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PROGRESS INDICATORS IN RESPECT OF RIGHTS CONTEMPLATED
IN THE PROTOCOL OF SAN SALVADOR

Proposal put forward by the Working Group to Examine the National Reports contemplated in the Protocol of San Salvador pursuant to the mandate contained in resolution AG/RES. 2582 (XL-O/10)

(To be considered by the CAJP at its regular meeting of April 5, 2011)



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SEDI/DSDE/098
March 9, 2011

His Excellency
Hugo De Zela
Ambassador, Permanent Representative of Peru
to the Organization of American States
Chair of the Committee on Juridical and Political Affairs
Washington, D.C.

Excellency:

In my capacity as Director of the Department of Social Development and Employment, which serves as the Technical Secretariat of the Working Group to Examine the National Reports contemplated in the Protocol of San Salvador, I have the honor to address Your Excellency, Chair of the Committee on Juridical and Political Affairs (CAJP) of the Permanent Council of the Organization of American States, Ambassador Hugo de Zela, in connection with the presentation by that Group scheduled for the regular meeting of the CAJP of April 5, 2011.

Regarding that presentation, I am attaching the document entitled "Progress Indicators in respect of Rights Contemplated in the Protocol of San Salvador – A Proposal submitted by the Working Group to Examine the National Reports contemplated in the Protocol of San Salvador, pursuant to the mandate contained in resolution AG/RES. 2582 (XL-O/10)." We would be grateful if it could be distributed to all the member states as a document for the April 5 meeting.

Accept, Excellency, renewed assurances of my highest consideration.

Evelyn Jacir de Loyo,
Director,
Department of Social Development and Employment



ORGANIZATION OF AMERICAN STATES
Executive Secretariat for Integral Development
(SEDI)

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**PROGRESS INDICATORS FOR THE MEASUREMENT OF THE RIGHTS CONSIDERED
IN THE PROTOCOL OF SAN SALVADOR**

Proposal submitted by the Working Group for analysis of the national reports established in the Protocol of San Salvador in compliance with the mandate established in Resolution AG/RES 2582 (XL-0-10)

Washington, D.C., March 1, 2011

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INTRODUCTION

1. The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (hereinafter “the Protocol of San Salvador” (PSS) or “the Protocol”) entered into force on November 16, 1999. Article 19 of the Protocol provides that pursuant to the provisions of that article and the corresponding rules to be formulated for this purpose by the General Assembly of the OAS, states parties undertake, in accordance to submit periodic reports on the progressive measures they have taken to ensure due respect for the rights set forth in the Protocol.

2. The General Assembly of the OAS adopted “Standards for the Preparation of Periodic Reports pursuant to the Protocol of San Salvador” (hereinafter “the Standards”)¹. This resolution instructed the Permanent Council to make proposals on the composition and functioning of a Working Group (hereinafter “WG”) to examine the national reports, and requested the IACHR to propose to the Permanent Council progress indicators to be used for each group of protected rights on which information is to be provided,

3. The WG will be formed by: i) three government experts, taking into account in the election, a fair distribution and geographic rotation, and by a substitute government expert; ii) an independent expert of high professional quality and proven experience in this subject, and a substitute independent expert; iii) a member of the IACHR appointed to that effect.² On June 8, 2010³, the General Assembly stated that the WG has been integrated with all its members, therefore, it is in operation.

4. In July of 2008, the IACHR presented the “Guidelines for the preparation of progress indicators in matters of Economic, Social and Cultural Rights”⁴ (hereinafter Guidelines), which contains guidelines developed for the evaluation and monitoring of economic, social, and cultural rights (hereinafter ESCR or social rights) provided in the Protocol of San Salvador.

5. Later on, the General Assembly resolved to issue to the WG the mandate of preparing progress indicators to be used by each grouping of protected rights about which a report must be submitted, taking as a basis the “Guidelines” document and according to the “Standards”.

6. According to the previous mandate, the present document is the proposal prepared by the experts of the WG, formulated based on the Guidelines and Standards, submitted to the consideration of the States Parties and of the civil society organizations, through an open consultation mechanism of forty days as of March 7, 2011.⁵

1 Resolution AG/RES. 2074 (XXXV-O/05)

2 OAS, General Assembly AG/RES 2262 (XXXVII-O/07).

3 Resolution AG/RES 2582 (XL-O/10). The working group, in its first composition, is formed by government experts from Brazil, Colombia and Ecuador, by an independent expert from Argentina and by a representative of the IACHR.

4 The preparation of the Guidelines, which was entrusted to commissioner Víctor Abramovich, was submitted to a consultation period by the States and by the civil society, and was approved by the IACHR during its 132th regular meetings period in July 2008; Inter-American Commission on Human Rights (2008), *Guidelines for the preparation of progress indicators in matters of economic, social and cultural rights*, Organization of American States, OEA/Ser.L/V/II.132, Doc. 14, July 19, 2008, Washington DC.

5 The present document will be sent to the representations of the delegations of the States for analysis, and will be simultaneously available in the OAS web page; in the Executive Secretariat for Integral Development (SEDI), Social Development and Employment, <http://www.sedi.oas.org/ddse/>

I. GENERAL CONSIDERATIONS ABOUT THE REPORTS

7. The main objectives of the indicators that are developed next seek to contribute so that the States Parties count on useful tools to carry out a diagnosis of the situation of the rights contained in the Protocol, establish the pending subjects and agendas based on a participative dialogue with the civil society, and formulate strategies to progressively satisfy the program of rights contained in the Protocol. The aim is stimulating an evaluation and compliance measurement process of social rights that goes beyond the idea of a mere report, but that becomes a useful instrument for the design and permanent evaluation of the public policies within the States in order to ensure the fulfillment of social rights.

8. In accordance with what is established in the Standards, it has been strategically chosen to incorporate two groupings of rights, namely: i) social rights, which includes the right to social security (Art. 9, PSS), the right to health (Art. 10, PSS) and the right to education (Art. 13 PSS); which must be reported in the first stage of compliance with the report system; ii) economic and cultural rights, which include the right to work and trade union rights (Art. 6, 7 and 8, PSS), right to work, right to food (Art. 12, PSS), right to the benefits of culture (Art. 14, PSS) and right to a healthy environment (Art. 11, PSS).

9. According to the Standards, “the information related to each right must consider the following approaches: gender equality, special needs groups – children, the elderly, persons with disabilities, ethnic and cultural diversity – in particular with respect to indigenous peoples and persons of African descent, and the involvement of the civil society in the formulation of legislative progress and public policies”⁶, for which common cross-cutting categories have been considered for all rights, that inform about the efforts made by the States for the protection of sectors or groups, to which Articles 15 and 18 of the Protocol refer to (right to the formation and protection of families, rights of children, protection of the elderly and protection of the handicapped).

10. In each stage and in a progressive manner, the States Parties will inform about each rights grouping, starting with a report of the efforts made with respect to compliance of the first grouping, so that in a second stage, complete it with the remaining rights included in the Protocol, and always within the framework of a process that ensures participation of different sectors and institutions, particularly from the civil society, universities, specialized organizations and academic centers. It is precisely formulated in this manner, under the conviction that it is necessary to simplify the measurement process, without losing methodological strictness, precision, validity, reliability and participation, in such a way as to integrate the monitoring established within the framework of the Protocol into the tasks of the public policies of the States; seeking to differentiate those indicators that measure socio-economic development from the indicators that measure rights, thus avoiding a duplication of the efforts already made by the States, by the specialized organizations and observatories that produce indicators in the region.⁷

6 Resolution AG/RES. 2074 (XXXV-O/05) of June 7, 2005. Annex, Context of the Proposal.

7 As indicated in the Standards, the aim is avoiding the repetition of the system already established in the International Covenant on Economic, Social and Cultural Rights (ICESCR) based on establishing a common methodology to all agreements that foresee reports, through the grouping of rights and considering that indexes must not be constructed, “in the sense of algebraic measurements that compare all countries in the region in terms of their progress. On the contrary, the system of progress indicators studies processes and makes it possible to evaluate different areas of rights in terms of progress; identify, *inter alia*, trends, favorable conditions, and recurring obstacles; and, in that way, recommend concrete measures”, Resolution AG/RES. 2074 (XXXV-O/05) June 7, 2005, Attachment, Standards, 7.

