country have been in strata 1 and 2](#), September 16, 2020.

<sup>756</sup> Time, [Low strata in Bogotá feel the effects of the covid more rigorously](#), August 14, 2020

<sup>757</sup> Ibid.

<sup>758</sup> Time, [2 out of 3 deaths from covid in the country have been in strata 1 and 2](#), September 16, 2020.

<sup>759</sup> EFE. [A cry for help in the Amazon](#), May 8, 2020.

<sup>760</sup> Time. [Portrait of Leticia: a town that mourns the worst tragedy in its history](#), May 19, 2020.

<sup>761</sup> Time. [Leticia Hospital requests transfer of patients due to lack of oxygen](#), May 16, 2020.

<sup>762</sup> Ministry of Health, [In Amazonas COVID-19 is being controlled](#), June 10, 2020

<sup>763</sup> ProVea. [COVID-19 Observatory in the Venezuelan Amazon Orpia - Wataniba](#), May 23, 2020.





people with low educational levels, women and / or youth working in small economic units<sup>764</sup>. These figures would imply that the country today has "3.8 million fewer employed persons, with 1.5 million more unemployed and 2.7 million more inactive"<sup>765</sup>.

326. Likewise, although it takes note of the provisions through which the State would have sought to preserve people's sources of work and help maintain the economic sustainability of workers through measures such as using vacations in advance in the pandemic period, retirement of layoffs in private funds to compensate for the reduction in income, access to the benefits of the Unemployment Protection Mechanism and deferral of payment and self-liquidation of parafiscal contributions in some sectors<sup>766</sup>, the Office of the Special Rapporteur expresses its concern about the guarantee of workers' rights, their job stability, and the impacts on their homes. The foregoing, since these measures would not be sufficient to protect the ESCER of working people, nor their economic income and means of subsistence in the context of the pandemic.<sup>767</sup> In particular, in the face of unemployment, the temporary relief of having more financial resources would imply future risks due to the decrease in funds that people would have, so it would not be relevant in a situation of generalized economic crisis to consider it as a "line of defense" before the emergency.
327. In this scenario, REDESCA also expresses its dismay at the situation of the country's front-line personnel, who have not only experienced attacks, stigmatization and threats<sup>768</sup>, but also they would not have decent working conditions (including job stability). In this regard, the Office of the Attorney General of the Nation reported that only 28% of health personnel (46,715 out of 136,116) have employment guarantees, such as vacations, severance pay, benefits, premiums, health services and pension, as more than 70% It would be linked through outsourcing contracts or for the provision of services, despite the fact that this type of contract could only be signed in exceptional cases<sup>769</sup>. To this is added that health personnel have been a particular victim of the armed conflict, in which the Truth Commission reported that between 1958 and 2019 in the country there were 2,419 violations of medical missions and more than 826 murders<sup>770</sup>.

## B. Right to education

328. Regarding the right to education, REDESCA takes note of the State's measures to ensure its guarantee in the context of a pandemic, through which, after the closure of face-to-face classes in March<sup>771</sup>, strategies were launched such as the use of digital platforms, the continuation of the School Food Plan, the Solidarity Fund for Education, as well as alternatives to access physical guides, or receive the class by radio or television<sup>772</sup>. Still, the decision is reported to have affected 10 million students<sup>773</sup>, and only between March and August, 102,880 children and adolescents had stopped studying

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<sup>764</sup> Time, [The pandemic contributed eight additional points to the unemployment rate](#) , October 4, 2020

<sup>765</sup> Ibid.

<sup>766</sup> Ministry of Labor, [Government provides alternatives to workers and employers to promote job retention](#). March 26, 2020.

<sup>767</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>768</sup> Time, [The other epidemic: Discrimination against health personnel in Medellín](#). May 4, 2020; Infobae, [Mafia threat in Colombia: they sent a funeral wreath to a doctor for the death of a patient with coronavirus](#), June 9, 2020

<sup>769</sup> Infobae, [Prosecutor's Office asks that health professionals in Colombia be hired in decent conditions](#), January 10, 2021

<sup>770</sup> The viewer, [2,419 INFRACTIONS TO MEDICAL MISSIONS SINCE 1958, The health sector was also a victim of the conflict](#), September 21, 2020

<sup>771</sup> Colombia, [Coronavirus Colombia: what is known about the back-to-class plan in schools](#), 23 August 2020

<sup>772</sup> Presidency of the Republic, [Minister of Education announces that PAE beneficiary students will receive food at home](#), March 24, 2020; Time, [More than 100,000 children stopped studying in Colombia due to the pandemic](#), October 27, 2020

<sup>773</sup> Human Rights Watch, [Colombia: events of 2020](#), January 13, 2021



(approximately 1.1%)<sup>774</sup> -although there are estimates that even calculate that dropout rates would be higher, reaching 4.5% or 7% -<sup>775</sup>.

329. As with the health sector, it is no coincidence that the people who have been most affected are those who are economically vulnerable or those who live in rural and remote areas, who would not have the resources to bear the costs of educational equipment, remote or connectivity<sup>776</sup>. In this sense, given that the decision to close schools to face the pandemic would not only affect school attendance rates and school lag<sup>777</sup>, but would increase the educational and economic gap, with a disproportionate impact on low-income children and adolescents, REDESCA calls for all necessary and effective measures to be taken so that children and adolescents at the national level can access an education with the stimuli that their age and level of development require, as recommended by the IACHR to the States in the framework of the pandemic<sup>778</sup>. The foregoing, taking into account that, as has been mentioned by the Committee on Economic, Social and Cultural Rights (CESCR), the right to education is the main way out of poverty for children and adults living in a situation economic and social vulnerability<sup>779</sup>.
330. Likewise, REDESCA takes note of the complaints about the criminalization of students in the country in the context of social protest and vindication of rights, who, despite defending the right to education and human rights, have been in some cases of violence and stigmatization (especially students from public universities)<sup>780</sup>. This situation is even more aggravating considering the complaints about violence against teachers in the country<sup>781</sup>. For this reason, REDESCA encourages the adoption of particular measures to prevent, investigate and punish violence and stigmatization against members of the education sector.

## D. Right to a Healthy Environment and Climate Change

331. In accordance with what was expressed by REDESCA and the United Nations Special Rapporteur on human rights and the environment, on the need for the States of the region to strengthen and not weaken the protection of the environment during the pandemic<sup>782</sup>, REDESCA expresses its great concern about the call for a non-face-to-face consultation process regarding the development process of the Program for the Eradication of Illicit Crops by Glyphosate Spray (PECIG) by the National Environmental Permits Authority (ANLA)<sup>783</sup>. The foregoing, despite the rejection of civil society and at least four previous judicial orders that maintained that the decision violated the fundamental rights to participation, prior consultation and due process of the communities that inhabit the affected municipalities with the resumption of glyphosate aerial spraying<sup>784</sup>.

<sup>774</sup> Time, More than 100,000 children stopped studying in Colombia due to the pandemic, October 27, 2020

<sup>775</sup> Ibid.

<sup>776</sup> DW Spanish, "The pandemic exposed the problem that young people have to access the internet", August 12, 2020; Time, More than 100,000 children stopped studying in Colombia due to the pandemic, October 27, 2020

<sup>777</sup> Briefcase. Alleviating poverty, the other side of economic recovery. <https://www.portafolio.co/economia/mitigar-la-pobreza-la-otra-cara-de-la-recuperacion-economica-543728> August 17, 2020

<sup>778</sup> IACHR, Pandemic and Human Rights in the Americas: Resolution 1/2020, para. 64, April 10, 2020

<sup>779</sup> CESCR, General Comment No. 13, The right to education, E / C.12 / 1999/10, December 8, 1999.

<sup>780</sup> CLADE, Criminalization and violation of the human rights of students in Latin America and the Caribbean, December 10, 2020

<sup>781</sup> Euroneews, Mobilization in Colombia against the assassinations of teachers, February 23, 2020; The Colombian, Fecode denounces murders of teachers in Risaralda and Nariño, November 23, 2020

<sup>782</sup> IACHR, The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic, CP no. 198/20, August 13, 2020

<sup>783</sup> The viewer, The key points of the ANLA hearing on aerial spraying with glyphosate, December 19, 2020; The FM, Anla calls a public hearing for the use of glyphosate, April 24, 2020.

<sup>784</sup> Of Justice, Despite court orders and arguments from civil society, Anla will hold a public hearing to return to aerial spraying with glyphosate, August 24, 2020



332. As has been established, if it is necessary to adopt a decision to reform specific environmental regulations, those decisions must respect both the procedural and substantive elements of human rights, which implies that all decisions are adopted in a transparent manner, with broad public participation and providing access to justice to interested individuals, communities and other organizations<sup>785</sup>. Therefore, with this measure, and as was stated by various civil society organizations and communities, the rights of rural and indigenous communities would have been violated, which would not have adequate participation conditions or the right to prior consultation<sup>786</sup>.
333. Likewise, within the framework of the situation of vulnerability of human rights and environmental defenders in the context of business activities, REDESCA expresses its dismay at the threats and murders of environmental leaders in the country, in which only In 2019, 64 people were reported killed for defending their land and the environment (out of 212 worldwide), against which there could be more undocumented cases and, for the most part, there would be impunity<sup>787</sup>. Since REDESCA continued to receive information on similar events during 2020<sup>788</sup> and that these figures - which doubled compared to 2018 - would show a routine practice of assassinations and violence against those who oppose extractive industries, and not isolated events, the Office of the Special Rapporteur calls on the State to prevent, investigate and punish these events, as well how to guarantee access to effective mechanisms of reparation in the face of human rights violations of persons, and in the case of environmental leaders in particular. Faced with this point, REDESCA highlights the importance of conducting an exhaustive investigation, not only of information from possible criminal actors involved, but also from authorities, companies, local suppliers of these, among others.
334. In this regard, REDESCA highlights that these measures are urgent since environmental defenders are particularly threatened in a severe and growing way in the continent given the existing demand in the exploitation and use of natural resources and the existence of private interests with the capacity to influence state institutions<sup>789</sup>.
335. In this context, REDESCA highlights the launch of the Business and Human Rights plan by the State. However, the Office of the Special Rapporteur takes note that various civil society organizations stated that the Government had not guaranteed effective public participation, which would have resulted in the new version of this being published without a diagnosis or a baseline.<sup>790</sup> For this reason, REDESCA makes itself especially available to the State to socialize and identify actions aimed at complying with the recommendations of its report on companies and human rights published in 2020.
336. Finally, and in relation to the impact of business activities on human rights, although REDESCA highlights the importance of the ruling of the Council of State that confirmed the decision to suspend future mining and energy projects, environmental licenses and thefts in areas of Forest reserve of the Serranía de los Motilones and the Magdalena River in Yukpa ancestral territory until the territory of this indigenous community is delimited<sup>791</sup>. The Office of the Special Rapporteur expresses its concern

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<sup>785</sup> IACHR, The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic, CP no. 198/20, August 13, 2020

<sup>786</sup> AIDA, Colombia: Calling virtual audiences violates the right to participation of communities, May 19, 2020; Of Justice, Despite court orders and arguments from civil society, Anla will hold a public hearing to return to aerial spraying with glyphosate, August 24, 2020

<sup>787</sup> The Guardian, Record 212 land and environment activists killed last year, July 28, 2020

<sup>788</sup> Heinrich Boll Stiftung, Organizations reject threats against the lives of environmental defenders in Magdalena Medio, November 5, 2020

<sup>789</sup> IACHR, Business and Human Rights Inter-American standards, OEA / Ser.L / V / II, Para. 323, November 1, 2020

<sup>790</sup> Information Center on Business and Human Rights, Colombia: Despite criticism from civil society organizations, the government publishes a new version of the National Action Plan on Business and Human Rights without diagnosis or baseline, December 11, 2020

<sup>791</sup> Information Center on Business and Human Rights, Colombia: State Council confirms decision to suspend mining projects in Yukpa ancestral territory, March 11, 2020



about the situation of vulnerability in which the Yukpa people find themselves due to the serious delays in the delimitation of their territory and the priority that the progress of economic activities has had over their human rights, and particularly their ESCER rights. In this regard, the Office of the Special Rapporteur takes note not only of the situation of poverty and extreme poverty in which this community finds itself, coupled with high levels of food insecurity and lack of access to water and sanitation - which generated a situation of greater vulnerability to the COVID-19 pandemic<sup>792</sup>-, but also the environment of stigmatization and accusations of this community due to the negative impacts on economic activities, despite the fact that it would only be demanding the guarantee of their rights.

## 11) COSTA RICA

337. The State of Costa Rica reported the first case of COVID-19 on March 6, 2020. Faced with this situation, the Government declared a state of yellow alert and national emergency, which included the restriction of the circulation of private and public vehicles considered non-essential; international travel restrictions; as well as the closure of public and private educational centers, restaurants and tourist centers<sup>793</sup>.
338. REDESCA values that Costa Rica presented in April the lowest mortality in relation to coronavirus and a public health system equipped with 700 units of mechanical ventilators for the treatment of seriously ill patients with the disease<sup>794</sup>. At the beginning of the pandemic, it was reported that the Intensive Care Unit (ICU) of the Costa Rican Social Security Fund (CCSS) was almost at the limit of its capacity<sup>795</sup>, for which the CCSS enabled at the end of March the facilities of a rehabilitation center to install a hospital specialized in the treatment of severe cases of coronavirus (CEACO)<sup>796</sup> with 88 beds and 1,350 health workers to strengthen health services against the pandemic<sup>797</sup>. In addition, 30 thousand face protection masks were distributed in April, among other biosafety equipment for the protection of medical personnel, for hospitals around the country.<sup>798</sup> A mobile hospital was also installed near the border with Nicaragua, an area of high migratory flow, to reinforce health services for patients with COVID-19 who enter through that border<sup>799</sup>.
339. In May, both gyms and theaters were able to resume their activities with a capacity limit, and in June the operations of hotels and some tourist centers were resumed under the same sanitary control measures.<sup>800</sup> In August, airports were reopened for international tourists from countries that have controlled the pandemic in their territories<sup>801</sup>.
340. In this line, REDESCA takes careful note that the Costa Rican Ombudsman's Office called on the State for inter-institutional coordination (identifying those responsible for the actions) so that people with disabilities, the elderly and children and adolescents and women in a state of vulnerability who reside in shelters, have the proper care and those who work in these Centers, have the necessary equipment to attend a possible emergency caused by COVID-19. Also, the definition of financial aid

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<sup>792</sup> Week, [6-month-old baby, first case of COVID-19 in the Yukpa town of the Serranía de Perijá](#), April 28, 2020

<sup>793</sup> IMF. [Policy Responses to COVID-19 in Costa Rica](#). December 3, 2020.

<sup>794</sup> Reuters. [Costa Rica, the exception of America during the coronavirus epidemic](#). April 23, 2020.

<sup>795</sup> Delfino. [CCSS advises: 80% of intensive care beds are occupied](#). April 4, 2020.

<sup>796</sup> Idem.

<sup>797</sup> The country. [CCSS enables CENARE as a shield hospital against COVID19 in Costa Rica](#). March 31, 2020.

<sup>798</sup> The Republic. [Hospitals already have the first 30 thousand face protection masks made in Costa Rica](#). April 15, 2020.

<sup>799</sup> Voa News. [Costa Rica installs mobile hospital near Nicaraguan border to treat coronavirus](#). April 22, 2020.

<sup>800</sup> Idem.

<sup>801</sup> Idem.



for people with disabilities, older adults and women in a state of vulnerability during the care of the COVID-19 crisis is also of utmost importance<sup>802</sup>

341. As of December 15, Costa Rica had 153,169 positive cases of COVID-19, 1,936 deaths and a constant rate of increase to date<sup>803</sup>. According to the regional report of the Pan American Health Organization (PAHO) in early December, 137 cases were reported per 100,000 inhabitants<sup>804</sup>. By the end of the year, this disease became the leading cause of death in the country, according to the Minister of Health, Daniel Salas<sup>805</sup>. Faced with this situation, the Costa Rican government approved the Pfizer and BioNTech vaccine in mid-December and authorized a vaccination plan<sup>806</sup>.
342. In November, Hurricane ETA deeply affected the population on the coast of the Pacific Ocean in the country, with 600 reports of flooding, 304 landslides or collapses on roads.<sup>807</sup> and leaving 2,000 people affected in the 48 shelters enabled for the emergency<sup>808</sup>. The National Civil Protection Commission also reported the fall of 48 trees, 132 power cuts, 27 roads affected by landslides and 6 power distribution poles downed.<sup>809</sup>. Two people died when they were buried under their house because of an embankment<sup>810</sup>.

## A. Poverty and Human Rights

343. REDESCA observes with concern the increase in the level of poverty this year in Costa Rica as a consequence of the pandemic. In October, official figures reported that, in 2020, 115,000 more households went to live in poverty conditions compared to 2019<sup>811</sup>.
344. Official projections indicated that the country will end the year with a fiscal deficit of almost 9 percent of the Gross Domestic Product (GDP), a debt of around 70 percent of the PIV and a fall of the economy of 5 percent due to the effects of the pandemic<sup>812</sup>.
345. Taking this situation into account, in response to the crisis caused by SARS-CoV-2, the State installed the Social Protection Board that establishes measures aimed at the population in a more vulnerable condition in the face of the emergency generated by COVID-19. In the context of people living in poverty, the State indicated that monetary transfers will continue, and would not be subject to ordinary conditions.<sup>813</sup> In this sense, through Executive Decree No. 42 305 of April 17, 2020, it established the Bono Proteger, which is characterized as an extraordinary and temporary monetary transfer to contribute to the social protection of households affected by the change in their conditions employment and/or income as a result of the National Emergency caused by COVID-19. In the same way, to qualify for this benefit, according to the norm, the person had to have been fired or dismissed, have suffered a change in their working conditions due to suspension of the

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<sup>802</sup> Ombudsman for the Inhabitants of Costa Rica, [Defensoría directs actions before entities public in protection of inhabitants](#), March 31, 2020

<sup>803</sup> Worldometers. [Coronavirus cases in Costa Rica](#). December 15, 2020.

<sup>804</sup> Yahoo! Finance. [The pandemic worsens in a suffocated Central America and in search of vaccines](#). December 11, 2020.

<sup>805</sup> Idem.

<sup>806</sup> Infobae. [Latin America begins to give the green light to the vaccine with immunity still a long way off](#). December 16, 2020.

<sup>807</sup> Yahoo! News. [At least a score of deaths in a Central America devastated by Eta](#). November 6th.

<sup>808</sup> The world. [More than 2,000 sheltered because of Eta](#). November 5, 2020.

<sup>809</sup> Idem.

<sup>810</sup> Yahoo! News. [Indirect influence of Eta leaves two dead and road damage in Costa Rica](#). November 5, 2020.

<sup>811</sup> Reuters. [Poverty in Costa Rica grows to worst level in almost 30 years](#). October 15, 2020.

<sup>812</sup> Idem.

<sup>813</sup> Presidency of the Republic of Costa Rica, [Government presents first response measures on Social Protection](#), March 30, 2020





employment contract, or due to a reduction in working hours; be a formal or informal / temporary self-employed person who lost their job; or have suffered a decrease in income<sup>814</sup>

346. In this line, REDESCA is aware that the Ombudsman's Office had knowledge of cases that people gave authorization to receive these benefits in their accounts, but that they were withheld by the institutions due to debts that people had with some of them. In this sense, the national human rights institution indicated that in accordance with the provisions of article 984, paragraph 2 of the Civil Code, the money that the beneficiaries of the Protect Bonus have received in their bank accounts cannot be seized or withheld. by the bank to pay debts<sup>815</sup>
347. Likewise, the Assembly of Costa Rica decreed the Solidarity Fund for the Unemployed by Emergency, which is financed from the oil price differential, in order to help families in the contraction of the labor market, by granting unemployment benefits. The entity in charge of managing such funds is the Ministry of Labor and Social Security.<sup>816</sup> In the same way, the Executive issued Directive No. 976- which applies to domiciliary or residential, preferential and commercial users for at least 60 days, to stop service suspensions due to non-payment of users, as a measure to guarantee liquidity and prevent transmission of COVID-19<sup>817</sup>
348. REDESCA takes note of these important initiatives carried out by the State to alleviate the burdens on the most vulnerable populations. In this sense, this Office of the Special Rapporteur recalls that the context of the pandemic has also made visible the extreme difficulties faced by people living in poverty and particularly the population living on the streets or with lack of access to adequate housing for the exercise and enjoyment of their rights, including drinking water and sanitation<sup>818</sup>
349. On the other hand, in September, multiple protests were unleashed for five days by social and union sectors against the fiscal measures presented as part of a negotiation between the Costa Rican government and the International Monetary Fund (IMF) to reach an agreement of salvage, which included the increase in taxes and sale of some state assets<sup>819</sup>. The scale of the protests reached such a point that border traffic between Panama and Costa Rica was blocked for several days by more than half a thousand trucks in protest until they were forcibly lifted by Costa Rican authorities.<sup>820</sup> Faced with this situation, the government withdrew from the initial proposal with the IMF and called for dialogue with the country's democratic sectors in October<sup>821</sup>.
350. At the same time, REDESCA also notes that, in November, the Costa Rican government created a special migratory category for Nicaraguan, Venezuelan and Cuban people settled in the country and those who have been denied refugee status. The objective is to prevent a situation of greater vulnerability for people whose refugee application was rejected, according to the Deputy Director of Migration, Daguier Hernández. This project is of special importance in the country because around 10% of the population is immigrant, the majority Nicaraguan (half a million people), according to official figures<sup>822</sup>.

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<sup>814</sup> Executive Branch of Costa Rica, [Executive Decree No. 42305-MTT-MDHIS](#), April 17, 2020

<sup>815</sup> Ombudsman for the Inhabitants, [Ombudsman alerts that Bono Proteger cannot be seized](#), April 20, 2020

<sup>816</sup> Legislative Assembly of Costa Rica, [Solidarity fund for the unemployed due to emergencies, through temporary savings in the international purchase of fuels](#), Proceedings. No. 21,884, April 17, 2020

<sup>817</sup> Presidency of the Republic of Costa Rica, [Guideline issued to stop water cuts due to late payment and reestablish services suspended due to non-payment](#), March 20, 2020

<sup>818</sup> IACHR, IACHR and their REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas against the COVID-19 pandemic, June 2, 2020

<sup>819</sup> Yahoo! News, [Transit resumes at the Panama-Costa Rica border amid protests](#), October 4, 2020.

<sup>820</sup> Idem.

<sup>821</sup> DW, [Costa Rica: Carlos Alvarado withdraws from the IMF and calls for dialogue](#), October 5, 2020.

<sup>822</sup> Confidential, [Costa Rica creates special immigration category for Nicaraguans, Cubans and Venezuelans](#), November 12, 2020.



351. Similarly, in October it was reported that almost 50 people from Cuba, including three pregnant women and 3 children, were stranded in Costa Rica in migrant camps, unprotected from the rains and without proper support. According to local media, one of the migrants said that the Costa Rican government had refused to make use of the deportation and they only have one doctor in the camp, between 10 and 6 living together in tents that do not withstand the rains<sup>823</sup>.

## **B. Right to health**

352. In April, the increase in dengue cases in Costa Rica was alarming, registering 1,760 people infected at the end of March, which represents an increase of 225% compared to 2019<sup>824</sup>. The most affected regions are Huetar Caribe with 590 cases and Central Norte with 241 cases until the end of March, according to figures from the Ministry of Health, who implemented mitigation measures to eliminate dengue breeding sites.<sup>825</sup>
353. In March, it was reported that many private insurers were not covering the coronavirus because it had not yet been declared a pandemic.<sup>826</sup> Faced with this situation, the responsibility to protect the right to health fell on the CCSS, whose universal state health model was described as robust and highly specialized by public health specialists and named as one of the most reliable internationally<sup>827</sup>.
354. The contagion of the coronavirus by medical personnel has been controlled in Costa Rica, but it is still significant. Until March, two doctors infected with COVID-19 after having traveled abroad carried out their work in three hospitals in the country, causing hundreds of medical personnel to go into quarantine<sup>828</sup>. One of them, Dr. Reinaldo Albernás, who was the "zero patient" as he was the first case of COVID-19 in Costa Rica, died in April as a result of the disease.<sup>829</sup> In the San Rafael Hospital in Alajuela, 26 people were infected in total as a result of this incident, 14 of them health workers, which led to the temporary closure of scheduled surgeries in March<sup>830</sup>. Given this, the CCSS approved an exception so that incapacitated officials could be replaced immediately<sup>831</sup>. In addition, 18 CCSS officials were diagnosed with the disease in that same month<sup>832</sup>.
355. For its part, for August it had been indicated that at least 9,307 disabilities associated with the virus, which meant 16% of the total health personnel of the CCSS.<sup>833</sup> Additionally, the CCSS accumulated a total of 996 positive COVID-19 officials since the pandemic began, of which 564 are women and 432 men. The most affected age group is that of workers between 29 and 39 years old with 438 cases. Of all the cases registered, 4 deaths were reported up to that date: an obstetrician gynecologist from the Alajuela Hospital; a General Services employee and a psychiatrist, both from the San Juan de Dios Hospital and a security worker from the Hatillo Health Area<sup>834</sup>.
356. In addition to this fact, REDESCA is aware that the Ombudsman's Office made a call to the Government on risks to the health of health officials, since the mandatory registration of biomedical

<sup>823</sup> Cuban newspaper. [Almost 50 Cubans are still stranded in Costa Rica, in the rain and COVID-19](#). October 26, 2020.

<sup>824</sup> The nation. [Dengue patients on the rise in Costa Rica: a health threat that adds to COVID-19](#). April 16, 2020.

<sup>825</sup> Idem.

<sup>826</sup> University Seminar. [Public health takes over as private insurance limits patient care](#). March 11, 2020.

<sup>827</sup> Idem.

<sup>828</sup> Delfino. [WHO calls COVID-19 cases "alarming" in medical personnel](#). March 23, 2020.

<sup>829</sup> The Tico Times. ['His name was Reinaldo': Costa Rica mourns doctor's death](#). April 22, 2020.

<sup>830</sup> The nation. [New coronavirus in Costa Rica: Health confirms 26 patients and closure of 317 educational centers for 14 days as of Monday](#). March 13, 2020.

<sup>831</sup> Idem.

<sup>832</sup> Idem.

<sup>833</sup> University Weekly, [16% of CCSS workers with disabilities associated with COVID-19](#), August 19, 2020

<sup>834</sup> Idem



equipment and material would not have been imposed, such as gabachas or masks. Therefore, the Ombudsman requested the Ministry of Health to modify Executive Decree No. 41387-S of 2018, with the purpose that all biomedical equipment and materials related to the prevention of COVID-19 require sanitary registration prior to their commercialization or importation<sup>835</sup>.

357. REDESCA is aware that the State has sought to make extensive efforts to reduce the risks of contagion by COVID-19 within health personnel, also considering the existence of other diseases that have arisen at the time of the pandemic. However, REDESCA recalls that, in the present context, the first line of defense against COVID-19 is health workers. In this regard, the Commission, through Resolution 1/2020, indicated that it is the obligation of the States to protect the human rights of workers most at risk due to the pandemic and its consequences, and that those who have to continue carrying out their work activities, must be protected from the risks of contagion of the virus<sup>836</sup>.
358. REDESCA calls on the State to continue strengthening its efforts to protect the rights of workers in the health sector, as well as of all people in the territory. It is vital that measures are taken so that the health system does not collapse due to the lack of personnel who can attend to people, which may increase in the event that the due prevention measures are not followed.

## C. Labor rights

359. In relation to labor rights, REDESCA notes that, in September, the Chilean Chamber of Commerce declared Costa Rica as one of the three countries in the world (along with Chile and Peru) that lost the highest percentage of employment between March and July 2020 as a consequence of the health emergency of COVID-19<sup>837</sup>. Official data in October indicated that 24% of the workforce lost their jobs<sup>838</sup>.
360. Faced with this situation, the National Emergency Commission and the Ministry of Labor and Social Security of Costa Rica approved the payment of 33 thousand economic aid bonds in April, valued at 16 million Costa Rican colones, whose funds come from the National Emergency Fund from the country<sup>839</sup>. Similarly, the authorization law for the reduction of working hours was approved, which seeks to preserve employment due to the declaration of national emergency. The purpose of this measure is that people take advantage of a special regime in which their working hours may be reduced by up to 50%, in proportion to their salary. For which the companies that want to take advantage of this regime must verify at least a 20% decrease in their income<sup>840</sup>.
361. Despite these measures, according to public information, Costa Rica reached unemployment of 24.4% in the quarter between May, June and July 2020, which reflects the impact on the labor market due to the health crisis caused by the COVID pandemic. -19, revealed this Thursday the National Institute of Statistics and Censuses (INEC). According to the Continuous Employment Survey (ECE) of the INEC, the unemployed population in the quarter was 557,000 people, for an increase of 270,000 compared to the same period of the previous year, or what is the same, an increase of 12.9 percentage points. The unemployment rate between May and July 2020 for women is 30.2% and 20.7% for men<sup>841</sup>.
362. In November, the governments of Nicaragua and Costa Rica signed a bilateral agreement for more than 20,000 Nicaraguan people to cross the border to work temporarily on Costa Rican farms<sup>842</sup>.

<sup>835</sup> Ombudsman for the Inhabitants, [Defensoría: Keeping the decree in force puts workers' health at risk](#), November 4, 2020

<sup>836</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020, Recommendation 5

<sup>837</sup> International. [Peru, Costa Rica and Chile, the countries with the most jobs lost due to the pandemic](#). September 12, 2020.

<sup>838</sup> Reuters. [Poverty in Costa Rica grows to worst level in almost 30 years](#). October 15, 2020.

<sup>839</sup> The country. [Government of Costa Rica completes 29,649 payment procedures for the Proteger Bond](#). April 20, 2020.

<sup>840</sup> Legislative Assembly of Costa Rica, [Legislative Decree No. 9832](#), March 23, 2020

<sup>841</sup> The Economist, [Unemployment in Costa Rica reached 24.4% in July](#), September 10, 2020

<sup>842</sup> Confidential. [Costa Rica creates special immigration category for Nicaraguans, Cubans and Venezuelans](#). November 12, 2020.



While Nicaragua is in charge of facilitating the hiring of workers, Costa Rica is committed to guaranteeing their human, labor, health, social security, hygiene, occupational safety, biosafety, their stay in Costa Rican territory and their return to Nicaragua<sup>843</sup>

## D. Right to education

363. With the closure of 317 public and private educational centers in March, the adaptation to the distance education format left the training of a million students around Costa Rica vulnerable due to the lack of Internet access and the lack of technological skills of some teaching people. The director of the State of Education, Isabel Román, stressed in November that three months without face-to-face classes is equivalent to a year of student lag, which means that in 2020 several Costa Rican students will have suffered a delay of almost three years in their studies<sup>844</sup>.
364. Despite the fact that the Ministry of Public Education (MEP) reported having adopted a virtual education model, Román argued that the implemented model was a distance education model, which, unlike the alternative model, does not require an Internet connection and the materials are distributed via WhatsApp or photocopies. However, parents indicated that the distribution of photocopies has not been very punctual and the telephone recharges to use WhatsApp have presented an additional cost to the difficult economic situation they are already going through<sup>845</sup>.
365. Almost 45 percent of the enrolled students did not register on the Microsoft Teams virtual platform, and for the students who did manage to register, the distribution of guides and deadlines has sometimes been disorderly. The same MEP reported in a study that 34.8% of the students enrolled around Costa Rica do not have an Internet connection. It is also worrying that the MEP lost contact with more than 91 thousand male and female students who left the educational system during the health emergency<sup>846</sup>. For the teaching staff, it has not been easy either, since about 1,000 of them and they have to go to educational facilities to use computers and the Internet, which they do not have access to at home. In addition, the MEP indicated that it lost contact with around 400 educational personnel<sup>847</sup>.
366. However, despite the difficulties of the adoption and adaptation of education under the conditions of a health emergency, Costa Rica ranked first along with Panama in digital coverage in the context of the pandemic in an academic report from the Nation State Program from the country<sup>848</sup>.

## E. Cultural rights

367. The motion presented by deputies of the Tax Affairs Commission in October is worrying, which would imply a reduction of 13.4% of the budget of the Ministry of Culture and Youth (MCJ) and would result in negative effects for the operation and monitoring of substantive work of the ministry such as theaters, museums, musical bands, cultural centers and national archives<sup>849</sup>. Faced with this situation, REDESCA emphasizes the importance of the right to the benefits of culture and how crucial

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<sup>843</sup> Idem.

<sup>844</sup> The nation. [Pandemic will leave public education students three years behind](#). November 1, 2020 Idem.

<sup>845</sup> Idem.

<sup>846</sup> Idem.

<sup>847</sup> Idem.

<sup>848</sup> The Tribune. [Honduras and Guatemala with more school digital divide](#). October 13, 2020.

<sup>849</sup> Ministry of Culture and Youth. [Deputies intend to reduce the 2021 budget of the Ministry of Culture and Youth by up to 13.4%](#). October 17, 2020.



it is to take the necessary measures for the conservation, development and dissemination of culture, science and art.<sup>850</sup>.

## F. Right to a Healthy Environment and Climate Change

368. In 2020, the IDB reported in a study that the main environmental problems in Costa Rica are water pollution, climate change, agricultural practices, and overexploitation of fishing.<sup>851</sup> In October, the country's Legislative Assembly approved a bill to reactivate trawling licenses on the Costa Rican coasts<sup>852</sup>. According to civil society organizations, this measure presented an environmental threat to the marine ecosystems of the region, in response to which they held several demonstrations in front of the Presidential House; some people even went on a hunger strike, to ask the president to veto this project<sup>853</sup>. President Carlos Alvarado Quesada vetoed the law on October 30<sup>854</sup>.
369. The situation in the Valladolid neighborhood of the upper area of southern San José is worrying, since it was reported in November that 30 houses had been destroyed by a huge subsidence that began as a crack in the street and threatens to continue expanding.<sup>855</sup> Residents of the community described it as a "slow motion earthquake" and denounced that the Municipality did not heed the warnings given by a geologist from the University of Costa Rica in 2017 about the risk of a landslide in the neighborhood<sup>856</sup>.
370. On the other hand, REDESCA recognizes the importance of Costa Rica's National Decarbonization Plan, which a study carried out by the IDB described as a project that will bring \$ 41 billion in net benefits over the next three decades as a result of energy savings, the reduced cost of accidents and improvements in ecosystem services and agricultural production<sup>857</sup>. The study indicates that, despite the significant effects of the pandemic, the plan will have greater economic benefits, will improve agricultural and livestock practices, and will contribute largely to the restoration and protection of Costa Rican ecosystems.<sup>858</sup> Furthermore, if implemented successfully, the country could reach 2050 with greenhouse gas emissions so low that its forests could balance them on their own<sup>859</sup>.
371. However, REDESCA expresses its deep concern over the situation regarding death threats and incitement to violence against human rights defenders Gustavo Oreamuno Vignet and Jeffrey López Castro, both members of the Ditsö Popular Initiatives Association, in the province of Puntarenas. These threats were also reported against relatives of the members of the Ditsö Popular Initiatives Association. According to the information received, the threats intensified as a result of human rights work and the public denunciation of the murder of human rights defender Jerhy Rivera, which took place on February 24, 2020, a day after to initiate new actions aimed at the recovery of land in the Bröran Territory of Térraba, in the same province. According to information provided by the

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<sup>850</sup> IACHR. [Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights or "Protocol of San Salvador"](#). Article 14 (2). November 17, 1988.

<sup>851</sup> IDB. [Environmental Governance Indicators for Latin America and the Caribbean: An Assessment of Environmental Governance in Practice in Argentina, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Jamaica, Peru, the Dominican Republic, and Uruguay](#). 2020.

<sup>852</sup> University Weekly. [Young people chain themselves in front of the Presidential House and announce a hunger strike against trawling](#). October 23, 2020.

<sup>853</sup> Idem.

<sup>854</sup> DW. [Costa Rica: Carlos Alvarado vetoes law that rehabilitated trawling](#). October 31, 2020.

<sup>855</sup> Yahoo! News. [A "slow motion earthquake" slowly disappears a town in Costa Rica](#). November 17, 2020.

<sup>856</sup> Idem.

<sup>857</sup> IDB. [41 billion reasons why Costa Rica's progress on decarbonization can inspire the world](#). December 9, 2020.

<sup>858</sup> Idem.

<sup>859</sup> Idem.





State, the alleged perpetrators of the events were identified by the authorities, detained, and investigated, initiating the corresponding judicial process<sup>860</sup>

372. REDESCA calls on Costa Rica to continue taking the pertinent actions to ensure the life, integrity and safety of the defenders of the Ditsö Popular Initiatives Association. In the context of a pandemic, REDESCA has highlighted that the environmental obligations of States must be reinforced in order to strengthen protection.<sup>861</sup> Likewise, REDESCA urges Costa Rica to finalize the ratification process of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, better known as the Escazú Agreement.

## 12) CUBA

373. At the beginning of January 2021, Cuba had a total of approximately 15,494 cases, 155 deaths and 12,252 recovered.<sup>862</sup>, with March 11 being the first confirmed case of coronavirus<sup>863</sup>. Although the island is open under certain established conditions, to face the pandemic, the State ordered at the beginning of the emergency that all foreign maritime vessels should withdraw along with all airlines<sup>864</sup>. Likewise, it adopted measures for a strict quarantine and curfews - especially in the worst hit areas, such as Havana -, social distancing, restrictions on tourism and non-essential business, transportation and productive activities, along with a reform in the system distribution of retail business to decentralize commodity sales<sup>865</sup>.
374. In June, the recovery phase began, marked by a gradual and staggered return to productive, economic and social activities on the island.<sup>866</sup>, coupled with a second stage regarding economic strengthening to face the crisis<sup>867</sup>. However, due to outbreaks, the return to activities has been partial and localized, depending on contagion or risk rates in the different areas of the country. In some cases, restrictions have been resumed, mainly in Havana and Artemisa<sup>868</sup>.
375. In the context of the measures, REDESCA takes note of the particular impact on the elderly (approximately 2.2 million people), who in some cases would have had to expose themselves to acquire medicine and food, either because they would not have someone buy these products instead -221,425 of these live alone or alone- or because they would be forced while other people within the family group could not go out during working hours, which would be the time they would be selling the same<sup>869</sup>. Added to the above is the fact that 21% of the people who make up the workforce in Cuba are older people, which would generate greater problems for them to isolate themselves<sup>870</sup>.

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<sup>860</sup> IACHR, [At the end of a year since the murder of Sergio Rojas, the IACHR expresses concern over the situation of threats, harassment and violence against indigenous leaders and human rights defenders](#) in Costa Rica, March 18, 2020

<sup>861</sup> REDESCA, [The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#), August 13, 2020

<sup>862</sup> Worldometer, [Total Coronavirus cases in Cuba](#), January 12, 2021.

<sup>863</sup> Havana Times. [Timeline: Cuba's handling of the COVID-19 outbreak](#). April 14, 2020.

<sup>864</sup> Ibid.

<sup>865</sup> Ibid.

<sup>866</sup> Cuba Debate. [Cuban government reports on measures for recovery after the COVID-19 epidemic](#). June 11, 2020

<sup>867</sup> Idem.

<sup>868</sup> Infobae. [Cuba suffers a re-outbreak of COVID-19 and restrictions are resumed](#). August 8, 2020

<sup>869</sup> Interpress Service in Cuba. [The coronavirus threatens the aging Cuban population](#), March 25, 2020

<sup>870</sup> Ibid.



376. In relation to Economic, Social, Cultural and Environmental Rights (ESCR), REDESCA has repeatedly expressed its concern about the guarantee of these rights on the island<sup>871</sup>, which has increased since the health emergency produced by COVID 19. The above, as multiple factors, such as the socioeconomic impacts of the pandemic, the reduction in economic income due to the drop in tourism and the impacts of Economic sanctions would have exacerbated the vulnerable situations of the population. To date, a GDP contraction of 8.5% is estimated for 2020<sup>872</sup>, which would be reflected in higher levels of poverty, which adds to the difficulties that the population already experiences in accessing essential products and in accessing water and sanitation<sup>873</sup>, which makes it difficult for them to adopt the health protocols recommended by the World Health Organization (WHO) in the face of a health emergency.

## A. Right to health

377. Despite the advances in health and the achievements in the fight against hunger and malnutrition in relation to the Millennium Development Goals<sup>874</sup>, REDESCA expresses its concern about some measures that have been detrimental to the right to health of the population in the context of a pandemic. In this sense, first of all, the approval of the use of the homeopathic drug known as Prevengho Vir and the drug Interferon alfa 2-b is noted.<sup>875</sup> developed in Cuba as alternatives to combat the coronavirus<sup>876</sup>. Faced with these, it is noted that these would not conform to the recommendations made by WHO and PAHO to deal with the pandemic, and that in fact, WHO has spoken out against the use of homeopathic substances to treat diseases such as malaria, AIDS, tuberculosis and even influenza<sup>877</sup>.

378. This situation would be generating disinformation and risks in the matter, while the authorities have ensured that the Interferon alpha 2-b developed on the island is a cure against the coronavirus. The foregoing, despite the fact that this drug would lack scientific proof of its effectiveness.<sup>878</sup> and, additionally, it has been reported that it would have a large number of side effects, including nausea, vomiting, body pain, anemia, low platelets and white blood cells, among others<sup>879</sup>. Therefore, REDESCA calls for compliance with the guidelines on the protection of the right to health of people with Covid 19, which, for the prevention, comprehensive treatment and care of them, implies that the States adopt immediate measures aimed at ensuring, on a sustained, equal and affordable base, the accessibility and supply of quality goods, services and information. Regarding the accessibility and supply of goods, it was specified that this includes that access to accepted medicines and drugs are given according to the best existing scientific evidence for preventive, curative, palliative, rehabilitation or care for people with COVID-19<sup>880</sup>.

379. Likewise, REDESCA takes note of the complaints that people have raised in isolation centers, either because they return from abroad or because they are suspected of having contracted the virus, since it is reported that there are no sanitary conditions and there is no provision of sufficient food, which in turn has particularly impacted populations in conditions of greater vulnerability, such as the elderly or children and adolescents<sup>881</sup>. This situation would also be putting them at risk since it is not

<sup>871</sup> IACHR, Country Report, [Situation of human rights in Cuba](#), OEA / Ser.L / V / II., February 3, 2020

<sup>872</sup> ECLAC, [Preliminary Overview of the Economies of Latin America and the Caribbean](#), December 2020

<sup>873</sup> Ibid

<sup>874</sup> IACHR, Country Report, [Situation of human rights in Cuba](#), OEA / Ser.L / V / II., February 3, 2020

<sup>875</sup> Prisoner Defenders, [Cuban Interferon. We alert: A hoax can kill people](#), April 17, 2020

<sup>876</sup> Havana Times. [Timeline: Cuba's handling of the COVID-19 outbreak](#). April 14, 2020.

<sup>877</sup> Institute for war & peace reporting. [Cuba's COVID-19 Cure: Duck Heart and Liver](#), June 3, 2020.

<sup>878</sup> Radio San Joaquin, [PAHO Director: "there is no evidence that Interferon Alpha-2B works against COVID-19"](#), March 31, 2020

<sup>879</sup> Prisoner Defenders, [Cuban Interferon. We alert: A hoax can kill people](#), April 17, 2020

<sup>880</sup> IACHR, [Human Rights of People with COVID-19](#), Resolution No. 4/2020, July 27, 2020.

<sup>881</sup> ADV Cuba, [This is an isolation center for Cubans returning from abroad](#), July 2, 2020



possible to maintain the health recommendations regarding social distancing and the protocols established by the WHO.

380. In this regard, REDESCA highlights that although the Prime Minister clarified that in the current epidemiological phase, so many patients would no longer be taken to these centers, but on the contrary, those who return from abroad or are suspected of having contracted the virus will be isolated in their homes for 15 days, complaints persisted in some of the centers, such as, for example, by the people at the Espirituano Polytechnic, who continued to denounce their situation and, therefore, were threatened with fines of up to 3,000 pesos for the spread of the pandemic and refuse voluntary confinement<sup>882</sup>. In relation to these facts, REDESCA realizes that this is not the only situation associated with the imposition of fines in the context of a pandemic, since there have been reports that they would apply to those who publish information on the health and health crisis in Cuba<sup>883</sup>.
381. REDESCA recalls that the States of the region have the obligation to guarantee the protection of the human rights of people with COVID-19, which includes not only people with the virus, but all people presumably infected by the virus, people who are in a pre-symptomatic, symptomatic phase (mild, moderate, severe or critical), as well as asymptomatic people, those who undergo medical research tests and the fatalities due to the pandemic, as well as their families and / or caregivers<sup>884</sup>.
382. Likewise, that the States have an obligation to respect and guarantee without discrimination the enjoyment of the human right to health (including the regulation and supervision of facilities).<sup>885</sup>, and that in cases where there is a period of physical isolation or quarantine for people with COVID-19, States must ensure that they are adequate and with access to sanitary facilities<sup>886</sup>. For this reason, it is crucial to guarantee the rights of those who are in these authorized centers, that good infrastructure and hygiene conditions are guaranteed, along with trained personnel and sufficient medical supplies.
383. Additionally, the Office of the Special Rapporteur is concerned about reports about the provision of health services, the availability of essential drugs, and care for other diseases or pathologies in the context of a pandemic. On the one hand, the IACHR has received complaints about obstacles to caring for people with HIV in the context of a pandemic, in which they are not only forced to take to the streets to buy food and medicine (despite the risk that this implies) , but problems to receive an adequate diet that allows them to maintain their defenses and delays in receiving retrovirals<sup>887</sup>. For this reason, the IACHR recently granted precautionary measures in favor of Maikel Herrera, who was not receiving the medical treatment he required despite being HIV positive, suffering from severe immunosuppression, and being at risk in the context of the deprivation of his liberty.<sup>888</sup>. Before the measures, the beneficiary would have been conditioned to receive the treatment if he ceased with his complaints<sup>889</sup>, which would constitute a violation of their right to freedom of expression, through which the guarantee of their rights to life and health would have been conditioned.
384. Regarding the shortage of medicines, it has been reported that this has been aggravated by the pandemic. Thus, the island would lack 116 medicines, despite the fact that 87 are produced at the national level<sup>890</sup>. Among the drugs with the greatest shortage are antiasthmatics, antihypertensives,

<sup>882</sup> ADV Cuba, [Hunger and lack of hygiene: they denounce poor shelter conditions in Sancti Spíritus](#), October 26, 2020

<sup>883</sup> Tell me Cuba [Coronavirus: Cuba will fine those who publish photos of the situation](#), April 9, 2020

<sup>884</sup> IACHR, [Human Rights of People with COVID-19](#), Resolution No. 4/2020, July 27, 2020.

<sup>885</sup> IACHR, [Human Rights of people with COVID-19. Resolution 4/2020](#), July 27, 2020

<sup>886</sup> IACHR, [Human Rights of people with COVID-19. Resolution 4/2020](#), para. July 14, 27, 2020

<sup>887</sup> Radio Television Martí, [COVID-19 complicates the already difficult situation of HIV-AIDS patients in Cuba](#), June 2, 2020

<sup>888</sup> IACHR, [The IACHR grants precautionary measures in favor of Maikel Herrera Bones in Cuba](#), October 19, 2020

<sup>889</sup> Cuban newspaper, [They offer medical attention to prisoner with HIV if he retracts to denounce the Government](#), October 8, 2020

<sup>890</sup> ADV Cuba, [What Cuban earns 100 CUC to buy antibiotics? Cuban protest on social networks](#), October 28, 2020



oral antibiotics, antiallergics, antiglaucoma, antivirals, diuretics, sedatives, anxiolytics, insulin and other antidiabetic agents, coagulation modifiers and antithrombotics<sup>891</sup>. This situation is of special concern since a large number of people with a medical history or preexistence would be at a higher level of risk from the pandemic and in order to cope with their conditions they would have to resort to private or international pharmacies that are not affordable for the population<sup>892</sup>. In this regard, it is recalled that within the obligations of the States is to ensure compliance with various elements in health, such as availability, accessibility, acceptability and quality.<sup>893</sup>, specifying that the accessibility element includes economic accessibility (affordability).

385. Additionally, and in the same vein, REDESCA expresses its concern about the shortage of psychotropic drugs on the island, which would seriously compromise the treatment of people with mental and psychiatric disorders.<sup>894</sup>. In this regard, it is reported that authorities of the Ministry of Health have recognized the lack of basic medicines in pharmacies and hospitals, including medicines within the group called Benzodiazepines, among others.<sup>895</sup>. For this reason, it is called once again to adopt urgent measures towards the effective protection of mental health in the context of the pandemic<sup>896</sup>.

## B. Labor rights

386. REDESCA in turn expresses its concern about the working conditions to which health personnel would be exposed on international missions. Although Cuba's support for other countries through its medical brigades is recognized, it is essential to take into account the human rights situation in which they would find themselves. According to some complaints, the State of Cuba would retain up to 90% of the salary that other governments pay for medical collaboration. In addition, former professionals who managed to flee the island<sup>897</sup>. Likewise, Prisoner Defenders sent 622 testimonies from Cuban professionals to the UN Office in Geneva and to the International Criminal Court about the serious conditions to which the personnel under these contracts would be subjected<sup>898</sup>.
387. These complaints have been presented before, and for this reason, on November 6, 2019, the United Nations Special Rapporteurs on contemporary forms of slavery, including its causes and consequences, and on human trafficking, especially women and children, requested information from the government regarding the different human rights violations suffered by health personnel when they are sent to international missions, since they would have information that would allow them to elevate their working conditions to "forced labor"<sup>899</sup> considering personal exploitation, coupled with inadequate wages, harassment and pressure<sup>900</sup>.
388. Among the denounced conditions would be the obligation to work approximately 64 hours per week (including 16 hours on call), pressure to participate in the program without receiving a copy of their employment contract, insufficient payments for a decent life due to high retention, along with

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<sup>891</sup> Ibid.

<sup>892</sup> Ibid.

<sup>893</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution 1/2020, April 10, 2020

<sup>894</sup> Radio Television Martí, [Lack of psychotropic drugs in Cuba increases the risk among mentally ill](#), October 13, 2020

<sup>895</sup> Ibid.

<sup>896</sup> IACHR, [The States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access](#), CP No. 243/20, October 2, 2020

<sup>897</sup> Cuban Observatory for Human Rights, [OCDH asks the Spanish Government not to participate in "practices already questioned by the United Nations" regarding the hiring of Cuban medical missions](#), April 2, 2020

<sup>898</sup> DW, [Why do more than 600 doctors denounce the Cuban Government?](#), September 22, 2020

<sup>899</sup> Human Rights Watch, [Cuba: Repressive norms against doctors on mission](#), July 23, 2020

<sup>900</sup> Political Animal, [Labor exploitation and abuse, what Cuban doctors suffer in their missions around the world](#), June 11, 2020.



retaliation for staff and their families in case of non-compliance with the conditions<sup>901</sup>. Likewise, violations of their personal freedom, of expression and of association have been reported, which are established and legitimized by Resolution 168 of 2010 issued by the Ministry of Foreign Trade and Foreign Investment of Cuba, which considers facts as disciplinary infractions. how to develop friendly, loving or any other kind of relationships with anyone with positions contrary to the Cuban Revolution, as well as prohibiting the issuance of evaluations of internal situations in the workplace without prior authorization or that compromise Cuban collaboration with the media<sup>902</sup>.

389. Although the Cuban Government from 1963 to the present would have sent more than 400,000 health workers to support different States, in the face of the Covid 19 pandemic and since March of this year, Cuba has sent approximately 1,500 workers who have joined the 30,000 who were already abroad to support health systems responses at the local and regional level<sup>903</sup>. Due to this, and while these missions made up of health workers are facing a great series of risks to face the current pandemic in the region and in accordance with the guidelines issued in Resolution 4/2020<sup>904</sup> For REDESCA, it is essential that they be guaranteed a reinforced protection in which all their rights and especially their ESCER are protected. Therefore, it is exhorted to adopt public policies and measures that guarantee the effective protection of the rights of health personnel who are providing their services in Cuba, as well as in international missions, in accordance with international human rights standards in the subject, including ILO regulations.

## C. Right to education

390. Regarding the right to education, REDESCA highlights the State's initiative to ensure education through the use of television programming and the opening of educational digital platforms during the pandemic after having interrupted the face-to-face academic cycle since last March 24<sup>905</sup>. Likewise, the search for new alternatives with the United Nations Educational, Scientific and Cultural Organization (UNESCO) for collaboration in distance learning stands out.<sup>906</sup> Given the announced return to classes, REDESCA denotes the importance of ensuring that the necessary hygiene and social distancing measures are guaranteed to protect educational and administrative personnel, as well as children and adolescents. This is due to the fact that there would be greater risks of contagion due to the effects that have occurred for a long time in educational centers with respect to access to water, sanitary infrastructure and lack of personnel<sup>907</sup>.

## D. Right to Food

391. Regarding the right to food, REDESCA once again expresses its concern about the shortage of food products and the increase in the price of the basic food basket, which has been increasingly reduced. In relation to the supply book, it is important to specify that it does not guarantee food safety and that, in the midst of the pandemic, it would not be enough for even a week<sup>908</sup>. This situation is even more serious for those who do not have access to the book, such as 40 medical students from Jamaica who were stranded in Cuba in April and unable to return to their country for a time due to the pandemic. The above, while those who are not registered cannot access essential products that are now regulated, such as chicken or oil.<sup>909</sup> Thus, to acquire essential products by other means, people

<sup>901</sup> Idem.

<sup>902</sup> Human Rights Watch, [Cuba: Repressive norms against doctors on mission](#), July 23, 2020

<sup>903</sup> Idem.

<sup>904</sup> IACHR, [Human Rights of People with COVID-19](#), Resolution No. 4/2020, July 27, 2020.

<sup>905</sup> Millennium, [More than 300 thousand students resume classes in Cuba in the face of 'new normal' due to COVID-19](#), November 2, 2020

<sup>906</sup> Latin Press, [Cuba and UNESCO analyze alternatives for distance education](#), October 14, 2020

<sup>907</sup> 14ymedio, [A few days from| resuming the course, parents and teachers differ in concerns](#), October 29, 2020

<sup>908</sup> ADV Cuba, [Desperate and hungry Jamaican students in Cuba feel discriminated against](#), April 27, 2020

<sup>909</sup> Ibid.





are forced to expose themselves to the contagion of the virus in busy and prolonged queues for hours at Currency Collection Stores (TRD)<sup>910</sup>. In relation to Jamaican students, this situation led to xenophobia, lack of food and shortage of health products, which, exacerbated by COVID-19, put their physical and mental health at risk<sup>911</sup>.

392. Likewise, it is emphasized that the shortage of food causes prices of essential products that are not compatible with the purchasing power of the population. In fact, state workers have denounced that the modules that are being offered to them have an abusive price, since the costs of the same would in some cases still exceed double their monthly salary, and therefore, the majority could not access the benefit or They find it necessary to buy between groups and distribute themselves, although this does not respond effectively to their needs<sup>912</sup>.
393. In this context, for REDESCA it is of special concern that the delivery of humanitarian aid destined to alleviate the situation that the population is experiencing is hindered or withheld. In this regard, different social organizations have requested that any obstacle that prevents the delivery of this type of aid or measures that hinder its distribution among those who need it be removed.<sup>913</sup> However, the Cuban Observatory for Human Rights denounced at the end of August that the Government withheld a shipment that was intended to support 15,000 families on the island, as part of the "Solidarity between Brothers" initiative.<sup>914</sup> In this sense, REDESCA calls for any political measure or action by the State to be adopted under a human rights approach, which has as a priority the attention and guarantee of the same. Likewise, it urges that urgent actions be taken to ensure that there is sufficient and affordable food supply to satisfy national demand, especially ensuring the protection of the most vulnerable populations.

## E. Cultural rights

394. Regarding cultural rights, REDESCA reiterates its concern regarding the censorship of artists based on Decree No. 349<sup>915</sup>, through which means are legitimized to hinder their expression, especially those with visions contrary to the Revolution. Likewise, they do so with respect to the reprisals that would be being taken against artists and the police violence against them, such as, for example, the apprehensions of Luis Manuel Otero Alcántara and Maykel Osorbo, and the curators Anamely Ramos González and Claudia Genlui Hidalgo of the San Movement. Isidro, which would demonstrate the increase in repression through the instrumentalization of the pandemic<sup>916</sup>.

## 13) DOMINICA

395. At the end of December 2020, the COVID-19 pandemic had caused approximately 88 infections and 83 people recovered in the country, with no one dead.<sup>917</sup> Faced with this scenario, which would have started on March 22 with the first confirmed case<sup>918</sup>, on April 1 a state of emergency was declared,

<sup>910</sup> Radio Television Marti, [Desperate Jamaican students in Cuba without food: they feel discriminated against](#), April 27, 2020

<sup>911</sup> The Gleaner, [Slamming Shortages, Med Students In Cuba Plead To Come Home](#), April 27, 2020

<sup>912</sup> Cuban newspaper, [The price of the modules for state workers is abusive](#), October 7, 2020

<sup>913</sup> Election News. [\[CUBA\] UNPACU CONSIDERS IT URGENT TO ELIMINATE THE OBSTACLES TO THE ENTRY OF HUMANITARIAN AID TO THE ISLAND AND THE END OF THE REPRESSION OF CIVIL SOCIETY](#), May 26, 2020

<sup>914</sup> Cuban Observatory for Human Rights, [Cuban Observatory for Human Rights condemns withholding of humanitarian aid by the Government of Cuba](#), August 31, 2020

<sup>915</sup> IACHR, Country Report, [Situation of human rights in Cuba](#), OEA / Ser.L / V / II., February 3, 2020

<sup>916</sup> Infobae. [The Cuban regime kidnapped four artists who were going to file a lawsuit against police violence](#), June 17, 2020.

<sup>917</sup> Worldometer. [Coronavirus Cases in Dominica](#), December 28, 2020.

<sup>918</sup> Ibid



which was extended until June 30<sup>919</sup>. Among the measures imposed by the national authorities, there is a curfew for weeknights (6:00 p.m. to 6:00 p.m.) and a total quarantine for weekends (Friday 6:00 p.m. - Monday 6:00 a.m.), along with suspension of non-essential services and restrictions on public gatherings<sup>920</sup>. Likewise, classes were suspended from March 23<sup>921</sup> and the closure of borders was declared, which were opened for nationals on July 15 and for others on August 7<sup>922</sup>. Likewise, since May the relaxation of some measures began, on June 15 the curfew was lifted (imposing a shorter one) and the return of public workers was allowed<sup>923</sup>.

## A. Poverty and Human Rights

396. REDESCA highlights that the State, despite facing serious economic challenges due to the pandemic, coupled with the limitations resulting from natural disasters in the country, has implemented measures to stimulate the economy and support the population. In this sense, measures such as: income support for heads of family and single people who were unemployed are highlighted; cash grants to approximately 2,500 individual farmers, depending on the size of the farm; increased budgetary financing to the Ministries of Health and Agriculture; reduction of the corporate income tax rate for companies that undertake to continue employing at least 80% of their staff; the extension of the term for filing income tax returns<sup>924</sup>.
397. For these measures, the Government would have had EC \$ 500,000 approved by the Monetary Council of the Central Bank of the Eastern Caribbean, which approved a fund with a sum of EC \$ 4.0 million for the governments parties, in order to strengthen the fight against the pandemic caused by COVID-19<sup>925</sup>. Likewise, the World Bank in April approved US \$ 6.6 million for the response to the health emergency, with a particular emphasis on strengthening the health system and food security<sup>926</sup>.
398. Although REDESCA takes note of the measures implemented by the State, it also expresses its concern about their limitations, taking into account the challenges the island was facing to recover from natural disasters (in which tropical storm Erika in 2015 affected GDP by 90% and Hurricane María in 2017 by 226%<sup>927</sup>), and the threat that the pandemic poses to State resources, and with it, the care of people who are being left in a situation of economic vulnerability. In this regard, it should be noted that the tourism industry contributes almost 40% of employment and more than 30% of the Gross Domestic Product<sup>928</sup>. Therefore, together with other factors and according to ECLAC, an economic contraction of GDP of 15.4% is estimated<sup>929</sup>. For this reason, the need to use the maximum of available resources to guarantee human rights, especially ESCER, of the population is highlighted, as well as that, within the framework of containment measures against the pandemic, programs are adopted specific and aimed at addressing the particular poverty situation of households, with an intersectional and differentiated perspective<sup>930</sup>.

<sup>919</sup> Garda World, [Dominica: Restrictive COVID-19 measures remain in place as of April 13](#), April 13, 2020.

<sup>920</sup> Miami Herald, [COVID-19 in the Americas: The past six months have shaken our world](#), August 17, 2020.

<sup>921</sup> Dominica News Online, [COVID-19: Skerrit suspends classes; asks elderly and medically vulnerable to stay home](#), March 23, 2020

<sup>922</sup> Ibid

<sup>923</sup> Ibid

<sup>924</sup> International Monetary Fund, [Policy Tracker](#), January 7, 2021

<sup>925</sup> They will be Caribbean Central Bank, [ECCB Provides \\$ 4 Million Grant to Help Member Countries Prepare and Manage COVID-19 Pandemic](#), March 19, 2020.

<sup>926</sup> World Bank, [World Bank to Strengthen Dominica's COVID-19 Response with US \\$ 6.6 Million](#), April 20, 2020

<sup>927</sup> United Nations Human Rights Office of the High Commissioner, [Human Rights Committee asks Dominica about the use of force against political opposition and the infringement on the right of peaceful assembly](#), Rights Committee CCPR / 20/8, March 11, 2020

<sup>928</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>929</sup> ECLAC, [Preliminary Overview of the Economies of Latin America and the Caribbean](#), December 2020

<sup>930</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

## **B. Right to health**

399. Regarding the right to health, REDESCA recognizes the State's measures against the pandemic, which has managed to keep cases under control, with a significantly low number of infections. However, REDESCA highlights that this situation is not only the result of the timely adoption of measures, but also of the support that community workers have provided to the health system, since they have strengthened their capacity to respond to the impacts left by the Hurricane Maria, which had caused the health personnel to be scarce, after the number of nursing personnel who left the island after its passage<sup>931</sup>.

## **C. Labor rights**

400. Faced with labor rights, and the impact that the pandemic has left in terms of unemployment, REDESCA takes note of the government's programs for employees and small businesses. The first would allow financial support to people who have been unemployed by the pandemic for a value between EC \$ 600 and EC \$ 400 (depending on whether the beneficiary has dependents or not), while the second is aimed at independent workers whose businesses have been suspended by the same situation. Like the first program, it offers financial assistance in the form of a grant in the amount of EC \$ 600 and EC \$ 400 (depending on whether the beneficiary has dependents or not)<sup>932</sup>.

401. Without detriment to the foregoing, REDESCA emphasizes the need to adopt sufficient measures to protect the human rights, and particularly the ESCER, of working people, including those necessary to ensure their economic income and means of subsistence in the face of the pandemic.<sup>933</sup> This is because, although the programs partially respond to the situation of economic vulnerability of the affected people, they would have a limited time, since the program for unemployed people would only provide coverage to those who have lost their jobs until August 15.<sup>934</sup> while the second only supports businesses that have closed or have been suspended since March 2020 and have not reopened<sup>935</sup>.

402. While the pandemic has been prolonged, REDESCA urges to continue evaluating the implementation of these types of programs, which help to continue coping with the impacts of the pandemic on the population. Furthermore, taking into account that, in the particular case of Dominica, according to a survey prepared by the Industry and Commerce Association of Dominica, companies would have laid off 31% of workers due to COVID-19 and it is estimated that the loss of income of the companies would be 35.6%<sup>936</sup>.

## **D. Right to Education**

403. REDESCA takes note of the return of students from September<sup>937</sup>, after March 23, 2020, the closure of schools had been ordered<sup>938</sup>. In this regard, efforts to ensure that children and adolescents have a safe return when returning to the facilities, through the implementation of security protocols, the

<sup>931</sup> World Health Organization, [Community health workers in Dominica lead the fight against COVID-19](#), December 8, 2020.

<sup>932</sup> Government of Dominica, [COVID-19 Response: Employees and Small Business Program](#), June 18, 2020

<sup>933</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>934</sup> Government of the Commonwealth of Dominica, [COVID-19 Response: Employees and Small Business Program](#), June 18, 2020

<sup>935</sup> Ibid.

<sup>936</sup> Emo News, [DAIC Impact Assessment of COVID-19 on Employment and Revenues](#), May 2, 2020

<sup>937</sup> Pr Newswire, [Students in Dominica Will Return to School in September After Country Successfully Contains COVID-19 Community Spread](#), August 20, 2020

<sup>938</sup> Reuters, [Dominica](#), January 5, 2021



installation of water troughs and additional hand washing stations, among other measures.<sup>939</sup> Additionally, the investment for the restoration of 15 schools destroyed after the passage of Hurricane María is highlighted<sup>940</sup>

## E. Right to a Healthy Environment and climate change

404. Dominica has been particularly affected by natural disasters, in which the most recent in terms of impact - Tropical Storm Erika and Hurricane Maria - have had profound repercussions on the population and their livelihoods. As an example, Hurricane Maria that impacted in 2017 would have destroyed 90% of the country's infrastructure<sup>941</sup>. In this sense, REDESCA highlights the efforts and programs of the State that, hand in hand with international cooperation, have sought to overcome them and develop a resilience that allows them a quicker recovery in case of being impacted again. In this regard, it is specified that these programs are fundamental, taking into account that these climatic events are increasingly frequent and appear with greater force<sup>942</sup>.
405. Given that there is a special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty<sup>943</sup>, REDESCA highlights the approval of US \$ 16.4 million by the World Bank for agriculture, food security and climate resilience<sup>944</sup>, as well as the program of the "Housing Revolution" (or housing revolution), which aims to build affordable and resistant housing to the environment for middle-income households, of which 1,640 houses have been built so far.<sup>945</sup> Faced with this last point, REDESCA welcomes the initiative that part of these homes are being delivered at no cost to people who lost their homes in 2017<sup>946</sup>.

## 14) ECUADOR

406. By mid-December 2020, the COVID-19 pandemic had caused approximately 204,249 infections, 13,932 deaths, and 177,951 people recovered in the country<sup>947</sup>. Faced with this scenario, which would have started on February 28 with the first case<sup>948</sup>, on March 11, the president decreed a national health emergency<sup>949</sup> and on March 16 a state of exception was declared to deal with the pandemic<sup>950</sup>, which included control at the points of entry into the country, restrictions for massive

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<sup>939</sup> Pr Newswire, [Students in Dominica Will Return to School in September After Country Successfully Contains COVID-19 Community Spread](#), August 20, 2020

<sup>940</sup> Government of the Commonwealth of Dominica, [Transforming Lives Through CBI: Education](#), June 9, 2020

<sup>941</sup> Wic News, [Dominica prepared to tackle Hurricane Season with climate-resilient houses](#), May 23, 2020

<sup>942</sup> IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people](#), Press Release No. 276, November 17, 2020

<sup>943</sup> IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people](#), Press Release No. 276, November 17, 2020

<sup>944</sup> World Bank, [World Bank Provides Additional Financing of \\$ US16.4 Million for Agricultural Livelihoods, Food Security, and Climate Resilience in Dominica](#), June 30, 2020

<sup>945</sup> Pr Newswire, [The Commonwealth of Dominica Spent \\$ 12.7m to Support Vulnerable Citizens During COVID-19](#), Says PM Skerrit, November 6, 2020

<sup>946</sup> Wic News, [Dominica prepared to tackle Hurricane Season with climate-resilient houses](#), May 23, 2020

<sup>947</sup> Worldometer, [Coronavirus Cases in Ecuador](#), December 17, 2020.

<sup>948</sup> First fruits, [First case of coronavirus in Ecuador was known on February 28](#), March 1, 2020

<sup>949</sup> Trade, [Government decrees health emergency in Ecuador due to COVID-19](#), March 11, 2020

<sup>950</sup> Trade, [Lenín Moreno decrees the state of exception in Ecuador due to COVID-19](#), March 16, 2020



events, greater biosafety protocols for health personnel, special care measures for some people at greater risk from the pandemic (older people, people with disability and with chronic and catastrophic diseases), as well as the promotion of the use of digital platforms for health care, education and telework<sup>951</sup>.

407. However, it was sought to maintain the provision of essential services, such as health, safety, risk services, among others.<sup>952</sup> Additionally, a mandatory community quarantine, a curfew, and some restrictions on circulation were established for the purchase of food and medicines, together with biosafety protocols, such as the mandatory use of masks and distancing measures.<sup>953</sup> Following the declaration, the Ministry of Government and Education announced the suspension of classes<sup>954</sup>. Despite some restrictions, since the end of May the gradual resumption of some activities has been allowed<sup>955</sup> and in September the state of exception was lifted after six months of its validity<sup>956</sup>. Towards the end of December, the state of emergency was decreed for the third time<sup>957</sup>.
408. In order to face the socio-economic impacts of the pandemic, and in response to Ecuador's request for emergency financial assistance, on May 2 the International Monetary Fund (IMF) approved 643 million dollars in order to help cover the expenses of the health crisis due to COVID-19 and support the most affected sectors of the country, such as the social assistance and health system<sup>958</sup>. Likewise, the Inter-American Development Bank also agreed to provide the country with approximately \$ 700 million to attend to the emergency.<sup>959</sup> Additionally, since the beginning of March the State began to announce a series of economic measures to face the economic slowdown due to the significant drop in oil prices and the impacts of the pandemic, which have generated several protests in the country because they are considered regressive<sup>960</sup>.
409. Among the economic measures promoted, the reduction of state spending was established through a budget cut of 4 billion dollars.<sup>961</sup>, from the closure of public institutions and companies (including the Youth Secretariat, four regulatory and control agencies, three institutes, three public companies, four technical secretariats and the Public Media Company). Likewise, contributions from public servants were proposed, who had to start contributing a percentage of their salaries.<sup>962</sup>, and contributions to a national emergency account by companies and workers with salaries above 500 USD<sup>963</sup>, although these two proposals were put aside with the issuance of the Humanitarian Support Law<sup>964</sup>. In addition, a single vehicle tax was set (when their value exceeds 20,000 USD)<sup>965</sup>, a fuel pricing system was established, public sector working hours were reduced, foreign public service was adjusted -by closing or reducing personnel in Embassies and diplomatic offices-, spending on security was reduced and restructured the public debt<sup>966</sup>.

<sup>951</sup> Trade, [Government decrees health emergency in Ecuador due to COVID-19](#), March 11, 2020

<sup>952</sup> Trade, [Lenín Moreno decrees the state of exception in Ecuador due to COVID-19](#), March 16, 2020

<sup>953</sup> Trade, [Coronavirus in Ecuador: An ABC of quarantine, restrictions, teleworking](#), March 24, 2020

<sup>954</sup> The universe, [Coronavirus: Classes are suspended in Ecuador, return date is not defined](#), March 12, 2020

<sup>955</sup> Trade, [New normal for more activities](#), May 23, 2020

<sup>956</sup> Week, [State of exception and other harsh measures by Ecuador to stop coronavirus infections](#), December 22, 2020

<sup>957</sup> Ibid

<sup>958</sup> GK, [The IMF approved 643 million dollars for Ecuador to cover the health crisis](#), May 3, 2020

<sup>959</sup> Ibid.

<sup>960</sup> Management, [Government of Ecuador faces protests over economic measures to face the pandemic](#), May 25, 2020

<sup>961</sup> Telesur, [What are Ecuador's new economic measures?](#), May 19, 2020

<sup>962</sup> GK, [Lenín Moreno announces new economic measures](#), March 10, 2020

<sup>963</sup> BBC, [Coronavirus in Ecuador | The unprecedented and questioned economic emergency plan of the country against the COVID-19 crisis](#), April 13, 2020

<sup>964</sup> Trade, [Executive publishes the Regulation of the Humanitarian Law](#), September 30, 2020

<sup>965</sup> Ibid.

<sup>966</sup> Trade, [Lenín Moreno announces seven measures; cuts \\$ 4 billion in public spending](#), May 19, 2020





410. Additionally, on May 4, the decision to cut the budget of the universities and polytechnic schools by 98 million dollars was announced.<sup>967</sup>, which would have generated the separation of teachers in various educational centers (approximately 3,000 university workers) and obstacles for the continuity of studies by almost 80,000 high school graduates<sup>968</sup>. Despite these impacts, social mobilizations against these measures<sup>969</sup>, together with the calls of the ombudsman<sup>970</sup> and the IACHR and its REDESCA for its evaluation, due to the regressive impacts on the guarantee of the right to education and the validity of the labor rights of teachers and personnel in the sector.<sup>971</sup>, the Constitutional Court gave free rein to the cut, considering that it could not be verified a “suspension” of the right to education by the Ministry of Finance and its legal competence over budget management during the state of emergency<sup>972</sup>.
411. This context is of great concern to this Office of the Special Rapporteur, as all public policy related to the prevention, care and containment of the pandemic and its impacts, including plans for social and economic recovery, must take place with a human rights approach.<sup>973</sup>and under the principle of non-regressivity. Even so, as a consequence of some measures adopted by the State, negative impacts have been seen on human rights and particularly on ESCER. In this sense, REDESCA warns about the effects on the right to education and workers' rights, which are the result not only of the budget cut, but also of some labor reforms included in the Organic Law of Humanitarian Support<sup>974</sup>.
412. Although it is recognized that with this law the State would have sought to preserve the sources of work through the possibility that employers and workers could modify the economic conditions of the labor relationship, as a consequence massive dismissals have resulted under the argument of force majeure on the part of employers, who under the regulations would be authorized to terminate the employment relationship and pay low settlements<sup>975</sup>. However, it is highlighted that it was established that when this cause is used unjustifiably - when there is no total closure of the economic activity of the employer -, judges may order the payment of compensation for untimely dismissal<sup>976</sup>. Likewise, although it is not possible to affect the basic salary, nor sectoral salaries for full time or proportionality when there are reduced working hours, the income of households has been affected, since it is allowed to reduce work hours by half and remuneration up to by 45%<sup>977</sup>.
413. Notwithstanding the aforementioned, REDESCA recognizes that the State, through the Humanitarian Law, also implemented some provisions that have contributed to the protection of people in situations of economic vulnerability, such as the restriction to execute evictions of tenants during the state. exceptionally and up to two months later; the prohibition of the increase of rates in basic services and of service cuts due to non-payment; the reduction of educational pensions (up to 25%) in the event that the student's representative has lost his or her job or has had a decrease in salary; the extension of health coverage up to 60 additional days by the Ecuadorian Social Security Institute (IESS); the control of prices of the articles of the group of consumption of foods and beverages of the basic family basket<sup>978</sup>.

<sup>967</sup> Sputnik, [University groups in Ecuador call for mobilizations for October 8](#), 06 October 2020

<sup>968</sup> Ibid.

<sup>969</sup> Ibid.

<sup>970</sup> GK, [Ombudsman warns that the cut to universities violates rights](#), May 9, 2020

<sup>971</sup> GK, [The IACHR warns of the impact on human rights of the higher education budget cut](#), May 13, 2020

<sup>972</sup> GK, [The Constitutional Court gives way to cut the budget to universities and polytechnic schools](#), September 10, 2020

<sup>973</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 2, 10, 2020

<sup>974</sup> Trade, [The Humanitarian Support Law was published in the Official Gazette, what does it imply?](#), June 22, 2020

<sup>975</sup> Sputnik, [Workers and students protest in Ecuador against massive layoffs and agreement with IMF](#), 09 October 2020

<sup>976</sup> Trade, [The Humanitarian Support Law was published in the Official Gazette, what does it imply?](#), June 22, 2020

<sup>977</sup> Ibid.

<sup>978</sup> Trade, [What benefits of the Humanitarian Law can already be applied?](#), June 24, 2020; First fruits, [The keys to the Humanitarian Law, which will come into effect in the coming days](#), June 19, 2020; Trade, [Humanitarian Support Law was published in the Official Registry, Implying?](#), June 22, 2020



414. Even so, REDESCA expresses its concern and takes note of the great social unrest resulting from the economic plan implemented in the face of the health emergency<sup>979</sup>, which resulted in salary reductions, elimination of positions, economic vulnerability of a large percentage of the population, and due to the reduction of the education budget, impacts on students, teachers (30% of their contracts would not have been renewed) and staff administration of higher education institutions<sup>980</sup>. All of this, while privileging international financing and prepayment of debt.<sup>981</sup>, and despite the back wages of health personnel, public servants, teachers and university workers<sup>982</sup>. It should be noted that these delays would have gone against the recommendation to the States by the IACHR and its REDESCA to protect the human rights, and particularly the ESCER, of workers, including those necessary to ensure economic income and livelihoods in the context of the pandemic<sup>983</sup>.

## A. Poverty and Human Rights

415. In the same sense, REDESCA recalls that corruption substantially affects the poorest, and therefore, is a limitation for the guarantee of ESCER for the population in general, but for people living in poverty in a particular way.<sup>984</sup> In this way, this panorama is of greater attention when considering the large number of people in the Ecuadorian state who live in a situation of economic vulnerability and that would have increased due to the socioeconomic impacts of the pandemic. According to ECLAC estimates, Ecuador will be one of the countries with the highest increases in the poverty rate, going from 25.7% in 2019 to 32.7% in 2020<sup>985</sup>. Faced with extreme poverty, there would also be an increase, increasing from 7.6% to 12.7% in the same period of time. Likewise, greater inequality is expected in the distribution of income, in which the variation of the GINI would increase by 6% or more<sup>986</sup>.

416. REDESCA takes note of these estimates, as the worsening of the economic situation and the situation of poverty have serious impacts on the performance of the ESCER of the population.<sup>987</sup>, with differentiated impacts on groups in special situations of vulnerability, including boys, girls and adolescents, women, indigenous peoples, among others. Thus, by way of example, the United Nations Children's Fund (UNICEF) warned that, as a consequence of the current economic situation, an approximate 3.1 million children and adolescents will fall into multidimensional poverty at the end of 2020, which it translates into deprivation in their homes (approximately 715,000) in terms of education, health, food, housing, decent work and social security<sup>988</sup>. Likewise, it is estimated that one in four children under the age of five suffers from chronic malnutrition<sup>989</sup>.

417. Likewise, REDESCA reiterates its concern regarding the guarantee of ESCER for indigenous peoples, who have been particularly impacted by the pandemic, poverty and have historically suffered discrimination. It is estimated that approximately 43% of the indigenous population in the country is in a situation of moderate poverty, compared to 21% of the non-indigenous population and that the percentage of the indigenous population in extreme poverty is three times the percentage of the non-

<sup>979</sup> Sputnik, [Workers and students protest in Ecuador against massive layoffs and agreement with IMF](#), 09 October 2020

<sup>980</sup> Elyex, FEUE: ["With a cut to Universities it is shown that for the Government education is not a priority"](#), September 10, 2020

<sup>981</sup> Ibid.

<sup>982</sup> AP, [Ecuadorians demand resources for health and education](#), September 16, 2020

<sup>983</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>984</sup> IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA / Ser.L / V / II., December 6, 2019.

<sup>985</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>986</sup> Ibid.

<sup>987</sup> IACHR, [Poverty and Human Rights](#), OEA / Ser.L / V / II.164, September 7, 2017

<sup>988</sup> Unicef, [An investment of 2.4% of GDP could mitigate the impact of COVID-19 in 715 thousand households with children and adolescents](#), October 21, 2020

<sup>989</sup> Infobae, [Ecuador: 2nd highest rate of regional child malnutrition](#), October 20, 2020



indigenous population<sup>990</sup>. This has resulted in structural deficiencies in basic services, which in the context of the pandemic have seriously affected their right to health, their right to life and even their cultural survival. In this regard, the Office of the Special Rapporteur takes note of the complaints about the abandonment, discrimination and lack of protection by the State in the context of the pandemic, reflected in a limited provision of health services, food shortages and the lack of intercultural and plurinational social policies, through which the advancement of extractive industries in their territories would be privileged without respecting prior, free and informed consultation<sup>991</sup>.

418. Therefore, REDESCA calls for the provision of specific programs aimed at addressing the particular poverty situation of these households, with an intersectional and differentiated perspective, as recommended by the IACHR to the States, in order for them to effectively protect to groups in a situation of special vulnerability when issuing containment measures against the pandemic<sup>992</sup>.

## B. Right to health

419. Faced with the health emergency, although the State has expanded the human capacity of its health system, by expanding hospital places and hiring new medical personnel (more than 600 medical professionals<sup>993</sup>), there was enormous pressure on health services, leading to the lack of beds in intensive care units<sup>994</sup> and the collapse of the system. This scenario unleashed a crisis in the morgues of public hospitals, in which relatives of victims of COVID-19 and other pathologies found it necessary to search for the bodies of their loved ones in order to bury them<sup>995</sup>. It should be noted the seriousness of the situation that occurred in Guayaquil, where after the collapse of the medical and forensic services<sup>996</sup>. There was the abandonment of corpses in the streets due to the lack of response of the emergency systems, as well as the loss of bodies that were not delivered to their families for days, which even led to local organizations requesting international help<sup>997</sup>.
420. Although REDESCA recognizes the actions announced by the State to guarantee the collection of the corpses and the delivery to their families<sup>998</sup>, it is highlighted that numerous relatives of deceased persons continued to publicly denounce the delays in their identification and delivery<sup>999</sup>. For this reason, REDESCA calls that, as previously established by the IACHR, measures be taken to avoid unjustified or unreasonable delays in the delivery of the mortal remains and guarantee the right to mourning - in accordance with their own traditions and worldview- , while the families' lack of knowledge about the whereabouts of people who died from COVID-19 causes them anguish and greater suffering, which together with the lack of mortuary rites in accordance with their own beliefs, affects the rights to personal integrity and mental health of your relatives<sup>1000</sup>.
421. The Office of the Special Rapporteur also highlights the importance of ensuring the existence of accountability mechanisms and access to justice in the event of possible human rights violations in

<sup>990</sup> IACHR, [The IACHR warns about the special vulnerability of indigenous peoples to the COVID-19 pandemic and calls on the States to take specific measures consistent with their culture and respect for their territories](#), May 6, 2020

<sup>991</sup> Sputnik, [Indigenous people of the Ecuadorian Amazon denounce lack of State protection](#), October 8, 2020.

<sup>992</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>993</sup> Ecuador Ministry of Health, [More than 600 health professionals join the fight against Covid19](#), April 8, 2020

<sup>994</sup> Ecuavisa, [Intensive care services for COVID-19 in Quito are saturated](#), May 12, 2020.

<sup>995</sup> CNN, [Crisis of corpses in Guayaquil went from the streets and houses to the morgues of the hospitals](#), April 15, 2020

<sup>996</sup> Alliance for Human Rights Ecuador, [Alert 14. Human rights organizations demand that the Ecuadorian State preserve minimal necroetic parameters in the current COVID-19 pandemic](#), March 31, 2020.

<sup>997</sup> Alliance for Human Rights Ecuador, [Human rights organizations demand from the government the humanitarian intervention of the UN to address the seriousness of the crisis in Guayaquil, whose impact is direct in the neighboring cantons](#), April 7, 2020.

<sup>998</sup> Ministry of Public Health, [MSP and control authorities execute corpse protocols for COVID-19 cases](#), March 30, 2020; and Ministry of Public Health, [Handling and final disposal of corpses with a history and presumption of COVID-19](#), July 25, 2020.

<sup>999</sup> GK, [The people who claim their dead](#), April 3, 2020 .; and GK, [Say your names](#), May 10, 2020.

<sup>1000</sup> IACHR, [Human Rights of people with COVID-19, Resolution 4/2020](#), para. 52, July 27, 2020



the context of the pandemic, including acts of corruption or State capture.<sup>1001</sup> taking into account that corruption is one of the evils that seriously affects the availability of resources for effective access to the right to health, and in general, to all human rights<sup>1002</sup>. For this reason, the importance of conducting an exhaustive investigation in a serious, timely and diligent manner is highlighted against the information on different records of hospitals and homes for embezzlement of public funds linked to the purchase of medical supplies, including the search of the Hospital de Babahoyo<sup>1003</sup> and the search of the home of former President Abdalá Bucaram, related to the purchase of medical supplies by the Social Security hospital in Guayaquil<sup>1004</sup>.

422. Notwithstanding the foregoing, REDESCA takes note that, in the face of the demands of the medical personnel, the Government has decided to grant definitive appointments to more than 12,000 health professionals and workers, who helped to face the health emergency and were linked through occasional contracts and provisional appointments<sup>1005</sup>. According to official sources, as of December 23, 5,429 health professionals received definitive appointment, while a new phase begins for the appointments of those who work through the modality of occasional services<sup>1006</sup>. On this last point, it is exhorted that appointments be made expeditiously for all personnel who were in the front line and that sufficient resources be allocated to ensure their job stability.
423. Along with the collapse of the health system, despite the efforts of the government, the Office of the Special Rapporteur also takes note of the veto of the Organic Health Code, which had been approved by the Assembly on August 25, 2020<sup>1007</sup>, which would imply significant delays in making progress on the right to health and gender equality, since, due to internal provisions, with the total veto, the Legislature may only discuss the issue until after one year<sup>1008</sup>. This proposed regulation included greater guarantees in matters of sexual and reproductive health, through provisions that guaranteed the care of all medical emergencies -including obstetric ones, without criminalization.<sup>1009</sup>-, the prohibition of 'conversion therapy' and medically unnecessary procedures for intersex boys and girls<sup>1010</sup>, the promotion of assisted reproduction or surrogacy, among others. According to the Government, the Code did not have scientific rigor, it lacked social participation in its analysis.<sup>1011</sup>, generated inconsistencies and did not respond to the new reality resulting from the pandemic<sup>1012</sup>.
424. In this context, although REDESCA recognizes that the design of public policies and legal regulations requires an exhaustive analysis of internal conditions so that they respond to their own needs, it also highlights the importance of advancing in a legal framework that responds effectively to the international obligations of the State for the effective guarantee of human rights, and in this case, the right to health and non-discrimination. For this reason, the importance of the new regulations not only guaranteeing the provision of health services without discrimination, but also duly observing

<sup>1001</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 16, 10, 2020

<sup>1002</sup> IACHR. [III Annual Report of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(REDESCA\)](#), OEA / Ser.L / V / II.Doc. 5, February 24, 2020. Para. 655.

<sup>1003</sup> Attorney General of the State. [Prosecutor's Office raided the Babahoyo IESS Hospital, for alleged overpricing in the purchase of supplies](#), May 9, 2020.

<sup>1004</sup> Attorney General of the State. [Prosecutor's Office prosecuted Abdalá B. for alleged trafficking in arms and ammunition](#), June 4, 2020.

<sup>1005</sup> The Telegraph, [12 thousand health professionals will have definitive appointments](#), December 3, 2020

<sup>1006</sup> Ministry of Public Health of Ecuador, [Official Statement: 5,429 health professionals received the definitive appointment nationwide](#), December 23, 2020

<sup>1007</sup> The Republic, [Moreno vetoes the new Health Code in its entirety](#), September 25, 2020

<sup>1008</sup> Ibid.

<sup>1009</sup> GK, [After 8 years, the Assembly approved the Organic Code of Health](#), August 25, 2020

<sup>1010</sup> Not America, [Ecuador.- UN experts see "a lost opportunity" in the veto of the Government of Ecuador to the new Health Code](#), October 21, 2020

<sup>1011</sup> Ibid.

<sup>1012</sup> The universe, [Executive totally vetoed the Organic Health Code approved by the Assembly](#), September 25, 2020





the conditions that lead to a dignified and equal life in society in relation to the right to health<sup>1013</sup>, as established by the IACHR.

425. In front of people with medical preexistence and other diseases in the context of the pandemic, REDESCA has received information that despite the medical preexistence of people with HIV -which increases their risk in the face of the pandemic-, they would be facing difficulties to the guarantee of their right to health, since they would have to travel to Guayaquil, Quito and Cuenca to access antiretrovirals (since they could only be obtained in public hospitals). In addition to this, there would be a shortage of these medicines in most hospitals and inconveniences are reported in accessing medical care<sup>1014</sup>. In this regard, the Rapporteurship calls for the IACHR guidelines to be followed in the face of the pandemic, in which it was determined that the States must ensure equitable distribution and access to health facilities, goods, and services without any discrimination, ensuring the care of people with COVID-19 and groups disproportionately affected by the pandemic, as well as people with pre-existing diseases that make them especially vulnerable to the virus<sup>1015</sup>.

## C. Labor rights

426. One of the main complaints since the announcement of the economic measures to face the crisis was that the recovery plans would be to the detriment of the labor rights of workers, who had been left more vulnerable to the more flexible standards that benefited companies. In fact, the situation is claimed to have involved massive job losses (according to the National Institute of Statistics and Censuses, 1.8 million people lost a suitable job between January and June<sup>1016</sup>), delays in payments of public employees, suppliers and contractors of the State<sup>1017</sup>, as well as teachers<sup>1018</sup>. In the same vein, since July 13, several workers have come together to carry out a strike against Explocen<sup>1019</sup> (company in charge of the production of explosives and in which one of its shareholders is the Social Security Institute of the Armed Forces) due to the dismissal for alleged force majeure of approximately 50 workers and the reduction of the working day of approximately 72 workers in the pandemic context<sup>1020</sup>. Additionally, postgraduate doctors have protested over back wages for more than two months and the formalization of their services<sup>1021</sup>.
427. Therefore, REDESCA calls for the adoption of policies and measures that guarantee the labor rights of workers and their job stability in the midst of the pandemic, and that at the center of the economic plans implemented is the guarantee of human rights, and specifically, ESCER.
428. Additionally, for REDESCA it is important to draw attention to the need to guarantee human rights, and in particular ESCER, as well as access to justice for workers who have lived under conditions of modern slavery at the Furukawa Plantaciones CA farm in Santo Domingo<sup>1022</sup>, in which, according to the Ombudsman's Office, when verifying the living and working conditions in 17 camps located in the provinces of Santo Domingo de los Tsáchilas and Los Ríos, it was found that practices prohibited by the Convention were established of the United Nations Organization on Slavery (1926) and its Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices

<sup>1013</sup> IACHR, [Report on Trans and Gender Diverse People and your economic rights, social, cultural and environmental](#), OEA / Ser.L / V / II, Para. 320, August 7, 2020

<sup>1014</sup> GK, [Ecuador: the odyssey of getting antiretrovirals in social security hospitals](#), September 21, 2020

<sup>1015</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>1016</sup> Sputnik, [Workers and students protest in Ecuador against massive layoffs and agreement with IMF](#), 09 October 2020

<sup>1017</sup> AP, [Ecuadorians demand resources for health and education](#), 16 September 2020

<sup>1018</sup> Ecuavisa, [Teachers announce mobilizations for salary delay and increased workload](#), May 18, 2020

<sup>1019</sup> Trade, [Explocen workers continue to strike after confrontation with the Police](#), December 26, 2020

<sup>1020</sup> GK, [Organizations denounce an alleged attempt to evict the Explocen workers' strike](#), December 25, 2020

<sup>1021</sup> Ibid.

<sup>1022</sup> The time, [Furukawa: Hearing will be held this Tuesday, groups reject the date](#), December 26, 2020





Similar to Slavery (1956)<sup>1023</sup>. In this regard, REDESCA expresses great concern about the information it has received, in which it is mentioned that by 2020 (almost three years after the disclosure of the case) the victims had not been fully repaired as a result of the lack of action by public institutions and the minimization of this case to an individual labor issue (in which, in addition, the company denies the employment relationship, and therefore, a liquidation, and hides itself in arguments about labor outsourcing and intermediation)<sup>1024</sup>.

429. Likewise, it is reported that the balance in the negotiation process was not ensured - despite the conditions of subordination and defenselessness of the employed persons and their families-, the refusal to initiate the expropriation process of several properties of the company - as required by the Organic Law of Rural Lands and Ancestral Territories-, the omission of support for the investigation of human rights violations by the Ministry of Labor, the continuation of precarious conditions by the company, among others<sup>1025</sup>. Additionally, in the context of the pandemic and from the on-site visit of the provincial delegation of Esmeraldas-Ombudsman's Office on June 10, it was reported that some workers did not have personal protection and biosafety equipment, or access to food and transport<sup>1026</sup>.
430. In this sense, REDESCA recalls that in the context of the health emergency caused by the COVID-19 pandemic, the IACHR and its REDESCA established that States must protect the ESCER of workers, taking measures to ensure their economic income and means of subsistence, so that they have equal conditions to comply with containment and protection measures during the pandemic, as well as conditions of access to food and other essential rights. Additionally, it was established that in the case of those who continued to carry out their work activities, these people should be protected from the risks of contagion of the virus and, in general, guarantee adequate protection for jobs, wages, freedom of association and collective bargaining,<sup>1027</sup>. Therefore, the State is urged to ensure compliance with these recommendations for workers.
431. With regard to accountability and effective reparation, REDESCA draws attention to the obligation to investigate, punish and adequately repair human rights violations, in terms of the mechanisms, policies or regulatory frameworks implemented in the sphere of companies and rights. Humanities should be aimed at combating impunity and avoiding the repetition of harmful events in the future through the accountability of state authorities and companies, including effective access to justice, criminal, administrative, civil or criminal sanctions of other nature, as the case may be, and adequate reparation of the victims in light of international standards on the matter<sup>1028</sup>.
432. Thus, with respect to access to justice, REDESCA calls for the guarantee of access to justice for all victims (and not only for the intervening parties), together with their comprehensive reparation in accordance with international standards. In this context, the Office of the Special Rapporteur highlights the judicial decision of January 15, 2021 that recognized the existence of servitude of the gleba, and the consequent violation of the rights of the 123 workers of the company, for which it ordered their comprehensive reparation and offer public apology<sup>1029</sup>.

## D. Right to education

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<sup>1023</sup> Office of the Ombudsman Ecuador, Final Report of the Furukawa Case, Defense File No. 1701-170104-19-2018-000856, September 23, 2020

<sup>1024</sup> Ibid

<sup>1025</sup> Ibid

<sup>1026</sup> Ibid

<sup>1027</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>1028</sup> Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the IACHR, [Business and Human Rights Report: Inter-American Standards](#), OEA / Ser.L / V / II, para. 51, November 1, 2019

<sup>1029</sup> Swissinfo, [Plaintiffs for modern slavery in Ecuador will receive full reparation](#), January 18, 2021



433. Along with the effects on the right to education from the budget reduction, there have been added difficulties for a large number of children and adolescents to access virtual education, despite the measures adopted by the State. The above, while only 30% would have connectivity service and computers<sup>1030</sup>. Although for the remaining 70% of students, television channels and rural radio stations have been enabled, as well as printed guides for teachers and pedagogical files for the isolated areas of the Amazon, wetlands and the Coast, the REDESCA expresses its concern about the quality of the education that would be received in rural and isolated areas of the country, as well as the educational gap that would be generated for children and adolescents living in poverty and extreme poverty.
434. As an example, as of the emergency, contact with 17,754 students from the Sierra Amazonía and 5,600 on the coast would have been lost.<sup>1031</sup> For this reason, it is invited to adopt educational policies with an intersectional and differentiated approach, in which children and adolescents can access an education at the national level with the stimuli that their age and level of development require<sup>1032</sup>.

## **E. Right to a Healthy Environment and climate change**

435. REDESCA takes note of the decision of the Ecuadorian justice that, after various delays and despite the urgency of the situation, the 109 indigenous communities affected by the oil spill in the Río de la Coca occurred on April 7, 2020, despite the fact that those responsible have not yet been identified or punished, nor fully repaired the victims<sup>1033</sup>. In this regard, it is highlighted that it is necessary to ensure the guarantee of the rights to a dignified life, water, health, food, a healthy environment, access to justice, among others, of the affected communities. Likewise, as has been established in the inter-American system, effective justice includes the investigation, punishment, and reparation against those companies that violate human rights.<sup>1034</sup> In this way, delays in the administration of justice revictimize the population and, according to the Inter-American Court, in these types of situations the State may be responsible when the State apparatus acts in such a way that the violation remains unpunished and does not victims are restored, as soon as possible, to the full extent of their rights<sup>1035</sup>.
436. Likewise, REDESCA expresses its concern about logging in the Ecuadorian Amazon in the midst of the pandemic, due to the lack of control by state authorities and the use by illegal loggers of the community territories of some indigenous peoples and of protected natural areas, which would have been left without greater protection due to the sanitary emergency and institutional instability in the Ministry of Environment and Water<sup>1036</sup>. Such situations would not only be putting indigenous peoples and their rights at risk, but also the right to a healthy environment. In this regard, it should be noted that this growing phenomenon of illegal logging would be generating future risks of flooding due to the impacts on the ecosystem, which would have a serious impact on human rights.<sup>1037</sup> This situation is even more worrying when considering that massive layoffs have been reported in the Ministry of Environment and Water (at least 398 workers have been notified of the termination of functions, of which 30 were part of the National System of Protected Areas).

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<sup>1030</sup> GK, [Each educational institution must evaluate if it makes payment plans for pensions, says the Minister of Education](#), March 22, 2020.

<sup>1031</sup> Trade, [The trail of 17 754 students from Sierra and Amazonia was lost in the emergency](#), August 11, 2020

<sup>1032</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. 64, April 10, 2020

<sup>1033</sup> GK, [Judge denies protection action for communities affected by oil spill in the Coca River](#), September 2, 2020

<sup>1034</sup> IACHR, [Indigenous Peoples Afro-descendant communities, Extractive Industries](#), OEA / Ser.L / V / II, Para. 135, December 31, 2015

<sup>1035</sup> I / A Court HR. Case of Velásquez Rodríguez v. Honduras. Background. Judgment of July 29, 1988. Series C No. 4. para. 176.

<sup>1036</sup> GK, [Alert in the Ecuadorian Amazon: illegal loggers devastate in the middle of the pandemic](#), September 13, 2020

<sup>1037</sup> Ibid.



## F. Business and Human Rights

437. According to information received by REDESCA, the Ecuadorian State has advanced in the matter through two complementary axes: on the one hand, through its participation since 2019 in the CERALC project on “Responsible Business Conduct in Latin America and the Caribbean”, based on which the development of a National Action Plan on Business and Human Rights was prioritized<sup>1038</sup>. In this regard, the Ecuadorian State has included as a relevant input the inter-American standards established in the report on Business and Human Rights of the REDESCA, as well as other global standards of the UN, ILO and OECD. On the other hand, through its leadership within the framework of the United Nations in the creation of a legally binding international instrument on the matter<sup>1039</sup>.

## 15) EL SALVADOR

438. Regarding the situation of ESCERs in El Salvador during the pandemic, the Office of the Special Rapporteur notes that, as of December 28, 2020, there would have been 45,415 confirmed cases of COVID-19 and a total of 1,313 confirmed deaths.<sup>1040</sup> The Legislative Assembly approves two decrees to combat the COVID-19 pandemic: The State of Emergency through Legislative Decree No. 593; extended in turn through other legislative acts, and the Law of Temporary Restriction of Specific Constitutional Rights to Address the Emergency of COVID-19.<sup>1041</sup> Likewise, concentrations were limited to less than 200 people and classes were suspended for 21 days in all public and private educational centers, in accordance with the provisions established in Executive Decree No. 13, issued on March 11.<sup>1042</sup> After these measures, the first case of coronavirus was confirmed on March 18 in Metapán, Department of Santa Ana, in the northwestern part of the country, where a sanitary cordon was established<sup>1043</sup>
439. In the same way, REDESCA takes note that by January 2020 the State would have already presented a first National Plan of preparation and response to COVID-19, seeking to prevent and / or reduce, in the Salvadoran population, the negative impact in terms of morbidity , mortality, social disorder and economic impact, in the face of an event related to the Novel Coronavirus, through concerted and coordinated prevention, preparation and response actions between Public and Private institutions and international cooperation organizations<sup>1044</sup>
440. However, in the course of the development of the pandemic, REDESCA received information on possible excesses by the State in relation to the implementation of the measures, as well as the omission of the State to serve the sectors in a greater situation of vulnerability. . In this sense, REDESCA draws attention to the situation of health workers, of some measures that may have been disproportionate in relation to the objective sought. Although the Constitutional Chamber ordered that all persons detained in police facilities be sent to carry out a home quarantine, as a

<sup>1038</sup> Government of Ecuador, Diplomatic Note No. 4 - -468/2020, December 15, 2020

<sup>1039</sup> Ibid.

<sup>1040</sup> Government of El Salvador, COVID-19 National Situation, Update to December 28, 2020 <https://COVID19.gob.sv/>

<sup>1041</sup> Legislative Organ of El Salvador, Legislative Decree No. 593, March 14, 2020; Legislative Organ of El Salvador, New law of temporary restriction for 15 days mandates to respect resolution of the Constitutional Chamber, March 29, 2020

<sup>1042</sup> Civil Protection, Ministry of the Interior. El Salvador Red alert due to evolution of COVID19. March 13, 2020.

<sup>1043</sup> Ibid

<sup>1044</sup> Government of El Salvador, Ministry of Health, National Preparedness and Response Plan for the Novel Coronavirus (2019-nCov), 2020, p. 10



precautionary measure of Habeas Corpus 148-2020,1045. In this sense, REDESCA emphasizes that these measures imposed by the central government had a transversal effect on the enjoyment and enjoyment of the different rights that are part of the mandate, which will be analyzed below.

## A. Right to health

441. In relation to the guarantee and protection of the right to health, in the context of COVID 19, REDESCA takes note of the measures already indicated at the beginning of this section by the State. Likewise, the executive branch, through Executive Decree No. 19 of April 13, 2020, orders the Ministry of Health to issue a series of regulations regarding sanitary and epidemiological control, on the restriction of mobility and sports activities, as well as the handling of people who would be being isolated for alleged cases of COVID 19 in the Quarantine Containment Center. In that sense, the decree provided that people who come outside of El Salvador and enter the national territory would have to carry out a mandatory quarantine for at least 20 days<sup>1046</sup>
442. In that sense, according to information released by the Human Rights Ombudsman of El Salvador, in the containment centers it was reported that people who exceed 30 days in these places were still being held, despite not having a positive diagnosis of COVID19. In the same way, it was alleged that the necessary hygiene conditions did not exist for the people who were detained, nor was there due care in mental health matters. In the same way, it draws the attention of this Office of the Special Rapporteur that there would not have been any differential attention to people who had chronic diseases.<sup>1047</sup>To that extent, during the month of April 2020, according to the complaints received by the Attorney General's Office, 24% of the cases received refer to violations committed within the detention centers. Most linked to the right to health and access to information<sup>1048</sup>
443. However, REDESCA takes note that, in consideration of the State of National Emergency, the Ministry of Health, prior to carrying out a medical evaluation, is empowered to indicate the mandatory quarantine "in accordance with international health rules" (art. 2 lit. e ), the worrying thing is that the mandatory and non-domiciliary quarantine period, established in the containment centers, doubles what is recommended from a health point of view.<sup>1049</sup>Such a long period of quarantine, without the performance of the respective laboratory tests, could be directly violating the rights to freedom of movement, physical and mental integrity, legal security and health, of the 4087 people who are They are found in the 90 containment centers<sup>21</sup>, distributed around the country<sup>1050</sup>
444. For example, REDESCA observes with concern that an elderly woman has died, coming from a third country, due to lack of adequate medical care within these centers. According to civil society organizations, the woman, together with her spouse, also an elderly adult, entered the country through a land border, coming from Honduras: first, she was sent to the Central American Village, in the municipality of Ayutuxtepeque (San Salvador), and then transferred to the Hotel Alicante, in the municipality of Apaneca (Ahuachapán), both arranged as containment centers. In the last center, the lady who suffered from diabetes suffered a decompensation in her health condition, for which she

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<sup>1045</sup>José Simeón Cañas Central American University, UCA Human Rights Institute, Letter on the Human Rights Situation in relation to the COVID-19 virus pandemic, March 31, 2020, p. 5

<sup>1046</sup> José Simeón Cañas Central American University, UCA Human Rights Institute, Letter on the Human Rights Situation in relation to the COVID-19 virus pandemic, March 31, 2020,

<sup>1047</sup>Ombudsman for the Defense of Human Rights of El Salvador, Case Report Attended during National Emergency for COVID19, April 20, 2020, p. 4

<sup>1048</sup> Idem

<sup>1049</sup> According to what has been reported by the WHO, the incubation period of the COVID-19 virus ranges between 1 and 14 days, and in general it is around 5 days to see (PAHO, COVID-19)

<sup>1050</sup>José Simeón Cañas Central American University, UCA Human Rights Institute, Letter on the Human Rights Situation in relation to the COVID-19 virus pandemic, March 31, 2020, p. 8



was transferred to the Saldaña Hospital in the capital where she died.<sup>1051</sup> Similarly, a second death in the same Hospital Saldaña, of another elderly adult, Julio Contreras Pérez, who was kept in quarantine despite the fact that, apparently, the results of the laboratory test for the COVID-19 virus would have been negative; However, this person allegedly died due to a lack of adequate medical care and a cardiorespiratory arrest caused by a lack of appropriate care, according to the complainant organizations<sup>1052</sup>

445. Along the same lines, this Office of the Special Rapporteur is aware that according to what was indicated in the Habeas Corpus process No. 152-2020, of March 27, 2020, heard before the Constitutional Chamber of the Supreme Court of Justice of El Salvador, states that a 73-year-old elderly adult, with nine stents in his heart, diabetic and hypertensive and with digestive problems, detained together with his family, requested constitutional intervention because the authorities of the Ministry of Health did not respond to his request for to be sent home to do a home quarantine<sup>1053</sup>
446. Finally, REDESCA expresses its deep concern over reports indicated by civil society organizations, where they have indicated that the hospitals and containment centers were not keeping adequate records or the corresponding medical charts of the people in quarantine, nor that they deliver in writing the results of the laboratory tests to which they are submitted, since, later, this type of documentation would serve as a means of proof to confirm.<sup>1054</sup> Likewise, the containment centers that were set up in the Beverly Hills and Villa Florencia hotels, as well as in the Salesian Retiro Ayagualo Center, located in the town of Puerto La Libertad, were mentioned<sup>1055</sup>
447. However, REDESCA observes with concern that in contrast to the official refusal regarding the arrival of deportees infected with COVID-19, on May 22 the Office of the Human Rights Ombudsman (PPDH) reported in a resolution that it had received complaints from people held in the National Gymnasium and the Center for Comprehensive Attention to Foreign Migrants (CAIPEM) about positive tests for COVID-19<sup>1056</sup>. In addition, it is denounced "the lack of adequate conditions to prevent damage to the human right to health, infrastructure that does not guarantee security in the face of weather conditions, lack of social distancing, limitation of hygiene supplies and personal and physical cleaning, arbitrary detention without defining their legal or administrative situation, lack of immediate and timely information on the practice and results of the COVID-19 test, linked to the lack of guarantee of the right to information on medical processes "<sup>1057</sup>. Concern about a clear discrimination and stigmatization of returnees in CCC is also reported, thereby lacking the principles of non-discrimination, equality and the right of returnees to be offered comprehensive protection and identify their needs for protection<sup>1058</sup>.
448. In addition, the Attorney General's Office reported that it issued a resolution that established the violation of the human right to health of people returned and confined in the CCC who were infected

<sup>1051</sup> Ditto, see Beltran Luna, Jorge. News: Lady who died in Hospital Saldaña: "Old man, maybe I'm not going to get out of this; There is no one here to help me" (El Diario de Hoy newspaper, March 29, 2020). Available at: <https://www.elsalvador.com/noticias/nacional/hospital-saldana-muerte-mujer-falta-atencion-medica/701046/2020/> (accessed March 20, 2020).

<sup>1052</sup> José Simeón Cañas Central American University, UCA Human Rights Institute, Letter on the Human Rights Situation in relation to the COVID-19 virus pandemic, March 31, 2020, p. 8, see El Diario de Hoy, *Elderly person who was in isolation at Saldaña hospital dies*, March 28, 2020, Today's Diary, *Ahuachapaneco businessman who was in quarantine at the Saldaña Hospital dies* March 29, 2020

<sup>1053</sup> Supreme Court of Justice of El Salvador, Constitutionality Chamber, Admission Resolution *Habeas Corpus 152-2020*, from March 27, 2020

<sup>1054</sup> José Simeón Cañas Central American University, UCA Human Rights Institute, Letter on the Human Rights Situation in relation to the COVID-19 virus pandemic, March 31, 2020, p. eleven

<sup>1055</sup> Office of the Attorney for the Defense of Human Rights of El Salvador, Official Letter No. DIE-070-2020, April 23, 2020

<sup>1056</sup> PPDH. *Issues resolution of responsibility and precautionary measures, in relation to the conditions in which the containment centers authorized for returnees from the United States are located*. May 26, 2020.

<sup>1057</sup> Ibid.

<sup>1058</sup> Ibid.





- by COVID-19 or who have suffered other detriments to their health during their restriction of freedom. And, in turn, the violation of the law of the Office of the Attorney for the Defense of Human Rights by the Director General of Migration and Immigration is declared for not providing information required by the PDDH. Finally, precautionary measures were issued to urgently guarantee that the confinement measures in the CCCs ordered by the Ministry of Health for returnees are carried out under basic material and structural conditions suitable for separation, physical distancing, hygiene and sanitation<sup>1059</sup>.
449. Considering the aforementioned, REDESCA takes note that, by October 2020, according to information provided by the State, none of the containment centers would be enabled for this purpose. In that sense, what exists is an infrastructure called the El Salvador Hospital that was built specifically for this health emergency, which as a result is looking at the containment of the number of infections and patients with COVID-19. To that extent, the State indicated that such decisions were aimed at preventing the collapse of the country's health system, as would have happened in other countries in the region<sup>1060</sup>.
450. REDESCA welcomes that, in response to the PDDH resolution, the DME met with the PDHN in order to coordinate joint procedures to strengthen the flow of information that certifies all the work that the Directorate carries out in the area of Human Rights in favor of people returned to the country. According to a statement from the Directorate of Migration and Foreigners<sup>1061</sup>, at the meeting, the responsibility of the Institution in the migration process was highlighted, since it receives the returned compatriots, its coordination with the Ministry of Tourism so that they are taken to the designated CCC and logistical support in the distribution of food, first class supplies need and distribution of donations.
451. Taking into consideration the above, this Office of the Special Rapporteur is concerned that the containment centers, as well as the hospitals, are not operating through differentiated protocols for the different needs that may appear for people who may have chronic diseases or pre-existing conditions; added to a lack of attention in the field of mental health. Likewise, the entry criteria for the containment centers are not clear, or what the internal controls would have been to ensure that people can be discharged without risking further exposure to the virus.
452. On the other hand, REDESCA is concerned that in the context of the pandemic and the guarantee of the right to health, workers in the health sector have been subjected to situations that had a direct impact on the capacity of the system. public health for an appropriate response in this regard. In the first place, REDESCA takes note that, through the Ministry of Health, the State has a technical standard for the protection of health personnel and health facilities in situations of social risk, issued through Ministerial Agreement No. 568 of 28 March 2019. According to article 1 of the regulation, it indicates that its objective is: "To establish the provisions required for the protection of the personnel of the establishments of the National Health System<sup>1062</sup>."
453. However, if the regulations are in place, REDESCA takes note that the Office of the Attorney for the Defense of Human Rights, indicated in a statement about the situation of the increase in cases of health workers in the country. According to the information provided, the cases that were reported were mainly at the Dr. José Antonio Saldaña National General Hospital, the Zacamil National Hospital and the "Dra. María Isabel Rodifue National Hospital for Women." In all these cases, the workers were later isolated in places arranged for that purpose, where the irregularities mentioned in the

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<sup>1059</sup> Ibid.

<sup>1060</sup> IACHR, 177 Regular Period of Sessions, Hearing No. 12 Repression and militarization of public security in El Salvador, October 5, 2020

<sup>1061</sup> Migration and Foreign Affairs. Migration meets with PDDH to strengthen compliance with rights in the country. June 3, 2020.

<sup>1062</sup> Ministry of Health of El Salvador, Technical standard for the protection of health personnel and establishments in situations of social risk, Ministerial agreement no. 568, issued March 28, 2019



previous paragraphs were also reported. These same events were also denounced by the health workers unions<sup>1063</sup>.

454. Therefore, this Office of the Special Rapporteur is concerned that, by June 2020, more than 900 cases of health workers infected by coronavirus and an estimated 40 deaths would have already been recorded. Furthermore, REDESCA observes that the Ministry of Health would have forced its workers to work, even if they had mild symptoms due to COVID-19, according to complaints made by people who work in the sector.<sup>1064</sup> Likewise, health personnel from the "Dr. José Molina Martínez" National Psychiatric Hospital publicly denounced the lack of supplies and protective material to care for patients with possible cases of COVID-19 at the beginning of May<sup>1065</sup>. Days later 58 patients were diagnosed with COVID 19, a situation that is being reviewed by judicial authorities.<sup>1066</sup> In the same way, the president of the National Association of Nurses of El Salvador (ANES), Nora Eloísa Barahona He pointed out that at the Central American and Caribbean level, El Salvador has the highest number of nurses mortality and at the Ibero-American level, it would be the second<sup>1067</sup>
455. Another aspect regarding the guarantee of the right to health, REDESCA takes note that, within the framework of the distribution of the coronavirus vaccine, it could be applied from the first quarter of 2021 for free, universal but voluntary. The president said that the AstraZeneca laboratory, which develops the vaccine together with the University of Oxford, will supply a batch of two million doses. Medical personnel, police and soldiers would be the first to receive the vaccine and later it will be applied by risk groups, such as those over 50 and people with chronic diseases, because in this way "we can reduce 99% of deaths," as he explained. He also explained that the country entered the "COVAX system where poor countries, or developing countries, could have access, and this allows us to be one of the first 10 countries that will receive vaccines first" (anti-COVID19)<sup>1068</sup>
456. In particular, trade union and union organizations in the health sector indicated that if the nursing staff had had some degree of participation in decision-making during the period of the pandemic; And if the public health authorities had guaranteed the necessary personal protective equipment, so many health professionals would not have been infected, much less killed.<sup>1069</sup> In this measure, REDESCA recalls that, based on what is stated in Resolution 1/2020 of the Commission, decision-making in health matters and in particular of people who work in the health sector, it is pertinent that their participation is taken into account for inclusive, participatory and, above all, transparent decision-making.<sup>1070</sup> In addition to this factor, it should be emphasized that they must take place within the framework of the best available science, for which it is essential that there is also a broad participation of the academic, scientific and medical sectors that have expertise in the matter in order to reduce the risk as much as possible.
457. On the other hand, REDESCA also takes note that in the face of the State's decisions to establish epidemiological fences, one of the main concerns of particular concern are some of the measures implemented by El Salvador in the face of the increase in violence in the country, which have implied the total closure of prisons preventing access to medicines and hygienic material, as well as having

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<sup>1063</sup> Ombudsman for the Defense of Human Rights, statement of the Attorney General regarding the increase in cases of health workers with positive results of COVID19 or suspicion of it, April 17, 2020

<sup>1064</sup> El Salvador.com, [Health workers are forced to work with symptoms of COVID-19](#), June 29, 2020

<sup>1065</sup> The printing press. [Molina hospital staff denounce the lack of protective equipment while treating inmates with COVID-19: "positive companions are emerging."](#) May 12, 2020.

[Factum. Nurses at the psychiatric hospital demand better protective equipment](#). May 13, 2020.

<sup>1066</sup> El Salvador. [58 inmates are infected with coronavirus while being treated in the Psychiatric hospital](#). May 28, 2020.

<sup>1067</sup> The printing press. [COVID-19: El Salvador leads the way in death of nursing personnel](#). July 23, 2020

<sup>1068</sup> Latin American and Caribbean Economic System, [COVID-19: Summary of the main measures, actions and policies implemented by SELA Member States](#), September 12, 2020, p. 71

<sup>1069</sup> The printing press. [COVID-19: El Salvador leads the way in death of nursing personnel](#). July 23, 2020

<sup>1070</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights, April 2020



given rise to situations of mass confinements without respecting the recommended social distance to prevent infections, with the aim of showing the government's actions against crime<sup>1071</sup>.

458. Considering the aforementioned, REDESCA takes note of the efforts that the State seeks to make to stop the spread of the virus, especially among highly vulnerable populations. However, if you express your concern that they do not meet the requirements of proportionality and necessity. REDESCA emphasizes that the objective of all policies and measures adopted must be based on a human rights approach that contemplates universality and inalienability; indivisibility; interdependence and interrelation of these; equality and non-discrimination; the perspective of gender, diversity and intersectionality; the inclusion; accountability and, fundamentally, respect for institutions and the rule of law<sup>1072</sup>.
459. Likewise, regarding the situation of workers in the health sector, it is important to emphasize that it is the State's obligation to ensure the availability and timely provision of sufficient quantities of biosafety material, essential medical supplies and supplements for use by health personnel, strengthen their technical and professional training for the management of pandemics and infectious crises, guarantee the protection of their rights, as well as the provision of minimum specific resources destined to face this type of health emergency situations<sup>1073</sup>.
460. Therefore, REDESCA calls on the State to adopt the corresponding measures with a human rights approach, in compliance with its international obligations and the constitutional rulings that have been issued on the matter. Public health, as a public good and right, must be protected from an approach that preserves the dignity, integrity and life of all people regardless of their origin or legal situation.

## **B. Poverty and Human Rights**

461. Regarding the situation of poverty and human rights in El Salvador, REDESCA takes careful note that the General Budget of the Nation for 2021 contemplates an increase of more than \$ 1,000 million that will be allocated to public investment: health, education and security. The items together represent an average of 43.7% of the spending plan presented by the Ministry of Finance, on September 30. There are a little more than \$ 3,200 million allocated in the Budget for this commitment to the social<sup>1074</sup>.
462. Likewise, the Central Reserve Bank (BCR) announced the entry into force of the "Temporary Technical Standards for the Treatment of Credits Affected by COVID-19", which help to give continuity to the special regulations that were approved last March and which loses validity on September 14 of this year. The benefits for users of financial services (loans, credits, credit cards, insurance, among others) will be maintained from September 15, 2020 until March 13, 2021. People who did not avail themselves of the benefits in the previous months, but that have been affected in their ability to pay due to the COVID-19 pandemic, they will be able to speak with their bank or cooperative<sup>1075</sup>
463. However, despite these considerations, civil society organizations have described the 2021 Budget Project as one that does not respect the constitutional principles of unity, budget balance and

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<sup>1071</sup> CEJIL. El Salvador: The distancing in Salvadoran prisons is almost impossible. May 14, 2020.

The Washington Post. El Salvador's government cracks down on jailed gang members. May 4, 2020.

<sup>1072</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights, para. 3.e

<sup>1073</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights, para. 10

<sup>1074</sup> Latin American and Caribbean Economic System, COVID-19: Summary of the main measures, actions and policies implemented by SELA Member States, September 12, 2020, p. 72

<sup>1075</sup> Latin American and Caribbean Economic System, COVID-19: Summary of the main measures, actions and policies implemented by SELA Member States, September 12, 2020, p. 72



universality established in the Constitution and in constitutional jurisprudence. The Constitutional Chamber in its sentence 1-2017 / 25-2017 has established and developed mandatory criteria that must be applied and respected in the processes of preparation, approval and execution of all Budget Proposals. In this sense, it should be noted that constitutional jurisprudence is a source of law and therefore is mandatory. If these criteria are not met, the budget would be contrary to the Constitution and may be subject to constitutional control<sup>1076</sup>

464. On the other hand, REDESCA notes that the State also adopted other measures to alleviate people's living costs during this crisis. At the beginning of the pandemic, an order was issued by the executive to stop payments for basic services for a period of three months<sup>1077</sup> Likewise, it was decided to give an economic contribution of 300 dollars, to those families that supposedly met some socioeconomic conditions, such as being low income (or not fixed income), having run out of income due to the dictated home quarantine or consuming little electricity monthly.
465. However, although this measure is focused on people with less economic possibilities, the Government established two ways for people to consult whether they were beneficiaries or not to receive such money: a website and the offices of the National Center for Attention and Administration of Subsidy (CENADE), which have offices throughout the national territory.<sup>1078</sup> In this sense, REDESCA also learned through the PDDH that financial institutions had made a withholding or discounting of a percentage of that income.<sup>1079</sup> A total of 1.2 million people were benefited with the \$ 300 bonus delivered by the Government of El Salvador as aid for the emergency of COVID-19, according to a report presented by the president of the Court of Accounts of the Republic, Carmen Elena Rivas, to the Political Commission of the Legislative Assembly<sup>1080</sup>.
466. However, REDESCA expresses its concern about the lack of access to economic income and means of subsistence that prevent many people from complying with containment and protection measures during the pandemic;<sup>1081</sup> Indirectly, this has led to the fact that due to the restricted containment measures, an indirect criminalization of poverty has also been detected, considering that according to public information and surveyed by civil society organizations, such retentions occurred in contexts where people were on their way to buy food or medicine<sup>1082</sup>.
467. In addition to this fact, REDESCA notes with concern that the accelerated increase in budgets for the police and military forces, as observed in the allocations to the Ministry of Justice and Public Security and the Ministry of Defense. Together, they increase in 2021 by US \$ 129.8 million. It should be remembered that, in P2020, the MJSP and Defense also had important increases, US \$ 128 million (30%) and US \$ 73.2 million (51.8%), respectively; but, on that occasion, the two special contributions for security, which in P2020 were channeled exclusively to these two institutions: US \$ 80.6 million to the MJSP and US \$ 48.6 million to Defense, these revenues will no longer be obtained in 2021, despite the increases the expense<sup>1083</sup>.

<sup>1076</sup> FUSADES, Nation Budget 2021: A Formula for more poverty and unemployment, P. 13

<sup>1077</sup> Presidency of the Republic of El Salvador. The government of President NayibBukele Economic Relief and Response Plan for the National Emergency against COVID-19. 18 March 2020

<sup>1078</sup> José Simeón Cañas Central American University, UCA Human Rights Institute, Letter on the Human Rights Situation in relation to the COVID-19 virus pandemic, March 31, 2020, p. eleven

<sup>1079</sup> PDDH, Statement from the Procurator for the Defense of Human Rights, given the discounts made in some financial institutions to the people benefiting from the food subsidy due to the COVID-19 pandemic that the government is providing, April 2, 2020

<sup>1080</sup> The graphic press, the Salvadoran Government gave \$ 300 to 1.2 million citizens: 100,000 is unknown how they were selected, May 14, 2020

<sup>1081</sup> Attorney for the Defense of Human Rights of El Salvador, Preliminary Report on COVID-19 and Human Rights in El Salvador, June 2020, p. 49

<sup>1082</sup> International Amnesty, The OAS must condemn the repressive measures related to the pandemic, September 7, 2020

<sup>1083</sup> FUSADES, Nation Budget 2021: A Formula for more poverty and unemployment, P. 18



468. This accumulation of situations worries REDESCA in a context of poverty and inequality, where according to a study by the United Nations Development Program (UNDP), It is observed that 85.8% of national households suffer from at least some deprivation in relation to home overcrowding, lack of access to social security, job instability, lack of access to drinking water, health and sanitation services. This percentage is equivalent to more than 1.6 million households, which in turn a little more than two out of every three households have between one and three deprivations linked to COVID-19 risks; and 15% report a deprivation; 29.9%, two deprivations; and, 24.3%, three deprivations.<sup>1084</sup> In this context, REDESCA takes careful note of the episodes recorded at the end of May 2020, when in the midst of the home quarantine decreed by the executive, thousands of people from the peripheries and rural sectors of El Salvador, had to resort to requesting food to the streets calling for help to anyone to order food<sup>1085</sup>.
469. REDESCA urges the State to step up social protection measures in order not to deepen the existing inequalities in the country, especially in such a precarious context as the one referred to in El Salvador. Although it has been mentioned that financial aid has been delivered, this must also be accompanied by measures that do not repress people for trying to find ways to survive during these difficult periods. In particular, REDESCA insists that the impacts of the health crisis are being assumed in a totally disproportionate and dramatic way by the groups in the greatest situation of vulnerability and poverty, such as migrants, workers with precarious jobs, in a situation of street and indigenous peoples, among others, who are desperately trying to find ways to survive in the absence of state policies and measures that adequately protect them<sup>1086</sup>.

## C. Labor rights

470. In consideration of labor rights, REDESCA takes note that El Salvador approved on March 20 a telework law that establishes the obligation of teleworking during the State of Emergency<sup>1087</sup>. Likewise, through the declaration of emergency made on March 16, the face-to-face work of people belonging to groups in vulnerable situations was prohibited; in particular pregnant women, people with chronic diseases and people over 60 years of age. Along these lines, it was pointed out that companies should carry out this measure in a remunerated way, allowing teleworking when possible. The public sector should send home workers who are not strictly necessary to provide vital services. If it does not comply, the State mentioned that the institutions would be subject to a special sanctioning regime.<sup>1088</sup>
471. Now, taking into consideration such measures that were adopted by the State, they occur in a complex context for the country. In the field of social security, REDESCA is aware that there is a contraction in coverage from -4.7% in the previous report to -4.1%, with a higher incidence in private sector workers, who have gone from -8.3% to -7.1% maintaining the trend. The lowest point in the loss of workers reported in the payroll occurred in June 2020, with about 72 thousand workers compared to February, as of September that figure has been reduced to approximately 52 thousand workers, with a recovery of about 20 thousand workers<sup>1089</sup>. Therefore, there would be about 8% of

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<sup>1084</sup>UNDP, COVID-19 and vulnerability: a view from multidimensional poverty in El Salvador, UNDP LAC C19 PDS No. 12, May 2020, p. 14

<sup>1085</sup> See Chicago Tribune, [With white flags they ask for help in pandemic](#), May 19, 2020; The lighthouse, [The people behind the white flags](#), May 29, 2020; The lighthouse, ["If I stay home, I starve"](#), March 18, 2020; Factum, [The white blankets and hunger](#), May 22, 2020.

<sup>1086</sup> IACHR, [IACHR and its REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas against the COVID-19 pandemic](#), June 2, 2020

<sup>1087</sup> [They issue a teleworking law and regulate the modality that will be strictly voluntary for the worker as well as for the employer](#), March 20, 2020.

<sup>1088</sup> <https://COVID19.gob.sv/wp-content/uploads/2020/03/16M-CO-Medidas.pdf>

<sup>1089</sup> Salvadoran Social Security Institute, [Situation Report of the ISSS](#), November 2020





employers who do not pay their payroll on time, affecting about 14 thousand workers and public collection (about \$ 4.3 million less so far this year)<sup>1090</sup>

472. According to the records until October 2020, about \$ 51 million in monetary benefits have been canceled, of which 73% correspond to subsidies for temporary disability, 16% to pensions for occupational risks and 11% to aid in case of death. The records also reflect the impact of the pandemic, with an increase in the number and amount paid as aid in the event of the death of workers or direct pensioners, which has grown by about 44% compared to the previous year. However, at a general level, there is a reduction in the amount paid, with respect to the same period of the previous year<sup>1091</sup>.
473. On the other hand, REDESCA takes note of the bill that was vetoed by the presidency regarding the ISSS assuming the payment costs for workers affected by quarantine during the pandemic. Along the same lines, the executive indicated that the ISSS would not have the resources to be able to face these costs. However, representatives of the private sector mentioned that this would be a joint effort between the private sector and the working sector, considering that the ISSS funds come from contributions from companies as well as from workers.<sup>1092</sup> In the same way, the Executive would have mentioned that companies during the beginning of the pandemic would have started a wave of layoffs, after the declaration of home quarantine carried out on March 21, 2020<sup>1093</sup>.
474. Taking into consideration the coverage figures of the ISSS, REDESCA observes with concern that the main fact reported by workers was the suspension of employment contracts due to the COVID-19 pandemic without due process and payment of the percentage established by law. This, it is estimated, affected 130,226 people, of these 59,226 (45.5%) correspond to companies from various sectors and 71,000 (54.5%) from the textile maquila sector, this being the sector with the highest number of people affected<sup>1094</sup>.
475. Likewise, it is important to emphasize that from a monitoring carried out by civil society organizations in 364 indicated workplaces. For violating labor rights, 4418 people were unjustifiably dismissed without receiving their legal benefits, of these 8% are women and 69.8% are men. Similarly, 105 union leaders suspended, 100 women who were victims of workplace violence and harassment, and 88 people fired for being infected with COVID-19<sup>1095</sup>.
476. Finally, in general figures, REDESCA notes that the disaggregated data report 53,713 jobs affected (98% from the private sector and 2% from the public) due to the reduction in productive activity due to the mandatory home quarantine. The economic sectors that show the highest rates in the reduction of contributors are: construction (-20%); agriculture, hunting, forestry and fishing (-11%) and self-employed persons (-11%)<sup>1096</sup>.
477. On the other hand, complaints have been received about contract suspensions alleging “fortuitous event”, incomplete payment of wages or lack of full payment, as well as employment benefits in the private sector, pressure for workers to take mandatory annual leave or leave monthly without pay,

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<sup>1090</sup> Salvadoran Social Security Institute, [Situation Report of the ISSS](#), November 2020

<sup>1091</sup> Salvadoran Social Security Institute, [Situation Report of the ISSS](#), November 2020

<sup>1092</sup> CNN, [Controversy in El Salvador over payment to workers during quarantine](#), March 27, 2020

<sup>1093</sup> The printing press, [Labor Minister denounces layoffs in crisis](#), March 25, 2020

<sup>1094</sup> Organization of Salvadoran Women for Peace (ORMUSA), [Balance: cases of violation of labor rights in the framework of the COVID-19 pandemic](#), July 28, 2020

<sup>1095</sup> Organization of Salvadoran Women for Peace (ORMUSA), [Balance: cases of violation of labor rights in the framework of the COVID-19 pandemic](#), July 28, 2020

<sup>1096</sup> Organization of Salvadoran Women for Peace (ORMUSA), [Balance: cases of violation of labor rights in the framework of the COVID-19 pandemic](#), July 28, 2020



among other situations. There are also cases of farmers who have not been able to work despite having a letter of support from the mayors<sup>1097</sup>.

478. Although the State has made regulatory advances to try to safeguard the employment of the people of El Salvador, it is no less true that job insecurity continues to be a reality for many people in the country, particularly in the textile industrial sector. Along these lines, REDESCA reiterates that the State is under the obligation to protect the ESCER of workers most at risk from the pandemic and its consequences, including those who work in the informal sector and with a gender perspective. In this context, it is essential to take measures that ensure the economic income and means of subsistence of all working people, so that they have equal conditions to comply with containment and protection measures during the pandemic<sup>1098</sup>.
479. In this regard, REDESCA urges the State, in consideration of its duty to supervise the effective enjoyment of human rights in the framework of business activities, to reinforce measures to ensure that they respect human rights. Consequently, REDESCA reiterates that the obligation of state supervision includes as many services provided by the State, directly or indirectly, as those offered by individuals.<sup>1099</sup> REDESCA is particularly concerned about the situation of women embroiderers who work for companies in extremely precarious working conditions, as they had the opportunity to verify during their visit to El Salvador with the IACHR in 2019, calling on the State to take measures to protect their rights of these women, protecting them from abuses of their rights and supporting them with the aid that is necessary to satisfy their basic needs and those of the families in their care, taking into account the impact of the pandemic on their lives.
480. Finally, REDESCA highlights that the situation of labor informality is of deep concern for the mandate, noting that, according to information released by United Nations agencies, the link between criminal organizations in the informal economy is significant. This phenomenon has been studied and documented, therefore, as the latter increases, the former will find a window of opportunity to expand and strengthen. The fight between criminal organizations to gain control of territories can unleash a new wave of violence. The reinvestment of funds from illicit activities in the national economy undermines it, upsets the natural balance of the market and reduces the effectiveness of state policies and measures<sup>1100</sup>.

## D. Right to education

481. Regarding the right to education, REDESCA notes that the Ministry of Education ordered the suspension of educational activities for a period of twenty-one (21) days, in order to protect Salvadorans against the risks that may arise.<sup>1101</sup> Similarly, according to the measure imposed by the State, classes, workshops and diplomas were suspended at all levels, in the public and private sectors, initially until April 13<sup>1102</sup>.
482. Faced with this situation, REDESCA takes note that the State, through the Ministry of Education, carried out a series of pedagogical guidelines that aim to generate a learning process accompanied by

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<sup>1097</sup>Ombudsman for the Defense of Human Rights of El Salvador, Case Report Attended during National Emergency for COVID19, April 20, 2020, p. 4

<sup>1098</sup>IACHR, Resolution 1/2020: Pandemic and Human Rights, para. 5

<sup>1099</sup>IACHR and REDESCA, Business and Human Rights Report: Inter-American Standards, OEA / Ser.L / V / II, CIDH / REDESCA / INF.1 / 19, November 1, 2019, para. 97

<sup>1100</sup>United Nations Office on Drugs and Crime UNODC, Unemployment, informal economy and organized crime: an approach from the systemic analysis: El Salvador, June 2020, p. 10

<sup>1101</sup> <https://COVID19.gob.sv/wp-content/uploads/2020/03/11M-CO-Primeras-medidas.pdf>

<sup>1102</sup> Ibid



the family so as not to interrupt the training of students. These guidelines are valid for the public sector, as well as for the private sector at all educational levels<sup>1103</sup>.

483. In this line, REDESCA takes note that on May 21 of this year, the 3rd phase of the school reactivation plan began, in which the explanation of educational material is made known through radio and television. national, channel 10 being in charge of this modality; and starting on May 25, with an established schedule for Initial, Basic (first, second and third cycle), and middle (1st and 2nd year of high school); This plan was called "Let's Learn at Home".<sup>1104</sup>The educational strip has been created to offer visual aids and a different dialogue to families and teachers to achieve a greater impact on students: "Through educational television no tasks are assigned, a content review is made due to the seven weeks of suspension from face-to-face classes. The programming offers contents of science, health and environment, mathematics, language, social studies, and we are interested in ensuring the physical and socio-emotional development of children at all levels. " Television is useful to strengthen the development of the guides, present content aimed at early childhood and include playful and artistic sections that promote respectful coexistence and participation, such as the activities that take place in the Soy Música program powered by UNICEF<sup>1105</sup>.
484. Added to this is its own platform that contains study programs, open resources and applications, the My portal program. It is also valid to emphasize the use of other social networks and communication applications such as WhtasApp, to coordinate learning groups between members of a course in schools and educational centers.<sup>1106</sup>Even when he highlighted the role that teachers have played so far, he revealed that of the 46,000 teachers who make up the public sector, 17,000 have chronic diseases that put them at risk to face the reopening of schools. Therefore, REDESCA welcomes that the State has sought ways for teachers to improve their capacities, particularly in the field of information technologies. By August 2020, it was estimated that 30 thousand teachers were trained in Google Classroom, however, 16 thousand are needed who do not have the technological conditions ".<sup>1107</sup> The latter would be part of Phase 3 of the contingency plan developed by the Ministry of Education, which includes that from May 15 until the end of the school year, teachers will be trained in the use of said tool to serve as support. to students either in person or online<sup>1108</sup>.
485. Similarly, the State, through the application of a cascade training model, has begun a training process for 100 technical specialists from the Ministry of Education to provide technical assistance within the framework of capacity building for virtual education; these specialists are expected to in turn impart this training to the 46,000 teachers in the public education system<sup>1109</sup>.
486. However, despite these efforts made by the State in relation to strengthening the capacities of the public sector, the benefits would not be coming equally. Due to the acute economic crisis and the general lack of income due to the pandemic, dropout rates in the private sector are on the rise. According to figures from the Ministry of Education, the dropout for 2019 was just over 185 thousand students who left the education system between the end of 2019 and the beginning of the 2020 school year. The number of students who dropped out of school between the end of 2019 and

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<sup>1103</sup> Ministry of Education of El Salvador, PEDAGOGICAL AND MANAGEMENT GUIDELINES FOR THE EDUCATIONAL CONTINUITY OF STUDENTS AT ALL LEVELS AND EDUCATIONAL MODALITIES, March 12, 2020

<sup>1104</sup> Our Voice in Colors, El Salvador's Formal Education in Times of COVID-19, 2020

<sup>1105</sup> UNICEF, Educational television is back to stay, May 28, 2020

<sup>1106</sup> Open University of Recoleta and Venezuela Education Cluster, The right to education in times of crisis: alternatives for educational continuity. Systematization of strategies and public responses in Latin America and the Caribbean to the closure of schools due to the COVID-19 pandemic, June 17, 2020, p. 21

<sup>1107</sup> UNICEF, Educational television is back to stay, May 28, 2020

<sup>1108</sup> Ministry of Education of El Salvador, Ministerial Circular No. 9/2020 Guidance for the Second Phase of the Educational Continuity Strategy for the Emergency of COVID-19, April 10, 2020 and see Ministry of Education of El Salvador, Ministerial Circular No. 14/2020 Guidelines for the assignment of computers to teachers trained in the use and management of the Google Classroom platform, August 29, 2020

<sup>1109</sup> ECLAC, Education in times of the COVID-19 pandemic, August 2020, p. 12



early 2020 is almost four times the dropout rate between 2018 and 2019 (48, 832 students). In this sense, it should be noted that 3.79% of girls who drop out of school do so for “domestic work”; instead only a 0.78% of children who drop out do so for these reasons. Furthermore, 1.77% of girls who drop out do so due to pregnancies.<sup>1110</sup> However, with regard to the private sector, due to the generalized economic circumstances that the country is experiencing, 44,000 students abandoned their studies in this sector, according to data provided by the Association of Private Schools of El Salvador (ACPES). Javier Hernández Amaya, president of ACPES, affirmed yesterday that this sector brings together 220,000 students and today they deal with 20% pure school dropout, according to a survey carried out at the end of July among 230 schools in the country<sup>1111</sup>.

487. Therefore, REDESCA takes careful note of the various efforts that the State is making to ensure that all children and adolescents are not deprived of their education in times of the pandemic. Although there is not enough data to make an appropriate assessment of the existing digital divide, the existing inequality and poverty figures do show that possibly not all people within the education system have effective access to the necessary tools to be able to take advantage of this situation.
488. Now, in this sense, REDESCA urges the State to also ensure that the school discernment that occurs in the private sector does not lead to overloading the public system and does not allow it to meet the needs that arise in a timely manner. Along these lines, REDESCA recommends that the State adopt the pertinent measures to guarantee access to the right to education from a comprehensive point of view. In this sense, during the validity of measures to close educational centers during the pandemic, this should not lead to an increase in educational inequalities due to gender, poverty, disability, ethnicity, religion, geographical location, among others<sup>1112</sup>.

## E. Right to Food

489. Regarding the right to food, REDESCA takes note of the following normative initiatives carried out by the State in this matter: the temporary modification of import tariffs (Legislative Decree No. 604) for some food products considered essential; the exemption to the Ministry of Agriculture and Livestock (MAG) and private importers, from the payment of Import Tariff Duties (DAI), as well as the Tax on the Transfer of Movable Property and the Provision of Services (VAT), for the purchase of white corn, red and black beans, white and parboiled rice, for human consumption.<sup>1113</sup> Likewise, despite what is indicated in the section on poverty, the State implemented a direct food delivery program<sup>1114</sup> and a second delivery of food packages for 3.4 million families<sup>1115</sup>.
490. Now, in the context of the pandemic, this Office of the Special Rapporteur once again expresses its apprehension about the effect of the measures that the State has taken in relation to the guarantee of rights. In this sense, less than a week after the temporary restriction of rights law was implemented, the Office of the Attorney for the Defense of Human Rights (PDDH) had already registered about 200 complaints for abuses of authority, the majority being for the arrests carried out by the security forces while people went out in search of food<sup>1116</sup>. Likewise, it is borne in mind that the omission of the State to progressively generate conditions that allow access to food in quantity and quality necessary for development; lack of adequate information in relation to the time that must remain in

<sup>1110</sup> Ado, [COVID-19 and educational inequality with a gender perspective](#), May 18, 2020

<sup>1111</sup> El Salvador.com, [More than 44,000 students have dropped out of private schools due to the difficult economic situation](#), September 2, 2020

<sup>1112</sup> IACHR, Practical Guide No. 02, How to guarantee access to the right to education for girls, boys and adolescents

<sup>1113</sup> Latin American and Caribbean Economic System, [COVID-19: Summary of the main measures, actions and policies implemented by SELA Member States](#), September 12, 2020, p. 76

<sup>1114</sup> Government of El Salvador, [More than 1,000 Tons. of food are added to the Sanitary Emergency Program](#), May 17, 2020

<sup>1115</sup> Presidency of the Republic of El Salvador, [A second food delivery is announced for COVID-19](#), May 2020

<sup>1116</sup> José Simeón Cañas Central American University, UCA Human Rights Institute, Letter on the Human Rights Situation in relation to the COVID-19 virus pandemic, March 31, 2020, p. 5



the CCC; omission of the State in the provision of food to people restricted in their freedom of movement due to being in quarantine, to name a few<sup>1117</sup>

491. In particular, REDESCA highlights the case of lack of food and supplies as a result of the sanitary fence ordered in Puerto La Libertad due to the rapid implementation of the measure<sup>1118</sup>. Almost immediately, according to public information, a military fence was installed in the streets of the urban area of the municipality of La Libertad and spread over the Litoral highway, blocking the food trade that benefits more than 65 thousand inhabitants, and other thousands more from three neighboring municipalities. The argument behind the sanitary cordon, according to the Press Secretariat, was because the inhabitants of the area violated the mandatory home quarantine. Specifically, the national human rights institution pointed out that such a measure cannot obviate the profound inequality of society, for as the high rate of labor informality, food insecurity and the lack of adequate housing,<sup>1119</sup> REDESCA reiterates a call to the State to review the implementation and execution of the measures, which must observe the elementary principles of human rights, which have been extensively referred to throughout this document, as in particular those specific provisions contained in Resolution 1/2020 and 4/20202 of the Commission, as well as in the different constitutional rulings that were issued by the Constitutional Chamber of the country's Supreme Court of Justice.

## F. Right to Water, Sanitation and Housing

492. Regarding the guarantee of the human right to water, REDESCA takes note of the establishment of the National Plan for Drinking Water and Sanitation. In this sense, according to information from this State entity, it is indicated that of the 77% of the population with piped supplies, 45% of the service is provided directly by the National Administration of Aqueduct and Sewers, which is equivalent to 2,805,000 people and 2% through decentralized systems, equivalent to 95,000 people, making a total of 2.9 million people. The Municipal Mayors administrate 5% of the total population of the country, the community systems 22% of the population, equivalent to 1,379,000 people; In addition, 2% of the population is identified, some 143,000 people who are provided by private companies (self-supplied systems)<sup>1120</sup>.
493. Regarding the right to water, the systematic shortage of the service (17 times), excessive charges (3) and illegal restrictions to access drinking water (2), among others<sup>86</sup>. Regarding the right to food, the events most often mentioned refer to the State's omissions to provide food during quarantine (34 times), especially to groups in vulnerable conditions (19); progressively generate conditions that allow access to food in the quantity and quality necessary for development (15); and to ensure the availability of necessary food in conditions of calamity and natural disaster (11).<sup>1121</sup> Regarding the right to housing, the facts refer to the eviction for non-payment during the national emergency due to COVID-19 (4 times), followed by the lack of availability of services, materials, facilities and adequate infrastructure in the housing (2) and, finally, the lack of protection against forced or arbitrary eviction, harassment or other threats (1)<sup>1122</sup>.

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<sup>1117</sup> Attorney for the Defense of Human Rights of El Salvador, Preliminary Report on COVID-19 and Human Rights in El Salvador, June 2020, p. 49

<sup>1118</sup> Ombudsman for the Defense of Human Rights of El Salvador, Case Report Attended during National Emergency for COVID19, April 20, 2020, p. 7

<sup>1119</sup> PDDH, Public statement in relation to the extraordinary measure of sanitary fence ordered in the Port of La Libertad, April 18, 2020

<sup>1120</sup> Government of El Salvador, National Plan for Drinking Water and Sanitation and the Diagnosis of Rural Drinking Water and Sanitation Systems Not Managed by ANDA, September 2017

<sup>1121</sup> Attorney for the Defense of Human Rights of El Salvador, Preliminary Report on COVID-19 and Human Rights in El Salvador, June 2020, p. 42

<sup>1122</sup> Idem





494. In this context, according to information provided by Civil Society organizations, in the context of the pandemic it was indicated that some areas were disproportionately affected. In particular, municipalities of the Metropolitan Area of San Salvador (AMSS), in the department of San Salvador, were seriously affected due to the distribution of contaminated, fetid and harmful water for people. Among the affected municipalities are San Salvador, Apopa, Soyapango, Mejicanos, Ciudad Delgado and Ilopango, among others; which have populous, excluded and impoverished cities, being these inhabited by approximately 1.2 million people<sup>1123</sup>.
495. Taking this situation into account, REDESCA notes that, according to what was indicated by civil society, the State would not have taken the necessary measures, even after taking steps before the legislature.<sup>1124</sup>In this context, the Water Forum has denounced the adoption of repressive and restrictive actions within the framework of legislative and executive decrees regarding the restriction of mobility. In this sense, such government actions have prevented the people of the community from being able to carry out their work of providing water; as happened in the case of the military cordon installed in the port of La Libertad, where military elements beat up two employees of a Potable Water Supply and Sanitation Board<sup>1125</sup>; Likewise, it has prevented people who do not have the infrastructure to receive household water from going to the water source to collect water<sup>1126</sup>.
496. Similarly, REDESCA learned through civil society organizations that local authorities suspended electricity service to the María Auxiliadora drinking water system, leaving more than 130 families without a supply of drinking water in Puerto la Libertad. According to these organizations, the water system is the result of community management, the support of the ACUA Association and international cooperation.<sup>1127</sup>In a similar context, the PDDH manifested itself around the shortage in the Municipality of Santa Tecla and San Martin, which did not have access to drinking water for 15 days and two months respectively. In this sense, the national human rights institution, I urge ANDA to take the necessary measures so that these localities recover the service as far as possible<sup>1128</sup>.
497. For its part, REDESCA, also takes note of the continuous worrying situation in the El Ángel Valley, which in recent years the communities that well in the sector have seen their water sources threatened by the construction of a housing complex that according to information public has been plagued with irregularities.<sup>1129</sup>The organizations of the Water Forum recalled that, despite the fact that the agreement between ANDA and the Dueñas family (the owner of the company that is carrying out the work) was signed with the previous administration, it was this government that renewed the feasibility for the drilling of wells in favor of the Urbánica company. The latter is asked to "desist from their project", in the name of the human right to water of the most impoverished families<sup>1130</sup>.
498. After two years of managing the environmental permit for the Ciudad Valle El Ángel project, the Dueñas family obtained the note for the payment of the environmental bond for their urban project in the north of San Salvador. REDESCA is aware that, according to the media, State authorities denied access to documents related to these processes, which they have classified as "reserved". The social

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<sup>1123</sup>Center for Applied Studies in Ecology and Environmental Sustainability ECOS El Salvador, Report on the implementation of measures aimed at water supply in the context of a pandemic caused by COVID-19 in El Salvador, May 14, 2020, p. two

<sup>1124</sup>Center for Applied Studies in Ecology and Environmental Sustainability ECOS El Salvador, Report on the implementation of measures aimed at water supply in the context of a pandemic caused by COVID-19 in El Salvador, May 14, 2020, p. 3-4

<sup>1125</sup> The world, Office of the Attorney General of the Republic investigates complaints of people in quarantine and about a sanitary fence in La Libertad, April 18, 2020

<sup>1126</sup>Center for Applied Studies in Ecology and Environmental Sustainability ECOS El Salvador, Report on the implementation of measures aimed at water supply in the context of a pandemic caused by COVID-19 in El Salvador, May 14, 2020, p. 3-4

<sup>1127</sup> Water Forum: El Salvador, Public Demonstration registered in Social Networks, December 16, 2020

<sup>1128</sup> PDDH, PDDH statement, given the shortage of drinking water in different municipalities of El Salvador, June 22, 2020

<sup>1129</sup> Telesur, Salvadoran collective demands to meet demand for access to water, August 27, 2020

<sup>1130</sup> Harps, We ask the Dueñas Family to desist from the Valle del Ángel project: Foro del Auga, June 25, 2020



movements that took part in the public consultation have also not been notified of the ministry's decision<sup>1131</sup>.

499. According to civil society organizations, the consequences will be a lower availability of drinking water for neighboring communities, because the Ciudad Valle del Ángel megaproject has already obtained from ANDA (the public water company) the feasibility of making use of 240 liters / second, 20.7 million liters of water per day. On the other hand, the megaproject will occupy 326 blocks of land (228 hectares), which would reduce the infiltration capacity of water in the soil, preventing the recharge of underground aquifers, which are already under pressure with current demand<sup>1132</sup>.

## **G. Right to a Healthy Environment**

500. Regarding the right to a healthy environment, REDESCA takes note of some socio-environmental conflicts related to the guarantee of other rights (such as the right to water and sanitation and the human right to health). Along these lines, for the Rapporteurship it is essential to review the following facts, in light of the pandemic, considering that part of the factors that have been determining factors for the rapid spread of the virus has been precisely deforestation and loss of biodiversity.
501. In this sense, this Office of the Special Rapporteur takes note that civil society organizations have denounced that the present environmental policy of the State is oriented towards the facilitation of environmental projects and permits that generate more problems and crises in the communities.<sup>1133</sup> In the same way to this, it is added that the same organizations indicate that the ravages of these crises in the face of mismanagement of state bodies, clarifies that the populations of rural areas suffer losses to a greater degree, exactly in the department of Ahuachapán, In the municipality of San Francisco Menéndez in the Bola de Monte community, devastations are seen that will take months, if not years to recover, this population that lives in coastal areas is also recognized for their environmental work and organization for climate monitoring, but this time In addition to their houses, their livelihoods and subsistence were affected due to the Amanda storms<sup>1134</sup>.
502. Added to this fact, is that fires in El Salvador consume about 5,000 hectares of vegetation a year, according to Mauricio Sermeño, president of the Salvadoran Ecological Unit (UNES). This is one of the data that said organization presented as part of the 2020 environmental balance. According to the directors of the organization, in the first months of the year fires increase because the burning of land for crops coincides with the arrival of the season. dry and the north winds; In this sense, more than 80% of these fires would be of human origin<sup>1135</sup>.
503. In the same way, community leaders belonging to the Table for Sustainability for Water and the Environment of Ahuachapán (MESAMA) and the Table for the Sustainability of the Territories of Sonsonate (MESUTSO), indicated that nine municipalities of Ahuchapán have three hydrographic basins of the sector that are being affected by the extraction of water, for the sugarcane industry, there is an accelerated deforestation, which would also affect even more the provision of water for the sector and human consumption<sup>1136</sup>.
504. The Valle El Angel housing project continues to be an issue that the State has not responded to, to this is added the project on the Sensunapan river, which would be the eighth dam to be installed on

<sup>1131</sup> Locked cat, [Environment gives the green light to the construction of the Ciudad Valle El Ángel megaproject](#), November 6, 2020

<sup>1132</sup> Engineers Without Borders, [Salvadoran communities stand against an urban project that threatens their water supply](#), January 2, 2020

<sup>1133</sup> Digital Truth, [Negative impacts on the environment due to government environmental permits](#), December 8, 2020

<sup>1134</sup> Salvadoran Ecological Unit (UNES), [Climate Change affects the most vulnerable populations](#), June 15, 2020

<sup>1135</sup> Diario El Salvador, UNES: 5000 hectares of vegetation are burned per year in El Salvador, December 8, 2020

<sup>1136</sup> Digital Truth, [Watershed predation and deforestation, main problems for the communities](#), December 15, 2020



the river, which would put water stress the aquifer and will affect 50,000 families living in the Pushtan and Sisimitepet cantons of Nahuizalco; El Almendro de Sonzacate and Loma del Muerto in Sonsonate.<sup>1137</sup> Regarding this project, it should be noted that the PDDH issued a precautionary measure for the MARN to suspend the activity and be rescheduled. The Attorney General's Office asked MARN to suspend the processing of the construction authorization process until the country has overcome the COVID-19 pandemic<sup>1138</sup>.

505. REDESCA also expresses its concern regarding the complaints made by residents of the department of Sonsonate, exactly in the municipality of Sonzacate, where they claim to be afraid of an improvised cemetery for the victims of COVID-19, the population affirmed that there was no public consultation by the mayor of the area who built a space to bury those who died from the coronavirus virus.<sup>1139</sup> In the same way they have expressed concern that there are intimidating acts such as threats and harassment by members of the National Civil Police of the area have been constant and that this has also caused many people who are against the cemetery to fear and support through a low profile ensures local leaders<sup>1140</sup>.
506. Taking into consideration the above, REDESCA expresses its concern that the State has not signed the Escazú Agreement, this being a vital instrument to promote environmental democracy in the context of the region. However, it reminds the State that within the framework of the inter-American system there are applicable obligations on the matter that have been included both by the Commission and by the Inter-American Court in different pronouncements.
507. Likewise, REDESCA reminds the State that it has the obligation to suspend or refrain from approving or investing in any industrial activity if the appropriate mechanisms of governance and environmental democracy have not been applied. In the event that a decision needs to be taken to reform specific environmental standards, those decisions must respect both procedural and substantive human rights elements. All decisions must be made in a transparent manner, with broad public participation and providing access to justice for individuals, communities and other interested organizations. A crucial aspect of public participation is the protection of environmental rights defenders. States must adopt all pertinent measures to protect them<sup>1141</sup>.

## 16) UNITED STATES

508. In relation to the situation of ESCER in the United States, REDESCA has been carefully monitoring the multidimensional impact that the health crisis caused by COVID 19 had throughout the year. In this sense, REDESCA highlights that the State has at its disposal an institutional framework that allows planning and preparing the entities in charge of public health management in the country. However, REDESCA looks with concern at the high rates of contagion in the States and the lack of taking strict measures to safeguard the life, integrity and health of people, as a result of little planning and coordination with other national and local entities and state.

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<sup>1137</sup> Radio YSKL, Indigenous communities of Nahuizalco warn of serious environmental damage if an eighth dam is built on the Sensunapán river, December 23, 2020

<sup>1138</sup> PDDH, Press Release: PDDH issues precautionary measures for the authorization process of the project "Small Hydroelectric Plant Nuevo Nahuizco II" in the cause of the Sensunapán River in the department of Sonsonate, July 2, 2020

<sup>1139</sup> Vanguard El Salvador, A cemetery for victims of COVID-19 that frightens a population due to possible contamination of soils and rivers, December 11, 2020

<sup>1140</sup> Vanguard El Salvador, A cemetery for victims of COVID-19 that frightens a population due to possible contamination of soils and rivers, December 11, 2020

<sup>1141</sup> IACHR, The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic, August 13, 2020



509. It is due to a context that, in the absence of a solid federal response, human rights, and in particular ESCER are at risk for their guarantee and protection. Along these lines, REDESCA expresses its concern that the State does not find mechanisms that allow economic, social, cultural and environmental rights to be considered as enforceable human rights.<sup>1142</sup> In particular, it is striking that within the draft declaration of inalienable rights, a proposal put forward by a Commission formed under the auspices of the United States Department of State, health, education or labor rights are not taken into consideration as part of its Decalogue.<sup>1143</sup> Along with reaffirming the universality, indivisibility, and interdependence of all human rights, with regard to the inter-American system, REDESCA recalls that the United States of America is a member of the Organization of American States, which both in its Charter and Declaration of Rights and Duties of Man, establishes provisions that recognize rights of a ESCER nature that generate obligations in the matter for all States party to the organization<sup>1144</sup>.
510. In the context of the pandemic caused by COVID 19, REDESCA points out how the virus was a determining factor in the guarantee and protection of human rights. The first case of COVID-19 in the country was officially reported on January 21, 2020 in the State of Washington and until December 14, 2020 a number of 15,932,116 cases and more than 296,218 deaths have been registered, being that since on December 7 to the indicated date, there was an increase of 213, 205 cases and 2283 deaths.<sup>1145</sup> By Wednesday, December 9, the number of deaths reached more than 3,000 people, which placed that day as one of the most deadly in the history of the country<sup>1146</sup>
511. From the information that REDESCA received, it is noted that the State began its preparation for this type of scenario before the emergency was declared by the specialized agencies. On March 13, 2020, the President of the Republic Donald J Trump issued an emergency declaration regarding COVID 19 and called for the implementation of a program to prevent the spread of the virus.<sup>1147</sup> It was later extended through a statement made by the Secretary of Health and Human Services on October 23, 2020.<sup>1148</sup> However, it should be noted that as of January 29, 2020, the executive established a working group for COVID-19, which has been the arm in charge of coordinating the different actions by the Government to respond to the pandemic.<sup>1149</sup> REDESCA looks with concern that, due to the lack of a single national strategy, there were several conflicts between the different levels of government in order to coordinate the implementation of different critical measures to contain the spread of the virus throughout the national territory.
512. In this sense, according to an analysis carried out by the Library of Congress of the United States, it indicated in its conclusions that: "Although no government entity has introduced a comprehensive response to the COVID-19 pandemic, the legislative and executive bodies at the Federal, state and local have exercised their authority in the enactment of laws, the enactment of regulations, the exercise of supervision and the making of emergency declarations to serve their constituents. The federal government has issued extensive guidance and provided financial resources, leaving the states to create their own, more specific directives. From there, local governments have implemented more detailed plans based on guidance received from state and federal officials."<sup>1150</sup> Along the same

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<sup>1142</sup> Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America, A / HRC / 38/33 / Add.1, July 2018, para. 12.

<sup>1143</sup> See Human Rights Watch, Pompeo's Commission on Unalienable Rights Will Endanger Everyone's Human Rights, August 27, 2020

<sup>1144</sup> Chapter VI OAS Charter (Integral Development, article 30 to 53); Arts. XI, XII, XIII, XIV, XV and XVI of the American Declaration.

<sup>1145</sup> Center for Disease Control, CDC COVID 19 Data Tracker, Report for the week of December 7 to 14, 2020

<sup>1146</sup> WebMD, COVID-19 Deaths Surpass 9/11 Deaths in Single Day, December 10, 2020, Voice of America, Nations Break Daily COVID-19 Records for Cases and Deaths, December 14, 2020

<sup>1147</sup> Government Accountability Office, Timeline of Key congressional and administrative actions, November 2020

<sup>1148</sup> Government Accountability Office, Timeline of Key congressional and administrative actions, November 2020

<sup>1149</sup> Government Accountability Office, Timeline of Key congressional and administrative actions, November 2020

<sup>1150</sup> Library of Congress of the United States, United States: Federal, State, and Local Government Responses to COVID-19, November 2020



lines, according to publicly known information, some of the issues that made it difficult to articulate public policy at the federal level were: the definition of essential services to determine restrictions on commercial activities, the delivery of personal protective equipment for health workers as well as the establishment of restrictions on mobility<sup>1151</sup>

513. Regarding the first point, REDESCA takes note that from the federal government there has been a delay to give way to a single direction regarding the control measures to be implemented to mitigate the effects of the spread of the virus in daily activities. Although REDESCA recognizes that by virtue of the federal system that characterizes the United States, it is within the power of the states of the union to regulate public health, a crisis of these characteristics imposes the need to address it from a perspective joint and collaborative. According to public information, the administration appeared to have a much delayed reaction time at the level of reaction to the spread of the virus. The lengthy discussions between the White House and public health agencies about funding, Combined with the existing meager reserve of emergency supplies, they left vast tracts of the country's health system without protective equipment until the outbreak turned into a pandemic. Internal differences, jurisdictional disputes, and abrupt leadership changes hampered the work of the coronavirus task force<sup>1152</sup>
514. This has led each state and local government to identify the most appropriate measures to stop the spread of the virus, taking as a suggestion and without any obligation to implement them, the recommendations issued by specialized agencies such as the Center for Disease Control ( CDC for its acronym in English).<sup>1153</sup>Consequently, each State adopted a different approach to determine measures in order to mitigate the effects of the virus having different effects that in certain cases have increased mortality. In this sense, the media have characterized that, in the United States, the transmission of the coronavirus is out of control, fostered by a fragmented national response, characterized by friction of a political nature and cultural division<sup>1154</sup>

## A. Right to health

515. Regarding the right to health, REDESCA expresses its concern about the effects that the pandemic had on populations in vulnerable situations, as well as on other elements that make up the minimum essential content of the right to health, particularly regarding its social determinants, and also in the guarantee and integrity of the workers of the health sector. In particular, REDESCA looks with concern that millions of people lost the ability to access this service, considering that there is no single public care system. While the United States has the highest health care expenditures per capita in the world, tens of millions of people remain uninsured or underinsured in that country.<sup>1155</sup> Regarding the situation of the effective guarantee of the right to health in the United States, this Office of the Special Rapporteur is concerned that, in the midst of an unprecedented pandemic, the loss of medical coverage has affected so many people, especially those who are in a situation of poverty and extreme poverty.<sup>1156</sup> So far no federal COVID-19 legislation signed into law has attempted to restore or preserve comprehensive health insurance.

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<sup>1151</sup> Washington Post, [The US was beset by denial and dysfunction as the coronavirus raged](#), April 4, 2020

<sup>1152</sup> Washington Post, [The US was beset by denial and dysfunction as the coronavirus raged](#), April 4, 2020 and New York Times, [The Surging Coronavirus Finds a Federal Leadership Vacuum](#), November 11, 2020

<sup>1153</sup> Idem

<sup>1154</sup> Washington Post, [The crisis that shocked the world: America's response to the coronavirus](#), July 19, 2020

<sup>1155</sup> TODD, Susan R., SOMMERS, Benjamin D. "[Overview of the Uninsured in the United States: A Summary of the 2012 Current Population Survey Report](#)". In Department of Health and Human Services Office of the Assistant Secretary for Planning and Evaluation (ASPE). Issue Brief. 2012.

<sup>1156</sup> See Families USA, [The COVID-19 pandemic and resulting economic crash Have caused The greatest health insurance losses in American history](#), July 13, 2020





516. In the same sense, REDESCA observes that from a study carried out by the CDC, it was identified that the Afro-descendant population was almost twice as likely to lack health insurance as the non-Latino white population, while the Latino population had more three times as likely to be uninsured<sup>1157</sup>. The cost of these disparities in direct medical costs and lost productivity is estimated to have exceeded \$ 1.24 trillion between 2003 and 2006<sup>1158</sup>. According to the CDC, "inequalities in health status and access to care, as well as the unequal burden of morbidity and mortality of some racial and ethnic groups in the United States have made racial origin and Hispanic origin [sic] are among the most important demographic characteristics of interest to users of the National Health Survey (NHIS)"<sup>1159</sup>.
517. Consequently, in the assessment of this specialized office of the IACHR, the lack of coordination between the different levels of government was one of the factors that has led the United States in 2020 to be the world leader in infections and deaths from COVID -19<sup>1160</sup>, which has disproportionately affected Afro-descendant, indigenous and other minority communities historically discriminated against due to structural injustices expressed in the health system and the social determinants of health in the United States.<sup>1161</sup> found that, in the past five months, deaths per capita in the US, both from COVID-19 and other causes, have been much higher than in 18 other high-income countries<sup>1162</sup>. Even considering only confirmed deaths from COVID-19, the number of people who have died since May 10, after adjusting for population size, is on average 50% higher than in all other countries in the study<sup>1163</sup>.
518. For its part, REDESCA notes that the federal administration for emergency management (FEMA) indicated through a statement before Congress that the National Response Coordination Center (NRCC) became the fulcrum of federal interagency coordination efforts under the Unified Coordination Group (UCG), which is co-chaired by the FEMA Administrator, and by the Assistant Secretary for Preparedness and Response of the Ministry of Health<sup>1164</sup>
519. Along these lines, the federal agency noted that eight working groups were formed to address the main priorities of the response to a pandemic in coordination with the NRCC and focused on critical mission functions such as: obtaining and maintaining an awareness of the situation of supply and demand for medical equipment, including laboratory testing supplies and necessary protective equipment for healthcare professionals or critical infrastructure workers; establish a decision matrix for the allocation of finite resources within the context of changing hot spots; ensure effective communication and cross-coordination with different stakeholders essential to increase their response capacities; maintain positive response momentum by protecting and rotating staff for rest periods; increase the size of the workforce; and keep mission-critical employees constantly but safely engaged<sup>1165</sup>
520. To that extent, the Government Accountability Office (GAO) noted in a report for committees of the United States Congress on general recommendations to ensure a better and effective federal response, that most states responded to the questionnaire sent by the agency indicated that they received requests for supplies from organizations and entities within their states and, in

<sup>1157</sup>HEGENAUER, Christa L. "ARE WE COVERED? HEALTH INSURANCE DISPARITIES IN THE AFFORDABLE CARE ACT ERA "In Michigan Sociological Review. Fall 2016. Vol. 30., p. 94.

<sup>1158</sup> Ibid

<sup>1159</sup> Centers for Disease Control and Prevention (CDC). Race and Hispanic Origin Information. CDC National Center for Health Statistics. 2010.

<sup>1160</sup> The Guardian. "COVID world map: which countries have the most coronavirus cases and deaths?" October 28, 2020.

<sup>1161</sup> The New York Times. "The Fullest Look Yet at the Racial Inequity of Coronavirus." July 5, 2020.

<sup>1162</sup> NPR "Americans Are Dying In The Pandemic At Rates Far Higher Than In Other Countries.". October 13, 2020.

<sup>1163</sup> Ibid,

<sup>1164</sup> FEMA, Testimony of the Administrator General of FEMA before the Committee on Homeland Security of the House of Representatives of the United States, July 22, 2020

<sup>1165</sup> FEMA, Testimony of the Administrator General of FEMA before the Committee on Homeland Security of the House of Representatives of the United States, July 22, 2020



general, were able to fulfill them. However, availability restrictions continue with certain PPE, such as nitrile gloves. More than half of the states reported obtaining supplies from the commercial market or from FEMA, indicating that the states were unable to fully satisfy requests for the supplies they had on hand. Nearly three-quarters of the states (34) reported that they had obtained protective equipment from FEMA, indicating problems in procuring these supplies in the commercial market, as states would only request supplies from FEMA when they could not satisfy the needs through the market. This is how the different States varied in their ability to comply with requests for PPE<sup>1166</sup>

521. In this context, REDESCA notes with concern that in this scenario, the first population group that has been drastically affected has been health and care workers. Regarding this situation, on March 18, 2020, President Trump signed an executive order allowing the use of the Defense Production Act (DPA), however, between March 23 and 27 there were several reports by part of hospitals and other health centers where they mentioned the shortage of supplies to carry out tests, of personal protective equipment (PPE), difficulties in keeping adequate personnel on duty and a lack of critical medical supplies.<sup>1167</sup> Even federal agencies mentioned that the continuing shortage of certain types of personal protective equipment and testing supplies is the result of a supply chain with limited domestic production and high global demand<sup>1168</sup>
522. In the same way, to the lack of protective equipment, there is also the lack of general medical supplies, such as the acquisition of COVID 19 detection tests, including the acquisition of reagents necessary for this purpose. Likewise, the agency also identified that if this trend continues in the future, the 38 states that responded to the agency's questionnaire, expressed their concern about the possibility of effectively having adequate supplies to distribute and administer a vaccine against COVID-19. This autonomous federal office also noted that senior officials from six states stated they were specifically concerned about the federal government's ability to supply needles given reports of shortages<sup>1169</sup>.
523. However, REDESCA also looks with concern at the impact that the pandemic in the country has had on people's mental health, particularly health and care workers. According to a study released by the CDC, 41% of people would have experienced some type of symptoms related to some type of mental disorder, including symptoms related to some type of trauma, depression and anxiety. According to this same study, the CDC found that symptoms of mental health disorders are more common among essential service workers, unpaid adult caregivers, and those receiving treatment for pre-existing mental health disorders<sup>1170</sup>.
524. In addition to these figures, it is worrying to see that even before the pandemic, health personnel were already overloaded even before the pandemic. In the months leading up to the COVID-19 pandemic, 76% of New York City nursing workers said they would "definitely not recommend" the hospital they worked at, and 71.8% said their work had been frequently interrupted or delayed due to understaffing. More than half of New York City nurses reported experiencing extreme fatigue or "burnout" prior to the spread of the pandemic in the United States.<sup>1171</sup> A similar situation was also registered in other regions of the country. Much of the attention has focused on doctors and nurses working in intensive care units, particularly in South Florida, which has been hit hard by the

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<sup>1166</sup> Government Accountability Office, [COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response, Congressional Committee Report](#), November 2020, p. fifteen

<sup>1167</sup> Washington Post, [Medical supply chain shortages led to deadly consequences](#), October 6, 2020

<sup>1168</sup> Idem

<sup>1169</sup> Government Accountability Office, [COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response, Congressional Committee Report](#), November 2020, p. 17

<sup>1170</sup> ABC News. [Like the virus, coronavirus pandemic mental stress hits Latinos more: Study](#). August 18, 2020.

<sup>1171</sup> Business Insider. [NYC nurses were understaffed and burned out before the pandemic, which contributed to overcrowding and worse patient care](#). August 19, 2020.



pandemic, where nurses caring for older adults in places like Central Florida, with its huge retiree population, they have long struggled to improve wages, benefits and staffing standards<sup>1172</sup>

525. However, REDESCA for its part takes careful note that, based on this difficult context, federal agencies such as the Centers for Medicare and Medicaid Services (CMS) are issuing more than 15 million dollars in fines to nursing homes. Older adults during the COVID-19 pandemic due to failure to comply with infection control requirements and for not reporting infection data. Civil monetary penalties have gone to more than 3,400 households. Since March 4, CMS and state inspection agencies have completed more than 15,000 nursing home inspections, covering 99.2% of facilities, as a way to ensure residents are being cared for safely during the pandemic. As a result, more than 180 violations of the immediate danger level have been imposed, tripling the rate of these deficiencies as of 2019, and totaling \$ 10 million<sup>1173</sup>.
526. Regarding groups in vulnerable situations, REDESCA takes note of the situation of people deprived of their liberty, especially those where people in a situation of human mobility are detained. In the same sense, REDESCA expresses its concern about the health situation of people who are in a situation of mobility, since it was reported through public information and reports from civil society entities on deportations carried out through the implementation of Title 42.<sup>1174</sup> Along these lines, an immigrant detention center in Virginia that has seen the worst coronavirus outbreak at any such facility in the nation, through an order issued by US District Judge Leonie Brinkema, granted a petition filed by internees who have filed a lawsuit regarding the conditions to allow a medical expert to conduct an inspection at the private Farmville facility. However, according to an own report released by the CDC indicated that in some areas of the facility it was difficult to maintain physical distance, the staff was not equipped with the proper personal protective equipment and that some team members also showed clear symptoms of COVID -19 and continued developing their activities<sup>1175</sup>
527. Likewise, REDESCA expresses its concern that, in this same context, by September of this year civil society organizations reported that there would be 6,468 confirmed cases of COVID-19 in total immigration detention centers in the United States. In this sense, they also indicated that when the organizations made contact with the people in the detention centers, they were told that just by September they were distributing face masks, the deaths were not being recorded and finally it was reported that the measures were not being taken of basic biosafety, such as the distribution of antibacterial gel, as well as other cleaning supplies, which would be worsening the situation in these centers<sup>1176</sup>
528. On the other hand, REDESCA expresses its concern about the situation of the right to health of people belonging to indigenous peoples and of Latin American origin. This phenomenon is mainly due to the fact that both people who work in essential services as well as in unpaid care work belong to these population groups. Thus, civil society organizations look with concern that some of these data are not being properly recorded, because local public health entities did not segment their statistics taking into consideration ethnic, racial or tribal origin; thus making it difficult to keep an updated record of the effects of the pandemic on indigenous peoples in the country<sup>1177</sup>.
529. In the same vein, this Office of the Special Rapporteur is drawn to the fact that, according to a study carried out by the CDC, a higher prevalence of symptoms of depressive disorder, suicidal thoughts

<sup>1172</sup> Thompson Reuters Foundation. [Florida's care workers battle to protect the elderly](#). August 17, 2020.

<sup>1173</sup> Healthcare Finance. [Amid close to 46,000 resident deaths, nursing homes face more than \\$ 15 million in fines](#). August 17, 2020.

<sup>1174</sup> Human Rights Watch, [CDC Director Doubles Down on Endangering Asylum Seekers](#), October 15, 2020

<sup>1175</sup> AP News. [Judge: Outside experts can visit immigrant detention center](#). August 17, 2020.

<sup>1176</sup> IACHR, HEARING No. 27 177th Ordinary Period of Sessions, Situation of the human rights of migrants, refugees and unaccompanied children and adolescents in the region, October 9, 2020, see CBS News. [US policy of expelling migrant children without an asylum interview challenged in class-action lawsuit](#). August 14, 2020.

<sup>1177</sup> Mother Jones. [How Feds and States Make It Impossible for Tribal Epidemiologists to Do Their Jobs](#). August 25, 2020.



- and anxiety was found among people of Latino descent. In the case of suicidal thoughts, about 18.6% of Latino respondents said they had "seriously considered suicide in the past 30 days." Afro-descendant respondents also reported a relatively high case of suicidal thoughts at 15.1%, as did 7.9% of white respondents, 6% of people of Asian descent, and 9.8% of other groups of populations<sup>1178</sup>.
530. Similarly, for REDESCA it is worrying that according to researchers from the New Mexico State Department of Health, hired to conduct on-site surveys for CMS, they launched their investigation to identify why the decision would have been made to carry out a type of racial profiling to Native American mothers to test for COVID-19 based on their tribal area zip codes, then to be separated from their newborns while awaiting test results<sup>1179</sup>
531. The lack of a single strategy at the federal level to address this type of unprecedented crisis is having a direct effect on the most vulnerable populations, which has led to the indication that there is one death every 40 seconds from complications associated with COVID-19.<sup>1180</sup> In terms of the distribution of vaccines and other palliative measures, REDESCA has a presentation of Operation "Warp Speed", which is a coordinated strategy between the Department of Health and Human Services, the CDC, the National Institute of Health, the Authority for Biomedical Advanced Research and Development (BARDA) and the Department of Defense. The objective of this initiative is to produce and deliver 300 million doses of safe and effective vaccines that should be available by January 2021.<sup>1181</sup> At the beginning of 2021, at least 5.3 million people have been reported to have received a dose of the COVID-19 vaccine, which has not reached the 20 million figure that was expected before the end of December<sup>1182</sup>
532. Bearing in mind these multidimensional challenges that have been decisive in the enjoyment and guarantee of human rights in the face of the protection measures that the State had to implement in the face of the pandemic. However, REDESCA reiterates that the State meets the particular protection needs of individuals and that this obligation involves the duty of the States to organize the entire governmental apparatus and, in general, all the structures through which it manifests. the exercise of public power, in such a way that they are capable of legally ensuring the free and full exercise of human rights<sup>1183</sup>
533. In this same sense, this Office of the Special Rapporteur emphasizes that the objective of all the policies and measures adopted must be based on a human rights approach that contemplates universality and inalienability; indivisibility; interdependence and interrelation of all human rights; equality and non-discrimination; the perspective of gender, diversity and intersectionality; the inclusion; accountability and respect for the rule of law<sup>1184</sup>
534. In this sense, the obligation of the State focuses on making decisions based on the best available science that allows the full exercise of other rights, but at the same time safeguards the life, integrity and health of all people, taking as a starting point the principle of non-discrimination and equality. Ultimately, the State must ensure that all health establishments, goods and services must be accessible without any discrimination, and adapted based on circumstances such as those posed by

<sup>1178</sup> ABC News. [Like the virus, coronavirus pandemic mental stress hits Latinos more: Study](#). August 18, 2020.

<sup>1179</sup> Propublica. [Federal Investigation Finds Hospital Violated Patients' Rights by Profiling, Separating Native Mothers and Newborns](#). August 22, 2020.

<sup>1180</sup> CNN, [COVID-19 now kills more than 1 American every minute. And the rate keeps accelerating as the death toll tops 300,000](#). December 14, 2020

<sup>1181</sup> Department of Health and Human Services, [Fact Sheet: Explaining Operation Warp Speed](#)

<sup>1182</sup> New York Times, [About 5.3 Million People in the US Have Gotten a COVID-19 Vaccine](#), January 6, 2021

<sup>1183</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020, Recommendation 3.b

<sup>1184</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020, Recommendation 3.e



the present pandemic in accordance with the "pro persona" principle, so that due and timely care to the population prevails over any other guideline or interest of a public or private nature<sup>1185</sup>

## B. Poverty and Human Rights

535. Regarding the situation of poverty and its effects on the enjoyment of human rights, REDESCA takes note of how the current health crisis has exacerbated the effects of material inequalities that permeate US society. According to data from the United States Census Bureau, for 2019 the median household income in 2019 increased by 6.8% compared to 2018, and the official poverty rate decreased 1.3 percentage points. Meanwhile, the percentage of people with health insurance coverage for all or part of 2019 was 92.0% and 8.0% of people, or 26.1 million, did not have health insurance at any time during 2019, according to the Annual Social and Economic Supplement of the 2020 Current Population Survey (CPS ASEC).<sup>1186</sup> Taking into consideration these data and others from public institutions, academic institutions of civil society have indicated that the poverty rate for 2020 will be 9.2 percent, with the rate for non-Hispanic whites at 6.6 percent; the rate for non-Hispanic Afro-descendants at 15.2 percent; and the rate for Hispanics at 13.8 percent<sup>1187</sup>
536. In this sense, the State implemented the following measures through the federal legislature. In particular, REDESCA takes note of the issuance of the CARES Act, which facilitated the delivery of up to \$ 1,200 for each eligible person or \$ 2,400 for individuals who file a joint tax return, in addition to up to \$ 500 for each child that meets the requirements.<sup>1188</sup> Despite this measure, REDESCA looks with concern that based on the data indicated above on unemployment rates<sup>1189</sup>, these measures implemented by the State are not sufficient to meet the diverse needs of the population that is in a greater degree of vulnerability.
537. In particular, REDESCA observes that the effects of the pandemic on people living in poverty and extreme poverty in relation to the guarantee of several ESCER, in particular regarding the right to health, the right to housing and Right to Food. In this sense, according to public information, it has been reported that due to the loss of jobs at least 6 million people in the country would have lost their medical coverage, which would also have an impact on another 12 million additional people in relation to dependent coverage.<sup>1190</sup> For their part, according to civil society organizations, with data released by the United States Census Bureau, one in three people with low incomes had little or no confidence that they would be able to pay their rent for the following month<sup>1191</sup>
538. However, REDESCA notes that, according to data released by the Eviction Lab of Princeton University, most of the evictions that would be instituted are based on low amounts. Thus, the data shows how, in Cincinnati, homeowners have filed 1,444 cases during this period, of which at least 120 (8.3%) were for \$ 500 or less. Half of all cases filed were for \$ 1,200 or less. For its part, in the city of Houston, although the number of eviction requests is much higher, 612 of the 6,524 cases with a claimed amount in dollars (9.4%) were for \$ 500 or less; and more than half of all cases were for \$

<sup>1185</sup> IACHR, the IACHR and its REDESCA urge to ensure the prospects for comprehensive protection of human rights and public health in the face of the COVID-19 pandemic, March 20, 2020

<sup>1186</sup> US Census Bureau, [Income, Poverty and Health Insurance Coverage in the United States: 2019](#), September 15, 2020

<sup>1187</sup> Urban Institute, 2020 Poverty Projections, July 2020, p. 6

<sup>1188</sup> Government Accountability Office, [COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response](#), [Congressional Committee Report](#), November 2020, p. 22

<sup>1189</sup> Washington Post, [US unemployment rate soars to 14.7 percent, the worst since the Depression era](#), May 8, 2020

<sup>1190</sup> CBS News, [12 million have lost employer-sponsored health insurance during pandemic](#), August 26, 2020.

<sup>1191</sup> Kairos Center for Religions, Rights and Social Justice et al, [Poverty amidst pandemic](#), September 25, 2020





1,411 or less. Finally, in Phoenix in the state of Arizona, 1,759 new cases were presented in July<sup>1192</sup>.