11. The Standards mention that “particular attention has been given to the principle of progressiveness of economic, social, and cultural rights, understood as the adoption of public policy that recognizes economic, social, and cultural rights as human rights, whose full realization, generally speaking, cannot be rapidly achieved and which, therefore, require a process in which each country moves at a different pace toward achieving the goal. Except as warranted in extreme cases, this principle regards regressive measures as invalid and excludes inaction.”⁸

12. In accordance, progress indicators have been defined that accompany the evaluation process, which must be characterized by being reliable, pertinent, empirically verifiable, sensitive, relevant, independent, precise, valid, accessible and be available or feasible to obtain. For each right established in the grouping presented, the information requested from the State on each right set forth in the Protocol would be organized under a model composed of quantitative indicators and qualitative signs of progress arranged according to three types of indicators (structural, process, and outcome indicators), which would provide information on three conceptual categories (incorporation of the right, state capabilities, and financial context and budgetary commitment), and to three crosscutting principles: equality, access to justice and access to information and participation.

13. The progress indicators considered for each right seek to maximize the possibilities of counting on information and of facilitating to the States, the process of submittal of reports established in article 19 of the Protocol. The possibility is also enabled so that, with enough time in advance, the States Parties can initiate the participative dialogue for setting goals and objectives for the fulfillment of the groupings of rights, as well as to define information collection instruments in case of their nonexistence.

14. One of the essential aspects to initiate the expected process is for each State to establish priority goals and objectives, which must be defined based on an execution strategy or plan, according to a time period and through a process of discussion, debate and consensus with the different political and social actors of each State, having a detailed timetable that allows for monitoring the fulfillment of the proposed objectives. The goals and objectives must respond to the degree of development of each State with respect to the rights contained in the Protocol and based on the participative dialogue with the different actors of civil society. These goals will contribute to improve the revision of the reports through the use of progress indicators, allowing to measure progress not only with respect to a given situation, but in a prospective manner, with relation to the degree of closeness to the objectives and goals established by the State itself, as a function of the obligations that it has assumed.⁹

15. Precisely, the efforts that have been carried out from the Inter-American System seek to contribute to the development of ways to measure and monitor compliance with the Protocol and to evaluate the progressive realization of social rights as well as conditions that favor or limit the possibility of effective access to rights. The objective and scope of these rights indicators distinguish them from traditional indicators that measure variations in level of development. However, it is important to draw attention to the fact that some of the provisions set out in the Protocol and other international instruments on social rights contain public policy goals and even guide the activities of states by indicating

⁸ Resolution AG/RES. 2074 (XXXV-O/05) of June 7, 2005, Attachment, Context of Proposal.

⁹ All evaluations must be carried out on the basis of empirical evidence, differentiating between objectives, which are those objectives to be reached and are expressed in qualitative terms (“reducing mortality in children younger than 5 years of age”); the goals, that are the quantitative levels to be reached in a specific period (“reducing by two thirds, between 1990 and 2015, mortality in children younger than 5 years of age”) and lastly, the indicators, which are variables used in the goals to measure the progress towards the objectives (“mortality rate in children younger than 5 years of age”), Simone Cecchini (2007) “*MDO indicators and human rights in Latin America: So far, so close?*” CEPAL; Santiago, Chile.

measures to adopt in order to accomplish those goals. In such cases it will be necessary to adopt indicators that are consistent with development indicators. As it will be observed below, many development indicators can sometimes provide the underpinnings for constructing rights indicators.

16. States Parties are requested to promote open and deliberative processes ensuring the participation of different actors, specialized technical organizations from the United Nations, universities, human rights and civil society organizations, in order to define national strategies for the fulfillment of the rights contained in the Protocol, both in the development and implementation of their national strategies and in the procedures for preparing the reports of the Protocol, and eventually in the follow-up to the recommendations of the organ of application. In this manner, more transparency and legitimacy can be guaranteed for the procedure, sources of information can be expanded, enabling to compare the statistical and factual information provided by the different States, and contributing more effectiveness to the follow-up activities for the remarks made by the Working Group. The social and political dialogue that can be triggered by the report preparation process and its monitoring will be a significant fact itself, considered as a guarantee strategy of the social rights of the States Parties.

17. The Standards point out that “the Protocol of San Salvador states a parameter against which it can be compared, on one hand, the constitutional incorporation, the legal and institutional development and the government practices of the States, and in the other hand, the degree of satisfaction of the expectations of the different sectors of society, expressed, among others, through the political parties and organizations of the civil society”¹⁰. Any monitoring body is limited in its ability to measure the situation of rights in a given state on the basis of indicators alone. Hence, indicators cannot be the only tool for verifying compliance with the Protocol.¹¹

18. In turn, the principle of participation requires that all procedures corresponding to the reporting system be governed by the principle of broad disclosure. Without prejudice to the fact that some information might be confidential, the type of information requested for the system of indicators and for the reporting on the situation of the social rights enshrined in the Protocol in general, is of a public nature or of public interest, and states should furnish and publicize it widely. Accordingly, the reporting to the Working Group should proceed in a framework that is as open to participation and as public as possible.

19. The evaluation of reports and monitoring mechanisms to be executed by the WG will be carried out through the principle of reciprocity, so that, as established in the Standards, “the work entailed in preparing the report benefits the state in return by helping it to draw up a list of its needs and a more precise definition of its wants”.¹²

20. It is recommended that States concentrate their efforts in making the process pertinent, and that it allows for an in-depth study of the process developed within the State, avoiding falling into recommendations that are too general and seeking to differentiate between economic and social progress and the fulfillment of the economic, social and cultural

10 *Ibidem*, Standard 5.2.

11 The States can implement an efficient policy in the achievement of their own objectives, but a discriminatory one, thus incompatible with the Protocol. This is precisely the importance of the monitoring carried out by the Working Group, who will evaluate not only the process through indicators but will complement the process with other monitoring forms, qualitative evaluations, complementary reports of the civil society; field visits, interviews with technical agents, among other tools that will allow for expanding the elements to identify gaps between recognized rights and their concrete implementation in each State.

12 Resolution AG/RES. 2074 (XXXV-O/05) of June 7, 2005. Attachment, Context of the Proposal.

rights contained in the PSS. To that effect, the reports of the countries will have a maximum length of 20 pages plus attachments, if necessary.

21. The procedure foreseen in the PPS seeks to monitor the compliance or lack of compliance with the legal obligations established by the Protocol. It establishes a wide range of obligations, both positive and negative, both immediate and progressive. In order to observe the compliance with such obligations, it must be analyzed, frequently, which are the strategies, actions and public policies implemented by the States to enforce the rights. The international monitoring system seeks to verify the progressive juridification of the Protocol's contents in terms of the rights of people and not the evaluation of the impact of public policies. Although in certain situations, there will be a direct relationship between both situations, the progress indicators of public policies will become a sign of the adoption by the State Party of the measures required for the Protocol.

22. States can meet their obligations by choosing from a broad range of courses of action and policies. It is not for international monitoring and mechanisms to judge those options that each State has selected in exercise of its sovereignty to realize the rights contained in the treaty. It will be necessary, however, to determine if those public policies violate rights recognized in the Protocol, and to examine whether or not they manage, through those policies, to fulfill of their positive and negative obligations -whether immediate or progressive- established under the Protocol.

23. The progress indicators mentioned by the standards would not only serve to reach conclusions of a general nature on progress or setbacks in the implementation of the Protocol by states. The principle of progressiveness in economic, social, and cultural rights permits their application in monitoring both general situations and specific situations in which there may have been reverses in the exercise of certain rights. Given that the State undertakes to improve the situation of these rights, it simultaneously assumes the prohibition of reducing the levels of protection of current rights or, in its case, of repealing rights already existing. The instability and deterioration of those factors, or the lack of action from the State, without due justification by such State, will imply a regression not authorized by the Protocol. The obligation of non-regressivity becomes then, one of the judgment parameters of the measures adopted by the State. Accordingly, the system of indicators and signs of progress should help not only to reveal developments in the overall situation of a country over a given period, but also, where possible, to identify specific situations that affect rights recognized in the Protocol, in particular problems of a collective compass, or that stem from reiterated practices or patterns, or from factors of a structural nature that may affect certain sectors of the population.

24. Indicators can take different forms -statistical data collected in a census or household surveys; questions put in a questionnaire or an open interview, budgets, public social spending, all disaggregated by sex, race, ethnicity, socio-economic level, area of residence (rural – urban), migrants, displaced populations due to armed conflicts; incorporating gender-specific indicators among others and depending on the information-gathering technique that each state selects, with rigorous methodological transparency and in accordance with international agreements and standards. Social indicators are quantitative because although they can derive from qualitative research methods, they are expressed through numerical values. On the other hand, the indicators used to monitor the fulfillment of human rights can also comprise “any information related to the observance or the exercise of a specific right”¹³ without that information necessarily being expressed in quantitative terms,

13 United Nations 2006: 4, *Ibidem*. The United Nations system has also defined social indicators as analytical instruments that allow for a better knowledge of the different aspects of society in which we are interested, or about the changes that are occurring in it, United Nations (1975) Towards a system of social statistics and demographics, *Series F*, No. 18, New York, 30. Of particular relevance is the typology of indicators that is presented in the “Report on Indicators for

under the conviction that in the field of human rights, both quantitative and qualitative indicators can be used, given the complexity to evaluate the compliance with human rights standards and, therefore, all pertinent information is potentially useful and can also be expressed in narrative terms.

25. In order to monitor the compliance with the obligations established in the Protocol of San Salvador, a measurement system through indicators and qualitative signs of progress is adopted. These last ones are characterized by not being based on a pre-established category, or in an already given measurement scale (statistical), but they perceive the definition of the situation carried out by the social actor himself and the meaning that he gives to the phenomenon evaluated, interpretation that becomes essential to be able to explain the facts¹⁴. The signs of progress represent qualitative dimensions that reflect the progression in the changes towards the desired achievement of the objective. If it has been established considering real possibilities, the signs of progress can be better interpreted in levels of deadlines or sequential time periods: short, medium and long term, although this is not an excluding requirement. Precisely, the purpose of the signs of progress consists of providing follow-up to the achievements that contribute in obtaining the desired objective, in this case, the enjoyment and exercise of economic, social and cultural rights contained in the PSS.

26. For the effectiveness of the quantitative indicators and qualitative signs of progress, the possibility of having access to reliable and safe sources of information will be essential. The indicators and measurement units to be used in each case must consider, in a realistic manner, the type and quality of the information available in each State. For the purposes of the first grouping of rights, the States are requested to count on information sources of 2010 in what respects to administrative records. In what relates to matters of perception and surveys, the last information available will serve as the baseline.

27. The report system in the Inter-American environment must work in a complementary manner with respect to the procedure of submittal of reports before the Economic, Social and Cultural Rights Committee of the United Nations and other international and Inter-American monitoring organizations. The monitoring of the PSS does not seek to duplicate other follow-up systems that are developing in the universal protection system. That is only possible through a correct selection of specific problems of each region and of each State, in order to reach the highest level of completion in the principle of accountability. The quality of process evaluation is favored over the length of the report; therefore, it is reiterated that the limit for reports is of 20 pages.

28. According to the grouping proposed, the first report corresponding to the first group (social rights) must be submitted by the States one year after approval by the OAS General Assembly of the present document. After sixty days, the WG will send its remarks and recommendations to the State Party (preliminary conclusions). Each State Party can make additional comments to such preliminary conclusions within a period of 60 days, counted from the date of incorporation of such conclusions, for analysis by the Working Group.

29. One year after the submittal of the first report, each State Party must submit a second report that considers the second grouping of rights (economic and cultural). In both reports, the information submitted by the States must, to the extent that it is available, refer to 2010.

Monitoring Compliance with International Human Rights Instruments” UN Doc. HRI/MC/2006/7 and the provisional report of the Special Rapporteur on the right of any person to enjoy the highest possible level of health, Paul Hunt, Human Rights Commission, in agreement with resolution 2003/45 A/58/427.

14 Adaptation of the concept of signs of progress developed by Sarah Earl, Fred Carden, Terry Smutylo (2002) *Mapping of scopes. Incorporating learning and reflection in development programs*, CIID-IDRC, Ottawa, Canada, adopted by IACHR (2008).

30. Within the sixty subsequent days, the WG will send to the State its preliminary remarks and the date will be established for the defense audience between the State representative and WG experts. After such audience, and within sixty days, the WG will send the final conclusions to the State Party. The WG will adopt by an absolute majority, the final conclusions with respect to the reports subject to analysis. The conclusions will be notified to the State Party through a written communication and in a meeting with the Permanent Representative accredited before the OAS. After that, the conclusions will be made public. The next report will be three years after this first process is over, and in that occasion, the States will report about both groupings of rights in the same report, taking as a baseline to measure progressiveness, the previous report with data from 2010. That will continue every three years.¹⁵

II. HUMAN RIGHTS INDICATORS

31. The objective of the progress indicators is verifying the compliance with the obligations subscribed in the PSS. Therefore, the progress indicators and signs aim at verifying the level of fulfillment and effectiveness of such rights and are not restricted just to the collection of information on the economic and social situation of a State Party.

32. The model adopted for measuring the fulfillment of the rights of the Protocol is based on the selection of three types of indicators, which are: i) structural; ii) process related, and iii) results related.

33. The *structural indicators* reflect the ratification or approval of basic international legal instruments to facilitate the fulfillment of a fundamental human right. They collect information to evaluate *how* the institutional apparatus and the State's legal system are organized to comply with the obligations of the Protocol. If measures, legal regulations, strategies, plans, programs or policies exist or have been adopted, or if public agencies have been created, destined to the implementation of those rights. Structural indicators must concentrate especially on the internal laws of the countries relating to the right in question and on the institutional mechanisms that promote and protect the standards. Although structural indicators merely inquire about the existence or nonexistence of the measures, they must include relevant information to understand some of their main characteristics as well; for example, if the regulations are operative or not, or which is the hierarchy of an agency or public institution, or its functional competence; that is, they examine if the regulatory framework and the strategies indicated by the State are adequate and efficient for that right.¹⁶

34. *Process indicators* seek to measure the quality and magnitude of the efforts of the State to implement the rights¹⁷, through the measurement of the scope, coverage and content of the strategies, plans, programs or policies or other specific activities and interventions aimed at achieving the goals that correspond to the fulfillment of a specific right. These indicators help monitor, directly, the application of public policies in terms of the progressive fulfillment of rights. Process indicators can also offer information on the variation in the levels of quality or coverage of social programs or services in a specific time period.

¹⁵ The present Document provides a detail of the requirements for the first grouping of rights. The second report, containing the requirements for the economic and cultural rights (second grouping) will be a later task to be assumed by the Working Group.

¹⁶ UN Doc. HRI/MC/2006/7 of May 11, 2006, par. 17; Human Rights Commission, Report of the Special Rapporteur on the right of all persons to enjoyment at the highest possible level of physical and mental health, Mr. Paul Hunt, Doc. E/CN.4/2006/48 of March 3, 2006, par. 54.

¹⁷ UN Doc. HRI/MC/2006/7 of May 11, 2006.

While the structural indicator does not normally need a reference basis (generally, it only admits an affirmative or negative answer), process indicators depend on reference bases or goals that usually consist of figures or percentages, and therefore, it will have a more dynamic and evolutive component than the structural indicator. Process indicators must reflect the efforts of the different structures and instances within the State to reach the desired result or to make progress towards its achievement.

35. *Result indicators* reflect the achievements, individual and collective, that indicate the level of fulfillment of a human right in a specific context. They seek to measure the real impact of the strategies, programs, State interventions. In a way, they constitute a sign of how those public actions have an impact on those aspects that define the degree of effectiveness of a right of the Protocol. Therefore, they provide a quantitatively verifiable and comparable measure of the State's *performance* in matters of progressive fulfillment of rights. The improvement in the result indicators can be a sign of the adequacy of the measures adopted and of progressive improvements towards the complete effectiveness of the rights, and therefore, include the need of evaluating the use or enjoyment of the right in question.

36. In order to optimize the possibility of analysis and to organize in a more proper manner the information collected in the monitoring process, it is promoted that the States in turn classify it in three categories: i) incorporation of the right; ii) financial context and budgetary commitment; and iii) institutional or state capabilities.

37. A first category is the *incorporation of the right* in the legal system, in the institutional apparatus and in public policies. The idea is obtaining relevant information about the form how a right included in the Protocol is incorporated into the domestic regulatory system and in public practices and policies. On one hand, collecting the level is sought, the standards that recognize it, as well as the operativeness and regulatory hierarchy. In this manner, the right can be recognized in the Constitution, in the laws, in the jurisprudence in matters of ESCR or in government programs or practices. The idea is also collecting information about the scope of that recognition, that is, the degree of precision used to define the basic obligations of the State or the minimum enforceable standards, at the same time that an indication is requested of which the individual or collective holders of that right are and the conditions for its exercise. Lastly, the guarantees or claim procedures available in case of lack of compliance with the respective obligations, as well as the jurisprudence in matters of ESCR.