539. In the same vein, a lack of capacity to access judicial mechanisms has been detected in order to challenge eviction notifications before the judicial systems. In some cases, it has even been reported that there is not even the possibility to do it, since they have not been informed that the hearings are done electronically.<sup>1193</sup> Even before the crisis, people living in poverty and extreme poverty 9 out of 10 tenants did not have some type of legal representation.<sup>1194</sup> Therefore, REDESCA looks with concern that the collateral effects of evictions on people living in poverty will have on these people unless quick and effective measures are taken to give relief to these people.
540. In this regard, although the legislative measures adopted by the federal government have helped 18 million people to lift themselves out of poverty in April, this number declined in the following months, until it had a direct effect on 4 million people, a time the \$ 600 weekly supports were suspended.<sup>1195</sup> Therefore, it is important to emphasize that the monthly poverty rate increased from 15% to 16.7% from February to September 2020, even after taking into account the income transfers of the CARES Act; the same rates have been particularly acute for Afro-descendant and Hispanic individuals, as well as for children and adolescents<sup>1196</sup>.
541. REDESCA is attentive to the next steps that the federal government can take in an upcoming response to alleviate the economic burden on people living in poverty. Therefore, this Office of the Special Rapporteur takes note of the recent law approved by the federal Government at the end of December 2020, which releases 900 billion dollars in aid for people in vulnerable situations and other programs that were approved by the CARES Act that must be financed.<sup>1197</sup> It contemplates that people can receive a direct payment of \$ 600 per person from each family. It also extends unemployment assistance benefits of \$ 300 per week that would be financed until March 14, 2021<sup>1198</sup>.
542. Finally, this situation marks the profound inequality for which the country experiences that the current health crisis has exacerbated it in unforeseen ways. In particular, REDESCA is concerned that, given the profound weaknesses of the support systems for people living in poverty and the difficulties they face, since the beginning of the pandemic the net worth of billionaires has been valued at around 930 billion dollars in total.<sup>1199</sup> This calls the attention of this Office of the Special Rapporteur because the financial markets are not responding to the needs of the people and to the effects of the pandemic on the purchasing power of large sectors of the population, in particular when the Federal Government has also disbursed millions of dollars for aid from large corporations compared to that offered for small and medium-sized businesses<sup>1200</sup>.
543. Likewise, REDESCA reiterates that they take note that the households of African-American people in the United States receive 60% lower income compared to those of families of other ethnic-racial origin. These factors, together with the fact that more than 20% of African-Americans nationwide were in a situation of poverty in 2018 according to figures from the US Census Bureau, they contribute to the fact that access to effective judicial remedies, legal defense, among other guarantees

<sup>1192</sup> The Eviction Lab, [Preliminary analysis: Eviction claim amounts during the COVID-19 pandemic](#), August 27, 2020

<sup>1193</sup> The Hill, [The time for a nationwide eviction moratorium is now](#), July 25, 2020

<sup>1194</sup> University of Wisconsin, Poverty Research Institute, [Unaffordable America: Poverty, Housing and Eviction](#), March 2015

<sup>1195</sup> Center for Poverty and Social Policy at Columbia University, [Monthly poverty rates in the United States during the COVID-19 Pandemic](#), October 15, 2020

<sup>1196</sup> Center for Poverty and Social Policy at Columbia University, [Monthly poverty rates in the United States during the COVID-19 Pandemic](#), October 15, 2020

<sup>1197</sup> Washington Post, [Here's what is in the 900 billion stimulus package](#), December 27, 2020

<sup>1198</sup> Idem

<sup>1199</sup> USA Today, [Jeff Bezos, Elon Musk among US billionaires getting richer during coronavirus pandemic](#), December 1, 2020

<sup>1200</sup> Business Insider, [How billionaires saw their net worth increase by half a trillion dollars during the pandemic](#), October 30, 2020



of due process, are hindered if the person does not have sufficient means and support; thus deepening existing inequality and discrimination at a systemic level that may even have intergenerational effects<sup>1201</sup>

544. The situation described above highlights a worrying panorama, where the level of income is a determining factor for the full enjoyment of rights, but also for a full recognition of the most essential decent living conditions for people. In this sense, REDESCA reiterates that the pandemic, in addition to causing negative impacts on health, has also generated economic and social impacts on the population. These have been assumed in a totally disproportionate and dramatic way by the groups in the greatest situation of vulnerability and poverty, such as migrants, workers with precarious jobs, living on the streets and indigenous peoples, among others<sup>1202</sup>.
545. In this context, the extreme difficulties faced by people living in poverty and particularly the population living on the streets or with lack of access to adequate housing, for the exercise and enjoyment of their human rights and in particular of their ESCER, have been made visible. . In this regard, REDESCA urges the United States, within the framework of its general human rights obligations, to adopt emergency measures that mitigate the disproportionate risks to the enjoyment of the rights to adequate housing, access to drinking water and sanitation of people living in poverty, street situations and those living in informal settlements; At the same time, actions must be taken under a human rights approach to ensure lasting solutions for such people<sup>1203</sup>

## C. Labor rights

546. In relation to labor rights, REDESCA also expresses its concern that the pandemic had in relation to labor stability in the country. This is because unemployment figures reached numbers not seen since the Great Depression in 1930. According to data from the Bureau of Statistics of the United States Department of Labor, by April 2020 the unemployment rate increased by 10.3 percentage points up to 14.7 percent. This is the highest rate and the largest monthly increase in the history of the data (available since January 1948). The number of unemployed people increased by 15.9 million to 23.1 million in April.<sup>1204</sup>In this sense, REDESCA takes careful note that this figure has direct impacts on whether people can have adequate livelihoods to survive during these times. In this sense, according to public information, many people have had to resort for the first time to obtain some form of state aid to obtain food or income relief<sup>1205</sup>
547. Along the same lines, based on official figures, REDESCA is aware that the average unemployment rate in this regard was 14.3% higher for women compared to men. Similarly, in relation to racial origin, Afro-descendant women, on the other hand, registered unemployment of 17.2% compared to 11.9% of white women.<sup>1206</sup>However, women of Hispanic/Latin American origin had the highest

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<sup>1201</sup> IACHR, The IACHR calls on the United States to implement structural reforms in the institutional security and justice systems to combat historical racial discrimination and institutional racism, August 8, 2020

<sup>1202</sup> IACHR, IACHR and their REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas against the COVID-19 pandemic, June 2, 2020

<sup>1203</sup> IACHR, IACHR and their REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas against the COVID-19 pandemic, June 2, 2020

<sup>1204</sup> US Department of Labor, Bureau of Labor Statistics; Unemployment rate rises to record high 14.7 percent in April 2020, May 13, 2020

<sup>1205</sup> Washington Post, US unemployment rate soars to 14.7 percent, the worst since the depression era, May 8, 2020

<sup>1206</sup> Pew Research Center, Unemployment rose higher in three months of COVID-19 than it did in two years of the Great Recession, June 11, 2020



unemployment rate, standing at 19.5%. For their part, Afro-descendant men experienced a higher degree of unemployment than any other racial group at 15.8%<sup>1207</sup>.

548. On the other hand, REDESCA notes that according to trade union organizations, the first major outbreaks in the workplace affected front-line workers; those that are in the health sector, emergency services and transit.<sup>1208</sup> It also draws the attention of the Rapporteur that there has been no federal regulatory action by either the United States Occupational Safety and Health Administration (OSHA) or the Mine Safety and Health Administration (MSHA) despite the union petitions and legal actions filed by the American Trade Federation and the Congress of Industrial Organizations (AFL-CIO). Instead of federal action, states have stepped in to protect workers<sup>1209</sup>.
549. This situation takes special consideration because, according to public information, from March to early June, 12% of the coronavirus cases reported in the state of Utah, for example, were linked to outbreaks at work sites, mainly in manufacturing construction and wholesaling industries; which are mostly made by people from ethnic minorities. Along these lines, aspects related to safe and dignified working conditions could be affected, since in these industries people tend to have less flexible working hours and fewer opportunities to work remotely, compared to people who do not belong to this population segment<sup>1210</sup>.
550. The implementation of flexible hours policies, along with unpaid sick leave, could prevent workers from staying home when they are sick, resulting in more exposures in the workplace and the further spread of the virus. These racial disparities in worksite-related outbreaks in Utah are similar to those seen in outbreaks at meat processing plants across the United States.<sup>1211</sup> In this line, REDESCA is also concerned that at the federal level there is no articulated mechanism that allows a differentiated and adequate report of the effects that the virus had on the health, life and integrity of workers in the country. Of the little information reported, between May 24 and September 6, 2020, at least 175,242 cases of COVID-19 among hospice and nursing home staff, with 120,841 suspected of being infected, and 868 deaths. According to the CDC, there have been at least 163,193 infected healthcare staff and 713 deaths as of September 24, 2020, and 27,524 cases among prison staff and 74 deaths between March 31 and September 15.<sup>1212</sup> For its part, the nonprofit Food and Environment Reporting reported 974 outbreaks in the meat, food and agricultural industries, resulting in at least 58,016 infections and 238 deaths between April 22 and September 16<sup>1213</sup>.
551. Regarding this situation, REDESCA is aware that hundreds of thousands of men and women continued to carry out their daily tasks such as weeding and packing products, in dangerous conditions, as temperatures rise above 100 ° Fahrenheit for days. In addition to a deadly combination of dust-fueled carbon dioxide from truckloads, spraying of agrochemicals on plantations, and environmental liabilities arising from old oil wells located in southern California, particularly in the San Joaquin Valley area. Most of these farmworkers earn the minimum wage (\$ 14 an hour in California). Most lack health insurance and live amid chronic pollution,<sup>1214</sup>

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<sup>1207</sup> Idem

<sup>1208</sup> AFL-CIO, [Death on the Job: The toll of neglect. A NATIONAL AND STATE-BY-STATE PROFILE OF WORKER SAFETY AND HEALTH IN THE UNITED STATES](#), Issue No. 29, October 2020, p. 8

<sup>1209</sup> AFL-CIO, [Death on the Job: The toll of neglect. A NATIONAL AND STATE-BY-STATE PROFILE OF WORKER SAFETY AND HEALTH IN THE UNITED STATES](#), Issue No. 29, October 2020, p. 10

<sup>1210</sup> AP News. [Report: COVID-19 Hits Hispanics Hardest in Utah](#). August 17, 2020.

<sup>1211</sup> AP News. [Report: COVID-19 Hits Hispanics Hardest in Utah](#). August 17, 2020.

<sup>1212</sup> AFL-CIO, [Death on the Job: The toll of neglect. A NATIONAL AND STATE-BY-STATE PROFILE OF WORKER SAFETY AND HEALTH IN THE UNITED STATES](#), Issue No. 29, October 2020, p. 9

<sup>1213</sup> Idem

<sup>1214</sup> New York Times. [Heat, Smoke and COVID Are Battering the Workers Who Feed America](#). August 25, 2020.



552. Similarly, with regard to the food industry, particularly which related to meat food processing; REDESCA watches with concern that the case of the JBS USA meatpacking plant in Greeley, Colorado, the site of one of the first and deadliest coronavirus outbreaks at a US meatpacking plant. The world's largest meatpacking company, denied the family's application for workers' compensation benefits, along with those filed by the families of two other Greeley workers who died of COVID-19.<sup>1215</sup> Similar cases of denial of compensation associated with deaths caused by the pandemic were also registered in other plants belonging to other companies, for example in relation to a large outbreak that occurred in Iowa of the Tyson company.<sup>1216</sup>
553. The International Union of Food and Commerce Workers (UFCW), which represents 250,000 meat and food processing workers in the United States, indicated that at least 122 meat workers have died from the COVID-19 and more than 18,000 have missed work due to being infected or potentially exposed. OSHA indicated on September 11 that it had cited JBS for failing to protect workers at the Greeley plant from the virus. Likewise, OSHA cited Smithfield this month for failing to protect workers at its Sioux Falls plant in South Dakota, where the agency said nearly 1,300 workers contracted the coronavirus and four died.<sup>1217</sup>
554. Along these lines, according to the AFL-CIO's annual report, it noted that during the first two years of the current administration, OSHA and (MSHA) would have operated regularly, but in the fall of 2019, OSHA began to reduce inspections involving significant cases and complex hazards, and in the COVID-19 pandemic, have been completely absent from workplaces where they have the authority and responsibility to enforce workplace safety laws. Along these lines, the report mentions that, in both organizations, the number of inspectors has decreased significantly; OSHA has the fewest number of workplace safety inspectors since the early 1970s, when the agency opened, and MSHA is consolidating the carbon and metal / non-metal inspectors into one office.<sup>1218</sup>
555. Likewise, in relation to activities in specific industries, REDESCA is aware that some people were disproportionately affected by the pandemic, particularly in sectors such as hospitality and entertainment. Along these lines, some union organizations demanded from local authorities the protection of a "Right to Return", which would require businesses to rehire the workers who were fired or terminated by the coronavirus crisis.<sup>1219</sup>
556. On the other hand, it draws the attention of the Office of the Special Rapporteur that the ability to obtain some type of economic relief due to being unemployed could be affected by factors such as racial or ethnic origin. In that sense, only 13% of Afro-descendant people without work from April to June received unemployment benefits, compared to 24% of people who do not belong to this population sector, 22% of Hispanic workers and 18 % of workers from other ethnic backgrounds, according to an analysis by Howard University with data from a national survey from the National Center for Opinion Research at the University of Chicago. Racial discrimination in the labor market means that people of African descent are more likely to be fired,<sup>1220</sup>
557. For the first time, thanks to the Pandemic Unemployment Assistance program, part-time workers, independent contractors and people in the informal sector are entitled to receive unemployment payments. Afro-descendant workers are overrepresented in these non-traditional jobs, which in the past has contributed to their being less likely to receive unemployment payments than other groups. However, despite the expanded eligibility, a smaller percentage of unemployed African-descendant

<sup>1215</sup>Reuters, [Meatpackers deny workers benefits for COVID-19 deaths, illnesses](#), September 29, 2020

<sup>1216</sup> Idem

<sup>1217</sup> Idem

<sup>1218</sup>AFL-CIO, *Death on the Job: The toll of neglect, A NATIONAL AND STATE-BY-STATE PROFILE OF WORKER SAFETY AND HEALTH IN THE UNITED STATES*, Issue No. 29, October 2020, p. 7

<sup>1219</sup> NBC News, [Nevada workers who lost jobs to COVID-19 roll says on proposed ordinance to get them back](#), August 18, 2020.

<sup>1220</sup> CNBC, [just 13 percent of black people who are unemployed are getting their benefits in the pandemic](#), September 1, 2020,



workers are receiving unemployment benefits than other groups during the pandemic, according to data from the University of Chicago's NORC national survey: 13% of Unemployed Afro-descendant workers received such payments between April and June.<sup>1221</sup>

558. Finally, faced with this complex context, REDESCA takes note of the recommendations made by the AFL-CIO. Specifically, OSHA needs to immediately issue an emergency standard to protect workers from COVID-19. To that extent, it is necessary that new safety standards be adopted in the workplace, developing an implementation plan, fully investigating complaints, conducting on-site inspections, issuing sanctions that reflect the size and scope of the reported problems, ensuring that working people can report unsafe working conditions. Similarly, MSHA also needs to develop a proactive plan to keep mining workers safe from the dangers of COVID-19.<sup>1222</sup>
559. Similarly, OSHA needs to reignite its rulemaking efforts on a permanent infectious disease standard, and quickly issue a firm proposal. These basic workplace protections are intertwined with robust public health measures necessary to ensure that workplace infection cases can be identified and addressed promptly, including: requiring the employer to report cases and outbreaks within 24-hour service, increased testing speed and reliability, and rapid contact tracing. Finally, the executive is urged to apply the Defense Production Law as rigorously as possible, to produce and assign adequate respiratory protection, other PPE and diagnostic tests.<sup>1223</sup>
560. In this sense, REDESCA, in accordance with the recommendations made, reiterates that it is the obligation of the States to have biosafety protocols for specific protection and training, which includes the performance of regular diagnostic tests, which have personal protective equipment. Sufficient and necessary materials for the disinfection and adequate maintenance of health and care environments. Additionally, the guarantees due to the labor rights of health and care workers must include protection of their job stability, rest, fair and adequate remuneration. Finally, their social recognition must be promoted, ensuring the mental and care support of these workers and caregivers who professionally care for people with COVID-19.<sup>1224</sup>
561. In this same sense, in addition to the standards already mentioned regarding the implementation of measures taking into account the principles of non-discrimination and equality, REDESCA also emphasizes that there are specific provisions for the protection of workers against COVID-19. Therefore, the duty to prevent SARS-CoV-2 is of all States and everyone has the right to be protected from exposure to dangerous substances including this virus.<sup>1225</sup>
562. On the other hand, REDESCA looks with concern that, in the current context of polarization experienced by the country in relation to the deaths caused by members of the security forces to Afro-descendant people in the country, some long-range union organizations have not achieved articulate actions regarding racism and the police. In particular, REDESCA is concerned that many of the contracts these individuals' sign contain a "Bill of Rights" for officers investigated for excessive use of force, a common provision in police union contracts. Language limits when, where and how investigators can question officers when there is a complaint. It even prohibits researchers from using "offensive language." towards a police officer under investigation. Unions exist to protect workers, but most workers are not allowed to use deadly force as part of their job. Police unions have

<sup>1221</sup> Propublica. [Black Workers Are More Likely to Be Unemployed but Less Likely to Get Unemployment Benefits](#). August 24, 2020.

<sup>1222</sup> AFL-CIO, Death on the Job: The toll of neglect, A NATIONAL AND STATE-BY-STATE PROFILE OF WORKER SAFETY AND HEALTH IN THE UNITED STATES, Issue No. 29, October 2020, p. 41

<sup>1223</sup> AFL-CIO, Death on the Job: The toll of neglect, A NATIONAL AND STATE-BY-STATE PROFILE OF WORKER SAFETY AND HEALTH IN THE UNITED STATES, Issue No. 29, October 2020, p. 42

<sup>1224</sup> IACHR, Resolution 4/2020: Human Rights of People with COVID-19, July 2020, Guidelines No. 39, 40

<sup>1225</sup> Special Rapporteur to the United Nations on the human rights implications of the environmentally responsible disposal and storage of hazardous and toxic wastes, [Duty to Prevent exposure to the virus responsible for COVID-19](#), August 5, 2020, A / HRC / 45/12, para. 53





written employment contracts that prohibit police agencies across the country from immediately questioning or firing officers after heinous acts of misconduct.<sup>1226</sup>

563. REDESCA calls on all the actors involved in the issue to review this worrying situation due to the implications that such provision has on accountability mechanisms for public officials, particularly for members of the police forces.

## D. Right to education

564. In relation to the right to education, REDESCA also notes that each State has the responsibility to review its general policies on education, considering the main federal guidelines that have been issued by the CDC for such purposes.<sup>1227</sup> Along these lines, the first figure that becomes important in this context is due to the fact that when the pandemic reached its first peak, the virus consigned almost all of the more than 55 million American schoolchildren under 18 years of age to stay at home.<sup>1228</sup> Therefore, the Department of Education quickly made more than \$ 13.2 billion available through the Elementary and Secondary School Emergency Relief Fund, established by the CARES Act to support, among other things, lifelong learning for students. K-12 whose education has been disrupted by the pandemic.<sup>1229</sup>
565. In this regard, according to the GAO, the CDC's guidance remained internally inconsistent for weeks. For example, on October 13, the CDC released Interim Considerations for Testing for K-12 School Administrators and Public Health Officials, which provides guidance on the proper use of testing in K-12 schools to, among other things, conducting screening tests. The guide recommends testing approaches based on the level of risk of transmission in schools, and suggests a tiered approach to determining which individuals and schools should have priority for testing (eg, close contacts, potential contacts, and potentially exposed individuals).<sup>1230</sup>
566. However, the same federal entity noted that as of November 12, the CDC pre-test remained prominent on the CDC website and did not recommend testing as an appropriate test method. Additionally, a long-standing guide urging schools to reopen in person - a statement that appears to be inconsistent with the CDC's own statements on risk-based decision-making - remained prominently on the schools' home page. CDC for schools and child care facilities throughout the fall.<sup>1231</sup> So while a draft of the report by GAO was with the CDC for review, the link to the statement was removed from the CDC home page. As the school year progresses and local health conditions change, consistent and clear Federal guidance remains critical in helping state and local officials make safe, risk-based decisions for their students, faculty, staff, and communities.<sup>1232</sup>
567. However, according to publicly known information in certain educational centers that reopened after the closure was declared, some educational facilities in the United States had to close again due to COVID-19 outbreaks. Elementary and secondary schools in the United States were to reopen for the start of the academic year in early September, however, particularly in urban centers, they have

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<sup>1226</sup> Center for Public Integrity, [As protests grow: big labor sides with police unions](#), June 5, 2020

<sup>1227</sup> CDC, [Considerations for K12 Schools Toolkit](#), Updated September 2020

<sup>1228</sup> Economic Policy Institute, [COVID-19 and student performance, equity, and US education policy Lessons from pre-pandemic research to inform relief, recovery, and rebuilding](#), September 10, 2020

<sup>1229</sup> Government Accountability Office, [COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response, Congressional Committee Report](#), November 2020, p. 313

<sup>1230</sup> CDC, [Interim Considerations for Testing for K-12 School Administrators and Public Health Officials](#), December 4, 2020

<sup>1231</sup> Government Accountability Office, [COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response, Congressional Committee Report](#), November 2020, p. 316

<sup>1232</sup> Idem



opted for an online teaching only, while others have opted for face-to-face classes, or even a hybrid between the two.<sup>1233</sup>

568. Likewise, in relation to higher education institutions, the figures show that local infections within educational centers were notorious. For example, at the University of Miami, they ran tests that showed 141 people, mostly students, tested positive for COVID-19, according to data from the higher education center. Between August 16 and August 22, 2,627 people among students, faculty, and university staff were screened for COVID-19. As a result of this action, 59 more students were identified who were placed in isolation and another 98 in quarantine due to possible exposure to someone infected. A member of the university staff was hospitalized.<sup>1234</sup> Likewise, the University of Alabama registered 531 cases of COVID-19 on its campus since the beginning of the fall semester, according to numbers released by the university system; attributing it mostly to restricting student parties, bars and other congregations that could spread the virus. Previously, the university had announced that partial results of a testing program found that few students who returned to campus on August 19 tested positive for the virus, but subsequent tests uncovered more cases, prompting 30,000 students to be tested for the virus. swabbing.<sup>1235</sup>
569. Taking into consideration these situations of massive outbreaks, REDESCA takes careful note of the current situation of the capacities that exist in the State to be able to provide quality education through different mechanisms. In this sense, according to a report carried out by the American Federation of Teachers (AFT in English) and academic organizations of civil society, it indicates that, according to the 2018 census data, approximately 30% of the 50 million students Elementary and secondary schools in the United States lacked a high-speed network or devices with the capacity to allow easy access to digital learning at home. Likewise, at least 300,000 teachers lacked adequate high-speed internet to teach online from their homes.<sup>1236</sup>
570. Likewise, according to a study carried out by civil society in the spring of 2020, it revealed that 13% of parents from low-income households (who earn less than \$ 25,000 per year) reported that they lacked devices or internet connections, and that they were almost 10 times more likely to say that their children were doing little or no distance learning than households with higher purchasing power (38% vs. 4%). Students from low-income households were also 3 times more likely to report that they did not have constant access to a device (32% vs. 10%) and were 5 times more likely to attend a school without distance learning materials or activities ( 11% versus 2%).<sup>1237</sup>
571. Taking these figures into account, REDESCA looks with concern that, for example, in rural districts this situation is reflected more clearly. For example, in Perry County, Alabama; only half of the 600 students in a school have reliable internet at home and one in five does not have any connection, according to sector authorities. Perry County is one of the poorest in the state, and its schools rank close to the bottom of Alabama schools on test scores. Ninety-nine percent of its students are of African descent.<sup>1238</sup>
572. In addition to this situation, the resources to provide effective and individualized continuous learning programs, REDESCA notes that they would be particularly affected by people with disabilities or who require individualized attention; especially during a period where distance learning has to be done. For example, a school district partnered with a Spanish-language television network to broadcast the

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<sup>1233</sup> Reuters. [COVID-19 forces some US educational campuses to close shortly after opening](#). August 17, 2020.

<sup>1234</sup> ABC News. [University of Miami has 141 test positive](#). August 25, 2020.

<sup>1235</sup> AP News. [Over 500 COVID-19 Cases at University of Alabama](#). August 26, 2020.

<sup>1236</sup> Learning Policy Institute, [Restarting and Reinventing School](#), August 2020, p. 5

<sup>1237</sup> Learning Policy Institute, [Restarting and Reinventing School](#), August 2020, p. 6

<sup>1238</sup> Long Reads Routers. [Black and rural students left behind as US schools go online](#). August 26, 2020.



curriculum for one hour every morning. This made learning more accessible for both students and families.<sup>1239</sup>

573. Similarly, a number of factors made it difficult to deliver special education services during distance learning, according to officials from selected school districts, national organizations representing school administrators and service providers, and researchers we interviewed. These factors included the wide range of students' needs and services specified in their individualized education programs (IEPs); and the ability of parents or caregivers to assist teachers and service providers in providing general education, specialized instruction, and related services to their children. For example, the provision of related services - such as occupational therapy,<sup>1240</sup>
574. LA REDESCA is aware that the local and state authorities of each school district in the country are taking the necessary measures to prevent an increase in infections and also reducing the risks for both students and teaching staff. However, it is important that such decisions are made within the framework of the best possible scientific evidence available, trying not to exacerbate existing social gaps. In this sense, REDESCA also calls on the federal State to promote a universal strategy in which all interested actors are involved, so that no person is left without the possibility of accessing educational services, as well as access to educational and nutritional services benefits or emotional support that these facilitate.

## E. Right to a Healthy Environment

575. Regarding the right to a healthy environment, REDESCA expresses its concern about the measures that the State has taken during the pandemic that denote a weakening in the State's regulatory and sanctioning capacity in the context of the pandemic. However, it is important to emphasize that, by virtue of the United States environmental protection model, it is made up of a mixture of constitutional and administrative prerogatives that can change the prioritization or not of environmental protection measures according to the provisions of each administration.<sup>1241</sup>
576. In this sense, REDESCA takes note that one of the first details that denote the administration's priorities regarding environmental protection, was evidenced through the country's exit from the Paris Agreement that was announced in 2017; and that according to the regulations of the instrument itself, his departure became effective on November 4, 2020.<sup>1242</sup> In addition to this fact, this Office of the Special Rapporteur looks with concern that in the current context of health crisis, the State made the decision to reduce the controls and guarantees of the environmental authorization processes to facilitate the approval of infrastructure projects. Such measures were issued under executive orders on May 19 and June 4, through which the periods for making public comments on projects were reduced, particularly those related to power plants, highways, and pipelines.<sup>1243</sup> This measure would be based on the need for an "economic recovery from the national emergency",

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<sup>1239</sup> Government Accountability Office, COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response, Congressional Committee Report, November 2020, p. 317

<sup>1240</sup> Department of Education, Office of Special Education and Rehabilitative Services and Office of Special Education Programs, Questions And Answers On Providing Services To Children With Disabilities During The Coronavirus Disease 2019 Outbreak, March 12, 2020 in Government Accountability Office, COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response, Congressional Committee Report, November 2020, p. 317

<sup>1241</sup> University of Delaware: Widener School of Law, Pandemic and Rolls Back of Environmental Regulations in the US: Submission to REDESCA by Prof. James R. May, December 8, 2020

<sup>1242</sup> BBC, Climate Change: US Formally withdraws from Paris agreement, November 4, 2020 and see UNFCCC, Paris Agreement: Status of ratifications: It is valid to emphasize that in this sense the United States did ratify the agreement in September 2019.

<sup>1243</sup> White House. Executive Order on Regulatory Relief to Support Economic Recovery. May 19, 2020.

White House. EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities. June 4, 2020.



which would also be eliminating the consideration of climate change in its environmental impact studies and shortening public participation.<sup>1244</sup>

577. Likewise, it has also been reported on modifications to regulations that would restrict the scope of the Federal Clean Water Law, excluding rain-dependent streams, wetlands and ponds from a variety of pollution prevention, control and cleanup requirements that are in the regulations.<sup>1245</sup> It has also been noted that drastic changes have been made to the Migratory Bird Treaty Act (MBTA) to allow for the incidental "capture" (killing) of millions of birds, a radical departure from decades of federal policy that protected over 1,000 migratory species from being preyed upon by open oil waste pits and other industrial hazards<sup>1246</sup>
578. Similarly, the Environmental Protection Agency (EPA) finalized a rule that makes it more difficult for states, tribes, and the public to object to federal permits for pipelines, hydroelectric dams, and other infrastructure projects that have a direct impact on the environment, significantly shortening time frames and limiting the scope of state and tribal water quality certification under the federal Clean Water Act.<sup>1247</sup> Second, the EPA proposed a new rule that would alter testing conducted under the federal Clean Air Act, so that costs are increased and benefits are ignored, thereby weakening the clean air and climate change rules.<sup>1248</sup> Third, the State through the executive accelerated the construction of energy projects related to fossil fuels and weakened the federal authority to issue regulations on clean air and climate change.<sup>1249</sup>
579. In the current context of the pandemic, REDESCA expresses its deep concern about the effects that these measures may have not only on the environment, but also on people's health. Particularly in the context of the United States, the places with the highest levels of pollution are also those where people from historically discriminated population groups live.<sup>1250</sup> In the same way, the presence of underlying health conditions that can put people of Hispanic origin and Afro-descendants in a greater situation of vulnerability, show how the pandemic does not affect all people equally; which takes greater force when we are faced with contexts of poverty, discrimination and lack of access to decent housing conditions and health services.<sup>1251</sup> At the same time, the effects on indigenous peoples as a result of environmental degradation and pollution are also disproportionate. An example is the situation of the Navajo Nation, whose water sources have dried up as a result of the effects of climate change and environmental degradation. The limited access to clean water sources has limited the ability of these communities to provide effective care to people who have been impacted by the virus, as well as to be able to carry out preventive activities.<sup>1252</sup>
580. Therefore, while it is important to seek mechanisms to boost economic development so that people can access decent sources of income, regulatory decisions on air pollution should not be driven only

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<sup>1244</sup> Washington Post, [Trump signs order to waive environmental reviews for key projects](#), June 4, 2020

<sup>1245</sup> NPR, [Trump Administration Cuts Back Federal Protections For Streams And Wetlands](#), January 23, 2020

<sup>1246</sup> University of Delaware: Widener School of Law, [Pandemic and Rolls Back of Environmental Regulations in the US: Submission to REDESCA](#) by Prof. James R. May, December 8, 2020

<sup>1247</sup> Washington Post, [EPA limits states and tribes' ability to protest pipelines and other energy projects](#), June 1, 2020

<sup>1248</sup> The New York Times, [Trump, Citing Pandemic, Moves to Weaken Two Key Environmental Protections](#), June 4, 2020

<sup>1249</sup> Ibid

<sup>1250</sup> Nature.Com, [How environmental racism is fueling the Coronavirus pandemic](#), May 19, 2020

<sup>1251</sup> EarthJustice, [Justice in the time of two crises: COVID and Climate Change](#), May 4, 2020 and Kimberly A. Terrel and Wesley James, [Racial Disparities in Air Pollution Burden and COVID-19 Deaths in Louisiana, USA, in the Context of Long-Term Changes in Fine Particulate Pollution](#), Environmental Justice, June 2020, p. 7

<sup>1252</sup> Columbia University School of Law Human Rights Clinic, [POVERTY AND HUMAN RIGHTS: Rural Access to Sanitation in the United States, and the impacts of COVID 19](#), Information submitted in response to REDESCA request, December 22 of 2020; Urban Institute, [Four ways to improve toilet Access in Navajo Nation during COVID-19](#), September 29, 2020



by industrial sectors.<sup>1253</sup> REDESCA emphasizes the need for these spaces to be inclusive, participatory and democratic; based on the protection of human rights and the protection of the environment.

581. Additionally, REDESCA looks with concern that in this line the impacts of climate change are becoming more and more noticeable, particularly in the west coast of the country. According to the California Fire Department, it indicated that 9 of the 15 most destructive fires in the state's history have occurred in the last five years and 6 of the 20 largest since it has been recorded have occurred during 2020-2020. The figures collected indicate that 14 people have died in total among the 3 states, and only in the state of Oregon at least 500,000 victims have been reported.<sup>1254</sup> In total figures, according to the competent federal entity, the Office of Land Management of the Department of the Interior (Bureau of Land Management), indicated that by the beginning of September 27 forest fires would have been identified that would have affected a total of 900,000 thousand hectares only in Washington and Oregon.<sup>1255</sup> To that extent, according to reports from independent experts, they have pointed out that there are now five times more fires in California than those that took place in the 1970s and that there has also been an increase of almost 2 degrees in temperature in the last century. In that area, consequently at the moment twice as many forests in the sector are burned.<sup>1256</sup>
582. Likewise, REDESCA takes note that while reducing the regulatory capacities of the State in environmental matters, it has also given way to the approval of different extractive projects in high-impact and ecologically sensitive areas. For example, in August 2020, executive management reportedly approved a plan to allow for oil and gas drilling in the Alaska Arctic National Wildlife Refuge (ANWR), triggering the issuance of leases of long standing in place. The energy industry and Alaska Governor Michael Dunleavy said opening the ANWR to drilling would create jobs and boost the state's economy, which relies on oil production.<sup>1257</sup> However, environmental groups have filed lawsuits against the proposal made by the executive, stating that such action would be detrimental to several endangered species, as well as the rights of the indigenous communities that live there. Adding to this situation, this action by the State would also be exacerbating the adverse effects of the climate crisis, since activities that increase the use of highly polluting energy from fossil fuels are being promoted.<sup>1258</sup>
583. Considering the aforementioned, REDESCA emphasizes what has already been expressed by the Committee for the Elimination of Racial Discrimination, which indicated its concern over the fact that "people who belong to racial and ethnic minorities, as well as indigenous peoples, continue to disproportionately affected by the adverse health consequences of pollution caused by the extractive and manufacturing industries."<sup>1259</sup>
584. In this sense, REDESCA points out that, by virtue of the guarantee of a healthy environment, based on the State's international human rights obligations, all decisions on environmental matters must be adopted in a transparent manner, with broad participation of the public and providing access to justice to interested individuals, communities and other organizations. States must ensure that all changes respect the principles of non-discrimination and non-regressivity.<sup>1260</sup>

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<sup>1253</sup> JStor Daily, [Environmental Racism and the Coronavirus Pandemic](#), August 11, 2020

<sup>1254</sup> NPR, [At Least 14 People Killed In West Coast Wildfires: Some 500,000 Evacuated In Oregon](#), September 10, 2020

<sup>1255</sup> Land Management Office (Óregon Division), [Report of activities in social networks](#), September 9, 2020

<sup>1256</sup> <https://www.bbc.com/mundo/noticias-internacional-54095918>

<sup>1257</sup> Reuters, [Trump administration finalizes oil drilling plan in Alaska wildlife refuge](#), August 17, 2020.

<sup>1258</sup> National Resource Defense Council, [Lawsuit Aims to Block Drilling in Arctic National Wildlife Refuge](#), August 24, 2020

<sup>1259</sup> OHCHR, [Concluding observations on the combined seventh to ninth periodic reports of the United States](#). CERD / C / USA / CO / 7-9, September 25, 2014.

<sup>1260</sup> IACHR, [The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#), August 13, 2020



**F. Right to water and sanitation**

585. In relation to the guarantee of the right to water and sanitation, REDESCA takes into account that at the moment it is estimated that at least 2 million people in the country do not have access to drinking water.<sup>1261</sup> This means that approximately 540,000 households do not have adequate access to sources of drinking water or sanitation.<sup>1262</sup>; These being one of the main measures to prevent the spread of coronavirus. Consequently, inequalities in access to vital liquid have a disproportionate impact on Afro-descendant communities, of Latin American origin and indigenous peoples, who in turn are also those who have felt the impact of the pandemic the most.<sup>1263</sup>
586. Likewise, the disparity in water access has shown that populations that do not have access to infrastructure that allows water to be treated so that its consumption is safer, are in greater danger of being exposed. Recent studies have shown that sewage systems are preferred reservoirs for COVID-19, as the virus can be present in fecal coliforms and can spread rapidly in these communities; when sufficient hygienic conditions do not exist.<sup>1264</sup>
587. In this same sense, REDESCA is aware that, in the present contexts of inequality in access to drinking water sources, the level of income is a determining issue, as has already been indicated. Even more so when there are cases that the situation of poverty is criminalized by imposing fines and possible criminal charges when seeking ways to drain sewage using artisanal methods.<sup>1265</sup> Such is the case in the state of Alabama, where plumbing installation costs are typically nearly equal to what a low-income family can earn in one year. An example is Lowndes County, where its sewage is exposed through rudimentary sewage systems and also has one of the highest rates of COVID-19 contagion.<sup>1266</sup>
588. To this are also added the facts that are registered in the "neighborhoods" in Texas, where the lack of basic access to sanitation infrastructure, as well as sewerage, increases the situation of vulnerability of this population, in relation to the high cases of COVID registered on the site.<sup>1267</sup> Likewise, places in Illinois and California (where the majority of people of African descent and Hispanics live), have suffered for several years from the lack of proper sewerage, which has been identified as one of the main causes of health effects, in particular in severe infections.<sup>1268</sup> These conditions and the chronic health problems that derive from them are an obstacle to enjoying an adequate standard of living and life with dignity required by human rights.<sup>1269</sup>

<sup>1261</sup> USWater Alliance, [Closing the water access gap in the United States: A national action plan](#); Center for American Progress, [Bridging the Water access gap through COVID-19 Relief](#), August 25, 2020

<sup>1262</sup> Columbia University Human Rights Clinic, [Flushed and Forgotten: Sanitation and Wastewater in the Rural Communities in the United States](#), May 2019, p. fifteen

<sup>1263</sup> NAACP Thurgood Marshall institute, [Water / Color: A study of race and the water affordability crisis in America's cities](#), 2019, p. 3-5

<sup>1264</sup> Michael Gormley, [SARS-CoV-2: The Growing Case for Potential Transmission in a Building via Wastewater Plumbing Systems](#), December 15, 2020, *Annals of Internal Medicine*, Vol. 173, No. 12; Amarylle S. van Doorn et. To the [Systematic review with meta-analysis: SARS-CoV-2 stool testing and the potential for faecal-oral transmission](#), August 27, 2020, *Alimentary, Pharmacology and Therapeutic*, Vol. 52 No. 8

<sup>1265</sup> Columbia University School of Law Human Rights Clinic, *POVERTY AND HUMAN RIGHTS: Rural Access to Sanitation in the United States, and the impacts of COVID 19*, Information presented in response to REDESCA request, December 22 of 2020

<sup>1266</sup> NPR, [Waste activist digs into the sanitation crisis affecting the rural poor](#), November 23, 2020; Courthouse News Service, [Virus stalks rural region of Alabama](#), May 29, 2020

<sup>1267</sup> VOX, [How coronavirus devastated Texas's vulnerable borderlands](#), August 8, 2020

<sup>1268</sup> Earthjustice, *In the heartland, human waste floods homes*, July 17, 2020; Earthjustice, *Tires of backyards sewage, communities demand basic sanitation rights*, February 6, 2020

<sup>1269</sup> Columbia University School of Law Human Rights Clinic, *POVERTY AND HUMAN RIGHTS: Rural Access to Sanitation in the United States, and the impacts of COVID 19*, Information presented in response to REDESCA request, December 22 of 2020



589. REDESCA urges the State to coordinate with local authorities, adopting the necessary public policies to respond to this situation. It cannot be conceived that in one of the countries with the greatest purchasing power in the world, people cannot have access to the most basic conditions of sanitation, in particular when the regulations themselves also criminalize the lack of ability to pay people who do not they can get it. In particular within the context of the pandemic, REDESCA emphasizes that the effectiveness of any health prevention measure will depend on the condition of the generality of the social determinants that make up the full enjoyment of the right to health. This includes factors such as air, soil and water quality, especially when it is notorious that the most commonly polluted sectors are those where people in situations of poverty, extreme poverty, and other historically discriminated groups also live. Likewise, the virus containment measures imply the pre-existence of access to adequate housing and spaces in which people can stay and comply with social distancing, as well as affordable access to drinking water on a continuous basis to prevent damage to their health and possible consequences. contagion risks.<sup>1270</sup>

## 17) GRENADA

590. By mid-December 2020, the COVID-19 pandemic had caused approximately 43 infections and 41 people recovered in the country, with no one dead<sup>1271</sup>. Faced with this scenario, which would have started on March 22 with the first confirmed case<sup>1272</sup> On March 25, a state of emergency was declared, and a curfew was established between 7 pm and 5 am; remote work for non-essential services (including public officials), the suspension of non-essential services, schools and religious services, the closure of borders, along with guidelines for social distancing, among others<sup>1273</sup>. Later, in April, the Government created a specialized team focused on the reopening of the island, which was divided into 7 subcommittees, in order to develop a plan to rebuild the country's economy in the post-COVID-19 stage.<sup>1274</sup>
591. Thus, in May the economic reopening plan began, which made some measures more flexible and allowed businesses to reopen<sup>1275</sup>. However, in June a curfew was again established and measures similar to those decreed in March were resumed.<sup>1276</sup> Since July 15, the borders were opened for regional travel, and since August 1, the entry of people from other countries was authorized<sup>1277</sup>, who had to adopt a strict health protocol depending on the risk of contagion in the country from which they came<sup>1278</sup>. At the end of December, due to the rebound in cases, the state of emergency was declared again<sup>1279</sup>.
592. REDESCA highlights that the State decided to implement measures to stimulate the economy and support the population even before having the first case of contagion. In this sense, on March 20, the government of Grenada announced economic support for the most affected sectors (such as tourism), as well as for people in a state of vulnerability or unemployment due to the pandemic; an expansion

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<sup>1270</sup> IACHR, IACHR and their REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas against the COVID-19 pandemic, June 2, 2020

<sup>1271</sup> Worldometer. [Coronavirus Cases in Grenada](#), December 12, 2020.

<sup>1272</sup> Ibid

<sup>1273</sup> Government of Grenada, [EMERGENCY POWERS \(COVID-19\) REGULATIONS](#), 2020, March 25, 2020

<sup>1274</sup> International Monetary Fund, [Policy Tracker](#), July 10, 2020.

<sup>1275</sup> Ibid.

<sup>1276</sup> Now Grenada. [Emergency Powers \(COVID-19\) \(No. 13\) Regulations](#). June 23, 2020

<sup>1277</sup> Minister of Tourism and Civil Aviation, [Protocol for travelers into Grenada](#), July 10, 2020.

<sup>1278</sup> Ibid.

<sup>1279</sup> Jamaica Observer, [State of emergency declared in Grenada; lockdown pending COVID spike](#), December 22, 2020



of the supply of jobs in government programs; credit supports for small businesses; increased spending in the health sector and decreased or deferred payment of taxes<sup>1280</sup>. For these measures, the Government had EC \$ 500,000 approved by the Monetary Council of the Central Bank of the Eastern Caribbean, which approved a fund for an amount of EC \$ 4 million for the governments part, in order to strengthen the fight against the pandemic caused by COVID-19<sup>1281</sup>.

593. Although REDESCA takes note of the measures implemented by the State, it also expresses its concern about their limitations, taking into account the threat that the pandemic represents for the State's resources, and with it, the care of the people who they are being left in a situation of economic vulnerability. In this regard, it should be noted that the tourism industry contributes more than 40% of both employment and Gross Domestic Product<sup>1282</sup>. Therefore, together with other factors and according to ECLAC, an economic contraction of GDP of 12.6% is estimated<sup>1283</sup>.
594. This situation is even more worrying considering that approximately 32% of the population lives in poverty and an additional 13% in extreme poverty.<sup>1284</sup> For this reason, the need to use the maximum of available resources to guarantee human rights, especially ESCER, of the population is highlighted, as well as that, within the framework of containment measures against the pandemic and in a scenario recovery, specific programs are adopted aimed at addressing the particular poverty situation of households, with an intersectional and differentiated perspective<sup>1285</sup>.

## A. Right to health

595. Although the State achieved good results by controlling the number of infections from March to December, on December 13 an outbreak of cases was reported at the Sandals hotel in Grenada, which doubled the number of cases, reaching 85. As a result, the State had to declare a state of emergency again<sup>1286</sup>. Faced with this situation, REDESCA recognizes that tourism is essential for the country's economy, but that the reopening and the constant influx of tourists implies important challenges in terms of health and control of contagion of the virus. Due to the above, it calls to continue adopting and reinforcing measures for the prevention, detection, treatment, control and monitoring of the pandemic based on the best scientific evidence and the human right to health.<sup>1287</sup>
596. It is necessary to especially consider the personnel of the tourism sector, who would face greater risks of contagion due to the contact they would have with people from abroad. Therefore, it is urged to review biosafety protocols in the different facilities of the tourism sector and provide workers with the necessary protective equipment that allows them to reduce their risk of contagion.
597. With regard to sexual and reproductive health, REDESCA expresses its concern because it has been reported that the high rates of adolescent pregnancy in the country would be the result of the lack of contraceptive resources<sup>1288</sup>. In this regard, it is emphasized that sexual and reproductive rights are part of the human right to comprehensive health, and that for their effective guarantee it is required

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<sup>1280</sup> International Monetary Fund, [Policy Tracker](#), July 10, 2020.

<sup>1281</sup> They will be Caribbean Central Bank, [ECCB Provides \\$ 4 Million Grant to Help Member Countries Prepare and Manage COVID-19 Pandemic](#), March 19, 2020.

<sup>1282</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>1283</sup> ECLAC, [Preliminary Overview of the Economies of Latin America and the Caribbean](#), December 2020

<sup>1284</sup> The Borgen Project, [Poverty a Grenada](#), July 29, 2020

<sup>1285</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>1286</sup> International Monetary Fund, [Policy Tracker](#), January 8, 2021

<sup>1287</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, para. April 6, 10, 2020

<sup>1288</sup> The Borgen Project, [Poverty a Grenada](#), July 29, 2020



that women, girls and adolescents have access to truthful information and a contraceptive method of their choice that is safe, effective, affordable and acceptable<sup>1289</sup>.

## **B. Labor rights**

598. REDESCA highlights the support measures that the State adopted for workers in the tourism sector, and particularly hotels, as well as the extension of support that it established at the beginning of July for three additional months, taking into account that the closure of existing borders continued to affect the economy<sup>1290</sup>. Said measures would be in line with what is recommended by the IACHR and its REDESCA regarding the need to adopt measures to protect the human rights, and particularly ESCER, of working people, including those necessary to ensure their economic income and means of subsistence facing the pandemic<sup>1291</sup>. For this reason, it is urged to continue evaluating the relevance of the implementation or continuity of this type of programs according to the impacts that the pandemic continues to have on working people in the country.

## **C. Right to education**

599. REDESCA recognizes the efforts of the State to ensure the right to education of children and adolescents, and notes that the return to school has been postponed as a precautionary measure given the increase in cases in the country (while the opening was scheduled for January 4, 2021)<sup>1292</sup>. Likewise, the guidelines of the Ministry of Education issued in June 2020 that ensured during the year a safe return to the facilities through cleaning and disinfection programs, the distribution of supplies for COVID-19, the establishment of protocols and training are highlighted on educational personnel, among others<sup>1293</sup>.

600. Notwithstanding the foregoing, while 66.4% of poor people in the country are under 24 years of age, REDESCA urges the adoption of the necessary and sufficient measures to ensure quality education for children and adolescents in the country, through which in the future children and adolescents can enter the formal labor market and obtain a decent salary. The foregoing, inasmuch as it has been established by the Committee on Economic, Social and Cultural Rights (CESCR), the right to education is the main way out of poverty for children and adults living in a situation of economic vulnerability. And social<sup>1294</sup>.

## **D. Right to a Healthy Environment and climate change**

601. While the last hurricanes to hit the island were in 2004 and 2005 - Hurricane Ivan and Hurricane Emily, respectively<sup>1295</sup>- REDESCA welcomes the initiatives that have been implemented to continue strengthening response plans to natural disasters and climate resilience, taking into account that

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<sup>1289</sup> IACHR, [IACHR urges all states to adopt comprehensive and immediate measures to respect and guarantee the sexual and reproductive rights of women](#), CP165 / 17 October 23, 2017

<sup>1290</sup> International Monetary Fund, [Policy Tracker](#), July 10, 2020.

<sup>1291</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>1292</sup> International Monetary Fund, [Policy Tracker](#), January 8, 2021

<sup>1293</sup> Ministry of Education, Human Resource Development, Religious Affairs and Information, [GUIDELINES FOR THE REOPENING OF SCHOOLS](#), June 2020

<sup>1294</sup> CESCR, General Comment No. 13, [The right to education](#), E / C.12 / 1999/10, December 8, 1999.

<sup>1295</sup> The Borgen Project, [Poverty a Grenada](#), July 29, 2020



these climatic phenomena tend to be more frequent and with greater intensity.<sup>1296</sup>, as well as the special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty<sup>1297</sup>. In this sense, the project that Grenada is carrying out with New York University to transform Saint George into the first climate-smart and climate-resilient city in the Caribbean is highlighted.<sup>1298</sup>. Likewise, the construction of new emergency operations centers in Grenada and Carriacou stands out, which were made possible through an international cooperation project in which the United States donated more than US \$ 6 million<sup>1299</sup>.

## 18) GUATEMALA

602. In relation to Guatemala, REDESCA takes note that until December 12, 2020, the country registered a number of 219,300 accumulated cases registered, with 4,683 people dying according to data from the country's Ministry of Public Health and Social Assistance.<sup>1300</sup>, the Commission and its REDESCA take note that through Government Decree 5-2020, of March 5, 2020, it decreed: "State of Public Calamity" throughout the national territory, due to the COVID-19 pandemic, and jointly The Plan for the Prevention, Containment and Response to Coronavirus cases in Guatemala, of the Ministry of Public Health and Social Assistance, was also established.<sup>1301</sup>
603. Considering this fact, the State later, on March 21, 2020, modified Decree No. 05, through Government Decree No. 6, in which the mobility restrictions were modified, indicating that mainly that residence may be changed or maintained for people in affected places or at risk of being so. The governing body will limit access to the places that are informed, setting and establishing sanitary crowns, the closure of borders and freedom of movement were established; as well as a curfew from 4:00 p.m. to 4:00 a.m. the next day.<sup>1302</sup> These measures, however, were already lifted on September 29, 2020, as the executive decided not to request the extension of the state of public calamity.<sup>1303</sup>
604. In this sense, it should be noted that the generalized restriction of movement has had an impact on the ability of people to be able to exercise their right to free mobility on a regular basis. Indeed, according to public information Since March 22, the National Civil Police has arrested at least 41,659 people for violating the regulations.<sup>1304</sup> However, for August of this year, Guatemala began the gradual opening of the economy using the system of health alerts by colors (red, orange, yellow, green).<sup>1305</sup> However, REDESCA is concerned that, in the face of a complex context, there were

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<sup>1296</sup> IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people](#), Press Release No. 276, November 17, 2020

<sup>1297</sup> IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people](#), Press Release No. 276, November 17, 2020

<sup>1298</sup> UN Environment Program, [Small Island Developing States: Building resilience for sustainable trade, tourism and development](#), May 18, 2020

<sup>1299</sup> US Embassy in Barbados, [the Eastern Caribbean and the OECS. US Embassy Provides US \\$ 3 Million for Emergency Ops Center in Carriacou](#), November 6, 2020

<sup>1300</sup> Ministry of Public Health and Social Assistance of Guatemala, [Situation of COVID-19 in Guatemala](#).

<sup>1301</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1302</sup> Government of Guatemala, [Government Decree No. 006-2020](#), March 21, 2020

<sup>1303</sup> Trade, [Guatemala will allow the opening of bars and announces the end of the curfew due to the pandemic](#), September 29, 2020

<sup>1304</sup> Infobae, [Guatemala celebrates six months with a night curfew due to COVID-19](#), September 22, 2020

<sup>1305</sup> UN, Office for the Coordination of Humanitarian Affairs, [Situation Report No. 07 Guatemala: COVID-19](#), August 8, 2020





incidents that caused clashes with the public force in different periods. The first demonstration would have been registered on August 16, 2020 after the president of the republic had made some statements transferring responsibility for the pandemic to the population, also adding a claim for lack of transparency indicated that only less than 10% of the loans approved by the legislature to face the pandemic.<sup>1306</sup> 3 months later, in November there were also strong clashes between protesters and the security forces in relation to the approval of the general state budget for 2021, where there was a reduction to the Great National Crusade for Nutrition.<sup>1307</sup>

## A. Right to health

605. In consideration of the situation of the right to health in Guatemala, REDESCA notes that the national health system has been seriously impacted by the saturation of different services due to the pandemic. In addition to the measures that have been taken, they had a differentiated effect on the epidemiological control of the pandemic. On June 24, 2020, the Ministry of Health indicated that the coronavirus emergency database is under audit, since both public and private hospitals would not comply with keeping the case report up to date, in response to which the figures are preliminary from that date. In this context, on the 26th of the same month it announced that the closings and data processing will be from 0:00 a.m. to 11:59 p.m. on the same day, and no longer between 3:00 p.m. on either day.<sup>1308</sup>
606. Along these lines, one of the main concerns that have been collected by REDESCA is the saturation of the health system in the country, where by August 2020 the hospital network has an occupation of 80 percent of beds for moderate patients and 95 percent for critically ill patients.<sup>1309</sup> Similarly, the Human Rights Ombudsman (PDH) indicated in mid-June that the country's main hospitals have already reached their "maximum level" of care for the coronavirus and urged the Ministry of Public Health and Social Assistance to present plans for action and response to the crisis.<sup>1310</sup>
607. For example, both the San Juan de Dios General Hospital and the Roosevelt Hospital, the main health centers, have "staff shortages", suffered modification of their infrastructure due to the pandemic and therefore their capacity to receive more patients is limited. Added to this is also reports raised by the national human rights institution that morgue services would also face overuse, considering that in some cases between three to five people a week would be being buried without any type of identification.<sup>1311</sup> Regarding the latter, it would have been indicated that there are patients who have spent several days in the benches waiting for a bed, noting that similar situations have occurred in other hospitals in the national network.<sup>1312</sup>
608. However, by December 2020, the Roosevelt hospital has 100 percent occupancy of intensive care beds, while the Western Regional Hospital, in the department of Quetzaltenango, amounts to 83 percent and in San Juan de Dios, in the capital, is 75 percent. Regarding temporary hospitals, where 126 intensive care beds are enabled, the Presidential Commission against COVID (CoproCOVID) indicated that they are 64% occupied, after around 50 percent on November 28. The health portfolio

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<sup>1306</sup> AFP, [Guatemalans call for resignation of president amid pandemic](#), August 16, 2020

<sup>1307</sup> The world, [Protesters burn down the Guatemalan Congress in an anti-corruption protest demanding the resignation of the president](#), November 22, 2020

<sup>1308</sup> Free Press, [How many cases of coronavirus are there in Guatemala](#), December 30, 2020

<sup>1309</sup> UN, Office for the Coordination of Humanitarian Affairs, [Situation Report No. 07 Guatemala: COVID-19](#), August 8, 2020

<sup>1310</sup> EFE, [Guatemalan Ombudsman Says Country Hospitals Are At Peak Level](#), June 21, 2020, Free Press, [Coronavirus: National Hospital of Antigua Guatemala exceeds capacity and in recent days 15 patients have died](#), June 1, 2020

<sup>1311</sup> EFE, [Guatemalan Ombudsman Says Country Hospitals Are At Peak Level](#), June 21, 2020

<sup>1312</sup> The time, [PDH: Patients at H. Roosevelt have waited up to four days for a bed](#), July 9, 2020



pointed out that, as of June 2020, there was an excess of mortality "of 40 or 50 percent" greater than the total of deaths from all causes in the same period of time in the previous two years.<sup>1313</sup>

609. Now, it should be noted that, in this context, the State seeks to implement a strategy to serve people from a community level within the second phase of care for the pandemic. In this regard, it should be noted that in Guatemala there are 1 thousand 833 posts and health centers, and in the phase of gradual reopening of the country, these will be in charge of caring for people with mild symptoms of COVID-19 at the community level, in order to release the burden of patients in hospitals, which will be in charge of treating mild cases, which will have a higher incidence in rural areas of the country.<sup>1314</sup>
610. In this context, REDESCA notes that the concern on the part of civil society organizations and legislators in the country is that as cases of coronavirus increase in municipalities, in rural areas, services are not sufficient to receive the demand from the population, who so far have not received information with cultural relevance on how to deal with the pandemic.<sup>1315</sup> In the same way, this adds to the fact that according to civil society organizations, the focus of attention to the pandemic would be leaving aside the structure of preventive community care. In this sense, they have stated that community health agents are discriminated against, persecuted even with the intention of their extermination in many health policies and plans in the last 10 years. This would include community health promoters, grandmothers, midwives, and traditional therapists. In this regard, it should be noted that, through advocacy carried out by civil society organizations, midwives are protected under government decrees and would be exempt from the limitation of their freedom of mobility.<sup>1316</sup>
611. Faced with this situation, this Office of the Special Rapporteur takes note that the Pan American Health Organization has provided training to workers in the health sector for the laboratory diagnosis of the disease and has made donations to the country of test kits, in order to increase their capacities in the present context.<sup>1317</sup> Along the same lines, the State reported that it established the bonus for health personnel, which consists of an economic transfer in favor of the medical personnel of the MSPAS, a budget of Q26 million was assigned.<sup>1318</sup>
612. In this context, REDESCA is concerned that the figures for medical and support personnel infected with COVID-19 indicated at least 8 deceased health workers, with around 400 registered infections<sup>1319</sup>, but by September 2020 that figure would have risen to 44 deaths. However, trade union organizations have indicated that this figure could be exceeded.<sup>1320</sup> To this figure would be added at least the 200 people who work for the National Laboratory, which was the entity in charge of carrying out the tests at the national level in the beginning.<sup>1321</sup> Additionally, it has also been reported that at least 350 Guatemalan officials have contracted the disease among police officers (more than 150), municipal traffic officers, soldiers, members of the health system (around a hundred) and workers from some ministries, according to with various state sources.<sup>1322</sup>
613. In this same sense, REDESCA expresses its concern about the general situation of the provision of personal protective equipment within the general state of the public health system, which has had a

<sup>1313</sup> EFE, [Guatemala celebrates 9 months with COVID-19 close to reaching the hospital cap](#), December 13, 2020

<sup>1314</sup> Free Press, [This is the reality of health posts and centers in the face of the COVID-19 emergency](#), August 6, 2020

<sup>1315</sup> Free Press, [This is the reality of health posts and centers in the face of the COVID-19 emergency](#), August 6, 2020

<sup>1316</sup> Association of Community Health Services (ASECSA), [Assessment of the impact of the coronavirus pandemic seen from community health](#), May 21, 2020 and ASECSA, [Analysis and proposals in the context of COVID-19](#), June 15, 2020

<sup>1317</sup> UN, [Strong prevention measures: Guatemala's strategy to defeat the coronavirus](#), April 7, 2020

<sup>1318</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1319</sup> Infobae, [At least eight deaths and 400 infections by COVID-19 in health personnel in Guatemala](#), June 17, 2020

<sup>1320</sup> Al Jazeera, [Guatemala health workers face retaliation over COVID-19 concerns](#), October 26, 2020

<sup>1321</sup> San Diego Tribune, [Guatemala: laboratory workers who test COVID-19 are infected](#), June 24, 2020

<sup>1322</sup> EFE, [Strike and saturation in the hospitals of Guatemala City due to the Coronavirus](#), June 9, 2020



great impact on the life, integrity and health of workers of the health sector. Civil society organizations reported that in a temporary hospital set up on March 23, health workers who worked there denounced the lack of sufficient personal protective equipment (PPE), including disposable masks and gloves, the extremely limited space for rest during the long and stressful hours, and the serious delays in the payment of their wages.<sup>1323</sup>

614. Likewise, REDESCA notes that the vast majority of Guatemala's frontline personnel for the pandemic have been hired for periods of three months, even many people work without even having a contract or receiving the agreed salary.<sup>1324</sup> Similarly, in June 2020 the dismissal of 46 members of cleaning and counseling workers from the temporary hospital of the Parque de la Industria was reported.<sup>1325</sup> However, days after such situation was announced, the Ministry of the sector indicated that a provisional agreement had been reached with the dismissed persons.<sup>1326</sup>
615. However, REDESCA is also aware that, in this context, acts of intimidation and harassment have been reported against people who express their dissatisfaction with the measures taken by the authorities in relation to their work. Which would also be contributing to the fact that the working conditions of health workers do not improve, damaging the ability of the health system to deal with the pandemic.<sup>1327</sup>
616. On the other hand, REDESCA takes note that, regarding the health infrastructure in the country, the case of the Federico Mora mental health hospital is of particular consideration for the mandate. According to information provided by the State to civil society organizations, the pandemic has not affected the hospital in a special way, since the proper epidemiological follow-ups have been carried out and, in addition, only 3 deaths of patients have been registered.<sup>1328</sup> Likewise, according to information provided by civil society organizations, the State would have performed PCR swab tests on all 331 people who are admitted to the hospital, of those half would have tested positive for COVID-19.<sup>1329</sup> However, despite what was indicated by the State, civil society organizations have registered that by November 2020, there was a decrease of 31 people in the hospital records. The organizations mentioned that there is no information on his whereabouts so far.<sup>1330</sup>
617. Similarly, REDESCA also received worrying information that in addition to the situation of the pandemic, there were acts of attacks against the rights of the people who are interned in the place. REDESCA is particularly drawn to the fact that at least two cases of sexual abuse of women with disabilities have been collected within the institution. The cases reveal a wide range of concerns: the lack of protection for women against sexual abuse and violence; the denial of their reproductive rights and a possible denial of their parental rights.<sup>1331</sup> To this is also added acts of neglect and abuse of elderly people who would be in a situation of possible abandonment by relatives in the geriatric ward.<sup>1332</sup> Finally, REDESCA expresses its deep consternation in relation to two deaths reported between 2019 and 2020, which could suggest acts of negligence or omission on the part of the

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<sup>1323</sup> International Amnesty, Guatemalan health workers are at risk from COVID-19, but also from their government, July 3, 2020

<sup>1324</sup> International Amnesty, Guatemalan health workers are at risk from COVID-19, but also from their government, July 3, 2020

<sup>1325</sup> International Amnesty, GUATEMALA: LAID OFF. WITHOUT SALARY. STAFF MEMBERS OF A HOSPITAL FOR COVID-19, June 9, 2020

<sup>1326</sup> International Amnesty, Guatemalan health workers are at risk from COVID-19, but also from their government, July 3, 2020

<sup>1327</sup> Al Jazeera, Guatemala health workers face retaliation over COVID-19 concerns, October 26, 2020

<sup>1328</sup> IACHR, POS 177 Hearing No. 28 Situation of the human rights of persons with disabilities in the face of the COVID-19 pandemic in the Americas, October 9, 2020

<sup>1329</sup> REDESCA, Meeting held with Dissability Rights International regarding the situation of the Federico Mora Hospital, November 11, 2020

<sup>1330</sup> Idem

<sup>1331</sup> Dissability Rights International, Situation Report of the Federico Mora Hospital based on the visit made on February 24, 2020, May 28, 2020

<sup>1332</sup> Idem and REDESCA, Meeting held with Dissability Rights International regarding the situation of the Federico Mora Hospital, November 11, 2020



hospital authorities. These refer to the death caused by shooting a person with a psychiatric disability who was trying to leave the institution and of a man who was found drowned in an open water barrel inside the forensic ward.<sup>1333</sup>

618. Considering the situation caused by the pandemic, adding the impact on the physical and mental health of hospital workers; REDESCA urges the State to take the necessary measures to carry out the required corrections and protect the rights of the people who are in the place. Similarly, REDESCA emphasizes that the hospital has Precautionary Measures granted by the IACHR in 2021 under number MC-370-12 and therefore calls on the State to make every effort to comply with them.
619. Following this line, REDESCA expresses its deep concern that within this particular context in which the country's health system is found, acts of corruption have been recorded, which would be affecting even more the general response of the Guatemalan health system. The Ministry of Health dismissed two vice ministers in the midst of the health emergency due to the coronavirus and the Presidential Commission against Corruption filed complaints with the Public Ministry (MP) for alleged corruption in that portfolio.<sup>1334</sup>
620. Along the same lines, the Human Rights Ombudsman sent a letter to the president requesting that the Minister of Health, Hugo Monroy, be removed from office, for "it is evident and public that his actions have violated the rights of health and life of Guatemalans".<sup>1335</sup> In this sense, the Anti-Corruption Prosecutor's Office gave state institutions 48 hours to expand the information on a case of alleged corruption in the Health portfolio. This investigation arises, after the Ministry of Health dismissed two vice ministers in the midst of the health emergency due to the coronavirus and for alleged corruption in that portfolio. The Executive dismissed the technical vice minister, Rodolfo Galdámez, and the administrative, Héctor Marroquín. In addition, six more people could be involved in this case of the alleged overvaluation of two drugs due to this health emergency.<sup>1336</sup>
621. For its part, REDESCA also takes careful note of the situation of specific sectors of the population that have been affected in their right to health due to the pandemic. The PDH Ombudsman's Office carried out on September 18 a verification about the situation of the elderly in the centers destined for their care during the COVID-19 pandemic.<sup>1337</sup> In his conclusions to PDH he expressed that most of the centers have complied with provisions to reduce the risk through contact with other people, through the implementation of technological platforms. In the same way, hygiene and cleaning measures have been strengthened for the people who reside in those places, despite not having guidelines from the Ministry of Public Health.<sup>1338</sup>
622. On the other hand, the PDH expressed its concern that by virtue of the conditions in which some older people find themselves (I know why they live on the streets or abandoned), these centers become vital to receive them. However, it is reported that the centers have refused to receive income since March, so that people who need this type of help have not had where to turn to meet their needs.<sup>1339</sup> Likewise, regarding the general measures adopted by the executive to stop contagions, the

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<sup>1333</sup> Disability Rights International, Situation Report of the Federico Mora Hospital based on the visit made on February 24, 2020, May 28, 2020

<sup>1334</sup> Prensa Libre, Government dismisses two vice ministers of health and files complaints of corruption in the portfolio,

<sup>1335</sup> The newspaper, Human Rights Ombudsman calls for dismissal of the Minister of Health, April 20, 2020

<sup>1336</sup> Free Press, Public Ministry gives entities 48 hours to expand details for alleged corruption in the Ministry of Health, April 27, 2020

<sup>1337</sup> Guatemalan Human Rights Ombudsman, PDH verifies the situation of the elderly in the centers destined for care during the COVID-19 pandemic, September 30, 2020

<sup>1338</sup> Idem

<sup>1339</sup> Idem



PDH recommended that the executive review the provisions that restrict the rights and autonomy of people over 60 years of age.<sup>1340</sup>

623. In relation to the situation of the right to health of persons deprived of liberty, REDESCA notes that this population is at particular risk due to the overcrowding conditions that have been registered in the country. According to data from the Office for the Prevention of Torture, there are 2,112 people deprived of liberty with a clinical picture vulnerable to the coronavirus, for which they asked the judicial authorities to evaluate these files. At a meeting held by the members of said office, it was agreed to issue a statement in favor of detained people who could have serious health complications if they were diagnosed with COVID-19.<sup>1341</sup>
624. Until July 4, the Penitentiary System reported 11 inmates who died from coronavirus and 113 positive cases. Of that number, 27 were active: 109 men and four women. In addition, 57 COVID-19 positive guards were registered. In Quiché there were 37 of the infected agents.<sup>1342</sup>
625. In this sense, the PDH indicated that it is necessary for the competent authorities to carry out the necessary tests both on the people who are incarcerated and also on the people who act as officials of the penitentiary services. In particular, the Prosecutor indicated that protocols should be established to adapt the detention conditions of persons deprived of liberty with regard to food, health, sanitation and quarantine measures to prevent intramural contamination, in response to the recommendations of the Interamerican Commission.<sup>1343</sup>
626. Similarly, REDESCA also notes that children and adolescents are another group that is particularly vulnerable in relation to the risk of becoming infected with the virus. According to civil society organizations, the growth in the number of positive children and adolescents is equivalent to approximately 100% of the cases that were reported at the end of May 2020. In this sense, they pointed out that, if they follow this pattern during the pandemic, they could reach for end of July approximately 1,432 positive cases of COVID-19 in children and adolescents.<sup>1344</sup>
627. To this extent, REDESCA expresses its agreement with the recommendations made by civil society for the reduction of infections of children and adolescents, of which the following stand out: allocate specific areas for the care of positive children and adolescents, within the hospitals where they are already present; have pediatric doctors as well as nurses specialized in the care of children and adolescents; expand the application of tests to confirm and / or rule out positive cases in children and adolescents; and improve sanitary controls in public activities and not make the measures for their development more flexible.<sup>1345</sup> On the other hand, it is of vital importance the communication that can be established from the decision makers with children and adolescents, permanently, through which doubts can be clarified, fears and anxieties can be spend during this period of confinement. One of the means to this end may be through the establishment of secure platforms, which are within their reach, in dialogue with competent authorities and prepared for intergenerational, intergender and inter-ethnic dialogue, among others.<sup>1346</sup>

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<sup>1340</sup> Latin American Gerontology Network, [PDH recommends reviewing provisions that restrict the rights of the elderly](#), August 25, 2020

<sup>1341</sup> Free Press, [Elderly, pregnant and chronically ill, how many deprived of liberty are at risk from the coronavirus](#), March 30, 2020

<sup>1342</sup> Republic, [PDH urges that coronavirus tests be guaranteed to inmates and guards](#), July 15, 2020

<sup>1343</sup> Human Rights Ombudsman, [Press Release no. 152/20](#), July 14, 2020

<sup>1344</sup> Institutional Coordinator for the Promotion of Children's Rights, CIPRODENI Statement on the impact of the COVID-19 pandemic on children and adolescents in Guatemala, May 20, 2020

<sup>1345</sup> Institutional Coordinator for the Promotion of Children's Rights, CIPRODENI Statement on the impact of the COVID-19 pandemic on children and adolescents in Guatemala, May 20, 2020

<sup>1346</sup> Institutional Coordinator for the Promotion of Children's Rights, CIPRODENI Statement on the impact of the COVID-19 pandemic on children and adolescents in Guatemala, May 20, 2020





628. Finally, in relation to the right to health of people who are in a situation of human mobility; REDESCA emphasizes the particular situation of these people due to the general context in which the country finds itself. In this sense, the State, for example, asked the United States authorities to reduce the number of people on repair flights to only 25. In the same way, to attend to people who are returning by land, either to Guatemala or some other border country, for which the capacity for treatment and diagnoses at border sites was strengthened, as well as providing prevention mechanisms in places of transit.<sup>1347</sup>
629. Likewise, sentinel sites were established, in coordination with specialized entities, where potential cases that are circulating and have not been detected can be found, this is mainly due to the fact that Guatemala is a transit site to the North and from the North to the South. This is due to the fact that people also go through blind and unofficial spots, and this is a matter of concern for state authorities, taking into account the epidemiological situation in the United States, and the rapidly advancing epidemic in Mexico.<sup>1348</sup>

## **B. Poverty and Human Rights**

630. In relation to the measures taken by the State to address the impacts of poverty on the enjoyment of human rights, REDESCA takes note of the following measures implemented. Thus, the State indicated the establishment of a series of economic transfer programs to respond to the most urgent needs of the most vulnerable people. These programs would be the Bono Familia; that provides a monthly bonus of Q1,000.00, for 3 months, to families without electricity or whose consumption is less than 200 kWh, on the bill from February 2020. Until May 31, 2020, there was a total registration 1,000,053 people; after the review, 421,320 people had benefited. The Popular Trade Bonus, intended for the informal economy sector, it consists of an economic contribution of Q1,000.00. The Municipal Mayors must send a list guaranteeing that the beneficiaries are informal workers. The Funds are administered by the Ministry of Social Development.
631. Similarly, REDESCA takes note of the establishment of the program of economic contribution to the elderly (PAM). The State reported that although this program has been in force since 2005, as a result of the COVID-19 pandemic, by decision of the Ministry of Labor and Social Welfare, 999 older adults were incorporated, making the first transfer for this concept on 2 of May. During May 2020, another 2 thousand new beneficiaries were included, being possible due to the budgetary expansion of Q59 million Quetzales for the PAM. With this, the payroll may be increased by 8,400 older adults, and it is expected to include another equal number when the additional Q50 million Quetzales are transferred. The State was able to inform that the program benefits approximately 104 thousand older adults, who receive Q400 per month.<sup>1349</sup>
632. Likewise, a subsidy for electricity was established through Decree No. 12-2020 of the National Energy Institute (INE) that will increase the coverage of the subsidy to the electricity tariff, between the months of May, June and July.<sup>1350</sup> Similarly, Congress approved Decree 15-2020 on April 3, the Law of additional protection measures for the population from the economic effects caused by the COVID-19 pandemic. It allows that basic services - water, electricity, telephone and internet - cannot be suspended during the state of calamity. Likewise, service providers may not apply late charges, interest, administrative expenses or penalties to users. The National Mortgage Credit (CHN) will

<sup>1347</sup> UN, [Strong prevention measures: Guatemala's strategy to defeat the coronavirus](#), April 7, 2020

<sup>1348</sup> UN, [Strong prevention measures: Guatemala's strategy to defeat the coronavirus](#), April 7, 2020

<sup>1349</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1350</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020



make available a specific credit for the companies that provide these services and that must be similar to the amount of the agreements entered into with the users committed to the payments.<sup>1351</sup>

633. However, REDESCA notes that, on the other hand, according to public information, the State would not have given access for verification by civil society as to who would be the entities or persons who would benefit from the emergency funds that would also have been created for individual workers, small and medium enterprises. In particular, it was indicated on the use of funds known as Capital Protection, Credit for Working Capital, Employment Protection and Development of Micro, Small and Medium Enterprises.<sup>1352</sup> On the contrary, the State did maintain greater transparency regarding the use of public funds for direct economic transfers to families and people with limited resources. In those cases, there were failures in the delivery of funds, as some contributions would have been made to people who were deceased.<sup>1353</sup>
634. In addition to this context, REDESCA also notes that the State is in the approval phase of the general State budget for the year 2021, which should allocate several of its resources to meet the different urgent needs of the country. Although REDESCA takes note that the State has initiated an open budget process, which aims to hold a series of open workshops to determine the specific needs of the population, taking into consideration what is indicated in the integration processes of the National Plan K'atun Development: Our Guatemala 2032 and other public policy instruments indicated by the executive.<sup>1354</sup> In this sense, this Office of the Special Rapporteur refers to what was expressed by the PDH of Guatemala who, through a statement, indicated that through this proposed budget project the State renounces social programs that can mitigate the particularly precarious conditions of more than 1 million of people who will fall to the condition of "new" poor and extreme poverty due to the impacts of the COVID-19 crisis, raising the numbers of the population with unmet needs to almost 80% of the country's inhabitants.<sup>1355</sup>
635. Similarly, civil society organizations stated that the budget approval process was carried out in a light, opaque way, without transparency and without due discussion and socialization of its content. In this sense, an extraordinary allocation was approved that is far from responding to the interests and needs of the country.<sup>1356</sup> In the same vein, they also pointed out that this process took place in an unusual context, since the Plenary of Congress has proceeded to approve the national emergency budget, a few hours after the Public Finance and Currency Commission (CFPM), issue its opinion, evidencing that the deputies who voted in favor of the approval were unaware of the content of the CFPM's opinion, especially the modifications introduced.<sup>1357</sup> In this sense, it is also indicated that the budget would be omitting advances in priority issues for the country such as the reduction of chronic child malnutrition, efforts to mitigate environmental deterioration, as well as seeking to reduce the gender gap and compliance with the different objectives of sustainable development.<sup>1358</sup>
636. In this sense, REDESCA welcomes that these State measures can provide some type of relief to people who are in a greater situation of vulnerability, especially when the Commission has indicated that the

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<sup>1351</sup> Free Press, [Coronavirus in Guatemala: Congress prohibits the suspension of basic services](#), April 3, 2020; Free Press, [Congress rejects veto and forces the president to pass a decree that guarantees basic services](#), May 1, 2020

<sup>1352</sup> Public plaza, [The Guatemalan government hides data on the beneficiaries of the rescue funds](#), November 11, 2020

<sup>1353</sup> Public plaza, [The Guatemalan government hides data on the beneficiaries of the rescue funds](#), November 11, 2020

<sup>1354</sup> Ministry of Public Finance, State of Guatemala, Draft General Budget of State Income and Expenditure 2021, [Referral note to the Guatemalan Congress](#), September 2, 2020 and See Ministry of Public Finance, [Open Budget 2021](#)

<sup>1355</sup> Guatemalan Human Rights Ombudsman, [Press Release No. 233/20 The Human Rights Ombudsman, Jordán Rodas Andrade, recommends to the Congress of the Republic to approve a General Budget of Expenditure of the Nation 2021, which guarantees the protection of the most vulnerable populations, which have increased by the impact of COVID-19](#), November 4, 2020

<sup>1356</sup> WOLA, [The approval of the 2021 budget by the Guatemalan Congress opens up opportunities for corruption](#), November 20, 2020

<sup>1357</sup> Central American Institute for Fiscal Studies, [Icefi: Guatemala's budget for 2021, approved in an opaque and exclusive way, contains serious anomalies and wide spaces for corruption](#), November 19, 2020

<sup>1358</sup> Central American Institute for Fiscal Studies, [Icefi: Guatemala's budget for 2021, approved in an opaque and exclusive way, contains serious anomalies and wide spaces for corruption](#), November 19, 2020



measures adopted in the context of the current health crisis Regarding the guarantee of ESCER, they must ensure effective social protection, including, among others, the granting of subsidies, basic income or other measures of economic support.<sup>1359</sup>In this sense, these measures must focus on safeguarding the rights of people in the most vulnerable situation, recognizing the obligation of States to integrate mitigation and attention measures specifically focused on the protection and guarantee of ESCER given the serious direct impacts and indirect situations that pandemic contexts and infectious health crises can generate. Reiterating that the economic, political or any other measures that are adopted should not accentuate the existing inequalities in society.<sup>1360</sup>

## C. Labor and Union Rights

637. In relation to the guarantee and protection of labor and trade union rights, REDESCA welcomes that the State is taking steps to ensure the right to decent remuneration for workers in the health sector, as well as others sectors of the country's economy. However, they express their concern because shortly after the end of 2020, the bonus for health personnel would still be pending satisfaction.<sup>1361</sup>Likewise, regarding the lack of clarity regarding the implementation of protocols in some workplaces such as the so-called "call centers", some of which continued their work even after the quarantine was decreed. In that sense, according to information provided by the Human Rights Ombudsman's Office to the media, complaints were received indicating that in those places, where about 100 people come to work in the same space, there were not enough amounts of antibacterial soap, masks, or gel alcohol.<sup>1362</sup> Similarly, according to public information, the informal sector was also affected as there were no clear measures to counteract the direct effects of the measures that the State had to impose to stop the spread of the virus.<sup>1363</sup> In this context, REDESCA underlines the need to implement clear protocols that allow people to carry out their activities in the safest way possible, seeking to reduce the risks of contagion and allowing people to have the guarantee of the enjoyment of the right to work in conditions safe and dignified.
638. On the other hand, the State indicated the establishment of the Working Capital Credit Fund, through a decision of the Congress of the Republic for companies affected by the health crisis. The National Mortgage Credit Bank (CHN), is in charge of executing this budget, it will grant loans with a maximum capital of Q250 thousand Quetzals, with a budget of Q2,730 million Quetzals. This fund is aimed at merchants or commercial companies in order for them to continue the normal course of their business.<sup>1364</sup>
639. The Employment Protection Fund, which in delivering Q75.00 a day to private sector workers affected by the suspension of work due to COVID-19. This program is executed while the employment contracts are suspended due to the sanitary measures implemented by the Government. In this sense, it was reported that the budget for this program is Q2,000 million Quetzales, the contributions are made through a direct transaction to the worker's account, through the National Mortgage Credit Bank (CHN).<sup>1365</sup>
640. Along these lines, the PDHGT by means of an open letter sent to the Presidency of the Republic, in response to the actions directed by certain companies that would be applying the figure of "total collective suspension", indicating that such measures would be leaving the population in abandonment worker and their families. Therefore, it requested the president to apply the

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<sup>1359</sup>IACHR, Resolution No. 1/2020: Pandemic and Human Rights, para. 4

<sup>1360</sup>IACHR, Resolution No. 1/2020: Pandemic and Human Rights, para. fifteen

<sup>1361</sup>Free Press, [Health: Delay in payment of vouchers and providers puts hospital care at risk](#), December 17, 2020.

<sup>1362</sup>Nomadic, [COVID-19: Complaints against call centers and fear of the informal economy](#), March 17, 2020

<sup>1363</sup>Nomadic, [COVID-19: Complaints against call centers and fear of the informal economy](#), March 17, 2020

<sup>1364</sup>Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1365</sup>Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020



considerations of the Labor Code and especially the principle of protection of workers and to make use of all the powers that the law establishes to minimize the economic effects on the working population.<sup>1366</sup>In the same way, the Attorney General made a series of recommendations addressed to the Ministry of Health in which they indicate specific cases that should be addressed; such as managing the streamlining of payment for doctors at the Temporary Hospital of the Parque de la Industria. Likewise, they request the same State portfolio to carry out the necessary actions, as a matter of urgency, to provide the salary and protection measures to workers in the health sector and coordinate with the Guatemalan Social Security Institute to establish the corresponding sanitary cordon.<sup>1367</sup>

641. However, REDESCA expresses its concern that in this context, one of the sectors most affected by the coronavirus outbreaks was the maquilas in some departments of the country. In particular, the case related to the municipality of San Miguel Petapa is on alert due to the COVID-19 outbreak in the KP Textil maquila. According to the information collected by the local government health department, several cases of COVID-19 had been detected in a single factory, of 32 tests carried out, 24 would have been positive.<sup>1368</sup>Consequently, the State carried out a control through the Guatemalan Social Security Institute, which carried out 300 tests and the Ministry of Health carried out 600. Similarly, as reportedly, the Ministry of Health raised a report stating that the company did not open complied with all sanitary protocols.<sup>1369</sup>
642. In this measure, the PDH expressed through a statement a series of recommendations to mitigate possible additional outbreaks of COVID-19 in these workplaces. Specifically, it recommended to the Ministry of Labor and Social Security: "Redouble inspections in work centers in order to prevent, control and mitigate SARS COV-2 infections; coordinate actions with the Ministry of Health and the Guatemalan Social Security Institute to support workers and their families in work centers where outbreaks of the disease are detected, and, especially, protect people belonging to vulnerable groups, older than 60 years, pregnant women, lactating women and people with chronic diseases are facilitated telework." In the same way,<sup>1370</sup>

## D. Right to Food

643. In relation to the guarantee of the right to food, REDESCA indicates that through a letter received by the Executive Secretariat of the Commission on October 23, 2020; The Guatemalan government stated that it is currently executing the program "The Great National Crusade for Nutrition", which aims to improve the health and nutrition of the Guatemalan population, with emphasis on children under five years of age, preschool and schoolchildren, women, rural and indigenous population, in poverty and extreme poverty.<sup>1371</sup>
644. Applying a comprehensive approach, the State indicates that it seeks to address the roots of this issue, through the coordinated action of all levels of government, the private sector, civil society organizations, among other actors in order to improve nutrition of families in Guatemala that are in a situation of poverty and extreme poverty. In this sense, the State mentions that it will strengthen the articulation of the network of services through the Primary Care in Expanded Health (APSA) and will increase access to the promotion, prevention and care of health and nutrition, education,

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<sup>1366</sup>Guatemalan Human Rights Ombudsman, Second Report on institutional actions in the framework of the "COVID-19 Emergency", March 20-27, p. 9

<sup>1367</sup>Guatemalan Human Rights Ombudsman, Eighth Report on institutional actions in the framework of the "COVID-19 Emergency", from May 29 to June 11, 2020 p. 38

<sup>1368</sup>CRN News, [Alert in San Miguel Petapa for massive outbreak of COVID-19](#), May 18, 2020

<sup>1369</sup>Free Press, [900 maquila workers are swabbed to detect coronavirus](#), May 20, 2020

<sup>1370</sup>Guatemalan Human Rights Ombudsman, [Press Release No. 165/20 Faced with the reopening of the economy throughout the country, the Human Rights Ombudsman, Jordán Rodas Andrade, recommends that the Minister of Labor and Social Welfare redouble the supervision of workplaces in order to prevent and control outbreaks of COVID-19 \(SARS COV-2\)](#), July 29, 2020

<sup>1371</sup>Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020





physical, economic and social access to food, safe water and sanitation, as well as social protection.<sup>1372</sup>

645. In this sense, according to information provided by the State, at the end of 2019, the Secretariat for Food and Nutrition Security (SESAN), the World Food Program and the United Nations Children's Fund (UNICEF), carried out joint a Food Security Assessment focused on the population of the rural area. This study showed that 2.3 million families were in moderate and severe food insecurity, related to the loss of crops, caused by the drought and the reduction of sources of employment in that year. Also during 2019, data from the Ministry of Public Health and Social Assistance (MSPAS) showed an increase of 22% in cases of acute malnutrition compared to 2018.<sup>1373</sup>
646. Taking these figures into consideration, the Commission and its REDESCA were informed that due to the health crisis related to COVID-19, the State adopted a series of measures to contain the spread of the virus among the population, including dictating mandatory confinement, which had a disproportionate effect on populations that need to leave their homes to survive. In this scenario, the State implemented a program of brigades aimed at attending to cases of acute malnutrition and treatment for children from 6 months of age to under 5 years of age, within the framework of the active search plan for the prevention of deaths from acute malnutrition in the context of COVID-19.<sup>1374</sup>
647. The State indicated that the brigades are divided into two categories, the first being institutional, made up of personnel from MSPAS, SESAN, and other entities of civil society and local governments. On the other hand, there are the brigades financed by cooperation resources; through funds obtained from the Group of Support Institutions (GIA)<sup>1375</sup>, for the hiring of brigades made up of health personnel that includes a wide range of health professionals. As the governing body in health, the direction and conduction of the entire process for the active search of cases is in charge of the Health Area Directorate of -MSPAS- and the execution of these actions at the community level, is in charge of the Coordinators of the Municipal Health Districts and those responsible for Nutrition in coordination with the monitor and / or SESAN delegate.<sup>1376</sup>
648. On the other hand, the State also mentioned the implementation of support programs to ensure access to food for people in vulnerable situations. In this sense, the "Together We Will Go Ahead Box" included various provisions and foods such as sugar, beans, pasta, corn flour, oil and Incaparin. The inputs were donations from organizations and private companies; it was also pointed out that the State packed and distributed 200 thousand boxes in different parts of the national territory through the Army of Guatemala. In the same way, the School Feeding program was implemented through the Ministry of Education, which coordinated the delivery of school meals to students, during the duration of the suspension of classes, as indicated in Ministerial Agreement 825- 2020, of 03/23/2020.<sup>1377</sup>
649. Said Agreement allows Parent Organizations (OPF) to purchase non-perishable food during emergencies, for pre-primary and primary students from public educational centers. The OPF received resources at a rate of Q4.00 per student per day; Food lists and recommendations are provided to acquire the best price and quality, specifically the security protocol for delivery was provided, taking the necessary measures for the delivery and continuity of the School Feeding program. Every child enrolled in public primary or pre-primary school has the right to receive their

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<sup>1372</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1373</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1374</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1375</sup> Group of Support Institutions (GIA), is made up of government institutions not integrated within CONASAN and by other international cooperation organizations that can provide technical, financial and operational support when required by SESAN.

<sup>1376</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1377</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020





food supply, for this program Q589, 9 million Quetzales have been allocated. Food Support and COVID-19 Prevention Program. It consists of the provision of food from the basic basket or coupons for the purchase of food, it is in charge of the Ministry of Agriculture, Livestock and Food (MAGA) in the rural area and the Ministry of Social Development (MIDES) in the urban area. A budget of Q700 million has been contemplated. Of that total, Q350 million correspond to MIDES and Q350 million to MAGA.<sup>1378</sup>

650. For its part, the PDH issued a series of recommendations within the framework of the monitoring activities carried out during the health emergency caused by COVID-19, requesting the Ministry of Social Development to carry out the necessary coordination, including those required with the Municipalities in the framework of the corresponding agreements for these purposes, the regular operation of the 29 soup kitchens that existed in 2019, to provide varied, balanced and safe food to the population that is in vulnerable conditions.<sup>1379</sup> In this same context, the attorney made a direct recommendation to the Quiché Municipal Food and Nutrition Security Council requesting that it immediately distribute to low-income families the more than 7,000 bags of food that are in the warehouse, in order to ensure their right to food, based on the supervision that the attorney general's offices have carried out.<sup>1380</sup>
651. The Commission and REDESCA are grateful for the information sent by the State in relation to compliance with the recommendation under consideration. However, it expresses its concern that according to data from the United Nations and the Economic Commission for Latin America (ECLAC), Guatemala loses about 12,000 million dollars a year, 16.3% of its GDP, due to economic and social impacts and health related to malnutrition, overweight and obesity.<sup>1381</sup> However, according to this same study, infant mortality in the period between 2004 and 2018 has dropped from 59,122 to 23,099 reported deaths.<sup>1382</sup> Although it is a sign of a downward trend, civil society organizations have expressed concern that with the onset of the pandemic, cases of acute malnutrition would be increasing in areas that were previously in a delicate situation. Likewise, according to publicly known information, the boys and girls identified with acute malnutrition, four out of 10 are between 12 and 24 months, and are the most affected group, while two out of 10 are between six and 12 months.<sup>1383</sup> In particular, they mention the area of the Dry Corridor, where cases of acute malnutrition have increased and in addition the external consultations to attend to this situation stopped working due to the pandemic.<sup>1384</sup> In addition to this particular situation, the Commission and REDESCA also take note that, according to public information, there would be a delay in updating the databases of children under five years of age with chronic malnutrition in the country. However, once this fact was eventually corrected by the State institutions, the figures reported by the Ministry of Health are atypical to the behavior that acute malnutrition has had in previous years in the country, as the report of the National Information System Food and Nutrition Security (Siinsan) began 2020 with a rebound in cases that have been declining.<sup>1385</sup>
652. Taking into consideration all of the above, REDESCA highlights that according to a report drawn up by OXFAM for 2020, households evaluated in the dry corridor showed an increase of 102.8% in households that require food assistance compared to 2019, presenting the highest increase (289.2%) in Severe Food Insecurity, which almost quadrupled, from 7.4% in 2019 to 28.8% in

<sup>1378</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020

<sup>1379</sup> Guatemalan Human Rights Ombudsman, Second Report on institutional actions in the framework of the "COVID-19 Emergency", March 20-27, p. 37; Fourth Report on institutional actions in the framework of the "COVID-19 Emergency", from April 3 to 16, 2020, p. 31

<sup>1380</sup> Guatemalan Human Rights Ombudsman, Eighth Report on institutional actions in the framework of the "COVID-19 Emergency", from May 29 to June 11, 2020, p. 51

<sup>1381</sup> World Food Program and ECLAC, The cost of the double burden of malnutrition: social and economic impact: Guatemala, September 2020, p. 39 and p. 2. 3

<sup>1382</sup> Ibid.

<sup>1383</sup> Free Press, The number of children with acute malnutrition in Guatemala triples, May 12, 2020

<sup>1384</sup> Action Against Hunger, COVID-19 doubles the number of people without food in Guatemala, June 15, 2020

<sup>1385</sup> Free Press, The number of children with acute malnutrition in Guatemala triples, May 12, 2020



2020.<sup>1386</sup> In this context, taking into account the restrictive measures imposed by the State at the beginning, they have shown their impact especially on the informal economy, generating significant food deterioration, which has the potential to increase cases of Acute Malnutrition, especially among the July and August 2020, the most critical months of the Seasonal Hunger period.<sup>1387</sup> Similarly, with respect to the assistance programs provided by the State, it was pointed out that the prohibition of duplication of beneficiaries is problematic, since those who access food assistance will receive a very precarious contribution. Additionally, the preparation of the lists of beneficiaries by the municipalities implies a significant risk of not reaching the most vulnerable households.<sup>1388</sup>

653. On the other hand, REDESCA expresses its concern that according to public information, resources that were destined to address the food crisis that the country is experiencing would be used to cover items to face the health emergency caused by the Coronavirus. Specifically, according to the Ministry of Health, this restructuring of some resources of the Crecer Sano project to attend the COVID-19 emergency, in order to improve or strengthen the infrastructure and equipment of up to three modular hospitals. The same State portfolio indicated that this reassignment would not affect the total execution of the project, which affects 139 municipalities located in the departments of Huehuetenango, Quiché, Alta Verapaz, Chiquimula, Sololá, Totonicapán and San Marcos.<sup>1389</sup>
654. Taking into consideration the aforementioned, REDESCA welcomes the efforts made by the State to provide an immediate response to the imminent effects on the right to food of the most vulnerable people during the pandemic. Likewise, they also express their concern that even with the efforts made, the malnutrition figures do not fall to the desired levels; and even the most affected areas continue to display highly worrying figures, where the most vulnerable people are those who would be suffering the most disproportionate impacts in the face of the threat of the COVID-19 pandemic. Therefore, they make a vigorous call to the State so that, in the line that it has been working from a multidisciplinary approach, seek to mobilize maximum resources and generate synergies between the different social actors (especially in the most affected areas such as the dry corridor), ensuring the participation of the affected population in identifying the most effective measures. Additionally, REDESCA places itself at the disposal of the State, as the Commission's specialized office in matters related to the recommendation examined, to provide technical assistance aimed at strengthening public policies aimed at eliminating malnutrition in Guatemala.