38. An aspect that it is also relevant to find out about is which social policies or services does the State define as measures of implementation or fulfillment of the rights of the Protocol. In occasions, the programs or services create benefits of an assistance nature and do not recognize the existence of rights. Therefore, to what measure is the right incorporated into the logic and sense of public policies of the State is an aspect that is usually measured through process indicators. For example, a structural indicator of incorporation of the right is if the right has been incorporated into the Constitution; if it is operative or not. A process indicator about the incorporation of the right is if there is relevant jurisprudence about its enforceability; or the scope and coverage of public policies defined as measures of implementation of that right, considering the particular forms of implementation of the rights of each State Party.

39. In a similar direction, a category to be incorporated into the measurement and evaluation process is the *basic financial context*, that refers to the effective availability of State resources to execute the Social Public Expenditure, and how it is distributed, either measured in the usual manner (percentage of the Gross Domestic Product for each social sector) or by any other mechanism. In a related manner, the *budgetary commitments* are incorporated into the same category, by virtue of which the importance that the State itself is allocating to the right in question can be evaluated, acting as well in a complementary manner to the measurement of state capabilities. The importance of the measurement of this category

lies in the fact that if a State applies a policy of public spending that implies the reduction of the social infrastructure (for example, in health care and sanitation or the privatization of strategic areas or services), it has as an effect, besides acting as a regressive measure, the transference of the costs of that attention directly to the families and within the families, to women. Hence the importance of identifying the financial responsibilities of the State with a higher degree of precision.

40. A third category refers to *state or institutional capabilities*. This category describes an instrumental technical aspect and of distribution of power resources within the state apparatus. That is, it implies revising how and under which parameters the State (and its different powers and divisions) solve the set of socially problem-ridden questions. Particularly, how its goals and development strategies are defined; and under which parameters the implementation process of the rights contained in the Protocol is framed. It implies analyzing the possibility that government instances have of making an issue of, prioritizing, deciding and managing public affairs, which in this case refer to how the satisfaction of the rights foreseen in the PSS is achieved. As a consequence, it becomes necessary to identify inter-institutional relationships, the division of tasks, financial capacity and the skills of the human resource to carry out the tasks defined. Surveys identify four types of state capabilities: i) administrative capacity, understood as the ability of States to undertake the provision of goods and services; ii) technical capacity: interprets the ability of States to analyze and implement economic and social policies that satisfy the ESCR; iii) political capacity: refers to the ability of States to respond to social demands, to allow the channeling of social interests incorporating citizen participation in decision making and conflict resolution; iv) institutional capacity: identifies the ability of States to establish and strengthen the regulations that govern political and economic interaction.¹⁸

41. The inclusion of state capabilities, as a category in the set of indicators, seeks to recover essential aspects that account for the materialization of the political and technical will of the States in the compliance with the Protocol. It also seeks to verify if effective conditions are given to implement through public policies, or through other appropriate instances, a perspective of rights in the framework of the current state structure. The introduction of this category also pursues as an objective, evaluating with greater complexity the problems faced by the State in the compliance with its obligations, facilitating in the study the identification of those problems or gaps that refer to political decision making or to technical-administrative inconveniences and their differentiation from the problems related to public management. For example, a structural indicator of state capacity is the existence of specific agencies within the State destined to the protection and implementation of a social right. It can also use a structural indicator to find out about their competences and functions. A process indicator of state capacity tries to determine the scope and coverage of the programs and services developed by those agencies. A process indicator of state capacity could also measure the variation in the quality and scope of these interventions in a time period.

42. A relevant aspect to measure state capabilities is the existence of control, monitoring and evaluation bodies for the social programs and services within the state structure, as well as the capacity of the State to implement preventive policies against corruption and the client-based use of the resources destined to the social area. It also seeks to collect information related to the accessibility of the social services and programs organized by the State, considering for example the physical access, the publicity of the services and the cultural relevance, which in this last case usually acts as an obstacle for access to the services by the population. Likewise, the *fragmentation* between the different levels of State administration and between the different social services organized, in many cases due to

18 Grindle, M.(1996) Challenging the State. Cambridge University Press, England.

deficiencies in coordination and to the lack of communication between agencies or due to the absence of comprehensive policies and adequate records is an indicator of the weakness of state capabilities. Therefore, the inclusion of this category seeks to identify these deficits. The provision of goods and services related to social rights in general results implemented by different levels of government and depending of the forms of internal organization of each State. The decentralization processes of the social policies and services can allow for greater flexibility and adaptation to regional realities and local needs, but also imply at times, numerous coordination problems. The problem arises then, due to the lack of clarity in the definition and distribution of competences and responsibilities among the different government instances and in occasions, among different governments, national, regional or provincial and local.

43. The categories indicated are in turn complemented with crosscutting principles: i) equality and non-discrimination; ii) access to justice, and iii) access to information and political participation. The crosscutting principles become very useful in the collection of information about the situation of the social sectors affected by serious problems of structural differences and inequality, but also to verify the effectiveness of policies being implemented by the State to ensure access by these sectors to their social rights. But their importance is that they not only detect the situations of inequality or lack of participation of sectors in conditions of vulnerability, but their own entity as crosscutting allows for identifying the social and institutional resources available in each State, so that an individual can correct specific problems of discrimination in the exercise of social rights. They are always applied and for each right recognized in the Protocol.

44. The first obligation with “immediate effect” derived from the economic, social and cultural rights consists of ensuring that they will be exercised in conditions of equality and without discrimination; that is, to prevent differences in treatment based on factors that are specifically forbidden in the Protocol and that limit, restrict or annul the exercising of a right. This requires that States recognize and guarantee the rights of the PSS in the same manner for all the population, using objective and reasonable distinction criteria, and avoiding arbitrary differences in treatment, especially differences in treatment based on factors that are specifically forbidden, such as race, religion or social origin. But it also requires that States recognize the existence of sectors that are at a disadvantage in the exercising of their social rights and adopt positive policies and actions to guarantee their rights.

45. The starting point to be considered is the structural inequality situation lived by vast social sectors in the region, such as those mentioned in the Standards, namely: women, indigenous peoples, African Americans, immigrants in an irregular situation and consider with respect to each State Party, the groups and sectors that can suffer serious inequality situations that condition or limit the possibility of exercising their social rights. Once the sectors traditionally discriminated with regard to access to specific rights are identified, it is necessary that the State Party defines before the formulation of policies in the social area, which sectors require priority attention (for example, residents of a specific geographical area of the country, or the people of a specific ethnic or age group) and that it establishes special or differentiated measures to strengthen and guarantee their rights in the implementation of its policies and social services.

46. The use of the notion of material equality represents a tool with a huge potential to examine the regulations that recognize rights, but also the orientation of public policies that can serve to guarantee them or in occasions that have the potential of affecting them. As recognized by the United Nations System, the States have the obligation of approving regulations that protect the people that form groups that become vulnerable or susceptible to discrimination in the exercise of their social rights, to protect them against that discrimination and that each State adopts special measures that include active protection

policies and not mere compensatory actions. Therefore, it is suggested that equalitarian policies be established that consider the specific characteristics of the more disadvantaged groups or sectors – both due to gender reasons or for belonging to indigenous or African-descent groups or to other groups with differentiated recognition needs – and establish concrete commitments in the framework of actions considered in a specific time period.

47. The area that so far has adopted a greater number of positive actions and active policies for the protection and promotion of equality is that one formed by situations of discrimination due to gender reasons. Although important progress has been achieved in the whole region, specially in matters of formal equality between men and women, it is still necessary that the States promote new and diverse actions for the promotion of equality, specifically in matters of social rights, which encourage the autonomy and empowerment of women, since autonomy is a basic resource to reach equality between men and women. In this manner, this concept is crosscutting to all problems stated in matters of compliance with economic, social and cultural rights and to all persons.¹⁹

48. Likewise, it becomes essential to verify the progress of each State in the effective compliance and provision of social rights to all people, especially the actions that they have implemented for the recognition and provision of such rights to those persons belonging to historically discriminated groups. The indicators of crosscutting principles are very useful to this respect. For example, the historic discrimination that affects the indigenous peoples of America is based on ideological constructions of domination, which assume the inequalities between groups as “natural” and do not mention that these constitute a consequence of a given social structure.²⁰ In the same manner with African-descent groups, which due to their characteristics are positioned among historically discriminated groups, marked by an alleged inferiority that has contributed to increase inequality and discrimination throughout time.

49. Given the unequal distribution of those resources and capabilities in our societies, there will be sectors of the population that are also at a disadvantage to demand their social rights because they lack some of these resources or capabilities. There can also be cases of people that do not form a group or sector that can be defined as vulnerable to demand their rights, but that go through temporary circumstances that determine difficulties in doing so, for example, unemployment without social coverage, or the breakage of a family or social bond, or the case of stateless persons, victims of internal displacement, refugees and those requesting asylum. Hence the importance of incorporating crosscutting categories into all rights in the Protocol, which aim to measure aspects related to the conditions for effective access to social rights in each of the States through the free play of the institutions and through democratic and deliberation processes. That is, those aspects related to the institutional and social guarantees of those rights and with the capabilities and resources available to the population to demand them and exercise them; identifying the presence of mechanisms and policies that the State must have available to ensure protection and an adequate level of information, participation, transparency and accountability.

19 The Division of Gender Affairs of the Economic Commission for Latin America (CEPAL) counts on the Observatory of Gender Equality of Latin America and the Caribbean organizing the indicators based on the exercise of economic and physical autonomy and autonomy by women in decision making. www.cepal.org/oig/

20 In its initial conception, racism was based in biological difference and inferiority; currently, that interiorization is based, predominantly, on cultural traits. This means that, nowadays, racism proposes that there are ethnic groups that are “behind” and therefore, constitute an obstacle for development, in contrast to other groups whose characteristics, values and achievements represent the modernity to be reached, UNDP (2005:14) *National Report on Human Development. Ethnic-cultural Diversity: Citizenship in a Plural State*, Guatemala.

50. Special relevance is acquired by the need of incorporating indicators on inclusion-exclusion that reveal situations of structural poverty, or patterns of intolerance and stigmatization of social sectors, among other components to evaluate contexts of inequality. These environments must be crossed with information on the access to productive resources or access to the labor market, and indicators on the distribution of public, budgetary and extra-budgetary resources.

51. The principle of equality and non-discrimination can also have derivations with regard to the criteria to distribute budgets and the social expense in a State's territory. Discrimination in the access to rights can come, for example, from the strong differences among relegated geographical regions. The indicators should serve to identify not only discriminated groups or social sectors, but also geographical zones at a disadvantage. Diverse factors can provoke this type of regional asymmetries, such as the distribution of the service infrastructure, the absence of employment positions, social and environmental problems, climatic conditions, distance to centers of greater development and problems of public transportation.

52. A second principle of a crosscutting nature for the measurement of the satisfaction of the ESCR considered in the PSS is access to justice, understood for the purposes of monitoring in a wide sense, which includes the examination of the legal and factual possibility of access to administrative and legal demand and protection mechanisms.²¹ Strictly speaking, not only restricted to merely legal environments but wider and including administrative demands, the presence of head offices or other instances to submit demands, defense offices, among others. P 66 and rest is new

53. As indicated by the Economic, Social and Cultural Rights Committee of the UN, there are significant dimensions of the social rights that are enforceable immediately before internal courts. Therefore, the Committee states, the adoption of a strict classification of the ESCR that places them, by definition, outside of the environment of the courts would be, therefore, arbitrary and incompatible with the principle that all human rights are indivisible and interdependent. It would also reduce drastically the capacity of the courts to protect the rights of the most vulnerable and less favored sectors of society.²²

54. In the field of human rights, standards have been developed on the right to count on legal and other resources that are suitable and effective to fight against the violation of fundamental rights. In that sense, the obligation of the States is not only negative, of not preventing access to these resources, but fundamentally positive, of organizing the institutional apparatus in such a way that all individuals have access to those resources, for which the States must remove regulatory, social or economic obstacles that prevent or limit the possibility of access to justice. In recent years, the IAHR has recognized the need to begin establishing principles and standards on the scope of the rights to due legal process and effective legal advice, in cases that involve the violation of economic, social and cultural rights.

55. In order to implement monitoring of the guarantees of access to justice with regard to the rights considered in the PSS, four subjects are considered: i) the obligation of removing economic obstacles to guarantee access to the courts; ii) the components of the due

21 The wide concept of access to justice was already adopted by the IACHR in its theme reports, see IACHR (2006) Access to justice for women victims of violence in the Americas, par. 5 and 6; and IACHR (2007) Access to Justice as a Guarantee of Economic, Social and Cultural Rights. Study of the standards established by the Inter-American Human Rights System, OEA/Ser.L/V/II.129

22 Economic, Social and Cultural Rights Committee, General Comment 9 on the internal application of the Agreement, UN Doc. E/C.12/1998/24 of December 3, 1998.

process in administrative procedures related to social rights; iii) the components of the due process in legal procedures related to social rights, and; iv) the components of the right to effective judicial protection of social, individual and collective rights. Each one of them has been included, as an indicator or signal of progress in the corresponding tables for each right.

56. The first matter considered is the possibility of access to legal resources for the protection of social rights, and the public policies implemented to remove the financial, material and cultural obstacles that prevent access to the courts and to the available protection resources. The second matter relates to the guarantees and resources available for individuals in the administrative processes where their social rights are determined. In particular, the identification of the existence of clear and objective criteria for the awarding of assistance benefits and services, which can contribute to limit the margins of discretionality and arbitrariness of public authorities, is sought. Matters referring to the accessibility of social services and programs and to the existence of adequate monitoring services for them are subjects to be considered within the category of state capacity with regard to the indicators for each right. Excluded as well is the information relative to the complaint or demand mechanisms upon the denial of rights by the administration as an indicator of access to justice. Even the denial of benefits considered of discretionary awarding in a State must provide adequate and accessible due process mechanisms.²³

57. The third aspect examined is that one of process guarantees in legal processes of a social nature. For example, in social security. Here, the main standards established by the IAHRs are followed, not only in what respects to processes but also with regard to the possibility of executing sentences or legal decisions. They are considered general indicators of legal guarantees for all rights, without prejudice that with respect to certain rights of the Protocol, certain specific legal guarantees can be incorporated.

58. The fourth aspect is access to legal resources for the effective protection of the social rights of the Protocol, for which it is sought to collect information about actions that can be used in an emergency situation and that work as simple and quick resources to repair violations in these extraordinary circumstances. It also tries to obtain information about precautionary or preventive relief, such as for example actions for the access to urgent medical treatment, or to prevent the dismissal of a trade union delegate.

59. The objective of incorporating them into this monitoring process is because these standards can contribute to improve the institutional character of the social policies and services in the countries of the region, strengthening the inspection, transparency and accountability systems, as well as the participation and social surveillance mechanisms of the public policies on this matter. Hence their inclusion as crosscutting principles.

60. A third crosscutting principle for the rights recognized in the Protocol concentrates in the access to information and to the participation of the civil society in public and social policies. The diffusion of information in a democratic society enables citizens to control the actions of the rulers to whom they have entrusted the protection of their interests. From that, it can be derived that there is a positive obligation of the State of providing that information to all persons, especially when it is in its possession and there aren't other means of access to it. That without prejudice of the exceptional limitations that are previously established in the law with respect to the principles of proportionality and need.

23 "Access to social rights in Europe", point 3.2.2. referring to jurisprudence over article 13 of the European Social Charter and the non-existence of appeals with respect to the denial of discretionary benefits, *Guidelines for improving to social protection and explanatory memorandum*", prepared by the Group of Specialists on Access to Social Protection.

61. The adequate access to public information is a key tool for citizen participation in the public policies that implement the rights established in the Protocol. Therefore, it is necessary to count on a wealth of information available that provides elements for the evaluation and investigation of those policies and decisions that affect them directly. Paradoxically, although most countries in the region have ratified the main international instruments that establish civil rights, very few count on laws for access to public information and internal regulations able to meet the minimum legal standards on this subject, which leaves the statistical issues and those issues of information in general, vulnerable to temporary measures or actions that can interrupt or reduce their reliability and legitimacy.