## E. Right to education

655. In relation to the right to education, the Commission and REDESCA take note of the implementation of the strategy: "I learn at home", by the Ministry of Education, in response to the confinement measures that were imposed as a result of the pandemic, in order to ensure the continuity of the educational cycle. These sessions are given daily for elementary, basic and diversified students, on Channels 13 and Government Channel, (interpretation in sign language), it is also broadcast on community radio, in public media and print media. This strategy is implemented from March 30, 2020, recording a total of 617 learning sessions until June 9, 2020, with the support of more than 195 teachers. For students who do not have access to TV or radio,<sup>1390</sup> These measures should be deepened, with special attention to the populations in a more vulnerable situation, such as

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<sup>1386</sup> OXFAM, Hunger is the measure of COVID-19: Increase in the population that requires food assistance in the Dry Corridor of Guatemala, July 2020, p. 35

<sup>1387</sup> OXFAM, Hunger is the measure of COVID-19: Increase in the population that requires food assistance in the Dry Corridor of Guatemala, July 2020, p. 35

<sup>1388</sup> OXFAM, Hunger is the measure of COVID-19: Increase in the population that requires food assistance in the Dry Corridor of Guatemala, July 2020, p. 36

<sup>1389</sup> Free Press, Money to combat chronic malnutrition would be used for three hospitals due to the pandemic, December 14, 2020

<sup>1390</sup> Note sent by the Permanent Mission of Guatemala to the OAS, No. NV-OEA-M4-No.803-2020, October 23, 2020



indigenous peoples or those who live in rural areas, considering the technological gap that exists in Guatemala and the lack of access to electricity in certain regions of the country.<sup>1391</sup>

656. However, REDESCA notes that civil society organizations have indicated that it is estimated that 40% of students attending the pre-primary level have dropped out or are thinking of suspending classes, since the economy of Guatemalan families has been hit and the parents choose not to continue paying tuition. This situation also has an impact on the establishments that must pay the rent for the facilities and the salary of teachers. For its part, the Ministry of Education (Mineduc) reports that in the private sector there are 95 thousand 588 students enrolled in pre-primary, so that there would be about 38 thousand 235 children who would have moved away from the classrooms of the schools<sup>1392</sup>
657. Similarly, it should be noted that, according to the CopreCOVID, it indicated that a strategy would be implemented for the 2021 school year, which would be under a hybrid modality with distance and face-to-face classes, requiring the mandatory use of masks for those over two years. In the same way, the creation of a monitoring mechanism to track the complete opening of face-to-face activities would have been proposed, once a green alert has been declared, however, until December 2020, 83 municipalities were on red alert, 94 in orange and 163 in yellow.<sup>1393</sup> On the other hand, for October 2020, the Ministry of Health approved through the Ministry Agreement 233-2020 that contains the minimum regulation that higher education institutions (universities) and technical training centers must comply with to avoid the contagion of coronavirus. (COVID-19) at their facilities. Similarly, these centers must have contingency plans and establish a student health or wellness center that guarantees access to primary health care and screening for COVID-19.<sup>1394</sup>
658. Taking into consideration what is indicated by the State, REDESCA takes into account the efforts made through the installation of the different programs to seek to reduce the impacts of the pandemic on the enjoyment and enjoyment of ESCER by the population, in accordance with the recommendations carried out by the IACHR. However, in relation to other ESCERs, it is necessary for the State to continue deploying the necessary actions to address the main concerns that persist in the country. Therefore, this Office of the Special Rapporteur urges the State to have as an articulating principle the principle of non-discrimination and the best interests of children and adolescents, in the implementation of educational plans, since these are central axes to adapt the state action,<sup>1395</sup>

## F. Right to Water and Sanitation

659. In this sense, the Commission and its REDESCA take note that, in relation to the right to water, according to public information there are 858 thousand 586 households that do not have piped water service, so their residents must acquire it through delivery trucks, or failing that, collect it from natural tributaries such as rivers or streams, even by collecting rainwater. The figures indicate that there are more than 161 thousand houses that are supplied with water extracted from springs or water sources. More than 100 thousand choose to "carry" from a public jet; more than 75 thousand collect it from the rains.<sup>1396</sup>
660. For its part, the situation in rural areas also draws the attention of the Commission and its ESCER Special Rapporteur; considering that there, according to civil society organizations, 46 percent of the rural population does not have a sustained investment in terms of sanitation. In rural areas, more

<sup>1391</sup> Esquipulas Foundation. Education in times of COVID-19, July 13, 2020.

<sup>1392</sup> Free Press, [School dropout in pre-primary reaches 40% in schools](#), September 8, 2020

<sup>1393</sup> EFE, [Guatemala plans to start the 2021 school year with hybrid classes](#), December 1, 2020

<sup>1394</sup> Guatemalan News Agency, [Ministry of Health approves regulations for the reopening of universities](#), October 1, 2020

<sup>1395</sup> IACHR, Practical Guide No. 2: How to guarantee the right to education for children and adolescents during the COVID-19 pandemic ?, 2020, p. 10

<sup>1396</sup> The newspaper, [More than 858 thousand homes without access to piped water](#), May 28, 2020



than 30 percent of the population does not have access to any type of sanitation services that clearly affects their well-being and quality of life. Although it is mentioned that local governments are carrying out some type of development in this area, it is precarious and does not have adequate processing for its disposal of wastewater.<sup>1397</sup>

## G. Right to a Healthy Environment

661. In relation to the effects on the right to a healthy environment, REDESCA notes that, according to civil society organizations, the extractive industries sector was declared essential businesses, and therefore its activities did not stop, but are being heavily militarized to protect their operation. In this sense, they indicated that the populations that live near the projects to possible infections, and therefore to serious effects on their life and health<sup>1398</sup>. Specifically, according to public information, it was denounced that the national authorities are not effectively protecting the population, even when the national courts have ordered, as in the case of the nickel mine operated by Compañía Guatemalteca de Níquel (CGN), to suspend your operations.<sup>1399</sup>
662. Along the same lines, according to information released by a study carried out by academic and civil society entities, mining companies are taking advantage of the pandemic to in a certain way carry out a “corporate image change”.<sup>1400</sup>In particular, REDESCA notes that the Xinka Indigenous Parliament condemned the measures adopted by Pan American Silver to distribute supplies and food in response to the pandemic and collect signatures from residents, thereby running the risk of undermining an ongoing consultation process ordered by the courts and sowing social division. The Xinkas are concerned that the company may use the collected signatures to try to demonstrate community support for the Escobal silver mine; for its part, the company has denied such intention.<sup>1401</sup>Likewise, a similar situation would have been reported in the works of the Cantera Los Manantiales mining company in the Maya ch'orti 'community of Olopa in the Municipality of Olopa. Additionally, the community authorities also denounced acts of harassment and intimidation by people associated with the company because they are monitored by them once the curfew begins.<sup>1402</sup>
663. Considering the aforementioned, this Special Rapporteur expresses her concern that the right to a healthy environment would not be properly guaranteed through the institutions of the State, particularly when judicial rulings on the matter are not being complied with. In this sense, REDESCA takes note that Guatemala is one of the signatory countries of the Escazú agreement<sup>1403</sup>. However, it has not ratified it to date, which would be detrimental to the State's ability to provide greater protections to people who are carrying out tasks of defense of the land, territory and nature. Taking this context as such, REDESCA reiterates that States must suspend or refrain from approving or investing in any large-scale industrial or agricultural activity if the appropriate consultation and participation mechanisms have not been applied in accordance with international standards, including the free, prior and informed consent of indigenous peoples.<sup>1404</sup>

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<sup>1397</sup> Habitat for Humanity, [Safe water and sanitation](#), March 25, 2020

<sup>1398</sup>Information obtained in a bilateral virtual meeting with Civil Society Organizations of Honduras, El Salvador and Guatemala on June 14, 2020

<sup>1399</sup>Nomadic, [Mining in times of COVID-19: How did the Guatemalan Nickel Company continue to operate?](#), June 8, 2020.

<sup>1400</sup> Earthworks et al, [Current situation report: Voices from the territory. How the global mining industry is benefiting from the COVID-19 pandemic](#), June 2020

<sup>1401</sup> Earthworks, [Xinka people of Guatemala and thousands of international supporters demand answers from Pan American Silver](#), May 6, 2020; Pan American Silver, [Letter sent to CIEDH in response to request for information](#), May 15, 2020

<sup>1402</sup> Association of Mayan Lawyers and Notaries of Guatemala, [Harassment of a mining company grows in Olopa Chiquimula, amid the health crisis of COVID-19](#), May 1, 2020

<sup>1403</sup> ECLAC, [Observatory of Principle 10 in Latin America and the Caribbean](#)

<sup>1404</sup> IACHR, The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic, August 13, 2020



## 19) GUYANA

664. At the beginning of January 2021, the COVID-19 pandemic had caused approximately 6,574 infections, 169 deaths and 6,036 people recovered in the country<sup>1405</sup>. Faced with this scenario, which would have started on March 13 with the first case<sup>1406</sup>, different measures were announced to combat the pandemic, including the closure of international flights<sup>1407</sup>; the prohibition of meetings and / or public events; protocols for social distancing; curfews; closure of non-essential services, schools, universities and borders; Mandatory quarantine for people infected and exposed to the virus, among others<sup>1408</sup>. Additionally, an increase in spending was established for medical supplies and personal protective equipment for front-line personnel.<sup>1409</sup>
665. Similarly, a specialized team was created by the Government to work on all control measures in the face of the pandemic. Although some measures began to be relaxed in mid-June, in accordance with the Government's economic reactivation plan based on six different stages - in which the first phase began on June 18 -<sup>1410</sup>, the reopening of the international airport for commercial flights had to be postponed until October 12 and phase 1 had to be extended until July 31 due to the increase in cases<sup>1411</sup>. At the end of November, the State issued new restriction measures for non-essential services in Region 7 and Suriname<sup>1412</sup>, which would be extended until the end of January 2021<sup>1413</sup>.
666. REDESCA highlights that the State, given the socio-economic impact of the pandemic, adopted economic measures to support the population, among which is the temporary exemption from taxes on water and electricity services<sup>1414</sup>, incentives to farmers who have been affected by the pandemic, along with the granting of financial support to small businesses that are struggling to sustain operations and keep their workers<sup>1415</sup>. In the same vein, the support of G \$ 25,000 per household was announced for assistance against COVID-19 (through a donation of US \$ 2 million from India); Essential worker packages and supports under the childcare assistance program for children under 7 years of age<sup>1416</sup>. Faced with this scenario, REDESCA notes that international cooperation has been essential for the implementation of these programs, against which the US \$ 7.5 million approved by the World Bank also stands out.<sup>1417</sup>
667. In addition to highlighting the measures implemented, REDESCA welcomes that of the emergency fiscal package presented by the Government for a value of \$ 330 billion, 15% would be for the health sector<sup>1418</sup> and 15.8% for education<sup>1419</sup>. This would be possible because, unlike the regional trend, a

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<sup>1405</sup> Worldometer, [Coronavirus Cases in Guyana](#), January 10, 2020

<sup>1406</sup> Ibid

<sup>1407</sup> DPI, Guyana, [Airports closure to intl. flights extended to May 1, 2020](#), March 31, 2020

<sup>1408</sup> Ministry of the Presidency. [Statement by His Excellency David Granger, President of the Co-operative Republic of Guyana, on the Coronavirus Disease 2019 \(COVID-19\)](#), March 28, 2020

<sup>1409</sup> Ibid.

<sup>1410</sup> International Monetary Fund, [Policy Tracker](#), January 6, 2021

<sup>1411</sup> Guyana Times. [Phased reopening of CIIA postponed due to spike in COVID-19 cases](#), July 02, 2020.

<sup>1412</sup> International Monetary Fund, [Policy Tracker](#), January 6, 2021

<sup>1413</sup> Stabroek News, [Coronavirus curfew extended to end of January](#), January 1, 2021

<sup>1414</sup> International Monetary Fund, [Policy Tracker](#), January 6, 2021

<sup>1415</sup> Ibid.

<sup>1416</sup> Ibid.

<sup>1417</sup> Ibid.

<sup>1418</sup> Ibid.

<sup>1419</sup> Department of Public Information, [Govt. presents \\$ 330 billion emergency fiscal package](#), September 10, 2020





favorable economic outlook is expected for the country in which GDP growth of 30.9% is expected.<sup>1420</sup> This panorama would be related to the transformation that the country's economy is having, going from a mainly agricultural economy to one in which the country becomes a major oil producer worldwide.<sup>1421</sup> Faced with this new scenario, REDESCA emphasizes the importance of implementing effective policies that address the poverty situation in the country, with an intersectional and differentiated perspective, as well as that ensure the protection of a healthy environment.

668. Addressing this recommendation is a priority, because while the country experiences this economic growth, serious challenges persist in terms of poverty. It should be noted that the country has been considered one of the poorest in South America<sup>1422</sup>, and according to the latest available official data from the country in this regard, 36.1% of people would live in poverty and an additional 18.6% in extreme poverty.<sup>1423</sup> Likewise, based on the Guyana labor force survey, the Inter-American Development Bank estimated that poverty would have been 41.2% in 2017 (based on the poverty line of US \$ 5.50 per day)<sup>1424</sup>. Against these estimates, it is highlighted that there is a differentiated impact in rural areas of the country, where 11% of the population is concentrated and poverty would rise to 55% in 2017<sup>1425</sup>. In this regard, REDESCA notes that these areas are where indigenous peoples are most concentrated (two thirds of the Guyanese population living in rural communities in the interior are indigenous)<sup>1426</sup>.

## A. Right to health

669. Although the State has increased its spending for the health sector, and the contributions of various States and international organizations stand out, among which are the more than 10,000 test kits for coronavirus by the Pan American Health Organization<sup>1427</sup> and the donation equivalent to \$ 7.9 million in kind - including chemical respirators, rubber boots, safety glasses, gloves, sinks and even "SR420 mist blowers" - by the Pan American Health Organization and the World Health Organization.<sup>1428</sup> REDESCA expresses its concern about the guarantee of ESCER for people who live in rural areas of the country, and especially indigenous peoples.
670. In this regard, it is highlighted, on the one hand, that the Pan American Health Organization expressed its concern about the high rates of infection in the Guyanese Shield, particularly in areas where indigenous communities predominate.<sup>1429</sup> On this matter, it was specified that these high rates would be linked to the condition of poverty they suffer, along with cultural barriers and difficult access to health services<sup>1430</sup>. On the other hand, it takes note of the information on the collapse of the health system in Santa Rosa (the largest indigenous settlement in Guyana located in the Moruca sub-district in the Barima-Waini region) and the complaints that the community presented in front of its attention<sup>1431</sup>.

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<sup>1420</sup> ECLAC, [Preliminary Overview of the Economies of Latin America and the Caribbean](#), December 2020

<sup>1421</sup> The New York Times, ['It Changed So Fast': Oil Is Making Guyana Wealthy but Intensifying Tensions](#), April 8, 2020

<sup>1422</sup> Ibid.

<sup>1423</sup> The Borgen Project, [5 facts about poverty in Guyana](#), September 23, 2020

<sup>1424</sup> Interamerican Development Bank, [LAC Post-COVID-19. Challenges and Opportunities](#), May 2020

<sup>1425</sup> Ibid.

<sup>1426</sup> The Borgen Project, [5 facts about poverty in Guyana](#), September 23, 2020

<sup>1427</sup> Guyana Chronicle, [Guyana receives 4,000 more test kits from PAHO](#), May 30, 2020.

<sup>1428</sup> Guyana Times. [M&CC gets \\$ 7.9M in essential items to fight COVID-19](#). June 11, 2020

<sup>1429</sup> Infobae. ["Very high rates" of COVID-19 among indigenous people of the Guiana Shield worry PAHO](#). June 22, 2020.

<sup>1430</sup> Ibid.

<sup>1431</sup> Stabroek, COVID-19 cases overwhelm Santa Rosa health care system, May 31, 2020



671. Thus, although in August it was reported that the community would be free of COVID-19<sup>1432</sup>, the REDESCA warns about the violation of the ESCER that people with COVID-19 in the community would have experienced, as some would have had to be treated in isolation tents installed in a sports field that lacked a water supply system<sup>1433</sup>, due to the fact that the other isolation facilities did not have the capacity to receive more people (including both the installation built on the runway that only had space for 4 people<sup>1434</sup>, like the two hostels that had also been suitable for your attention)<sup>1435</sup>.
672. Additionally, in these isolation centers it was reported that, although people were told that they should not bring anything for their food or hygiene, but only their clothes<sup>1436</sup>, they went through moments of hunger and worry, because they would not receive sufficiently nutritious food for their recovery and it was provided to them after long periods of time (for example, there were cases in which breakfast was given to them at 11:30 am despite a very early meal the day before)<sup>1437</sup>. On this point, it was reported that, unlike other isolation centers in the country, their relatives were not authorized to bring them food or other items they might need.<sup>1438</sup> In the same vein, it was reported that some facilities were dirty, so the same people offered to clean them.<sup>1439</sup>.
673. Against this background, REDESCA highlights that this situation would go against what is recommended to the States in the context of the pandemic, in which it was not only recognized that the States have the obligation to respect and guarantee the enjoyment of the right to health without discrimination (including regulation and supervision of facilities)<sup>1440</sup>, but also that in cases where there was a period of physical isolation or quarantine for people with COVID-19, the States had to ensure that they were adequate and with access to sanitary facilities<sup>1441</sup>. Therefore, REDESCA urges that the recommendations and guidelines of the IACHR be followed in the face of the pandemic, in which it was determined that States must ensure equitable distribution and access to health facilities, goods, and services without discrimination, ensuring the care of people with COVID-19 and groups disproportionately affected by the pandemic<sup>1442</sup>.
674. Without detriment to the foregoing, REDESCA recognizes the measures that allowed indigenous communities to contribute to the response to the health emergency, through the formation of a unit made up of various authorities of indigenous communities, such as the Pakuri, which prepared their own health security protocols<sup>1443</sup>. This measure would have been possible thanks to the “Amerindian Act” of 2006 and, within the protocols established by the communities, social distancing was established, as well as a temporary isolation from the community, in which no person had the right to leave or enter the community unless a medical emergency has occurred<sup>1444</sup>.

## B. Labor rights

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<sup>1432</sup> Guyana Chronicle, [Santa Rosa residents relieved community now 'COVID-free'](#), August 6, 2020

<sup>1433</sup> Stabroek, [Isolation tents erected for patients at Santa Rosa after COVID-19 cases spike](#), June 25, 2020

<sup>1434</sup> Stabroek, [COVID-19 cases overwhelm Santa Rosa health care system](#), May 31, 2020

<sup>1435</sup> Ibid

<sup>1436</sup> Stabroek, [COVID-19 patients bemoan state of Moruca isolation facilities](#), July 21, 2020

<sup>1437</sup> Stabroek, [COVID-19 cases overwhelm Santa Rosa health care system](#), May 31, 2020

<sup>1438</sup> Ibid

<sup>1439</sup> Stabroek, [COVID-19 patients bemoan state of Moruca isolation facilities](#), July 21, 2020; Stabroek, [COVID-19 cases overwhelm Santa Rosa health care system](#), May 31, 2020

<sup>1440</sup> IACHR, [Human Rights of people with COVID-19. Resolution 4/2020](#), July 27, 2020

<sup>1441</sup> IACHR, [Human Rights of people with COVID-19. Resolution 4/2020](#), para. July 14, 27, 2020

<sup>1442</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, para. April 8, 10, 2020

<sup>1443</sup> DPI, Guyana. [Pakuri Village implements strict measures to tackle COVID-19](#). March 31, 2020.

<sup>1444</sup> Idem.



675. REDESCA highlights the support measures that the State adopted against workers affected by the pandemic. However, it takes note of the situation that occurred in region seven, in which 10% of the infected cases would be mostly people between 25 and 39 years old, who have been mostly exposed to the virus due to the need to continue working and do it without protocols or the necessary clothing. In this regard, it is reported that they have had to go to work in the mines in order to be able to have sustenance for themselves and their families, but in their case, neither the protective equipment nor even the sanitary measures would be guaranteed.<sup>1445</sup> Before this risk of workers, REDESCA highlights the installation of a station to test for coronavirus and control systems in Buck Hall (Essequibo), which is an access point to enter or leave various mining regions<sup>1446</sup>. Likewise, it highlights the measures of the health authorities that established mandatory tests for all people who enter and leave the area, as well as that, in case of any contagion, the guideline on isolation in the corresponding quarantine facilities<sup>1447</sup>.
676. On the other hand, REDESCA expresses its concern for workers in the sugar industry, in which so much was reported in June<sup>1448</sup> as in July<sup>1449</sup>, that GuySuCo (The Guyana Sugar Corporation) could not pay the salaries and that for this purpose they were waiting for disbursements of support by the government (since they had ceased operations and had no income to assume the payment)<sup>1450</sup>. This situation would not only be violating the right of workers to receive their salary, but would also be putting them in a situation of economic vulnerability at a particularly difficult time for households, such as the pandemic. In this sense, REDESCA calls for the adoption of sufficient measures to protect human rights, and particularly ESCER, of working people, including those necessary to ensure their economic income and means of subsistence in the context of the pandemic.<sup>1451</sup>
677. Finally, regarding labor rights, REDESCA takes note of the situation of LGBTI workers, who would be being particularly affected by the pandemic and it is reported that 70% have lost their jobs or had their employment significantly reduced. schedule<sup>1452</sup>. In this sense, it is exhorted to take measures to guarantee the right to work of this population and its ESCER under conditions of equality and non-discrimination.

## C. Right to education

678. REDESCA takes note that since March 16, schools were closed in order to ensure that children and adolescents had the conditions conducive to a safe return to the facilities.<sup>1453</sup> Therefore, in order to ensure the right to education, classes began to be taught remotely, and in cases where students do not have access, learning materials were distributed to them.<sup>1454</sup> Despite these efforts, REDESCA highlights that concern has been expressed that children and adolescents are not receiving the quality education they need (as they do not have the support of teachers while they are learning), and that there has been a greater impact for households with limited economic resources and those who do not have equipment, connectivity or internet<sup>1455</sup>.

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<sup>1445</sup> Idem.

<sup>1446</sup> Guyana Times, [COVID-19 screening & testing unit established at Buck Hall](#), July 8, 2020.

<sup>1447</sup> Ibid.

<sup>1448</sup> Guyana Times, [GAWU tells 'sugar belt' workers to brace for no salary today](#), June 26, 2020

<sup>1449</sup> Stabroek, [GuySuCo unable to pay workers for July](#), July 22, 2020

<sup>1450</sup> Ibid

<sup>1451</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>1452</sup> Newsroom, [LGBTQ Guyanese suffered job losses, family violence, mental distress during pandemic - study finds](#), December 3, 2020

<sup>1453</sup> Ministry of Education, [Ministry of Education Novel Corona Virus - COVID-19 UPDATE](#), March 13, 2020

<sup>1454</sup> Guyana Chronicle, [Taking education to the communities](#), October 27, 2020

<sup>1455</sup> Stabroek, [Stanleytown residents say pandemic affecting their children's education](#), June 17, 2020



679. For this reason, REDESCA expresses its concern about the educational gap that would be being generated, with a special impact on children and adolescents in a condition of economic vulnerability, for which it calls for all necessary and effective measures to be taken so that children and adolescents can access an education with the stimuli that their age and level of development require, as recommended by the IACHR to the States in the framework of the pandemic<sup>1456</sup>. To this end, an intersectional and differentiated approach is required that considers the particularities of children and adolescents living in poverty and extreme poverty, as well as those who are in rural and remote areas.

## D. Right to a Healthy Environment and climate change

680. Faced with the economic transformation of the country in which oil production is a determining factor for economic growth, REDESCA calls for the adoption of environmental policies that guarantee the protection of a healthy environment and the protection of the ESCER of communities, especially groups especially condition of vulnerability. The above, while today the country would be contributing significantly to the consumption of fossil fuels<sup>1457</sup>. Moreover, taking into account that nine out of ten people live below or near sea level and the rise in sea level in the country has been reported as a consequence of climate change.<sup>1458</sup>

681. Therefore, REDESCA highlights the need for these measures to be adopted in a timely manner, taking into account that, as established in its report on companies and human rights, the right to development must be sustainable, and in that sense, it is the well-being and rights of individuals and communities need to be put at the center, rather than that of economic statistics<sup>1459</sup>. In this way, REDESCA makes itself especially available to the State to socialize and identify actions aimed at complying with the recommendations of the report on companies and human rights: inter-American standards.

## 20) HAITI

682. Haiti is to date one of the countries in the region most affected by the pandemic. With a total of 9,674 registered infections and 234 deaths until December 21. It should be noted in this regard that in Haiti the virus spreads twice as fast as in the Dominican Republic<sup>1460</sup> and its health system has only a little more than 900 doctors to serve the entire population<sup>1461</sup>.

683. On March 15, 2020, the country's Prime Minister, Joseph Jouthe, declared the country's border closure with the Dominican Republic as of March 17 and indefinitely<sup>1462</sup>. Likewise, flights to both origin and destination to Europe, Latin America and Canada were prohibited, while the only country with a waiver for flights either outward or return would be the United States, as long as a negative examination of COVID-19<sup>1463</sup>. However, on July 1, the Haitian government reactivated its borders, allowing access to foreigners with the same condition.<sup>1464</sup>. However, since then imported cases

<sup>1456</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. 64, April 10, 2020

<sup>1457</sup> The New York Times, ['It Changed So Fast': Oil Is Making Guyana Wealthy but Intensifying Tensions](#), April 8, 2020

<sup>1458</sup> Ibid.

<sup>1459</sup> IACHR, [Business and Human Rights: Inter-American standards](#), OEA / Ser.L / V / II, Para. 45, November 1, 2019

<sup>1460</sup> Free Haiti. [Progression of active cases, 2 times faster in Haiti than in the Dominican Republic](#). June 17, 2020.

<sup>1461</sup> Brazil of Fato. [In the midst of the pandemic, Haitians ask for the departure of the government accused of corruption](#). July 21, 2020.

<sup>1462</sup> EFE Agency. [Haiti closes the borders and prohibits flights due to the coronavirus](#). March 15, 2020.

<sup>1463</sup> Idem.

<sup>1464</sup> Latin Press. [Haiti requires COVID-19 test for passengers on commercial flights](#). June 30, 2020.



increased by 73%, where the majority were from the Dominican Republic and the rest from the United States.<sup>1465</sup>

684. Parallel to the above, the problems in terms of ESCER are mostly aggravated by the pandemic. The growing food insecurity coupled with the scarcity of information means has caused a large part of the population to not believe in COVID-19 and turn to home remedies instead of seeking medical help. On the other hand, there has been a growing discomfort of the population towards the Government, accused of corruption, because even when it claims to receive funds to attend the pandemic, no information has been issued on what uses are given to the resources<sup>1466</sup>.

## A. Poverty / Economic situation

685. The pandemic caused by the Coronavirus has generated a severe economic impact on the Caribbean economy, reflected in the loss of approximately 1.5 million jobs.<sup>1467</sup> Haiti, with almost 60% of the population living in poverty<sup>1468</sup>, simultaneously suffers an inflation in the basic food basket that in some areas doubled compared to the previous year<sup>1469</sup>. This has caused severe food insecurity to worsen, projecting an increase from 700,000 to 1.6 million people.<sup>1470</sup> It is estimated that in the context of the pandemic, 40% of the Haitian population are in need of urgent food aid<sup>1471</sup>.

## B. Right to health

686. The right to health has been particularly affected in 2020. For a decade, the health sector in the Haitian State has declined due to low administrative and budgetary attention. In this sense, there is information that there is only one hospital bed for every 1,502 inhabitants, one doctor for every 3,353 inhabitants, and while the regional average is 83.4 beds for every 10,000 inhabitants, that of Haiti is less than 10 for every 10,000<sup>1472</sup>. In addition to this, there is not a sufficient number of tests carried out, so it is estimated that the rate of infections is even higher, according to Doctors Without Borders<sup>1473</sup>.
687. REDESCA observes with concern the health status of the people of Haiti, especially at the borders and specifically with the Dominican Republic<sup>1474</sup>. In this sense, it is taken into consideration that people in this area are usually in a situation of mobility and lack the health infrastructure to access medical services.<sup>1475</sup> Following this line, it should be noted that people in a situation of mobility (migrants) and indigenous people are those most exposed and vulnerable to the virus<sup>1476</sup>. In this sense, REDESCA recommends adopting strategies with differentiated approaches that consider the situation in which each person finds himself, including the cultural context and essential needs.<sup>1477</sup>

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<sup>1465</sup> Barbados Today. [REGIONAL - Haiti records significant increase in imported COVID-19 cases after re-opening airport](#). July 6, 2020.

<sup>1466</sup> The country. "[Haiti, the coming famine.](#)" July 27, 2020.

<sup>1467</sup> International Labor Organization. [ILO: COVID-19 eliminates the equivalent of 1.5 million jobs in the Caribbean](#). May 13, 2020.

<sup>1468</sup> South wind. [Haiti suffocates](#). June 23, 2020.

<sup>1469</sup> France 24. [In Haiti, the choice is between dying of hunger today or by COVID-19 tomorrow](#). May 2, 2020.

<sup>1470</sup> World Food Program. [Millions at risk of food insecurity in Latin America and the Caribbean](#). May 28, 2020.

<sup>1471</sup> France 24. [In Haiti, the choice is between dying of hunger today or by COVID-19 tomorrow](#). May 2, 2020.

<sup>1472</sup> WHO and Nurses Now. [State of World's Nursing 2020](#). April 2020.

South wind. Haiti is suffocating. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1473</sup> LRN. [Doctors Without Borders: Sudden Spike In Haiti's COVID Cases, Deaths 'Alarming'](#). June 7, 2020.

<sup>1474</sup> The Haitian Times. [Coronavirus Outbreaks At Border Put Haitian Migrants At Risk](#). June 17, 2020.

<sup>1475</sup> Idem.

<sup>1476</sup> Idem.

<sup>1477</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.





688. On the other hand, the Government implemented a permanent Information Center on COVID-19 in order to facilitate the coordination of the main awareness-raising actions and measures against the coronavirus.<sup>1478</sup> However, the entry control through the border of the Dominican Republic coupled with a lack of PCR tests has caused great uncertainty in relation to the information on COVID-19, since the figures and data would be inaccurate<sup>1479</sup>. In this sense, it is important to ensure the design of an action plan that provides effective monitoring, prevention, detection, treatment, control and monitoring of the pandemic.<sup>1480</sup>
689. It has been known that there is great skepticism towards COVID-19 on the part of the Haitian population, identifying up to 72 home remedies to treat the virus<sup>1481</sup>. Given this, campaigns have been carried out in which experts go from door to door providing truthful information and debunking the myths in this regard.<sup>1482</sup> In this context, REDESCA calls on the State to establish effective strategies that provide the necessary information with broad transparency, avoiding the concealment of data and maintaining an effective monitoring system.<sup>1483</sup>

## C. Right to housing

690. An estimated 34,000 people remain in the same situation of poverty since the 2010 earthquake<sup>1484</sup>. There is information that thousands of affected people live in shelters without drinking water, with roofs that do not protect from rain and surrounded by garbage, in an unhealthy and hygienic environment<sup>1485</sup>. This situation has been found reproduced in Corail, Delma 2, among other communities. In this sense, REDESCA highlights the importance of adopting measures that contemplate the differentiated impact that people experience, taking into account their situation of vulnerability, basic needs and access to health, as well as sufficient economic means to survive in a dignified manner.<sup>1486</sup>
691. Parallel to the above, there is knowledge of failures by the State to provide basic services. The poor condition of some power plants has caused constant blackouts in various regions of the country<sup>1487</sup>. Considering the fact that the pandemic generates an imposed or recommended quarantine, it is of the utmost importance that the State can guarantee access to essential goods and services, including electricity, the internet, among other issues.<sup>1488</sup>

## D. Labor rights

692. REDESCA observes with concern the work environment in which health personnel develop, especially with respect to the centers administered by the State, since just one week after the first registered case of COVID in the national territory, shortages of supplies and other personal protective equipment for health personnel<sup>1489</sup>. In the same sense, the Hospital of the State University of Haiti, identified as the most important in the country, received various internal complaints about the same

<sup>1478</sup> RFI. [Haiti wants to strengthen its system against COVID-19](#). March 18, 2020.

<sup>1479</sup> MNN Online. [Haiti plagues by COVID, civil unrest, pandemic fallout](#). June 22, 2020.

<sup>1480</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1481</sup> Le Nouvelliste. [UEH: Identified around 72 traditional recipes to prevent and combat COVID-19 in Haiti](#). August 13, 2020.

<sup>1482</sup> News Americas [Now. In Haiti, Community Leaders Go Door To Door To Bust Coronavirus Myths](#). July 29, 2020.

<sup>1483</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1484</sup> The Spanish. [Ten years living in the temporary shelters of the earthquake in Haiti: "We live in misery."](#) January 12, 2020.

<sup>1485</sup> Idem.

<sup>1486</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1487</sup> Haitian Time. [Cap-Haitien Residents Take Frustration Out On EDH Workers](#). July 25, 2020.

<sup>1488</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1489</sup> RFI. [Haiti can count on Cuba in the fight against the coronavirus](#). March 26, 2020.



issue, stating the shortage of gowns, masks, gloves, among other materials and even lack of a room for intensive therapy<sup>1490</sup>.

693. In this sense, it is also worrisome that health centers essentially have water and -on occasions- soap.<sup>1491</sup> This situation has caused dozens of doctors to drop out of their jobs, causing a worsening in the precariousness of the sector<sup>1492</sup>. Given this, REDESCA emphasizes the importance of guaranteeing the rights of health workers, both in terms of the risks of contagion of the virus and in general their labor rights, including wages, freedom of association, among others.<sup>1493</sup> Likewise, access, distribution and availability of supplies, equipment and sufficient means must be guaranteed to deal with the pandemic effectively, emphasizing that the lack of resources does not justify any act of discrimination.<sup>1494</sup>.
694. REDESCA observes with concern the situation of the labor rights of health personnel with regard to working in a just and satisfactory environment, freedom of expression and freedom of association. It is known that this union has been repressed with violence during demonstrations, irregular arrests have been made and they fear a generalized growing insecurity throughout the national territory.<sup>1495</sup>. In this sense, various health centers were organized to carry out a work stoppage as a protest, enabling only merely essential services<sup>1496</sup>.
695. On the other hand, taking into consideration the relevance of the textile industry in Haiti and to protect the jobs of said people, the Government authorized the activities of said industry as of April 20<sup>1497</sup>. The foregoing with the condition that it respects the sanitary measures, which include, but are not limited to, the rotation of personnel with an occupation of only 30% simultaneously, taking the temperature of the workers each time they enter the factory, and the obligation to wear face masks at all times<sup>1498</sup>. In this sense, REDESCA recalls the obligation to demand and monitor that companies respect human rights, adopt due diligence processes and be accountable for possible abuses and negative impacts, particularly in the face of the effects of the pandemic.<sup>1499</sup>.

## E. Right to education

696. The right to education in Haiti has been one of the most affected in recent years, since before the suspension of face-to-face classes due to the pandemic, another suspension was given due to the constant waves of violence in the street<sup>1500</sup>. However, in August the decision was made to resume face-to-face classes<sup>1501</sup>. It should be noted that in Haiti 79% of children and adolescents lack access to the internet at home, so distance education is seriously hampered<sup>1502</sup>.
697. Notwithstanding the foregoing, the pandemic has caused a series of particular problems that hinder access to quality education even with the resumption of classes. Among them is the impossibility of

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<sup>1490</sup> Idem.

<sup>1491</sup> Idem.

<sup>1492</sup> Le Nouvelliste. With no equipment, no quarantine room, the doctors flee HUEH. March 24, 2020.

<sup>1493</sup> Inter-American Commission on Human Rights. Resolution 1/2020: Pandemic and Human Rights in the Americas. April 10, 2020.

<sup>1494</sup> Idem.

<sup>1495</sup> Latin Press. Work stoppage in hospitals in Haiti against insecurity. November 30, 2020.

<sup>1496</sup> TelerSur. Haitian doctors protest against high levels of insecurity. November 30, 2020.

<sup>1497</sup> International Monetary Fund. Policy Tracker. July 10, 2020.

<sup>1498</sup> Ibid

<sup>1499</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1500</sup> Reuters. Haiti's schools re-open but many parents now can't afford them. August 20, 2020.

<sup>1501</sup> VOA News. Haiti Schools Reopen for First Time in Five Months Since Coronavirus Outbreak. August 18, 2020.

<sup>1502</sup> Latin Press. Most Haitian students lack internet access. December 2, 2020.



paying tuition fees, since, given the massive loss of jobs, the suspension of some and the lack of salary payments has caused these problems to be reflected in the education sector<sup>1503</sup>.

698. Similarly, less than a month after the resumption of classes, they are interrupted due to the absence of teachers. Although private institutions have managed to return to classes on a regular basis, teachers from public institutions demonstrate in the streets demanding a decent and healthy work environment, since they express precarious conditions and lack of protocols to mitigate the impact of COVID-19<sup>1504</sup>. As a result of the above, students from the same schools have demonstrated in the streets with the aim of having their teachers return to the classrooms to teach.<sup>1505</sup>
699. REDESCA reminds the State of the need to mitigate the educational backwardness in the country and at the same time guarantee the right to work in fair and satisfactory conditions. In this sense, the State must guarantee its workers sufficient resources so that they can carry out their work safely, minimizing exposure to the virus and the risk of contagion.<sup>1506</sup> On the other hand, it is necessary to guarantee the education of children and adolescents, considering their differentiated impact, available resources and essential needs.<sup>1507</sup>

## 21) HONDURAS

700. Regarding the situation of ESCER in Honduras, REDESCA notes that, by December 2020, the country registered a number of 116,860 confirmed cases of COVID-19, and 3,025 people died as of December 19, 2020.<sup>1508</sup> In this context, the State issued since February 4, 2020 Guidelines for the epidemiological surveillance, management, control and prevention of the new coronavirus. Its specific objectives include the establishment of procedures for the collection, handling, shipment and processing of samples for possible suspected cases of COVID-19, as well as the monitoring of epidemiological alerts to guide prevention and control measures.<sup>1509</sup>
701. In addition to this situation, REDESCA notes that, by virtue of the general impact that the pandemic has had in all sectors of society, it is important to look at the cross-cutting effects of this crisis. In particular, REDESCA observes with concern the facts reported in relation to the industrial sector of the maquilas, as well as the facts related to the defenders of the land, territory and nature. In the same way, civil society organizations have characterized that, in the context of the pandemic, corruption and impunity have disastrous consequences, reduce the capacity of the State to respond to the crisis, leave out access to resources to the sectors socially more vulnerable and put people's lives at risk.<sup>1510</sup>

### A. Poverty and Human Rights

702. In relation to the impacts of poverty on the enjoyment of human rights, REDESCA takes note that according to information mentioned by the State that within the framework of the Framework Law of the Social Protection System and the Protection Policy Social, plans and programs

<sup>1503</sup> Reuters. [Haiti's schools re-open but many parents now can't afford them](#). August 20, 2020.

<sup>1504</sup> Virgin Islands Daily News. [School has reopened in Haiti. But students, teachers are protesting on the streets](#). August 27, 2020.

<sup>1505</sup> Le Nouvelliste. [The school of the sacrificed](#). September 7, 2020.

<sup>1506</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1507</sup> Idem.

<sup>1508</sup> State of Honduras, Communiqué No. 285, December 19, 2020

<sup>1509</sup> State of Honduras, [Ministry of Health, Guidelines for epidemiological surveillance, management, control and prevention of the 2019 New Coronavirus \(2019-nCoV\)](#), February 4, 2020

<sup>1510</sup> Center for Democracy Studies, [Honduras: corruption and pandemic a devastating coexistence](#), April 28, 2020



that make up the Social Protection Floor are implemented and executed. This policy, the State indicates, would benefit more than 1 million households with 3.5 million people belonging to people in vulnerable situations, including: children and adolescents, women, indigenous peoples and Afro-descendants, the elderly, returned emigrants, , people with disabilities and LGBTI people.<sup>1511</sup>

703. Similarly, the State indicated that to address the issue of multidimensional poverty there are a series of social programs focused on different groups in vulnerable situations through a strategy that involves several actors. Likewise, the State formed an Economic and Social Cabinet to implement the Investment Plan for the Economic Reactivation of the country 2020-2021, focused on the human person, and the generation of jobs. This Economic Reactivation Plan will give continuity and expand employment opportunities, access to productive assets and financial inclusion, as has been promoted for populations that have been excluded from these rights: women, indigenous and Afro-Honduran peoples, youth, people in extreme poverty in rural and urban areas, and people with disabilities.<sup>1512</sup>
704. In this same context, REDESCA takes note of the implementation of the Alianza para el Corredor Seco (ACS) is an initiative supported by international organizations focused on joining efforts to reduce poverty and malnutrition through strategic investments in vulnerable communities of the Dry Corridor of Honduras. It is aimed at benefiting the households and communities benefited from the departments of Intibucá, La Paz, Lempira, Copán, Santa Bárbara and Ocotepeque, through increased income, employment opportunities, productivity, access to markets and services. financial resources, as well as the governance of water management and access to better maternal and child health and nutrition services.<sup>1513</sup>
705. On the other hand, REDESCA takes into account that, according to the National Human Rights Commissioner of Honduras (CONADEH), studies by different organizations refer to the lack of results and positive impacts in the application of fiscal policy. An example of this, the study Incidence of Fiscal Policy on Inequality and Poverty indicates that fiscal policy limits the country's development possibilities, especially for those who live in rural areas. Along these lines, CONADEH adheres to the recommendations that express the urgent need to promote a comprehensive, fair, sustainable and sufficient fiscal policy to achieve social cohesion. To do this, the State must focus on making adjustments to eliminate a regressive tax structure, which is sustained on the basis of indirect taxes, which affect more those who have less income; it must optimize the distribution of public spending for the population that really needs it, especially for groups in vulnerable conditions; it should guide public spending also to universalize access to education and health; as well as promoting formal employability in rural areas as a mechanism to expand the resources and services of the State to this population.<sup>1514</sup> These decrees are economic relief measures, which have come to give support to taxpayers in relation to the payment of their tax obligations; However, up to this moment, there are still taxpayers who would not have complied because they have not been able to resume the activities to which they are dedicated.<sup>1515</sup>
706. On the other hand, REDESCA takes note of the information registered by the Coalition Against Impunity in Honduras, by which they indicate that 68.2% of people in Honduras live in poverty.<sup>1516</sup>,

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<sup>1511</sup>State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with IACHR recommendations, October 2020, p. eleven

<sup>1512</sup>State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with IACHR recommendations, October 2020, p. 12

<sup>1513</sup>State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with IACHR recommendations, October 2020, p. 12

<sup>1514</sup>CONADEH, Follow-up Report on Recommendations of the Reports on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights, p. 10

<sup>1515</sup>CONADEH, Follow-up Report on Recommendations of the Reports on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights Page 11

<sup>1516</sup> Connection. [Failed public policies keep Honduras in poverty and inequality](#). November 15, 2020.



of which 40% are in conditions of extreme poverty<sup>1517</sup>. REDESCA received information indicating that inequality and poverty in the country have worsened in the last 10 years, since the 60% reduction in the purchasing power of Lempira and the dollarization of goods and services such as the internet significantly reduces the capacity for social ascent of families living in poverty<sup>1518</sup>. Likewise, REDESCA finds it worrying that, according to FOSDEH, spending on education and health in the country has grown on average by 3 and 2 percent, respectively, while spending on security and defense combined is 21 percent.<sup>1519</sup>

707. Therefore, REDESCA reiterates that people and families living in poverty run a high risk of losing their sources of employment, or of experiencing a drastic decrease or loss of economic subsistence income due to the provisions and orders on distancing, social isolation and quarantines that generate the closure or limitation of various economic activities. When these measures do not incorporate a human rights approach, they not only expose in a tragic way the drastic and complex situations in which these populations find themselves; in turn, they generate greater risks of contagion and damage to their health, as they are forced to fail to comply with the measures in place to gain essential access to sources of water and food. In short, the context of a pandemic produces disproportionate burdens on them,<sup>1520</sup> It is necessary for the State to continue making all possible efforts so that different mechanisms can address this situation, prioritizing care in the sectors with the greatest situation of vulnerability.

## B. Right to health

708. Regarding the right to health, REDESCA notes that the State began the Fuerza Honduras program on July 20 for 12 of the 298 mayors in the country, whose objective is to transfer funds to each municipality for the installation of triage centers, brigades and hiring of health personnel<sup>1521</sup>. In this regard, it was reported that, by August 14, all of these funds had been transferred to all municipalities in the country<sup>1522</sup>. Similarly, the State reported that for the year 2020 the budget for the Ministry of Health (SESAL) was more than 15 million Lempiras. Along these lines, the State communicated that it approved the 2019-2022 Work Plan in the health area, which seeks to guarantee the supply of medicines, surgical medical supplies, reduction of surgical delays, epidemiological situations, among other objectives. Likewise, the State indicated that it has 8 national hospitals, 6 regional hospitals, 17 area hospitals, and 447 health centers with doctors, 1,097 centers with nurses, 74 maternal and child clinics and 3 peripheral clinics, for a total of 1,652 health units. in 2019.<sup>1523</sup>
709. Likewise, the National Congress through Legislative Decree 33-2020, within the framework of the humanitarian and health emergency of COVID-19, authorized SEFIN to carry out internal or external contracting of loans, redistribution or reallocation in Fiscal years 2020 and 2021 of available external resources, among others, up to an amount of 2,500 million US dollars. Said resources will be used to provide the National Health System with Immediate Response Capacities for the control,

<sup>1517</sup>Social Forum on External Debt and Development of Honduras (FOSDEH). Report sent to the Executive Secretariat of the IACHR regarding compliance with the recommendations. Human Rights in Honduras. October 2020.

<sup>1518</sup> Idem.

<sup>1519</sup> Idem.

<sup>1520</sup> IACHR, [IACHR and its REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas against the COVID-19 pandemic](#), June 2, 2020

<sup>1521</sup> Presidency of the Official Press. [Honduras Force Program kicks off this Monday with first transfers to city halls to combat the pandemic](#). July 19, 2020.

<sup>1522</sup> National Television of Honduras. [Resources of Fuerza Honduras are in the 296 municipalities of the country](#). August 14, 2020.

<sup>1523</sup> State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with IACHR recommendations, October 2020, p. 10





containment and propagation of the Epidemic. The budget executed by the MOH to counteract the effects of the pandemic, until October 16, 2020 was L. 527, 526,433.7 million.<sup>1524</sup>

710. On the other hand, REDESCA notes that CONADEH indicated that it has been making several observations regarding the situation of health services in the country. In particular, as a consequence of the COVID-19 pandemic, a series of changes in focus and adaptation of health services have been made. Among the indicators there are 2,000 additional hospital beds, as well as laboratories, physical spaces, an increase in personnel, etc., which strengthen the national health system. However, it is still necessary to provide more support and sustainability to these new aspects and to continue strengthening the protection of the right to health with a more robust budget, which is managed efficiently and transparently.<sup>1525</sup>
711. For their part, in their latest report on the actions in the framework of the health emergency, they indicated that the main violation expressed in the complaints was in relation to the right to health. This includes the coverage of health services, the supply of equipment, medicines and medical supplies and the provision of personal protection elements. In addition, complaints were registered due to the lack of attention to patients and people who are in delicate health conditions due to other types of diseases. Therefore, CONADEH points out that, depending on the type of care, in 57% of the complaints related to COVID-19, it was filed for violation of rights by State authorities, while the remaining 47 percent, for disrespect of individuals or humanitarian care provided. Similarly, for the most part,<sup>1526</sup>
712. In this sense, REDESCA is concerned that according to the information provided by CONADEH, within the complaints addressed in the health emergency period, there were 94 complaints of acts of discrimination and stigma, of which 44 were directly related by COVID-19, mainly against health personnel, journalists and people infected with COVID-19; also for various humanitarian care, mainly related to the lack of food. Most of these 44 complaints of discrimination were presented for violations of the right to personal integrity (11 complaints), the right to work (6 complaints), the right to honor and dignity (6 complaints), the right to health (5 complaints each). one) and the right to petition and acts of the Public Administration (3 complaints each), among others.<sup>1527</sup>
713. For its part, REDESCA is aware that, according to public information, in light of the current situation of the country's public health system, the response by the State would not have been able to supply the excess demand and burden on it. On July 6, four months after the start of the pandemic, national media reported that 26 of the 28 public hospitals destined to receive patients with COVID-19 did not have the supply of biosafety equipment and the number of beds corresponding to the demand, forcing many sick people to wait for hours in chairs before being treated<sup>1528</sup>. In August, although there was a decrease in the influx of people with COVID-19 in the hospitals of the industrial cities of the country, the remaining 16 departments - the rural area of the country - experienced an exponential phase of growth of cases in hospitals that were collapsed due to the systematic lack of public health<sup>1529</sup>.
714. Along the same lines, according to different reports from civil society organizations, there was a lack of transparency in the public procurement processes carried out during the health emergency. It is in this context, a possible fraud against the State was reported due to the overvaluation of prices,

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<sup>1524</sup> State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with IACHR recommendations, October 2020, p. 11

<sup>1525</sup> Page 9

<sup>1526</sup> National Commissioner for Human Rights, Third Special Report to the people and government of Honduras: Actions of CONADEH to guarantee the protection and respect of the human dignity of the people and the population in general, during the health emergency situation caused by the coronavirus and severe dengue in Honduras, July 2020, p. 61-62

<sup>1527</sup> Idem, p. 63

<sup>1528</sup> Latin Press. Lack of resources and personnel aggravates health crisis in Honduras. July 6, 2020.

<sup>1529</sup> Criterion HN. Pandemic has not flattened, it has moved to rural areas, doctors say. August 17, 2020.



negligence of the authorities in the purchase of deficient biosafety equipment and abuses in decision-making<sup>1530</sup>. This includes the acquisition at a premium of seven mobile hospitals to care for COVID-19 patients.<sup>1531</sup> On the other hand, on June 22, it was known through publicly known information that the company that sold these hospitals to Honduras through the Strategic Investment Unit of Honduras (Invest-H) had falsified the records of another company that is dedicated to make these hospitals<sup>1532</sup>. In the same way, the health workers made multiple complaints pointing out the lack of necessary supplies and the terrible conditions of the hospital centers; also including that these sites did not have the proper adaptations to serve children and adolescents; in particular, there was no specialized protocol for such purposes<sup>1533</sup>.

715. Along the same lines, REDESCA expresses its concern that in the country's 2021 budget project, health services will suffer a cut of 0.2% instead of being strengthened. This is because they would be assigned 2.7% of GDP compared to the 2.9% that was assigned for 2020.<sup>1534</sup> For its part, the project includes an increase in defense and security items, from 3.2% of GDP this year to 3.4%.<sup>1535</sup>
716. For REDESCA, it is also important to emphasize that, in the context of the pandemic, the country's indigenous communities experienced a differentiated impact that has a direct impact on accessibility conditions and other basic guarantees for the effective protection of their right to health. The lack of effective medical coverage in indigenous territories can generate serious additional effects on people's lives, integrity and health. For example, in the territory of the San Francisco Locomapa Tribe, there is only one rural medical care center, which is quite far from where the people of this community live, and it would not even have the necessary supply of medicines, and neither has enough health personnel<sup>1536</sup>. This particular community has been the beneficiary of precautionary measures for the protection of the IACHR since 2013, due to the critical situation they face in their resistance to illegal extractive activities and wood consults in their ancestral territory.<sup>1537</sup> According to civil society organizations, so far the State has not been taking concrete measures to avoid a greater risk exposure of communities to the virus<sup>1538</sup>.
717. On June 15, human rights organizations and the country's Penitentiary Board demanded a humanitarian intervention in the Támara penitentiary in the department of Francisco Morazán and the rest of the country due to the alarming spike in COVID-19 infections in Honduran prisons<sup>1539</sup>. They also denounced that the constitutional chamber of the Honduran Judicial Power rejected a request for the release of older adults deprived of liberty with chronic-terminal illnesses, which was presented by the National Committee for the Prevention against torture and other cruel and inhuman treatment (CONAPREV)<sup>1540</sup>.
718. Finally, this Office of the Special Rapporteur observes with concern that, due to the precarious conditions of the public health system, many people who present symptoms of COVID-19 have chosen to spend in private laboratories to use public hospitals for rapid tests or PCR<sup>1541</sup>. However, for those who have no other option but public health centers, there have been several testimonies of

<sup>1530</sup> Criterion HN. [Honduras: Corruption and misery in the health system cause death and hopelessness](#). August 10, 2020.

<sup>1531</sup> Infobae. [Former officials accused of corruption with COVID-19 funds captured in Honduras](#). October 5, 2020.

<sup>1532</sup> Criterion HN. [New corruption scandal surrounding the purchase of hospitals in Honduras](#). June 22, 2020.

<sup>1533</sup> Criterion HN. [Children and youth: in state abandonment amid the pandemic](#). May 31, 2020.

<sup>1534</sup> ICEFI, [Honduras's proposed budget for 2021 further cuts insufficient social investment](#), October 9, 2020

<sup>1535</sup> Idem

<sup>1536</sup> Criterion HN. [They request protection from the IACHR in the face of the food crisis and COVID of the Tolupán ethnic group in Honduras](#). June 4, 2020.

<sup>1537</sup> Idem.

<sup>1538</sup> Idem.

<sup>1539</sup> Criterion HN. [They demand "humanitarian intervention" in prisons in the face of alarming cases of COVID-19](#). June, 15.

<sup>1540</sup> Idem.

<sup>1541</sup> Criterion HN. [Honduras: Corruption and misery in the health system cause death and hopelessness](#). August 10, 2020.



their inability to administer the virus detection test, as well as the lack of adequate personnel, medicines and medical equipment.<sup>1542</sup>

719. On the other hand, REDESCA also takes into account that, in addition to the pandemic caused by the Coronavirus, the health system was also impacted by the attacks caused by the tropical storms Eta and Iota. In this regard, REDESCA spoke with the IACHR pointing out how natural disasters of these characteristics can have direct effects on the enjoyment and enjoyment of different ESCER.<sup>1543</sup> However, REDESCA is concerned that after a month of the storms, according to civil society organizations, around 250,000 people were without access to medical services or hospitals. Around 50% of the country's health centers would be closed, damaged or with difficulties in providing their services.<sup>1544</sup>
720. In this sense, the Commission, in Resolution 1/2020, mentions that the States are under the obligation to guarantee that in the measures adopted to face the pandemic, the content of the human right to health and its benefits is taken as a priority. basic and social determinants, which are related to the content of other human rights, such as life and personal integrity and other ESCER.<sup>1545</sup> In the same way, part of the obligations that the States assume within the framework of the Inter-American System, in relation to the ESCER, is linked to their obligation to use up to the maximum of the available resources, understanding these resources as in their entirety and not only those destined for the health sector. Similarly, REDESCA recalls that within the financing mechanisms available to the State is the possibility of seeking funds through international cooperation, either with multilateral funding entities, with non-governmental organizations or with other States. In particular, these spaces should particularly foster the full participation of the groups and sectors most affected by the pandemic, civil society, National Human Rights Institutions,<sup>1546</sup>

### C. Right to education

721. Regarding the guarantee of the right to education, REDESCA looks with concern that the impacts of the pandemic and other situational crises have differentiated impacts on the enjoyment and enjoyment of it. In this regard, it should be noted that the State through a press release reported on the suspension of all face-to-face classes as of March 13, which had an initial phase of 14 calendar days.<sup>1547</sup> Faced with this situation, REDESCA notes that the State already had a public policy tool, such as the Guidelines for the Functionality of Home Education, which is a modality recognized by the Honduran legal framework, developed to offer services quality education at the levels of Pre-Basic Education, Basic Education and Secondary Education in order to provide personalized and comprehensive attention to children and adolescents and young people, in the context of the home orin community spaces, outside of traditional educational centers.<sup>1548</sup>
722. Likewise, the State indicated that in order to continue teaching in the Honduran educational system, classes will be offered through the signal of the Honduran Canal Telebásica belonging to the Suyapa Medios Corporation. Also adding that this modality covers the three educational levels, both Pre-basic, Basic and Middle and that there are no specific schedules, only in Pre-basic and that the classes are sent through WhatsApp and uploaded to the Telebásica YouTube channel so that they are

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<sup>1542</sup> Idem.

<sup>1543</sup> IACHR,

<sup>1544</sup> Doctors without borders, Honduras: hundreds of thousands of people remain without access to medical services a month and a half after the hurricanes, December 21, 2020

<sup>1545</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights, para. 4

<sup>1546</sup> Idem, para. 82.84

<sup>1547</sup> State of Honduras, Office of communications and presidential strategy. Statement on measures to prevent the spread of COVID-19 in the country, March 13, 2020

<sup>1548</sup> Secretariat of Education of Honduras, Guidelines for Homeschooling Functionality, January 2020



accessible anytime.<sup>1549</sup> Likewise, work has been done to improve internet connectivity, to improve infrastructure and teacher training, as well as to strictly comply with the payment schedules for the teaching staff.<sup>1550</sup>

723. However, REDESCA also takes into account that, according to civil society organizations, approximately 50% of students would not continue with their training process due to the COVID 19 crisis. In the same way, they point out that a 80% of the students have not been able to continue their classes regularly due to the lack of internet connectivity. To serve the remaining 20%, teachers have had to be creative and innovative to continue the teaching and learning process through phone calls, WhatsApp groups, virtual platforms and even home visits in exceptional cases.<sup>1551</sup>
724. Along these lines, according to public information, it is estimated that at least 800,000 children in Honduras from the most vulnerable strata are at risk of dropping out of their studies due to the closure of schools and the economic crisis that has worsened with the COVID-19 pandemic. This is due to the fact that according to figures from the National Institute of Statistics of Honduras, more than 60% of people in Honduras lack access to the internet and 91% of those who have access is through a prepaid cell phone.<sup>1552</sup>
725. On the other hand, REDESCA also reiterates its concern about the impacts that tropical storms Eta and Iota had on school infrastructure to guarantee the full right to education. As of December 4, 2020, 534 schools were damaged, and some 10,000 students from 14 departments are still in shelters.<sup>1553</sup>
726. REDESCA reminds the State that in the context of COVID-19, the Commission has ruled in relation to the right to education, noting that States must have mechanisms that allow children and adolescents to continue with access to education and with the stimuli that their age and level of development require.<sup>1554</sup> In this sense, it is the obligation of the State to seek the most appropriate mechanisms so that, to the extent that it is allowed, no person is left behind in their educational plan, guaranteeing the greatest possible access to learning mechanisms. In general, REDESCA recommends that the State focus its efforts to transform education systems into structurally inclusive and resilient systems. In this framework, the reopening of schools is a primary objective that must be considered in attention to health conditions and the best interests of children and adolescents.<sup>1555</sup>

## D. Labor and Union Rights

727. Regarding the situation of labor and union rights, REDESCA takes note of the implementation of some regulatory measures imposed by the State to regularize labor relations in the face of the onslaught of the pandemic. Through Legislative Decree No. 31-2020 of March 13, 2020, the Special Law of Economic Acceleration and Social Protection against the Effects of Coronavirus was issued, which among its different provisions is the authorization for the implementation of telework, indicating

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<sup>1549</sup> Secretariat of Education of Honduras, While the emergency lasts, Educandos will receive their classes on the Honduran channel Telebásica, March 24, 2020

<sup>1550</sup> Secretariat of Education of Honduras, Government works to strengthen internet connectivity in educational centers, July 5, 2020; Secretariat of Education of Honduras, Ministers of Finance and Education Announce: Government Pays More than 6,000 Pre-Basic Teachers and Collaborators, December 31, 2020

<sup>1551</sup> COIPRODEN, Public Communiqué COVID-19 No. 7, After more than 2 months of suspension of face-to-face education in educational centers, uncertainty increases, June 4, 2020

<sup>1552</sup> EFE, Some 800,000 Honduran children at risk of dropping out due to COVID, August 18, 2020

<sup>1553</sup> OCHA, Honduras: Addendum Flash Appeal Tropical Storms Eta & Iota, December 2020

<sup>1554</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020

<sup>1555</sup> IACHR, Practical Guide No. 2: How to guarantee access to the right to education for girls, boys and adolescents during the COVID-19 pandemic?



also the forms of contracting to make it effective.<sup>1556</sup> Likewise, the Law to help the productive sector and workers in the face of the effects of the pandemic caused by COVID-19 was issued, through legislative decree No. 33-2020 of April 3, 2020. The main characteristics of the same are the creation mechanisms that seek to guarantee job stability, as well as the creation of a solidarity contribution by the private sector that ensures the survival of working people that will not be seen as a salary.<sup>1557</sup> In this line, according to data provided by the Ministry of Labor and Social Security of the country, until August 2020, 928 companies have been protected under this mechanism, benefiting more than 110 thousand workers with the payment of the solidarity contribution.<sup>1558</sup>

728. However, despite the measures that the State has implemented, REDESCA looks with concern that according to the mVAM2 vulnerability monitoring carried out by the World Food Program in 6,183 households in the 18 departments; All economic, income-generating activities have been affected in the country due to the restrictions implemented to control the spread of the virus, especially affecting the areas of commerce, services, informal employment with daily pay, tourism and artisanal fishing in fishing areas. ; having an impact of a reduction of a 51 percent in the employment of the population.<sup>1559</sup> In the same way, the measures implemented by the State would not be covering people who are in the informal sector either, therefore it would only be covering 8.64 percent of the working population.<sup>1560</sup> However, this Office of the Special Rapporteur takes note that by October 2020, the State would have delivered a first disbursement of a single Voucher aimed at 10,000 independent workers consisting of 2,000 lempiras, which will be delivered per person and can be exchanged for food, medicine. and biosafety supplies.<sup>1561</sup>
729. Taking into consideration the aforementioned, REDESCA expresses its concern regarding the impacts that the pandemic has on the capacity that the State may have to ensure job stability. This is because the level of underemployment is high, generating a decrease in income due to the loss of job opportunities, restricted mobility (internal and international), loss of access to productive inputs, loss of access to markets, reduction of productivity due to illness, increase in health expenditures. Private companies will find it difficult to bear the cost of no cash return, which can lead to an increase in unemployment and this will affect access to food for a significant percentage of the population.<sup>1562</sup>
730. On the other hand, according to the information received by this Office of the Special Rapporteur through civil society organizations, special concern has been indicated in relation to two specific groups of workers in the context of the pandemic. In the first place, the situation of domestic workers worries REDESCA, while the context in which they carry out their activities has been affected by the pandemic. Thus, according to information provided by unions representing this group of workers, the situation of inequality of domestic workers has deepened. On one side,<sup>1563</sup>no protocol has been drawn up aimed at protecting domestic workers, despite the fact that -as we have said- there are approximately 139,000 women linked to this type of work, and furthermore, that this has been requested by organizations that defend human rights. of domestic workers.<sup>1564</sup>
731. This situation takes on greater relevance if it is analyzed that the majority of domestic workers come from remote areas, both from rural and indigenous communities that have historically been

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<sup>1556</sup> Legislative Branch of Honduras, Decree No. 31-2020, March 13, 2020

<sup>1557</sup> Legislative Branch of Honduras, Decree No. 33-2020, April 3, 2020

<sup>1558</sup> Ministry of Labor and Social Security of Honduras, Companies covered by Decree 33-2020, August 19, 2020

<sup>1559</sup> UN, Humanitarian Response Plan COVID-19 Honduras, May 2020, p. 7

<sup>1560</sup> UN, Humanitarian Response Plan COVID-19 Honduras, May 2020, p. 9

<sup>1561</sup> Ministry of Labor and Social Security of Honduras, One-time bonus was awarded to the first 10,000 independent workers, October 19, 2020

<sup>1562</sup> UN, Humanitarian Response Plan COVID-19 Honduras, May 2020, p. 8

<sup>1563</sup> Network of Paid Domestic Workers of Francisco Morazán de Honduras, Bulletin No.1 - "Somos Trabajadoras". July 2020; Lawyers without Borders, Womens Link Worldwide and Justice for Peoples Law Firm, Missive sent to REDESCA, August 25, 2020

<sup>1564</sup> We are Workers, 125+ National and international organizations: domestic workers deserve rights, June 18, 2020





oppressed and dispossessed of their lands and of the opportunities to generate their livelihoods according to their customs, as well as marginal, disadvantaged and abandoned urban neighborhoods. In both cases, racism and gender and class oppression cause domestic work to be underestimated. Consequently, civil society organizations have indicated that due to the particular context through which people who perform domestic work pass, who are mostly women and girls; it is undervalued and constantly invisible.<sup>1565</sup>

732. Second, another situation that worries REDESCA is that of maquila workers in the country. Because the poor working conditions where these people carry out their work have also been exacerbated in the context of the pandemic; thus putting their health, integrity and life at risk. Similarly, it should be noted that, according to information provided by civil society, women who work in maquilas are mostly young people who are in a precarious economic situation, have low education and come from rural areas. In Honduras, according to information from the Honduran Association of Maquiladoras (AHM), women constitute 62% of the labor force in the textile manufacturing industry.<sup>1566</sup>
733. Now, in view of the measures already indicated that were undertaken by the State, REDESCA looks with concern at the information sent to this Office of the Special Rapporteur; the textile industry companies in the country would not abide by the provisions set forth in the ordinance to guarantee the rights of these people. Specifically, it was pointed out that most of the maquiladora companies suspended operations and proceeded to deduct the time not worked from the vacations and holidays of the workers. This would imply that the workers no longer have days off to enjoy in the remainder of 2020 and some have even seen parts of their vacations and holidays for the following year compromised.<sup>1567</sup>
734. Additionally, in July the medical sector publicly expressed its concern about the lack of controls and implementation of biosafety measures in the maquila companies, as these became sources of contagion of the COVID-19 disease. Despite the strong call for attention from the medical sector and the approval of specific biosafety protocols to protect female workers, these measures have been insufficient or are not fully complied with. For example, civil society organizations indicated that there are knowledge of several cases of female workers who, upon returning to work, have presented symptoms of COVID-19. However, instead of referring them to the Honduran Social Security Institute for the corresponding test to be carried out, they are attended by company doctors. In these cases<sup>1568</sup>. This Office of the Special Rapporteur is drawn to the case of a pregnant woman who was forced to return to work, despite showing symptoms of the disease. This is particularly serious, bearing in mind that reinforced protection measures must be taken against pregnant women in the context of the pandemic.<sup>1569</sup>
735. Likewise, information was also received on the lack of mechanisms for access to justice, in view of the limitations that arose at the beginning of the pandemic when the cessation of activities and attention to the public in State institutions were ordered. It was only on August 24 that work was resumed at the Ministry of Labor and Social Security, but only at its headquarters in Tegucigalpa. This context presents serious difficulties in the opinion of the Office of the Special Rapporteur because it would be limiting the ability of people to access mechanisms of justice and control by the State. Therefore, REDESCA is concerned that, according to civil society, control mechanisms have not been established over the actions of companies, either.<sup>1570</sup> Thus, for example, according to testimonies collected by civil

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<sup>1565</sup> We are Workers, [125+ National and international organizations: domestic workers deserve rights](#), June 18, 2020

<sup>1566</sup> Lawyers without Borders, Womens Link Worldwide and Colectiva de Mujeres Hondureñas (CODEMUH), Missive sent to REDESCA Ref.: Violations of the rights of women maquilas workers in Honduras, in the context of the COVID-19 pandemic, 3 of December 2020

<sup>1567</sup> Digital Process, [Workers' centrals reject proposal to negotiate vacations for days off due to COVID-19](#), March 27, 2020

<sup>1568</sup> Lawyers without Borders, Womens Link Worldwide and Colectiva de Mujeres Hondureñas (CODEMUH), Missive sent to REDESCA Ref.: Violations of the rights of women maquilas workers in Honduras, in the context of the COVID-19 pandemic, 3 of December 2020

<sup>1569</sup> The Herald, [Pregnant women must duplicate biosecurity measures due to COVID-19](#), April 11, 2020

<sup>1570</sup> Lawyers without Borders, Womens Link Worldwide and Colectiva de Mujeres Hondureñas (CODEMUH), Missive sent to REDESCA Ref.: Violations of the rights of women maquilas workers in Honduras, in the context of the COVID-19 pandemic, 3 of December 2020



society organizations, a worker indicates that she tried to file a complaint against the company with the Ministry of Labor, due to the lack of biosafety measures in the workplace, however He did not get any response from this public institution, but he did receive a threat from his employer for having filed the complaint.<sup>1571</sup>

736. In this sense, REDESCA expresses its deep concern about the situation in which the workers of the maquilas find themselves in the context of the pandemic. REDESCA recalls that the right to decent work is framed in Article XIV of the American Declaration of the Rights and Duties of Man and in Article 6 of the Protocol of San Salvador, guaranteeing working and living conditions for people. In this sense, the Commission has indicated that the minimum content of such right is understood as work that respects the fundamental rights of the human person, as well as the rights of workers with regard to conditions of job security and remuneration.<sup>1572</sup>
737. Furthermore, in relation to the precariousness of women's work, REDESCA recalls that the IACHR has indicated that women suffer different forms of discrimination both in law and in practice with respect to access to and control of economic resources; the distribution and control of these resources within the family and outside the home; and they continue to face obstacles in acquiring the means to obtain these resources, a situation that is particularly serious in the workplace.<sup>1573</sup>
738. For its part, REDESCA notes that the State is in the process of building a National Action Plan on Business and Human Rights. In this sense, it is aware that the country's Human Rights Secretariat mentioned that a multi-stakeholder space has been created that ensures a broad, inclusive, transparent and articulated process made up of representatives of civil society organizations, the State and the private sector with the support from the Office of the High Commissioner for Human Rights and the Danish Institute for Human Rights.<sup>1574</sup> For its part, the State was able to point out that the Honduran Council of Private Enterprise approved the Institutional Policy for Business and Human Rights, in which the SEDH was consulted. Similarly, the National Association of Industrialists has the National Action Plan for Industry and Human Rights<sup>1575</sup>.
739. In this context, the Commission and REDESCA also received information from CONADEH where the signing of a memorandum of understanding on human rights cooperation was mentioned for the perspective of compliance with international regulations on business and human rights. In the same way, it stands out that the Honduran Council of Private Enterprise (COHEP), obtained the grant of a project sponsored by the Foundation Center for Technological Management and Industrial Informatics (CEGESTI) and the International Labor Organization (ILO) whose purpose is to that of promoting with the country's companies, the subject of Companies and Human Rights, and influencing training processes on the subject.<sup>1576</sup> Likewise, REDESCA takes careful note of the formation of the Business and Human Rights Committee, which is made up of 76 companies, including Chambers of Commerce and Associations, to which is also added the implementation of an

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<sup>1571</sup> Testimony collected by CODEMUH on May 29, 2020 see Abogados sin Fronteras, Womens Link Worldwide and Colectiva de Mujeres Hondureñas (CODEMUH), Letter sent to REDESCA Ref.: Violations of the rights of women maquilas workers in Honduras, in the context of the COVID-19 pandemic, December 3, 2020

<sup>1572</sup> IACHR, Compendium on Labor and Union Rights, para. 36; IACHR, Report No. 25/18. Case 12.428 Admissibility and merits. Employees of the fireworks factory in Santo Antonio de Jesús and their families. Brazil. March 2, 2018

<sup>1573</sup> <sup>1573</sup> IACHR, Compendium on Labor and Union Rights, para. Four. Five; IACHR. The work, education and resources of women: the path towards equality in the guarantee of economic, social and cultural rights, OEA / Ser.L / V / II.143, Doc. 59, November 3, 2011, para. 28

<sup>1574</sup> Honduras Human Rights Secretariat, [Honduras highlights important advances on the subject of Business and Human Rights](#), September 8, 2020

<sup>1575</sup> State of Honduras, Secretariat for Human Rights, Follow-up Report on compliance with IACHR recommendations, October 2020, p. 13

<sup>1576</sup> CONADEH, Follow-up Report on Recommendations of the Reports on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights, p. 12



institutional policy of CONADEH on Business and Human Rights.<sup>1577</sup> For its part, REDESCA reiterates the importance that Honduras implement the recommendations of its report, Business and Human Rights: Inter-American Standards, making its technical assistance available to the State for this purpose, such as promoting said report.

## E. Right to a Healthy Environment

740. The REDESCA is concerned that the effects on human rights in the context of business activities are of concern, in particular with regard to the protection of defenders of the land, territory and nature. On July 13, the environmentalist Marvin Damián Castro Molina was found dead after having expressed fear for his life before the National Protection System of the Honduran government.<sup>1578</sup> The Committee of Relatives of Detained and Disappeared in Honduras (COFADEH) demanded that the facts of his death be clarified<sup>1579</sup>.
741. Similarly, on June 23, 2020, the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) publicly denounced having received threats through a digital brochure in which an unknown group threatened to burn down the organization's "Utopia" center in La Esperanza, department of Intibucá, after COPINH offered this space as an isolation center for incarcerated people infected with COVID-19.<sup>1580</sup> In addition to this, events reported on September 30, 2020 in the morning, when a group of at least 11 people entered the Vega del Culatón and the Achotal, territory in which the community of Río Blanco, department of Intibucá, works, in order to destroy lands cultivated by the community; adding the attacks against this organization for the defense of the land and territories.<sup>1581</sup>
742. REDESCA also received a report from FOSDEH, in which they mention their concern about the 484 concessions for natural resource exploitation in favor of national and transnational corporate groups. These authorizations include extractive activities of a mining and hydroelectric nature, whose socio-environmental impact has mainly impacted indigenous and Afro-descendant territories.<sup>1582</sup>
743. Social organizations have also denounced that these activities have lacked prior, free and informed consultation with the communities affected by the operation of these projects, despite the fact that the Honduran State has invited the country to missions of the United Nations Special Rapporteur for Indigenous Peoples and the Business and Human Rights Working Group.<sup>1583</sup> These visits provided guidelines on prior consultation and recommendations within the framework of international standards, but substantial progress has not yet been seen on the part of the State to promote the protection of the human rights of indigenous and Afro-descendant peoples in the context of business activities.<sup>1584</sup> Given this, REDESCA emphasizes that extractive activities of this nature must put the well-being and rights of individuals and communities at their center, beyond economic numbers.<sup>1585</sup>
744. REDESCA recalls that obligations in environmental matters in relation to human rights have both a substantial and a procedural dimension. In this sense, it is vital that the State does not carry out

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<sup>1577</sup> CONADEH, Follow-up Report on Recommendations of the Reports on the Situation of Human Rights in Honduras of the Inter-American Commission on Human Rights, p. 13

<sup>1578</sup> DW. [Missing environmentalist found dead in Honduras](#). July 14, 2020.

<sup>1579</sup> Idem.

<sup>1580</sup> International Amnesty, [Threats against people who defend the right to land](#), June 24, 2020

<sup>1581</sup> COPINH, [Missive addressed to the Secretary of Human Rights of Honduras](#), October 5, 2020

<sup>1582</sup> Social Forum on External Debt and Development of Honduras (FOSDEH). Report sent to the Executive Secretariat of the IACHR regarding compliance with the recommendations. Human Rights in Honduras. October 2020.

<sup>1583</sup> Honduras Human Rights Secretariat, [Honduras highlights important advances on the subject of Business and Human Rights](#), September 8, 2020

<sup>1584</sup> Idem

<sup>1585</sup> IACHR and REDESCA. Business and Human Rights: Inter-American Standards, November 1, 2019, para 45.



activities that have any negative influence on the capacity of civil society to control activities that have to do with its ecosystem. In the context of the pandemic especially, REDESCA reiterates that States must suspend or refrain from approving or investing in any large-scale industrial or agricultural activity if the appropriate consultation and participation mechanisms have not been applied in accordance with international standards, including the free, prior and informed consent of indigenous peoples<sup>1586</sup>.

## F. Right to water and sanitation

745. In relation to the right to water and sanitation, REDESCA highlights that, in addition to the crisis caused by COVID, the natural disasters caused by tropical storms Eta and IOTA were also determining factors in the guarantee and enjoyment of this right. Therefore, it is important to note that even before ETA and IOTA, 15.6% of the Honduran population did not have a public or private water service, while 7.1% lacked a sanitation system.<sup>1587</sup> Likewise, UNICEF indicated that only 18% of Honduran households in Garífuna, indigenous and Afro-Honduran communities have safe water and sanitation management<sup>1588</sup>. Faced with this situation, REDESCA emphasizes the importance of the right to water, which must be accessible, affordable and adequate. This is especially important now to take the most elementary measures of personal hygiene to prevent the spread of the COVID-19 virus.
746. In this same context, REDESCA notes that according to information collected by the United Nations, serious levels of damage were identified for all urban water systems, contamination of wells in rural areas accompanied by the collapse of latrines, a fairly high number of houses still flooded or destroyed. In the shelter sector, there is a high level of need in the area affected by Iota, in the departments of Santa Bárbara, Copán and Colón, where there are many inadequate shelters.<sup>1589</sup>
747. Therefore, REDESCA looks with concern that, as of December 14, based on 118 drinking water systems nationwide, according to the CONASA / SANAA / ERSAPS damage survey, 66.1% of the systems are reported providing partial service, and 25.4% without service. Temporarily displaced families in crowded shelters and without access to adequate sanitation services have increased their exposure to the already high risk of contracting COVID-19, as well as outbreaks of waterborne diseases that disproportionately affect children under five years old. 24.4% of the affected population does not have access to soap and toothbrushes, and 36% do not live in hygienic conditions, according to a multisectoral evaluation carried out by the Humanitarian Network, and in households headed by women and with children,<sup>1590</sup>

## G. Right to Food

748. Regarding the right to food, for REDESCA, it should be noted that peasant organizations protested in May that they had been excluded from Executive Decree PCM-030-2020 to “ensure food sovereignty and security”, approved by the Council of Ministers on 11 of April<sup>1591</sup>.
749. Within their statement, they indicated that the State concessioned land of a national and ejidal nature, which could be benefiting large agro-industrial companies and leaving a minimum amount of

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<sup>1586</sup> REDESCA, [The Americas: Governments must strengthen, not weaken, protection of the environment during the COVID-19 pandemic](#), August 13, 2020

<sup>1587</sup> Connection, [Failed public policies keep Honduras in poverty and inequality](#), November 15, 2020.

<sup>1588</sup> Digital Process, [COVID-19 exacerbates violations of the rights of indigenous and Afro children in Honduras](#), July 30, 2020.

<sup>1589</sup> OCHA, [Honduras: Addendum Flash Appeal Tropical Storms Eta & Iota](#), December 2020

<sup>1590</sup> OCHA, [Honduras: Addendum Flash Appeal Tropical Storms Eta & Iota](#), December 2020

<sup>1591</sup> The Tribune, [President Hernández presents a plan to guarantee food security for the population](#), April 12, 2020.



property available to small and medium producers<sup>1592</sup>. In addition to this fact, it is also important to point out that, in addition, the presence of State security forces in common and public territories was increasing, therefore, civil society organizations mentioned an increase in the persecution and criminalization of and defenders of lands and territories<sup>1593</sup>. In April, as a result of the pandemic, human rights defense organizations presented before the Constitutional Chamber of the Supreme Court of Justice an appeal for protection in favor of the 15 thousand children and adolescents who live on the streets and are at very high risk of contagion and death from COVID-19. Until May 31, a month and a half after the filing of the amparo, the Court had not even admitted it.<sup>1594</sup>

750. On the other hand, in June the aggravated food crisis faced by the indigenous communities of the Tolupán ethnic group of San Francisco Locomapa, in the department of Yoro, was reported. In the framework of the health emergency due to COVID-19, the “Center for Justice and International Law (CEJIL) and the Broad Movement for Dignity and Justice (MADJ) requested new protection measures from the IACHR in favor of 18 MADJ members who live in the communities, requesting that the Honduran State be required to guarantee access to their rights to food and health. Discriminatory acts against this community were reported when distributing food aid in the communities, in retaliation for being members of the MADJ<sup>1595</sup>.
751. Similarly, REDESCA looks with concern that both the pandemic and the aftermath of the tropical storms mentioned above also had a profound impact on the food sector in the country. Mainly in food consumption and crop losses, due to the collapse of the road infrastructure leaving dozens of isolated communities. In this sense, there were both landslides and losses of crops, mainly basic grains and coffee. As a result of the damage to the communication routes in some communities, the agro-food chains have not been able to reactivate, leaving many communities without food for their families.<sup>1596</sup>
752. In this regard, REDESCA calls on the State to make all available efforts to address the situation of the country in this context, in the context of precariousness that exists. Considering that poverty is a phenomenon that generates transversal impacts on the enjoyment and enjoyment of some rights, including food. In this sense, the Commission has pointed out that a large part of the aspects of food insecurity and particularly malnutrition and undernourishment are a consequence (and at the same time cause) of the poverty of the population.<sup>1597</sup>

## 22) JAMAICA

753. A week before Jamaica confirmed its first positive case of coronavirus, on Tuesday March 31, 2020, Prime Minister Andrew Holness announced the “Disaster Risk Management Order”. Such decree establishes a series of measures to mitigate the impact and effects of the new coronavirus. These include: (i) regulation of market hours at 6:00 a.m. and 2:00 p.m. on Sunday, Monday, Tuesday and Wednesday, while on Thursday, Friday and Saturday they may operate from 6:00 a.m. 6:00 pm; (ii) Anyone who has entered the country as of March 18 must contact the health authorities (either by phone or through the internet platform)<sup>1598</sup>; (iii) a night curfew was established<sup>1599</sup>.

<sup>1592</sup> Connection. [Food sovereignty program leaves Honduran farmers vulnerable](#). May 29, 2020.

<sup>1593</sup> Idem.

<sup>1594</sup> Criterion HN. [Children and youth: in state abandonment amid the pandemic](#). May 31, 2020.

<sup>1595</sup> Criterion HN. [They request protection from the IACHR in the face of the food crisis and COVID of the Tolupán ethnic group in Honduras](#). June 4, 2020.

<sup>1596</sup> OCHA, [Honduras: Addendum Flash Appeal Tropical Storms Eta & Iota](#), December 2020

<sup>1597</sup> IACHR, [Poverty and Human Rights in the Americas](#), September 7, para. 48

<sup>1598</sup> Jamaica Information Service. [PM Tables New Measures To Contain COVID-19](#). April 1, 2020.

<sup>1599</sup> Jamaica Information Service. [New Curfew Hours For December To January](#). November 25, 2020.





754. On the other hand, the State established a series of economic and fiscal measures in order to stimulate the economy and avoid a greater economic impact. On the one hand, there are measures on taxes, which were reduced from 16.5% to 15%, thereby providing \$ 14 billion back to the economy to stimulate consumption. On the other hand, \$ 1 trillion in loans was directed to micro, small and medium-sized companies so that they can have greater liquidity and in such a way they can survive. Likewise, a reduction in regulatory quotas was carried out on coconut, coffee, cocoa and spices, in order to encourage farmers to produce more. On the other hand, taxes were eliminated in approximately 100,
755. Although from April 1 it was established that it was not recommended to take any kind of trip or flight, on June 1 of the year in question the borders of Jamaica are reopened, with the sole purpose of repatriating Jamaican citizens. Previously, through the Controlled Re-entry Program, 2,300 people had been repatriated, however, it is expected to stimulate the flow of income to the country with the reopening of the borders. However, the prime minister announced that returnees should go through certain security measures to confirm that there is no contagion of coronavirus, however, the examination per se would not be mandatory, although the preventive isolation of 14 days would be. On the other hand, as of June 15, international tourist trips would be allowed to enter the island, however the COVID test would be applicable only to those who are considered to come from a "high risk" region. Parallel to this, due to the decline in cases of COVID-19, the prime minister said on June 29 that meetings of 20 people would be allowed unlike the previous decree that included only 10 people.
756. In view of the foregoing, REDESCA recognizes the efforts of the State to adopt a series of multidimensional measures that seek to meet the different needs of the population, especially in the economic sector. However, the DESCA Rapporteurship emphasizes the importance of taking into account the populations in vulnerable situations and contemplating the differentiated impacts that each one experiences, thus addressing in an ad hoc manner the essential needs of each one.<sup>1600</sup>. Likewise, with respect to restrictions on fundamental freedoms, it is recalled the need to do so based on legality, democratically and proportionally and essentially to protect the right to health.<sup>1601</sup>.

## A. Right to health

757. The REDESCA is concerned about the state of health and the situation of vulnerability that the people of Jamaica live. Government authorities in the field of health affirmed that, of the total of the deceased, 99% suffered from some comorbidity or health condition such as diabetes, hypertension, obesity or even kidney diseases<sup>1602</sup>. Likewise, it was stated that approximately 50% of the country's workers (between 20 and 64 years of age) suffer from at least one non-communicable disease and of them 45% are not aware of it.
758. In this sense, the Ministry of Health and Welfare announced the beginning of a program of 50 million dollars for the prevention and management of non-communicable diseases, expecting that 13 health institutions will also be updated, improved and equipped.<sup>1603</sup>. Similarly, through the cooperation of the State with the United Nations Program for HIV / AIDS, it is expected to raise the figure from 86% to 90% of patients who are aware of their condition.<sup>1604</sup>. In this sense, REDESCA recognizes the

<sup>1600</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1601</sup> Idem.

<sup>1602</sup> The Gleaner. [COVID-19 Spotlights Jamaica's NCD Problem](#). June 10, 2020.

<sup>1603</sup> Jamaica Information Service. [Health Systems Strengthening Program to support the prevention & management of non-communicable diseases \(NCD's\)](#). March 05, 2020.

<sup>1604</sup> Jamaica Information Service. [Health Ministry Ramping Up HIV / AIDS Testing](#). March 03, 2020.



efforts of the State to guarantee the right to health of people without any discrimination. Likewise, it urges the latter to adopt measures that protect people in vulnerable situations in the face of the adverse effects of the pandemic, contemplating the differentiated impacts under which they live.<sup>1605</sup>.

759. Given the serious situation caused by the COVID-19 pandemic and the supply capacity of the water systems of the national territory, the Government made the decision to carry out an extraordinary supply through water pipes<sup>1606</sup>. These means of supply are intended to guarantee and provide access to water for both public institutions and centers and for rural communities that require it in the framework of the pandemic.<sup>1607</sup>.
760. Similarly, knowledge was obtained of the creation of water supplies in six different communities in Jamaica.<sup>1608</sup>. Through a loan of approximately \$ 30 million from the Caribbean Development Bank, it is estimated that this project benefits 100,000 people<sup>1609</sup>. In this sense, REDESCA recognizes the efforts of the State to guarantee that the measures adopted incorporate the content of the human right to health and its basic and social determinants, in this particular case on water.<sup>1610</sup>.

## B. Labor rights

761. Since March 18, the government of Jamaica established a new labor strategy to face the coronavirus pandemic. In this sense, it ordered that all those jobs considered non-essential, both in the public and private sectors, do their work from home<sup>1611</sup>. Likewise, the hours for supermarkets were limited and security measures were established such as social distancing in these areas and the imperative use of face masks.
762. Similarly, passenger capacity for public transport -including taxis- was reduced, while entertainment businesses such as bars, nightclubs, among others should remain closed until further notice. In this sense, REDESCA recognizes the efforts of the State to adopt measures that seek to minimize exposure to the virus. However, remember that these measures must consider the differentiated impacts and guarantee sufficient means for the adequate subsistence of the people, including the necessary financial support for the unemployed.<sup>1612</sup>.
763. In this sense, the programs carried out by the State are highlighted in order to support the working sector that has been affected by the pandemic, both micro, small and medium-sized enterprises, as well as unemployed people. For its part, the COVID Resource Allocation for Employees (CARE) program, distributed around \$ 3.6 billion in economic support to 337,000 workers such as waiters, bartenders, gardeners, waiters, drivers, caregivers, security guards, secretaries, among others<sup>1613</sup>. On the other hand, the program Support for Employees by Money Transfer (SET Cash) was created, which supported around 12,000 people laid off as of March 10 in the tourism sector.<sup>1614</sup>. Likewise,

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<sup>1605</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1606</sup>Jamaica Observer. [Water to be trucked to COVID-hit communities - PM](#). March 16, 2020.

<sup>1607</sup>Idem.

<sup>1608</sup>Jamaica Information Service. [Nearly 100,000 Rural Jamaicans To Benefit From Major Water Supply Project](#). December 16, 2020.

<sup>1609</sup>Idem.

<sup>1610</sup>Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>1611</sup>Office of the Prime Minister. [Cabinet Approves a Raft of Measures including Work from Home for Non Essential Tasks](#). March 17, 2020.

<sup>1612</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1613</sup>Jamaica Information System. [\\$ 3.6 Billion Transferred To Persons Under CARE Program](#). June 1, 2020.

<sup>1614</sup>Idem.



another program was created that provides economic assistance for small farmers, student loans, support for people in poverty and other groups in vulnerable situations.<sup>1615</sup>

764. Parallel to the above, REDESCA observes with concern the lack of protection experienced by some people, especially health workers. In this sense, it is known that some workers in State medical centers do not have medical expenses insurance<sup>1616</sup>. Considering the fact that this sector is the most exposed to the virus, REDESCA urges the State to adopt all the necessary measures to protect workers, guaranteeing protection supplies, as well as their social security that protects them against the disease.<sup>1617</sup>

## C. Rights to education

765. REDESCA recognizes the actions of the State to strengthen the education sector in the national territory, which has received the largest budget in its history. In this sense, it is known that of the \$ 853.5 billion budgeted for the government, \$ 117 billion went to the education sector, contemplating \$ 5 billion above the previous period.<sup>1618</sup>
766. Given this, REDESCA emphasizes the importance of allocating, disposing and using the maximum of available resources to adopt adequate measures to guarantee rights in the framework of the pandemic.<sup>1619</sup> With this, highlighting actions that consider the differentiated contexts of children and adolescents, as well as ad hoc strategies that allow all children and adolescents to access education with the stimuli that their age and level require<sup>1620</sup>.
767. Following the suspension of face-to-face classes in Jamaica, 17 schools were pilot reopened in December and another nine were announced for the same purpose<sup>1621</sup>. For this, the authorities carried out an evaluation that qualifies the institutions as capable or incapable of carrying out activities without putting the interested population -and third parties- at risk, where to date, 125 schools have qualified as capable, being 59 primary schools and 66 baccalaureate<sup>1622</sup>.
768. Notwithstanding the foregoing, at least 12 educational institutions were identified that did not pass the evaluation on COVID-19 protocols, among which are lack of social distancing, sanitation schedules, poorly functional toilets, poor waste management, among others<sup>1623</sup>. In this sense, REDESCA widely urges the State of Jamaica to adopt ad hoc strategies that guarantee access to quality education without any discrimination, considering the capacities and differentiated impact experienced by all children and adolescents.<sup>1624</sup>
769. In this sense, the free provisioning of 500,000 licenses of Microsoft Office programs was announced through a partnership with said company<sup>1625</sup>. Aimed purely for students of educational institutions, it

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<sup>1615</sup> KPMG. Government and institution measures in response to COVID-19. April 15, 2020.

<sup>1616</sup>The Gleaner. 'We Need To Do Better' - Progress Made In Access To Healthcare But More Work Needed. December 12, 2020.

<sup>1617</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1618</sup>Jamaica Information Service. Education Gets Largest Share Of Budget. March 11, 2020.

<sup>1619</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1620</sup> Idem.

<sup>1621</sup> Jamaica Information Service. More Schools Participating In Face-To-Face Classes. December 9, 2020.

<sup>1622</sup> Idem; Jamaica Information Service. 109 Schools Inspected And Rated Satisfactory For Phased Reopening In 2021. November 27, 2020.

<sup>1623</sup> Jamaica Gleaner. 12 Schools Fail Grade On COVID-19 Safety. December 23, 2020.

<sup>1624</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1625</sup> Jamaica Information Service. Education Ministry Partners With Microsoft. December 25, 2020.



is estimated that such licenses allow children and adolescents to continue their education and that no student is marginalized<sup>1626</sup>.