62. Both in the UN environment, through the Committee of the ICESCR, and in the environment of the IAHR, through the Rapporteur's Office for the Freedom of Expression of the IACHR, it has been stated that producing information bases through which it would be possible to validate indicators and, in general, the access to many of the guarantees covered by each social right constitutes a state obligation, established in international human rights law. The Rapporteur's Office of the IACHR has pointed out that, based on the framework established by article 13 of the American Convention, the right of access must be guaranteed by the States, so it cannot be limited or restricted unless by exceptional reasons that will be examined under a strict criterion. The principle is then the advertising of the public information, and confidentiality will be the exception of strict interpretation. It is also pointed out that the State is not only under the obligation of respecting the right, allowing access to files and databases, but it has a positive obligation of producing information in specific circumstances. In certain cases, assumptions of obligation of production of information have been established, linked to the exercise of the rights of excluded or discriminated sectors.²⁴

63. In other areas, still worrisome are the strong limitations experienced by the available statistical sources to collect in their records the enormous ethnical and cultural diversity that characterizes each country in the region. The problem of data affects most of the groups defined as victims of racism and discrimination, and questions about the quantity, size and characteristics of the indigenous and African-descent population are an old problem that has not been solved completely. It has been recognized that an initial problem for the analysis of racism, discrimination and xenophobia is the lack of or insufficiency of data that allow for constructing clear indicators. For the States, the handling of data has been linked many times to the denial of racism, discrimination and xenophobia. However, in recent years, most countries in the region have incorporated in their censuses and household surveys, questions about identification, belonging or languages, which is a great advance with respect to what it was in previous decades.²⁵

64. The obligation of the States of establishing legal regimes that ensure the exercise of the right to information includes certain minimum requirements: start from the principle of the maximum openness of information, the presumption of public nature with respect to key meetings and documents, ample definitions about the type of information that is available, short time periods and reasonable costs, independent revision of rejections of information requests, penalties for lack of compliance in providing the information requested and an adequate procedure for the exceptions to access.²⁶

24 The Convention of Belem do Para establishes the obligation of the State of "guaranteeing research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes", (article 8 inc. H).

25 Martín Hopenhayn, Álvaro Bello and Francisca Miranda (2006) *Indigenous and African-descent peoples in the face of the new millennium*", Social Policies Series N° 118, CEPAL, Santiago, Chile, page 18-20.

26 Rapporteur's Office for the Freedom of Expression, "Access to public information in the

65. A successful strategy to improve the adequateness and relevance of the policies and services in the social area and, therefore, the progressive fulfillment of the ESCR consists of ensuring to the civil society, non-government organizations, those that represent the social organization of the policy destination sectors themselves, a saying in the preparation and implementation of diverse public strategies. Mechanisms with participative preparation of regulations, public audiences, consultation councils, the participative social budget, participative evaluations, become ways used by several countries of the region to channel that participation.

III. FIRST GROUPING OF RIGHTS

66. The first stage of reports of the State Parties will begin by reporting about the first grouping of rights: right to social security, to health and to education (articles 9, 10 and 13 of the Protocol). In accordance, the information requested to the State for each right will be organized based on a model formed by quantitative indicators and qualitative signs of progress²⁷, organized as a function of three types of progress indicators that will respond to three conceptual categories (incorporation of the right, financial context and budgetary commitment and state capabilities) and to three crosscutting principles (equality, access to justice and access to information and participation). Tables are included that will act as reference of the information that the State Party must include in its report.

III.1. Right to Social Security

67. In matters of social security, article 9 of the Protocol states that “All persons shall have the right to social security to protect them against the consequences of old age and of disability which prevents them, physically or mentally, from securing the means to carry a dignified and decent existence. In the event of the death of a beneficiary, the social security benefits will be applied to the dependents. In the case of persons who are currently employed, the right to social security shall cover at least medical care and an allowance or retirement benefit in the case of work accidents or occupational disease and, in the case of women, paid maternity leave before and after childbirth”.

68. The ruling concept in matters of social security is that one of contingency, which refers to a future event which, in case of occurrence, brings about unfavorable consequences for the individual. The protection of social security starts operating once the contingency is configured, which produces as an effect, that an individual, or the members of his/her family, or both, are unfavorably affected in their standard of living, either as a consequence of an increase in consumption or due to a reduction or suppression of income.

69. With the development of the right to social security, mechanisms were designed for the effective perception of the benefit, which comprised dependent workers and in some cases, their family group. For individuals without a salary, the coverage was reduced to certain specific contingencies, although in most cases, the protection is presented as a consequence of voluntary adhesion. That is, the principle of universality has not been

Americas. Contributions of the Rapporteur’s Office to the freedom of expression of the Inter-American Human Rights Commission”, p. 12.

27 It must be pointed out that signs of progress not necessarily in their definition are liable to be classified in structural, process and of results, since due to their own definition they would not be providing quantitatively comparables measures, as in the case of results indicators. However, the option is to incorporate them in the same table in order to stimulate an effort so that the States account for several measures based on the interdependence of the human rights principle, that they will account for the performance of the State in the achievement of its goals and in the progress towards the full satisfaction of the rights contained in the PSS.

developed enough, and it still remains is an essential requirement that certain circumstances be accredited to have access to them, differentiating the benefits according to the tax-paying capacity.

70. These particular features are considered in the Protocol, since it incorporates the difference of coverage between salaried workers and those that do not have paid employment. It must be added that, as a consequence of the reforms produced in the countries of the region during last decade, the forms of organization of social security in each country have suffered important transformations, especially in terms of access, coverage and related rights. It is important to identify if the State is the main guarantor – and supplier – or if the central responsibility has been transferred to individuals, through specific and private forms of insurance. These last systems only preserve for the State a protective role or even less clear responsibilities, or even more attenuated, in certain internal legal frameworks. Empirical information is requested based on data from 2010 and in the case of signs of progress, the last data available. After that date of report submittal, for the next report, the progressive nature will be analyzed as a function of this baseline. P.87

RIGHT TO SOCIAL SECURITY		Structural Indicators	Process Indicators	Outcome Indicators
Incorporation of the right	Indicator	<ul style="list-style-type: none"> - Ratification by the State of the following International Treaties that recognize the right to social security: <ul style="list-style-type: none"> a) ICESCR b) CEDAW c) ILO Agreements d) Convention on the status of Refugees of 1951 and its Protocol of 1967. e) Convention on the status of Stateless Persons of 1954 - Incorporation into the Political Constitution (and/or state or province constitutions) of the right to social security. - Specific legislation that considers the right to social security: <ul style="list-style-type: none"> a) Social Security Code, b) Special chapters or titles in the Labor Code, c) Collection of scattered laws and regulations, d) Standards of collective negotiation e) Other regulations. Specify. - Scope of the enforceability and justiciability of the right to social security 	<ul style="list-style-type: none"> - Characteristics by jurisdiction of the organization of the social security system by type of coverage: i) for salaried people and their family group, ii) for non-salaried and other situations; iii) for unemployed, iv) for domestic workers; v) for rural workers; vi) by legal condition (status of refugee or stateless) - Characteristics and requirements for access to social security for groups not formalized in the labor market. Type of contingencies covered. - Evolution of the coverage of contingencies by type and degree of coverage, population covered, conditions of access to the right. - Number, type, coverage, jurisdictions committed and budget of programs and social benefits for informal workers. - Number, type, access, jurisdictions and budget for the coverage of contingencies for the elder without income or without enough contributions. - Number of reports submitted by country to international monitoring bodies with respect to the right to social security. 	<ul style="list-style-type: none"> - Gaps in retirement (pension) by age group and by gender - Gaps of effective contributors of social security by gender and by age - Gaps between formal salaried people with discounts and salaried people without discounts for social security - Rate of activity, unemployment, subemployment, female employment and gender gap - Gender gap in the income and number of hours of work of the main occupation

			<ul style="list-style-type: none"> - Number of counter-reports submitted by the civil society to international monitoring bodies with respect to the right to social security. -- Existence of database with relevant case law of higher federal and state courts on the enforceability of the rights to social security. Model cases. 	
	Signs of progress	- Number, type, characteristics of recognized organizations of the civil society that participate in the promotion and protection of the right to social security	- Type and characteristics of user satisfaction surveys or polls about the quality and current coverage in social security.	
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS	Indicator	<ul style="list-style-type: none"> - Type and forms of financing of the social security system: i) percentage of contributions from employers, and ii) percentage from formal workers; iii) percentage of State financing -Relationship between contributions and minimum wage. -Percentage and characteristics of the administration of the system awarded to private companies -Type and characteristics of Solidarity Funds 	<ul style="list-style-type: none"> - Percentages of Public Spending allocated to social security by geographical zones in a country (urban/rural) and by regions or provinces - Characteristics, extent, duration and sources of financing (social security system as a whole; employer as a whole; mixed forms) of maternity leave. -Type, frequency and updating basis of social security benefits. -Type, number and mechanisms to compensate the difference in income and 	