## 23) MEXICO

770. REDESCA observes with concern the situation in Mexico in the face of the pandemic. Until December 21, the Mexican Republic had more than 1.5 million cases of COVID-19 and at least 135 thousand deaths<sup>1627</sup>. With more than 1,410 deceased health workers and more than 104,590 infections in this group, Mexico accounts for 54% of the deaths of health workers in Latin America<sup>1628</sup>. Amnesty International attributed this mainly to factors such as the lack of Personal Protective Equipment (PPE), long and precarious working hours and even a lack of training.<sup>1629</sup> It also states that workers have been forced to reuse equipment due to lack of resources, while another fraction of the staff does not receive PPE at work or receives poor quality equipment.<sup>1630</sup> In this sense, REDESCA recommends that the Mexican State immediately adopt all appropriate measures to protect the rights to life, health and personal integrity of people, especially against those who run a differentiated risk.<sup>1631</sup>
771. On the other hand, REDESCA has received information that up to the month of August, 117,584 formal jobs were considered by the Mexican Institute of Social Security (IMSS) 1, lost in the course of five months<sup>1632</sup>. Given this, it should be noted that the majority of the country lives in labor informality, being the most vulnerable to the lack of social security and stable income<sup>1633</sup>. Added to this is the growing concern about approximately 4 million young people who would be out of school and work, since 5.6 million young people are estimated without school or work and 6.5 million with unfavorable jobs<sup>1634</sup>.
772. The figures related to COVID victims are also worrying, since, according to the Ministry of Health, until July 25, 42.42% of the deceased were between 18 and 59 years old, considered the most productive ages, which is reflected in thousands of families who lose the person who brings their livelihood to the house and a possible contagion for the same purpose<sup>1635</sup>. In this sense, it is worrying that its consequences fall on the education, food, housing, and poverty of the families. REDESCA observes the situation and highlights its resolution 1/2020, recommending the adoption of intersectional strategies and public policies that ensure economic income and means of subsistence for individuals and their families.<sup>1636</sup>

### A. Poverty and Human Rights

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<sup>1626</sup> Idem.

<sup>1627</sup> National Council for Science and Technology. [General Report](#). December 12, 2020.

<sup>1628</sup> 24 Matins. [Fight against COVID-19 consumes Mexican doctors until the last breath](#). October 13, 2020; The universal. [Why is Mexico one of the countries with the most deaths of health personnel due to COVID-19?](#) September 24, 2020.

<sup>1629</sup> Idem.

<sup>1630</sup> Idem.

<sup>1631</sup> Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and human rights in the Americas](#). April 10, 2020.

<sup>1632</sup> The Day. [Organizations ask for decent jobs for young people](#). August 12, 2020.

<sup>1633</sup> Idem.

<sup>1634</sup> Idem.

<sup>1635</sup> Political Animal. [COVID affects the productive generation: 42% of the deceased in Mexico were the support of their family](#). August 17, 2020.

<sup>1636</sup> IACHR. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 2020



773. REDESCA obtained information that according to the National Water Commission (CONAGUA) alerted in April 2020 more than 10 million people living in poverty in the country do not have access to improved water systems in rural areas and in rural areas, peripheral areas of cities<sup>1637</sup>. Similarly, information was obtained that the Federal Electricity Commission decided to cut off the electric power flow in 15 wells, leaving 100 of 350 Cuernavaca colonies without water.<sup>1638</sup> In this sense, REDESCA recommends that the State ensure that every measure adopted incorporates as a priority the rights to health and its social determinants, guaranteeing access to drinking water, nutritious food, means of cleaning, adequate housing, among other essential services.<sup>1639</sup>
774. On the other hand, REDESCA emphasizes the historical discrimination suffered by indigenous peoples, which has as a consequence, for example, that 43% of the indigenous population of Bolivia, Brazil, Ecuador, Guatemala, Mexico and Peru are in moderate poverty, compared to 21% of the non-indigenous population of these countries<sup>1640</sup>. This translates into structural deficiencies in basic services based on discrimination and inequality, which in the context of the pandemic seriously affect their right to health, their right to life and even their cultural survival.<sup>1641</sup> Thus, REDESCA urges the State to adopt effective measures, considering the cultural context of the interested communities, as well as their differentiated impact as they are populations in vulnerable situations.<sup>1642</sup>
775. Parallel to this, REDESCA obtained information on thousands of workers and students who have found it necessary to sell their own goods - including clothing and clothing - in order to pay the rent for their homes.<sup>1643</sup> The foregoing derives from the suspensions, and in many cases job terminations due to the economic crisis that has aggravated the pandemic<sup>1644</sup>. It is important to take measures that ensure the economic income and means of subsistence of all working people, guaranteeing equal conditions to comply with containment and protection measures during the pandemic, as well as conditions of access to adequate food and other essential rights.<sup>1645</sup>
776. REDESCA is concerned about the growing situation of poverty in the various regions of the country due to the pandemic. People who were left without work lose their homes due to lack of income and are forced to migrate in search of opportunities<sup>1646</sup>. These situations are contextualized in dangerous environments, exposed to violence, assaults, coupled with a lack of adequate food, health, among others. In this sense, it is worrisome that there would be at least one million people who lost their jobs only during the pandemic, who can be seen in similar or even aggravated situations.<sup>1647</sup>

## B. Right to health

777. REDESCA observes with concern the information that indicates that the pandemic has been underestimated by the federal executive branch. In March, the president continued to hold press conferences and rallies throughout the national territory where he is observed with mass crowds,

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<sup>1637</sup> WITH WATER. Urgently, place the issue of water at the center of the discussion of global issues. April 28, 2020.

<sup>1638</sup> The Day. CFE cuts service to Cuernavaca's water system. August 3, 2020.

<sup>1639</sup> IACHR. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 2020

<sup>1640</sup> IACHR. The IACHR warns about the special vulnerability of indigenous peoples to the COVID-19 pandemic and calls on the States to take specific measures consistent with their culture and respect for their territories. May 6, 2020.

<sup>1641</sup> Idem.

<sup>1642</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020

<sup>1643</sup> The universal. Due to COVID, thousands cannot even pay the rent in CDMX; they survive by finishing off their things. August 17, 2020.

<sup>1644</sup> Idem.

<sup>1645</sup> IACHR. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 2020

<sup>1646</sup> 24 Matins. The poor whom the pandemic threw onto the streets in Mexico. August 27, 2020.

<sup>1647</sup> Idem.





without the use of face masks, social distancing, including hugging and kissing people<sup>1648</sup>. These actions were carried out even with the recommendation of the undersecretary of health, Hugo López Gatell, to stay at home and maintain the corresponding social distancing<sup>1649</sup>.

778. In September, the National Action Party decided to file a complaint with the FGR against President Andrés Manuel López Obrador and the Undersecretary of Health, Hugo López Gatell for omissions in the face of the pandemic<sup>1650</sup>. Among them, the ignorance of the recommendations of the WHO and experts, the lack of COVID detection tests, the lack of training for health personnel and the lack of adequate personal protective equipment stand out.<sup>1651</sup>
779. In this sense, the director general of the World Health Organization recommended that the Mexican government modify its strategy to combat the pandemic. This is with the intention of not concentrating only public anti-COVID policies in health units, including all government agencies to take action to prevent and combat the virus; while on the other hand, the participation and inclusion of citizenship is urgently needed to comply with the Government's recommendations<sup>1652</sup>.
780. It was also announced that, due to an electoral invalidation in San Antonio de la Cal, said municipality was more than two months (until September) without an administrative authority to provide the services of electricity, water, citizen security, among others.<sup>1653</sup>. In this sense, it is worrying that many of the services that the municipality must provide are necessary for the prevention of COVID-19 and other hygienic measures. Similarly, the municipality is in charge of coordinating policies and activities on health and education with the State and the Federation.<sup>1654</sup>. In this sense, REDESCA recalls the importance of guaranteeing access and availability of basic and essential services such as water, electricity, education and health services, as recommended in Resolution 1/2020<sup>1655</sup>.
781. Parallel to the foregoing, REDESCA recognizes the efforts of the Government of Mexico to protect vulnerable populations that pose greater risks during the pandemic because they are deprived of their liberty. It was announced that between May and April more than 300 people deprived of their liberty and in a situation of mobility were released in Mexico City<sup>1656</sup>. It should be noted that the Government took into account that these people were at risk over the average population, such as comorbidities, that they were not convicted of serious crimes and their time of serving the sentence<sup>1657</sup>.
782. However, REDESCA is concerned that until September 2020 there were 2,321 confirmed cases of COVID in people deprived of liberty nationwide, with 308 suspected cases and 226 deaths<sup>1658</sup>. It should be noted that, given the precarious situation of prisons and overcrowding in almost all of them, infections may be greater than those registered. Similarly, it is known that in Mexico City for weeks only 25 infections were registered, and in one week the cases rose to more than a

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<sup>1648</sup> The country. López Obrador says he will abide by the sanitary recommendations despite the mass baths of his last tour. March 16, 2020.

<sup>1649</sup> Idem.

<sup>1650</sup> LATINUS. PAN files a complaint against López Obrador, Hugo López-Gatell and Jorge Alcocer before the FGR. September 14, 2020.

<sup>1651</sup> Idem.

<sup>1652</sup> Infobae. WHO demanded that Mexico intensify the mechanisms against the Coronavirus. March 17, 2020.

<sup>1653</sup> The Universal Oaxaca. 13 municipalities of Uses and Customs face a COVID-19 pandemic without authorities. September 14, 2020.

<sup>1654</sup> Idem.

<sup>1655</sup> Guarantee that the measures adopted to confront pandemics and their consequences incorporate as a priority the content of the human right to health and its basic and social determinants (...) such as access to drinking water, nutritious food (...). Regarding the right to education, have mechanisms that allow children and adolescents to continue with access to education.

<sup>1656</sup> Political Animal. CDMX has freed 250 people due to an epidemic; they expect 800 in total to leave jail. May 05, 2020.

The Press. Mexico frees Honduran migrants due to coronavirus. April 26, 2020.

<sup>1657</sup> Idem.

<sup>1658</sup> Indigo Report. WITH COVID-19 IN PRISON CENTERS. September 14, 2020.



- thousand<sup>1659</sup>. Parallel to this, the health contingency has prohibited family visits, so the PPLs do not receive basic hygiene supplies, since they are not provided by the State either.<sup>1660</sup> Likewise, information has been obtained that prisons in Michoacán lack potable water, depriving more than a thousand people from CEFERESO No.17 of their access to the most important good to maintain hygienic measures<sup>1661</sup>. In this sense, REDESCA reminds the Mexican State that the health and hygiene of PPLs are a right that must be guaranteed to them and is highlighted in the recommendations of Resolution 1/2020 of the Commission<sup>1662</sup>.
783. REDESCA received information about the lack of attention from the Government to psychiatric care centers, which led to a claim for protection against the Health Council<sup>1663</sup>. Faced with this situation, a federal judge ordered the authorities to protect people's right to health by supplying material, cleaning said facilities, conducting tests with prior consent for both patients and staff, and applying sanitary protocols to avoid contagion<sup>1664</sup>. REDESCA recalls the importance of taking measures to prevent and attend to the physical and mental health of people, both patients and health center workers, regardless of their incidence of COVID, emphasizing resolutions 1/2020 and 4/2020 of the IACHR<sup>1665</sup>.
784. The complaint about the data provided by the government is worrying, since on several occasions the number of people who died in the capital did not coincide with that reported by local authorities<sup>1666</sup>. As a consequence, the creation of a specific commission to analyze the data and make the results transparent was announced.<sup>1667</sup> Likewise, the undersecretary of health expressed that the number of infected will not be known with precision for two years<sup>1668</sup>. This happens because not enough tests are carried out, people who die in their homes are not included, nor are those who died without a PCR test<sup>1669</sup>. It is estimated that, in some regions of the country, such as Mexico City, the real rate is double that reported<sup>1670</sup>. The REDESCA reminds the State of the importance of maintaining effective monitoring, as well as guaranteeing the right of access to public information regarding the pandemic and the measures adopted<sup>1671</sup>.
785. There is concern that, as of June 2020, approximately 1,500,000 people did not receive health care in the country compared to the same period last year. Of these 320,000 did not receive necessary hospitalization and 1,293,000 did not receive emergency care<sup>1672</sup>. Among the causes, the fear of contagion, attention focused solely on COVID or even the saturation of health centers and lack of work capacity to attend to various cases stand out.<sup>1673</sup> The lack of medical attention is worrisome given that thousands of people include patients with cancer, diabetes, hypertension, among other diseases that require their respective attention.

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<sup>1659</sup> Idem.

<sup>1660</sup> Third. [No deodorant, no sanitary napkins: the other health problem revealed by COVID in women's prisons](#). September 14, 2020.

<sup>1661</sup> The universal. [More than a thousand inmates live without drinking water in Michoacán](#). November 30, 2020.

<sup>1662</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020

<sup>1663</sup> The Day. [They grant protection to protect the life and health of people admitted to psychiatric hospitals](#). May 9, 2020.

<sup>1664</sup> Idem.

<sup>1665</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020 IACHR [Resolution 4/2020: Human Rights of people with COVID-19](#). July 27, 2020.

<sup>1666</sup> Process. [In CDMX they create Technical Scientific Commission for the Analysis of Mortality by COVID-19](#). May 13, 2020.

<sup>1667</sup> Idem.

<sup>1668</sup> Infobae. [Mexico: Actual death toll from COVID will be known in 2 years](#). September 27, 2020.

<sup>1669</sup> Idem.

<sup>1670</sup> Idem.

<sup>1671</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020.

<sup>1672</sup> Political Animal. [1.5 million people stopped being treated in public hospitals in the country due to the pandemic](#). September 2, 2020; 24 Matins. [The anguishing wait of Mexicans for a transplant amid the pandemic](#). November 24, 2020.

<sup>1673</sup> Idem.



786. This lack of attention by medical personnel is reproduced in various parts of the country. REDESCA has learned of women from various entities in the country who attend public medical centers in pregnancy without receiving any positive care. On both occasions, the women were rejected for medical negligence, forcing them to give birth on public roads.<sup>1674</sup> In this sense, REDESCA reaffirms the right of people to access health services, taking a gender and human rights perspective before people in vulnerable situations such as pregnant women who come to receive care about their reproductive health<sup>1675</sup>.
787. To this, it should be emphasized the importance of caring for people in need of medical care, since, although the pandemic is a priority, the State has the responsibility to provide and guarantee the right to health of people without any discrimination.<sup>1676</sup> In this sense, it is recommended that health authorities maintain care not only for COVID patients, but also for everyone who requires medical care and especially for groups in vulnerable situations.
788. An expert expressed concern about the sentinel tests carried out by the health secretariat, since there was a 56% positivity in COVID-19 tests<sup>1677</sup>. This implies that there may be a much greater amount than that reported, as well as failures in the public policies adopted in the matter. Similarly, the WHO, through its executive director, expressed its concern about the opening of the economy in the national territory, warning that this could place the country in a worse situation than it is currently in.<sup>1678</sup> In the same vein, PAHO expressed concern that Mexico faces an “extremely complex” situation and a lack of clarity in government measures.<sup>1679</sup>
789. Access to information, especially in the context of the pandemic, has caused great damage, both to citizens and to the authorities involved in health management. Given the lack of information and transparency, coupled with growing rumors about the disease, there was knowledge of an attack by 500 residents against local health centers in Michoacán<sup>1680</sup>.
790. In the same sense, it was reported that by the end of the first semester of the year, a total of 1,760 cases were registered in indigenous communities, with a balance of 327 deaths.<sup>1681</sup> Similar to this, in rural communities 4,075 cases and 507 deaths were found<sup>1682</sup>. In this sense, the undersecretary of health affirmed that welfare hospitals were deployed in indigenous communities, as well as a reinforcement of prevention<sup>1683</sup>. It should be remembered that these populations tend to be more vulnerable to having an immune system, with 70% more probability of dying than a person from the urban community<sup>1684</sup>. In this sense, REDESCA recommends that the Mexican State protect such groups, providing ad hoc information, limit contact with their communities and adopt measures that are adapted to their cultural and traditional context.<sup>1685</sup>

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<sup>1674</sup> UNO TV. They deny medical attention to a pregnant woman in Morelos and a baby is born in the parking lot of the Health Center. August 16, 2020; The Herald of Mexico. At dawn and with intense cold, a baby is born in the middle of the street in CDMX. 6th October 2020.

<sup>1675</sup> IACHR. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 10, 2020

<sup>1676</sup> OAS, Additional Protocol to the American Convention on Human Rights in the area of economic, social and cultural rights "Protocol of San Salvador". OEA / Ser.A / 44, November 17, 1988.

<sup>1677</sup> Forbes Mexico. 'I cry for Mexico: 56% of COVID-19 tests are positive!'. Harvard scientific alert. June 22, 2020.

<sup>1678</sup> The reason. WHO signals failures to Mexico and Health reproaches states for data and outbreaks. July 11, 2020.

<sup>1679</sup> Idem.

<sup>1680</sup> DW. Hospital vandalized and patrols set on fire due to false rumors of COVID-19 in Mexico. June 28, 2020.

<sup>1681</sup> The universal. There are 1,760 cases of COVID-19 in indigenous communities: López-Gatell. June 17, 2020.

<sup>1682</sup> Idem.

<sup>1683</sup> Idem.

<sup>1684</sup> Forbes Mexico. Indigenous communities present higher fatality from COVID-19 in Mexico. June 14, 2020.

<sup>1685</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020



791. Information was also obtained on COVID outbreaks in various indigenous communities of Mayan origin, including Hopolchén, in the state of Campeche.<sup>1686</sup> Members of the OSC Ka Kuxtal Much Meyaj AC expressed that, given the lack of infrastructure to claim financial support from the government, people from 32 different communities gathered in large crowds waiting in line to collect at a single ATM.<sup>1687</sup> In Hopolchén, they went from 33 cases on July 26 to 119 on August 9, in addition to an already reported lack of care by the health sector<sup>1688</sup>. In this sense, residents of the Ichelk community affirm that after the arrival of the pandemic they stopped receiving medical attention, as well as adequate information on the subject.<sup>1689</sup>
792. REDESCA learned that, in Chiapas, various communicators denounced the misinformation that abounded in the towns - especially in the indigenous - due to a lack of government support in the matter<sup>1690</sup>. This caused a lack of hygienic measures, containment, as well as generated from rumors to hate speech and attacks against medical personnel, including looting.<sup>1691</sup> Not only access to information but also access to services for these communities is ignored by government authorities, causing the only information to circulate outside of social networks, which is largely wrong. REDESCA reaffirms its recommendations regarding the need to provide information with cultural relevance and in their native languages to indigenous communities, providing the necessary attention to the pandemic<sup>1692</sup>.
793. REDESCA observes with concern the situation of people with cancer diseases, which has been aggravated in the last two years. Dozens of parents of children with cancer requested through a demonstration a solution to the shortage of medicines, denouncing lack of attention from the government<sup>1693</sup>. They affirm that, despite the requests and demands, the parents have not received any response and, on the contrary, receive disqualifications from politicians who affirm that they are paid by the opposition<sup>1694</sup>. Similarly, in September in Tuxtla Gutiérrez, Chiapas, a demonstration was held by parents of children with cancer who are treated at the Pediatric Specialties Hospital due to the shortage of medicines.<sup>1695</sup> Carlos Caballero Salinas, one of the parents, stated that since March 2019 the shortage has worsened, even considering 280 children and adolescents who are treated in said medical center<sup>1696</sup>.
794. In the same sense, cases have been reported in which children and adolescents die outside the country after seeking foreign medical attention due to the lack of national support.<sup>1697</sup> Likewise, contexts of lack of timely medical attention are known, being rejected by the same doctors even with express orders to provide chemotherapies<sup>1698</sup>. In the same sense, there are rural areas that force patients to travel hours to arrive at a medical center even without the certainty of obtaining the necessary care, with irregular treatments being a worrying trend<sup>1699</sup>. Even after requests from

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<sup>1686</sup> Political Animal. Lines to collect government support skyrocket COVID cases among Mayans. August 16, 2020.

<sup>1687</sup> Idem.

<sup>1688</sup> Idem.

<sup>1689</sup> Idem.

<sup>1690</sup> Footer. "The pandemic unmasked the inequitable access to information in indigenous peoples". September 19, 2020.

<sup>1691</sup> Idem.

<sup>1692</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020

<sup>1693</sup> Nevertheless. Relatives of children with cancer demand that the Government solve the shortage of chemotherapies. August 12, 2020.

<sup>1694</sup> Idem.

<sup>1695</sup> The universal. March for lack of medicine for children with cancer. September 15, 2020.

<sup>1696</sup> Idem.

<sup>1697</sup> Infobae. Ana Lucía was disconnected, her death could have been prevented if there were anticancer drugs in Mexico: his father. July 24, 2020.

<sup>1698</sup> Millennium. "I wanted to live": Cancer Patient Wife Accuses Denying 'Chemo'. August 24, 2020; Aristegui News. Parents of a child who died of cancer denounce the president, IMSS and Salud for homicide. September 21, 2020.

<sup>1699</sup> Footer. "Cancer does not wait, we need chemo": children of Chiapas. September 15, 2020.



patients and their families, they affirm that an official of the federal public administration promised them a meeting, without attending it and not responding again.<sup>1700</sup>.

795. Given the consistent complaints for lack of oncological drugs for children and adolescents with cancer, a federal judge determined through a ruling that the Ministry of Finance and Public Credit together with the Ministry of Health must guarantee the supply of drugs to treat patients<sup>1701</sup>. To do this, they were given a period of 24 hours preceding the protection promoted by the Mexican Association of Pediatric Hematology Onco before the shortage of 37 medications in public hospitals<sup>1702</sup>. On the other hand, on October 13, the theft of medical equipment to perform dialysis was reported<sup>1703</sup>. This occurs just days after 37,956 doses of cancer drugs destined for children with cancer were stolen.<sup>1704</sup>.
796. REDESCA observes with concern the withdrawal of 33 billion pesos from the Fund for catastrophic diseases such as HIV and Cancer<sup>1705</sup>. Said budget was cut by 33% (of the total 97 billion) in order to redirect it to the Health Fund, but it was not established in which said amount would be used<sup>1706</sup>. In view of this, various civil society organizations (HIVVE Libre, Inspira and AHF México) demonstrated outside the Senate of the Republic in order to request the Government's commitment that said budget be used only for COVID care and that at the end of use that this is returned for the attention of said population<sup>1707</sup>. In this sense, REDESCA recommends taking into account the differentiated approaches required to adopt the measures that guarantee access to health for the people who require it, avoiding focusing only on the pandemic.<sup>1708</sup>.

## C. Labor and union rights

797. It is estimated that in 2019, some 30 million people lived in informal employment, a figure that had an upward trend and even greater with the unemployment derived from the pandemic<sup>1709</sup>. Labor informality implies the lack of registration in the Mexican Institute of Social Security (IMSS), leaving at least 30 million people exposed in case of contracting the virus. It should be noted that the places where these people work tend to be old, crowded and unhygienic, implying a greater risk for them and the people who visit.<sup>1710</sup> It should be noted that by the end of the first semester of 2020 the IMSS already reported a total of 344,526 lost positions and 1,030,366 layoffs<sup>1711</sup>.
798. REDESCA is concerned about the mass extinction of 109 trusts assigned - by way of example and not limitation - for thousands of people dedicated to teaching, science and technology, cinematography, sports, defense of human rights, among others<sup>1712</sup>. In this sense, the National Unified Front of Telebaccalaureate Workers protested in Mexico City denouncing precariousness in their working

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<sup>1700</sup> Idem.

<sup>1701</sup> Infobae. [Judge gave ultimatum to the Ministry of Health and Finance to comply with the supply of medicines for children with cancer](#). September 29, 2020.

<sup>1702</sup> Idem.

<sup>1703</sup> Infobae. [Step by step of the crime that outrages Mexico: this is how they stole medicines for children with cancer](#). October 13, 2020.

<sup>1704</sup> Idem.

<sup>1705</sup> Political Animal. [Deputies remove 33 thousand million pesos from serious diseases, they promise it will be for vaccines against COVID](#). October 28, 2020.

<sup>1706</sup> Idem.

<sup>1707</sup> Nevertheless. [HIV Patients and Activists Protest in Senate: They ask to guarantee the supply of medicines](#). October 29, 2020.

<sup>1708</sup> IACHR. IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020

<sup>1709</sup> Political Animal. ["I'm afraid of the coronavirus, but I'm more afraid of starving if I don't work."](#) March 19, 2020.

<sup>1710</sup> Idem.

<sup>1711</sup> Expansion. [Mexico loses 1 million jobs in three months due to COVID-19](#). June 12, 2020.

<sup>1712</sup> The universal. [Senate approves extinction of trusts in general; discuss reservations](#). October 21, 2020.





conditions, as well as the dismissals of dozens of co-workers<sup>1713</sup>. REDESCA recalls the importance of mobilizing the maximum of available resources to establish strategies and sufficient measures to ensure the health and protection of workers, also paying attention to their needs and differentiated impact.<sup>1714</sup>

799. From the first month of the pandemic, contagions within health personnel, including doctors, nurses and nurses, as well as administrative and cleaning personnel of health centers, became known. Given this, REDESCA obtained a record of various manifestations by health personnel demanding compliance with their rights<sup>1715</sup>. In these, demands were made such as the supply of supplies in adequate quantity and quality, the non-reuse of PPE, sufficient human resources, the non-repression by their authorities and the reinstatement of their dismissed colleagues due to their freedom of expression and demand of rights<sup>1716</sup>.
800. In the same sense, REDESCA is concerned about the growing censorship and attack against health personnel for denouncing failures in the management of the fight against the coronavirus. For example, the complaint made by 85 members of the Union of Health Workers is known, stating that their authorities threatened to dismiss those who demonstrated in this regard.<sup>1717</sup> Likewise, layoffs are known for reporting the death of COVID patients after a blackout at the hospital and for reporting a lack of supplies. There is also knowledge of the suspension of union rights as a pre-dismissal warning for reporting lack of supplies<sup>1718</sup> and a complaint regarding the lack of 86,000 employment contracts<sup>1719</sup>.
801. Similar situations continued to be reproduced in various hospitals in Mexico City, Coahuila, Baja California and Baja California Sur, registering positive cases within their staff.<sup>1720</sup> Faced with such a situation, the general secretary of the Democratic Union of Social Security Workers, Armando Rosales, accused the makeup of figures on infected medical personnel<sup>1721</sup>. The situations have resulted in formal complaints, for example in the State of Mexico a federal judge issued a suspension ordering the general director of the Health Institute of the State of Mexico and the director of the General Hospital of Nezahualcóyotl "La Perla" to deliver protection supplies necessary to combat COVID-19 as well as medicines and PCR tests for patients within 24 hours<sup>1722</sup>. In the same sense, REDESCA recalls the importance of respecting and guaranteeing the rights of health workers, considering their differentiated impact and disproportionate exposure to the virus<sup>1723</sup>.
802. REDESCA notes with concern the lack of care for cleaning staff in hospital centers, as it was announced that, on occasions, especially those health centers that use subcontracts, do not tend to receive personal protection supplies.<sup>1724</sup> Both hospitals and their direct contracting companies avoid providing face masks, and gloves, still in the state of the pandemic and with personnel in a vulnerable situation<sup>1725</sup>. This even considering the fact that Mexico ranks first in the world in terms of infected

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<sup>1713</sup> La Izquierda Diario. [Workers of the Community Telebaccalaureate call for a national march](#). August 18, 2020.

<sup>1714</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020, p. 7 and 11

<sup>1715</sup> Expansion. [IMSS medical staff protest for lack of supplies in the face of COVID-19](#). March 24, 2020.

<sup>1716</sup> Political Animal. ["We do not want to get infected": INER health personnel protest for lack of material](#). May 25, 2020; The Day. [Edomex doctors protest the lack of equipment to treat COVID-19](#). June 3, 2020; Political Animal. [Health workers protest the lack of protective equipment in COVID hospitals](#). July 1, 2020.

<sup>1717</sup> Infobae. [Workers accuse repression of "union charrismo" for demanding job improvements](#). September 1, 2020.

<sup>1718</sup> Idem.

<sup>1719</sup> Idem.

<sup>1720</sup> The Economist. [Lack of supplies, the constant alert call of health personnel to COVID-19](#). April 14, 2020.

<sup>1721</sup> Idem.

<sup>1722</sup> The Day. [They give 24 hours for the delivery of medical supplies in Edomex](#). April 27, 2020.

<sup>1723</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020

<sup>1724</sup> Millennium. [There are 149 deaths and 2,790 cases of coronavirus in health personnel](#). May 19, 2020.

<sup>1725</sup> Idem.



and deceased health personnel<sup>1726</sup>. In this sense, REDESCA reaffirms the need to adopt measures to guarantee just and satisfactory conditions for workforce, especially in the face of those in vulnerable situations or with differentiated exposure.<sup>1727</sup>.

803. Parallel to the above, the growing attacks on health personnel by citizens are worrying<sup>1728</sup>. Since the beginning of March, the National Council to Prevent Discrimination (CONAPRED) warned about various complaints of attacks against health personnel and COVID patients. In April these doubled (43), reproducing in cases of prohibition of access to public means of transport, physical and verbal attacks, impediments to access to food, destruction of medical facilities to prevent the treatment of patients with COVID-19<sup>1729</sup> and even chemical attacks<sup>1730</sup>.
804. The case of a nurse from the Institute of Social Security and Services for State Workers (ISSSTE) in Mérida, Yucatán stands out, who reported to CONAPRED having received calls with the object of extortion and death threats<sup>1731</sup>. Said nurse, who is the head of intensive therapy at a High Specialty Hospital, received attacks against her personal integrity where her house and car were even set on fire during the night.<sup>1732</sup>. REDESCA recalls the right of all people to work in decent conditions, and that no person, regardless of their work, may be harassed, discriminated against, or attacked in their personal or patrimonial integrity for labor issues<sup>1733</sup>. Given this, the State is urged to take measures to protect people who run similar risks, prioritizing attention to complaints from people in vulnerable situations.
805. Similarly, REDESCA obtained information that attacks against municipal staff delegated to clean the streets were reported in the State of Mexico and Oaxaca. These attacks escalated to the burning of police patrols escorting said personnel. Similarly, a worker from the "Mediterranean fly" program was even attacked with machetes by a group of 50 people from the indigenous community of Aguacatenango, Chiapas.<sup>1734</sup>. The worker was deprived of his liberty by the residents for 16 hours until municipal authorities and citizens verified the intentions of his presence in the community<sup>1735</sup>. REDESCA reaffirms the importance of informing the population not only about the pandemic, but about the actions taken and the conditions of the virus, since it is mainly the lack of attention, marginalization and misinformation that is the cause of these attacks.<sup>1736</sup>.

## D. Right to education

806. In mid-March, the Ministry of Public Education reported by decree the suspension of face-to-face classes at the national level, indicating that all teachers, administrative personnel and students would participate in voluntary, preventive isolation in their homes.<sup>1737</sup>. Around 1.5 million teachers and administrative and support workers were affected at the basic education levels<sup>1738</sup>. However, in this sense it was clarified that work would be sought remotely, but adding two weeks of vacations prior to those of "Holy Week"<sup>1739</sup>. However, REDESCA is concerned about the enormous risk of educational

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<sup>1726</sup> Idem.

<sup>1727</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 2020

<sup>1728</sup> Indigo Report. [UN PRAISES MEXICO FOR MEASURES TAKEN IN THE COVID-19 PANDEMIC](#). April 22, 2020.

<sup>1729</sup> CONAPRED. 2020 - 016. [Call Conapred to avoid acts of violence and discrimination during the health emergency](#). April 10, 2020.

<sup>1730</sup> CNN. [Dozens of medical workers have been attacked in Mexico amid coronavirus fears](#). April 23, 2020.

<sup>1731</sup> Infobae. [Coronavirus in Mexico: medical personnel suffer discrimination even within their work centers](#). June 02, 2020.

<sup>1732</sup> Idem.

<sup>1733</sup> OEA. Protocol of San Salvador. OEA / Ser.A / 44, November 17, 1988

<sup>1734</sup> DNA 40. [They attack a health worker for allegedly spreading COVID-19 in Chiapas](#). July 1, 2020.

<sup>1735</sup> Idem.

<sup>1736</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020

<sup>1737</sup> The Day. [DOF publishes an agreement to suspend classes at the national level due to COVID-19](#). March 16, 2020.

<sup>1738</sup> Idem.

<sup>1739</sup> Idem.



lag that the population may suffer, especially children and adolescents due to the lack of technologies to continue their education, as well as the economic crisis that may increase the rate of child labor.

807. To date, no school has declared to have face-to-face classes, since public education will be carried out through open television, while private schools have the possibility of doing it online<sup>1740</sup>. It is important to emphasize that, in the country, 44.3% of households have a computer and 56.4% have internet access, while in rural communities they only reach 20.6% and 23.4% respectively.<sup>1741</sup> In this sense, REDESCA recommends that the State adopt differentiated measures to guarantee access to quality education for all children and adolescents, taking into account their social and economic capacities.<sup>1742</sup>
808. REDESCA is concerned about situations in rural communities, for example one near Mexico City, where the economic level of thousands of homes only allows access to a television set. This should not only be shared with siblings, but sometimes the father deprives his children of obtaining their education for mere entertainment<sup>1743</sup>. The situation of families that not only suffer a transcendental historical school delay, but also a violence that permeates at critical levels in their homes is worrying. In this sense, REDESCA recommends adopting measures to prevent abuse and domestic violence, facilitating access to the means of reporting and responding with due diligence.<sup>1744</sup>
809. Likewise, REDESCA received information where children and adolescents have been forced to leave school and work in the fields after the arrival of the pandemic<sup>1745</sup>. It is necessary to highlight that it is difficult for them to have access to digital media, since the economic context in rural communities does not allow the provision of resources<sup>1746</sup>. Complementary to this, it is noteworthy that only 76.5% of the population has a digital television, so the remaining 20% do not have access to channels even if they have a television.<sup>1747</sup>
810. In the same sense, REDESCA is concerned about the increase in child labor, for example Beula Getziba Gutiérrez, a 10-year-old girl who since she was 8 has been forced to work on the streets selling food<sup>1748</sup>. With already three years of educational lag, he is acutely threatened by the pandemic, where access to education and his economic situation hinder his academic continuity, coupled with his exposure to the virus due to his work<sup>1749</sup>. REDESCA reminds the Mexican State of the obligation to protect the rights of children and adolescents, which include having a dignified life free from labor exploitation, as well as guaranteeing their right to education and living in dignified conditions that can guarantee their full and healthy development.
811. On the other hand, the case of indigenous communities in the territory is highlighted, having detected the lack of internet and TV in indigenous homes in the State of Mexico<sup>1750</sup>. In the absence of such equipment, it is practically impossible for children and adolescents from these communities to continue their education, since all education programs are carried out remotely through these

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<sup>1740</sup> Idem.

<sup>1741</sup> The universal. [They do not see conditions for online education](#). August 3, 2020.

<sup>1742</sup> IACHR. Resolution 1/2020: Pandemic and Human Rights in the Americas, April 10, 2020

<sup>1743</sup> The Day. [Disputes in families over using the television or the only computer](#). August 17, 2020.

<sup>1744</sup> IACHR. Resolution 1/2020. : Pandemic and Human Rights in the Americas, April 10, 2020

<sup>1745</sup> Political Animal. ['The lag will be worse': Poverty and lack of access to technology hinder learning in a new cycle](#). August 25, 2020.

<sup>1746</sup> Idem.

<sup>1747</sup> Idem.

<sup>1748</sup> The Universal Oaxaca. [Learning during a pandemic, a double challenge for working girls](#). August 25, 2020.

<sup>1749</sup> Idem.

<sup>1750</sup> Infobae. [Indigenous communities will need access to TV and the Internet in the face of a new educational model](#). August 18, 2020.



means.<sup>1751</sup> In this sense, it is very likely that these communities, who are already historically and systematically discriminated against and lagged behind, will see these impacts largely aggravated.

812. Likewise, REDESCA obtained information from the indigenous communities of Cochoapa el Grande - one of the most marginalized municipalities in the country - where around 4,700 children from 203 schools do not have access to education to date due to the lack of television like internet<sup>1752</sup>. It should be noted that there are 156 indigenous communities involved, of which 95% of the population lives in poverty and of them, 82.6% in extreme poverty.<sup>1753</sup> In addition to this, the educational gap is equivalent to 56.8% of the population, 87.1% do not have access to health and 96.2% do not have access to social security<sup>1754</sup>.
813. In San Miguel de Amoltepec Viejo, Guerrero, a situation similar to the one just mentioned is experienced<sup>1755</sup>. The "learn at home" program developed by the government for television media is unfeasible, since due to the socioeconomic condition in which they live, they do not have access to a television or the internet<sup>1756</sup>. Given this, REDESCA reminds the State of the need to protect the most vulnerable populations and guarantee their rights, including those in poverty, indigenous peoples, children and adolescents and women, who are directly affected in the cases just mentioned.<sup>1757</sup>
814. REDESCA is concerned about the data released by the Ministry of Public Education regarding school dropouts, which were aggravated due to the pandemic and distance education<sup>1758</sup>. Of the 36.5 million students that were considered, it is estimated that 3 million dropped out and did not return to school in August, complementing the already 4.1 million children and adolescents who were outside the education system.<sup>1759</sup> At the basic level, the dropout rate was 10%, equivalent to 2,525,339 preschool, primary and secondary school students, while another 305,089 university students (8%) dropped out, along with 800,000 students who no longer went to high school after high school.<sup>1760</sup>

## E. Right to a Healthy Environment

815. REDESCA welcomes the fact that the Mexican Senate has unanimously approved the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters, better known as the Escazú Agreement. REDESCA notes that this is an effort that arises from calls made by civil society organizations, academic sectors, defenders of the land, territory and nature, and international organizations. With its ratification, Mexico was the eleventh country to deposit its instrument of ratification, which allows the instrument to enter into force according to its provisions.<sup>1761</sup>
816. REDESCA observes with concern that the project known as "Mayan Train", which continues to advance despite serious environmental concerns from activists, local leaders and legislators due to its lack of environmental soundness.<sup>1762</sup> However, as a result of the pandemic, the National Human

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<sup>1751</sup> Idem.

<sup>1752</sup> Footer. Students from Cochoapa el Grande, without classes due to lack of internet and broadcast TV. September 10, 2020.

<sup>1753</sup> Idem.

<sup>1754</sup> Idem.

<sup>1755</sup> 24 Matins. Teachers resist abandoning their students in Mexico's impoverished indigenous region. September 18, 2020.

<sup>1756</sup> Idem.

<sup>1757</sup> IACHR. Resolution 1/2020

<sup>1758</sup> Excelsior. School dropout, another pandemic: three million students no longer continued their education. September 23, 2020.

<sup>1759</sup> Idem.

<sup>1760</sup> Idem.

<sup>1761</sup> ECLAC, UN-DH and ECLAC celebrate the ratification of the Mexican Senate regarding the Escazú Agreement, November 6, 2020

<sup>1762</sup> National Human Rights Commission of Mexico. CNDH requests FONATUR to implement precautionary measures so that it urgently suspends non-essential activities related to the "Mayan Train" project. May 14, 2020.



Rights Commission of Mexico issued a precautionary measure to protect the indigenous peoples of the Yucatan Peninsula, asking the authorities to stop any significant construction of the project until the declaration of pandemic<sup>1763</sup>. Added to this are statements made by the President of the Republic, disqualifying the work of civil society organizations that work to defend the rights of people who oppose the construction of the project.<sup>1764</sup>

817. In addition to this fact, REDESCA also notes that even before the pandemic the budget allocated to the entire environmental sector would have been reduced and the Ministry of Environment and Natural Resources (Semarnat) has been the agency that has undergone the most changes, having had three headlines in two years. Specifically, in the last five years, Mexico has seen how the budget allocated to the environment has decreased by half: if in 2015 the entire environmental sector had 67 976 million pesos (3 billion dollars), in 2020 that figure fell to 29,869 million pesos (1,500 million dollars).<sup>1765</sup> According to civil society organizations, the arrival of the pandemic further weakened the environmental sector, particularly when normative initiatives to regulate pesticides and dangerous substances cannot be approved.<sup>1766</sup>
818. To this is added that the State would have changed its climate change policy by placing its main commitment to economic development around fossil fuel energies, according to civil society organizations. To this is added that, according to data from academic entities, the country is among the ten countries that have lost the most primary forests worldwide, with the main cause of deforestation in the center of the country being the expansion of monocultures such as avocado.<sup>1767</sup>
819. Finally, REDESCA expresses its strong condemnation of the attacks against environmental defenders in Mexico. At the beginning of the year, the death of Homero Gómez González, defender of the monarch butterfly, was recorded. Subsequently, the murders between April and May of Adán Vez Lira, defender of a mangrove area in Veracruz; Isaac Herrera Avilés, a lawyer who defended a wooded area in Jiutepec, Morelos, and Eugui Roy Martínez Pérez, a biology student in Oaxaca.<sup>1768</sup>
820. REDESCA observes with deep concern that although the State approved the Escazú Agreement, there would be a considerable environmental debt in terms of strengthening environmental institutions, as well as guaranteeing the rights of defenders of the land, territory and environment. . This Office of the Special Rapporteur reiterates that the pandemic, although it provided some relief to the environmental burden on the planet, should not be an excuse to weaken existing environmental safeguards. In this sense, REDESA reminds the State that if it is necessary to carry out some type of reform in the matter, it must put human rights and international standards in the matter at its center. Likewise, it calls on the State to ensure that all environmental protection institutions have funding.<sup>1769</sup>

## 24) NICARAGUA

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<sup>1763</sup> Idem.

<sup>1764</sup> Mongabay, [Mexico: They demand that the president not criminalize the environmental fight](#), September 1, 2020

<sup>1765</sup> Political Animal, [Mexico's environmental debts in 2020: murdered defenders, less budget and the impact of COVID](#), December 20, 2020

<sup>1766</sup> Mongabay, [Mexico's environmental debts in 2020](#), January 4, 2021

<sup>1767</sup> Mongabay, [Mexico's environmental debts in 2020](#), January 4, 2021

<sup>1768</sup> Idem

<sup>1769</sup> REDESCA, [The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#), August 13, 2020





821. In relation to Nicaragua, REDESCA has been continuously monitoring the situation of ESCER in the country. This year, both the Commission and its REDESCA observed with concern how in the midst of the health crisis, there were several instances where the patterns of repression by the State affected the living conditions of people who are in a greater situation of poverty vulnerability. In this sense, the Commission and its REDESCA, expressed their concern from the beginning of the pandemic about the response of the State of Nicaragua to it. In the context of the serious human rights crisis that persists in the country, by omitting certain essential epidemiological measures, the State put at risk the protection and full enjoyment of rights, such as life, life, the health and integrity of all the people in the country. In this context, the Commission and REDESCA made an urgent call to the authorities so that, in exercise of their duty to guarantee human rights, they adopt effective measures of attention and containment of the pandemic, in accordance with international technical and scientific recommendations, directed to protect the human rights of Nicaraguans.<sup>1770</sup>
822. Likewise, the lack of transparency in decision-making, such as in the confirmation of figures on positive cases, has been a challenge to determine the veracity of these. By December 10, 2020, according to official figures from the Ministry of Health, Nicaragua had 5,887 confirmed cases, with 162 deaths.<sup>1771</sup>
823. Similarly, given the general context of Nicaragua, REDESCA has seen with deep concern how the growing polarization and persecution against different actors, has caused the impacts of the pandemic and the economic crisis to be felt more deeply in the sectors of greater vulnerability; exacerbating the existing inequalities that aggravate the worrying political and social crisis that the country is going through, especially since 2018.

## A. Poverty and Human Rights

824. In relation to the situation of the effects of poverty on the enjoyment of human rights, REDESCA observes that in Nicaragua the pandemic is negatively affecting the living standards of people who are in a greater situation of vulnerability. In this sense, for example, the ILO has indicated that the economic impacts will be felt through the decrease in remittances, the contraction of labor-intensive sectors (commerce, tourism), the stagnation of wages and the increase of the risk premiums. The State depends to a great extent on international remittances; these transfers are an important source of foreign exchange for the country, since they represent 11.5% of GDP and 20% of the income of the poorest households.<sup>1772</sup>
825. According to ECLAC figures, based on the projected variation of the Gini index, Nicaragua would find an impact between 1.5% and 2.9%; increasing existing inequalities. In this sense, Nicaragua would find itself in a scenario where the greatest increases in extreme poverty would be recorded.<sup>1773</sup> Likewise, REDESCA is aware that according to civil society organizations and data from the World Bank (2019), in 2018 the economy contracted by 3.8% and in 2019, by 5% and by 2020, the expectation is that, with the additional impact of the pandemic, the Nicaraguan economy suffered a sharp contraction of 6%.<sup>1774</sup> Similarly, the projections of the main economies with which Nicaragua has trade links, such as the United States and Central America, are worrying and will significantly influence the country's economic performance. This also stems from the global economic recession caused by the pandemic.<sup>1775</sup>

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<sup>1770</sup> IACHR, [IACHR and its REDESCA express serious concern about the human rights situation in the context of the response to the COVID-19 pandemic in Nicaragua](#), April 8, 2020

<sup>1771</sup> Multidisciplinary Scientific Committee, [Consolidated Coronavirus in Nicaragua](#)

<sup>1772</sup> ILO, [COVID-19 and the world of work: Starting point, responses and challenges in Nicaragua](#), 2020

<sup>1773</sup> ECLAC, [The social challenge in time of COVID-19](#), May 12, 2020, p. 3 and 4

<sup>1774</sup> World Bank, [Nicaragua: overview](#)

<sup>1775</sup> Nicaraguan Academy of Sciences, [COVID-19: The case of Nicaragua. Contributions to face the pandemic](#), 2020, p. 32



826. In this sense, the measures that have been taken to combat the effects of this impact on economic growth have been mainly through obtaining international credits, such as through the International Development Association of the World Bank. However, it should be noted that many of these projects were already underway before the pandemic, mainly focused on prevention and risk reduction, water and sanitation, and strengthening of education.<sup>1776</sup> More recently, the Bank reported a loan of 20 million dollars to strengthen the Nicaraguan health sector, in order to purchase equipment and medicines for the country's health system.<sup>1777</sup> On the other hand, REDESCA notes that the Nicaraguan parliament authorized the execution of a loan of 43 million dollars from the Inter-American Development Bank (IDB) to "contain and control" the spread of the COVID-19 pandemic. The project aims to reduce the morbidity and mortality of COVID-19 and mitigate the indirect effects of the pandemic, mainly in vulnerable sectors.<sup>1778</sup>
827. Taking into consideration the aforementioned, it draws the attention of this Office of the Special Rapporteur that there are no specific measures that have been taken by the State to mitigate the effects of the pandemic in communities that are in a situation of extreme vulnerability, which in turn are also affected by other crises derived from anthropogenic action. Specifically, REDESCA reiterates its solidarity with the family members of the people who have died and those who have been affected as a result of the impacts caused by the tropical depression Eta and Iota, which made landfall in Nicaragua as category 4 hurricanes.<sup>1779</sup>
828. Regarding the initial impact of ETA, REDESCA noted that according to the National Disaster Prevention System (SINAPRED) of Nicaragua; there would be around 130 thousand people affected in the country, of which 20 thousand would be in shelters where precarious conditions are registered, such as lack of food and measures to avoid contagion of COVID-19. In this sense, according to the information received, the municipality of Bilwi (also known as Puerto Cabezas) and the Miskitu and Mayangna Sauni Bu indigenous territories, among others, would be some of the most affected areas of the country.<sup>1780</sup> For its part, regarding Hurricane Iota, SINAPRED reported that this would be the strongest that has impacted Nicaragua, flooding low-lying areas, and confirming in mid-November 2020, at least 20 deaths. In this sense, the most affected locality would have been the town of Haulover; according to civil society organizations, their soil was split in two, giving entrance to the marine currents, totally modifying its topography and relief, resulting in 2 small islands.<sup>1781</sup>
829. In general, it has been calculated that after these occurrences both storms affected approximately more than 140 thousand people affected in different indigenous territories; where the demand for decent food, water, medicine, clothing and shelter is very high.<sup>1782</sup> In that sense, it was calculated that in Nicaragua by November 20, 50 thousand people would be living in 1,195 shelters as a result of the impacts of tropical depressions, where 70 of such shelters are located on the Caribbean Coast, thus resulting in the region most affected by these climatic events.<sup>1783</sup> Civil society organizations mentioned that it was evidenced that the management of shelters was not done in accordance with

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<sup>1776</sup> World Bank, [Nicaragua: overview](#)

<sup>1777</sup> World Bank, [Nicaragua will receive support from the World Bank to strengthen its response to COVID-19 \(Coronavirus\)](#), December 8, 2020

<sup>1778</sup> Infobae, [IDB grants a loan of USD 43 million to Nicaragua due to COVID-19](#), August 18, 2020

<sup>1779</sup> IACHR, [The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people](#), November 17, 2020

<sup>1780</sup> Ibid

<sup>1781</sup> CEJUDCHAN, Preliminary report of damages due to the passage of Hurricane Iota in indigenous territory of the autonomous region of the northern Caribbean coast of Nicaragua, December 3, 2020

<sup>1782</sup> CEJUDCHAN, Preliminary report of damages due to the passage of Hurricane Iota in indigenous territory of the autonomous region of the northern Caribbean coast of Nicaragua, December 3, 2020

<sup>1783</sup> International Plan, [ALARMING SITUATION IN CENTRAL AMERICA DUE TO THE IMPACT OF HURRICANES \(ETA AND IOTA\), THE COVID-19 PANDEMIC AND CHILDREN IN SHELTERS](#), November 20, 2020



the Sphere Standards, including the application of the health security protocol in the context of COVID19.<sup>1784</sup>

830. In this sense, REDESCA is aware of the critical situation of hunger and the loss of homes of thousands of families and members of the communities, many of which lost their crops.<sup>1785</sup> or they were forced to move. According to the information obtained, the failure of the Nicaraguan State to respond to the humanitarian emergency and the insufficiency of medical care services in indigenous territories would place the communities at greater risk.<sup>1786</sup> For its part, REDESCA observes with concern that in consideration of the critical situation that the people affected by this situation are going through, which are also those who are in a greater situation of poverty and extreme poverty, related state entities the Government would be denying to provide aid humanitarian aid to those who are identified as contrary to the regime.<sup>1787</sup> This would also have caused religious entities and other civil society organizations that sought to bring aid to people affected by this fact, to experience acts of intimidation and harassment by people who support the regime.<sup>1788</sup>
831. REDESCA takes note of the worrying situation that Nicaragua is going through in relation to its economic recovery, both due to the effects of the pandemic and hurricanes Eta and Iota. In addition to the figures mentioned at the beginning, it is important to emphasize that the preliminary assessment of the damage of both occurrences is estimated at around 3% of the country's GDP.<sup>1789</sup> However, despite the above, no concrete actions have been identified by the State to try to find mechanisms that will effectively meet the different needs of the population, prioritizing the well-being, life, integrity and health of all people. In particular, REDESCA is concerned that humanitarian aid is conditioned to political issues, as has been reported, which would be in violation of the principle of non-discrimination enshrined in the different instruments of the Inter-American System as a fundamental obligation of the State.

## B. Right to health

832. Regarding the right to health, REDESCA observed that the State failed to adopt measures such as physical distancing, suspension of mass events, closure of educational centers or any other place of mass attendance, handling of the traceability of cases of contagions, acquisition and realization of tests, as well as the measures for the management, control and prevention of infectious diseases. On the contrary, it was evidenced that national and local authorities made public calls for marches, rallies, events, festivals and even religious celebrations.<sup>1790</sup> For example, the Ministry of Education, summoned teachers and students, for March 17, to a massive march in Jinotepe; in the same way, a school vacation period was announced between April 4 and 20 for students, and between April 4 and 17 for teaching and administrative personnel. As indicated, this decision was made with the aim of moving families to tourist centers in the country. Likewise, the Ministry of Labor, as well as its National Commission of Free Zones, provided the possibility of vacations for public officials from April 4 to 15. For its part, the Nicaraguan Institute of Tourism made calls for massive activities on the occasion of the Carazo Summer Carnival held since April 3.<sup>1791</sup> Along these lines, contrary to the main

<sup>1784</sup> Centro Humboldt, Preliminary Report on the Impact of ETA in Nicaragua, November 2020

<sup>1785</sup> CLAC, Report on the impact of hurricanes ETA and IOTA for Central America, November 23, 2020

<sup>1786</sup> IACHR, The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people, November 17, 2020; see Article 66, Hunger in Bilwi shelters still waiting for announced aid, November 21, 2020

<sup>1787</sup> Article 66, Sandinista mayoralties proselytize with the little aid they have, November 21, 2020

<sup>1788</sup> Office 505, Church collects secret aid for those affected by hurricanes in Nicaragua, November 23, 2020

<sup>1789</sup> Regional Indigenous Platform and FILAC, Preliminary Report on the consequences of the 2020 Hurricane Season on Indigenous Communities in Central America. Destruction and Resilience, November 2020

<sup>1790</sup> IACHR, IACHR and its REDESCA express serious concern about the human rights situation in the context of the response to the COVID-19 pandemic in Nicaragua, April 8, 2020; see also Nicaragua Reports, Sandinistas invite to celebrate July 19, June 8, 2020

<sup>1791</sup> Id.



recommendations of the specialized organizations, the Nicaraguan government indicated that "Nicaragua has not established and will not establish quarantine" as a State policy.<sup>1792</sup>

833. Likewise, the State indicated that such measures were taken into consideration of the unique reality of the country. Inasmuch as it is mentioned that 40% of the Nicaraguan population lives in the countryside and it is not possible to ask that a large part of it stay at home in quarantine, because they need to go out to look for firewood to cook, the water they consume, to milk cows or collect eggs, sell their products, prepare the first planting fields in these months of April and May and then sow, among other activities. The reality in Nicaragua is that 80% of urban workers belong to the informal sector and the vast majority earn their daily living by selling something or providing services.<sup>1793</sup> According to information from the Presidency of the Republic, as a containment strategy, the State, through the Ministry of Health, would have followed up on people with symptoms of respiratory failure, in order to diagnose whether it is COVID-19 or another type of ailment. ; Likewise, health volunteers (brigades, community networks, religious leaders, teachers, public health personnel) were trained in the 153 municipalities of the country; There would also have been 50,000 visits every day, counting, until May 20, 2020, 4,631,314 visits as part of the coronavirus preventive campaign.<sup>1794</sup>
834. For its part, REDESCA takes note that the State presented a "Protocol for Preparation and Response to Coronavirus Risks" prepared by the authorities and approved by specialized organizations; However, civil society organizations have mentioned that said protocol is aimed at regulating the behavior of health personnel in the care of the pandemic, but it would be insufficient to provide Nicaraguan families with guidance, both in the preventive field and in the event of an eventual scenario in which the capabilities of the country are exceeded.<sup>1795</sup> In this sense, the State must verify whether the adoption of such protocol is framed within the standards of the inter-American human rights system. In particular, the State must ensure the design of an action plan that guides the procedures to be followed for the prevention, detection, treatment, control and monitoring of the pandemic based on the best scientific evidence and the human right to health. These procedures must be transparent, independent, participatory, clear and inclusive.<sup>1796</sup>
835. It is to this extent, as indicated by the State, both Nicaragua and Sweden represent alternatives to a total quarantine in a developing country and a developed country. However, it should be emphasized that the government of Sweden indicated that such a strategy does not it would have worked since the capacity indicated for herd immunity was not reached and requires additional control steps in public health.<sup>1797</sup> Likewise, according to PAHO and WHO, the concept of herd immunity is generally reserved to calculate how many people need to be vaccinated in a population to generate the same effect.<sup>1798</sup>
836. However, REDESCA is kind enough to point out that the international scientific community has expressed that inevitably, quarantines or "lockdowns", although they substantially affect the physical and mental health of people or the economy of communities, such effects are worse in societies where it has not been possible to implement some type of strategy before and during quarantines to achieve control of the pandemic. Therefore, in the absence of adequate provisions to handle the

<sup>1792</sup> Presidency of the Republic of Nicaragua, Private Secretariat for National Policies, Report on COVID-19 and a Singular Strategy White Paper, May 2020, p. 7

<sup>1793</sup> Presidency of the Republic of Nicaragua, Private Secretariat for National Policies, Report on COVID-19 and a Singular Strategy White Book, May 2020, p. 9

<sup>1794</sup> Ibid

<sup>1795</sup> Centro Humboldt, Preliminary Assessments of the Humboldt Center in the face of the COVID-19 Pandemic in Nicaragua, March 23, 2019

<sup>1796</sup> Inter-American Commission on Human Rights, [Resolution 1/2020: Pandemic and Human Rights](#), Adopted on April 10, 2020

<sup>1797</sup> See Newsweek, [Sweden's Coronavirus Herd Immunity 'Nowhere in Sight,' Researchers Say](#), August 11, 2020, and BBC Mundo, [Did Sweden's Coronavirus strategy succeed or fail?](#), July 23, 2020

<sup>1798</sup> AP, [WHO and Sweden do not recommend "herd immunity" strategy for COVID-19](#), May 15, 2020



pandemic and the social effects associated with it, such countries would continue to face severe restrictions.<sup>1799</sup>In this understanding, knowing the challenges that quarantines represent for developing countries, especially in a context such as Nicaragua, there is no scientific evidence that indicates that the approach based on the so-called "herd immunity" has support for make it effective.<sup>1800</sup>

837. For their part, the Nicaraguan Medical Associations and the Multidisciplinary Scientific Committee belonging to the Nicaraguan Academy of Sciences, through public statements made a call for the establishment of a national quarantine on a voluntary basis, to help reduce the impact of this disease with the reduction of contagion, transmission and deaths among the population. In that measure, they urged that said national quarantine consists of staying at home for at least 3-4 weeks, making food purchases once a week, guaranteeing the distance of at least 1.5 meters from person to person, the use of masks and face masks or protective screen outside the home, and constant hand washing. Along the same lines, they also urged the private sector to take energetic measures against the spread of the virus and safeguard life by establishing actions that reduce the risk of exposure and transmissibility, not only with personal hygiene measures, but with actions such as the temporary closure of non-essential businesses while the growing number of infections is reduced. In this sense, they reiterated that this would be the only way that control of the disease has been demonstrated based on experiences from other countries that have mitigated and decreased contagion, achieving a flattening of the curve and control of the Pandemic, but with actions such as the temporary closure of non-essential businesses while reducing the growing number of infections<sup>1801</sup>.
838. Along the same lines, the Superior Council of Private Enterprise urged the population to comply with the recommendations made by the Nicaraguan medical community. In view of the seriousness of the situation of a phase of accelerated expansion and community transmission, they called for energetic measures to contribute to reducing the accelerated growth of infections. They also urged all companies in the field of non-essential businesses to close their operations to the extent possible, taking into account the recommendations of the medical community.<sup>1802</sup>
839. In addition to this fact, REDESCA observes with concern a lack of constant and updated information on the situation of the virus in the country. From specialized civil society organizations, it was learned that the State did not publish the information that it systematized or collected on the appearance of cases.<sup>1803</sup>It was even reported that on certain occasions the State harassed and persecuted people, particularly workers in the health sector, who asked or requested information on the status of the pandemic. Along these lines, the lack of transparency and reliable and detailed information on measures to prevent contagion and containment of the pandemic, as well as essential aspects in understanding the general situation of the country, such as the number of tests acquired and carried out, forms of monitoring the identified cases, contradictory information from the authorities on the number of people infected or under observation due to symptoms, They contribute

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<sup>1799</sup>Alwan NA, Burgess RA, Ashworth S, et al. The Lancet, Scientific consensus on the COVID-19 pandemic: we need to act now. October 15, 2020

<sup>1800</sup> Ibid

<sup>1801</sup> Communiqué of the Nicaraguan Medical Associations, June 1, 2020 and Communiqué of the Multidisciplinary Scientific Committee of the Nicaraguan Academy of Sciences of June 1, 2020

<sup>1802</sup> Superior Council of Private Companies, Urgent Call for all of us to act, June 1, 2020

<sup>1803</sup> IACHR, IACHR and its REDESCA express serious concern about the human rights situation in the context of the response to the COVID-19 pandemic in Nicaragua, April 8, 2020





to increasing public distrust that already exists in the country and reducing the capacity of the authorities to take adequate measures and policies to protect and guarantee the health of the population. Likewise, it prevents citizens from making informed decisions to avoid the spread of the disease or to seek specialized care; what becomes even more serious before the calls of the authorities to continue with the normal activities, including in the enjoyment of the vacation period.<sup>1804</sup>

840. From this context, REDESCA looks with concern that essential aspects, such as the counting and systematization of contagion information, were delayed or not carried out by government entities. Since before COVID-19 arrived in Nicaragua, there were complaints that the first order received by health professionals was not to share with patients any type of information about the pandemic, in this way the "mass hysteria".<sup>1805</sup> However, from the information received, it was known that a woman made a complaint through a transmission on social networks that had been in the German Nicaraguan Hospital for more than 24 hours, where they had carried out the coronavirus test but did not give her an answer. The woman assured that she had contact with the number two positive case of COVID-19 in Nicaragua and that they would not let her leave the Hospital.<sup>1806</sup>
841. Civil society organizations, for their report, mentioned that, according to an analysis carried out by the Scientific Committee, based on figures published by the MINSa, there would be an 84% increase in general mortality in Nicaragua, especially for diagnoses that are clinically attributable to COVID 19: pneumonia, thromboembolism, stroke, kidney failure; or that are known to complicate the course of COVID 19. In this sense, REDESCA observes that, according to these studies, civil society has characterized that the official figures of the pandemic in Nicaragua are disguised as deaths due to related diagnoses.<sup>1807</sup> This lack of transparent and truthful information was highlighted by former Nicaraguan Ministers of Health, who denounced in a letter addressed to the directors of WHO and PAHO, that health personnel "have been being forced, under pain of severe penalties, to manipulate health information to deny or artificially reduce the number of cases and deaths due to the pandemic."<sup>1808</sup>
842. REDESCA notes that specialized international organizations also spoke out, questioning Nicaragua's reaction to the health crisis. Along these lines, they have pointed out that the State has handled the numbers of infections and deaths with great secrecy, which has generated deep concern, among members of the international community and with countries bordering Nicaragua. PAHO reiterated that the Nicaraguan government "has not offered many details" about the impact of the pandemic in the Central American nation, requesting that the numbers of infections, the locations of the outbreaks, and the ages of the victims be disclosed. In particular, the Director of PAHO pointed out that there is concern about the lack of social distancing, the convening of mass meetings, the methodology in the implementation of examinations, contact traceability and case notification; as well as inadequate infection prevention and control.<sup>1809</sup> However, as of the date of the statement made by PAHO, the required information had not been received.<sup>1810</sup> For its part, the Office of the United Nations High Commissioner for Human Rights (OHCHR) indicated that it is also concerned

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<sup>1804</sup> Ibid.

<sup>1805</sup> The confidential, [Doctors denounce "insecurity" in hospitals against COVID-19](#), March 25, 2019

<sup>1806</sup> The Press, [Suspect of COVID-19 denounces that in the German Hospital they kept her detained without giving her the test results](#), March 18, 2020

<sup>1807</sup> The confidential, [Health workers: there are 4,429 suspected deaths of COVID-19 according to official data](#), July 23, 2020

<sup>1808</sup> [Letter to the Director of WHO and Director of PAHO from 4 former ministers of health of Nicaragua](#), May 11, 2020

<sup>1809</sup> PAHO, Dr Carisa Etienne, [PAHO Director responds to the situation in Nicaragua](#), April 7, 2020

<sup>1810</sup> Voice of America, [PAHO finds unusual cooperation in Venezuela: In Nicaragua, more silence](#), August 6, 2020. [PAHO considers "inadequate" management of COVID-19 in Nicaragua](#), April 7, 2020 and [PAHO reiterates warnings to Nicaragua on handling the pandemic](#), August 19, 2020



about the absence of physical distancing measures, as indicated by PAHO / WHO, and the lack of access to information on tests and controls. , adding to the institutional calls already indicated.<sup>1811</sup>

843. At the same time, information was obtained that in May 2020, based on an orientation from the MINSA, the State would have ordered the treating professionals to indicate “atypical pneumonia” instead of COVID19 in their death certificates and medical records. Likewise, it would also have arranged to carry out accelerated or “express” burials. Likewise, it was learned that in effect when people reported the death of someone due to a possible case of COVID, the institutional response was through the national police and other security bodies.<sup>1812</sup>
844. In this line, REDESCA recalls that Resolution 1/2020 on Pandemic and Human Rights, as the first recommendation, states that States must: “Adopt immediately, urgently and with due diligence, all the measures that are appropriate to protect the rights to life, health and personal integrity of the people who are in their jurisdictions against the risk that this pandemic represents. Such measures must be taken according to the best scientific evidence, in accordance with the International Health Regulations (IHR), as well as the recommendations issued by WHO and PAHO, as applicable.”<sup>1813</sup> In this regard, REDESCA is concerned that despite clear indications from international organizations specialized in the matter, the Government insists on the adoption of public policies that do not contemplate these recommendations.
845. At the same time, considering the aforementioned, REDESCA, based on the monitoring carried out regarding public health conditions in the country, was informed of the resignation of highly qualified medical personnel due to the lack of conditions to face the pandemic. Given this situation, according to public information, the Ministry of Health has recently been recruiting university students from the health sector to fill the vacancies left by qualified health workers who had to leave their positions due to dismissal or persecution.<sup>1814 1815</sup> In this regard, this Office of the Special Rapporteur reiterates its concern regarding the decrease in the response capacity of the public health system, in part as a consequence of the dismissal of more than 400 professionals and public health workers that occurred during the human rights crisis that the pandemic is exacerbating.<sup>1816</sup> Finally, based on the monitoring carried out by REDESCA on public health conditions in the country, the IACHR has been informed of the resignation of highly qualified medical personnel due to the lack of conditions to face the pandemic.
846. Likewise, the IACHR and its REDESCA are concerned about the information that indicates that the job stability of health professionals is closely linked to the political preference they express, and may even be affected by refraining from participating in official party networks. Both the Commission and the REDESCA have received information on these practices, which they have publicly referred to previously in the context of the political crisis and which would persist until today, illegitimately affecting the job security of public health personnel and with this, the system's capacity to face the ongoing pandemic.<sup>1817</sup>

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<sup>1811</sup> CNN, [Nicaragua: UN Human Rights Office warns about lack of measures against coronavirus. April 8, 2020](#)

<sup>1812</sup> REDESCA, Meeting with Nicaraguan civil society organizations and REDESCA, April 23, 2020 and See Washington Post, '[Express funerals' in Nicaragua: fear grows that there is a hidden tragedy of coronavirus](#), May 19, 2020; EFE, '[Express Burials](#)', [the caravan of death that scares Nicaraguans](#), May 16, 2020

<sup>1813</sup> Inter-American Commission on Human Rights, [Resolution 1/2020: Pandemic and Human Rights](#), Adopted on April 10, 2020

<sup>1814</sup> IACHR, [IACHR and its REDESCA express serious concern about the human rights situation in the context of the response to the COVID-19 pandemic in Nicaragua](#), April 8, 2020

<sup>1815</sup> REDESCA, Meeting with Nicaraguan civil society organizations and REDESCA, April 23, 2020

<sup>1816</sup> IACHR, [IACHR and its REDESCA express serious concern about the human rights situation in the context of the response to the COVID-19 pandemic in Nicaragua](#), April 8, 2020

<sup>1817</sup> [IACHR and its REDESCA express serious concern about the human rights situation in the context of the response to the COVID-19 pandemic in Nicaragua](#), April 8, 2020 and see Confidential, [Doctor denounces "secrecy", "pressure" and "lack of supplies" in hospital](#), June 3, 2020



847.

In this sense, REDESCA is drawn to the fact that in the context of a global health crisis classified as a pandemic, the State has made the decision to separate a large part of the health personnel for reasons that have not been clarified. As mentioned previously, part of the repression scheme that has been detected is based on the separation of members of the health personnel for criticizing the state's handling of the crisis. In particular, there is the case of an epidemiologist from the Roberto Calderón Hospital in Managua, who through a letter sent on June 3 was notified of the dismissal from his post for allegedly having left work. However, he reported that days before he had already received messages from supporters of the regime accusing him of discriminatory treatment against LGBT people;<sup>1818</sup> On the other hand, in Estelí, there was also the separation of a pulmonologist who would have coordinated the provision of personal protective equipment, the doctor was separated from the institution also for having criticized the State's handling of the pandemic and expressing her discontent with the current administration.<sup>1819</sup>

848.

According to information received by REDESCA, between June 9 and 10, several health professionals were notified of their dismissal from their position. In this sense, the Commission and REDESCA declared a climate of harassment and harassment from the Government to health workers, in relation to the dismissal of at least 11 health professionals who had registered for the first weeks of June 2020.<sup>1820</sup> It is in this context that REDESCA expresses its concern that the State initiated a smear campaign against the 34 Nicaraguan medical associations that have reported on the impact of the COVID-19 pandemic and the deficiency in the public health system to attend to the health emergency.<sup>1821</sup>

849.

Similarly, REDESCA received information on the lack of biosafety materials and hospital equipment and supplies to face the pandemic. The information received indicates that at the beginning of the pandemic there would only be 6,000 hospital beds and 160 respirators in all of Nicaragua. Likewise, regarding the implementation of institutional and directive public policies, civil society has warned that there is no technical-epidemiological independence of the health authorities in relation to the Executive Power. This would have a direct impact on the ability to respond and make decisions based on scientific evidence. Therefore, until June of this year the death of at least 20 health professionals would have been confirmed, not including other people working in the health sector who were also affected by the disease. In addition to this figure, it is also of concern for the Commission and its REDESCA that the separation of at least 15 people from health centers for different reasons has been confirmed.<sup>1822</sup>

850.

Added to these worrisome information reported by the Scientific Committee, it would appear that: 72% of the staff do not have the personal protective equipment to protect themselves from the coronavirus, 7% do not have soap and water to wash their hands frequently and 1 % state that they do not use the correct hand washing technique. Likewise, 17% do not have gel alcohol of more than 60% to disinfect their hands and 9% do not use the technique for the correct disinfection of their hands with alcohol. Likewise, it was pointed out that 32% state that they do not manage the dose of chlorine used to disinfect the surface where they work. Finally, 65% indicate that they have not been trained to put on personal protective equipment and 58% are not provided with a surgical mask at their workplace.<sup>1823</sup>

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<sup>1818</sup> The confidential, [Doctor Carlos Quant affirms: reason for firing him "is completely false"](#), June 4, 2020

<sup>1819</sup> Mesoamerican Initiative of Women Human Rights Defenders, [After a smear campaign, threats and virtual harassment, a pulmonologist doctor is fired for distributing protective equipment for COVID-19](#), June 15, 2020

<sup>1820</sup> IACHR, [Statement by social networks on Nicaragua](#), June 19, 2020

<sup>1821</sup> Article 66, [Ortega regime launches smear campaign against doctors who denounce their negligence against COVID-19](#), June 6, 2020

<sup>1822</sup> IACHR, [IACHR and its REDESCA express serious concern about the human rights situation in the context of the response to the COVID-19 pandemic in Nicaragua](#), April 8, 2020

<sup>1823</sup> Multidisciplinary Scientific Committee, [Perception of health worker protection in times of COVID-19](#), April 2020



851. Consequently, according to the figures reported by the Citizen Observatory, provided by the Nicaraguan Medical Unit, as of October 21 it was indicated that 814 health workers would be affected with associated or presumptive symptoms of COVID-19 in all departments of the country (74 municipalities) including municipalities on the Caribbean Coast. Most of the health personnel reported with associated or presumptive symptoms of COVID-19 are medical personnel (487 or 60%) and nurses (125 or 15%). In total, according to the Citizen Observatory, it reports an accumulated 108 deaths from COVID-19 among health personnel: which would include the following detail: 49 doctors, 24 members of nursing staff, 14 administrative staff of health homes, 8 laboratory staff, 3 medical representatives, 3 dentists,<sup>1824</sup>
852. In this regard, REDESCA recalls that States have the obligation to ensure the availability and timely provision of sufficient quantities of biosafety material, supplies and essential medical supplements for use by health personnel, strengthen their technical and professional training for the management of pandemics and infectious crises, guarantee the protection of their rights, as well as the provision of minimum specific resources destined to face this type of health emergency situations.<sup>1825</sup> Similarly, the Commission has indicated that it is also an obligation to offer differentiated care to women health professionals who work in the first line of response to the health crisis of COVID-19. In particular, offer adequate resources for the execution of their tasks, mental health care, as well as means to reduce the double burden of work they have by accumulating the professional role and domestic care tasks.<sup>1826</sup> Every working person has the right to be protected from exposure to the new coronavirus and other dangerous substances at work. States have the duty to respect, protect and fulfill the right of every worker to safe and healthy working conditions, and companies have corresponding responsibilities. No one can be deprived of their human rights by the work they do, nor should they feel compelled to work in conditions that unnecessarily endanger their health for fear of losing a job or a salary.<sup>1827</sup> The Office of the Special Rapporteur makes an urgent call to the Government of Nicaragua to refrain from engaging in these discriminatory practices, as well as to make every effort and take measures to strengthen the capacities of its public health system by incorporating all health workers available, in particular by reinstating health professionals who have been arbitrarily dismissed from their jobs.

## C. Right to education

853. Regarding the Right to Education, information was presented to REDESCA on various events in which both students and the teaching body have suffered retaliation for their political activity. Thus, according to the most recent report provided to the Rapporteurship and also verified by the MASENI, there is a number of at least 150 students expelled from different university houses of study, mostly from the National Autonomous University of Nicaragua (UNAN) in Managua. In the same way, in November of last year the separation of 43 students from the National Agrarian University (UNA) was reported, who were protesting the results of internal elections, in which student organizations participated that, according to information pickup are linked to the Sandinista National Liberation Front (FSLN). Regarding the sanctions imposed, it was indicated that, of the 43 people, four were permanently expelled, nine received a one-year sanction and 30 were deprived of all university benefits.
854. Additionally, there are several situations with similar characteristics registered, for example, in the Polytechnic University of Nicaragua (UPOLI), in the Engineering University (UNI), as well as in the different regional headquarters of the UNAN. Regarding the latter situation, from the information

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<sup>1824</sup> Nicaraguan Medical Unit, Information sent to REDESCA on October 27, 2020

<sup>1825</sup> Inter-American Commission on Human Rights, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 10

<sup>1826</sup> <sup>1826</sup> Inter-American Commission on Human Rights, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 52

<sup>1827</sup> Special Rapporteur to the United Nations on the human rights implications of the environmentally responsible disposal and storage of hazardous and toxic wastes, Duty to Prevent exposure to the virus responsible for COVID-19, August 5, 2020, A / HRC / 45/12, para. 53





collected by REDESCA, it was learned that in particular the headquarters of the city of León was the subject of particular attention by the regime forces, and its Faculty of Medicine was the object of various sanctions to its students both for the events that occurred in 2018, and from the onset of the pandemic. In this sense, in addition to the expulsions carried out, the disappearance of files and information of the students who were separated was also reported.

855. On the other hand, it is worth mentioning that, at the request of REDESCA, the State reported that the UNAN-Managua authorities formally requested the support of the National Police to expel all those people who were using the university facilities to commit crimes, during in 2018. According to what the State has indicated, the people who took over the University, destroyed it, looted and stored weapons. Specifically, mention is made of the burning of the Child Development Center (CDI), the destruction of a student residence, damage to various administrative offices, as well as laboratories and classrooms.<sup>1828</sup>
856. On the other hand, regarding the sanctioning processes, the State was able to state that there were processes regulated by internal regulations to determine the separation of students. In this sense, the University Council of UNAN Managua decided in its session 13-2018 of August 17, 2018 to approve the Report of the Special Commission and the definitive expulsion of a group of 131 students, as well as 3 other students expelled by a 1 year period. An appeal was filed against this act, which was not granted, therefore, an Appeal for Amparo was presented before the Supreme Court of Justice of Nicaragua, under Amparo Number 162-19, which was resolved by Judgment Number 386 of April 4. December 2019, which confirms the action of the University Council of UNAN-Managua.<sup>1829</sup>
857. On the other hand, although the crisis of the educational system affects mainly the students of the different university centers; also people who are dedicated to research and teaching have seen their rights affected. In this regard, REDESCA takes note that according to the information provided by civil society organizations, on April 22, 2020, a commission appointed by the authorities of UNAN - Managua proceeded to dismiss 4 members of the Board of Directors. from the Center for Health Research and Studies (CIES): Miguel Ángel Orozco, Marcia Ibarra, Rosario Hernández and Lissette Linares, who held the positions of Director, Deputy Director, Teacher in the training area and Professor of the center's administration area, respectively. According to the resolution act of the commission,<sup>1830</sup> Therefore, it is extremely worrying that just days after making these statements, the UNAN Managua administration has made that decision, particularly when it comes to a scientific research center whose work is essential in the context of the pandemic.
858. Likewise, REDESCA also expresses its concern over how many teachers were separated from the position for political reasons. In particular, REDESCA learned through public information that the rector of UNAN de León requested the dismissal of 15 teachers for not "swearing" loyalty to the FSLN. In this sense, the complainants insist that it is one more episode of interference by the regime in educational institutions.<sup>1831</sup>
859. Considering the aforementioned, REDESCA recalls that the IACHR has established that the right to education is a catalyst for the effective guarantee of other human rights, as well as for the generation of a critical and participatory citizenship as well as to influence development itself. of people and societies.<sup>1832</sup> Likewise, higher education, academic freedom for teachers and students, as well as the

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<sup>1828</sup> Government of Nicaragua, Response to Letter Art. 41 sent by REDESCA, March 31, 2020

<sup>1829</sup> Government of Nicaragua, Response to Letter Art. 41 sent by REDESCA, March 31, 2020

<sup>1830</sup> Crazy Wave, "UNAN - Managua dismisses the management staff of the Research Center for Health Studies", April 23, 2020; Confidential, Dismissals from CIES are "arbitrariness" and "irresponsible action", April 23, 2020; Open Classroom, CIES researchers from UNAN - Managua are fired for criticism of the government's handling of COVID-1 April 9, 29, 2020

<sup>1831</sup> Confidential, Rector of UNAN-León orders the dismissal of 15 teachers for not "bowing" to the FSLN, September 13, 2020

<sup>1832</sup> Inter-American Commission on Human Rights, Serious human rights violations in social protests in Nicaragua, June 21, 2018, OEA / Ser.L / V / II. Doc 86/18, Para. 170





autonomy of institutions, are fundamental pillars to strengthen democratic structures and avoid pressure or intervention of a political nature.<sup>1833</sup>

860. In the same way, REDESCA calls on the State, by virtue of the aforementioned facts, to take measures to investigate the complaints of students about instigation from university authorities or student leaders related to the government, and guarantee autonomy of the universities, as academic freedom, of expression and of thought of their educational bodies and students. Likewise, an environment conducive to class recovery must be provided and guaranteed as soon as possible, prioritizing the safety and protection of students. If necessary, the State must make the pertinent adjustments, taking into account the elements of availability, accessibility, acceptability and adaptability.<sup>1834</sup>

## D. Labor and union rights

861. In relation to labor and trade union rights, REDESCA takes careful note that according to data collected by the International Labor Organization (ILO), the economic crisis that is looming for the country will adversely affect the world of work in three dimensions: 1) the amount of available employment, 2) the quality of work and, 3) the effects on specific groups in a vulnerable condition in the face of adverse consequences in the labor market.<sup>1835</sup> It is worrying that considering the sectors that would be most affected by the economic crisis (manufacturing industry, commerce, hotels and restaurants), 37.9% of total employment in Nicaragua is at high risk; in the case of jobs where women have a higher degree of participation.<sup>1836</sup> Additionally, it should be noted that, according to the data provided to the ILO by the Central Bank of Nicaragua, half of the economically active population is working in the informal sector.<sup>1837</sup>
862. Similarly, in response to the pandemic, the State took some measures in the workplace to somewhat reduce the impact of the crisis. Specifically, REDESCA takes careful note of the Tripartite Free Zone Agreement to address the issue of Coronavirus and its implications in the operations of free zone companies.<sup>1838</sup> The agreement includes measures such as recommending to companies under the free zone regime to apply health and safety measures, granting work permits with percentage of salaries (reducing working hours, carrying out remote working days (teleworking) and carrying out temporary suspensions of contract, prior to the collective and temporary suspension of contracts. It also includes the interruption of the work of people in vulnerable situations (people over 60 years of age, women in a state of pregnancy, and people at high risk), with pay and grant advance on account of vacations in companies under the free zone regime.<sup>1839</sup> However, REDESCA registers that it was not able to access the content of the agreement in its entirety on the official websites of the State or the Free Zones Commission.
863. Likewise, civil society organizations indicated that, based on the provisions of the agreement, collective suspensions would be allowed under the provisions of art. 38 of the Labor Code. However, REDESCA is aware that such suspensions could lead to the workers being forced to resign (usually moving to the informal sector of the economy), seeing their income drastically reduced. Along these lines, according to information released by civil society organizations in April, in relation to 42 companies that employ around 84 thousand people; detailed the following findings; the vacation

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<sup>1833</sup>Committee on Economic, Social and Cultural Rights. General Comment No. 13. UN Doc. E / C.12 / 1999/10 (December 8, 1999) paras. 38-40

<sup>1834</sup>Inter-American Commission on Human Rights, [Serious human rights violations in social protests in Nicaragua](#), June 21, 2018, OEA / Ser.L / V / II. Doc 86/18, Para. 170

<sup>1835</sup> ILO, [COVID-19 and the world of work: Starting point, responses and challenges in Nicaragua](#), 2020

<sup>1836</sup> Ibid

<sup>1837</sup> Ibid

<sup>1838</sup> ILO, [National Political Responses: Nicaragua](#), as of June 4, 2020

<sup>1839</sup> ILO, [COVID-19 and the world of work: Starting point, responses and challenges in Nicaragua](#), 2020



period was extended to around 14,270 people, collectively suspended to 24,650 and registered, from March 15 to April 18, 3 621 accumulated dismissals; Up to that date, 41,439 people were still working. During this time, the total closure of a single company was recorded.<sup>1840</sup> On the other hand, for May of this year the situation registered the following figures: 13,045 people were registered under the extended vacation modality and 23,000 under the collective suspension modality. For its part, the contract was canceled for 5,768 people; thus giving a figure for April 30 of 42,167 people who continued to carry out their work.<sup>1841</sup>

864. In this context, the Office of the Special Rapporteur looks with concern that according to public information, a total of 78,000 workers sent on vacation with pay are registered for a premium phase, 5,500 were suspended without pay, and 2,893 were fired.<sup>1842</sup> In particular, REDESCA states that given the complex context that Nicaragua is going through, such measures add to especially precarious working conditions for women workers who work in these companies. The historical high levels of workplace violence and sexual harassment, as well as its increase in the context of the sociopolitical crisis, show the lack of effective mechanisms, statistical records of cases and sanctions, and a deficient control of the administrative authorities over labor relations.<sup>1843</sup>
865. In the same way, REDESCA expresses its concern that in the Nicaraguan context the situation of people who work for the State are immersed in a situation of harassment and harassment if they do not comply with official speeches. However, despite the fact that the high hierarchies of the State continued to reduce the risk posed by the pandemic, within the State institutions they began to take the temperature of the employees, give them alcohol gel for their hands and provide access to masks. Some state workers and FSLN party activists from neighborhoods and communities who have had deaths in their families, when they are extremely poor, receive support to have access to the coffin and a piece of land in the Milagros de Dios cemetery or in municipal cemeteries of the departments.<sup>1844</sup>
866. Finally, REDESCA would like to express its total rejection of the intimidating acts that have also been registered during this year against defenders of labor rights in different contexts. REDESCA recorded acts of harassment and intimidation by members of the State security forces against members of the Nicaraguan Medical Unit, as well as organizations and individuals who defend labor rights. Regarding the latter, REDESCA learned that, on the morning of September 25, elements of the Police surrounded the facilities of the María Elena Cuadra Women's Movement (MEC), preventing workers from entering the interior. Hours later, due to social pressure from civil society and the community,<sup>1845</sup>
867. In this sense, REDESCA reiterates the call made by the Inter-American Commission, urging the State to review the law on Foreign Agents. Said legislation, under the idea of regulation and control of "foreign agents", seriously affects the work of Nicaraguan organizations that receive financing or support from abroad to achieve their causes such as social promotion and development or the defense of human rights. ; thereby affecting the rights to freedom of association, to defend human rights, as well as the exercise of the right to participate in the management of public affairs.<sup>1846</sup>

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<sup>1840</sup> [Situation of women workers in the maquiladora industry in the face of COVID 19](#), April 15, 2020

<sup>1841</sup> [Situation of women workers in the maquiladora industry in the face of COVID 19](#), May 1, 2020

<sup>1842</sup> IndustriAll Global Union, [COVID-19: Free zone companies lay off more than 2,000 Nicaraguan workers](#), April 15, 2020

<sup>1843</sup> Mesoamerican Initiative of Women Human Rights Defenders, Report to the ESCR Committee on the status of compliance with labor rights in the free trade zone sector, August 2020, par. 60

<sup>1844</sup> The confidential, [The COVID-19 pandemic and public servants](#), August 18, 2020

<sup>1845</sup> Mesoamerican Initiative of Women Human Rights Defenders, [\[Urgent Alert\] NICARAGUA / Police surround the facilities of the María Elena Cuadra Women's Movement and prevent access for workers](#), September 25, 2020; Additionally, on the same day, acts of intimidation were also recorded against members of the [Coordinator of Rural Women](#).

<sup>1846</sup> IACHR, [The IACHR calls for an immediate end to acts of persecution against persons identified as opponents of the government and for the reestablishment of democratic guarantees in Nicaragua](#), October 10, 2020



## E. Right to a Healthy Environment and climate change

868. Regarding the environmental situation in the country, REDESCA notes that the State adhered to the Paris agreement in 2017, assuming the commitment to strengthen its policies, strategies and government instruments in order to contribute to the goal of not increasing the temperature in the world to more than 1.5 degrees.<sup>1847</sup> Likewise, the State has a planning instrument for this purpose, which is the National Human Development Plan (PNHD), which proposes to contribute to sustainable Human Development from the rescue of the values of respect and conservation of natural resources and restoration of habitat, protection of Mother Earth and adaptation to Climate Change, thus guaranteeing the care and sustainable use of natural resources.<sup>1848</sup>
869. Likewise, REDESCA is aware that, according to the State, it has made progress in terms of public policies aimed at the use, protection, conservation and environment, calling on different levels of society for shared responsibility. The PNHD raises environmental sustainability and forestry development for the recovery of all ecosystems. According to the State, the main achievements would be the management of 12,455 hectares of natural regeneration; the National Reforestation Crusade with 82,000 hectares of forest and protected land in 1,536 rural communities, as a strengthening of the capacities of the ethnic communities of the Caribbean and the dry zone of the country, to adapt to climate change.<sup>1849</sup>
870. However, despite the progress made by the State, according to information provided by civil society organizations, the continuation of extractive projects and deforestation are two events that have been occurring rapidly during the pandemic.<sup>1850</sup> For the year 2019, the environmental situation in Nicaragua was already in a complicated situation, especially when there had been an increase in the average temperature of the country, which ranged between 1.0 ° C and 1.5 ° C with respect to its historical records and the greatest difference in thermal amplitude between minimum and maximum temperatures of more than 15 ° C on the same day was observed in various sectors of the country.<sup>1851</sup> This abrupt increase in temperature has been evidenced in several events with an increase in forest fires, as well as in the deforestation of protected areas.
871. Specifically, REDESCA learned that, by April 11, 2020, according to civil society organizations, three large fires had been registered. In the Dipilto Jalapa mountain range; the Nature Reserve, in the municipality of San Rafael del Sur and a third fire in the Indio Maíz Biological Reserve.<sup>1852</sup> According to these same entities, this sector is characterized by being a widely used pine forest that fortunately was controlled by the local authorities, since the authorities of the environment ministry did not arrive at the place, but that soldiers of the first regional command of the army did. attended.<sup>1853</sup>
872. In this sense, REDESCA expresses its concern that these events also occur in a complex context where deforestation has been increasing despite the measures indicated by the State. According to complaints made by civil society, there is a cover-up by the authorities so that certain people can carry out these activities without any type of control, deforesting the already affected area of the

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<sup>1847</sup> Ministry of the Environment and Natural Resources (MARENA), VI National Report on compliance with the Convention on Biological Diversity, March 2020, p. 10

<sup>1848</sup> Ministry of the Environment and Natural Resources (MARENA), VI National Report on compliance with the Convention on Biological Diversity, March 2020, p. 9

<sup>1849</sup> Ministry of the Environment and Natural Resources (MARENA), VI National Report on compliance with the Convention on Biological Diversity, March 2020, p. 103

<sup>1850</sup> REDESCA, Meeting held with Nicaraguan civil society organizations regarding the impact of Mining in Nicaragua, December 21, 2020

<sup>1851</sup> Centro Humboldt Foundation, Environmental Situation 2019 Nicaragua (valuations for an environmental balance), 2019

<sup>1852</sup> Fundación Centro Humboldt, Fire in the Dipilto and Jalap mountain range affects an important area of pine forest, April 11, 2020

<sup>1853</sup> Ibidem, La Prensa, Fires devastate pine forests in the Dipilto area, April 11, 2020



- Dipilto Jalapa mountain range.<sup>1854</sup> Thus, in July 2020, by virtue of several complaints that had been made, some local government officials were separated for issuing forest permits in exchange for perks and not complying with environmental regulations.<sup>1855</sup> Likewise, on July 10, two people were reported to have been detained by army officers for illegally felling trees in the "Macizo de Peñas Blancas" Nature Reserve.<sup>1856</sup>
873. On the other hand, REDESCA expresses its concern that at the end of September it was reported that the Nicaraguan Army retained members of the Territorial Government Rama and Kriol and the indigenous Communal Governments after they left a monitoring tour in the Biological Reserve Indio Maíz in the Mariposa sector, to document the invasion processes. The indigenous leaders and community forest rangers were detained in the town of Quezada in the Municipality of El Castillo.<sup>1857</sup> Likewise, according to information that was sent by civil society to this Office of the Special Rapporteur, a complex context of land defense was indicated in the framework of extractive projects. In particular, he referred to three serious situations that denote a determination by the State to carry out these activities despite the constant objections on the part of the citizens to their execution.
874. First, REDESCA expresses its concern about the situation in the town of Camoapa, where the local authorities have resisted the various activities carried out by the Canadian-owned Caliber Mining Company. In this area, municipal officials indicated that it is the power of the local government to provide the guarantee required for the start of operations, however, it is the responsibility of the central government to grant mining concessions for this purpose. In this sense, it was pointed out that the company, with the consent of the State, would be resorting to purchasing several plots of land from different owners in order to carry out the activity without the need for the approval of the council.<sup>1858</sup>
875. However, REDESCA is concerned about the situation regarding the project located in Santa Cruz de la India owned by the British company Condor Gold. This project was being part of a process before the independent recourse and accountability mechanism (CAO) of the World Bank, which closed its review process in October 2019<sup>1859</sup>, after the International Finance Corporation (IFC) announced its withdrawal as an investor in this project.<sup>1860</sup>
876. Regarding this situation, there is knowledge of different cases of cases and intimidation that have been registered against the leader Olman Salazar. Specifically, REDESCA takes note of the events that occurred on December 18, 2019, when it was reported that around 15 officials of the national police broke into his home, carrying out acts of harassment and intimidation against all members of the family who were they were in the place. All the people were detained, handcuffed and interrogated, while the police confiscated the leader's personal equipment.<sup>1861</sup> Additionally, in relation to the practices mentioned above, it was also reported that the company had occupied the property of Mr.