		<ul style="list-style-type: none"> - Type and forms of availability and/or use of extra-budgetary funds to finance the social security system –or its deficit. - Origin of funds and extrabudgetary (loans from international organizations, indebtedness, reserves, others). -Existence of mechanisms of exemption from litigation costs. Requirements to qualify for that benefit. - Estimations and calculations of the litigation cost in a social security case considering expenses and legal costs. 	<p>benefits between the different geographical zones or regions of a country.</p> <p>Type, number and mechanisms to calculate the salary gap between men and women for social security purposes.</p> <ul style="list-style-type: none"> - Evolution of the public budget destined to legal services and government programs to guarantee access to justice in ESCR. - Number of persons that litigate with benefits of waivers of fees and costs, total or partial, in social rights proceedings. - Percentage of trial lawyers over the total of trial lawyers in courts and social courts. 	
	Signs of progress	<ul style="list-style-type: none"> - Existence of estimations of the fiscal cost of temporary reforms. -Existence of studies and projects of reform of social security systems with a focus on gender. 		
STATE CAPABILITIES	Indicator	<ul style="list-style-type: none"> - Type, composition, legal nature, coverage and hierarchy of the bodies managing social security. - Type, characteristics, amounts and management of international technical and financial assistance in the area of social security. 	<ul style="list-style-type: none"> - Percentage of population broken up by gender, age and ethnic origin with access to coverage of social contingencies. - Number of disability allowances awarded in the last year by gender, nationality, legal condition (status of refugee or stateless) and place of residence. 	<ul style="list-style-type: none"> - Percentage of population without coverage in matters of social security, by age, gender, nationality, legal condition (status of refugee or stateless), condition of activity, ethnics. - Gap between public and private social security coverage

			<ul style="list-style-type: none"> - Number of affiliates to social security plans as contributors or beneficiaries, by age, gender, nationality, legal condition, work category and activity - Number of workers covered for labor accidents by gender, age, nationality, legal condition, occupational category and activity - Evolution of labor accidents by type of coverage, age, gender, nationality, legal condition (status of refugee or stateless) and activity. <p>Average duration of the cases processed by the official defense office in relation to the average duration of the type of cases (pensions, subsidies).</p>	- Rate of professional injuries
	Signs of progress	- Type, scope and coverage of public inclusion policies for non-affiliates of the social security system	- Characteristics and coverage of institutional mechanisms that promote the inclusion of groups without social security coverage.	
EQUALITY AND NON-DISCRIMINATION	Indicator	<ul style="list-style-type: none"> - Conditions, coverage and requirements for access to the social security system - Conditions, coverage and requirements for access to the system for indigenous peoples, African- 	<ul style="list-style-type: none"> - Characteristics, coverage and calculation basis of social security benefits for men and women. - Type, extent and forms of use for actuary tables in the calculation of social security benefits (pension credit). 	<ul style="list-style-type: none"> - Percentage of beneficiaries of a pension or retirement fund by gender, age and jurisdictions. -Percentage of beneficiaries that receive a pension or subsidy by gender, age, ethnics and by jurisdictions.

		<p>descendants, refugees, asylum seekers and stateless</p> <p>- Conditions, coverage and requirements for access to the system for domestic service workers.</p> <p>- Conditions, coverage and requirements for access to the system for rural workers.</p>	<p>- Characteristics of the ownership of family allocations in case of divorce.</p> <p>- Type, extent, coverage and jurisdiction of inclusion mechanisms of those carrying out reproductive work or domestic care.</p>	<p>-Percentage of migrants, refugees, asylum applicants and stateless with social security coverage.</p> <p>-Percentage of rural workers with social security coverage</p> <p>-Carrying out of domestic activity in the household by gender</p>
	Signs of progress			
ACCESS TO INFORMATION AND PARTICIPATION	Indicator	<p>- Characteristics and regularity in the production of statistical information in matters of social security by gender, ethnics, age, nationality, legal condition (status of refugee or stateless) public or private coverage, territorial distribution.</p>	<p>- Characteristics, extent, coverage and jurisdiction of preventive measures in labor accidents.</p> <p>-Characteristics, extent and frequency of the reports sent to contributors of social security systems, both for individual capitalization accounts and for public distribution regime.</p> <p>- Characteristics, extent, coverage and jurisdiction of the labor accident statistical records</p>	
	Signs of progress	<p>- Characteristics, frequency, coverage of official diffusion campaigns on the rights to social security.</p> <p>- Characteristics, frequency, coverage of trade union actions for the diffusion of guarantees of the social security</p>	<p>- Characteristics, type (Internet portals, TV coverage, specific tellers, etc) of the information provided about rights to receivers of ex gratia or non-taxable coverage programs.</p>	

		rights to workers.		
ACCESO A LA JUSTICIA	Indicador	<p>-Type, characteristics, coverage, competences and jurisdiction of administrative instances to file complaints in matters of lack of compliance of obligations linked to the right to social security.</p> <p>- Type, characteristics, coverage, competences and jurisdiction of state bodies for the monitoring and operation of private systems of social security benefits.</p> <p>-Type, characteristic, number of contentious-administrative instances.</p> <p>- Type, characteristic, number of constitutional actions (appeals, protection actions)</p> <p>- Type, characteristics, coverage, competences and jurisdiction of complaint instances for affiliates of social security systems of individual capitalization.</p>	<p>- Type and number of complaints related to the right to social security received, investigated and solved by the national human rights institution or other administrative mechanisms.</p> <p>- Characteristics, competences and powers of investigation of the State over the management of individual capitalization funds by private institutions.</p> <p>-Type and number of legal decisions that award coverage of contingencies in social security.</p> <p>- Type and number of complaints favorable to the social security coverage for informal workers.</p> <p>- Type and number of legal actions submitted and solved by denial of a non-taxable pension.</p>	
	Signs of progress		- Existence of satisfaction surveys or perception of beneficiaries and users with respect to the program, plans and social services informed.	

III.2. Right to health

71. Article 10 of the Protocol of San Salvador provides with respect to this right that: “Everyone shall have the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being. In order to ensure the exercise of the right to health, the States Parties agree to recognize health as a public good and, particularly, to adopt the following measures to ensure that right: a) Primary health care, that is, essential health care made available to all individuals and families in the community; b) Extent of the benefits of health services to all individuals subject to the State's jurisdiction; c) Universal immunization against the principal infectious diseases; d) Prevention and treatment of endemic, occupational and other diseases; e) Education of the population on the prevention and treatment of health problems, and f) Satisfaction of the health needs of the highest risk groups and of those whose poverty makes them the most vulnerable”.

72. The Protocol refers to observance of the right in the framework of a health system that, however basic it may be, should ensure access to primary health care and the progressive development of a system that provides coverage to the country's entire population. In turn, it should afford special assistance to vulnerable groups and those in a situation of poverty.

73. The Committee on ESCR, in its General Comment N ° 14, said that ... "The right to health in all its forms and at all levels contains the following interrelated and essential elements (...) a) Availability. Functioning public health and health-care facilities, goods and services, as well as programs, have to be available in sufficient quantity within the State party (...). b) Accessibility. Health facilities, goods and services (6) have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions: Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds (...); II) Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS (...); iii) Economic accessibility (affordability): health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households. Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues (...) Acceptability. All health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements (...) Quality. As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, *inter alia*, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation (...) in accordance, the indicators and signs of progress requested to the States Parties follow the above criteria.²⁸

28 In the reply to the enquiry about the document Guidelines of the IACHR, the Pan American Health Organization (PAHO) stated that besides the MDG as a measurement instrument, all resolutions in matters of right to health should be included, specially the APS and protection of vulnerable groups are discussed and approved by all OAS Member Countries. To such effect, it points out that it is crucial to offer to the States and to the civil society and Inter-American specialized agencies, the possibility of measuring the right to health according to guidelines issued by PAHO/WHO, that is in charge of public health in the hemisphere and