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<sup>1854</sup> The Press, [Deforestation in the Dipilto-Jalapa Mountains is alarming, says environmentalist](#), May 21, 2019; [They launch SOS for constant deforestation and water shortage in Mozonte](#), May 13, 2020

<sup>1855</sup> Ecological Bulletin, [Shaking in INAFOR and Dipilto Jalapa Mayor's Office](#), July 16, 2020

<sup>1856</sup> Nicaraguan Army, 6th Regional Military Command, [Informative Note No. 020/2020](#), July 10, 2020

<sup>1857</sup> The Press, [Cenidh denounces the detention of members of the territorial government Rama Kriol in the Indio Maíz reserve](#), September 27, 2020

<sup>1858</sup> REDESCA, Meeting with civil society organizations and the National Movement Against Mining (MONAFMI), December 21, 2020

<sup>1859</sup> CAO, [Compliance Evaluation: Summary of Result](#), September 30, 2019

<sup>1860</sup> Condor Gold, [Notice of divestment](#), June 11, 2019

<sup>1861</sup> CIEL, Update regarding reprisals against environmental defenders in Nicaragua, February 2020



Salazar's father, by removing the fence that was on the site and installing a new one in a space of about two hectares where the entity wanted to start gold mining activities.<sup>1862</sup>

877. In addition, similar situations are also recorded, such as in the town of Santo Domingo de Chontales, which is also part of the Caliber Mining company, where, from the Tajo Jabalí Antena project, an excavation would be being carried out that would be putting in danger of undermining a whole town, where around 23 families live, living in 17 houses, who did not agree to relocate their homes.<sup>1863</sup> This has meant that families in vulnerable situations are not only in danger that their homes may be undermined by the excavations, but they have also been subjected to intimidation and attacks by state actors and company agents.<sup>1864</sup>
878. REDESCA expresses its strong condemnation of these facts, as well as an emphatic call on the State to initiate the pertinent investigations in order to identify the persons responsible for the acts of harassment and intimidation against the officials who are found doing these activities. In the same sense, REDESCA reminds the State that the companies that are in the territory are obliged to respect human rights. Specifically in the context of business activities, REDESCA has indicated that States, when exercising their regulatory, supervisory and judicial functions, but also companies, within the framework of their activities,<sup>1865</sup> In this context, such guarantees also include ensuring and respecting, at a minimum, all current environmental laws and international standards or principles on the matter, putting in place due diligence processes regarding the environmental impact on human rights and the climate, guarantee access to environmental information, participatory processes and accountability, as well as effective reparation to victims of environmental degradation.<sup>1866</sup>
879. However, REDESCA takes note that Nicaragua is one of the states that have ratified the Regional Agreement on access to information, public participation and justice in environmental matters, also known as the Escazú Agreement.<sup>1867</sup> This regional instrument systematizes the obligations already contained in Principle 10 of the 1992 Rio de Janeiro Declaration, but at the same time presents innovative provisions to protect environmental rights defenders; in particular in its article 9 where obligations are created for the States in relation to the guarantee of safe environments so that they can carry out their activities without any type of threats or intimidation. Likewise, it guarantees the protection of their civil and political rights, as well as taking the necessary measures to investigate and punish any attack against them.<sup>1868</sup>

## 25) PANAMA

880. At the end of December 2020, the COVID-19 pandemic had caused approximately 238,279 infections, 3,933 deaths and 189,764 people recovered in the country<sup>1869</sup>. Faced with this scenario, which would

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<sup>1862</sup> CIEL, Update regarding reprisals against environmental defenders in Nicaragua, February 2020; REDESCA, Meeting with civil society organizations and the National Movement Against Mining (MONAFMI), December 21, 2020

<sup>1863</sup> Observatory of Mining Conflicts of Latin America, Mining conflicts in Latin America. Extraction, Looting and Aggression: mining advances alongside the virus. Situation Status, August 2020, p. 107

<sup>1864</sup> REDESCA, Meeting with civil society organizations and the National Movement Against Mining (MONAFMI), December 21, 2020

<sup>1865</sup> IACHR and REDESCA, Business and Human Rights Inter-American Standards, OEA / Ser.L / V / II CIDH / REDESCA / INF.1 / 19, November 1, 2019, para. 46

<sup>1866</sup> Ibid

<sup>1867</sup> ECLAC, Observatory of Principle 10 in Latin America and the Caribbean

<sup>1868</sup> ECLAC, Regional agreement on access to information, public participation and access to justice in environmental matters in Latin America and the Caribbean, Art. 9

<sup>1869</sup> Worldometer, Coronavirus Cases in Panama, December 30, 2020.





have started on March 9 with the first case<sup>1870</sup> On March 13, the President decreed a national health emergency to face COVID-19<sup>1871</sup>, on March 17, a national curfew was ordered (with some exceptions associated with essential services<sup>1872</sup>) and on March 25, an indefinite national quarantine began, which gave the population a two-hour daily margin for supply purposes and according to their identity documents in order to avoid crowds.<sup>1873</sup> From two weeks before the quarantine, schools, shops, non-essential activities were closed and crowds were prohibited<sup>1874</sup>. Likewise, international flights and the entry of foreign people were suspended.<sup>1875</sup> Despite some restrictions, according to official information, since August the gradual resumption of some activities has been allowed, according to biosafety indicators<sup>1876</sup>. However, due to the rebound in cases since November, certain restrictions had to be resumed and a total quarantine was decreed that would run until mid-January.<sup>1877</sup>.

881. Hand in hand with these restrictions on citizen mobility, economic measures were decreed to support the population. In this way, through the Panama Solidario plan, the State began to provide relief to people impacted by the crisis through the delivery of bags of food, voucher book and digital vouchers.<sup>1878</sup>, giving particular attention to families in situations of poverty, people who live in areas of difficult access, vulnerable families or independent workers<sup>1879</sup>. Likewise, it was established the flexibility of the payment of public services, the reduction of the electricity tariff<sup>1880</sup>, and while the state of emergency lasts, evictions from homes, commercial establishments, industrial and educational activities, among others, were suspended.<sup>1881</sup>.
882. Although REDESCA takes note of the measures implemented by the State to mitigate the impacts of the crisis and of the programs designed to protect people in conditions of economic vulnerability, it also expresses its concern about their limitations, since these would have been insufficient to face the socio-economic consequences of the pandemic and generated several protests in the country considering that, on the one hand, in the case of labor rights, they were regressive by allowing the suspension of contracts without major controls and, by On the other hand, that in the face of economic losses and the cost of the basic food basket, they were insufficient<sup>1882</sup>. On this last point, it is highlighted that the basic family basket would have a value of \$ 300, and the solidarity bond would only cover a third part (\$ 100)<sup>1883</sup>. Without detriment to the foregoing, REDESCA takes note of the modification of the decree by which it was going to authorize the exclusion of the solidarity bonus for economically dependent young people under 25 years of age<sup>1884</sup>. The foregoing, because, according to an evaluation prepared by the Social Security Fund, CIEPS and other institutions, this would be a vulnerable group in the face of the pandemic as it is one of the groups most affected by the crisis<sup>1885</sup>.

<sup>1870</sup> PAHO Panama, [Panama confirms first case of COVID-19](#), March 9, 2020

<sup>1871</sup> CNN, [Panama declares a state of national emergency and announces measures against the coronavirus](#), March 13, 2020

<sup>1872</sup> Ministry of Health of the Republic of Panama, [Executive Decree no. 470](#), March 17, 2020

<sup>1873</sup> Forbes, [Panama begins to relax measures imposed by the COVID-19 pandemic](#), May 6, 2020

<sup>1874</sup> Ibid.

<sup>1875</sup> Ibid.

<sup>1876</sup> Ministry of Foreign Affairs of the Republic of Panama, AJDH - MIRE-2020-43521, December 16, 2020

<sup>1877</sup> CNN, [Government of Panama orders total quarantine at Christmas and New Year](#), December 16, 2020; RangoFinder, [Gradual reinstatement of workers is suspended due to total quarantine](#), December 28, 2020

<sup>1878</sup> Ministry of Foreign Affairs of the Republic of Panama, AJDH - MIRE-2020-43521, December 16, 2020

<sup>1879</sup> Ministry of the Presidency, [Executive Decree No. 400 creates the Panama Solidarity Plan](#), March 27, 2020.

<sup>1880</sup> CNN, [Government of Panama orders total quarantine for the coronavirus](#), March 24, 2020

<sup>1881</sup> Office of the Ombudsman of Panama, [Evictions in the midst of the pandemic are prohibited, we must show solidarity with those who have the least](#), July 29, 2020

<sup>1882</sup> Hello News, [Union of Panama demands the non-suspension of salaries in the new quarantine](#), December 29, 2020; Panama America, [Suntracs protest in Mitradel and in other provinces against the suspension of contracts](#), November 30, 2020

<sup>1883</sup> The Panama Star, [Government modifies article that removed vouchers from young people under 25 years of age](#), December 28, 2020

<sup>1884</sup> The Panama Star, [Government modifies article that removed vouchers from young people under 25 years of age](#), December 28, 2020

<sup>1885</sup> Ibid.



## A. Poverty and Human Rights

883. The REDESCA also calls to bear in mind that corruption substantially affects the poorest people, and therefore, is a limitation for the guarantee of ESCER for the population in general, and for people living in poverty in particular.<sup>1886</sup> In view of this, attention should be paid to this phenomenon when considering the number of people in the Panamanian state who live in a situation of economic vulnerability and that would have increased due to the socioeconomic impacts of the pandemic. According to ECLAC estimates, the poverty rate in Panama would grow by approximately 3 percentage points (from 14.6% to 17.5%), while extreme poverty would increase by 2 points (from 6.5% to 8,5%)<sup>1887</sup>. Likewise, a greater inequality is expected in the distribution of income, in which the variation of the GINI would increase between 3% and 3.9%<sup>1888</sup>.
884. REDESCA takes note of these estimates, as the worsening of the economic situation and the situation of poverty have serious impacts on the performance of the ESCER of the population.<sup>1889</sup>, with differentiated impacts on groups in a special situation of vulnerability, including children and adolescents, women, the elderly, indigenous peoples, people in a situation of human mobility, among others. Therefore, in the same way that the IACHR and its REDESCA had already done, the Office of the Special Rapporteur recalls the need that, within the framework of containment measures in the face of the pandemic, specific programs are adopted aimed at addressing the situation of particular poverty of these households, with an intersectional and differentiated perspective<sup>1890</sup>. Against this, REDESCA highlights the actions of the Panamanian State for the translation and dissemination of information on sanitary measures to indigenous communities<sup>1891</sup>. Likewise, it highlights the program through which the rapid reaction team was installed to attend to COVID-19 cases in homes for the elderly and the differentiated care measures for this population group<sup>1892</sup>.
885. However, for REDESCA, the guarantee of ESCER for migrants in Panama in the context of a pandemic is of special concern, who, due to regional measures to deal with it and the closure of borders in the country, were left stranded without possibility of continuing with their migratory route. This border closure caused a migration crisis of approximately 2,520 people who were forced to stay at the Migration Reception Stations, mainly in the province of Darién.<sup>1893</sup> In these places, a series of effects on the right to health, water, food and decent housing have been reported.<sup>1894</sup>, despite the fact that the State has expressed the attention of the people in the camps<sup>1895</sup>. For this reason, although the attention of needs by the State stands out -mainly at the health level-<sup>1896</sup>, together with the dissemination of information on the recommendations of the WHO and the Ministry of Health regarding preventive measures against the spread of COVID-19 in different languages<sup>1897</sup>, REDESCA calls for immediate and effective measures to be taken to guarantee the right to health, food, water and other ESCER of this population, for which it requires timely access to essential health services and

<sup>1886</sup> IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA / Ser.L / V / II., December 6, 2019.

<sup>1887</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>1888</sup> Ibid.

<sup>1889</sup> IACHR, [Poverty and Human Rights](#), OEA / Ser.L / V / II.164, September 7, 2017

<sup>1890</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>1891</sup> FILAC, [Government will circulate information in indigenous languages to raise awareness about COVID-19](#), March 26, 2020.

<sup>1892</sup> Ministry of Social Development, [MIDES installs rapid reaction equipment to deal with cases of COVID-19 in Homes Homes for the elderly](#), July 29, 2020

<sup>1893</sup> Reuters, [Panama isolates migrants in remote shelter in the middle of the jungle for fear of coronavirus](#), June 9, 2020; IOM, [Humanitarian Response at the Immigration Reception Stations \(MRE\) in the face of the COVID-19 pandemic, March 25 to July 2, 2020, Panama](#), July 9, 2020.

<sup>1894</sup> Ombudsman, [Ombudsman's Office participates in an inter-institutional meeting where they analyze the situation of the migrant population in Darién](#), April 18, 2020.

<sup>1895</sup> IOM, [Humanitarian Response at the Immigration Reception Stations \(MRE\) in the face of the COVID-19 pandemic, March 25 to July 2, 2020, Panama](#), July 9, 2020.

<sup>1896</sup> AP, [Inter-American Court verifies measures ordered to Panama for migrants](#), July 9, 2020

<sup>1897</sup> IOM, [Humanitarian Response at the Immigration Reception Stations \(MRE\) in the face of the COVID-19 pandemic, March 25 to July 2, 2020, Panama](#), July 9, 2020



an adequate condition of the shelters, that allows compliance with biosafety protocols and WHO recommendations.

## B. Right to health

886. Regarding people with medical preexistence and other diseases in the framework of the pandemic, REDESCA has been aware of the problems that people with COVID-19 and with kidney failure are experiencing, who in some cases would not be receiving enough dialysis<sup>1898</sup> due to limits on the capacity of specialized dialysis units for patients who have contracted the virus<sup>1899</sup>. Additionally, it is reported that the particular situation of people with kidney failure has not been taken into account, since they would have to expose themselves to contracting the virus to receive treatment, while the centers where they are treated are not "free of COVID-19", and in other cases, they are not located in the hemodialysis rooms near their homes<sup>1900</sup>. This would have triggered the fact that by August around 200 of the 2,200 kidney patients had been infected<sup>1901</sup>. In this sense, the Rapporteurship calls for measures to be adopted to reduce the level of risk of contagion of these people and to follow the guidelines of the IACHR in the face of the pandemic, in which it was determined that the States must ensure a distribution and equitable access to health facilities, goods and services without any discrimination, ensuring care for people with COVID-19, as well as for people with pre-existing diseases that make them especially vulnerable to the virus<sup>1902</sup>.
887. The Office of the Special Rapporteur also highlights the importance of ensuring the existence of accountability mechanisms and access to justice in the event of possible human rights violations in the context of the pandemic, including acts of corruption or State capture.<sup>1903</sup>, taking into account that corruption is one of the factors that seriously affects the availability of resources for effective access to the right to health, and in general, to all human rights<sup>1904</sup>. For this reason, it is recommended to carry out an exhaustive investigation in a serious, timely and diligent manner against the information on the documentation of alleged cases of corruption linked to the expansion of hospital availability and the supply of health goods and services.
888. In this context, information has been known about investigations related to a possible case of corruption in the construction of a modular hospital to attend the health emergency produced by COVID-19<sup>1905</sup> as well as a purchase of respirators at exorbitant prices<sup>1906</sup>. Likewise, REDESCA received information on alleged acts of corruption in the country that would be generating a shortage of generic drugs, with a particular impact on people with high blood pressure. In this regard, it has been reported that there would be several companies and public officials involved in controlling market prices<sup>1907</sup>, which by generating a shortage of generic drugs (in the specific case of the drug Lisinopril), forces people to purchase drugs at private pharmacies at high prices.
889. Faced with this situation, in 2019 a request had already been made to the State for information on the use and marketing of the generic drug "Lisinopril 20MG tablets USP" prescribed for patients with arterial hypertension and on the actions carried out by the State to guarantee the access to essential medicines for patients with arterial hypertension, REDESCA sent a follow-up letter to the State to request new information on the commercialization of essential generic medicines for people with arterial hypertension (including Lisinopril, from the lifting of the suspension of its use and

<sup>1898</sup> Hello News, [The COVID-19 crisis complicates the care of kidney patients in Panama](#), August 4, 2020

<sup>1899</sup> Ibid

<sup>1900</sup> The Press, [COVID-19 aggravates the health of kidney patients](#), August 13, 2020

<sup>1901</sup> Hello News, [The COVID-19 crisis complicates the care of kidney patients in Panama](#), August 4, 2020

<sup>1902</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, para. April 8, 10, 2020

<sup>1903</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 16, 10, 2020

<sup>1904</sup> IACHR, [III Annual Report of the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights \(REDESCA\)](#), OEA / Ser.L / V / II.Doc. 5, February 24, 2020. Para. 655.

<sup>1905</sup> EFE, [A star hospital project in the fight against pandemic is investigated in Panama](#), May 26, 2020.

<sup>1906</sup> Ibid.

<sup>1907</sup> The Panama Star, [They denounce a mafia that makes drugs more expensive in Panama](#), November 23, 2020



commercialization in April 2019). Likewise, information was required on the procedures carried out to acquire such drugs and ensure their availability, especially in the context of a pandemic.<sup>1908</sup>

890. In this regard, the Office of the Special Rapporteur appreciates the attention to the matter by the State and its response, in which it is specified that the Ministry of Health has managed the acquisition of 3,750,000 tablets of the drug Lisinopril 20 MG in order that these are distributed in 15 health regions<sup>1909</sup>. Likewise, it is highlighted that, in the context of a pandemic, the State has adopted a temporary procedure for the reception, processing, evaluation and authorization of importation of medicines, in order to ensure the supply<sup>1910</sup>. However, REDESCA urges a thorough investigation of the events indicated, as reports continue on the shortage of these drugs and possible associated acts of corruption, which represents serious risks to the life, health and physical integrity of people with hypertension arterial in the country.

## C. Labor rights

891. In the case of labor rights, one of the biggest complaints from various social organizations and unions in the country has been the massive suspension of labor contracts, which in their opinion has given priority to economic recovery and support for companies over rights of the workers<sup>1911</sup>. This since as a result of the pandemic, around 280,000 contracts in the country would have been suspended.<sup>1912</sup> and salaried jobs would have been reduced by 86%<sup>1913</sup>, which has had a serious impact on household livelihoods. Thus, 77% of the households with children and adolescents in the country declared to have totally or partially lost their income, while in the lowest socioeconomic level (SES) it would be 89%, which has meant that 1 in 3 households does not have the necessary income to cover their basic needs, while in the NSE it would be 1 in 2<sup>1914</sup>. It should be noted that this situation is even more worrying when considering not only the impacts on ESCER of the population in general, and of children and adolescents in particular, but also that these figures could grow considering that the competition to suspend contracts would have been extended until January 31<sup>1915</sup>, since the increase in cases towards the end of November meant that the gradual reinstatement of workers had to be stopped<sup>1916</sup>. In this context, although REDESCA recognizes these provisions through which the State would have sought to preserve sources of work - through the possibility that employers and workers could modify working conditions - together with the regulation that establishes economic support for those who have suspended contracts and the prohibitions to hire new workers in the same or similar position to that of a person with suspended contracts<sup>1917</sup>, the Office of the Special Rapporteur expresses its concern about the guarantee of workers' rights, their job stability, and the impacts on their homes. The above meanwhile, according to some estimates, the suspension of contracts would have triggered unemployment rates in the country, reaching the highest figure in the last 20 years (with an increase of 18.5% in August and more than 370,000 unemployed people)<sup>1918</sup>.
892. In this scenario, note is also taken of the situation of front-line personnel, in which at different times both the physicians' union and the nurses' union have denounced the lack of payments and poor working conditions, despite their invaluable services during the pandemic<sup>1919</sup>. In this regard, it is of special concern that the delays for payments reported in August have been repeated in November,

<sup>1908</sup> IACHR and REDESCA, CIDH / REDESCA / Art.41 / 9-2020 / 76, September 18, 2020

<sup>1909</sup> Ministry of Foreign Affairs of the Republic of Panama, AJDH-MIRE-2020-34789, October 30, 2020

<sup>1910</sup> Ibid.

<sup>1911</sup> Panama America, [Suntracts protest in Mitradel and in other provinces against the suspension of contracts](#), November 30, 2020

<sup>1912</sup> Rangefinder, [Gradual reinstatement of workers is suspended due to total quarantine](#), December 28, 2020

<sup>1913</sup> Panama America, [Pandemic reduced 86% of salaried jobs](#), December 27, 2020

<sup>1914</sup> UNICEF, [Situation of families with children and adolescents during COVID-19 in Panama](#), Report, July 28, 2020

<sup>1915</sup> TVN, [Contracts may be suspended until new confinement in Panama](#), December 29, 2020

<sup>1916</sup> Rangefinder, [Gradual reinstatement of workers is suspended due to total quarantine](#), December 28, 2020

<sup>1917</sup> Panama America, [More than 90 thousand contracts have been reactivated, which represents 33% of all those suspended by the COVID-19 pandemic](#), November 23, 2020

<sup>1918</sup> The Panama Star, [More than 370 thousand people are unemployed in Panama, the highest number in 20 years](#), December 22, 2020

<sup>1919</sup> Yahoo! [Nurses in Panama: Non-payment of wages persists during the pandemic](#), November 18, 2020





and that one of the reasons for this is that there would be no job stability for certain personnel in the first line, while in some cases they would be hiring under the modality of "temporary professional services"<sup>1920</sup>. Likewise, concern is expressed about the situation of workers in the construction sector, in which more than 23,580 workers were left without work in March and in November only 14,500 had recovered their jobs<sup>1921</sup>. Finally, REDESCA notes that, of the reactivated contracts, only 38% correspond to the female sex, while the remaining 62% correspond to the male sex<sup>1922</sup>.

893. Against this background, REDESCA recalls the importance of adopting urgent measures to ensure that, as already recommended, the human rights, and particularly ESCER, of working people are protected, including those necessary to ensure their economic income and subsistence means in the context of the pandemic<sup>1923</sup>. Likewise, it is exhorted to adopt plans so that in the reinstatement of workers with suspended contracts there is no discrimination of any kind.

## D. Right to education

894. Given that one of the measures to contain the virus was the closure of educational centers, the State implemented the Educational Solidarity Plan, through which free access to connectivity services is provided to students from unofficial schools.<sup>1924</sup> Likewise, to continue guaranteeing the right to education, the State also relied on printed guides and classes on radio and television.<sup>1925</sup> Despite the measures, the country faces challenges of connectivity with remote areas (approximately 30% of the school population lives in hard-to-reach areas and regional areas<sup>1926</sup>), so it is estimated that a maximum of 40% of the schools would be connected (although the Ministry of Education would maintain that in August 74% of the official centers were<sup>1927</sup> and 66.2% of students<sup>1928</sup>). This situation was aggravated by the ravages of hurricanes Iota and Eta, which created even more difficulties for students to access education in remote areas. Due to the impacts of the pandemic, the economic situation, the lack of connectivity in homes, the impacts of hurricanes, among other factors, some estimates estimate up to 300,000 students without access to education in the country<sup>1929</sup>, while the association of teachers, Asoprof, calculates 287,000<sup>1930</sup>.
895. Due to the foregoing, REDESCA calls for all necessary and effective measures to be taken so that children and adolescents at the national level can access an education with the stimuli that their age and level of development require, as recommended by the IACHR to the States in the framework of the pandemic<sup>1931</sup>. To this end, an intersectional and differentiated approach is required that considers the particularities of children and adolescents living in poverty and extreme poverty, as well as those who are in comarcas, rural and remote areas, among others.
896. In the same sense, the REDESCA urges to adopt the necessary measures to ensure the physical and curricular infrastructure necessary to guarantee the right to education of children and adolescents, especially from the new pressure that the public sector would be receiving due to the migration of what could be more than 160,000 students from private schools, which would be the result of the socioeconomic impact of the pandemic<sup>1932</sup>.

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<sup>1920</sup> Ibid.

<sup>1921</sup> Sputnik, [Unions in Panama put the Government in check for interrupted works](#), November 24, 2020

<sup>1922</sup> Panama America, [More than 90 thousand contracts have been reactivated, which represents 33% of all those suspended by the COVID-19 pandemic](#), November 23, 2020

<sup>1923</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. April 5, 10, 2020

<sup>1924</sup> Ministry of Foreign Affairs of the Republic of Panama, AJDH - MIRE-2020-43521, December 16, 2020

<sup>1925</sup> The Press, [Meduca expects to reach 80% of schools this month](#), August 06, 2020

<sup>1926</sup> Ibid

<sup>1927</sup> Ibid

<sup>1928</sup> Latin Press, [COVID-19 puts education in Panama to the limit](#), August 10, 2020

<sup>1929</sup> Latin Press, [COVID-19 and natural disasters impact education in Panama](#), November 18, 2020

<sup>1930</sup> Panama America, [Up to 287,000 students could have been left without teaching this year](#), December 14, 2020

<sup>1931</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), para. 64, April 10, 2020

<sup>1932</sup> Latin Press, [COVID-19 puts education in Panama to the limit](#), August 10, 2020





## E. Right to a healthy environment and climate change

897. In relation to climate change and the damage caused by the Eta tropical depression in the country, among which at least 3,300 people were reported affected and 17 deaths, along with the destruction of crops and entire communities isolated by floods or destroyed roads<sup>1933</sup> mainly in the communities of Chiriquí, Bocas del Toro and the Ngäbe Bugléy region<sup>1934</sup>, REDESCA reiterates the importance of adopting measures to guarantee the rights to food, drinking water and sanitation, housing and the health of the people affected by the emergency. The foregoing, taking into account the special link between climate change, the occurrence of environmental disasters and the guarantee of human rights, including the generation of forced displacement of people and the increase in inequality and poverty.<sup>1935</sup> Likewise, REDESCA highlights the importance of ensuring the existence of accountability mechanisms for the execution of the budget that has been allocated to address the environmental emergency, in order to avoid acts of corruption and protect the people affected. The foregoing, while at the beginning of December, ignorance was reported about the use and destination of the funds assigned by the Executive (\$ 100 million) to respond to the impacts of Hurricane Eta in the country.<sup>1936</sup>
898. On the other hand, REDESCA expresses its concern about the constant complaints about illegal logging in the country, which, together with the consequent deforestation and fires, would be putting one of the most important biological corridors in the region at risk.<sup>1937</sup> In this regard, Indigenous women from the Emberá and Wounaan Cemaco regions denounced illegal logging within their territory at the beginning of the year.<sup>1938</sup> and caciques, leaders of native peoples and members of the National Coordinator of Indigenous Peoples of Panama (Coonapip) have been denouncing that settlers and peasants have taken advantage of the quarantine to invade indigenous territories, especially in Darien, in order to dedicate themselves to indiscriminate logging<sup>1939</sup>. Although it is recognized that the Ministry of the Environment would investigate the facts for the possible commission of crimes against the environment, the Office of the Special Rapporteur notes that the communities state that there have been few results despite the complaints to the local authorities and the Ministry<sup>1940</sup>, therefore, it is called to take effective measures for the protection of the communities, within which it would be found to advance in a timely manner in the processes of requests for collective land titling and the punishment of those responsible for these acts.
899. Notwithstanding the foregoing, REDESCA highlights the actions of the Panamanian State to strengthen its commitments to guarantee a healthy environment and climate change, among which the creation of the Inter-Institutional Commission to prevent, discourage and eliminate illegal, undeclared fishing is highlighted. or regulated<sup>1941</sup>, as well as the commitments for the forest restoration of 50,000 hectares of forests at the national level; the design of planning instruments for the integrated management of hydrographic basins; updating the regulations for the Evaluation of Environmental Impact Studies (EIA), which would include climate risk management and adaptation

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<sup>1933</sup> IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people](#), Press Release No. 276, November 17, 2020

<sup>1934</sup> The Press, [And, the millions of the environmental emergency?](#) December 4, 2020

<sup>1935</sup> IACHR and REDESCA, [The IACHR and its REDESCA express solidarity with the people affected by the tropical depression Eta in countries of the region, and call on the States and the international community to address the situation of the affected people](#), Press Release No. 276, November 17, 2020

<sup>1936</sup> The Press, [And, the millions of the environmental emergency?](#) December 4, 2020

<sup>1937</sup> AP, [Deforestation in Panama threatens the American biological corridor](#), September 18, 2019

<sup>1938</sup> Radio Temblor, [Panama. Indigenous women protest against the felling of trees](#), January 22, 2020

<sup>1939</sup> The Panama Star, [MiAmbiente will investigate illegal logging in times of quarantine](#), May 17, 2020

<sup>1940</sup> Radio Temblor, [Panama. Indigenous women protest against the felling of trees](#), January 22, 2020

<sup>1941</sup> Official Gazette, [Creation of an Inter-institutional Commission to prevent, discourage and eliminate illegal, unreported, and unregulated fishing](#), April 14, 2020



and reduction measures; together with the commitments to strengthen the capacities for climate action and transparency in the country<sup>1942</sup>.

## 26) PARAGUAY

900. Faced with the serious situation of the pandemic, the Senate of Paraguay approved the message of the Executive branch on the bill "Approving the Loan Contract No. 8963 for a total of up to 115 million dollars<sup>1943</sup>. This project is carried out in order to improve public health micro networks, the quality of care and its administrative management through the construction of new health units and the reconversion of posts in towns such as Central, Paraguairí, Cordillera and Amambay<sup>1944</sup>. Taking into consideration that the budget comes from a loan from the United States of America through the International Bank for Reconstruction and Development, REDESCA recognizes the efforts and international cooperation to develop an efficient and effective health system that effectively manages the pandemic.<sup>1945</sup>
901. However, REDESCA is concerned that 156 days after the pandemic began, only 7.5% of the resources could have been used<sup>1946</sup>. In the same sense, it was announced that, of the total loan, only USD 37 million had been executed, that 253 million were committed for the health sector, but that 505 million were used for the payment of salaries to public officials, pensions, pensions and debt service<sup>1947</sup>. In this sense, REDESCA urges the use of the maximum available resources to combat the pandemic in order to make effective the right to Health and other ESCER with the aim of preventing and mitigating the effects of the pandemic.<sup>1948</sup>
902. On the other hand, the State of Paraguay made the decision to reopen the border of Ciudad del Este with Brazil for commercial purposes.<sup>1949</sup> Given this, there were various protests and claims by health personnel unions, warning of the risk represented by stimulating the flow of people between both countries<sup>1950</sup>. Subsequently, the decision was made through the executive to resume free transit purchase tourism with Brazil under some sanitary regulations for the reactivation of the economy in Ciudad del Este, Pedro Juan Caballero and Salto del Guairá<sup>1951</sup>. In the same sense, REDESCA is concerned about this decision because only weeks before making said decision there were already reports of saturation and overcrowding in several Paraguayan hospitals, exposing the population to worsen in this context.<sup>1952</sup>
903. REDESCA obtained information on irregular acts within the public administration, as Senator Pedro Santa Cruz denounced illegal negotiations between the IPS, the Ministry of Public Health and the Hospital de Clínicas<sup>1953</sup>. The above comes mainly from an overbilling in the purchase of medicines<sup>1954</sup>.

<sup>1942</sup> Ministry of the Environment of the Republic of Panama, [Contribution determined at the national level of Panama \(CDN1\), first update](#), December 2020

<sup>1943</sup> Senate. [Senate approves document to strengthen the health sector](#). March 24, 2020.

<sup>1944</sup> Idem.

<sup>1945</sup> Idem.

<sup>1946</sup> Last minute. [Terrible Health management in using funds to control COVID](#). August 13, 2020.

<sup>1947</sup> Idem.

<sup>1948</sup> IACHR. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>1949</sup> ABC. [They regret the opening of the border and fear simultaneous avalanche of dengue and coronavirus](#). September 23, 2020.

<sup>1950</sup> Idem.

<sup>1951</sup> Last minute. [Paraguay enables free transit in CDE, Pedro Juan and Salto del Guairá](#). October 14, 2020.

<sup>1952</sup> ABC. [They regret the opening of the border and fear simultaneous avalanche of dengue and coronavirus](#). September 23, 2020.

<sup>1953</sup> ABC. [They denounce more negotiated with inputs](#). July 10, 2020.

<sup>1954</sup> Idem.



Likewise, the lack of regulation in the prices of some drugs that have skyrocketed in the pharmaceutical industry is claimed.<sup>1955</sup>

904. On the other hand, there is concern about an alleged attempt to scam the State regarding the purchase of various supplies of Chinese origin of poor quality, which had to be rejected by medical personnel due to the lack of compliance with the requirements and protection that the material offered.<sup>1956</sup> Although the prosecution intervened, the sanction consisted only of the suspension of some officials for up to 30 days without pay<sup>1957</sup>. In view of the foregoing, REDESCA urges Paraguay to ensure the existence, availability and effectiveness of mechanisms of accountability and access to justice in the framework of the pandemic, taking into account contexts of corruption and State capture to the detriment of human rights, among others<sup>1958</sup>.

## A. Poverty / Economic situation

905. REDESCA received information on more than 2,500 employed persons who were affected due to the suspension of their contracts together with the closure of at least 67 formal companies<sup>1959</sup>. By April 26, more than 65 thousand formal workers were suspended<sup>1960</sup>. In addition to this, it is highlighted that, by the end of the second quarter of 2020, Paraguay had 3,133,673 employed people, unlike the beginning of the year where 3,466,761 were counted<sup>1961</sup>. Although it is worrying that tens of thousands of workers are suspended - or even fired - not only their work, but also their income, the effort of the State to provide a partial subsidy through the Social Security Institute is recognized that these are not fired<sup>1962</sup>. It should be noted that of the 5,716 companies that requested the suspension of labor relations, 79% were micro, small and medium-sized companies, which would be a priority for the Government.<sup>1963</sup>
906. In addition to the above, it should be noted that around 65% of the indigenous population lives in informal labor, which implies that, in the face of commercial closures and prohibitions of street vending, their economic resources and to survive have been mostly affected<sup>1964</sup>. In this sense, it is highlighted that in the almost 500 communities and 20 indigenous peoples made up of approximately 117,000 indigenous people, 75% of the population lives in poverty, of which 63% of the children and adolescents live in extreme poverty.<sup>1965</sup> It is important to note that this situation has worsened due to the arrival of the pandemic, the demands of quarantine and the lack of government support in this regard. In this sense, REDESCA expresses the importance of adopting measures that consider the differentiated impacts of populations in vulnerable situations; the provision of sufficient

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<sup>1955</sup> Idem.

<sup>1956</sup> NPY. Purchase of Chinese supplies: Slight sanction to Health officials. 6th October 2020.

<sup>1957</sup> Idem.

<sup>1958</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1959</sup> NPY, At least 10,000 formal workers are affected by quarantine. April 6, 2020; The nation. 67 formal companies closed permanently during this pandemic. August 30, 2020.

<sup>1960</sup> The nation. At least 65 thousand formal workers suspended from their jobs. April 23, 2020.

<sup>1961</sup> General Directorate of Statistics, Surveys and Censuses. Employed population by year and quarter, according to area of residence and occupational category of the main occupation. Years 2017, 2018, 2019 and 2020. July 2020.

<sup>1962</sup> NPY, At least 10,000 formal workers are affected by quarantine. April 6, 2020.

<sup>1963</sup> The nation. At least 65 thousand formal workers suspended from their jobs. April 23, 2020.

<sup>1964</sup> Toward Freedom. Paraguay's pandemic response fails Indigenous communities. September 26, 2020.

<sup>1965</sup> Idem.



supplies to prevent the spread of the virus, access to health, education, among other means necessary for a dignified subsistence of the people<sup>1966</sup>.

907. REDESCA observes with concern the evictions in the national territory. For example, judicial authorities tried to evict a veteran of the Chaco War from his home<sup>1967</sup>. However, through requests from the citizens, two Senators from the region were able to intervene, thereby temporarily preventing the eviction.<sup>1968</sup> In a comparable way, it was known of irregular eviction attempts by government authorities in the Ykua Ita community, inhabited by people in a situation of internal mobility.<sup>1969</sup> In this sense, REDESCA is concerned about the lack of a differentiated perspective of the population as well as the lack of respect and guarantee of the right to decent housing, especially during the pandemic. Given this, REDESCA recommends that the State take actions that consider populations in vulnerable situations as well as the critical situation that exists in the health and economic sphere, respecting and guaranteeing the human rights of people without any discrimination.<sup>1970</sup>.

## B. Right to health

908. REDESCA is concerned about the lack of care in some areas of Paraguay, taking note of the complaint from the mayor of the city of San Roque González who denounced the abandonment by the health authorities<sup>1971</sup>. In that sense, witnesses affirmed that no health authority has come forward to monitor and address the situation.<sup>1972</sup> In addition to this, the shortage of medical supplies to combat the pandemic such as face masks, antibacterial gel, and even food kits for the population was confirmed.<sup>1973</sup> REDESCA recalls that the can of care would imply a violation of both the right to work in fair and satisfactory conditions, as well as the right to health per se. Given this, the Rapporteurship recommends addressing this situation, guaranteeing the availability and access to quality supplies for protection against the virus, as well as maintaining constant monitoring of the area.<sup>1974</sup>.
909. REDESCA identified a kind of contradiction between various officials, since the Ministry of Health affirmed stability in the system and a correct supply of inputs. However, the Alto Paraná Medical Association reported the saturation and capacity limit in intensive care in both Alto Paraná, Itauguá and Ciudad del Este<sup>1975</sup>. It should be noted that deaths have been identified due to lack of capacity in intensive care<sup>1976</sup>. In addition to this, there is concern about the delay with which the results of PCR tests are obtained, since it was reported that it took up to 10 days<sup>1977</sup>. The State must ensure an

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<sup>1966</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1967</sup>ABC. They stop the eviction of a Chaco veteran from his home. July 28, 2020.

<sup>1968</sup>Idem.

<sup>1969</sup>The nation. Invasion of land and irregular eviction in Limpio: "We are not going to leave with a verbal order," they warn. November 4, 2020.

<sup>1970</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1971</sup>The nation. Mayor of Roque González requests assistance and claims abandonment of Health. June 15, 2020.

<sup>1972</sup>Idem.

<sup>1973</sup>Idem.

<sup>1974</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1975</sup>The nation. Alto Paraná: "There are more deaths from COVID-19 than the Ministry of Health reports." August 2, 2020.

ABC. Itauguá Hospital, in crisis: no therapy beds available. August 28, 2020.

<sup>1976</sup>Today. "They let my sister die at IPS and then they made us pay for the burial bag". November 24, 2020; Today. Explosion of COVID cases collapses health system: "We are as at the beginning." November 24, 2020.

<sup>1977</sup>The nation. Delay of results: "The Central Laboratory is exceeded, there is a delay of up to 10 days." August 3, 2020.



action plan that ensures proper monitoring of the pandemic, as well as that the authorities act with transparency and honesty, providing truthful and accessible information for people.<sup>1978</sup>

910. REDESCA learned of the situation of cancer patients at the Itauguá hospital, which after being delegated as the hospital in charge of patients with COVID-19 saw the need to adjust its space for cancer patients<sup>1979</sup>. After the citizen complaints made by the patients, the administration decided to transfer its staff from said unit to the San Pablo Hospital, in order to guarantee their services to cancer patients<sup>1980</sup>. However, the suspension of the service at the San Pablo Hospital was announced due to the positive of several doctors, but without granting alternative measures to care for patients<sup>1981</sup>.
911. In a similar way, REDESCA learned of the lack of care for cancer patients at the Social Security Institute (IPS)<sup>1982</sup>. There are testimonies where eligible patients would have millionaire amounts for their treatment, being later ignored and denied access to chemotherapies, stating that the money is not refundable<sup>1983</sup>. Parallel to this, the Director of Network Services of the Ministry of Health recognized the lack of care not only for cancer patients, but also those with underlying diseases such as kidney and cardiovascular disease -mainly- due to the lack of budget and focus on COVID<sup>1984</sup>. REDESCA recalls the importance of guaranteeing access to health, especially for people in vulnerable situations such as other or pre-existing diseases.
912. Similar to the above, there are reports of complaints from the IPS itself, where due to lack of provision of supplies and medicines, a chain reaction has been caused where various centers are delayed, with administrations having to resort to the exchange of medicines to provide what maximum possible<sup>1985</sup>. In the same sense, there are several health centers that are running out of resources to care for infected people<sup>1986</sup> and even a saturation in the public health system, having to transfer patients to private hospitals<sup>1987</sup>. The director of the X health region, affirmed that, together with three hospitals, they only had 24 intensive care beds and 24 ventilators, of which they decided to direct 16 directly to patients with COVID-19<sup>1988</sup>.
913. In the same region, a deplorable situation was identified in the storage of medicines, where medicines up to 2014 were identified, which in the same way had been used in patients<sup>1989</sup>. It is important to highlight the situation given that these events affect the health of citizens and in many cases can go unnoticed. In this sense, REDESCA widely recommends the assurance and availability of quality drugs to guarantee access to health services and timely medical care, emphasizing that the lack of equipment or supplies does not justify discriminatory acts.<sup>1990</sup>
914. Parallel to this, in the community of San Patricio, citizens and their municipal government demonstrated peacefully demanding attention from the Ministry of Health, as a shortage of supplies, medical personnel and even labor violations with wages below the legally established minimum was

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<sup>1978</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1979</sup>Last minute. Itauguá Hospital will not be able to treat cancer patients during a pandemic. May 26, 2020.

<sup>1980</sup>Idem.

<sup>1981</sup>The nation. [Cancer patients report that they do not receive care at Hospital San Pablo](#). August 17, 2020.

<sup>1982</sup>ABC. [Lack of chemotherapy drugs reported in IPS](#). July 7, 2020.

<sup>1983</sup>Idem.

<sup>1984</sup>ABC. [Due to COVID, patients with ase diseases were relegated, recognize from the Ministry of Health](#). September 18, 2020.

<sup>1985</sup>ABC. [Shortage of inputs in the IPS](#). 6th July 2020.

<sup>1986</sup>Today. [They confirm that at CDE there was no respirator for an 18-year-old](#). July 2, 2020; ABC. [Doctors do not find supplies in hospitals and fear catastrophe](#). August 19, 2020.

<sup>1987</sup>The nation. [Intensive care bed occupancy reached 100% over the weekend](#). September 14, 2020.

<sup>1988</sup>Today. [There is a shortage of therapy beds in the department with the most COVID-19 cases](#). July 02, 2020.

<sup>1989</sup>ABC. [They ignored warnings: "How many have died because that enalapril did not lower their pressure?"](#) August 13, 2020.

<sup>1990</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.





identified.<sup>1991</sup> In this sense, REDESCA emphasizes that it is necessary to pay special attention to the availability and distribution of resources in view of the sources of contagion and the number of patients being treated.

915. REDESCA observes with concern the situation of persons deprived of liberty (PPL), since in Ciudad del Este an internal contagion situation was revealed. Located on the triple border with Brazil and Argentina and with a high commercial flow due to it, 69 officials were announced along with 39 inmates who were infected with COVID-19<sup>1992</sup>. Even taking into account the critical situation of infections within the prison, it was not ensured that sufficient evidence was issued, but that a general mapping of the prison would be made in the following days<sup>1993</sup>. It was reported that 30 officials were isolated and the infected persons deprived of liberty were transferred from the prison, but it was not specified to which one and under what conditions.<sup>1994</sup> Taking REDESCA recommends maintaining constant monitoring of them and adapting measures to guarantee access to food, health, sanitation and effective quarantine measures that respect human rights<sup>1995</sup>.
916. Parallel to the above, REDESCA learned of the case of the Shelter located in the department of Caaguazú, where around 50 people infected with the virus were identified on three different dates<sup>1996</sup>. This situation led to at least 4,000 people from Brazil being held for compliance with the health quarantine, along with another 3,000 people waiting to return to the country.<sup>1997</sup> Faced with this situation, REDESCA recalls the importance of guaranteeing sufficient health measures and PCR tests to guarantee the right of access to health for people who require it and prevent its spread to the interior of the country.

## C. Labor rights

917. REDESCA is concerned about the growing number of unemployment despite attempts to provide unemployment benefits such as the Pytyvô program, which, although it has supported around 3,064,411 beneficiaries in its two editions, has seen massive layoffs<sup>1998</sup>. Such is the case of the ABC and Vierci Groups that unjustifiably dismissed approximately 100 workers<sup>1999</sup>. Given the above, the Union of Journalists of Paraguay decided to take industrial action, where it expressed repudiation of the unjustified dismissal in times of pandemic<sup>2000</sup>. The increase in unjustified dismissals of workers is worrying. Taking into account the economic crisis, coupled with the health crisis and the State of Emergency at the national level, it is recommended not to dismiss workers in the framework of the pandemic and to guarantee the necessary means for their adequate subsistence<sup>2001</sup>.
918. However, REDESCA recognizes the efforts of the State of Paraguay to promote teleworking, since the Ministry of Labor, Employment and Social Security issued a resolution exhorting all companies to implement the modality of distance work on those who have the possibility of doing it<sup>2002</sup>. Subsequently, on March 17, another resolution was issued in which it is clarified that the right to

<sup>1991</sup> ABC. [They demonstrate to ask for better health services in San Patricio](#). August 3, 2020.

<sup>1992</sup> The nation. [Coronavirus Alarm in Paraguay: massive contagion in a Triple Border prison](#). June 24, 2020.

<sup>1993</sup> Idem.

<sup>1994</sup> Idem.

<sup>1995</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>1996</sup> Last minute. [Mass infections in Oviedo shelters prolongs the quarantine of compatriots](#). May 28, 2020.

<sup>1997</sup> Idem.

<sup>1998</sup> The nation. [New payment for Pytyvô 2.0 starts today](#). October 8, 2020; The nation. [Government enables new subsidies called "Pytyvô"](#). April 7, 2020.

<sup>1999</sup> RDN. [Groups ABC and Vierci fired 80 workers, the union denounces](#). May 04, 2020.

<sup>2000</sup> Idem.

<sup>2001</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2002</sup> Ministry of Labor, Employment and Social Security. [Resolution MTESS N ° 471/2020](#). March 16, 2020; Secretariat of Public Function. [Protocol for the application of Telework in the Public Sector](#). April 24, 2020.



paid vacations will not be hindered even when there is a current Health Emergency.<sup>2003</sup> Likewise, it is clarified that the lack of prior notification by the employer would not be an obstacle to this.<sup>2004</sup>

919. In the same sense, the efforts of the State to promote employment and facilitate their creation are recognized. The Ministry of Labor, together with the retirement and pension fund for bank employees and the like, presented a job bank for unemployed bank workers due to the current pandemic.<sup>2005</sup> This initiative seeks to support 350 people, of which 115 have already confirmed their participation<sup>2006</sup>. Within this program, training, profiling and labor exams are carried out<sup>2007</sup>. Likewise, they are supported in case they also seek to undertake, through the Entrepreneur Training Center<sup>2008</sup>. On the other hand, 30 rural families from the Cañada Domínguez Company were supported, where the SNPP and the Entrepreneur Training Center provided training and advice<sup>2009</sup>. Likewise, 60 families were supported in the same way in Tobatí and another 30 families in the city of Atyrá.
920. Parallel to the above, REDESCA learned about the reports in which various call centers were denounced that they were not complying with the health measures<sup>2010</sup>. Both lack of personal protective equipment for employees and an overcrowding of people were identified<sup>2011</sup>. After the complaints, the Ministry of Labor, Employment and Social Security carried out an audit where the company was reprimanded and since then some employees have been working from their homes<sup>2012</sup>. REDESCA reminds the State of the reinforced obligation of due diligence regarding business activities in times of pandemic.
921. REDESCA observes with concern the respect for labor rights, especially of health personnel, as the nursing staff union ruled against the resolution of the Ministry of Health No. 2,394<sup>2013</sup>. Said resolution established that health personnel who go on vacation between March 12 and October 31 will not have access to the bonus of the Emergency Law<sup>2014</sup>. In view of this, the Paraguayan Nursing Association, the SEME Officials Union, and the United Gremios filed an appeal for reconsideration.<sup>2015</sup> Taking into consideration the fact that health personnel are those most affected by the pandemic and those most at risk, REDESCA emphasizes the need to protect not only physical but mental health of workers, guaranteeing their labor rights, including holidays<sup>2016</sup>.
922. Likewise, REDESCA notes with concern the bureaucratic obstruction of the procedure for hiring health personnel. In this sense, male and female nurses demonstrated with the intention of demanding a clear and specific process so that workers can present their job applications<sup>2017</sup>. This derives from various complications in administrations where the person in charge of carrying out the

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<sup>2003</sup> Ministry of Labor, Employment and Social Security. Resolution MTESSN! 499/2020. March 17, 2020.

<sup>2004</sup> Idem.

<sup>2005</sup> Ministry of Labor, Employment and Social Security. They presented a job bank for bankers terminated due to the COVID-19 quarantine. July 3, 2020.

<sup>2006</sup> Idem.

<sup>2007</sup> Idem.

<sup>2008</sup> Idem.

<sup>2009</sup> Ministry of Labor, Employment and Social Security. Ministry of Labor trains rural residents of Cordillera in horticulture and food processing. July 3, 2020.

<sup>2010</sup> The nation. They warn the Call Center for failure to comply with measures. March 18, 2020.

<sup>2011</sup> Idem.

<sup>2012</sup> Idem.

<sup>2013</sup> The nation. Nurses ask Health not to exclude those who go on vacation from payment. June 10, 2020.

<sup>2014</sup> Idem.

<sup>2015</sup> Idem.

<sup>2016</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2017</sup> Last minute. Nurses who are currently unemployed held a protest in front of the Ministry of Public Health on Monday to demand a clear hiring process. June 15, 2020.



process is not established.<sup>2018</sup> The protest included more than 200 male and female nurses, who claimed to have issued various letters to the ministry without any response.<sup>2019</sup> The Office of the Special Rapporteur recommends streamlining processes for hiring medical personnel, through clear and accessible processes that respect the rights and duties of this sector.

923. On the other hand, REDESCA is concerned about the violence that has arisen against health personnel by citizens, as acts of hatred and discrimination that are largely the result of disinformation. For example, when it was announced in July that the first contagion in Concepción was a doctor from the Regional Hospital, some people began to attack them<sup>2020</sup>. Complaints have been issued that health personnel are mistreated by patients on public roads, businesses and both private and public entities<sup>2021</sup>. Given this, the First Health Region issued a statement exhorting the population to avoid any kind of aggression or negative attitude towards health personnel<sup>2022</sup>.
924. Regarding the above, it is worrying that health workers are prevented from carrying out their work in a dignified and safe manner, as well as in fair and satisfactory conditions. Especially taking into account that they form the first line of contact and assistance to people infected with COVID-19 or any other disease.<sup>2023</sup> However, the Government's efforts to stop such attacks are recognized and they are recommended to continue working to protect and guarantee the rights of health workers.
925. REDESCA learned about the deficiency of medical supplies, material and even human resources against COVID-19 denounced by the Medical Surgical College of Paraguay, the Paraguayan Society of Pneumology and the Circle of Doctors of Paraguay<sup>2024</sup>. Although their preparation in this regard was emphasized through online courses, various resignations were also pointed out due to the lack of protective material.<sup>2025</sup> This happens in view of the lack of supplies by the Ministry of Health, reports of acts of corruption and excessive prices.<sup>2026</sup> Given this, legislators of the Bicameral Commission for the Control of Resources of the Emergency Law demanded accountability from the Minister, reaffirming the version of the associations and a shortage of the same type in the Institute of Social Security<sup>2027</sup>.

## D. Right to education

926. REDESCA learned of students and teachers who carried out various mobilizations to demand the reduction of salaries to teachers as well as to demand a larger budget for education<sup>2028</sup>. This is considered to not only violate the rights of teachers, but also affects the rights of children and adolescents to have a quality education<sup>2029</sup>. The rapporteur urges the State to pay special attention to the education and teaching sector, given that it requires restructuring and planning to ensure distance education in a safe and effective manner, contrary to the current detriment to its budget.

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<sup>2018</sup> Idem.

<sup>2019</sup> Idem.

<sup>2020</sup> The nation. [They screen doctors and accuse them of spreading COVID-19 in Concepción](#). June 10, 2020.

<sup>2021</sup> Idem.

<sup>2022</sup> Idem.

<sup>2023</sup> Idem.

<sup>2024</sup> The nation. [COVID-19: Doctors resign due to lack of supplies](#). May 21, 2020; ABC. [Surgical Association criticizes shortage and lack of control](#). August 11, 2020; ABC. [Doctors do not find supplies in hospitals and fear catastrophe](#). August 19, 2020; TeleSUR. [Paraguayan health personnel denounce lack of supplies](#). August 19, 2020; The nation. [System collapsed: "We reached the top: I may want to help, but I don't have the weapons."](#) September 10, 2020.

<sup>2025</sup> Idem.

<sup>2026</sup> Idem.

<sup>2027</sup> Last minute. [Legislators reiterate to Health and IPS that there are no supplies](#). September 1, 2020.

<sup>2028</sup> Last minute. [Students and teachers, in permanent mobilization against cuts](#). July 10, 2020.

<sup>2029</sup> Idem.



927.

On the other hand, REDESCA is concerned about the risk of educational backwardness and school dropout that Paraguay faces. Taking into consideration that, of 1,500,000 students, 1,079,000 are from public schools, 86.3% agreed to participate digitally, 10.1% by physical means (periodically delivering physical work), and 3.6% lost contact, the concern is added to the lack of sufficient equipment, connectivity, as well as the mobilization of families in search of jobs in the field<sup>2030</sup>. Likewise, a delay was identified by the Ministry of Education and Science regarding the delivery of the booklets that 10.1% require for their physical work.<sup>2031</sup> In this sense, REDESCA calls on the State of Paraguay to guarantee the right to quality education in a timely and effective manner and to monitor dropout students to avoid an increase in child labor and school dropouts.

928.

At the same time, REDESCA learned of the "My family school lunch" program where, through the Ministry of Education in coordination with the Ministry of Health, began the distribution of Food Kits to students from 159 educational institutions in the Capital.<sup>2032</sup> These Kits are composed of rice, beans, noodles, locro, fine salt, sugar, vegetable oil, wheat flour, milk in carton, milk powder and coconut soap, having a total of 15,650 kg per kit which would be delivered again passing the 10 days. In this sense, REDESCA recognizes the State's efforts to guarantee not only the education of children and adolescents, but also to ensure the right to health and adequate food in the educational environment.

## E. Right to a Healthy Environment

929.

REDESCA is concerned about the serious environmental situation due to the various forest fires found in Paraguayan territory, whose magnitude reached the point where their smoke invaded cities in Argentina<sup>2033</sup>. By September 27, there was already a record of at least 37 thousand hectares affected only in the fire that occurred in the forests of Chovoreca<sup>2034</sup>, together with more than 8,000 other heat sources that include the Chaco, Asunción, Alto Paraná and Canindeyú<sup>2035</sup>, while in the Caazapá National Park at least three different sources of fires were identified<sup>2036</sup> and more than 300 hectares affected only in that area<sup>2037</sup>. It should be noted that in this context it is not only deforestation that is the affected element, but also the exacerbation of air quality and consequent effects on the health of the population.<sup>2038</sup>, as well as a destruction of the fauna that inhabits the area<sup>2039</sup>. In the same sense, the fact that fires are caused not only by the region's droughts, but also caused by human beings in view of the interests of working said lands is of concern in the same sense.

930.

Taking into account the above, the National Congress declared a national emergency on October 1 in the face of the growing wave of fires<sup>2040</sup>. This happens after the identification of more than 2,000

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<sup>2030</sup> ABC. [Without booklets or internet they resumed classes yesterday](#). July 28, 2020.

<sup>2031</sup> Idem.

<sup>2032</sup> Ministry of Education and Sciences. ["My family school lunch" MEC will begin distribution of food kits for students](#). March 31, 2020.

<sup>2033</sup> Clarion. [Smoke in Misiones: they assure that the clouds that covered Posadas come from fires in Paraguay](#). September 14, 2020.

<sup>2034</sup> Idem.

<sup>2035</sup> The nation. [Paraguay burns: fires of magnitude affected several areas of the country](#). September 27, 2020; EFE Agency. [Paraguay registers more than 7,000 heat sources in the last 24 hours](#). September 27, 2020.

<sup>2036</sup> Last minute. [New sources of fires threaten the Caazapá National Park](#). September 24, 2020.

<sup>2037</sup> Last minute. [Fire destroyed more than 300 hectares of the Caazapá National Park](#). September 10, 2020.

<sup>2038</sup> The nation. [Consultations for respiratory diseases due to fires increase](#). September 29, 2020; ABC. [Smoke and toxic environment could complicate COVID-19 pictures](#). September 28, 2020.

<sup>2039</sup> Last minute. [New sources of fires threaten the Caazapá National Park](#). September 24, 2020.

<sup>2040</sup> Infobae. [Congress of Paraguay declares national emergency due to large fires](#). October 1, 2020.



forest fires registered only in the month of September<sup>2041</sup>. In this sense, REDESCA is concerned about the late reaction on the part of the State, since these situations had been getting worse for a month before, but on the other hand it recognizes its efforts to work in international cooperation to combat the problem.<sup>2042</sup> In the same sense, REDESCA urges the State to adopt strategies that seek to care for the environment, also contributing to the fight against climate change and global warming.

931. In the same sense, there was information that illegal deforestation, land exacerbation and even violence against indigenous communities in the Chaco were being seen without intervention or protection of the State.<sup>2043</sup> Although the events can be observed since January, the situation has worsened in the face of the pandemic due to the -even greater- lack of attention<sup>2044</sup>. It should be noted that said deforestation is carried out without the prior consultation of the inhabitants of the area who, on the contrary, face problems such as violence and even risks of transmission of COVID-19<sup>2045</sup>. In this context, the representatives of the communities express having exhausted the resources and that their only option is the intervention of international organizations.<sup>2046</sup> It is important that the State refrain from promoting any extractive or productive project or initiative that negatively impacts the territories of indigenous peoples and their ecosystems, emphasizing illegal activities and considering that any contact with said peoples may expose them to COVID-19<sup>2047</sup>.

## 27) PERU

932. At the beginning of December 2020, the COVID-19 pandemic had caused approximately 975,116 infections, 36,324 deaths and 909,389 people recovered.<sup>2048</sup> Faced with this scenario, which would have started on March 6 with the first case<sup>2049</sup>, the Peruvian State on March 16 decreed a state of Sanitary Emergency to face the pandemic, which included quarantine measures, the closure of borders and the entry of passengers into the country<sup>2050</sup>. This state of emergency at the national level will be extended until the beginning of 2021 - according to the last decree, it will be extended for a period of 90 calendar days from December 7<sup>2051</sup>. However, despite some restrictions, since May the gradual resumption of some economic activities has been allowed<sup>2052</sup>.
933. Faced with the state of health emergency, REDESCA takes note of the measures adopted by the State, among which are not only policies to serve the health sector, but also the implementation of an economic plan to reduce the impact of the pandemic, through support for households and businesses. In this sense, according to the Ministry of Economy and Finance of Peru, the Government has approved measures equivalent to S / 138,768 million; of which S / 51,235 were allocated to the containment phase, in which health services would have been strengthened, provided economic

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<sup>2041</sup> TODAY. [More than 2,000 forest fires were registered in September alone](#). 6th October 2020.

<sup>2042</sup> Infobae. [Congress of Paraguay declares national emergency due to large fires](#). October 1, 2020.

<sup>2043</sup> Unearthed. [Deforestation and land-grabs bring COVID-19 threats to Amazon and Gran Chaco residents](#). September 17, 2020.

<sup>2044</sup> Idem.

<sup>2045</sup> Idem.

<sup>2046</sup> Idem.

<sup>2047</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2048</sup> Worldometer. [Coronavirus Cases in Peru](#), December 8, 2020.

<sup>2049</sup> The Republic, [Confirmed cases and deaths from coronavirus in Peru](#), December 8, 2020.

<sup>2050</sup> DW. [Supreme Decree declaring a state of emergency](#). March 15, 2020

<sup>2051</sup> Ministry of Health of Peru, [Government extends state of health emergency for 90 more days](#), November 27, 2020

<sup>2052</sup> The Day. [Peru extends the health emergency due to COVID-19 by 90 days](#). June 4, 2020





support to households in a condition of economic vulnerability (including households with independent workers, rural families, among others), as well as such as tax breaks and the purchase of food baskets for more than 2.5 million households.<sup>2053</sup>.

934. For its part, with the remaining S / 87,532 it would be being executed in the reactivation stage, in order to provide support to payment chains - including business support funds - and to adopt measures to support the economy through investment programs. , interventions in education, infrastructure, agriculture, among others<sup>2054</sup>. In this sense, REDESCA highlights, among others, the provisions that sought to ensure household liquidity and provide economic support to people in a condition of economic vulnerability who were being particularly affected by the pandemic, which would have been partially addressed through the authorization for workers to withdraw up to S / 2,400 of the amount of their Compensation for Time of Service, the suspension of the contribution to the Private Pension System (AFP or ONP), the subsidies for the State to finance 35% of salaries of formal workers (with wages below S / 1,500) and the delivery of bonds to households in a condition of economic vulnerability<sup>2055</sup>.
935. Despite the measures, in mid-August Peru would have become the country with the highest mortality rate in the world, which would be the result of structural factors prior to the pandemic and circumstantial variables that made containment measures insufficient<sup>2056</sup>. These included low investment in the health sector (despite the improvements in investment that had been seen in recent years); reactive approach oriented to care in intensive care instead of a preventive approach - whereby serological or rapid tests were given priority instead of molecular tests with which current cases of COVID-19 could have been verified; oxygen shortage; agglomeration at main points of contagion and non-compliance with restrictions by a significant sector of the population<sup>2057</sup>.

## A. Poverty and Human Rights

936. Regarding the last point of non-compliance with protocols, it is important to specify that, although there are cases of non-compliance, in Peru there are particular conditions that make it difficult for the population to comply with the measures, since more than 70% of workers do part of the informal sector, 4 out of 10 are independent, and of these people, half would receive less than the legal minimum wage<sup>2058</sup>. Thus, as established by the IACHR, the high rates of informal employment and work and precarious income constitute an obstacle that makes it difficult for certain groups in situations of special vulnerability to take basic prevention measures against the disease.<sup>2059</sup>, who in many cases find themselves in the need to expose themselves to contagion in order to survive.
937. In this scenario of high levels of informality - which would be the highest in eight years and would have grown by 2% with the pandemic<sup>2060</sup>- The previous inequalities experienced by groups in conditions of vulnerability are added, including indigenous peoples, women, people in conditions of human mobility, people in situations of poverty and extreme poverty, among others, which exacerbate the impacts of the pandemic and threaten the protection of their Economic, Social, Cultural and Environmental Rights (ESCER). This panorama is worrying when considering the estimates of ECLAC, which establishes that Peru will be one of the countries with the greatest

<sup>2053</sup> Ministry of Economy and Finance of Peru, [Peru's Economic Plan against COVID-19](#), October 26, 2020

<sup>2054</sup> Ibid.

<sup>2055</sup> Channel N. [Coronavirus: The 7 new Government measures to face COVID-19](#). March 26, 2020

<sup>2056</sup> BBC News, [Coronavirus in Peru: 5 factors that explain why it is the country with the highest mortality rate among those most affected by the pandemic](#), August 28, 2020

<sup>2057</sup> Ibid.

<sup>2058</sup> Infobae. [What happened to the coronavirus in Peru? The country that seemed to do everything right but everything went wrong](#). May 31, 2020

<sup>2059</sup> IACHR, [Pandemic and Human Rights in the Americas: Resolution 1/2020](#), April 10, 2020

<sup>2060</sup> RPP, [Informality: 3 out of 4 workers are informal in Peru](#), November 17, 2020



increases in the poverty rate, going from 16.5% in 2019 to 25.8% in 2020<sup>2061</sup>. Faced with extreme poverty, there would also be an increase, increasing from 3.7% to 7.6% in the same period of time. Likewise, greater inequality is expected in the distribution of income, in which the variation of the GINI would increase by 6% or more<sup>2062</sup>.

938. For its part, UNICEF estimates higher figures, in which poverty would go from 20.2% in 2019 to 30.3% in 2020 - which represents approximately 3,300,329 more people.<sup>2063</sup>, compared to which a particular impact is estimated on children and adolescents, since in their case monetary poverty would go from 26.9% to 39.9% in 2020, based on the impacts of the pandemic<sup>2064</sup>. This would imply 1.2 million minors who would fall into a situation of poverty, with greater representation from rural households<sup>2065</sup>.
939. The situation of poverty -which translates into a series of obstacles to the enjoyment and exercise of human rights, as the IACHR and its REDESCA have established<sup>2066</sup>- has resulted in serious problems in Peru to meet the basic food needs of children and adolescents and lack of adequate access to health and education<sup>2067</sup>. For this reason, although it is recognized that the State adopted economic and social measures that have helped mitigate the impact of the crisis, REDESCA calls for the provision of specific programs aimed at addressing the particular poverty situation of these households, with a intersectional and differentiated perspective, as well as to reinforce the protection of children and adolescents, as recommended by the IACHR to the States, in order for them to effectively protect groups in situations of special vulnerability at the time of issuing containment measures against to the pandemic<sup>2068</sup>.
940. Likewise, REDESCA reiterates its concern regarding the guarantee of ESCER for indigenous peoples, who have been particularly impacted by the pandemic. In this regard, the Office of the Special Rapporteur takes note of the situation of collapse or saturation of medical services in the Amazon<sup>2069</sup>, in which as of September there were already more than 18,000 infected indigenous people (the Awajún and the Kichwa being the most affected)<sup>2070</sup>, and at the end of August, more than 387 indigenous people died. As an example, in the city of Iquitos (capital of the Amazon department of Loreto), in mid-April its hospital began to collapse, and in May it was reported that it could not respond to the needs for assisted breathing treatments using mechanical respirators or oxygen balloons<sup>2071</sup>. Likewise, similar complaints of saturation of the deceased people's management system were reported, for which the bodies accumulated for days in the morgues<sup>2072</sup>. In this sense, the Peruvian Ombudsman's Office has stated that the mortality rate in the Amazon region due to coronavirus reaches 4.1%, a figure higher than the national average of 2.8%<sup>2073</sup>.

<sup>2061</sup> ECLAC, [Facing the Increasing Effects of COVID-19 for a Reactivation with Equality: New Projections](#), COVID-19 Special Report No. 5, July 15, 2020

<sup>2062</sup> Ibid.

<sup>2063</sup> Trade, [More than a third of Peruvians who fall into poverty this year will be children and adolescents, according to UNICEF](#), October 15, 2020

<sup>2064</sup> UNICEF, [COVID-19 has generated greater poverty and inequality in children and adolescents](#), Press release, October 14, 2020

<sup>2065</sup> Ibid.

<sup>2066</sup> IACHR, [Poverty and Human Rights](#), OEA / Ser.L / V / II.164, September 7, 2017

<sup>2067</sup> UNICEF, [COVID-19 has generated greater poverty and inequality in children and adolescents](#), Press release, October 14, 2020

<sup>2068</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, April 10, 2020

<sup>2069</sup> EFE, [A cry for help in the Amazon](#), May 8, 2020.

<sup>2070</sup> The New York Times, [The health of the peoples of the Amazon was in crisis long before the pandemic](#), October 2, 2020.

<sup>2071</sup> Office of the Ombudsman of Peru, [Ombudsman's Office: Intergovernmental and multisectoral actions are urgently needed to address the serious situation in Loreto](#).

<sup>2072</sup> CNN Latin America, [Piled up corpses and a collapsed health system, this is how the pandemic is lived in Loreto, Peru](#), April 30, 2020.

<sup>2073</sup> Office of the Ombudsman of Peru, [Ombudsman's Office: Intergovernmental and multisectoral actions are urgently needed to address the serious situation in Loreto](#), May 4, 2020.



941.

In the same way, as the IACHR stated at the end of May, the situation of the urban indigenous communities of Cantagallo is of special concern.<sup>2074</sup>, among which 73% of those residing in the district of Rímac (Lima) were infected with COVID-19, and that as has been denounced by civil society organizations and the Ombudsman's Office, live in overcrowded conditions, no access to clean water or sanitation<sup>2075</sup>. In this regard, from REDESCA, emphasis is placed on the historical discrimination suffered by indigenous peoples in the country, which has as a consequence that they are in a situation of poverty (approximately 43% of the indigenous population is in a situation of moderate poverty, compared to 21% of the non-indigenous population<sup>2076</sup>), which has resulted in structural deficiencies in basic services based on discrimination and inequality, which in the context of the pandemic seriously affect their right to health, their right to life and even their cultural survival.

942.

Likewise, in the face of the health emergency of COVID-19, REDESCA draws attention to the complaints from front-line personnel due to the lack of supplies and biosafety equipment to attend to the emergency<sup>2077</sup>, together with the lack of employment guarantees for health personnel<sup>2078</sup>. Thus, among the main complaints from front-line personnel, there were constant demands for the absence of adequate personal protective equipment, oxygen and ventilators.<sup>2079</sup>, coupled with complaints about low wages, and in some cases, lack of job guarantees, including health, life or occupational risk insurance<sup>2080</sup>. The foregoing, contrary to what was established by the IACHR and its REDESCA, since the member states were recommended to ensure the availability and timely provision of sufficient quantities of biosafety material, essential medical supplies and supplements for use by health personnel, as well as guaranteeing the protection of their rights<sup>2081</sup>. Despite the foregoing, REDESCA takes note of the State's decision to grant bonuses to health personnel for their work in the pandemic (including medical, non-medical, technical assistance, auxiliary and administrative personnel)<sup>2082</sup>.

## B. Right to health

943.

In 2020, Peru not only faced health challenges due to the health emergency caused by COVID-19, but also dengue<sup>2083</sup>, which as of August had already exceeded the 2019 figures, with more than 29,000 people infected and 39 people dead<sup>2084</sup>, of which approximately 80% of infected people are in the Amazon<sup>2085</sup>. The burden of the disease has fallen mainly on people living in poverty, since, among other factors, the high costs of vector-human barrier methods -such as repellants, mosquito-blocking screens and air conditioning- make their use difficult.<sup>2086</sup>

944.

In this sense, although the disease is endemic in the country, this outbreak would have been the result of the neglect of strategies against dengue to deal with COVID-19, together with the existence

<sup>2074</sup> IACHR, [The IACHR warns about the health crisis in the Urban Indigenous Community of Cantagallo, Peru](#). May 27, 2020.

<sup>2075</sup> SERVINDI. [Health disaster in the urban indigenous community Cantagallo](#). May 14, 2020.

Ombudsman's Office. [Ombudsman's Office: authorities must ensure decent housing for Cantagallo families](#). May 18, 2020 (WATER).

<sup>2076</sup> IACHR, [The IACHR warns about the special vulnerability of indigenous peoples to the COVID-19 pandemic and calls on the States to take specific measures consistent with their culture and respect for their territories](#), May 6, 2020

<sup>2077</sup> Peru 21. [Coronavirus in Peru: Doctors and nurses from Cusco demand biosafety implements](#). April 15, 2020

<sup>2078</sup> France24, [Dozens of doctors protest in Peru to demand better working conditions](#), August 27, 2020

<sup>2079</sup> Ibid.

<sup>2080</sup> Euronews, [Peru's unpayable debt with its health personnel](#), November 25, 2020

<sup>2081</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, para. April 10, 10, 2020

<sup>2082</sup> Management, [Minsa will give bonuses of up to S / 3,000 to health professionals and workers for their work in the pandemic](#), December 1, 2020

<sup>2083</sup> Ap, [In hard-hit Peru, worry mounts over both COVID-19 and dengue](#), October 23

<sup>2084</sup> Public Eye, [Silent enemy: Dengue hits Peru during pandemic](#), August 26, 2020

<sup>2085</sup> Daily voices, [Dengue infections increase in the jungle](#), November 24, 2020

<sup>2086</sup> Public Eye, [Dengue hits the most vulnerable heart of the Peruvian Amazon](#), March 1, 2020



of a precarious drinking water supply system and conditions deficient sanitation in some areas of the country, where the majority of people in a situation of economic vulnerability converge<sup>2087</sup>. It should be noted that in Peru there would be more than 7 million people who do not have access to drinking water<sup>2088</sup>, and in other cases, those who have access to the resource do not have it every day, which forces them to accumulate drinking water in the containers, in which the mosquito vectors of dengue are raised.<sup>2089</sup> For this reason, REDESCA recalls the need that, when issuing health policies, its basic and social determinants are covered, which are related to the content of other human rights, including other ESCER, such as the right to drinking water, access to means of cleaning, food, adequate housing, among others<sup>2090</sup>.

945. REDESCA also learned about obstacles to access sexual and reproductive health services, despite the Health Directive N ° 094-2020 issued by the Government at the end of April to guarantee the health of pregnant women and the continuity of care in family planning in a pandemic<sup>2091</sup>, as well as the recommendation of the IACHR to guarantee the availability and continuity of sexual and reproductive health services during the crisis of the pandemic<sup>2092</sup>. Specifically, the complaints have been related to the denial of delivery of emergency oral contraception and family planning services.<sup>2093</sup> This would have resulted in high numbers of underage pregnancies, in which 33,360 births of girls and adolescents are reported between January and September 2020, 20 of them being under 10 years old and 659 between 11 and 14 years old.<sup>2094</sup>

### C. Labor and union rights

946. In addition to reiterating the concern regarding the large percentage of the Peruvian population that seeks their income in the informal market - 3 out of 4 workers (75.2%)<sup>2095</sup>-, for REDESCA it is important to draw attention to the differentiated impact that this situation has had on women, inasmuch as: the female unemployment rate is higher than that of men (6.6% vs. 4%, respectively) ; Those who worked in the informal market were the first to lose their jobs (the risk of being unemployed is 1.5 times higher for women compared to men), and those who were able to keep their jobs have had to disproportionately assume care work<sup>2096</sup>. Although REDESCA takes note of the measures adopted by the State to expand labor protection for pregnant and lactating women during the national health emergency<sup>2097</sup>, it is reiterated that it is essential to adopt labor policies with a gender perspective from an intersectional approach.
947. In the context of social protests in the country, with special emphasis on those related to the recent political and institutional crisis in November, REDESCA expresses its concern at the allegations of excessive use of force by the public force , in which not only at least 26 journalists and photojournalists were attacked in the middle of their journalistic work while covering the

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<sup>2087</sup> Ibid.

<sup>2088</sup> Action Against Hunger, Peru: Venezuelan migrants and irregular workers most affected by the pandemic, May 11, 2020

<sup>2089</sup> Public Eye, Silent enemy: Dengue hits Peru during pandemic, August 26, 2020

<sup>2090</sup> IACHR, Pandemic and Human Rights in the Americas, Resolution No. 1/2020, para. April 4, 10, 2020

<sup>2091</sup> The Republic, Underage Pregnancies: Ignored Laws, Paralyzed Services, and a Gray Outlook, September 27, 2020

<sup>2092</sup> IACHR, Pandemic and Human Rights in the Americas, Resolution No. 1/2020, para. 53, April 10, 2020

<sup>2093</sup> Wayka, Hospitals do not deliver a morning-after pill or provide family planning services, July 22, 2020

<sup>2094</sup> Public Eye, Mother girls: the emergency suspended by the pandemic, September 26, 2020

<sup>2095</sup> RPP, Informality: 3 out of 4 workers are informal in Peru, November 17, 2020

<sup>2096</sup> The Republic, Why is the pandemic hitting the women's economy more?, September 13, 2020

<sup>2097</sup> Peru 21, Congress modifies law that extends labor protection to pregnant women and infants in a health emergency, September 7, 2020



protests<sup>2098</sup>, but also for the death of Jorge Muñoz Jiménez, who was an agricultural worker who was protesting for his labor rights together with a group of employees from the agro-export sector<sup>2099</sup>. Consequently, REDESCA calls for the effective protection of the rights of workers, together with the investigation of these facts, including the identification of those responsible, sanctions that may be applicable and effective reparation. Faced with the agrarian law, REDESCA recognizes its repeal by the Peruvian congress, inasmuch as it allowed exporting companies to cut labor rights by outsourcing labor<sup>2100</sup> and urges that the legislation adopted guarantee the effective protection of labor and union rights of agricultural workers in the country.

948. In turn, REDESCA takes note of the calls from various social sectors to ensure labor guarantees in the midst of the pandemic and in the recovery phase, in the face of what would be massive layoffs through the use of the perfect suspension and collective termination, together to obstacles to improve the working conditions of workers. Among these calls, the requests of the educators union stand out, which has requested, in addition to a larger budget for the sector, the granting of decent pensions for educational personnel and the recognition of 100% of the accumulated permanence benefit in the Compensation by Time of Service (and not the 14%, which they would receive, unlike other people employed in the public sector)<sup>2101</sup>.
949. Likewise, it takes note of the calls of more than 160 Peruvian mining workers who have requested the restoration of their labor rights, based on the dismissals applied by mining companies during the pandemic, which would have occurred through the “abuse of the perfect suspension, collective layoffs and outsourcing”, despite the fact that the companies received funds from the Reactiva Peru program to alleviate the economic situation they were facing<sup>2102</sup>. Likewise, the group denounces atypical days and insufficient protocols to face the COVID-19 pandemic<sup>2103</sup>. Faced with this situation, REDESCA recalls the recommendation of the IACHR and its Office of the Special Rapporteur to protect the human rights, and particularly ESCER, of workers, by which it was established that it is necessary to adopt measures that ensure economic income and means of subsistence of all working people, and for those who continue to work, protection from the risks of contagion of the virus, as well as their jobs, wages, freedom of association and collective bargaining, pensions and other social rights interrelated with the workplace and union<sup>2104</sup>.

## D. Right to education

950. Although the State has implemented measures to ensure that children and adolescents can access their right to education, the existing socioeconomic inequalities and digital gaps have generated serious obstacles to guarantee access to education by children and adolescents in a condition of poverty and / or in rural areas of the country. Thus, at the end of September, approximately 300,000 students (15% of the national enrollment) had dropped out due to difficulties in accessing virtual classes or the need to work to alleviate the economic crisis that had impacted their homes.<sup>2105</sup>
951. According to UNICEF, the impact on children and adolescents is due to the fact that the Strategy “Aprendo en Casa” (as an alternative measure that promotes distance learning through television,

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<sup>2098</sup> Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), [The Office of the Special Rapporteur expresses extreme concern about the excessive use of police force against protesters and journalists and about the arrests in the context of the protests in Peru](#), Press Release R274 / 20, November 13, 2020

<sup>2099</sup> The country, [A farm worker is shot dead in a protest for labor rights in Peru](#), December 3, 2020

<sup>2100</sup> Swissinfo, [Peruvian Congress repeals agrarian law and workers announce end of protests](#), December 10, 2020

<sup>2101</sup> Telesur tv, [Peruvians demand social improvements and the end of neoliberalism](#), November 24, 2020

<sup>2102</sup> Telesur tv, [Peruvian miners remain protesting in front of Congress](#), December 15, 2020

<sup>2103</sup> Ibid.

<sup>2104</sup> IACHR, [Pandemic and Human Rights in the Americas](#), Resolution No. 1/2020, para. April 5, 10, 2020

<sup>2105</sup> AFP Agency, [About 300 thousand Peruvian schoolchildren drop out amid the pandemic](#), September 22, 2020





radio and internet<sup>2106</sup>) has not been able to benefit the entire population because only 29.8% of urban households access the internet, while in households in rural areas this access is reduced to 2.1%<sup>2107</sup>. Similarly, although 130,615 rural high school students would have benefited through radio content, according to INEI data, only 7 out of 10 households have radio and 8 out of 10 have television.<sup>2108</sup> Therefore, the programs implemented would not be sufficient to reach children and adolescents in rural households and living in poverty.

952. In this scenario, REDESCA highlights the measures adopted by the State through which tablets with internet were purchased for Public Educational Institutions, which would have been distributed to students in rural areas and / or in situations of poverty.<sup>2109</sup> Likewise, the implementation of a special grant to continue higher education studies for students affected by COVID-19 is highlighted.<sup>2110</sup>, as well as the return to face-to-face classes of students in rural areas where the conditions for blended return have been met.<sup>2111</sup>.

## **E. Right to a healthy environment and climate change**

953. Despite the fact that different civil society organizations and UN experts urged the State to ratify the Escazú Agreement in order to promote responsible business conduct towards the environment, better protect human rights defenders human rights and guarantee access to justice in environmental matters<sup>2112</sup>, the State decided not to ratify the Regional Agreement, considering that it threatened its sovereignty in terms of the administration of justice<sup>2113</sup>. In this regard, REDESCA states that the Escazú Agreement reinforces the normative framework in relation to existing and justiciable obligations before the inter-American human rights system. In this regard, REDESCA calls on the State to redouble its efforts to ensure the protection of the communities affected by extractive projects -especially of indigenous peoples-, together with the effective protection of the environment and of environmental defenders, in accordance with its national and international obligations, especially in relation to Precautionary Measures in force of the IACHR.
954. In this context, REDESCA calls for attention to the impact of business activities on human rights and expresses its concern over the 14 oil spills that have occurred during the pandemic in the Peruvian jungle, of which the majority have occurred in the Lot 192 (the largest in the country, comprising the basins of the Tigre, Corrientes, Pastaza and Marañón rivers)<sup>2114</sup>. The foregoing, inasmuch as these situations not only imply severe damage to the environment, but also serious effects and risks to the rights to life, health, water, adequate food, among other ESCER, of the surrounding communities.
955. It should be noted that this situation occurs in a context in which, according to the National Human Rights Coordinator and OXFAM, in the last 19 years, there have been 474 oil spills in the Peruvian Amazon, of which 65.4% are attributable to corporate liability for corrosion, operational failures and unsafe operating conditions<sup>2115</sup>. In addition to this, by mid-2019, more than 7,000 people had already been reported affected by contamination with heavy metals and other toxins in mining and

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<sup>2106</sup> Ibid.

<sup>2107</sup> Management, [UNICEF: Peru's efforts for children are positive but insufficient](#), July 14, 2020

<sup>2108</sup> RPP, [COVID-19 and remote teaching: Lack of resources prevents access to quality education](#), August 3, 2020

<sup>2109</sup> Ministry of Economy and Finance of Peru, [Peru's Economic Plan against COVID-19](#), October 26, 2020

<sup>2110</sup> Ibid.

<sup>2111</sup> RPP, [Minedu: more than 16 thousand students from rural areas receive blended classes](#), November 19, 2020

<sup>2112</sup> UN Human Rights, [Peru: UN experts urge ratification of Escazú Agreement to promote responsible business conduct](#), August 10, 2020

<sup>2113</sup> BBC, [Escazú Agreement: the controversy in Peru over the refusal to ratify the historic environmental pact of Latin America and the Caribbean](#), October 21, 2020

<sup>2114</sup> Summons, [14 oil spills have occurred during the pandemic in Peru](#), August 13, 2020

<sup>2115</sup> Ibid.



hydrocarbon areas in the country.<sup>2116</sup>; figures that would far exceed the 4,867 cases of Peruvian people documented by the National Center for Epidemiology, Prevention and Control of Diseases of the Ministry of Health of Peru, which would underestimate the impact of pollution on the health of people and their water sources<sup>2117</sup>. For this reason, REDESCA highlights that based on the standards in the inter-American system, the States have the obligation to prevent human rights violations within the framework of business activities; supervise the performance of companies; regulate and adopt provisions of domestic law in the framework of business activities and human rights - in accordance with the provisions of inter-American legal instruments - as well as investigate, punish and guarantee access to effective mechanisms of reparation in the field of business and human rights<sup>2118</sup>.

956. In the face of climate change, REDESCA recognizes the efforts of the State through the approval of the Regulation of the Framework Law on Climate Change, which defines the functions of the Ministry of the Environment (MINAM), as well as the sectoral, regional and local authorities; in order to reduce vulnerability to the impacts of climate change and greenhouse gas emissions<sup>2119</sup>. In this regard, the importance of having an intersectional and differentiated perspective on the impacts of climate change on human rights is highlighted, especially on people living in poverty, peasant communities, rural and coastal populations, indigenous peoples and Afro-descendant communities. The above, since Peru is susceptible to floods, droughts, earthquakes, landslides, among other types of natural disasters, in which there has been a greater impact on Afro-Peruvians, particularly in peasant communities and inhabitants of rural areas and coastal areas of Peru, according to the United Nations Working Group of Experts on People of African Descent<sup>2120</sup>.

## 28) DOMINICAN REPUBLIC

957. The first case of COVID-19 in the Dominican Republic was reported on March 2. In response, the Dominican government declared a state of emergency, introduced a national curfew, closed schools, borders, non-essential companies and imposed strict measures of social distancing<sup>2121</sup>.
958. Although the original date of termination of the state of emergency was June 30, the limit was extended until December due to the continuous resurgence of COVID-19 cases in the country whenever the Government tried to limit the restrictions.<sup>2122</sup> For this reason, the State was criticized by the Minister of Health for easing the restrictions on social distancing while the cases of contagion continued to increase.<sup>2123</sup>
959. For example, when the Dominican Government implemented Phase 2 of reopening the economy in July, which allowed the return of 100% of workers to small companies and 50% of capacity in companies with more than 151 employees, it was reported that 75 percent of hospital beds for

<sup>2116</sup> Environmental News, Peru: [There are more than 7 thousand people affected by contamination with heavy metals](#), July 19, 2019.

<sup>2117</sup> International Amnesty, Peru: [Women Unite Against Toxic Metal Pollution](#), June 5, 2020

<sup>2118</sup> Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the IACHR, [Business and Human Rights Report: Inter-American Standards](#), OEA / Ser.L / V / II, November 1, 2019

<sup>2119</sup> Ministry of the Environment of Peru, [Government approves Regulation of the Framework Law on Climate Change](#), January 1, 2020

<sup>2120</sup> United Nations, [Statement to the media of the United Nations Working Group of Experts on People of African Descent, at the conclusion of its official visit to Peru, held between February 25 and March 4, 2020](#), March 4, 2020

<sup>2121</sup> IM F. [Policy Responses to COVID-19 Policy Tracker](#). November 18, 2020.

<sup>2122</sup> IM F. [Policy Responses to COVID-19 Policy Tracker](#). November 18, 2020.

<sup>2123</sup> Miami Herald. [Dominican Republic hospitals hit capacity for COVID-19 patients](#). August 6, 2020.



COVID-19 patients were full across the country<sup>2124</sup>. In Santo Domingo, 100 percent of these beds were occupied. This over-demand in cities was partly due to the fact that hospitals in rural areas did not have the medical equipment for patients with COVID-19. It was also reported that some people had to go home without receiving medical attention due to the lack of space, while others had to sit in a chair instead of a stretcher to be cared for.<sup>2125</sup>

960. However, the tourism sector - which contributes about 8% of the country's Gross Domestic Product (GDP)<sup>2126</sup> - resumed its activities on July 1 with the opening of all regions and airports for tourists<sup>2127</sup>, implementing a plan to carry out random COVID-19 diagnostic tests at airports and assistance plan for foreign travelers who are infected with the virus<sup>2128</sup>. Concern was expressed with this plan because as of August, showing a negative test performed a maximum of five days before the trip was no longer a requirement for foreign nationals arriving in the country.<sup>2129</sup>
961. As of November 30, the country reported 143,988 positive cases of COVID-19 and at least 2,331 deaths from the disease, making it the Caribbean country with the most cases in the region<sup>2130</sup>. On April 4, the Emergency and Health Management Committee to Combat COVID-19 was established to provide advice on strategic responses, promote public-private consortia to increase the capacity of the public health system and supervise the implementation of the measures adopted.<sup>2131</sup>
962. The Executive, through public statements, indicated that it would be "a priority to create conditions to recover production and employment" in the face of the economic crisis as a result of the pandemic, maintaining social subsidies for workers and emergency tax incentives.<sup>2132</sup>

## A. Poverty and Human Rights

963. REDESCA observes with concern the situation of poverty in which the population lives on the banks of the Ozama River. In order to adjust the funds for their food and that of their families, children and adolescents are forced to work collecting plastic bottles and cans among mountains of waste and sell them at a very low price to merchants.<sup>2133</sup> Before the pandemic, they used to exchange these materials for raw food, but the health emergency in the country restricted these regular food deliveries to every 15 days<sup>2134</sup>. Inhabitants such as Wendy Reynoso and Francisco Ortega, with seven children and without the means to feed them, requested that the fortnightly meal program that was being implemented be expanded.<sup>2135</sup> In addition, these communities living in this area do not have adequate access to water for sanitation services. Most have pipes that lead to the river, from battered bathrooms and toilets that contribute to the contamination of their surroundings<sup>2136</sup>.
964. The country's Ministry of Economy indicated in a study that more than 653 thousand people who belonged to the middle class were left in conditions of poverty and more than 255 thousand in

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<sup>2124</sup> Idem.

<sup>2125</sup> Idem.

<sup>2126</sup> Yahoo! News. [Dominican Republic will not require negative COVID-19 tests from tourists](#). August 25, 2020.

<sup>2127</sup> Miami Herald. [Dominican Republic hospitals hit capacity for COVID-19 patients](#). August 6, 2020.

<sup>2128</sup> Idem.

<sup>2129</sup> Yahoo! News. [Dominican Republic will not require negative COVID-19 tests from tourists](#). August 25, 2020.

<sup>2130</sup> Worldometers. [Dominican Republic Coronavirus Cases](#). November 30, 2020.

<sup>2131</sup> IM F. [Policy Responses to COVID-19 Policy Tracker](#). November 18, 2020.

<sup>2132</sup> NTN24. [Luis Abinader is sworn in as the new president of the Dominican Republic](#). August 17, 2020.

<sup>2133</sup> Listin Diario. [The Ozama River, a mirror of harsh poverty](#). October 27, 2020.

<sup>2134</sup> Idem.

<sup>2135</sup> Idem.

<sup>2136</sup> Idem.



extreme poverty<sup>2137</sup>. In other words, the number of people with middle-class income went from 35% in 2019 to 29% in the country<sup>2138</sup>. The southern area of the country continues to be the poorest with a percentage of 33%, while it was reported that the East area and Greater Santo Domingo were the most affected with an increase in poverty, of 31.7% and 28.6%, respectively, directly linked to the great job loss<sup>2139</sup>.

965. Faced with this situation, the Dominican government implemented social assistance programs, including "Stay at Home", the Employee Solidarity Assistance Fund (FASE) and "Pa'ti"<sup>2140</sup>. According to the Ministry of Economy, Planning and Development (MEPyD), the increase in extreme poverty was mitigated in June by 3.1%<sup>2141</sup>.
966. Another worrying situation for REDESCA are the consequences of poverty that result from the practice of early unions between underage girls and older men who are sometimes even twice their age.<sup>2142</sup>In a country where at least one in five Dominicans ends up married or in informal unions as a minor and where child marriage is legalized for girls after 15 years of age, three out of four adolescent pregnancies are the result of an early union and they end up in poverty due to the need to raise their children, often left alone and in conditions of misery<sup>2143</sup>.

## B. Right to health

967. REDESCA notes with concern the difficulty of access to diagnostic tests for COVID-19 for the Dominican population. In March, Dr. Ana Lebrón, whose father had died of pneumonia presumably caused by the coronavirus, reported that both the funeral home and the clinic that admitted her father refused to do a test, leaving everyone in uncertainty with which Mr. Lebrón had had contact<sup>2144</sup>.
968. On August 7, PCRs were suspended for unknown reasons in Santo Domingo hospitals, making the diagnostic process of the disease difficult for people suspected of COVID-19 and confirmation for people recovered from the disease.<sup>2145</sup> Significant delays in obtaining results were also reported<sup>2146</sup>.
969. In addition to this, the country's Minister of Health, Rafael Sánchez, denounced in April the irregular and overvalued sale of coronavirus detection tests by the private sector, who allegedly avoided the acquisition of a health registry and the approval of the general direction of medicines in the country<sup>2147</sup>.
970. The infection situation in La Victoria penitentiary, the prison with the highest number of overcrowding in the country, is also worrying. In April, 239 people deprived of liberty infected by the coronavirus were already reported<sup>2148</sup>.

<sup>2137</sup> Latin Press. [COVID-19 leaves a trail of poverty in the Dominican Republic](#). December 1, 2020.

<sup>2138</sup> Listin Diario. [Social aid for COVID-19 slows the growth of extreme poverty of 5.2%](#). December 1, 2020.

<sup>2139</sup> Latin Press. [COVID-19 leaves a trail of poverty in the Dominican Republic](#). December 1, 2020

<sup>2140</sup> Listin Diario. [Social aid for COVID-19 slows the growth of extreme poverty of 5.2%](#). December 1, 2020.

<sup>2141</sup> Idem.

<sup>2142</sup> Listin Diario. [Dominican Republic, the country of girl wives](#). November 17, 2020.

<sup>2143</sup> Idem.

<sup>2144</sup> The day. [Drama: Daughter of a nurse who died of coronavirus denounces they do not want to test her](#). March 26, 2020.

<sup>2145</sup> Listin Diario. [PCR tests remain suspended in Santo Domingo hospitals](#). August 17, 2020.

<sup>2146</sup> Idem.

<sup>2147</sup> Excelsior. [They denounce irregular sale of tests for COVID-19 in the Dominican Republic](#). April 7, 2020.

<sup>2148</sup> CNN. [Dominican Republic: 5,543 infected by COVID-19 and nurses protest for lack of personal protection supplies](#). April 23, 2020.



971. During a press conference in April, several nursing unions denounced the lack of personal protective equipment for health personnel<sup>2149</sup>. They also stated that they were being forced and forced to reuse their gowns and masks.<sup>2150</sup> As of November 11, at least 613 health workers infected with COVID-19 were reported<sup>2151</sup>.
972. In addition to the coronavirus, REDESCA finds the high levels of malaria and dengue infection in the Dominican population worrying. In July alone, 668 cases of malaria had already been reported, 56% more than in 2019, and 3,409 cases of dengue<sup>2152</sup>. The Los Tres Brazos community, home to many low-income people, was particularly affected with 589 malaria cases reported in July.<sup>2153</sup> There is also concern about the 124 cases and 19 deaths from leptospirosis in the country<sup>2154</sup>.
973. REDESCA also observes with concern the deterioration of the mental health of the population in 2020. 366 suicides were registered in the first eight months of the year, most of which were executed by men of early and middle age.<sup>2155</sup>
974. Psychiatrists in the country regretted that the Dominican State has not presented a concrete plan to address the problem of drug addictions in the country, leaving it in the hands of NGOs that do not have adequate personnel.<sup>2156</sup> This is even more worrying due to the fact that, according to the Ministry of Public Health, one in every 20 deaths in the country is related to the use of alcoholic beverages and 13% of the population has various degrees of alcohol dependence<sup>2157</sup>. The lockdown led some people undergoing treatment to limit their visits to rehab centers, leading many people to relapse.<sup>2158</sup>
975. However, in April irregularities were reported in the purchase of food to mitigate the needs of the Dominican population, which led President Danilo Medina to suspend seven public officials<sup>2159</sup>.
976. The differentiated impact of the pandemic on people with disabilities in the Dominican Republic is also alarming. Due to the difficulties of transportation and fear of contagion of the coronavirus, several disabled people have had to stop attending therapies or rehabilitation processes, which demand closeness and continuity<sup>2160</sup>. By using public transport, assistive devices in the streets and relying many times on the help of strangers, the risk of contagion for these people is greater<sup>2161</sup>. Likewise, the medical director of one of the rehabilitation centers indicated that most patients are at high risk of death if they contract the coronavirus because they suffer from chronic diseases such as asthma, diabetes and high blood pressure.<sup>2162</sup>

## C. Labor rights

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<sup>2149</sup> Idem.

<sup>2150</sup> Idem.

<sup>2151</sup> Today Digital. [Epidemiology reports 528 new COVID-19 cases; total infections rises to 131,131](#). November 11, 2020.

<sup>2152</sup> Free Journal. [Malaria and dengue affect the population while it faces COVID-19](#). August 24, 2020.

<sup>2153</sup> Idem.

<sup>2154</sup> Idem.

<sup>2155</sup> At the moment. [The Dominican Republic registers 366 suicides so far in 2020](#). September 11, 2020.

<sup>2156</sup> Free Journal. [Pandemic has increased consumption of legal and illegal drugs in the Dominican Republic](#). November 17, 2020.

<sup>2157</sup> Idem.

<sup>2158</sup> Idem.

<sup>2159</sup> Las Américas newspaper. [They denounce alleged acts of corruption in the Dominican Republic amid pandemic](#). April 9, 2020.

<sup>2160</sup> Listin Diario. [COVID-19 pandemic aggravates vulnerability of people with disabilities](#). September 16, 2020.

<sup>2161</sup> Idem.

<sup>2162</sup> Idem.





977. In November, the country's Social Security Treasury reported that more than 254,000 people lost their formal jobs, with a disproportionate impact on small businesses.<sup>2163</sup>.
978. In August, Tourism Minister David Collado reported that the hotel occupancy rate stood at 5%. To support workers in these businesses, the government offered tax incentives of up to 420 million pesos (about \$ 7 million) to keep their jobs.<sup>2164</sup>. However, it was estimated that at least 150,000 jobs were lost among tourism, bars and restaurants.<sup>2165</sup>.
979. On the other hand, the pandemic has also limited the access of disabled people to employment, as many people in this group depend on other people or informal work<sup>2166</sup>.
980. According to the latest national census, more than 300,000 people are engaged in housework in the Dominican Republic, of which 90 percent were unemployed during the pandemic and 10 percent who remained in their jobs had to remain confined in your work home<sup>2167</sup>. The Executive Secretary of the Association of Domestic Workers, Elena Pérez, also reported that layoffs were carried out without employment benefits and several suspensions without the enjoyment of wages.<sup>2168</sup>. Likewise, several domestic workers were put in charge of making purchases, attending deliveries and running errands, for which many contracted COVID-19, were sent home and / or died as a result of the disease<sup>2169</sup>.
981. In the same way, it is worrisome that the payment of a domestic worker does not have a union that brings together the employer sector of domestic workers nor one established in the country, varying according to the purchasing power of each employer.<sup>2170</sup>. For this reason, the country's social organizations have focused on demanding that state authorities comply with Convention 189 of the International Labor Organization (ILO) on domestic workers, including the definition of a minimum taxable wage, social security and other rights established by the Labor Code<sup>2171</sup>.
982. The sources of income for various media outlets were severely limited by the economic crisis as a result of the pandemic, causing the closure of various radio and television programs, as well as dismissals and temporary and permanent suspensions of journalists, designers and distributors.<sup>2172</sup>.
983. In October, the Regional of the National District of the Dominican Medical College denounced that 20 doctors were arbitrarily dismissed, in violation of the agreement between the union and the newly elected president Luís Abinader to protect doctors during the COVID-19 pandemic.<sup>2173</sup>. Although it was alleged that they were fired for abandonment of work, the union argued that they had received instructions to stay in their homes due to the health emergency<sup>2174</sup>.

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<sup>2163</sup> Listin Diario. [More than 254.000 have been unemployed due to COVID](#). November 12, 2020.

<sup>2164</sup> Yahoo! News. [Dominican Republic will not require negative COVID-19 tests from tourists](#). August 25, 2020.

<sup>2165</sup> Idem.

<sup>2166</sup> Listin Diario. [COVID-19 pandemic aggravates vulnerability of people with disabilities](#). September 16, 2020.

<sup>2167</sup> News Network. [The COVID crisis affected 90% of domestic workers](#). October 4, 2020.

<sup>2168</sup> Idem.

<sup>2169</sup> Idem.

<sup>2170</sup> Idem.

<sup>2171</sup> Idem.

<sup>2172</sup> Listin Diario. [Pandemic caused the drop in advertising revenue and the closure of radio and TV programs](#). October 21, 2020.

<sup>2173</sup> Process. [Dismissal of doctors in the Social Plan of the Presidency denounced](#). October 14, 2020.

<sup>2174</sup> Idem.



984. To monitor the processes of acquisition of various goods to combat the epidemic, the Dominican government provided open data in "real time" of the procurement processes and public contracts to face the health emergency<sup>2175</sup>.

## D. Right to education

985. The declaration of a national epidemic by the Ministry of Public Health in July resulted in the adoption of virtual classes for the 2.7 million students and 98,000 teachers in the country<sup>2176</sup>. The Ministry of Education reported that in Cibao and Greater Santo Domingo, places where most of the country's schools are located, more than 70% of elementary and high school students had access to virtual educational platforms implemented by the Ministry of Education. Education<sup>2177</sup>.

986. In August, the Minister of Education, Roberto Furcal, announced that the 2020-2021 school year will also take place virtually, making use of radio, television and cable for the transmission of educational programming.<sup>2178</sup> The Dominican government promised to gradually provide each student and teacher with digital equipment and connectivity.<sup>2179</sup>

987. However, at the beginning of the 2020-2021 school year in November, it was reported that there were connectivity problems on school sites and many teachers, parents, and students had not yet received the school booklets required for educational programs.<sup>2180</sup>

988. In addition, difficulties were still observed for families in neighborhoods where homes do not have television, internet, or where electricity does not arrive continuously. Some low-knowledge or illiterate mothers were reported to have had difficulty helping their sons and daughters with virtually assigned tasks<sup>2181</sup>. Because 6,500 students from the Capotillo area of Santo Domingo stopped having their studies in colleges and labor schools, various community and school leaders asked the Ministry of Education to allow face-to-face classes in this neighborhood in November.<sup>2182</sup> Requests like this were denied by the Dominican government, which has prioritized the fight against the contagion of the coronavirus<sup>2183</sup>.

989. More than 115 small private schools were on the verge of bankruptcy in September because they were not included in the facilities designed by the Minister of Education for the operation of distance learning<sup>2184</sup>. In addition, many male and female students had to abandon their studies because their families were not in a position to pay the monthly payments, with some without even access to the internet or knowledge of its use.<sup>2185</sup> However, the teachers of these schools continued their services in favor of the right to education despite receiving precarious salaries.<sup>2186</sup>

## E. Right to a Healthy Environment

<sup>2175</sup> The money. [Open "real-time" data prevents corruption in public purchases during COVID-19 emergency](#). April 14, 2020.

<sup>2176</sup> Free Journal. [Education in the Dominican Republic will continue only virtual](#). July 2, 2020.

<sup>2177</sup> Ministry of the Presidency. [So that education does not stop](#). 2020.

<sup>2178</sup> CNN Latin America. [New school year in the Dominican Republic will be remotely and on radio and television](#). August 25, 2020.

<sup>2179</sup> Idem.

<sup>2180</sup> Free Journal. [Schools begin the school year at a distance with loose ends](#). November 3, 2020.

<sup>2181</sup> The money. [Dominican virtual educational plan is out of reach of the poorest](#). November 12, 2020.

<sup>2182</sup> Idem.

<sup>2183</sup> Idem.

<sup>2184</sup> The Republic. [Small private schools on the brink of bankruptcy due to COVID-19](#). September 21, 2020.

<sup>2185</sup> Idem.

<sup>2186</sup> Idem.



990. In 2020, an IDB study reported that the main environmental problems in the Dominican Republic are water pollution and climate change. This is mainly due to the particular situation of the populations of the Caribbean in general and of the islands, due to the abrupt changes in weather patterns that endanger their coasts and also their water sources.<sup>2187</sup>.
991. For its part, REDESCA is aware that the situation of people living on the banks of the Ozama River has been negatively impacted by the mountains of garbage and waste in the city's neighborhoods, which boys and girls climb in search of bottles and cans to exchange for food<sup>2188</sup>. It was reported that these wastes have been mismanaged by local authorities, as they are dumped into the river without taking into account that there are a large number of families living on the banks in houses made by hand with cardboard and pieces of tin.<sup>2189</sup>In this context, environmental contamination is also worrying as a result of the disposal of masks in the streets and the lack of a policy for the management of used masks.<sup>2190</sup>.

## 29) SAINT KITTS AND NEVIS

992. Saint Kitts and Nevis has been recognized as one of the countries in the region that would have managed better during the pandemic<sup>2191</sup>, having a total record of 32 infections and zero deaths related to the coronavirus<sup>2192</sup>. Taking into consideration that the first outbreak happened on March 24<sup>2193</sup>, the same week the Prime Minister announced a series of economic measures with the effect of mitigating the impact of the pandemic<sup>2194</sup>.
993. On the one hand, the budget for the health sector increased by 0.5% of the Gross Domestic Product (GDP)<sup>2195</sup>. On the other hand, the fiscal measures carried out include: (i) an injection of funds to small and medium-sized enterprises in the agricultural sector; (ii) more flexible protocols for the importation of hygiene and health products; (iii) additional support on poverty alleviation programs; (iv) reduction of income tax for corporations from 33% to 25% and for small businesses from 4% to 2% (valid for three months); (v) mortgage loans to citizens of the island, and; (vi) moratorium on payments for electricity services for those people and businesses that were affected by the pandemic<sup>2196</sup>.
994. On the other hand, since May 23, the government eliminated the total quarantine to modify it to a curfew that ended at the end of August<sup>2197</sup> and the beaches, churches and bars were reopened on a limited basis<sup>2198</sup>. Likewise, the borders were reopened as of October 31 under strict protocols<sup>2199</sup>.

<sup>2187</sup> IDB. [Environmental Governance Indicators for Latin America and the Caribbean: An Assessment of Environmental Governance in Practice in Argentina, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Jamaica, Peru, the Dominican Republic, and Uruguay](#). 2020.

<sup>2188</sup> Listin Diario. [The Ozama River, a mirror of harsh poverty](#). October 27, 2020.

<sup>2189</sup> Idem.

<sup>2190</sup> Caribbean. [Protection against COVID-19 leads to damage to the environment](#). November 30, 2020.

<sup>2191</sup> South Florida Caribbean News. [St. Kitts & Nevis Continues to be Recognized for Successfully Managing COVID-19](#). June 29, 2020; PR Newswire. [St Kitts and Nevis Records Lowest Coronavirus Rate in Caribbean](#). December 18, 2020.

<sup>2192</sup> St. Kitts and Nevis Government. [St. Kitts & Nevis confirms two additional cases of COVID-19: Total number stands at 32:27 recovered, 5 active, 0 deaths](#). December 27, 2020.

<sup>2193</sup> CARICOM. [St. Kitts And Nevis Confirms Two COVID-19 Cases](#). April 8, 2020.

<sup>2194</sup> International Monetary Fund. [Policy Tracker](#). July 10, 2020.

<sup>2195</sup> Idem.

<sup>2196</sup> Idem.

<sup>2197</sup> St. Kitts & Nevis Government. [Curfew in St. Kitts and Nevis is now 2:00 am to 4:59 am under new emergency powers \(COVID-19\) regulations that shall expire at 4:59 on August 29th](#). August 8, 2020.

<sup>2198</sup> International Monetary Fund. [Policy Tracker](#). July 10, 2020.



Among other measures are the prohibition of massive social events, the use of face masks in public places, among others.<sup>2200</sup>.

995. In this sense, REDESCA recognizes the efforts of the State of Saint Kitts and Nevis to adopt the necessary measures to face the pandemic and its consequences, incorporating the right to health and its basic and social determinants as a priority element.<sup>2201</sup>.

## A. Right to health

996. The State of Saint Kitts and Nevis has carried out a 2019-2020 campaign with the aim of improving the infrastructure of the health sector in the national territory. Given this, the Minister of Health reported on the development of a Central Health Information System to have access to the clinical information of citizens<sup>2202</sup>. In the same sense, he expressed attention to the needs of the different labor sectors, from quartermaster and kitchen to doctors and administrative areas, in relation to infrastructure, personnel and capacity.<sup>2203</sup>.
997. In this sense, REDESCA is aware that the State has worked on updating and improving health centers in the national territory<sup>2204</sup>. Likewise, the Sylvia Garnette Hospital Center was inaugurated, which offers services - but not limited to - family planning, prenatal, antenatal and postnatal care, care for children, immunization services, care for inpatients, as well as the treatment of chronic diseases such as diabetes, hypertension, HIV / AIDS, among others<sup>2205</sup>.
998. REDESCA recognizes the efforts of the State of Saint Kitts and Nevis to guarantee adequate access to health and its quality services. It is necessary to emphasize the importance of its reinforcement in the context of the pandemic, for which the creation of new facilities and a central health information system are considered ad hoc.
999. On the other hand, information was obtained that, as a result of the efforts to mitigate the impact of non-communicable diseases, it has been possible to reduce the death rate from diabetes from 83% to 63%<sup>2206</sup>. In this sense, REDESCA recognizes the efforts of the State and its international cooperation with the representation of Taiwan to develop and train workers in the health sector to address this situation.<sup>2207</sup>.

## B. Labor rights

1000. Taking into account the fact that the tourism sector, as well as the manufacturing sector, have been the most affected after the arrival of the pandemic, the government of Saint Kitts and Nevis has injected around \$ 120 million in a stimulus package<sup>2208</sup> coupled with another million dollars (Eastern Caribbean) for the agricultural sector<sup>2209</sup>. They also provide support through wiring and wiring,

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<sup>2199</sup> St. Kitts Tourism. [Travel Advisory Update](#). December 23, 2020.

<sup>2200</sup> St. Kitts & Nevis. [Recommendations to prevent the spread of the novel corona virus](#). December 28, 2020.

<sup>2201</sup> Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>2202</sup> The Kitts & Nevis Observer. [Health Ministry conducts a 'listening tour' to determine hospital improvements](#). August 12, 2020.

<sup>2203</sup> Idem.

<sup>2204</sup> St. Kitts and Nevis Information Service. [ST. KITTS-NEVIS GOVERNMENT TAKES ANOTHER SIGNIFICANT STEP IN UPGRADING COMMUNITY HEALTH SERVICES](#). June 27, 2020.

<sup>2205</sup> Idem.

<sup>2206</sup> St. Kitts & Nevis Observer. [Robust outreach programs reduce NCDs, perform significant returns](#). December 17, 2020.

<sup>2207</sup> Idem.

<sup>2208</sup> St. Kitts and Nevis Information Service. [ST. KITTS AND NEVIS GOVERNMENT PROMOTES ALTERNATIVE SECTORS FOR PERSONS TO EARN A LIVING DURING COVID-19](#). July 15, 2020.

<sup>2209</sup> The Kitts & Nevis Observer. [NIA injects near \\$ 1 million in agriculture sector in response to COVID-19](#). August 10, 2020.



seeds and seedlings to boost the work of farmers and ensure their access to food security<sup>2210</sup>. Similarly, strategies were worked on to stimulate the cannabis industry (through the Medicinal Cannabis Authority) as well as the entertainment and art sector.<sup>2211</sup>

1001. Parallel to the above, taking into account that 80% of the manufacturing industry is already back working, the government has focused on reactivating the tourism sector<sup>2212</sup>. Among the actions that are being carried out, the reactivation of water and air sports stands out; the awareness and training of more than 1000 workers to be certified as safe against COVID-19<sup>2213</sup>, and; establish protocols for health personnel, employees and hotel guests<sup>2214</sup>.
1002. On the other hand, the government of Saint Kitts and Nevis provided financial support for 3,000 people who are unemployed due to the pandemic<sup>2215</sup>. This was taken into account when shopping for back to school, the hurricane season, among other essential needs.<sup>2216</sup>
1003. In this sense, REDESCA recognizes the efforts of the State to apply strategies and measures that seek and guarantee the essential needs of the people.<sup>2217</sup> This, taking into account sufficient economic means for the adequate subsistence of people in the framework of the pandemic, as well as its differentiated impact and specific needs.<sup>2218</sup>

## C. Right to education

1004. It is known that the educational authorities of the State carried out a protocol to minimize the exposure of the coronavirus before the return to face-to-face classes on September 7<sup>2219</sup>. Within it, the use of face masks, the taking and recording of temperature, among others, is imperative - by way of example and not limitation.<sup>2220</sup> Likewise, a training was carried out for teachers and other personnel in relation to the treatment of COVID-19<sup>2221</sup>. On the other hand, people in vulnerable situations who are at greater risk from COVID-19 were taken into consideration, prohibiting their entry to the facilities<sup>2222</sup>.
1005. In parallel, the government of Saint Kitts and Nevis obtained for the first time in history a support of US \$ 80,000 from UNESCO<sup>2223</sup>. The purpose of this is to encourage and provide technical advice to the State on public policies in educational and social matters for its development.<sup>2224</sup>

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<sup>2210</sup> St. Kitts and Nevis Information Service. ST. KITTS AND NEVIS GOVERNMENT PROMOTES ALTERNATIVE SECTORS FOR PERSONS TO EARN A LIVING DURING COVID-19. July 15, 2020.

<sup>2211</sup> Idem.

<sup>2212</sup> St. Kitts and Nevis Information Service. GOVERNMENT OF ST. KITTS AND NEVIS SHIFTS ITS ATTENTION TO RESTORING THE HOTEL AND HOSPITALITY SECTOR. July 15, 2020.

<sup>2213</sup> Loop. Tourism workers on Nevis begin trained ahead of borders reopening. July 28, 2020.

<sup>2214</sup> St. Kitts and Nevis Information Service. GOVERNMENT OF ST. KITTS AND NEVIS SHIFTS ITS ATTENTION TO RESTORING THE HOTEL AND HOSPITALITY SECTOR. July 15, 2020.

<sup>2215</sup> The Kitts & Nevis Observer. New September stimulus payments announced for unemployed individuals. September 2, 2020.

<sup>2216</sup> Idem.

<sup>2217</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2218</sup> Idem.

<sup>2219</sup> The Kitts & Nevis Observer. COVID-19 protocols prepared for Sept. 7 reopening educational facilities. August 12, 2020.

<sup>2220</sup> Idem.

<sup>2221</sup> The Kitts & Nevis Observer. Educators trained for September 7 school reopening. August 27, 2020.

The Kitts & Nevis Observer. Department of Education on Nevis to hold public sensitization seminar tomorrow. December 9, 2020.

<sup>2222</sup> The Kitts & Nevis Observer. COVID-19 protocols prepared for Sept. 7 reopening educational facilities. August 12, 2020.

<sup>2223</sup> The Kitts & Nevis Observer. St. Kitts and Nevis secures record UNESCO technical assistance. December 11, 2020.

<sup>2224</sup> Idem.





1006. In this sense, REDESCA recognizes the efforts of the State to guarantee access to education for people and also seek their health through international and domestic cooperation, recalling the need to consider the differentiated impact that people experience and contemplate the necessary measures so that all children and adolescents can access quality education without any discrimination<sup>2225</sup>.

### 30) ST. LUCIA

1007. Saint Lucia until December 28, 2020 has a total of 305 infections and 5 deaths as a result of the Coronavirus<sup>2226</sup>. In this sense, it should be noted that, of the total infections, 92% occurred between October and December<sup>2227</sup>. However, the State has not implemented measures such as quarantines or curfews.<sup>2228</sup>, but hygiene, social distancing and other prevention measures<sup>2229</sup>.

1008. On March 23, the Governor General of Saint Lucia declared a State of National Emergency until September 30, 2020<sup>2230</sup>. With this, the closure of borders and ports was declared, a measure that remained in force until July 10<sup>2231</sup>. Since then, strict protocols were established for admission, where everyone, with the exception of those residents of the Caribbean community, must present a PCR test.<sup>2232</sup>

1009. Among other measures, the use of face masks and a temperature check is mandatory<sup>2233</sup>. Likewise, protocols were established for taxis in order to minimize the risk of contagion.<sup>2234</sup> In the same way, certifications were carried out to ensure that the Hotels comply with the necessary requirements to provide a safe and healthy stay.<sup>2235</sup> The night curfew had remained in order until July 10 of this year, when it was reported that cinemas, child development centers and both the practice and the expectation of sports games and tournaments would also be reopened, all of the above leading to carry out strictly elaborated and followed health protocols<sup>2236</sup>.

1010. In this sense, the REDESCA recognizes the effective use of prevention measures as well as the proportional, legal and motivated application for the protection of the health of people in the framework of the pandemic with respect to restrictive measures<sup>2237</sup>. On the other hand, it reminds the State of the importance of using the maximum available resources, as well as diligently adopting

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<sup>2225</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2226</sup> Reuters. [Saint Lucia](#). December 28, 2020.

<sup>2227</sup> Idem.

<sup>2228</sup> ECLAC. [Observatory COVID-2019 Latin America and the Caribbean: actions by country](#). Accessed June 14, 2020; OECD. [Key country policy responses. Country PolicyTracker](#). Accessed June 14, 2020.

<sup>2229</sup> The Voice. [Saint Lucia Records 26 New Cases of COVID-19](#). December 28, 2020.

<sup>2230</sup> TeleSUR. [Governor of Saint Lucia declares an emergency due to coronavirus](#). March 23, 2020; Loop.Fedee sees no need to extend St Lucia's State of Emergency. September 10, 2020.

<sup>2231</sup> Office of the Prime Minister. [Saint Lucia closes borders to all incoming travelers](#). March 23, 2020; Times. [Saint Lucia Curfew to be Completely Lifted as of Friday, July 10](#). July 7, 2020.

<sup>2232</sup> Idem.

<sup>2233</sup> CNG Media. [St Lucia open for business beginning early June](#). May 19, 2020.

<sup>2234</sup> Idem.

<sup>2235</sup> Idem.

<sup>2236</sup> St. Lucia Times. [Saint Lucia Curfew to be Completely Lifted as of Friday, July 10](#). July 7, 2020.

<sup>2237</sup> Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.



all the appropriate measures to protect the rights to life, health and personal integrity of people in the framework of the pandemic without discrimination. some<sup>2238</sup>.

## A. Right to health

1011. International cooperation activities are recognized before the implementation of a project with the United Nations Development Program of India<sup>2239</sup>. With a budget of \$ 1 million dollars, the project seeks the provision of medical protective equipment and mechanical ventilators, in order to face the pandemic<sup>2240</sup>.
1012. Parallel to this, REDESCA is aware of the increase in suicides and the adverse effects of the pandemic such as unemployment, food insecurity, et al. In this sense, experts in the field and political actors have expressed the need to implement mental health strategies for the population<sup>2241</sup>. Similarly, REDESCA reminds the State of Saint Lucia of the importance of improving the availability, accessibility and quality of mental health services without discrimination in the face of the effects of the contexts of the pandemic and its consequences.<sup>2242</sup>.
1013. Additionally, REDESCA observes with concern the situation regarding Dengue in the territory, being classified as the most serious in modern history in the State.<sup>2243</sup> It is known that by the end of October there were at least 801 positive cases of dengue with 27 hospitalizations and 4 deaths<sup>2244</sup>. In this sense, it should be noted that the infection rate is 3,000% above 2019, when 20 cases were presented<sup>2245</sup>.
1014. In the sense of the above, it is known that the Ministry of Health and Welfare of Santa Lucía implemented cleaning campaigns and inspection of facilities, as well as public education in this regard.<sup>2246</sup> In the same sense, REDESCA recognizes the efforts to address the situation and emphasizes the importance of guaranteeing the right to health of people, as well as access to quality services that meet the needs of people, especially considering the framework of the pandemic and the worsening of the dengue situation per se.

## B. Labor rights

1015. It is estimated that, due to the effects of the closure of borders and the paralysis of tourism due to the pandemic, 1.7 million workers in the tourism sector have lost their jobs, estimated to increase 0.2% by the end of the year<sup>2247</sup>. In this sense, the Government has implemented a social stabilization plan with an estimated budget of between \$ 33 million and \$ 80 million, where financial support of \$ 500 is planned for three months.<sup>2248</sup>.

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<sup>2238</sup> Idem.

<sup>2239</sup> Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>2240</sup> Business Standard. [India-UN Development Partnership Fund supports projects to tackle COVID-19](#). July 30, 2020.

<sup>2241</sup> St. Lucia Times. [PM Concerned About Psychological Impact Of COVID-19](#). July 31, 2020; Loop. [We need to invest in mental health in St Lucia](#) - psychiatrist. August 4, 2020.

<sup>2242</sup> Inter-American Commission on Human Rights. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 2020.

<sup>2243</sup> UNOCHA Relief Web. [Saint Lucia: Dengue Outbreak - Aug 2020](#). November 2020.

<sup>2244</sup> Idem.

<sup>2245</sup> Idem.

<sup>2246</sup> Latin Press. [Saint Lucia extreme measures against the spread of dengue](#). October 5, 2020.

<sup>2247</sup> The Voice. [1.7 Million Tourism Jobs Lost in the Region Since COVID-19](#). December 19, 2020.

<sup>2248</sup> Government of Saint Lucia. [Government's Response to COVID-19 Impact: Social Stabilization Program \(Phase 1\)](#). April 9, 2020.



1016. However, REDESCA is concerned that said plan includes a reduction in the salaries of public officials<sup>2249</sup>. This consists of a reduction of 35% to 60% depending on the position<sup>2250</sup>, which led to various statements and discrepancies between different authorities such as unions, police agencies, among others<sup>2251</sup>.
1017. Considering the framework of the pandemic, REDESCA urges the State to guarantee the labor rights of all people, including the economic income and other means of subsistence of all workers, considering their differentiated impacts and providing equal conditions to comply with the measures containment and protection in such a context<sup>2252</sup>.
1018. Taking into account the reopening of the borders in July and with it the arrival of tourists, the ministries of tourism, information and broadcasting, culture and creative industry carried out three training courses focused on health and safety protocols.<sup>2253</sup> Said trainings and trainings were focused on transporters of the tourism industry, trying to train around a thousand workers.<sup>2254</sup> In addition to this, other trainings and certifications for hotel staff and other tourism industry were supported through protocols, certificates and training regarding coronavirus care<sup>2255</sup>.

## C. Right to education

1019. On September 7, 2020, face-to-face classes were resumed in Santa Lucía<sup>2256</sup>. With biosecurity protocols based on social distancing, constant hygiene maintenance (hand washing), use of antibacterial gel and taking temperature, the children and adolescents were allowed to take classes twice a week and an extraordinary day at the end of the month.<sup>2257</sup>
1020. However, classes were suspended again in October after identifying a positive case of COVID-19 linked to a student and a high school teacher<sup>2258</sup>. However, despite the rebound in cases that Santa Lucía had between October and December, it is known that the authorities declared a return to classes for January 4, 2021<sup>2259</sup>. Through international cooperation with the United Nations Children's Fund (UNICEF), access to distance education was guaranteed for at least 13,000 primary school children in Saint Lucia via radio and television.<sup>2260</sup> In the same sense, UNICEF granted 96 technological devices for educational use to people in a greater situation of vulnerability<sup>2261</sup>. Additionally, the aforementioned agency granted 30 hygiene kits in the territory for their implementation in schools, thus facilitating a greater infrastructure in terms of hygiene.<sup>2262</sup> While on the other hand, there was knowledge of a donation of more than 10,000 notebooks addressed to elementary school students by public servants<sup>2263</sup>

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<sup>2249</sup> Caribbean Global News Media. [St Lucia's labor relations, salary cuts, 'State of Emergency' at a stalemate](#). April 20, 2020.

<sup>2250</sup> Idem.

<sup>2251</sup> Idem.

<sup>2252</sup> Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>2253</sup> St. Lucia Government. [Maintaining health and safety protocols in the tourism industry](#). June 29, 2020.

<sup>2254</sup> Idem.

<sup>2255</sup> CNG Media. [St Lucia open for business beginning early June](#). May 19, 2020.

<sup>2256</sup> Loop. [Strict protocols enforced as schools reopen in St Lucia](#). September 7, 2020.

<sup>2257</sup> Idem.

<sup>2258</sup> CNW Network. [St. Lucia's Schools to Remain Closed as Island Records More COVID-Cases](#). October 26, 2020.

<sup>2259</sup> The Voice. [Parents Worried about Reopening of School but Teachers are Optimistic](#). December 18, 2020.

<sup>2260</sup> United Nations Children's Fund (UNICEF). [Latin America & The Caribbean COVID. 19 Education Response](#). July 22, 2020.

<sup>2261</sup> Idem.



1021. In this sense, REDESCA recognizes and urges to continue guaranteeing the right to education through incentives and effective means for their age and level.<sup>2264</sup> Likewise, the conditions that cause differentiated impacts on children and adolescents must be taken into account, for example, socioeconomic position, the digital divide, violence at home, school dropouts and educational backwardness.<sup>2265</sup>

### 31) ST. VINCENT AND THE GRENADINES

1022. As of the end of December 2020, Saint Vincent and the Grenadines has approximately 109 confirmed cases of COVID-19 with zero deaths in this regard.<sup>2266</sup> However, it highlights the fact that despite having managed to return to the figure of zero active cases, various outbreaks have emerged over the months<sup>2267</sup>.
1023. Faced with the above situation, the Government adopted a series of measures with the aim of minimizing the impact on both the health and the economy of the people due to the pandemic. On the one hand, the borders were closed during the first months of the pandemic, reopening them as of July 1 under certain restrictions and protocols.<sup>2268</sup> Likewise, economic activity in transport sectors, provision of goods and services are active<sup>2269</sup>. However, there are still certain imposed limitations such as social distancing and the accommodation capacity of people in an establishment<sup>2270</sup>. It should be noted that there is no longer a curfew<sup>2271</sup>.
1024. On the other hand, moratoriums of up to six months were offered on mortgage and credit payments, as well as economic support to workers in the tourism sector who were affected or unemployed under the framework of the pandemic.<sup>2272</sup> Likewise, the value added tax (VAT) was eliminated for the cost of electricity in the domestic, hotel and lodging sector between March 30 and June 30, as well as hygiene products<sup>2273</sup>. On the other hand, the National Security Service granted a two-month prepayment for pensioners along with a support of \$ 463,000 dollars for applicants who were unemployed.<sup>2274</sup>
1025. In relation to the above, REDESCA recognizes the efforts to adopt measures and strategies that guarantee the full enjoyment of people's rights.<sup>2275</sup> This includes the provision of the necessary

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<sup>2262</sup>Ibidem, p. 17.

<sup>2263</sup> St. Lucia Times. [District Two public elementary schools receive school supplies](#). August 19, 2020.

<sup>2264</sup> Inter-American Commission on Human Rights. [Resolution 1/2020 Pandemic and Human Rights in the Americas](#), April 10, 2020.

<sup>2265</sup> Idem.

<sup>2266</sup> World Health Organization. [Saint Vincent and the Grenadines Situation](#). December 29, 2020.

<sup>2267</sup> Idem.

<sup>2268</sup> UK Gov. [St Vincent and the Grenadines](#). July 15, 2020.

<sup>2269</sup> Idem.

<sup>2270</sup> Idem.

<sup>2271</sup> Global Monitoring. [COVID-19 pandemic - Saint Vincent and the Grenadines](#). October 26, 2020.

<sup>2272</sup> KPMG. [Government and institution measures in response to COVID-19](#). April 15, 2020.

<sup>2273</sup> Idem.

<sup>2274</sup> Idem.

<sup>2275</sup> Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.



means for a dignified subsistence, both financial and material, to address the situation in the framework of the pandemic.<sup>2276</sup>

## A. Right to health

1026. REDESCA observes with concern the situation with Dengue in the territory of Saint Vincent and the Grenadines, since until the end of October there were at least 1,155 confirmed cases with six deaths<sup>2277</sup>. In this sense, the neglect in this regard is worrisome given that the last experience with Dengue registered 200 victims in 2012, representing an increase of 2,310% in the current framework.<sup>2278</sup>
1027. Given this, for its part, the government has implemented actions in relation to the prevention and combat of dengue through the treatment of bodies of water and awareness in the population<sup>2279</sup>. On the other hand, the Pan American Health Organization granted medical equipment valued at US \$ 264,472 with the aim of combating both COVID-19 and Dengue.<sup>2280</sup>
1028. In this sense, REDESCA recognizes the adoption of good practices and support derived from international cooperation in order to guarantee the right to health of all people, especially under the framework of the pandemic and the Dengue situation.<sup>2281</sup>

## B. Labor rights

1029. The State incorporated a series of economic measures with the aim of boosting the labor sector. In this sense, a stimulus package is known for a total of EC \$ 74.05 million - equivalent to 3% of GDP - from a series of supports by Organizations, Banks and Countries<sup>2282</sup>. Of these, \$ 10 million were earmarked for direct initiatives against COVID-19: isolation units, biosafety equipment, materials, supplies, furniture, medicines, and hiring of personnel; \$ 30 million were earmarked for the purpose of creating jobs through the building and street construction program; \$ 9 million to encourage agriculture; \$ 3 million for arrowroot production; \$ 5 million for groups in vulnerable situations; \$ 1 million for micro, small and medium businesses and others<sup>2283</sup>. However, REDESCA notes with concern the fact that in some health centers there were threats against workers due to the resistance of being randomly rotated in health areas without ad hoc training<sup>2284</sup>. In this sense, REDESCA emphasizes the importance of guaranteeing the rights to work, as well as to work in just, equitable and satisfactory conditions, especially considering the context of the pandemic.<sup>2285</sup>
1030. In parallel, REDESCA is aware that, despite the impact of the pandemic and the strategies taken to prevent the spread of the virus, the unemployment rate in Saint Vincent and the Grenadines rose from 18.88% to 18.87%<sup>2286</sup>. However, REDESCA recommends that the State continue to adopt measures to guarantee the right to work of all people, as well as ensure the necessary means for their

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<sup>2276</sup> Idem.

<sup>2277</sup> ONE. Saint Vincent and the Grenadines: Dengue Outbreak - Oct 2020. October 20, 2020.

<sup>2278</sup> Idem.

<sup>2279</sup> Search Light. Districts with blocked streams have highest incidence of dengue cases. September 29, 2020.

<sup>2280</sup> Search Light. PAHO hands over US \$ 264,472 worth of equipment to SVG. December 11, 2020.

<sup>2281</sup> Inter-American Commission on Human Rights. Resolution 1/2020: Pandemic and Human Rights in the Americas. April 10, 2020.

<sup>2282</sup> Search Light. PM brings stimulus package to soften COVID-19 impact. March 27, 2020.

<sup>2283</sup> Idem.

<sup>2284</sup> News Break. St. Vincent Hospital nurses face furloughs amid COVID-19 crisis. April 16, 2020.

<sup>2285</sup> Organization of American States. Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights "Protocol of San Salvador". November 17, 1988.

<sup>2286</sup> Statista. St. Vincent and the Grenadines: Unemployment rate from 2010 to 2020. October 20, 2020.





subsistence, including economic means, those related to health and food, et al without detriment to your right to work in fair, equitable and satisfactory conditions<sup>2287</sup>.

## C. Right to education

1031. According to information in the public domain, Saint Vincent and the Grenadines made the decision to suspend face-to-face classes from March and carry them out through digital platforms<sup>2288</sup>. Subsequently, on May 25, face-to-face classes were resumed for fifth and sixth grade, the rest being resumed until the beginning of September through a schedule adjustment to five hours a day.<sup>2289</sup> Likewise, a prevention protocol was established based - in an enunciatively and non-limiting way - on social distancing, temperature taking and use of face masks.<sup>2290</sup>
1032. Additionally, the national government made the decision to provide digital equipment to students in vulnerable situations to guarantee their access to quality distance education.<sup>2291</sup> Thus, 3,000 tablets were awarded mainly to upper-grade students, confirming the expectation of another 5,000 digital devices.<sup>2292</sup> In the same sense, the Government emphasized that internet would be provided to those who require it, considering the fact that only a quarter of the population has wireless internet in their homes.<sup>2293</sup>
1033. In relation to the above, REDESCA recognizes the State's efforts to guarantee the right to education under the framework of the pandemic. Likewise, it urges them to continue adopting measures that consider the differentiated impact experienced by children and adolescents, as well as ad hoc strategies for their age, level and availability of resources, especially on those marginalized, rural populations that suffer from a wider digital divide<sup>2294</sup>.

## 32) SURINAM

1034. Until the end of December, Suriname registers an approximate total of 6,098 infections and 120 deaths due to the coronavirus with 345 active cases<sup>2295</sup>. In this sense, Suriname had initially been one of the few countries that had opposed implementing measures restricting mobility rights.<sup>2296</sup> However, given the increase in infections in August, the national authorities declared a curfew from 8:00 p.m. to 5:00 a.m.<sup>2297</sup> In this regard, REDESCA emphasizes what is referred to in Resolution 1/2020, in relation to the fact that these measures, although necessary in a context of health

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<sup>2287</sup>Inter-American Commission on Human Rights. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 10, 20

<sup>2288</sup> Search Light. [Schools set to resume face-to-face learning](#). August 14, 2020.

<sup>2289</sup> United Nations Children's Fund. [Latin America & the Caribbean COVID-19 Education Response](#). July 22, 2020; Search Light. [Reopening of schools in SVG delayed one week](#). August 27, 2020.

<sup>2290</sup> I Witness News SVG. [Daily temperature checks as students return to school Aug. 31](#). August 13, 2020; News 784. [Protocols Will Be In Place To Protect Population When Schools Re-open](#). August 14, 2020.

<sup>2291</sup> Search Light. [2000 tablets arriving in SVG to help with online learning](#). June 23, 2020.

<sup>2292</sup> Idem.

<sup>2293</sup> Idem.

<sup>2294</sup>Inter-American Commission on Human Rights. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2295</sup> World or meter. [Suriname](#). December 30, 2020.

<sup>2296</sup> ECLAC. [Observatory COVID-2019 Latin America and the Caribbean: actions by country](#). June 14, 2020; OECD. [Key country policy responses. Country PolicyTracker](#). June 14, 2020.

<sup>2297</sup> CNW Network. [Suriname Government Extends National Curfew to Curb COVID-19 Spike](#). August 11, 2020.



emergency, must be based on the principles of legality, necessity, proportionality and temporality, to prevent them from being able to cause human rights violations or damage to democracy<sup>2298</sup>.

1035. In a similar sense, international borders were closed, including by land, sea and air, except only for medical emergencies, repatriations and provision of goods.<sup>2299</sup> This measure was lifted on September 29 under strict prevention protocols that include a PCR test and quarantine for 10 days after entering the country.<sup>2300</sup>
1036. Among other measures imposed by the government are the mandatory use of face masks outside the home, reduced productivity of restaurants and other food centers and the prohibition of social gatherings of more than ten people except for work, education, funerals and religious events.<sup>2301</sup> Similarly, gyms, entertainment centers and contact sports were suspended until further notice.<sup>2302</sup>, while public transport and educational activities remain active and monitored<sup>2303</sup>.

## A. Right to health

1037. In May, the World Bank expressed its appreciation to Suriname for its prompt prevention action against COVID-19, for which financial support of \$ 412,000 was granted.<sup>2304</sup> This with the aim of strengthening the capacity to react against the same virus through the allocation of medicines, supplies and others.<sup>2305</sup>
1038. Notwithstanding the above, the high flow of people in a situation of mobility who cross irregularly through the east, west and south of Suriname is worrying, since on the one hand, eastern Suriname is the region most affected by the pandemic<sup>2306</sup>. On the other hand, the little control obtained over the flow of these people, together with their high level of vulnerability, social lack of protection and lack of sanitary measures increase the health risk in the population, especially in those groups in vulnerable situations.<sup>2307</sup>
1039. Similarly, there is knowledge of the impact on indigenous people as a result of the pandemic, accounting for at least 700 cases in the Caribbean region<sup>2308</sup>. As of August, the worsening of the context was identified based on the significance of spontaneous infections to entire communities in Suriname<sup>2309</sup>.
1040. Regarding the foregoing, REDESCA recognizes the joint efforts made by the State of Suriname and other international organizations. However, it calls to protect and guarantee the right to health and a dignified life, especially for people in vulnerable situations, considering their differentiated impact and essential needs to sustain a dignified lifestyle.<sup>2310</sup>

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<sup>2298</sup> IACHR. [Resolution 1/2020, Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>2299</sup> CNW Network. [Suriname Government Extends National Curfew to Curb COVID-19 Spike](#). Op cit.

<sup>2300</sup> CNW Network. [Suriname Extends Curfew, Reopens Border to International Flights from Netherlands](#). September 28, 2020.

<sup>2301</sup> CNW Network. [Suriname Government Extends National Curfew to Curb COVID-19 Spike](#). Op cit.

<sup>2302</sup> Idem.

<sup>2303</sup> CNW Network. [Suriname Extends Curfew, Reopens Border to International Flights from Netherlands](#). Op cit.

<sup>2304</sup> Relief Web. [World Bank Supports COVID-19 Medical Response in Suriname](#). May 05, 2020.

<sup>2305</sup> Idem.

<sup>2306</sup> GARDA World. [Suriname: Authorities to impose lockdown measures between June 4-12 / update 4](#). June 04, 2020.

<sup>2307</sup> Idem.

<sup>2308</sup> Fund for the Development of Indigenous Peoples of Latin America and the Caribbean. [PAHO alerts for the increase in COVID-19 cases: asks to protect migrant and vulnerable populations in border areas](#). June 17, 2020.

<sup>2309</sup> ONE. [Epidemiological Alert: COVID-19 among indigenous peoples in the Americas](#). August 5, 2020.

<sup>2310</sup> Inter-American Commission on Human Rights. [Resolution 1/2020 Pandemic and Human Rights in the Americas](#), April 10, 20.



1041. At the same time, REDESCA observes with concern the situation of the health centers in Suriname in the face of the wave of infections in August, for example the Wanica Regional Hospital was at its maximum capacity while other hospitals began to make reservations about beds<sup>2311</sup>. Likewise, the Government saw the need to improvise a medical center in a field due to the lack of resources and infrastructure.<sup>2312</sup>
1042. On the other hand, REDESCA is concerned about the misinformation that has been provided to the population, in a specific case where health authorities declared the false death of a patient with COVID-19<sup>2313</sup>. In this sense, REDESCA emphasizes the importance of providing information with transparency, while governments and internet companies have the responsibility to address and combat the disinformation that circulates regarding the pandemic.<sup>2314</sup>

## B. Labor rights

1043. REDESCA observes with concern some information related to people's labor rights. In this sense, it is known that private and government companies in the extractive sector failed for months to comply with the biosafety measures implemented in the face of the pandemic<sup>2315</sup>. Following the idea, there is information that said company only acted when there were various infections and complaints within the staff, however, the measures were not considered sufficient<sup>2316</sup>.
1044. In this sense, REDESCA expresses the need to protect working people, especially in the context of the pandemic and in the context of business activities, in light of inter-American standards. It is important to take measures that ensure the necessary economic income and means of subsistence, as well as being protected from the risks of contagion of the virus, and in general to their protection of work, salary, freedom of association and collective bargaining, pensions and other social rights interrelated with the labor and union sphere<sup>2317</sup>.

## C. Right to education

1045. It is estimated that Suriname currently has 530 educational institutions, of which 18,000 are pre-school, 70,000 are primary, 55,000 are secondary, 9,500 are tertiary, and 10,000 are teachers from pre-school to secondary.<sup>2318</sup> In this sense, all schools suspended face-to-face classes before the arrival of the pandemic from June to October 1, estimating the approximate loss of five months of learning<sup>2319</sup>.
1046. In relation to the above, given the suspension of face-to-face classes, the government received support from the Inter-American Development Bank and the United Nations Children's Fund (UNICEF) to develop strategies and platforms that facilitate distance learning.<sup>2320</sup> These strategies were formulated both through television and digital media both online and offline.<sup>2321</sup>

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<sup>2311</sup>CNW Network. Suriname Government Extends National Curfew to Curb COVID-19 Spike. Op cit.

<sup>2312</sup> Idem.

<sup>2313</sup> CNW Network. [Suriname, Bahamas Record Deaths, While More COVID Cases Reported in Haiti](#). August 25, 2020.

<sup>2314</sup>Inter-American Commission on Human Rights. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2315</sup> Online mining. [Iamgold suspends operations in Suriname amid COVID-19 cases](#). June 17, 2020; CNW Network. [Suriname Extends Curfew, Reopens Border to International Flights from Netherlands](#). Op cit.

<sup>2316</sup> Idem.

<sup>2317</sup>IACHR. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2318</sup> Inter-american Development Bank. [Suriname](#). November 11, 2020.

<sup>2319</sup> Idem.

<sup>2320</sup> Idem; UNICEF Guyana & Suriname. [Children in Suriname returned to schools safely on October 1st](#). October 2, 2020.

<sup>2321</sup> Idem.



1047. However, the aforementioned, REDESCA is concerned about the fact that a considerable rate of teachers and students have very little or no technical knowledge about information technologies.<sup>2322</sup>. Additionally, it is known that a fraction of the people do not have access to the internet, which would receive printed learning packages, but without guaranteeing an effective follow-up<sup>2323</sup>.
1048. On the other hand, there is information that only the peripheral and coastal schools of the country resumed classes, while those in the center would remain closed. Although standards and protocols were established to reopen schools, it is known that most of them lack effective hygienic infrastructure<sup>2324</sup>.
1049. In this regard, REDESCA emphasizes the urgency of taking effective measures to guarantee access to quality education for children and adolescents<sup>2325</sup>. Likewise, it is essential to adopt strategies that take into account their age and educational level, as well as the availability of resources, needs and differentiated impact, especially on rural areas and those with the greatest digital divide.<sup>2326</sup>.

### 33) TRINIDAD AND TOBAGO

1050. Trinidad and Tobago has until December 31 with a total of 7,132 COVID-19 infections and 126 deaths in this regard<sup>2327</sup>; On March 12, 2020, the first positive case is confirmed within the national territory, taking action on the 17th of the same month through the closure of borders for both foreigners and nationals themselves and few exceptions<sup>2328</sup>.
1051. On the other hand, the population was exhorted to stay at home, non-essential work and face-to-face educational services were suspended<sup>2329</sup>. Additionally, the imposition of measures such as the use of face masks in public spaces, the prohibition of social gatherings of more than ten people and the regulation of hours and staff capacity in supermarkets and pharmacies was declared.<sup>2330</sup>.
1052. Although in June Trinidad and Tobago had begun the reopening of the country and economic reactivation such as the reopening of gyms, bars, beaches, among others<sup>2331</sup>, the wave of infections that peaked in September forced the country to close its borders again and continue with internal restrictions until at least January 2021<sup>2332</sup>. In relation to internal measures, most of the activities were allowed to continue operating - including recreational ones - under hygiene protocols and limitation of personnel capacity.<sup>2333</sup>.

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<sup>2322</sup> Idem.

<sup>2323</sup> Idem.

<sup>2324</sup> Idem.

<sup>2325</sup> IACHR. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2326</sup> Idem.

<sup>2327</sup> World or Meter. [Trinidad & Tobago](#). December 31, 2020.

<sup>2328</sup> Garda World. [Trinidad and Tobago: Authorities implement stay at home measures as of March 30 / update 1](#). March 28, 2020; Trinidad Express. [T & T's borders closed to all](#). March 21, 2020; Garda World. [Trinidad and Tobago: Travel restrictions continue amid COVID-19 pandemic April 3 / update 2](#). April 04, 2020.

<sup>2329</sup> Garda World. [Trinidad and Tobago: Authorities extend stay at home order until April 30 / update 3](#). April 8, 2020; Garda World. [Trinidad and Tobago: Travel restrictions continue amid COVID-19 pandemic April 3 / update 2](#). April 04, 2020.

<sup>2330</sup> Idem.

<sup>2331</sup> Trinidad and Tobago Guardian. [Bars, gyms, beaches open; borders still closed](#). June 20, 2020.

<sup>2332</sup> Garda World. [Trinidad and Tobago: Authorities likely to maintain COVID-19-related border closures and internal restrictions through early January / update 16](#). December 16, 2020.

<sup>2333</sup> Idem.



1053. In this regard, REDESCA recognizes the actions carried out by the State to address the context of the pandemic, recalling the importance of adopting all appropriate measures to protect the rights to life, personal integrity and health of people.<sup>2334</sup>.

## A. Right to health

1054. The national government allocated a total of \$ 157 million to combat the coronavirus and direct it to the respective entities to strengthen the infrastructure and capacity of health centers<sup>2335</sup>. Additionally, \$ 100,000 was invested in an emergency line for COVID-19, of which 50% is derived for payment of salaries and the rest for the implementation of the system<sup>2336</sup>.

1055. On the other hand, there is knowledge of the lack of effective and continuous water supply in various regions of Trinidad and Tobago. In this sense, there are concerns that there are cases where the water supply may take days to function regularly.<sup>2337</sup> Given this, the national government decided to invest approximately \$ 1 million in actions to mitigate the impact of the most affected communities and provide said resource through vehicles.<sup>2338</sup>.

1056. In this regard, REDESCA highlights the importance of having and mobilizing the maximum of available resources to make the right to health and other ESCER effective in order to prevent and mitigate the effects of the pandemic on human rights.<sup>2339</sup> Additionally, it is necessary that these measures consider, in addition to people's health, their social determinants, including access to drinking water, nutritious food, means of cleaning, adequate housing, et al.<sup>2340</sup>.

## B. Labor rights

1057. REDESCA observes with concern the employment situation of health personnel in Trinidad and Tobago, since there are reports of salary cuts of up to 75% of workers since at least 2015<sup>2341</sup>. Given this, a demonstration was held by said union, which demanded the guarantee of their rights in relation to a full salary and decent working conditions.<sup>2342</sup>.

1058. In a similar way, there is knowledge of the annoyance on the part of the union of dock workers and sailors due to the breach of the government's commitment since 2014 on a salary increase, as well as full payments<sup>2343</sup>. In addition to this, the public transport workers' union expressed its disagreement with the measures adopted by the government authorities, denouncing the lack of provision of personal protective equipment, especially for cleaning and maintenance personnel.<sup>2344</sup>.

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<sup>2334</sup> Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>2335</sup> Trinidad and Tobago Newsday. [Devysingh: COVID19 cost health sector \\$ 45m](#). June 10, 2020.

<sup>2336</sup> Idem.

<sup>2337</sup> Loop. [No water in parts of South West Trinidad](#). December 31, 2020.

<sup>2338</sup> Loop. [Approval granted: Corporations to get \\$ 1M each to fight water woes](#). December 22, 2020.

<sup>2339</sup> IACHR Resolution 1/2020 Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2340</sup> Idem.

<sup>2341</sup> Trinidad and Tobago Guardian. [Health workers reject 25 per cent gratuity payout](#). June 16, 2020.

<sup>2342</sup> Idem.

<sup>2343</sup> Trinidad and tobago newsday. [Protesting dock workers demand wage increase](#). July 8, 2020.

<sup>2344</sup> Newsday. [PTSC Tobago cleaners demand proper PPE](#). August 17, 2020.





1059. In this sense, REDESCA recalls the importance of guaranteeing not only health protection for those workers, but also the ad hoc economic means for their subsistence without depriving any person of their right to a job, as well as in fair conditions, , fair and satisfactory<sup>2345</sup>.

## C. Right to education

1060. In Trinidad and Tobago, face-to-face classes were resumed in mid-May for some schools and some educational levels, while the majority resumed classes until September 1<sup>2346</sup>. However, given the wave of infections that occurred between August and September, classes were forced to be suspended again until January 5, 2021<sup>2347</sup>. In response to this closure, education is carried out remotely through online digital portals, both public and private depending on the institution.<sup>2348</sup>

1061. On the other hand, REDESCA observes with concern the lack of availability of resources, since, for example, primary schools have only 30% of connectivity<sup>2349</sup>. Additionally, there is a great lag in the technical capacities of teachers to manage information technologies while a large part of children and adolescents in rural areas do not have the technological means to continue with distance education effectively<sup>2350</sup>.

1062. Complementary to the foregoing, the United Nations Children's Fund is aware that approximately 1,117 children and adolescents in vulnerable situations were supported to guarantee their access to distance education<sup>2351</sup>; 600 children were provided with access to online education, 277 received tablets, and 240 received study kits<sup>2352</sup>.

1063. REDESCA recognizes the efforts of the State of Trinidad and Tobago to guarantee the right to education of children and adolescents without discrimination. In the same sense, REDESCA emphasizes the importance of guaranteeing access to quality education, taking into account the needs and capacities of each person, as well as their differentiated impact.<sup>2353</sup> Likewise, it is of the utmost importance to prevent violence in the home, meet the needs of children with disabilities and those victims of the digital divide.<sup>2354</sup>

## 34) URUGUAY

1064. Until November, Uruguay had been one of the countries with the lowest contagion rate in the region. However, due to a series of simultaneous outbreaks in the territory of Uruguay, it went from 414 active cases registered in November to 1825 in December, accounting for a total of at least 6,700 infections.<sup>2355</sup> In this regard, Uruguay was one of the first countries to encourage teleworking in its

<sup>2345</sup> Inter-American Commission on Human Rights. [Resolution 1/2020: Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>2346</sup> United Nations Children's Fund. [Latin America & the Caribbean COVID-19 Education Response](#). July 22, 2020.

<sup>2347</sup> Inter-american Development Bank. [Trinidad and Tobago](#). October 21, 2020.

<sup>2348</sup> *Idem*.

<sup>2349</sup> *Idem*.

<sup>2350</sup> *Idem*.

<sup>2351</sup> United Nations Children's Fund. [Latin America & the Caribbean COVID-19 Education Response](#). July 22, 2020.

<sup>2352</sup> *Idem*.

<sup>2353</sup> IACHR. Resolution 1/2020 Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2354</sup> *Idem*.

<sup>2355</sup> The country. [Coronavirus in Uruguay: number of cases, contagion curve and in which departments are there patients](#). December 6, 2020; Worldometer. [Uruguay](#). December 4, 2020.



public institutions, as well as prioritizing social support for its beneficiaries<sup>2356</sup>. Likewise, the General Revenue Directorate carried out provisions suspending default periods for tax debts in February and March<sup>2357</sup>.

1065. In the same sense, social security charges were facilitated, trying to avoid the exposure of 118,000 older adults in crowded places<sup>2358</sup> and the amount of the Uruguay Social card was doubled for two months, as well as food for municipal dining rooms and the baskets of the territorial offices of the Ministry of Social Development<sup>2359</sup>. Similarly, the Social Security Institute reduced the time and contribution requirements to access unemployment benefits and guaranteed the right to other part-time workers, providing coverage to 94 thousand people during the month of March.<sup>2360</sup>
1066. Among other measures, the closure of borders throughout the country was declared, except only for citizens, residents and extraordinary cases.<sup>2361</sup> It should be noted that Uruguay was the only country in Latin America exempted from the prohibition of entering the territory of the European Union<sup>2362</sup>. Parallel to this, the Ministry of Public Health approved the resolution which includes the PCR test as a mandatory provision of the Comprehensive Health Care Program<sup>2363</sup>. The closure of educational facilities, public events and social gatherings were also discouraged.<sup>2364</sup>
1067. Starting in April, a reactivation phase was carried out, through which construction activities, government offices, among others, were resumed.<sup>2365</sup> However, this is subject to compliance with the sanitary measures imposed, which include the imperative use of face masks, social distancing, among others.<sup>2366</sup>

## A. Poverty and Human Rights

1068. REDESCA recognizes the efforts of the State of Uruguay to work towards the eradication of poverty. In this sense, the population of the middle class is above 60% while in a period of 11 years it went from a poverty rate of 30% to 8%, while extreme poverty would have practically been eradicated<sup>2367</sup>.
1069. However, the situation of populations in vulnerable situations is highlighted, such as Afro-descendants or families headed by women, for whom unemployment rates tend to rise up to 100%<sup>2368</sup>. Likewise, transgender people have a 25% out-of-school rate at the primary level and 45% suffer from gender-based violence in addition to economic violence.<sup>2369</sup> In this sense, the REDESCA considers of high relevance the adoption of measures with differentiated approaches, considering the particular contexts of each group in a situation of vulnerability and with strategies that seek the provision of sufficient means to survive.<sup>2370</sup>

<sup>2356</sup>Social Security Institute. [Statement on provisions adopted regarding the Coronavirus COVID-19](#), March 18, 2020.

<sup>2357</sup>IMPO. [EXTENSION OF MATURITIES OF TAX OBLIGATIONS ESTABLISHED BY RESOLUTION 4.310 / 019](#), MARCH 27, 2020

<sup>2358</sup>Institute of Social Security. [Special collection authorizations in June for people over 65 years of age](#), May 21, 2020.

<sup>2359</sup>Uruguay Presidency. [Government doubles the amount of the Uruguay Social card and food baskets](#), March 24, 2020.

<sup>2360</sup>Social Security Institute. [Flexibility in accessing unemployment benefit](#), May 14, 2020.

<sup>2361</sup>Uruguay Presidency. [The Ministry of Foreign Affairs prepared a guide for entering and leaving the country and urges stranded Uruguayans to communicate with that agency](#), March 24, 2020.

<sup>2362</sup>International Monetary Fund. [Policy Tracker](#), July 20, 2020.

<sup>2363</sup>The Observer. [Health providers may carry out tests without requesting authorization from the MSP](#), March 26, 2020.

<sup>2364</sup>International Monetary Fund. [Policy Tracker](#), July 20, 2020.

<sup>2365</sup>The country. [Medical supplies and disinfection: details of the protocol for the return of the construction](#), April 12, 2020.

<sup>2366</sup>International Monetary Fund. [Policy Tracker](#), July 20, 2020.

<sup>2367</sup>Infobae. [Uruguay almost eliminated extreme poverty but pockets of exclusion persist, says WB](#), September 10, 2020.

<sup>2368</sup>Idem.

<sup>2369</sup>Idem.

<sup>2370</sup>IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.



1070. REDESCA is concerned about the growing level of poverty in Uruguay, since, although the poverty rate is the lowest in the region, there is information that indigence increased by 25.3% from 2019 to 2020 in Montevideo<sup>2371</sup>. Likewise, there have been reports that despite the fact that 1,668 of the 2,553 homeless people received accommodation in shelters, there are cases of deaths from hypothermia and even violence against this sector.<sup>2372</sup>.
1071. In this sense, the initiative of the Ministry of Social Development is recognized for housing more than 157 people over 60 years old in street situations in shelters and even in hotels.<sup>2373</sup>. Likewise, in Bella Italia there is the construction of some houses planned to reach up to 10 houses - to house people in a homeless situation, this project, unlike the previous one, feels self-managed by the inhabitants, thus leaving the shelters for dependent people<sup>2374</sup>.

## **B. Right to health**

1072. REDESCA recognizes the efforts of the State of Uruguay to guarantee the supply of sanitary material and care for people in vulnerable situations. On the one hand, the elimination of tariffs for sanitary materials is highlighted, trying to speed up the supply and purchase of medical supplies<sup>2375</sup>. On the other hand, a 60% increase in help lines against addictions was announced, which is why the Paradores project was implemented, where containment spaces, accommodation and care were provided to people living on the street and with addictions.<sup>2376</sup>.
1073. In the area of mental health, the implementation of a free line for emotional support is recognized<sup>2377</sup>. However, REDESCA perceives a general lack of public information regarding the situation of people with addictions, as well as specific actions to care for people who suffer from them. Now, considering the fact that the exponentially higher peak of infections that Uruguay has had begun in November, the same fate follows the situation with the occupation of hospitalizations. In this sense, only in November 40% of the total cases of intensive care were concentrated<sup>2378</sup>. However, there are no records of a possible saturation in health centers.
1074. Parallel to the above, there have been complaints from both patients and health personnel regarding a precariousness in medical care. It is known that even in the ophthalmological area, medical attention has been denied, either due to pandemic protocols or due to lack of availability, a situation that accumulates at least 123 complaints due to lack of access to medical services<sup>2379</sup>. REDESCA reminds the State of Uruguay of the obligation to guarantee and respect the right to health of people, because although the pandemic is a priority, other diseases of the population must also be addressed, especially pre-existing ones.

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<sup>2371</sup> The nation. The B side of Uruguay: the number of people sleeping on the street is growing. October 16, 2020.

<sup>2372</sup> Idem; Underlined. A homeless man was stabbed while he was sleeping on the street; it's the fourth attack in two months. September 9, 2020.

<sup>2373</sup> The Observer. The four meals and 24-hour accommodation: this is how the plan for the homeless works against the coronavirus. March 26, 2020.

<sup>2374</sup> The Observer. "With this you get off the street": Mides inaugurated a housing complex for the indigent. October 1, 2020.

<sup>2375</sup> World Trade Organization. Annex COVID-19 Trade and trade-related measures. May 20, 2020.

<sup>2376</sup> Sputnik. Addiction assistance consultations grow 60% in Uruguay during the COVID-19 crisis. April 3, 2020

<sup>2377</sup> Ministry of Public Health of Uruguay. 0800-1920, toll-free emotional support line against COVID-19. April 16, 2020.

<sup>2378</sup> The country. Coronavirus: 40% of patients requiring admission to the ICU were concentrated in one month. December 8, 2020.

<sup>2379</sup> Search. Patients warn of delays in medical care and MSP registers 123 complaints due to lack of access to services in a pandemic. December 9, 2020.



## C. Labor rights

1075. The efforts of the State of Uruguay to maintain a hygienic and healthy environment in face-to-face work spaces are recognized. In this sense, the State carried out sanitary inspections and the application of sanctions for those who fail to comply with the measures<sup>2380</sup>. Likewise, an authorization system was established for the operation of premises, where a seal is granted that guarantees the hygienic measures necessary to prevent contagion.<sup>2381</sup>
1076. During the month of June, it was learned that the Government approved a protocol to reactivate the tourist, gastronomic and hotel activity of the country. Through obligations such as social distancing, use of face masks and alcohol gel, measures were established to provide cleaning services, hotel reception and gastronomic spaces in order to promote work and economic flow<sup>2382</sup>.
1077. The President of Uruguay issued a law by which teleworking is promoted and guaranteed to 7,774 public servants of the third age, as well as a subsidy for sickness and / or unemployment to more than 147,000 workers in private industry<sup>2383</sup>. The State also carried out the unemployment subsidy, which would benefit both teachers dismissed from private schools and suspended from public schools.<sup>2384</sup>
1078. Complementary to the above, REDESCA is concerned about the lack of compliance by some companies that continue to operate without complying with the health measures established by the Government. During the month of July, situations were announced where some private initiative companies were cutting salaries by up to 30%<sup>2385</sup>. Likewise, various companies were identified making improper use of unemployment insurance in the health emergency<sup>2386</sup>. In this sense, REDESCA highlights the importance of respecting, protecting, and guaranteeing people's labor and health rights within the framework of business activities and in line with inter-American standards on the matter.<sup>2387</sup>
1079. REDESCA observes with concern the budget cut that various unions have received, especially the education sector<sup>2388</sup>. Before the draft National Budget Law carried out by the executive branch, it was warned that not only would jobs and research be created, but even up to 500 teachers from the University of the Republic could be vacated.<sup>2389</sup> This led to various unions, including the University of the Republic, FEUU (university students), the UTCH (workers at the Hospital de Clínicas), the Federation of Health Officials<sup>2390</sup> and the Confederation of Organizations of State Officials carried out a work stoppage<sup>2391</sup>. In this sense, REDESCA recalls the obligation of progressiveness in relation to

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<sup>2380</sup> The Observer. Dances and crowds: IMM found 19 infractions in bars over the weekend. June 23, 2020.

<sup>2381</sup> The Republic. Seal of certification of measures by COVID-19 will have tourist establishments. July 6, 2020.

<sup>2382</sup> Infobae. Coronavirus in Uruguay: the government approved a protocol to reactivate tourism, gastronomic and hotel activity. June 27, 2020.

<sup>2383</sup> Uruguay Presidency. The sickness benefit was extended for workers aged 65 and over. May 29, 2020.

Institute of Social Security. Special subsidy for partial unemployment for monthly workers. March 24, 2020.

AS / COA. Uruguay. October 31, 2020.

<sup>2384</sup> Social Security Institute. Unemployment benefit. July 2020.

<sup>2385</sup> The Republic. CITA workers are still on strike this Friday: They denounce a 30% reduction in their salaries. July 10, 2020.

The Republic. CITA union denounces bus hiring in the middle of its strike. July 21, 2020.

<sup>2386</sup> The Republic. 9 companies mismanaged unemployment insurance. June 29, 2020.

<sup>2387</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2388</sup> Republic. Civila: the government "decided to deteriorate the living conditions of workers and retirees". September 15, 2020.

<sup>2389</sup> Montevideo. Arim on Budget: "Uruguay could lose 500 highly qualified teachers". September 14, 2020.

<sup>2390</sup> LR21. Public health officials hold 24-hour strike for a decent budget. August 12, 2020.

<sup>2391</sup> Montevideo. Udelar officials will carry out a 24-hour strike this Thursday. August 26, 2020.



ESCER, such as labor and union rights, in accordance with article 26 of the Pact of San José and article 1 of the Protocol of San Salvador.

1080. In addition to this, it has been learned that in the departments of Rocha and Treinta y Tres, various unions in the health sector have manifested themselves in situations of precarious human and material equipment<sup>2392</sup>. In this sense, there has been a shortage of basic supplies, lack of medical personnel, unfulfilled medical guards and problems with the hiring of professionals in the Department's Medical Assistance Cooperative<sup>2393</sup>. Likewise, wage cuts and working hours above 12 hours a day are demanded<sup>2394</sup>.
1081. REDESCA also received information about a special focus of infections in health personnel. It is known that some health centers even had to suspend up to 50% of the nursing staff, 50% of the administrative staff and up to 20% of the medical staff due to the contagion of COVID-19<sup>2395</sup>. It is also concerned that not only is their health affected by constantly exposing themselves to the virus, but they have also been victims of aggression and discrimination by citizens<sup>2396</sup>.
1082. In the same sense, it was learned that the public health union held a demonstration in Montevideo in defense of their labor rights. During this concentration, they demanded, on the one hand, the budget cut in the health sector, while on the other they demanded fair working conditions, since they denied receiving enough rest, as well as extreme physical and mental exhaustion.<sup>2397</sup> For REDESCA, it is necessary to highlight the importance of guaranteeing the human rights of workers, especially health, guaranteeing sufficient equipment, tools and supplies to carry out their work effectively and minimizing risk, as well as a fair salary.<sup>2398</sup>
1083. On the other hand, REDESCA has information on at least 90,000 children and adolescents working, among whom only 2,000 have legal authorization and at least 35 complaints have been registered.<sup>2399</sup> In this sense, REDESCA urges the State to take all the necessary measures to address this problem, concerned that it, combined with the effects of the pandemic, will cause situations of child labor exploitation.

## D. Right to education

1084. Even after the suspension of face-to-face classes in March, Uruguay is recognized for its effective performance in education in the face of the pandemic. In this sense, the Ceibal Plan is highlighted, a program that seeks to democratize access to education and reduce the socio-educational gap<sup>2400</sup>, through the use of digital devices such as tablets and notebooks for students from 4 to 15 years of age.<sup>2401</sup>

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<sup>2392</sup> Montevideo. [They warn of "lack of human resources" and "deterioration of services" at Hospital de Rocha](#). October 9, 2020.

<sup>2393</sup> The Daily. [The Interior Medical Federation denounces working and welfare conditions in Comett, a mutual insurance company of Treinta y Tres](#). September 17, 2020.

<sup>2394</sup> Republic. [The male and female nurses «work 12 or more hours a day](#). September 24, 2020.

<sup>2395</sup> Republic. [Director of the Treinta y Tres hospital: the COVID outbreak «has not suffered from the services](#). June 25, 2020.

<sup>2396</sup> The country. [Carelessness or bad luck? Treinta y Tres is torn between anger and solidarity towards doctors and nurses](#). July 10, 2020.

<sup>2397</sup> LR21. [Public health officials hold 24-hour strike for a decent budget](#). August 12, 2020.

<sup>2398</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2399</sup> ECHO. [Uruguay has 60,000 working children in informal and illegal areas](#). June 12, 2020.

<sup>2400</sup> Infobae. [The successful case of Uruguay: how it managed to sustain education with closed schools](#). July 19, 2020.

<sup>2401</sup> Idem.





1085. On June 15, 2020, 156 schools, 200 high schools and more than 1,000 public schools resumed face-to-face activities after almost three months of unemployment<sup>2402</sup>. With this, it is estimated that 35,000 teachers have the power to return to their work receiving all of their income.<sup>2403</sup> Although the return to classes is voluntary, it is estimated that 256,000 students in Montevideo and 420,000 nationwide returned to classes in June, including primary schools, basic cycles, high schools, high schools and students of public and private technical tertiary education.<sup>2404</sup> Complementary to the above, in September the school canteens were re-implemented under the conditions of complying with sanitary measures.<sup>2405</sup> However, on June 25, it was announced that a school closed due to bankruptcy, affecting 245 students and leaving 106 workers unemployed.<sup>2406</sup>
1086. In this sense, REDESCA observes with concern the educational inequality present in the State. It is known that attendance in private schools remains at 95%, while in public schools attendance drops considerably to 65% in basic education and 50% in technical professionals<sup>2407</sup>. In this sense, REDESCA recommends that the State monitor school attendance and take measures considering the particular contexts of population groups, thus adapting strategies to guarantee access to quality education without discrimination.<sup>2408</sup>

## E. Right to housing

1087. The efforts of the State of Uruguay to guarantee the right to decent housing for all people are recognized. In this sense, the Ministry of Housing and Territorial Planning allowed the beneficiaries of the housing program to pay their debts until the month of June, extending it proportionally and encouraging the population to carry out the process that suits them best.<sup>2409</sup>
1088. Parallel to this, REDESCA observes with concern the growing number of cases of people in a situation of internal mobility due to the loss of jobs and economic precariousness in the country<sup>2410</sup>. It was known that by November 2020 there were more than 750 families that settled on a private land in Montevideo<sup>2411</sup>. In this sense, there were knowledge of at least 43 arrests in the area for usurpation of land and theft of energy.<sup>2412</sup> In a similar sense, workers from the Bella Unión farmer were evicted from their homes due to a failure to renew their employment contract.<sup>2413</sup> In view of the foregoing, REDESCA calls to protect people's right to housing and adopt measures in the framework of the pandemic that guarantee people's dignity, especially considering their health, safety, economic and labor means to maintain a dignified lifestyle without any discrimination<sup>2414</sup>.

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<sup>2402</sup> Uruguay Presidency. Some 420,000 students attended schools and secondary schools in the second phase of returning to face-to-face classes. June 15, 2020.

<sup>2403</sup> Idem.

<sup>2404</sup> Infobae. Uruguay completes the reopening of schools: 256 thousand students return to class in Montevideo. June 29, 2020.

AS / COA. Uruguay. June 15, 2020.

<sup>2405</sup> Republic. School canteens and normal hours return to schools. September 3, 2020.

<sup>2406</sup> The country. A school of 245 students closes in Pocitos and they alert 10 more in crisis due to the pandemic. June 25, 2020.

<sup>2407</sup> The Daily. The effects of non-compulsory education are worrying. September 10, 2020.

<sup>2408</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.

<sup>2409</sup> Ministry of Housing and Territorial Planning. Minister Irene Moreira ordered the extension of the measures taken for the Mvotma housing portfolio. June 11, 2020.

<sup>2410</sup> Montevideo. They warn of an increase in forced evictions due to the impossibility of payment due to the crisis. April 1, 2020.

<sup>2411</sup> The morning. The different situations behind evictions from occupied land. December 3, 2020.

<sup>2412</sup> Idem.

<sup>2413</sup> Faces and masks. Eviction of rural wage earners in Bella Unión. November 16, 2020.

<sup>2414</sup> IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas, April 10, 20.



## 35) VENEZUELA

1089. Regarding economic, social, cultural and environmental rights (ESCER) in Venezuela, REDESCA takes note of the growing difficulty that the population in the country continues to experience due to the lack of essential and basic services, which are drastically affecting the possibility of living worthily in the country. In this sense, REDESCA recalls that in its latest annual reports it was indicated that most of the mobilizations that take place in the country are due to the lack of provision of essential services such as drinking water, sanitation, electricity, telecommunications, and even the acquisition of medicines, food, food among others.<sup>2415</sup> In this regard, it is worth emphasizing that the Office of the Special Rapporteur takes note that the information gathered reveals that the indices of inequality and poverty continue to increase, deepening the situation of "complex humanitarian emergency" widely denounced in the country. For example, poverty has grown by 10% in the last three years and that 90% of people in Venezuela do not have enough income to buy food. To this he adds issues related to the increased risk of food insecurity; Furthermore, 3.5 years would have been lost in the life expectancy of the population at birth.<sup>2416</sup> To this is added, testimonies about the deaths of girls and boys in medical centers and hospitals as a result of national blackouts and the lack of medicines for the treatment of preventable diseases.<sup>2417</sup>
1090. This has had a profound impact on the enjoyment of ESCER for a large part of the population; particularly, of those groups in situations of vulnerability, discrimination or historical exclusion. In this sense, REDESCA recalls the interdependent and indivisible nature of all human rights, as well as the intersectionality in terms of their effects, as observed with particular clarity in the Venezuelan case.<sup>2418</sup> The aforementioned takes special relevance in the context of Venezuela, considering that, by December 27, 2020, according to PAHO data, the country registered more than 112 thousand accumulated cases of COVID19, also indicating more than a thousand documented deaths.<sup>2419</sup>
1091. These conditions would be evidence of an accelerated deterioration of living conditions in Venezuela, which has been exacerbated by the pandemic. In the same sense, according to the information that was released by REDESCA, workers in the health sector would be those who are disproportionately affected by the conditions of the Venezuelan health system, already greatly deteriorated before this health crisis, as will be discussed in the following paragraphs.
1092. Additionally, REDESCA wants to register its conviction for all acts of harassment, intimidation and harassment perpetrated by State agents against civil society organizations and people who carry out defense work for ESCER or humanitarian assistance. In particular, REDESCA expresses its concern about the events registered against CONVITE AC, specifically on December 15, 2020, and officials of the Special Actions Forces (FAES), belonging to the Bolivarian National Police (PNB), reportedly appeared at the Convite headquarters with a search warrant for alleged crimes associated with terrorism. The order had been issued by the Fourth Court of First Instance on Control Functions with Competence in cases related to crimes associated with terrorism with jurisdiction at the national level. Subsequently, they proceeded to detain members of the organization, who had been questioned for more than two hours, without the presence of their lawyers, about the origin of the Convite funds, their projects, organizations with which they work and people collaborating with the organization.<sup>2420</sup>

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<sup>2415</sup> Observatory of Social Conflict, [Social Conflict in Venezuela in September 2020](#)

<sup>2416</sup> <https://www.oas.org/es/cidh/prensa/comunicados/2020/106.asp>

<sup>2417</sup> Prepare Family, COVID Report March 19-April 2020, May 2020

<sup>2418</sup> IACHR, [The IACHR and its REDESCA express deep concern about the effects of the COVID-19 pandemic in Venezuela and call to guarantee the rights of Venezuelans in the region](#), March 29, 2020

<sup>2419</sup> OPS, [Geo-Hub COVID-19 Information System for the Region of the Americas](#), data updated to December 27, 2020

<sup>2420</sup> World organization against torture, Venezuela: Criminalization of Convite AC membership and raid on its headquarters, December 21, 2020



1093. Likewise, REDESCA received information regarding events that occurred on November 20, 2020, when the organizations Alimenta la Solidaridad and Caracas Convive reported that they had been subjected to harassment by the authorities; and that on November 24, a delegation identified as the National Police Against Corruption raided the former headquarters of the organizations located in El Rosal in the city of Caracas.<sup>2421</sup> In this same context, they indicated that the Superintendence of the institutions of the Banking Sector and other financial institutions (SUDEBAN) ordered the freezing of the bank accounts of the organizations, which compromises the operation of their food assistance programs, which cover more than twenty-five thousand boys and girls from Venezuela and their families.<sup>2422</sup>

## A. Poverty and Human Rights

1094. In relation to the situation of poverty in the country and its impact on the enjoyment of human rights, particularly ESCER; REDESCA highlights the high rates of informality in the labor sector, which has led people to experience precarious and unsafe working conditions. Particularly in the context of the pandemic, the lack of health professionals and personnel from the active health sector in the country is of concern; specifically, there is a shortage of qualified personnel, as a result of the fact that many people have left the country due to lack of job opportunities or poor conditions to perform their duties.<sup>2423</sup> 90% of the people in Venezuela lack sufficient income to be able to buy food, causing food insecurity in 80% of households. It should be emphasized that, according to the information provided by civil society, the aforementioned factors may generate a tendency to increase the incidence of crime and human rights violations. On the other hand, the situation of precariousness and food insecurity means that life expectancy has reached 3.5 years lower than the average.<sup>2424</sup> To this extent, REDESCA takes note that the combination of different factors and serious subsistence conditions has resulted in what has been characterized as a "complex humanitarian emergency" by the generality of Venezuelan civil society.

1095. Of the 96% of the population living in poverty, 41% would suffer from chronic poverty, thus living below its threshold in a systematic and progressive way, without even being close to leaving it.<sup>2425</sup> It is important to remember that poverty leads to a lack of essential basic services, such as access to mass media (nowadays also means of education), tools to guarantee adequate nutrition, among others. In this sense, it is estimated that of the people who are in a situation of extreme poverty, only 13% have fixed telephony compared to the population with greater purchasing power, of which 28% have access to it; 12% have internet in contrast to 32%, respectively; 17% have at least one computer compared to 41%; 83% have a television (with or without cable) against 93%; 72% have a refrigerator or refrigerator in contrast to 91%; and 44% have a washing machine against 72% in the highest quintile.<sup>2426</sup> Thus, by 2019, total poverty reached 96.2% of the population, where extreme poverty went from 11.4% to 79.3%, respectively.<sup>2427</sup> This situation, combined with the low purchasing power derived from low wage income, approximately 80% of the population receives their income through direct transfers equivalent to up to 45% of their total income.<sup>2428</sup>

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<sup>2421</sup> [Report made by social networks of the account of directors of the organization](#), November 25, 2020

<sup>2422</sup> Presidential Commission for Human Rights and attention to victims, National Assembly of Venezuela, Missive sent to the Executive Secretariat of the Commission, Ref: Urgent call on non-governmental organizations Alimenta La Solidaridad and Caracas mi Convive, November 25, 2020

<sup>2423</sup> REDESCA meeting with Venezuelan Civil Society Organizations, June 17, 2020

<sup>2424</sup> IACHR, [The IACHR and its REDESCA express deep concern about the effects of the COVID-19 pandemic in Venezuela and call to guarantee the rights of Venezuelans in the region](#), March 29, 2020

<sup>2425</sup> ENCOVI and Institute of Economic and Social Research. [National Survey of Living Conditions 2019-2020: Poverty in its multiple dimensions](#). 2020, p. 6.

<sup>2426</sup> *Ibid*, p. 12

<sup>2427</sup> ENCOVI and Institute of Economic and Social Research. [National Survey of Living Conditions 2019-2020: Poverty in its multiple dimensions](#). 2020, p. Four.

<sup>2428</sup> *Ibidem*, p. 13.



1096. In parallel, REDESCA has received information on the use of social programs as tools for social and political control. Additionally, REDESCA received information about the request for gifts and money from people to gain access to services from the State. This is especially worrisome in a context where prices have risen and sufficient availability of quality food is lacking. Some people reported that it takes an average of 10 hours a day to get food. Others stated that they would need about 41 minimum wages to access the basic food basket and cover basic services.<sup>2429</sup>
1097. As poverty is constantly increasing, the State has tried to implement various programs of social or humanitarian assistance. However, these have been insufficient to meet the growing demand of the population for these services, which has been worsened by the fact that their provision would be completely influenced by conflicts of interest and political factors. In this way, the delivery of assistance would tend to be directed towards those people who support the Executive regime and to be used to secure votes and political support of the people, which generates a feeling of false security about the government actions that their state takes advantage of. vulnerability<sup>2430</sup>. This would materialize in the delivery of scholarships, as well as support for housing, work, food and health.<sup>2431</sup>
1098. The delivery of CLAP boxes is another example of the politicization of social assistance programs, since the Local Committees would follow political criteria for their distribution and the boxes contain political propaganda in favor of the ruling party. In terms of content, this is mainly food, however, the boxes would not guarantee the satisfaction of the nutritional needs of the population. Likewise, while 95% of the population living in extreme poverty would receive it, 78% of the population living in poverty or with low resources would not receive it. Although 39% would receive at least one box monthly, 46% of the population would receive them without defined periodicity.<sup>2432</sup>
1099. REDESCA expresses its concern that the measures implemented by the State are not being effective to somehow alleviate the burden on the most vulnerable families in the country. To the worrying situation, it should be noted that REDESCA during the visit that took place at the beginning of 2020, was able to verify the serious situation that many of the people of Venezuela are going through who have to come to Colombia in order to acquire food, basic supplies and other essential goods for their subsistence. For example, the dramatic situation of the people of Venezuela living on the streets of Cúcuta, the conditions of the Erasmo Meoz University Hospital, the humanitarian canteens and the border crossing could be evidenced.<sup>2433</sup>In this sense, REDESCA is aware that, given this context, where the deterioration of the validity of human rights in Venezuela directly affects the population of that country and makes Venezuelan people seek to move to other States in the region. This Rapporteurship therefore adds to the concern expressed by the Commission, regarding the intensification of the humanitarian crisis and human mobility in Venezuela, people seeking to leave the country are increasingly making use of high-risk maritime routes with neighboring countries.<sup>2434</sup>

## B. Right to health

1100. Regarding the right to health, REDESCA has continuously monitored the situation of the national health system and the working conditions of people who work in the sector. In this regard, there

<sup>2429</sup> IACHR, [The IACHR and its REDESCA express deep concern about the effects of the COVID-19 pandemic in Venezuela and call to guarantee the rights of Venezuelans in the region](#), March 29, 2020

<sup>2430</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. [Monthly Report: Situation of universities in Venezuela](#). May, 2020. P. 5.

<sup>2431</sup> Idem.

<sup>2432</sup> ENCOVI and Institute of Economic and Social Research. [National Survey of Living Conditions 2019-2020: Poverty in its multiple dimensions](#).2020. p. fifteen.

<sup>2433</sup> Inter-American Commission on Human Rights. [IACHR presents its preliminary observations and recommendations after the historic on-site visit to Venezuela to monitor the human rights situation](#). May 8, 2020.

<sup>2434</sup> IACHR, [The IACHR regrets the death of Venezuelans, including children, and urges the States to guarantee access to asylum procedures and international protection](#), December 15, 2020



have been several occasions in which hospital personnel of all levels indicate that they would be forced to work without having basic hygiene guarantees, such as the provision of drinking water and soap, or personal protective equipment. more basic such as masks, safety glasses or gloves.<sup>2435</sup>In such a situation, REDESCA welcomes the decision of the authorities of the Ministry of Popular Power for Health (MPPS) and the National Assembly of Venezuela, to reach an agreement with the Pan American Health Organization (PAHO). The agreement focuses on three pillars oriented towards the detection of active COVID-19 cases with laboratory diagnosis; the timely and adequate treatment of confirmed cases; and the supervised isolation of symptomatic cases and the quarantine of their contacts. With regard to health services, they identified the protection of health personnel and the implementation of infection prevention and control actions in health facilities. They also indicated epidemiological surveillance as a priority with the analysis of information and situation reports,<sup>2436</sup>

1101. For its part, by means of a Declaration of the Inter-Union-Union at the national level of the health sector, it was indicated that there were no due guarantees for an adequate management of public health in hospitals and health care centers of all levels; being that even the few existing resources would not be being distributed diligently to all the institutions.<sup>2437</sup>In particular, they demanded the urgent provision of supplies, equipment (including personal protective equipment), materials required to provide quality care to the affected people, who require hospital care, not only in the sentinel centers mentioned in the list published by MPPS, but also at all levels, since people with symptoms and signs of the disease will go to the health facility closest to their home. They also point out that the current situation of collapse in healthcare centers at different levels of care is not the responsibility of workers in the health sector. In the same way, they called for the protection of all personnel, including people who work in the administrative area, in support work for the medical care network,<sup>2438</sup>. To this is added that the salaries and other labor benefits to which they are entitled would not be being paid on time or that they would be extremely low. In this sense, trade union organizations indicated that the State authorities proposed the provision of CLAP boxes and other complementary measures to be able to meet the needs of health workers. However, the Commission and its REDESCA received information indicating that these measures are not sufficient and do not replace their right to a decent salary to cover their most essential needs.<sup>2439</sup>
1102. In this regard, REDESCA learned that this situation would also be repeating itself, even in health homes that have precautionary measures such as the JM de los Ríos Hospital and the Concepción Palacios Maternity Hospital, beneficiaries of the IACHR's Precautionary Medics, where the lack of adequate infrastructure and qualified medical personnel. In addition, they would not have continuous drinking water, electricity, hygiene supplies, prophylaxis, surgical equipment, laboratories for blood transfusion controls, material to sterilize instruments, vaccines for basic immunizations, operative elevators, or contrast media to perform diagnoses. <sup>2440</sup>
1103. By August 2020, according to figures from civil society organizations that watch over the rights of health workers, there would be 80 deceased people belonging to that sector. Which would mean that in relation to the mortality rate that was counted at that time, they represented around 25.23% of the total number of people killed by COVID-19.<sup>2441</sup> REDESCA calls for dialogue between all social and

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<sup>2435</sup> International Amnesty, [Health personnel in irrigation: without medical supplies and without recognition during the pandemic](#), April 9, 2020

<sup>2436</sup> Pan American Health Organization, [PAHO supports the Ministry of Health and the advisory team of the National Assembly of Venezuela in the response to COVID-19](#), June 9, 2020

<sup>2437</sup> [Declaration of the national Inter-union-union of the health sector in the face of the national state of emergency caused by the COVID-19 pandemic](#), March 23, 2020

<sup>2438</sup> International Amnesty, [Health personnel in irrigation: without medical supplies and without recognition during the pandemic](#), April 9, 2020, El Diario, [100 doctors have lost their lives due to COVID-19 in Venezuela](#), August 27, 2020

<sup>2439</sup> Meeting held with nursing personnel from Venezuela, August 20, 2020

<sup>2440</sup> Inter-American Commission on Human Rights. [IACHR presents its preliminary observations and recommendations after the historic on-site visit to Venezuela to monitor the human rights situation](#). May 8, 2020.

<sup>2441</sup> The newspaper, [Why do Venezuelan health personnel register high numbers of deaths from COVID-19?](#), August 21, 2020





political actors, in order to seek solutions for the protection of people living in the country and save as many lives as possible, especially during this health crisis, exacerbated by the crisis complex humanitarian crisis that Venezuela is going through.

1104. Starting from this issue, the Universities would have also been the object of neglect by the regime, as it would not be taking them into account for scientific research in relation to the treatments for the virus; nor would they be provided with the necessary supplies to attend and expedite PCR tests, as is the case of the Central University of Venezuela (UCV) and the Western Lisandro Alvarado University (UCL)<sup>2442</sup>.
1105. Similarly, information was received that on March 25, a professor from the Department of Microbiology and Clinical Parasitology of the Faculty of Medicine (ULA) pointed out that, despite the efforts being made in conjunction with the Autonomous Institute Hospital Universitario de Los Andes (IAHULA), the Laboratory staff would not have been informed about what kit and material to implement to perform the diagnostic tests. In addition, it was indicated that the need for supplies, reagents, stationery, gloves, masks, which are not available. Therefore, the laboratories of the universities would not be authorized to carry out PCR tests and other types of laboratory work to alleviate the burden on the State health centers.<sup>2443</sup> Along the same lines, authorities from the Universidad de Oriente (UDO), State of Bolívar, demanded biosafety equipment for university hospital residents in order to be able to carry out their work safely.<sup>2444</sup>
1106. With this background, REDESCA reiterates that the absence of clear, precise and reliable information on the health situation and the health system, directly affects the possibilities that people can access an optimal health service or that they may have knowledge of the conditions of the same.<sup>2445</sup> Likewise, according to one of the testimonies provided by representatives of civil society, people who suffer from any medical pathology living in Venezuela are unable to access the purchase of medicines, medical supplies and receive treatments, in addition to the lack of economic resources to access food and basic services (...). The minimum wage is the equivalent of about two dollars a month and inflation is so high that this money is enough to buy a kilo and a half of bread flour. The majority of the population cannot access fruits, vegetables and not even meat, since a kilo costs 3.5 dollars, speaking of the Táchira State. In the other states the cost is tripled, since food, vegetables and meats come from Colombia (...).<sup>2446</sup>
1107. At the same time, access to public transport is another of the difficulties that the general population and especially health workers face in Venezuela. According to publicly known information, the ban on refueling in general, without even guaranteeing the provision of health personnel and people who need medical attention, is persistent<sup>2447</sup>. On March 15 it was announced that since March 16 the sale of gasoline to the general population was prohibited, so that only areas prioritized by contingency such as health, food, security, telecommunications, and that they would grant safe-conduct to sectors of social interest. Therefore, although the health sector must be considered as an essential sector, the information received by REDESCA mentions that on March 25, a group of people, including medical personnel and people who require urgent medical treatment, were waiting for more than twelve

<sup>2442</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. [Monthly Report: Situation of universities in Venezuela](#). March, 2020.p. 14.

<sup>2443</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. [Monthly Report: Situation of universities in Venezuela](#). March, 2020. P. 17

<sup>2444</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. Monthly report: Situation of universities in Venezuela. July, 2020. P.6. Likewise, it was reported that on March 26, 2020, Greymar Mancilla, a third-year dentistry student at the University of Los Andes, passed away, as a result of the lack of provision of medicines and supplies from the hospital and the lack of financial resources of his family. This student was hospitalized for several weeks for atypical pneumonia with complications of toxoplasmosis. His family cried out for help through social media; But, due to the shortage of medicines and the very high price of the few medicines that were available, it was not possible to save his life. Ditto, p. 9

<sup>2445</sup> Inter-American Commission on Human Rights. [IACHR presents its preliminary observations and recommendations after the historic on-site visit to Venezuela to monitor the human rights situation](#). May 8, 2020.

<sup>2446</sup> Ibid

<sup>2447</sup> Cocuyo effect, [Health personnel do not get gasoline, they denounce unions](#), March 24, 2020, El Pitazo, [Joana García dies because there was no transportation to go to dialysis](#), September 17, 2020



hours to refuel at the El Pinar service station. The following day, this group of people was evicted by the Bolivarian National Guard and police forces.<sup>2448</sup>

1108. On the other hand, information was also received that on May 8, 2020, researchers from the Academy of Physical, Mathematical and Natural Sciences made public the statement: "Current status of the COVID-19 pandemic in Venezuela and its possible trajectories under various scenarios"; Later, on May 13, 2020, in a program on state television, members of the government and the PSUV accused the academics of "generating terror in the people", also pointing out that this would be "an invitation for the security organizations to visit to these people."<sup>2449</sup> Similarly, representatives of trade union unions in the State of Zulia, mentioned that they received reprisals from State entities (including the opening of administrative files and criminal investigations by the public prosecutor's office), since they had indicated plans to organize protests and claims in order to obtain transportation benefits from the authorities so that people can get to their jobs. For example, in the testimonies received, it was indicated that on May 23, 2020, members of a union of workers in the nursing sector called for a protest to be held in order to demand the creation of a transportation route to ensure that people can go to hospitals.<sup>2450</sup>
1109. In the same sense, among the persecution actions that were brought to the attention of REDESCA, it is worth noting that some leaders of the health sector have been harassed by security groups for complaining about their working conditions. Such actions could take place either through intimidating communications by hospital managers or local authorities, and also through signals to go and offer testimonies in entities such as the CICP and not before the body in charge of investigating crimes that would be the Prosecutor's Office.<sup>2451</sup>
1110. Based on these observations, REDESCA is concerned that the persistent precariousness of the health sector in the country has been aggravated during the pandemic. In this regard, the Commission calls on the State of Venezuela to apply the standards and recommendations established in Resolution 1/2020 on Pandemic and Human Rights in the Americas.<sup>2452</sup>
1111. In this sense, a mixture of factors such as the lack of supplies, the accelerated deterioration of health facilities and in general the difficult working conditions that both users and those who work in the sector must face on a daily basis, contribute to the right health is diminished and there are no guarantees regarding its accessibility, availability, acceptability and quality. In this sense, the Commission and its ESCER Special Rapporteurship, call on the State to comply with its international obligations and also in compliance with the Organic Law on Prevention, Conditions and Work Environment (LOPCYMAT), as well as other regulations applicable national standards, are applied taking into account international standards on the right to health.
1112. In this line, the REDESCA, recalls that in Resolution 1/2020, within the recommendations in the guarantee of the ESCER, it indicates that the States have the obligation to: ensure the availability and timely provision of sufficient quantities of biosafety material, supplies and essential medical supplements for use by health personnel, strengthen their technical and professional training for the management of pandemics and infectious crises, guarantee the protection of their rights, as well as the provision of minimum specific resources destined to face this type of emergency situations sanitary.<sup>2453</sup> Every working person has the right to be protected from exposure to the new coronavirus and other risks or dangerous substances at work. States have the duty to respect, protect

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<sup>2448</sup> Commission for human rights of the state of Zulia. [The Zulianos face quarantine without guarantees of basic services and with limitations on their rights](#). August 14, 2020, See El Nacional, [Provea denounced the arrest of four health workers for protest](#), March 18, 2020

<sup>2449</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. Monthly Report: Situation of universities in Venezuela. May, 2020. Pp. 7-8.

<sup>2450</sup> Meeting held with nursing personnel from Venezuela, August 20, 2020

<sup>2451</sup> Meeting held with nursing personnel from Venezuela, August 20, 2020

<sup>2452</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 3

<sup>2453</sup> IACHR, Resolution 1/2020: Pandemic and Human Rights, April 10, 2020, para. 10



and fulfill the right to enjoy safe and healthy working conditions, and companies have corresponding responsibilities. Labor rights

1113. Regarding labor rights, REDESCA takes note that the State has implemented it in view of the impacts of the pandemic. In this sense, the State has approved decrees No. 4171 (02.04.2020) and No. 4168 (23.03.2020). The first aimed at people who in 2019 had incomes of less than 3 minimum wages have been exempted from paying income tax, due in April. The second refers to the guarantee of bank loans for companies in the sectors of health, food, pharmacy, and personal hygiene. In addition, the credit requirements and conditions for loans in these sectors were lowered and banks were instructed to speed up the insurance process.<sup>2454</sup>
1114. Similarly, the State approved the Decree No. 4160 (03/13/2020), which allows people and companies to benefit from the teleworking model if their activities allow it. Economic activity is suspended in cases where working from home is not possible, with the exception of vital sectors. Additionally, public sector workers over 70 years of age or who are part of a group at risk can telecommute.<sup>2455</sup>
1115. However, REDESCA is aware that the current global situation caused by the health crisis leads the State to take special measures to deal with this situation. However, the social and economic conditions of the country deserve much more profound measures and reforms. In particular, REDESCA looks with concern that the new minimum wage, announced by the Minister of Labor, Eduardo Piñate, is equivalent to Bs 400,000 per month or 2.34 dollars, according to the rate of the Central Bank of Venezuela (BCV), which established for that day an official value of the dollar in Bs 170,342.68. However, if the so-called "integral salary" is taken as a basis, which includes the Bs 400,000 corresponding to the food bonus (without impact on labor liabilities), the net income of a Venezuelan worker as of May 1, 2020 it will be \$ 4.69.<sup>2456</sup>
1116. For its part, regarding the social security of older persons registered in the social security system, this Office of the Special Rapporteur notes that their pensions had an increase to Bs 400,000. Additionally, they will receive the so-called "war bond" of Bs 300,000, for a monthly income of Bs 700,000, that is, \$ 4.10 at the official exchange rate. The amount of income in both cases is drastically reduced if it is calculated on the basis of the black or parallel dollar, which during the last week has fluctuated between 190,000 and 215,000 bolivars.<sup>2457</sup>
1117. This situation, particularly worries REDESCA, further exacerbates the complex humanitarian situation experienced by the population in vulnerable situations in the country; especially when, according to civil society organizations, 64.5% of people are working informally and 75.7% do not have a contract or benefits beyond salary.<sup>2458</sup>
1118. Adding to this situation, REDESCA reiterates what was expressed previously regarding the situation of people who work in the health sector as those who have been most exposed to risk of infection to COVID-19. This is also increased by acts of harassment and harassment against those who make complaints about their working conditions.<sup>2459</sup> REDESCA reiterates its rejection of this type of action by the regime and calls on the State to guarantee the safety, life, health and integrity of workers. Likewise, it welcomes the efforts made through regulatory measures, seeing with concern that such

<sup>2454</sup> ILO, [COVID-19: National Political Responses](#), as of June 2, 2020

<sup>2455</sup> ILO, [COVID-19: National Political Responses](#), as of June 2, 2020

<sup>2456</sup> Transparency Venezuela, [Venezuelan labor balance is a rosary of sorrows and difficulties](#), May 1, 2020

<sup>2457</sup> Transparency Venezuela, [Venezuelan labor balance is a rosary of sorrows and difficulties](#), May 1, 2020

<sup>2458</sup> Let's greet with Brio, [2020 National Survey: Working conditions](#), May 31, 2020

<sup>2459</sup> For more information see also Amnesty International, [Venezuela: Authorities are repressing and failing to protect health workers as the COVID-19 pandemic worsens](#), August 18, 2020



measures would not be enough to face the pandemic or the complex humanitarian crisis the country is going through.

1119. Therefore, REDESCA points out that all working people have the right to be protected from exposure to COVID-19. REDESCA emphatically reiterates that the persecution, intimidation and harassment of health professionals who denounce the lack of equipment and the Epidemiological mismanagement of the crisis is not only incompatible with the objectives of handling a health crisis by the State, but also manifestly contrary to its international human rights obligations.<sup>2460</sup>

## C. Right to education

1120. On the other hand, REDESCA takes note of how the conditions described above have particularly affected the enjoyment of the right to education. According to the information provided, up to 8% of school coverage would have been lost and there would be a lag of 26% for boys and 23% for girls. Only half of the people who are in school could attend classes regularly, with the lack of water, food and transportation being the main reasons for absent from classrooms<sup>2461</sup>. Similarly, it has been recorded that, although the potential demand for education has fallen, while there would be approximately 1.7 million people (between 3 to 24 years old) less, there is no progress in coverage, and in fact it has begun to decline (with the greatest impact on people between 18-24 years of age, for whom educational coverage went from 47% in 2014 to 25% in 2019)<sup>2462</sup>. At the same time, as a result of the great precariousness and social stereotypes of gender, women and girls are at particular risk of suffering violations of their human rights, as they are particularly exposed to suffering sexual violence. This is especially worrying in prostitution contexts, where rape and extortion are constant, as well as situations where women have found it necessary to exchange sexual services for food.<sup>2463</sup>
1121. The discontinuity of school trajectories is also the result of the worsening of socioeconomic conditions, which become factors that affect school attendance and educational performance. However, the risk of educational exclusion is significantly greater for the poorest population aged 12 to 17, where 27% are severely lagging behind in education.<sup>2464</sup>. This differentiated impact on the population living in poverty and extreme poverty is of great concern since they would not be able to accumulate educational capital to reduce the risk of perpetuating their economic and social condition.<sup>2465</sup>. Regarding school absence, taking into account the ages, for those between 12 to 17 years old, the reasons for their absence -in order from highest to lowest incidence- have been: not wanting to continue studying or not considering it important (35%); completion of studies (26%); pregnancy, care work or household duties (8%); and obligation to work or cost of supplies / uniforms (14%, 7% respectively), among others. Meanwhile, for adolescents between 18 and 24 years old, the reasons in the same order would be: completion of studies (43%); not wanting to continue studying or not considering it important (22%); obligation to work (14%); pregnancy, care work or household obligations (9%), among others<sup>2466</sup>. In terms of school attendance rates, of this population group, only 3,136,000 attend and approximately 2,282,000 do not attend, in which the greatest impact has been received by the least favored population strata (only 16% of the poorest

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<sup>2460</sup> IACHR, [The IACHR and its REDESCA express deep concern about the effects of the COVID-19 pandemic in Venezuela and call to guarantee the rights of Venezuelans in the region](#), March 29, 2020

<sup>2461</sup> IACHR. [IACHR presents its preliminary observations and recommendations after the historic on-site visit to Venezuela to monitor the human rights situation](#). May 8, 2020.

<sup>2462</sup> ENCOVI and Institute of Economic and Social Research. [National Survey of Living Conditions 2019-2020: Education](#). 2020. P. 4, P. 6.

<sup>2463</sup> Inter-American Commission on Human Rights. [IACHR presents its preliminary observations and recommendations after the historic on-site visit to Venezuela to monitor the human rights situation](#). May 8, 2020.

<sup>2464</sup> ENCOVI and Institute of Economic and Social Research. [National Survey of Living Conditions 2019-2020: Education](#).. p. 10.

<sup>2465</sup>Idem. p.20.

<sup>2466</sup>Idem. p.18.





- quintile has educational coverage)<sup>2467</sup>. As of COVID-19, the risks of educational exclusion have increased among those who cannot maintain regular school attendance (40%) and / or have severe school backwardness. In such a scenario, the confinement situation will help to deepen educational inequities, increasing the educational backwardness of those who have access restrictions to new technologies and depriving children and adolescents of the appropriate educational climate.<sup>2468</sup>.
1122. Regarding university education, this has also been affected by the political situation in the country. This has been reflected in reports on persecution and arbitrary detentions against students and members of the academic community. In this way, a large number of teachers and student leaders have had to leave the country to face government persecution.<sup>2469</sup> At the same time, students have been detained in the framework of protests or peaceful actions against the Executive. As an example, on March 13, 2020, the Third Terrorism Court issued a custodial measure to a student for the crime of terrorism, for which he would be held at the FAES headquarters in Caracas.<sup>2470</sup>.
1123. Likewise, and contrary to academic freedom and university autonomy, the National Council of Universities, attached to the Ministry of Higher Education, arbitrarily designated high university authorities in order to restrict critical thinking towards the Government and control participation in public affairs, according to information provided by various student movements, teachers' associations, and civil society organizations. Likewise, complaints were received related to decisions of the judiciary in which the results of student elections have been systematically ignored, forcing universities to abide by arbitrary appointments, and even legislating on electoral procedures for the election of the university government.<sup>2471</sup> Additionally, the granting of scholarships through the "Plataforma Patria" has been announced, which, although it has not materialized, is of great concern as there have been constant complaints about the use of the Carnet de la Patria as an instrument of social exclusion due to issues politics<sup>2472</sup>. With this, the Government would guarantee the right to education selectively, since it would only benefit those who are ideologically related to it, contravening its obligation of non-discrimination.
1124. As a result of this situation and the economic crisis that Venezuela is going through, the Universities would face a budgetary asphyxiation, which has resulted in damage to student services (such as food, transportation and access to libraries), effects on educational quality, an increase in student desertion and the emigration of various teachers and members of the academic community (who received little or no remuneration for their work)<sup>2473</sup>. As an example, at the end of March, the University of Los Andes (ULA) had not yet received income for operating expenses. Since April 2019, its students have not received payment for university scholarships, the amount of which is the sum of Bs. 75,000 (USD \$ 0.5) per month.<sup>2474</sup> The University of Zulia would face the same situation, in which, according to the rector, at least USD \$ 2,000,000 would be necessary for the recovery of the infrastructure of the educational institution, since in 2020 they have not received resources for the maintenance of infrastructure and other operating expenses<sup>2475</sup>. In the same sense, the Central

<sup>2467</sup> Idem. P. 11, P. 13

<sup>2468</sup> Idem. p.20.

<sup>2469</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela . [Monthly Report: Situation of universities in Venezuela](#). March,2020. P. 7.

<sup>2470</sup> Idem. P. 3.

<sup>2471</sup> Inter-American Commission on Human Rights. [IACHR presents its preliminary observations and recommendations after the historic on-site visit to Venezuela to monitor the human rights situation](#). May 8, 2020.

<sup>2472</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. [Monthly Report: Situation of universities in Venezuela](#). May,2020. P. 5. Specifically, there is the case of Deybi Jaimes, a law student at the Universidad Católica del Táchira (UCAT) who was arrested on March 10 by a commission of the Special Actions Forces (FAES) of the National Police Bolivariana (PNB) after a raid on the hotel where this student and some deputies of the National Assembly (AN) were staying, a procedure carried out immediately after a peaceful rally called by the President of the National Assembly Juan Guaidó.

<sup>2473</sup> Ibid.

<sup>2474</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. [Monthly Report: Situation of universities in Venezuela](#). March, 2020. P. 9.

<sup>2475</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela [Monthly report: Situation of universities in Venezuela](#). July, 2020. P. 3.





University of Venezuela (UCV) denounced that the executive only approved 9.8% of the necessary budget for the total operational maintenance that the University needs<sup>2476</sup>.

1125. On the other hand, REDESCA has observed that the electricity crisis has worsened this situation, since the constant power cuts have generated permanent and / or very serious damage to the services that the educational centers would have to provide. In mid-April, the ULA web services remained inactive for approximately 12 hours due to prolonged power failures and damage to a fuse that affected a phase of the ULA Administrative Building, where the Telecommunications Directorate and Services (DTES) office operates<sup>2477</sup>. On June 23, 2020 the DTES had to notify the suspension of the ULA institutional email service, just a few days after these problems, an electricity fluctuation caused the explosion of one of the batteries of the power plant of the administrative building, for which the servers became inactive again (including the portals service, the Web-ULA page, the electronic mail, the applications for distance education and the DTES services)<sup>2478</sup>. Similar damages have been reported in other educational centers as a result of electrical failures, such as in the facilities of the museum of the Institute of Agricultural Zoology "Francisco Fernández Yépez" (MIZA) of the UCV would be in danger from damage to air conditioners, which were the result of constant electrical service failures<sup>2479</sup>.
1126. This scenario draws attention as it threatens the guarantee of the right to education, especially in this context of a pandemic in which remote education seems to be one of the most common alternatives to ensure education. On the one hand, students and teachers have serious difficulties to have connectivity equipment and services in order to access educational material and platforms. Given this panorama, for REDESCA it is of great concern that the Government announces the implementation of the "University at Home" program, when there do not seem to be the conditions for its due effectiveness; for example, in a state like Lara, it is reported that only 40% of students from public universities never have the internet at home (compared to 21% of students from private universities).<sup>2480</sup> It should be noted that, although on April 8, 2020, the Minister of University Education assured that about 95% of the country's universities have joined the aforementioned plan, the ODH-ULA has reported that at least the autonomous universities located in the Andean region of the country they would not have been able to carry out such a plan<sup>2481</sup>.
1127. REDESCA is concerned about the situation of constant harassment and intimidation of university centers in the country, which affects the ability to make other ESCER effective. Along these lines, it is important to note that, although the inter-American human rights system does not impose on the OAS member states a specific social, political, or economic model, it does require respect for democratic values and human rights, which it must also be reflected in education. For this reason, the Inter-American Democratic Charter highlights the importance of education in strengthening democratic institutions. In this same sense, the American Declaration establishes that everyone has

<sup>2476</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. Monthly report: Situation of universities in

Venezuela. July, 2020. P. 4. In this sense, it is valid to emphasize that the Human Rights Observatory of the University of Los Andes (ODH-ULA) has monitored, during the month of April 2020, at least 15 robberies in university facilities: seven robberies at the University of Los Andes, in the nuclei of the states of Mérida, Táchira and Trujillo; two at the Central University of Venezuela (UCV); three at the University of Zulia (LUZ); two at the Universidad de Oriente (UDO) and one at the Universidad Pedagógica Experimental Libertador. This situation has been getting worse since the quarantine began. These thefts and vandalism have involved theft of equipment, but also of wiring, power outages, Monthly report: Situation of universities in Venezuela. July, 2020. P. 3.

<sup>2477</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. [Monthly Report: Situation of universities in Venezuela](#). April, 2020, p. 7.

<sup>2478</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. [Monthly report: Situation of universities in Venezuela](#). June, 2020. P. 11.

<sup>2479</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. Monthly Report: Situation of universities in Venezuela. May, 2020. P. 2.

<sup>2480</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. Monthly report: Situation of universities in Venezuela. July, 2020. p.6.

<sup>2481</sup> Observatorio de Derechos Humanos de la Universidad de los Andes Venezuela (ODHULA) Venezuela. [Monthly Report: Situation of universities in Venezuela](#). April, 2020, p. two.



the right to education and that it must be inspired by the principles of freedom, morality, and solidarity.<sup>2482</sup>

## D. Right to a Healthy Environment

1128. In environmental matters, REDESCA has been following the situation of the "Orinoco Mining Arc" (AMO). In particular, there is concern about the lack of control by the State to prevent and mitigate the damage caused to the environment as a result of the extractive activities of natural resources that are carried out in the place. Similarly, the lack of effective control by the State in said geographical area has led to reports on the presence of irregular armed groups, which would be operating under the tolerance of the State and would be the largest beneficiaries of mineral extraction in the sector.<sup>2483</sup>In addition to this, the social situation and generalized precarious contexts are seriously increased by the lack of access to food, goods, services and health facilities; This disproportionately affects people in situations of special vulnerability, such as women, indigenous peoples or border populations who are most exposed to both the onslaught of the pandemic and the different effects of the extractive activities that occur in the place.<sup>2484</sup>
1129. In addition, for the extraction of gold that is carried out within the Mining Arc and in the numerous sources of illegal mining that have spread throughout Venezuelan Guiana, mercury is used, which is highly polluting, seriously affecting the biodiversity of aquatic and terrestrial, as well as the human populations of the states of Amazonas, Bolívar and Delta Amacuro. Despite its prohibition as a method of obtaining or treating minerals in the national territory, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has warned about the extensive use of mercury in the region, having detected high levels of mercury in the indigenous communities that live in the lower parts of the rivers of the AMO. This exposes people to greater health risks, especially in the case of pregnant women, children and adolescents; and other people in vulnerable situations.<sup>2485</sup>
1130. Various testimonies documented by OHCHR indicate that the levels reached by the exploitation of labor, trafficking and violence continue to be high due to the existence of a system of corruption and bribery at the service of groups that control the mines; These groups pay some military leaders to maintain their presence and their illegal activities.<sup>2486</sup>It has even been reported that gold has become the medium of exchange for the labor or sexual exploitation of the female population. Various complaints received by civil society organizations indicate that girls and women are traded as objects, their value ranging between 5 and 10 grams of gold; the younger the person, the greater

<sup>2482</sup> Inter-American Commission on Human Rights, [Situation of human rights in Venezuela](#), December 31, 2017, OEA / Ser.L / V / II. Doc.209 / 17, para. 456, Art. 16 of the Inter-American Democratic Charter, Art. XII of the American Declaration of the Rights and Duties of Man

<sup>2483</sup> Inter-American Commission on Human Rights. [IACHR presents its preliminary observations and recommendations after the historic on-site visit to Venezuela to monitor the human rights situation](#). May 8, 2020. The violence also stems from disputes over control of the mines by different groups operating in the area. There were 16 violent clashes that occurred in the area between March 2016 and March 2020, in the course of which 140 men and 9 women were killed. According to the information collected, in eight of these incidents, members of the state security forces carrying out security operations in the area were involved in some of the deaths. WatchUnited Nations High Commissioner for Human Rights. [Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and the human rights situation in the Orinoco Mining Arc region](#). July 15, 2020

<sup>2484</sup> CERLAS Foundation, Situation of human rights in the Mining Arc and the Venezuelan territory located south of the Orinoco River, September 2020 para. 33-35

<sup>2485</sup> United Nations High Commissioner for Human Rights. [Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and the human rights situation in the Orinoco Mining Arc region](#). July 15, 2020. Para. 49

<sup>2486</sup> United Nations High Commissioner for Human Rights. [Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and the human rights situation in the Orinoco Mining Arc region](#). July 15, 2020, para. 41.



their worth. By resisting, they are subjected to torture and kidnapping, in some cases resulting in injuries or assassination.<sup>2487</sup>

1131. In this context, REDESCA notes that this scenario is also linked to the fact that most of the work in the AMO is informal, and the people who do it do not have contracts. Although incomes in the AMO are generally higher than in the rest of the Bolivarian Republic of Venezuela, some miners indicated that they could barely subsist or support their families.<sup>2488</sup>
1132. The Orinoco Mining Arc affects the traditional territories of 16 indigenous groups that live mainly in 197 communities located in this geographical area. In addition, indigenous peoples and various experts have repeatedly insisted that the impact of mining activity on the rights of indigenous peoples extends far beyond the territory covered by the AMO, including as a result of the extraction carried out in all surrounding areas since 2018.<sup>2489</sup> Subsequently, on February 26, 2020, leaders of the Indigenous Organization of the Uwõtjüja del Sipapo People (OIPUS), representing the inhabitants of the sectors of the four rivers, Autana, Cuaó, Sipapo, Guayapo and the Middle Orinoco sector expressed their desire to protect their territory from interference by external actors by their own means.<sup>2490</sup> In this sense, it is of concern that in the face of these actions and events, the health system of the region could not cope with an effective response to these events. Civil society organizations have reported that there are currently no doctors in the entire ambulatory network in the sector and the health posts are completely deteriorated, in a state of absolute abandonment, which represents a setback to the situation that existed 20 years ago, in terms of attention capabilities. The only supplies of medicines that have been received, mainly for La Esmeralda, Ocamo, Mavaca and Platanal, come from the donations that the Salesian mission of the Catholic Church has collected with contributions from different private entities.<sup>2491</sup>
1133. In light of the above, in relation to the obligations that the State has with the protection of the right to a healthy environment, REDESCA views with extreme concern that the escalation of violence, together with the indiscriminate exploitation of natural resources, has produced a significant deterioration in the social fabric and in the ecosystem of the region. Above all, there is concern that the lack of a genuine state presence allows the rights of the people who live and work in the area to be guaranteed. As REDESCA has expressed, the growing risk of infectious diseases is caused by a "perfect storm" of human actions that damage ecosystems and biodiversity.<sup>2492</sup> In the AMO, people are not only being exposed to serious unsanitary conditions and toxic waste, but also to a social climate of extreme violence that, under the possible consent of the State, is costing many lives. What is also worrisome when the institutions that can serve as support to carry out environmental monitoring activities; which in their measure serve to safeguard the integration of ecosystems and people's lives.
1134. Likewise, REDESCA also received worrying information regarding the situation in Lake Maracaibo where a large number of fossil fuel spills have been reported throughout the year. According to public information, oil spills have been reported in states such as Carabobo, Falcón, Anzoátegui and

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<sup>2487</sup>CERLAS Foundation, Situation of human rights in the Mining Arc and the Venezuelan territory located south of the Orinoco River, September 2020, par. 145

<sup>2488</sup>Ibidem, para. 44.

<sup>2489</sup>Ibidem, para. 57.

<sup>2490</sup>CERLAS Foundation, Situation of human rights in the Mining Arc and the Venezuelan territory located south of the Orinoco River, September 2020, para. 13

<sup>2491</sup>SOS Orinoco, [Mining, guerrillas and diseases: the legacy of the revolution to the indigenous people of the Alto Orinoco Casiquiare Biosphere Reserve, Venezuelan Amazon: Update report: August 2019 - July 2020](#)P. 22

<sup>2492</sup>REDESCA, [The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#), August 13, 2020



- Zulia.<sup>2493</sup>In relation to the State of Zulia, this being the most pressing situation in the context of the country, fishermen from the Municipality of San Francisco calculate that there are more than 15 linear kilometers of spilled oil that affects the coast of Lake Maracaibo. They denounce the disappearance of various species and the loss of at least 1800 jobs as a result of the constant oil spills in the area.<sup>2494</sup>Along these lines, these events would be associated with the lack of maintenance due to non-availability of specialists, economic reasons and now COVID-19, of the PDVSA refinery located in the sector, putting the communities that are in the sector at risk its surroundings. Adding to this situation, the Nabarima tanker ship, anchored since 2008 in the Gulf of Paria, also stands out.<sup>2495</sup>
1135. Similarly, REDESCA takes careful note that in the educational field, there has been a situation of progressive deterioration of university spaces for environmental conservation due to the budgetary suffocation induced by the State.<sup>2496</sup>In this sense, according to the information provided by civil society organizations, they indicated as main findings that 31 in situ conservation areas, whose management and administration is guaranteed by the universities, of which 6 have favorable conditions, 3 their current situation is unknown, 7 have been subjected to continuous theft, 9 declared to suffer from a budget deficit, 5 have been vandalized, 3 have constant threats of fires and 8 have suffered or have latent problems of illegal invasions or occupations. In the same way, 21 ex situ conservation sites were registered, where only one of these presents favorable conditions to work, 4 specify the lack of budget as the main problem, 16 denounce constant thefts, 5 have been burned.<sup>2497</sup>
1136. REDESCA reiterates that it is essential that the State seeks to strengthen its environmental institutional framework by providing it with adequate and independent mechanisms for supervision and accountability. Which should not only include preventive measures, but also those appropriate to investigate, punish and repair possible abuses, through appropriate policies, regulatory activities and submission to justice.<sup>2498</sup> Such conditions are essential to strengthen not only the observance of the principles of prevention and precaution in environmental law, but also the democratic institutionality in the country.
1137. In this regard, this Office of the Special Rapporteur recalls that States must suspend or refrain from approving or investing in any large-scale industrial or agricultural activity if the appropriate consultation and participation mechanisms have not been applied in accordance with international standards, including consent free, prior and informed of indigenous peoples. In addition, they must ensure that all environmental protection institutions have adequate funding, personnel and equipment to continue their policing and law enforcement tasks in their respective jurisdictions.<sup>2499</sup>
1138. In the same way, REDESCA reaffirms the close relationship between human rights, sustainable development and the environment, the interaction of which encompasses innumerable facets and scopes.<sup>2500</sup>; Therefore, not only States, when exercising their regulatory, supervisory and judicial functions, but also companies, within the framework of their activities and commercial relations, must take into account and respect the human right to a healthy environment and sustainable use.

<sup>2493</sup> The newspaper, [2020, the year of oil spills in Venezuela](#), December 5, 2020

<sup>2494</sup> Observatory of Political Ecology of Venezuela, [Fishermen report more than 20 oil spills in Lake Maracaibo in 2020 alone](#), November 4, 2020

<sup>2495</sup> DW, [Oil spill in Venezuela: disaster bigger than Mauritius and threat of worse accidents](#), August 19, 2020

<sup>2496</sup> Open Classroom, [Situation of university spaces for environmental conservation](#), August 2020

<sup>2497</sup> Open Classroom, [Situation of university spaces for environmental conservation](#), August 2020

<sup>2498</sup> I / A Court HR, OC 23/17 of November 15, 2017, par. 154

<sup>2499</sup> REDESCA, [The Americas: Governments must strengthen, not weaken, environmental protection during the COVID-19 pandemic](#), August 13, 2020

<sup>2500</sup> I / A Court HR, Advisory Opinion OC-23/17, 5 I / A Court HR. Advisory Opinion OC-23/17 of November 15, 2017. Series A No. 23, para. 47-55



**REDESCA**

Special Rapporteur for Economic,  
Social, Cultural and Environmental Rights

Inter-American  
Commission on  
Human Rights **IACHR**

and conservation of ecosystems and biological diversity, paying special attention to their close relationship with indigenous peoples.<sup>2501</sup>

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<sup>2501</sup> Inter-American Commission on Human Rights, Business and Human Rights: Inter-American Standards, OEA / Ser.L / V / II / CIDH / REDESCA / INF.1 / 19, November 30, 2019, para. 46



### **CHAPTER III: TRENDS ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS IN THE LIGHT OF THE 2020 REPORT OF REDESCA**

1139. The Inter-American Human Rights System (hereinafter, “Inter-American System” or “ISHR”) has gradually advanced in the recognition and institutionalization of Economic, Social, Cultural and Environmental Rights (hereinafter, “ESCER”) in the American continent. In this sense, it is extremely important that both the OAS Charter and the American Declaration contain provisions that involve ESER for the member states. A central provision on the matter is Article 26 of the American Convention on Human Rights (hereinafter, “ACHR”, “Convention” or “American Convention”) regarding the Progressive Development of ESCER, as well as the Additional Protocol to the American Convention on Economic, Social and Cultural Rights (hereinafter, “Protocol of San Salvador”). During 2020 the Commission and the Inter-American Court of Human Rights have continued to deepen their jurisprudence on ESCER. And the IACHR, with constant encouragement and advice from its REDESCA, has developed its hemispheric mandate for the promotion and protection of human rights in a comprehensive manner, addressing both civil and political rights, as well as ESCER.
1140. Regarding institutionalization, it is worth noting that, within the IACHR, the implementation of its specialized mandate: REDESCA, the second Special Rapporteur created by the Commission in its entire history, constitutes the Commission's greatest commitment to carry forward its hemispheric mandate for the promotion and protection of human rights in accordance with the principles of indivisibility and interdependence of all human rights, in relation to all the people who inhabit America. Another exponent is the OAS Working Group on the Protocol of San Salvador, of which the Special Rapporteur is a member on behalf of the Commission.
1141. In view of the daily monitoring carried out during the year on the situation of the topics on the strategic agenda of REDESCA in the 35 OAS member states, as well as the work carried out by the mandate in relation to all the working mechanisms of the IACHR (case system, monitoring, promotion and technical assistance), together with the tasks carried out as a member of the Working Group of the Protocol of San Salvador, this chapter gives an account of the main trends and challenges identified at the regional level from the perspective of the REDESCA.

#### **A. COVID-19: The pandemic puts the right to health and other ESCER at maximum risk**

1142. In a year marked by the COVID-19 pandemic, REDESCA has monitored the situation of ESCER, especially regarding the right to health and those others closely linked to it in the Americas. The first case of contagion in the region was registered on January 21 in the State of Washington, United States<sup>2502</sup>. At the end of 2020, more than 35 million people were infected and around 850,000 people died in the region as a result of it, according to official figures.<sup>2503</sup> These figures have resulted in the Americas becoming the epicenter of the pandemic worldwide since May 12.<sup>2504</sup> The WHO declared the global pandemic on March 11, stating that the world's attention should focus on "care, prevention, preparedness, public health, political leadership, and above all, people."<sup>2505</sup> Since

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<sup>2502</sup>Telemundo News. [The coronavirus reaches the United States: the first case of the disease is reported near Seattle](#). January 21, 2020.

<sup>2503</sup> PAHO. [COVID-19 pandemic swept through the Americas in 2020](#). December 30, 2020.

<sup>2504</sup>France 24. [America becomes the continent with the most cases of COVID-19](#). May 12, 2020; Reuters. [WHO says the Americas are new COVID-19 epicenter as deaths surge in Latin America](#). May 26, 2020

<sup>2505</sup>WHO. [Opening speech by the Director-General of WHO at the press conference on COVID-19](#). March 11, 2020.



then, by December 30, 2020, the virus had spread throughout the world, accounting for more than 80 million infected people and 1.7 million deaths worldwide<sup>2506</sup>.

1143. From the beginning, both the Inter-American Commission on Human Rights (IACHR) and its Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), in compliance with their mandate regarding the observance of human rights in the continent, have been developing a broad, permanent and diverse monitoring work, as well as advice and assistance to the Member States of the Organization of American States (OAS), to promote and guarantee that their responses to the pandemic are formulated and implemented with a comprehensive approach to human rights and public health. In this way, the IACHR established a work system adapted to the situation<sup>2507</sup>, creating a Timely and Integrated Crisis Response and Coordination Room for the COVID-19 Pandemic (SACROI COVID-19)<sup>2508</sup>, with the aim of strengthening institutional capacities to monitor the crisis, with special emphasis on monitoring the effects, guaranteeing and fulfilling the right to health and other ESCER. Additionally, the Commission presented the Inter-American System for Monitoring Recommendations (SIMORE), a mechanism that includes monitoring the recommendations issued by the Commission in general<sup>2509</sup>, and those granted by the IACHR regarding the pandemic, in particular, in Resolution 1/2020<sup>2510</sup>.
1144. In this scenario, in coordination with the different mandates and mechanisms of the IACHR, REDESCA has been monitoring the situation and developing actions for the promotion and protection of economic, social, cultural and environmental rights (ESCER) in the American continent, in compliance with its work plan for 2020 and strategic agenda 2018-2021, assuming the right to health and its social determinants as the highest priority of the mandate, in its interrelation and interdependence with other human rights, especially ESCER. In this sense, since the beginning of the pandemic, REDESCA has paid special attention to the right to health, taking into account its importance as a “fundamental and indispensable human right for the exercise of other human rights”<sup>2511</sup>. The importance of this right in the region has been clearly evidenced in the current global crisis, which, although it has its origin in a health issue, such as the development and spread of a virus, is seriously affecting the enjoyment and enjoyment rights of the rest of the world, exacerbating and exposing with greater clarity the structural weaknesses that the States in the region face to ensure their full and effective guarantee.
1145. Unlike other universal crises, the current crisis has clearly and profoundly made visible the indivisibility and intimate relationship between all human rights; in this case, based on the centrality of the right to health, as the nucleus from which “responses must be based on the best scientific knowledge available to protect public health”<sup>2512</sup>. The requirement to address the fulfillment and guarantee of human rights from interdependence and indivisibility, therefore, is now more necessary than ever. As the IACHR stated in its Resolution 1/2020, health is a public good and a “right of an inclusive nature, which corresponds to the enjoyment of other rights, which includes its basic and social determinants as the set of factors that condition its effective exercise and enjoyment”<sup>2513</sup>.
1146. However, the enjoyment and enjoyment of the right to health currently faces unprecedented challenges in the Americas derived from the direct consequences of the spread of the virus, as is

<sup>2506</sup> PAHO. [COVID-19 pandemic swept through the Americas in 2020](#). December 30, 2020.

<sup>2507</sup> IACHR. [The IACHR announces the work system for the COVID-19 pandemic](#). March 19, 2020.

<sup>2508</sup> IACHR. [IACHR installs its Timely and Integrated Crisis Response and Coordination Room for the COVID-19 Pandemic](#). March 27, 2020.

<sup>2509</sup> IACHR. [IACHR launches the Inter-American SIMORE to follow up on its recommendations](#). June 10, 2020.

<sup>2510</sup> IACHR. [IACHR adopts Resolution on Pandemic and Human Rights in the Americas](#). April 10, 2020.

<sup>2511</sup> CESCR, General Comment No. 14, [The right to the highest attainable standard of health \(article 12 of the International Covenant on Economic, Social and Cultural Rights\)](#), E / C.12 / 2000/4, para. 1.

<sup>2512</sup> CESCR, [Declaration on the coronavirus disease pandemic \(COVID-19\) and economic, social and cultural rights](#). April 17, 2020.

<sup>2513</sup> IACHR. [Pandemic and Human Rights in the Americas. Resolution 1/2020](#). Washington DC, April 10, 2020, p. 5.



occurring in all states worldwide, in the case of the region it is based on deep structural causes. In this sense, it should be remembered that the American continent "is the most unequal region on the planet, characterized by deep social gaps in which poverty and extreme poverty constitute a cross-cutting problem for all the States of the region"<sup>2514</sup>.

1147. From REDESCA, the main challenges or obstacles that are preventing the guarantee and enjoyment of the right to health and the rights or basic determinants on which it depends have been analyzed and monitored, in the framework of the current pandemic, as well as the actions of the States to confront them. The right to health has already been a priority since the creation of REDESCA and will be even more so in its second term, characterized by passing in a pandemic that seriously affects the right to health throughout the region and the world. Since the beginning of the Pandemic, the IACHR and its REDESCA have focused on the right to health, calling on the American States to ensure the prospects for comprehensive protection of human rights and public health in the face of the COVID-19 pandemic<sup>2515</sup>.
1148. The health emergency of COVID-19 has highlighted the structural weakness of most public health systems and the urgency that States invest in the effective realization of the right to health. It has also exposed social inequalities to the extreme, revealing how the people and groups in the worst situations of vulnerability are those who suffer most virulence not only from the effects of the virus, but also from the deep economic and social crisis caused by the pandemic. In this sense, during 2020 health systems have collapsed in many countries, as well as social assistance systems. We have seen people crying out for access to health, as well as for water, food or housing. For this reason, the IACHR and its REDESCA have made constant calls to the States to give a comprehensive response<sup>2516</sup>.
1149. It is also worrying to observe how, along with the spread of the virus, hunger, lack of access to drinking water or forced evictions are increasingly registered in the Americas, making it urgent and inexcusable for States to make their best efforts together with international cooperation to ensure food security and other social determinants of the human right to health. In this regard, REDESCA reiterates the call to: "Guarantee that the measures adopted to face pandemics and their consequences incorporate as a priority the content of the human right to health and its basic and social determinants, which are related to the content of the of other human rights, such as life and personal integrity and of other ESCER, such as access to drinking water, access to nutritious food, access to cleanliness, adequate housing, community cooperation, mental health support, and integration of public health services; as well as responses for the prevention and care of violence, ensuring effective social protection, including, among others, the granting of subsidies, basic income or other measures of economic support."<sup>2517</sup>
1150. In such a scenario, it is extremely urgent for States to invest in health and ESCER. In this regard, the Office of the Special Rapporteur reiterates the call made by the IACHR in its Resolution 1/2020 regarding the obligation of the States to: national and multilateral, to make effective the right to health and other ESCER in order to prevent and mitigate the effects of the pandemic on human rights, including taking fiscal policy measures that allow an equitable redistribution, including the design of plans and concrete commitments to substantially increase the public budget to guarantee the right to health."<sup>2518</sup>. Faced with the scale of the challenge posed by the health emergency, States must make every effort to shore up their public health systems, recognizing the opportunity that the context represents and demands in order to ensure the well-being and health of all their

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<sup>2514</sup>Ibid.

<sup>2515</sup> IACHR and REDESCA, The IACHR and its REDESCA urge to ensure perspectives for the comprehensive protection of human rights and public health in the face of the COVID-19 pandemic

<sup>2516</sup>Ibid. IACHR. Pandemic and Human Rights in the Americas. Resolution 1/2020. Washington DC, April 10, 2020, p. 5.

<sup>2517</sup>Ibid, p. 9.

<sup>2518</sup> Ibid, p.11.



populations, taking determined measures to face the gaps and inequalities that the pandemic reveals.

1151. On the other hand, REDESCA is particularly concerned about the situation of people with COVID-19 as they are the most directly affected by the pandemic, calling to recognize the importance of ensuring the specific rights of such people. On the subject, the Office of the Special Rapporteur led the preparation of a specific resolution of the IACHR: 4/2020, on Inter-American Guidelines for Persons with COVID-19. It is novel in that it reflects a specific and broad concept of people with COVID-19, also including family members of people who are sick or deceased by COVID-19, establishing guidelines to support States in ensuring respect and guarantee of their human rights.<sup>2519</sup>
1152. The Office of the Special Rapporteur is also seriously concerned about the pandemic situation of people who have pre-existing diseases or diseases other than COVID-19, especially those who suffer from chronic or catastrophic diseases, such as HIV-AIDS or cancer, which in addition to being especially exposed to viruses, the overload of health systems or lack of financial resources to pay for private health insurance have been relegated in terms of their care and medical treatments. In this regard, REDESCA insists on the obligation of States to: "Ensure equitable distribution and access to health facilities, goods and services without any discrimination, whether public or private, ensuring the care of people with COVID-19 and groups disproportionately affected by the pandemic, as well as people with pre-existing diseases that make them especially vulnerable to the virus. The scarcity of resources does not justify direct, indirect, multiple or intersectional acts of discrimination."<sup>2520</sup>
1153. Likewise, particular emphasis has been placed on the need to make decisions and policies based on the best available scientific evidence as well as on international bioethical standards, which is essential in the face of a pandemic that unprecedentedly affects global public health.<sup>2521</sup> This call takes on special importance in the face of mistrust and lack of social information, as well as in the face of scientific denial that during 2020 has been represented even by the highest authorities of several States in the region. For this reason, REDESCA highlights the recommendation of the IACHR, calling for the adoption: "immediately, urgently and with due diligence, all the measures that are adequate to protect the rights to life, health and personal integrity of the persons who are in their jurisdictions against the risk posed by this pandemic. Such measures must be adopted according to the best scientific evidence, in accordance with the International Health Regulations (IHR), as well as the recommendations issued by WHO and PAHO, as applicable."<sup>2522</sup>
1154. On the other hand, the IACHR and REDESCA have clearly identified that the pandemic generated by COVID-19 has serious consequences on the mental health of the populations of the Americas. Thus, they have called on the States of the region to adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access.<sup>2523</sup> This, considering that: "health is a fundamental and indispensable human right recognized in the inter-American legal framework, understood as a complete state of physical, mental and social well-being, derived from a lifestyle that allows people to achieve a balanced integral. Likewise, the guarantee of universal access to mental health is a determining factor so that societies can function properly and people can develop fully in their life projects, since psychological

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<sup>2519</sup> IACHR, Resolution 4/2020, "Inter-American Guidelines on the Rights of Persons with COVID-19," p.3.

<sup>2520</sup> IACHR, Resolution 1/2020, p.10.

<sup>2521</sup> Ibid, Resolution 1/2020.

<sup>2522</sup> Ibid.

<sup>2523</sup> IACHR and REDESCA, The States of the region must adopt urgent measures towards the effective protection of mental health in the context of the pandemic and the guarantee of its universal access, October 2, 2020.



and emotional well-being makes it easier for people to use their skills and contribute effectively with their personal well-being, their environments and communities. "<sup>2524</sup>

1155. Likewise, the pandemic has seriously affected people's labor and union rights. According to the ILO, in 2020 unemployment in Latin America and the Caribbean rose 10 percent due to the COVID-19 pandemic, especially impacting women<sup>2525</sup>. Based on the data published in 2020 by the International Trade Union Confederation (ITUC), the global index of rights on the situation of workers shows that, of the 10 worst countries to work in the world, 3 would be in Latin America<sup>2526</sup>. In addition, there is a record of work in informal conditions, as well as violent responses to strikes and demonstrations. The pandemic is leaving working people more vulnerable to dismissal or lack of protection, with a disproportionate impact on women and vulnerable populations. In particular, we observe that: "working people, especially those living in poverty or with low wages, depend by definition on their income from work for their subsistence and taking into account that there are certain categories of jobs that especially expose people most at risk of having their human rights affected by the pandemic and its consequences, such as health workers, food production and distribution, cleaning, care,<sup>2527</sup>
1156. In such a scenario, the REDESCA reinforces the call made in Resolution 1/2020 of the IACHR, in the sense of: "Protect the human rights, and particularly the ESCER, of the workers most at risk from the pandemic and their consequences. It is important to take measures that ensure economic income and means of subsistence for all working people, so that they have equal conditions to comply with containment and protection measures during the pandemic, as well as conditions of access to food and other rights essential. People who have to continue carrying out their work activities must be protected from the risks of contagion of the virus and, in general, adequate protection must be given to jobs, wages, freedom of association and collective bargaining,<sup>2528</sup>
1157. During 2020, all societies in America and the world have benefited from an immeasurable effort on the part of health and care workers, as well as those who perform essential jobs. People who have left their rest, their health and even their lives, in an attempt to care for others. REDESCA is deeply concerned that "health or care workers face a series of obstacles, threats, harassment and attacks or risks in their front-line work, acting as human rights defenders, when they make a special effort to guarantee access to the rights of people who require health and care services; and that they have faced situations of stigmatization, as well as inadequate protection. In addition,<sup>2529</sup> In this regard, REDESCA recalls and calls for effective compliance with the Inter-American Guidelines on the protection of health and care workers who care for people with COVID-19<sup>2530</sup>.
1158. On the other hand, REDESCA is concerned about the tendency to overload women in their care tasks due to the pandemic, recalling with the IACHR that: "the care of people who are sick or in need of special attention falls mainly on women, at the expense of their personal or work development, there is a low level of institutionalization and social or economic recognition for such care tasks that in times of pandemic become even more necessary and demanding "<sup>2531</sup>. In the context of COVID-19, care is affirmed as a human right of vital importance for people, especially those who are sick, people with capacity, older adults and children. However, very few States in the region have national care systems or that have put them in place during the pandemic. In this sense, REDESCA will continue to call for the recognition and protection of care as a human right, for the appreciation

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<sup>2524</sup> Ibid.

<sup>2525</sup> ILO. 2020 Labor Outlook.

<sup>2526</sup> CSI, Global Rights Index 2020.

<sup>2527</sup> IACHR, Resolution 1/2020 "Pandemic and Human Rights in the Americas", p.6.

<sup>2528</sup> Ibid, p.10.

<sup>2529</sup> IACHR, Resolution 4/2020, "Inter-American Guidelines on the Rights of Persons with COVID-19," p.3.

<sup>2530</sup> Ibid, pp. 10 et seq.

<sup>2531</sup> Ibid, p.7.





of care work and the labor rights of domestic workers, as well as for the creation of national systems of care with a rights-based approach, gender and intersectionality. The gender perspective and the realization of women's human rights today represent such a great challenge in their realization.

1159. In relation to women's human rights, as well as the rights of LGBTTI people, REDESCA identifies with concern how the pandemic has exposed and increased the serious situations of violence and discrimination that historically affect them, preventing them from being able to fully enjoy their civil and political rights, especially their right to health and other ESCER. Thus, the Office of the Special Rapporteur has observed how, in 2020, women and LGBTTI groups have seen the obstacles to the respect and guarantee of their sexual and reproductive rights grow. REDESCA is particularly concerned that in the pandemic, access for people has been further limited and, especially for women with urgent care needs due to pregnancy or gynecological diseases, to their sexual and reproductive health. In this regard, the Office of the Special Rapporteur adheres to the IACHR reiterating "the essential nature and essential nature of these services for the effectiveness of the rights of women and girls to life, equality and non-discrimination, personal integrity, health, dignity, access to information, among others".<sup>2532</sup>
1160. Although the pandemic has had a broad and general impact during 2020 on the population of the Americas, REDESCA has paid special attention to groups that, due to historical, structural or prior inequalities, find themselves in a position of additional vulnerability to the rest of social groups and whose violated rights are closely linked to the purposes of the mandate. In this sense, the priority groups identified to which special attention has been given are: [1] people living in poverty or extreme poverty; [2] people living on the streets or living in informal settlements; [3] people who work in the informal sector; [4] workers in the health sector and essential sectors; and [5] peasant populations.

## **B. Poverty and ESCER in the Americas**

1161. By April 2020, poverty in Latin America and the Caribbean already affected 30.3% of the population and extreme poverty 11%<sup>2533</sup>, which in absolute data includes more than 250 million people. In the case of the United States and Canada, poverty would reach 11.8%<sup>2534</sup> and 8.7%<sup>2535</sup>, respectively, data that raise the total number of people in poverty and extreme poverty beyond 295 million. This means that a large part of the region's population faces innumerable obstacles in exercising their rights, and that, taking up what was stated by the Commission, "in certain cases it constitutes a generalized violation of all human rights."<sup>2536</sup> In addition, according to ECLAC forecasts, it is expected that, in the Latin American and Caribbean region, during 2020, more than 23 million additional people will enter a situation of poverty, and around 15 million will be in extreme poverty, as a result of the effects of the pandemic only during the year 2020<sup>2537</sup>.
1162. By virtue of the close and intimate relationship that the realization of the right to health has with other rights, such as food, housing, drinking water, social security, work or education<sup>2538</sup>. It is

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<sup>2532</sup> IACHR, The IACHR urges States to guarantee sexual and reproductive health services for women and girls in the context of the COVID-19 pandemic, September 14, 2020.

<sup>2533</sup> ECLAC. Special Report No. 1 COVID-19. Latin America and the Caribbean in the face of the COVID-19 pandemic: economic and social effects. April 3, 2020. Pp. 1.

<sup>2534</sup> United States Census Bureau. Income and Poverty in the United States: 2018. September 2019.

<sup>2535</sup> Statistics Canada. Dimensions of Poverty Hub. 2018.

<sup>2536</sup> IACHR, Report on Poverty and Human Rights OEA / Ser.L / V / II.164, Doc. 147, September 7, 2017, para. 89.

<sup>2537</sup> ECLAC. Special Report No. 1 COVID-19. Latin America and the Caribbean in the face of the COVID-19 pandemic: economic and social effects. April 3, 2020. Pp. 1

<sup>2538</sup> In article 3 of the General Comment No. 14, the ESCR Committee establishes that: The right to health is closely linked to the exercise of other human rights and depends on those rights, which are set forth in the International Bill of Rights, in particular the right to food, to housing, to work, to education, to human dignity, to life, to non-discrimination, to equality, not to be subjected to torture, to



convenient to highlight, for example, that only 65% of the population in Latin America has access to drinking water, a figure that is worse in rural areas<sup>2539</sup>; 23% of the population faces serious difficulties in accessing food according to FAO<sup>2540</sup>; and it is estimated that 40% of the population of the Americas works in the informal sector<sup>2541</sup>, a figure that reaches 54% in the sub region of Latin America and the Caribbean<sup>2542</sup>.

1163. Given the urgency and need for food, many states in the region have initiated or promoted direct food distribution programs. Among them we can find the program Enlace de Esfuerzos de Costa Rica that distributes bags of food to people in vulnerable situations such as the country's indigenous communities<sup>2543</sup>; In Panama, the Panama Solidario program was launched, which distributes food and vouchers exchangeable to families living in poverty, people living in areas with difficult access or independent workers.<sup>2544</sup>; and in Colombia the Colombian Institute of Family Welfare delivered millions of food baskets to boys and girls at risk of malnutrition and underweight pregnant women<sup>2545</sup>. Other States that have implemented these direct food delivery actions have been El Salvador<sup>2546</sup>, Honduras<sup>2547</sup>, Chile<sup>2548</sup>, Guatemala<sup>2549</sup> and Antigua and Barbuda<sup>2550</sup>. Among the States that have increased the allocation to financial transfer programs to obtain food and hygiene products, the Dominican Republic can be pointed out that increased the allocation of the Solidaridad card and expanded the network of businesses that accept it.<sup>2551</sup>; Uruguay doubled the amount of the Uruguay Social card<sup>2552</sup>; Argentina strengthened the allocation of the Alimentar Card<sup>2553</sup>; and the Bahamas distributed financial vouchers to displaced workers who have lost their jobs in the tourism sector<sup>2554</sup>.
1164. Although these measures can alleviate the basic food needs of the population hardest hit by the pandemic, REDESCA considers that it is time to implement structural reforms that break the cycle of poverty in the region, guaranteeing food security for the entire population with you aim to close existing gaps and inequalities<sup>2555</sup>.
1165. The COVID-19 pandemic constitutes one of the greatest and most profound challenges humanity has faced in recent history. The REDESCA observes with special concern the serious specific impacts that it is generating in the Americas, and which pose an additional obstacle for a region with high rates of poverty and inequality, which will affect the guarantee of the ESCER and, in a broad way, the progress and compliance with the Sustainable Development Goals.

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private life, access to information and freedom of association, assembly and circulation. These and other rights and freedoms address the integral components of the right to health.

<sup>2539</sup> IDB - ECLAC. [Regional process of the Americas. World Water Forum 2018](#). 2018. Pp. 10.

<sup>2540</sup> FAO. [Sustainable Development Goals. Indicator 2.1.2 Prevalence of moderate or severe food insecurity in the population, based on the Food Insecurity Experience Scale](#). 2018

<sup>2541</sup> ILO. [Women and Men in the Informal Economy: A Statistical Overview](#). 2018. Page 14.

<sup>2542</sup> ECLAC ILO. [Labor Situation in Latin America and the Caribbean. Work in times of pandemic: challenges in the face of coronavirus disease \(COVID-19\)](#). May 2020 Page 9.

<sup>2543</sup> Presidential House. [Link of efforts allows bringing food to families affected by COVID-19](#). April 15, 2020.

<sup>2544</sup> Ministry of the Presidency. [Executive Decree No. 400 creates the Panama Solidarity Plan](#). March 27, 2020.

<sup>2545</sup> Colombian Institute of Family Welfare. [ICBF Director announces delivery of 1,700,000 food baskets in June](#). June 4, 2020.

<sup>2546</sup> Government of El Salvador. [More than 1,000 Tons. of food are added to the Sanitary Emergency Program](#). May 17, 2020

<sup>2547</sup> Presidency of the Republic. [Delivery of the Solidarity Sack to 3.2 million Hondurans will be a gigantic operation](#). March 21, 2020.

<sup>2548</sup> Government Bonds. [Food Baskets Bonus: Government Will Deliver 2.5 million Baskets](#). May 17, 2020

<sup>2549</sup> Guatemalan News Agency. [Ministry of Agriculture makes official regulations for the Food Support Program](#). April 20, 2020.

<sup>2550</sup> The Daily Observer. [Food packages for laid off Hotel Staff](#). April 7, 2020.

<sup>2551</sup> High Level Commission for the Prevention and Control of Coronavirus. [For beneficiaries of social plans](#). Accessed June 4, 2020.

<sup>2552</sup> Presidency of Uruguay. [Government doubles the amount of the Uruguay Social card and food baskets](#). March 24, 2020.

<sup>2553</sup> Ministry of Social Development. [Alimentar Card: an extraordinary reinforcement will be credited](#). April 25, 2020.

<sup>2554</sup> The Bahamas Journal. [\\$ 11 Million Added to Health Sector for COVID-19](#). March 19, 2020.

<sup>2555</sup> IACHR. [IACHR and its REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas against the COVID-19 pandemic](#). June 2, 2020.



1166. As a consequence of the structural situation of poverty and extreme poverty in the region, the right to health in the context of the current pandemic is seriously at risk in its four components (availability, accessibility, acceptability and quality), also due to the structural weakness of health systems that, at present, constitute the first line of defense against the virus.
1167. Most of the countries in the region have weak and fragmented health systems, which do not guarantee universal access to medical care and offer services with different levels of quality to different population groups depending on their income.<sup>2556</sup> In the United States, for example, it is estimated that 45% of the population has insurance that is not adequate and does not provide universal assistance<sup>2557</sup>. For example, in the case of Bolivia, the IACHR and its REDESCA reiterated their concern about the deaths that would have resulted from the impossibility of distributing hospital supplies essential for the care of people with respiratory symptoms derived from COVID-19 due to demonstrations and blockades<sup>2558</sup>.
1168. REDESCA has been able to observe that, despite initiatives to limit the price of medicines and other medical services<sup>2559</sup> In some cases, the tests or treatments for COVID-19 that private centers are developing have increased their prices in the context of the crisis<sup>2560</sup>, or still incur excessively high costs<sup>2561</sup>. These situations affect the accessibility and affordability of the right to health, especially in a region with high levels of inequality and poverty.
1169. It is worth highlighting the special impact of the pandemic and the measures imposed by confinements or mobility restrictions, on the mental health of the population living in a situation of poverty derived from overcrowded conditions or the sharp drop in income, as well as in the women, particularly those who "must reconcile the schooling of children at home, telework and domestic chores"<sup>2562</sup>. Likewise, as indicated above, health professionals are subjected to stress or anxiety situations due to increased workload, critical daily decision-making, as well as the risk of individual and family contagion<sup>2563</sup>.
1170. The Office of the Special Rapporteur has widely monitored the effects on these basic determinants and their effects on the guarantee of the right to health, which present important and urgent challenges that are affecting groups in situations of poverty and vulnerability in a different and dramatic way. , such as people living on the streets, indigenous peoples, informal workers, people with disabilities, people deprived of liberty, people of African descent or peasant population, among others, who today more than ever need their rights to be duly guaranteed by the States<sup>2564</sup>.
1171. Since the implementation of social distancing measures such as confinements or quarantines, the reduction in income has seriously impacted access to adequate food by especially vulnerable sectors

<sup>2556</sup>ECLAC. Special Report No. 1 COVID-19. Latin America and the Caribbean in the face of the COVID-19 pandemic: economic and social effects. April 3, 2020. Pp. 10.

<sup>2557</sup>The Commonwealth Fund. Health Insurance Coverage Eight Years After the ACA. February 7, 2019.

<sup>2558</sup>IACHR, IACHR calls on the State of Bolivia to reinforce its efforts to establish a national dialogue and to prevent the escalation of violence in the context of recent demonstrations, Press release No. 192/20, August 7, 2020

<sup>2559</sup>Infobae. Maximum Prices for the Coronavirus: the Government defines the list of 2,000 products that will not be able to increase for a month. March 19, 2020.

Time. Products that cannot go up in price in the middle of the quarantine. April 7, 2020.

<sup>2560</sup>Public Eye. The health business: clinics and insurers raise prices for their plans for COVID-19. May 5, 2020.

Health with Magnifying Glass. Profit from selling rapid tests at excessive costs and without authorization. May 23, 2020.

<sup>2561</sup>HRW. US: Ensure Affordable COVID-19 Treatment. March 20, 2020. El Comercio. How much does it cost to detect the coronavirus in Ecuador and other countries?. May 2, 2020. CNBC. Private labs start testing for coronavirus, prompting concerns about cost and insurance co-pays. March 6, 2020

<sup>2562</sup>A. Substantially increase investments to avoid a mental health crisis. May 14, 2020.

<sup>2563</sup>Ibid.

<sup>2564</sup>IACHR. IACHR and its REDESCA urge States to effectively protect people living in poverty and extreme poverty in the Americas against the COVID-19 pandemic. June 2, 2020.



such as people living in poverty, people who work informally, peasant and indigenous populations, as well as migrants. In Venezuela, the current pandemic has deepened the effects of the humanitarian crisis that had been going through the country<sup>2565</sup>, as well as the population's food insecurity has increased, especially in neighborhoods with high levels of poverty in large cities<sup>2566</sup> as in Petare, in the metropolitan area of Caracas<sup>2567</sup>. As a consequence, there has been an increase in social protests due to shortages and the humanitarian crisis during the quarantine period, which, according to the Venezuelan Observatory of Social Conflict, 87% have been to demand ESCER<sup>2568</sup>.

## C. Non-discrimination and ESCER

1172. The pandemic has meant a worsening of discrimination and lack of access to health and basic services, added to the historical structural difficulties, for the generality of groups in vulnerable situations. The social situation and generalized contexts of precariousness, which are seriously increased by the lack of access to food, goods, services and health facilities that disproportionately affect people in situations of special vulnerability, as is the case of indigenous peoples whose survival is particularly exposed.
1173. From REDESCA, emphasis is placed on the historical discrimination suffered by indigenous peoples, which has as a consequence that, for example, "43% of the indigenous population of Bolivia, Brazil, Ecuador, Guatemala, Mexico and Peru is in a situation of moderate poverty, compared to 21% of the non-indigenous population of these countries"<sup>2569</sup>, which translates into structural deficiencies in basic services based on discrimination and inequality, which in the context of the pandemic seriously affect their right to health, their right to life and even their cultural survival.
1174. Regarding the situation of the right to health of the indigenous peoples of the Pan Amazonia, the lack of medical attention, the loss of jobs, the isolation or the impossibility of returning to their communities from urban centers has been observed.<sup>2570</sup> With regard to the impact of this population by the pandemic in the Amazon, until May 23 it accounted for more than 84 thousand infections and 5,104 deaths according to data from local organizations in the 9 countries that comprise the region<sup>2571</sup>.
1175. The IACHR and REDESCA in turn expressed concern about the impact of the pandemic on native indigenous peoples such as the Qhara Qhara Nation, Suras Nation, Jach'a Karangas Nation, Killakas Nation, Guaraní Nation, which reported an absence of state attention to the pandemic in their territories<sup>2572</sup>.
1176. The pandemic has also especially affected historically discriminated groups such as people of African descent, who already before the pandemic faced enormous challenges regarding the right to health and who currently see their access limited even more. An example of this are the high numbers of deaths and infections among the Afro-descendant population of the region in countries

<sup>2565</sup>IACHR. [IACHR and its Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights urge the State of Venezuela to guarantee and respect the rights to food and health.](#) February 1, 2018.

<sup>2566</sup>Infobae. ["We're looking for food, we're hungry": Venezuelans crowd street markets amid coronavirus pandemic.](#) April 1, 2020.

<sup>2567</sup>Trade. [Petare, the huge neighborhood in Venezuela where hunger breaks the quarantine.](#) April 13, 2020.

<sup>2568</sup>Venezuelan Observatory of Social Conflict. [Food protests and looting during quarantine.](#) May 6, 2020.

<sup>2569</sup>IACHR. [The IACHR warns about the special vulnerability of indigenous peoples to the COVID-19 pandemic and calls on the States to take specific measures consistent with their culture and respect for their territories.](#) May 6, 2020.

<sup>2570</sup> <http://www.oas.org/es/cidh/prensa/comunicados/2020/200.asp>

<sup>2571</sup>ProVea. [COVID-19 Observatory in the Venezuelan Amazon Orpia - Wataniba.](#) May 23, 2020.

<sup>2572</sup> Chaski Clandestina, [Pandemic advances on native indigenous peasant peoples. There is no state health care for them,](#) July 28, 2020



such as the United States, where they double the rate of other ethnic-racial groups.<sup>2573</sup> o Brazil, where according to public data, the Afro-descendant population dies 40% more than the white population<sup>2574</sup>.

1177. According to data from the World Bank and ECLAC, people of African descent report low percentages in economic assets and formal jobs, a situation that tends to expose them to situations of poverty in the Americas. Both women and Afro-descendant rural workers are the populations that register the highest unemployment and job insecurity figures compared to the general population<sup>2575</sup>.
1178. In the framework of the coordinated work developed in SACROI COVID-19, the IACHR and REDESCA called on the States of the region to realize the rights of Afro-descendant people, prevent and combat racial discrimination in the context of a pandemic. Additionally, they asked the States to guarantee timely access to public health, through prevention, mitigation and treatment measures for COVID-19, in dignified conditions, equality and non-discrimination for all Afro-descendant people and tribal communities. In this context, the IACHR and its REDESCA,
1179. The IACHR and REDESCA recalled that the containment and compulsory social isolation measures that have been taken in the framework of the pandemic may represent a differentiated impact on the economic life of people of African descent, who would have more difficulties in accessing health services. public health.
1180. Likewise, the IACHR and REDESCA also spoke about the growing number of infections and deaths of African-Americans due to COVID-19 in the United States. Taking into account the poverty rates of this population and according to available public information, "in Chicago, as of April 12, 68% of deaths related to COVID-19 were among African-Americans, who represent only 30% of the population of the city. In the state of Louisiana, 7 out of 10 people killed by the pandemic were African-American. In addition, 62 deaths have been verified in Alabama, of which 53% correspond to people of this ethnic-racial origin. Similarly, authorities in Detroit, Michigan, the city with the most inhabitants of African descent in the country, they have warned about the racial disparity in the impact of the COVID-19 pandemic on the Afro-descendant population; by April 15, 120 deaths of Afro-descendants due to the virus would have been reported "<sup>2576</sup>.
1181. Beyond the situation of special vulnerability in which the Afro-American population finds itself in the context of a pandemic, this population has been historically and structurally affected by poverty. In this regard, the IACHR and REDESCA also observed that geographic areas with a high concentration of Afro-descendant people in the Americas coincide with areas of marginalization and poverty, housing deficits, and greater exposure to crime and violence.
1182. In the Colombian Pacific region, where the correlation between high indicators of economic poverty and areas of settlement of Afro-descendant communities still persists, even in the context of the pandemic, cases of armed violence have been registered in 2020. In the case of the Brazilian favelas, the situation of Afro-descendant people with exposure to COVID-19 is high due to the density of demographic concentration, and more aggravated to the violent action of armed groups; a situation that makes social isolation measures even more difficult to implement<sup>2577</sup>.
1183. 2020 was characterized by an increase in street demonstrations across the United States against racial discrimination. Situation that is reflected in the historical violation of the ESCER of this

<sup>2573</sup> APM Research Lab. [The color of coronavirus: COVID-19 deaths by race and ethnicity in the US](#). June 10, 2020

<sup>2574</sup> CNN. [Morrem 40% more black than white due to coronavirus in Brazil](#). June 5, 2020.

<sup>2575</sup> IACHR <http://www.oas.org/es/cidh/prensa/comunicados/2020/092.asp>

<sup>2576</sup> IACHR <http://www.oas.org/es/cidh/prensa/comunicados/2020/092.asp>

<sup>2577</sup> Ibid





population and is reflected in the design of the security and justice systems of the country. Protests across the country began spontaneously after George Floyd's death at the hands of white police officers, once again highlighting the long-standing racial divide in America.

1184. Historically, economic inequalities in the United States are reflected in racial differences. Despite the fact that in recent decades the access of Afro-descendant people to the educational system has expanded, this population continues to suffer from the levels of inequality and economic mobility that hinder access to housing and savings for future generations.<sup>2578 2579</sup>. Specifically, data for 2019 from the Consumer Finance Survey shows that long-standing and substantial wealth disparities between families of different racial and ethnic groups changed little since the last survey in 2016; the typical white family has eight times the wealth of the typical Afro-descendant family and five times the wealth of the typical Hispanic family<sup>2580</sup>.
1185. Another reason for the difficulties of saving and accumulating wealth for people of African descent is that they usually earn less than white people. Since 2000, the wage gap between blacks and non-Hispanic whites has grown significantly, even when educational attainment is taken into account, according to a report from the Institute for Economic Policy. Wages for black workers grew slowly from 2000 until last year, when they finally surpassed 2000 and 2007 levels across the income spectrum. Median household income among blacks is also lower than that of non-Hispanic whites<sup>2581</sup>.
1186. During the economic recession caused by the pandemic, a report by the Center for Economic and Political Research identified that a significant portion of the Afro-descendant population is employed in the essential sector: public transport, trucks, distributors, postal service, medical care, convenience stores and pharmacies. Therefore, despite the fact that there was no significant impact on unemployment in the Afro-descendant population, they have kept their jobs but with the risk of being exposed and getting sick<sup>2582</sup>.
1187. With regard to inequalities and racial discrimination in the US prison system, according to data collected by the IACHR for 2017, the Afro-descendant prison population constituted 33% of the total population. These same data indicate that, for the same period, Afro-descendants constituted 12% of the total national population.<sup>2583</sup>
1188. The social demonstrations developed in more than 40 states of the United States under the slogan "Black Lives Matter" developed in opposition to the historical discrimination described above but also against racial police violence against African Americans. In their development, excessive use of force by local and federal police and security agents was observed.
1189. Given this situation of racial discrimination, REDESCA highlighted in a press release together with the IACHR the fact that the households of African-American people in the United States receive 60% lower income compared to those of families of other ethnic-racial origin, adding that more than 20% of African-Americans nationwide were in a situation of poverty, according to 2018 figures<sup>2584</sup>.

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<sup>2578</sup> <https://www.americanprogress.org/issues/race/reports/2018/02/21/447051/systematic-inequality/>

<sup>2579</sup> <https://edition.cnn.com/2020/07/05/politics/inequality-black-americans-civil-rights-economic-progress/index.html>

<sup>2580</sup> <https://www.federalreserve.gov/econres/notes/feds-notes/disparities-in-wealth-by-race-and-ethnicity-in-the-2019-survey-of-consumer-finances-20200928.htm>

<sup>2581</sup> <https://edition.cnn.com/2020/06/03/politics/black-white-us-financial-inequality/index.html>

<sup>2582</sup> Ibid

<sup>2583</sup> IACHR <http://www.oas.org/es/cidh/prensa/comunicados/2020/196.asp>

<sup>2584</sup> Ibid



1190.

On the other hand, during 2020, the IACHR and REDESCA published their thematic report on "Trans and Diverse Gender People and their economic, social, cultural and environmental rights"<sup>2585</sup>, in which a special section is also dedicated to the situation of how the pandemic affects this group of people. Among the main findings contained in the report is the increasing number of measures adopted by the States to guarantee the recognition of the gender identity of trans and gender diverse people, as well as to repair and prevent structural violence that suffer. At the same time, the IACHR and its REDESCA recognize that there is still a long way to go to fully satisfy the protection and recognition needs of trans and gender diverse people in the region.

1191.

The Office of the Special Rapporteur is particularly concerned about the situation of ESCER in relation to women, who have been disproportionately affected by the COVID-19 pandemic. This is both in relation to their right to a life free of violence and discrimination, and especially in terms of access to and enjoyment of their right to health, sexual and reproductive rights, as well as other ESCER. With the majority of those who work in the informal sector, like others especially affected by the health crisis, the economic autonomy of women has been further weakened while situations of gender violence and their overload of care tasks increased dramatically. In all groups in vulnerable situations, Women and girls are at special risk of experiencing poverty and the consequences of the pandemic, as the gender perspective, intersectionality and economic empowerment of women are unavoidable. REDESCA makes a special call to promote and protect women's ESCER, as well as to make visible and value their contributions to the economy, health and care of American societies.

## **D. Environment, climate emergency and ESCER**

1192.

During 2020, in the context of a pandemic, REDESCA has observed and made visible situations that clearly show the intrinsic relationship between the full enjoyment of the right to health and access to a Healthy Environment, due to the symbiotic relationship between a healthy biodiversity and the appearance of new pathogens, especially in those areas that have been impacted by major changes in their ecosystems<sup>2586</sup>.

1193.

In this regard, REDESCA issued a joint statement with the United Nations Special Rapporteur on human rights and the environment so that, amid the challenges related to the pandemic and the global environmental crisis, governments strengthen the protection of the environment during the COVID-19 pandemic. Similarly, REDESCA provided its inputs for the publication of the press release on the IACHR's call to the United States to implement structural reforms in the institutional security and justice systems to combat historical racial discrimination and institutional racism.<sup>2587</sup>

1194.

Since the beginning of the pandemic, REDESCA has observed some actions by States that affect or limit the right to a healthy environment. In this regard, in the United States the federal government decided to reduce the controls and guarantees of the environmental authorization processes to facilitate the approval of infrastructure projects. Such measures were issued under executive orders on May 19 and June 4, through which the periods for making public comments on projects were reduced, particularly those related to power plants, highways, and pipelines.<sup>2588</sup>

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<sup>2585</sup> IACHR and REDESCA, *Trans and Diverse Gender People and their economic, social, cultural and environmental rights* ", August 7, 2020.

<sup>2586</sup> WHO. *WHO Manifesto for a Healthy Recovery from COVID-19*. May 26, 2020.

<sup>2587</sup> <http://www.oas.org/es/cidh/prensa/comunicados/2020/198.asp>

<sup>2588</sup> White House. *Executive Order on Regulatory Relief to Support Economic Recovery*. May 19, 2020.

White House. *EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities*. June 4, 2020.



1195. On the other hand, in Colombia, the National Authority for Environmental Permits (ANLA), within the consultation process for the development of the Program for the Eradication of Illicit Crops by Glyphosate Spraying (PECIG), called a virtual consultation process to all communities involved in it<sup>2589</sup>. However, the process has been criticized by civil society organizations, who advocate for its annulment, since they consider that it violates the rights of rural and indigenous communities living in the area, whose access to computers or other technologies is scarce<sup>2590</sup>.
1196. Otherwise, in Brazil, the Office of the Rapporteur is concerned about the dismissal of the authorities of the Brazilian Institute of Environment and Natural Resources (IBAMA) in mid-April, after the head of IBAMA's law enforcement announced days before that the agency was initiating a large-scale operation against illegal loggers and miners (garimpeiros) in the Brazilian Amazon<sup>2591</sup>. For its part, in Bolivia, the government issued a decree on May 7 instructing the National Biodiversity Committee to review the possible authorization of some types of transgenic crops to be introduced into the country within 10 days.<sup>2592</sup> However, after several complaints from civil society organizations, the government decided to extend the review period to 40 days<sup>2593</sup>.
1197. In the case of Mexico, the project known as "Mayan Train" continued to advance despite serious environmental concerns from activists, local leaders and legislators due to its lack of environmental soundness.<sup>2594</sup> However, as a result of the pandemic, the National Human Rights Commission of Mexico issued a precautionary measure to protect the indigenous peoples of the Yucatan Peninsula, asking the authorities to stop any significant construction of the project until the declaration of pandemic<sup>2595</sup>. In this same sense, the Office of the Special Rapporteur has received information that in El Salvador, Guatemala and Honduras the extractive and agricultural industries were declared essential businesses, and therefore their activities have not only not stopped, but are being heavily militarized to protect its operation<sup>2596</sup>. Faced with this, different civil society organizations have expressed that these activities expose the population living near the projects to possible infections, and therefore to serious effects on their life and health.<sup>2597</sup> In addition, they have denounced that the national authorities are not protecting the population effectively, even when the national courts have ordered, as in the case of the nickel mine operated by the Guatemalan Nickel Company (CGN), that their operations be suspended.<sup>2598</sup>
1198. During 2020 the populations of Guatemala, Honduras and Nicaragua saw their ESCER severely affected after the passage of hurricanes Eta and Iota. In this sense, the IACHR and REDESCA in a press release reaffirmed that the occurrence of environmental disasters as a consequence of climate change are a threat to people's enjoyment. Some of the effects of these climatic phenomena are

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<sup>2589</sup>The FM. [Anla calls a public hearing for the use of glyphosate](#). April 24, 2020.

<sup>2590</sup>AIDA. [Colombia: Calling virtual audiences violates the right to participation of communities](#). May 19, 2020.

<sup>2591</sup>Or Globe. [Ministry of Environment exonerates director of Ibama, for not limiting supervision](#). April 14, 2020.

UOL. [Fiscais do Ibama podem sr exonerated após operação against illegal garimpo](#). April 20, 2020.

Federal Public Ministry. [MPF opens investigation into the exoneration of the director of Environmental Protection of Ibama](#). April 20, 2020.

<sup>2592</sup>Ombudsman's Office. [Ombudsman's Office observes Decree 4232 that gives free rein to transgenics and is contrary to the Constitution and the right to food security](#). May 10, 2020.

<sup>2593</sup>Senate Chamber. [Decree that allows the use of GMOs protects business interests and not people's health](#). May 11, 2020.

<sup>2594</sup>Infobae. [Mexico: Mayan Train Starts Despite Criticism and Legal Appeals](#). June 3, 2020.

Greenpeace. [Mayan train, how will it affect the environment and the rights of the communities?](#) April 27, 2020.

<sup>2595</sup>National Human Rights Commission of Mexico. [CNDH requests FONATUR to implement precautionary measures so that it urgently suspends non-essential activities related to the "Mayan Train" project](#). May 14, 2020.

<sup>2596</sup>Information obtained in a bilateral virtual meeting with Civil Society Organizations of Honduras, El Salvador and Guatemala on June 14, 2020

<sup>2597</sup>Ibid.

<sup>2598</sup>Nomadic. [Mining in times of COVID-19: How did the Guatemalan Nickel Company continue to operate?](#) June 8, 2020.



internal or regional displacement, lack of access to basic services and, ultimately, increased poverty and inequality<sup>2599</sup>.

1199. Finally, REDESCA draws attention to the possible effects on the environment that the pandemic may have as a consequence of improper handling of medical waste such as masks, gloves or other infected protective equipment, so its safe handling is essential to avoid serious effects on the health of the population of the region<sup>2600</sup>.

## **E. Human mobility and ESCER in the Americas**

1200. The growth trends of intraregional migratory flows indicated in the 2019 REDESCA Annual Report remain for this 2020. It should be noted that in this 2020 more than 5 million Venezuelans have left their country and more than 4 million reside in countries of the Americas. In turn, in the Central American region, during January, the migratory caravans continued to develop, a situation characterized by the irregular transit of people<sup>2601</sup>. It should be noted that human mobility in the region continues to be structural situations of economic crisis, political crisis and violence in countries of origin.
1201. However, to the already complex situations of vulnerability that people in human mobility face, during 2020 additional challenges related to COVID-19 were added. The pandemic has affected populations in situations of vulnerability to a greater extent, including people in a situation of human mobility, and even more those people who are in an irregular migratory situation.<sup>2602</sup>
1202. On the one hand, since March 2020 the official figures for human mobility have decreased throughout the region, coinciding with the introduction of travel restrictions established by countries in the region to contain the outbreak of COVID-19. This data may be due to an increase in irregular migration<sup>2603</sup>, looking for entrances to the countries that are not the regular border points, but through “troches”.
1203. In terms of economic vulnerability related to human mobility, there is a 19.3% drop in remittances since the beginning of the COVID-19 pandemic for the Americas region<sup>2604</sup>. Due to the lack of employment, the capacities of migrants to send remittances to their families in their countries of origin have diminished. The impact was greater in countries that demonstrate increasing dependence on remittances.
1204. At the same time, as a consequence of the closure of borders and the loss of income, migrants are living in some cases on the streets while they return to their countries. This is the case of Bolivian and Venezuelan migrants who are in street camps in Chile<sup>2605</sup>, which implies a greater demand for places and social assistance mechanisms. Specifically, the Venezuelan migrant population is one of the most challenged to return to its country, and as a consequence it is implying that, given the lack

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<sup>2599</sup> IACHR <http://www.oas.org/es/cidh/prensa/comunicados/2020/276.asp>

<sup>2600</sup> UN Program for the Environment. [Waste management is an essential public service to overcome the COVID-19 emergency](#). March 24, 2020.

<sup>2601</sup> IOM [https://rosanjose.iom.int/site/sites/default/files/Reportes/tendencia\\_migratoria\\_durante\\_la\\_COVID-19\\_en\\_centroamerica\\_norteamerica\\_y\\_el\\_caribe\\_-\\_oim\\_.pdf](https://rosanjose.iom.int/site/sites/default/files/Reportes/tendencia_migratoria_durante_la_COVID-19_en_centroamerica_norteamerica_y_el_caribe_-_oim_.pdf)

<sup>2602</sup> IDB <https://blogs.iadb.org/migracion/es/migrantes-y-COVID-19-que-están-haciendo-los-países-de-América-latina-con-más-migrantes-para-apoyarlos-durante-la-pandemia/>

<sup>2603</sup> IOM [https://rosanjose.iom.int/site/sites/default/files/Reportes/tendencia\\_migratoria\\_durante\\_la\\_COVID-19\\_en\\_centroamerica\\_norteamerica\\_y\\_el\\_caribe\\_-\\_oim\\_.pdf](https://rosanjose.iom.int/site/sites/default/files/Reportes/tendencia_migratoria_durante_la_COVID-19_en_centroamerica_norteamerica_y_el_caribe_-_oim_.pdf)

<sup>2604</sup> <https://www.knomad.org/publication/migration-and-development-brief-32-COVID-19-crisis-through-migration-lens>

<sup>2605</sup> Extra Venezuela. [Caught up! Hundreds of Venezuelans await their return in a street camp in Chile](#). May 14, 2020.

TheClinic. [They have a hostel for Bolivian citizens who camp outside the consulate](#). June 2, 2020.



of housing, they are setting up camps on the street as north of the Colombian capital where hundreds of people await the opening of the border<sup>2606</sup>.

1205. Since the implementation of social distancing measures such as confinements or quarantines, the reduction in income has seriously impacted access to adequate food by especially vulnerable sectors such as people living in poverty, people who work informally, peasant and indigenous populations, as well as migrants. In Venezuela, the current pandemic has deepened the effects of the humanitarian crisis that had been going through the country<sup>2607</sup>, as well as the population's food insecurity has increased, especially in neighborhoods with high levels of poverty in large cities<sup>2608</sup> as in Petare, in the metropolitan area of Caracas<sup>2609</sup>. As a consequence, there has been an increase in social protests due to shortages and the humanitarian crisis during the quarantine period, which, according to the Venezuelan Observatory of Social Conflict, 87% have been to demand ESCER<sup>2610</sup>.
1206. Particularly noteworthy is the serious situation of migrants, who face high rates of informality, along with precarious and overcrowded living conditions, as well as limited access to health and social security services.<sup>2611</sup>, as was revealed for example in Argentina where civil society organizations indicated that 80% of migrants have not accessed emergency financial aid<sup>2612</sup>.
1207. REDESCA continues to observe in the exercise of its mandate, that human mobility in the region is deeply marked by the lack of access and enjoyment of ESCER, both in situations of internal forced displacement, as well as border crossings, and both in the factors that cause it in the countries or territories of origin, such as those of transit and destination.
1208. REDESCA has followed with special attention and concern the health situation of people in human mobility. Within the framework of the SACROI COVID-19 initiative<sup>2613</sup>, the effects, the guarantee and the fulfillment of the right to health and other ESCER have been monitored.
1209. During December 16-18, 2020, the IACHR carried out the first part of the Virtual Visit to Mexico with the active presence of the REDESCA team. The objective of the visit was to gather information on the situation of people with human mobility on the southern and northern borders of Mexico and information on the situation of people who are particularly vulnerable. The Office of the Special Rapporteur received information on violations of the ESCER of people who are in human mobility. The visit will continue on January 11 and 12, 2021 while information on cases continues to be collected.

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<sup>2606</sup>Reuters. Cientos de venezolanos acampan en el norte de Bogotá, esperan regresar a casa. 9 de junio de 2020.

<sup>2607</sup>CIDH. CIDH y su Relatoría Especial sobre Derechos Económicos, Sociales, Culturales y Ambientales urgen al Estado de Venezuela a garantizar y respetar los derechos a la alimentación y a la salud. 1 de febrero de 2018.

<sup>2608</sup>Infobae. "Buscamos comida, tenemos hambre": los venezolanos se amontonan en los mercados callejeros en medio de la pandemia de coronavirus. 1 de abril de 2020.

<sup>2609</sup>El Comercio. Petare, el enorme barrio de Venezuela donde el hambre rompe la cuarentena. 13 de abril de 2020.

<sup>2610</sup>Observatorio Venezolano de Conflictividad Social. Protestas por alimentos y saqueos durante la cuarentena. 6 de mayo de 2020.

<sup>2611</sup>Democracia Abierta. Movilidad en la inmovilidad: migrantes atrapados bajo la COVID-19 en América Latina. 26 de mayo de 2020.

<sup>2612</sup>CELS. La población migrante debe acceder al Ingreso Familiar de Emergencia. 22 de abril de 2020.

<sup>2613</sup>CIDH. CIDH instala su Sala de Coordinación y Respuesta Oportuna e Integrada a Crisis para la Pandemia del COVID-19. 27 de marzo de 2020.





## CHAPTER IV: FINAL REFLECTIONS

1210. From the whole of this report, as from the preceding paragraphs, REDESCA observes with deep concern how during 2020 the situation of ESCERs in the region has worsened. This is largely due to the impacts of the COVID-19 pandemic, which yields devastating figures to which are also added those of poverty, hunger or unemployment because, as this report makes clear, we are facing a health crisis, at the same time as economic, social and environmental, which in addition to causing an unprecedented impact on the lives of people in the region and the world. Along these lines, what we are observing is a multidimensional crisis that has revealed what was already true for many: that social inequalities are present and, despite the progress that as societies we have made in various fields, they are still present.
1211. Since the beginning of its work, the fight against poverty and inequality has been the uppermost umbrella of the entire mandate. Recognizing the efforts carried out by the States to respond in a timely manner to the innumerable challenges that the pandemic represented, the previous structural deficiencies and accumulated inequalities have been aggravated in the context of the health crisis and have increased the vulnerability of people and groups most in need of protection. It is enough to think, for example, of all the children and adolescents who were deprived of their education and, in addition, were left without the possibility of accessing their only food supply for the day or who were forced to live with their abusers. Or in so many women as they have seen their workload and care work increased,
1212. In 2020, the pandemic that has affected the physical and mental health of the populations of the Americas, causing more than three million infections and up to 850,000 deaths. Thus, a new and immense group of people who require specific protection of their human rights emerged, namely: people with COVID-19. In this regard, REDESCA makes a special call to the inter-American community to take into account and organize all state apparatus to implement the Inter-American Guidelines on the matter established by the IACHR in its Resolution 4/2020.
1213. In the same way, REDESCA wants to recognize, very especially, the enormous effort and dedication of all the people who work in the health and care sector, who before being heroes, are people who have rights, which in many ways were seen affected during the pandemic, both in the public sphere and in the private sphere of the State or its employers. REDESCA makes special recognition of the immense contribution to the protection of the right to health and life made by the thousands and thousands of workers in the sector throughout the region, even in extremely precarious conditions and sometimes without even having the necessary biosecurity conditions, nor a decent salary.
1214. It is extremely worrying that health or care workers and essential services workers have faced so many human and occupational risks, sometimes even stigma and social or institutional violence. The protection of their health, physical and mental, as well as their personal integrity and labor rights is as critical for them as for the societies they serve. Along with recognizing their titanic effort or applauding them, the priority is that they have all the necessary elements to carry out their work safely and with dignity. Furthermore, the contribution that many of these people have made as true defenders of the right to health and other human rights should be appreciated.
1215. On the other hand, this report reflects the reality of the Americas, pressing for millions of people who live in poverty, in extreme poverty, who go hungry or lack drinking water or sanitation, who do not have access to health, access to education or decent housing; as many and as many people as are forced to move from where they were born to seek a better destination. Millions of human beings, especially women, indigenous people or Afro-descendants, who in the Americas work in the informal economy or in the field of care, receiving a minimal part of the national budgets, compared to their needs and contributions to society. This situation should generally outrage us, gathering all



# REDESCA

Special Rapporteur for Economic,  
Social, Cultural and Environmental Rights

Inter-American  
Commission on  
Human Rights **IACHR**

wills so that America, with all its wealth and natural resources, ceases to be the most unequal region on the planet.

1216. The Office of the Special Rapporteur regrets that the so-called “post-pandemic” is far from being a reality in our continent, where it is urgent that the economy enter into dialogue with human rights and recognize that these, like respect for nature, should be its main reason for being. In this sense, the rapprochement between economic, national and international actors, with those who ensure the protection of human rights is key, in order to build the necessary bridges between the economy and human rights. For this reason, in its second term in office, REDESCA will dedicate its best efforts to deepen this line of work, as well as in matters of fiscal policies or the fight against corruption,
1217. REDESCA is aware that, although there is a general call to return to a "new normal", it could have been the same reason that led us to this present. The health of ecosystems is intrinsically linked to the health of people; It is not for nothing that the United Nations specialized agencies on the environment have revealed that part of the factors that helped the new coronavirus to spread in the way that it did was partly due to the large rates of loss of bio-diversity that may have been a natural barrier to the virus.
1218. However, the accelerated changes in our climate, plus a predatory economy of natural resources, are only leading to social gaps to continue expanding if the need to change development models to truly inclusive ones is not taken into account sustainable and democratic that allow safeguarding the rights of all people, protecting nature.
1219. Now more than ever, the indivisibility, interdependence and interrelation of all human rights, the original vision of the REDESCA mandate from which the mandate articulates all its efforts, with a gender and intersectionality approach, is not only relevant, but indispensable. Along with continuing to apply this approach, REDESCA will make its best efforts in relation to the Inter-American campaign on the indivisibility of Human Rights, which was announced in its 2019 report. This in order to contribute to the empowerment of human rights institutions in the States of the region, as the social and private sector response to the profound challenges that the health, economic, social and climatic crisis present us for the coming years.
1220. The facts and situations reported in this report make it clear that it is time to put the economy as a whole and business activities at the service of people and nature, embracing sustainable development. With tolerance 0 towards corruption that plunders the coffers of the States and, thus, of their peoples. There is no time to lose to change this unconventional state of affairs, betting with determination to realize the ideals of social justice on which the Organization of American States and its human rights protection system is based: with more ESCER for an America with more democracy, more development and more human rights. Until dignity becomes customary.