RIGHT HEALTH	TO	Structural Indicators	Process Indicators	Outcome Indicators
Incorporation of the Right	Indicator	<ul style="list-style-type: none"> - Ratification by the State of the following agreements that recognize the right to health: i) ICESCR and Optional Protocol, ii) CEDAW and Optional Protocol, iii) CDN, iv) CIEDR; v) ILO Agreements; vi) Convention on the Status of Refugees of 1952 and its Protocol of 1967; vii) Convention on the Status of Stateless Persons of 1954 - Incorporation into the Political constitution (and/or state or province constitutions) of the right to health - Specific legislation that considers the right to health -Scope of the enforceability and justiciability of the right to health. 	<ul style="list-style-type: none"> - Number of reports submitted by the country to international monitoring bodies with respect to the right to health - Number of counter-reports submitted by the civil society to international monitoring bodies with respect to the right to health - Type, characteristics, coverage and jurisdiction of programs that give priority to vulnerable sectors for health services. - Estimated percentage of births, deaths, and marriages recorded through a civil registry system. - Existence of database with relevant jurisprudence of higher federal and state courts over the enforceability of the rights to health. Model cases. 	<ul style="list-style-type: none"> -Life expectancy at birth (urban/rural and by ethnic) -Estimated mortality rate by gender and age group -Maternal mortality rate by age group, geographical area, education level and income quintile. -Infant mortality rate by gender, geographical area, mother's education level, income quintile, ethnic, neonatal and post-natal -Mortality rate by gender due to accidents, homicides or suicides -Mortality rate by transmittable diseases -Percentage of the population with access to potable water -Percentage of people with access to basic sanitation services -Percentage of women of reproductive age with anemia

	Signs of progress	<ul style="list-style-type: none"> -Type and characteristics of the coverage: criteria of universality, or of focalization or by logics of subsidy to the demand. - Number, type, characteristics of recognized civil society organizations that participate in the promotion and protection of the right to health. -Recognition to indigenous health systems 	<ul style="list-style-type: none"> - Characteristics and scope of user satisfaction surveys on the accessibility, availability and quality of health services. 	
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS	Indicator	<ul style="list-style-type: none"> -Characteristics, sources and percentages of financing from the health sector - Percentage of Social Public Spending destined to health -Public spending and social security per capita - Characteristics, types, amount and extent of incentives, tax deductions (fiscal incentives) and subsidies for the private sector of health. - Characteristics, types, amount and extent of state incentives to private pharmaceutical industry. 	<ul style="list-style-type: none"> - Public Spending per capita in attention to health - Family health expense as a proportion of the regular family income - Breakdown of the health expense by jurisdiction (state, province, local) - Percentage of resources destined to training human resources on health 	<ul style="list-style-type: none"> - Average percentage of household income spent on health by family income quintile per capita
	Signs of progress	<ul style="list-style-type: none"> -Relationship between economic growth vs. health coverage in the last 5 		

		years		
STATE CAPABILITIES	Indicator	<ul style="list-style-type: none"> - Incorporation of official documents (public policy) ca) in the basic concept of comprehensive and universal health care. - Type, scope, jurisdiction and financing of a national policy on medications, including generic medications. - Number of physicians per inhabitant - Number of nurses per inhabitant. -Number of deliveries assisted by professionals - Density of professional ancillary personnel per number of hospital beds - Type, characteristics, extent, amounts and management of international technical and financial assistance in the health area. 	<ul style="list-style-type: none"> -Type, characteristics coverage, accessibility and availability of health services by jurisdiction and geographical region. -Percentage of the population with frequent access to essential and/or generic medication -Percentage of health services of public responsibility subcontracted to private companies or other type of provider -Significant public/private differences in health spending and coverage. 	<ul style="list-style-type: none"> - Coverage, extent, jurisdiction and financing of primary health care programs -Coverage of assistance programs for the elder. - Health service use rate - Coverage of health insurance plans, by gender, age and geographical region, as contributors or beneficiaries.
	Signs of progress			
EQUALITY	Indicators	<ul style="list-style-type: none"> - Regulation of abortion - National law or policy for the physically and mentally handicapped. 	<ul style="list-style-type: none"> - Percentage of women and men of reproductive age using contraception - Estimations of induced abortions, by age, domicile (urban/rural) and socioeconomic 	<ul style="list-style-type: none"> -Percentage of children under 5 years with weight below normal - Percentage of children born with weight below 2.5 kg.

		<ul style="list-style-type: none"> - National law or policy of health considering ethnic diversity (indigenous, African descendants) - Law of recognition of sexual and reproductive rights. -Type, number, characteristics, jurisdiction, budget and accessibility to mental health services by territorial distribution. 	<p>conditions of the pregnant woman.</p> <ul style="list-style-type: none"> - Estimations of illegal abortion cases, by age, domicile (urban/rural) and socioeconomic conditions of the pregnant woman or other data available. - Percentage of the population using indigenous or alternate health care systems. - Characteristics, coverage, budget and jurisdictions in sexual and reproductive health programs. - Percentage of children covered by nutritional programs. -Percentage of children and adolescents that receive medical attention/controls periodically - Percentage of children that receive assistance in perinatal health and up to 5 years of age. -Percentage of pregnant women with VIH/AIDS test. - Percentage of children from HIV positive mothers that contracted the HIV/AIDS virus in the first two years of age (cases of AIDS by vertical transmission notified) 	<ul style="list-style-type: none"> - Make up by gender of AIDS cases notified and HIV diagnoses -Percentage of physically or mentally handicapped with access to health services in public or social institutions - Availability of treatment in community services (from organizations of the civil society) for persons with disabilities -Unwanted fertility rate -Percentage of women that periodically undergo gynecological exams (PAP, mammography) - Number of controls during pregnancy. Average number of controls per woman. - Mandatory vaccination coverage.
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			<ul style="list-style-type: none"> - Percentage of pregnant women that receive assistance in perinatal health. - Indicators of exclusive breastfeeding until the fourth month and until the sixth month. 	
	Signs of progress	<ul style="list-style-type: none"> - Characteristics and frequency of population perception surveys about the relationship between fertility, infant mortality and maternal mortality. 	<ul style="list-style-type: none"> - Characteristics and frequency of population perception surveys about sexually transmitted diseases (HIV/AIDS, among others) 	
ACCESS TO PUBLIC INFORMATION AND PARTICIPATION	Indicator	<ul style="list-style-type: none"> - Characteristics, coverage (territorial and thematic), budget and jurisdiction of the statistical system in health matters. Forms and frequency of updating information, and diffusion. - Rules and regulations of state protection about the confidentiality of personal health information. - Provisions and/or legislation that require personal consent to accept or reject treatment. 	<ul style="list-style-type: none"> - Percentage of health providers with protocols of confidentiality for information on health - Type, frequency, coverage of diffusion actions or campaigns by the state with information on sexual and reproductive health policies. - Type, frequency, coverage of advice actions or campaigns for pregnant women on mother-son transmission forms for HIV/AIDS. - Type, frequency, coverage of information actions or campaigns and diffusion programs on the effects of the use of alcohol, tobacco and other drugs. - Type, geographical, jurisdictional and ethnical distribution of translation services in health providers, for other languages spoken in the country. 	<ul style="list-style-type: none"> - Percentage of children born with fetal malformations due to alcohol or drug use. - Percentage of full-term births not registered

	Signs of progress	- Type, characteristics, coverage and periodicity of campaigns for the diffusion of the right to health	-Type, characteristics and coverage of the media that publish information for persons about their rights with regard to health care.	
ACCESS TO JUSTICE	Indicator	<p>-Existence of administrative instances to submit complaints in matters of non-compliance with obligations related to the right to health.</p> <p>-Competences of Ministries or of Superintendences to receive complaints from health system users.</p> <p>-Existence of contentious-administrative instances.</p> <p>-Existence of constitutional actions (appeals, protection actions, custody)</p>	<p>-Number and type of legal rulings that have given rise to guarantees in health in general and in specific cases (sexual and reproductive health, HIV-AIDS, among others).</p> <p>- Number and type of complaints received related to the right to health, investigated and solved by the competent national human rights institutions.</p>	
	Signs of progress			

III.3. Right to Education

74. The Protocol of San Salvador gives special importance to the precisions to define in the Art. 13 that: “i) Everyone has the right to education, ii) The States Parties to this Protocol agree that education should be directed towards the full development of the human personality and human dignity and should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace. They further agree that education ought to enable everyone to participate effectively in a democratic and pluralistic society and achieve a decent existence and should foster understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups and promote activities for the maintenance of peace; iii) The States Parties to this Protocol recognize that in order to achieve the full exercise of the right to education: a) Primary education should be compulsory and accessible to all without cost; b) Secondary education in its different forms, including technical and vocational secondary education, should be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education; c) Higher education should be made equally accessible to all, on the basis of individual capacity, by every appropriate means, and in particular, by the progressive introduction of free education; d) Basic education should be encouraged or intensified as far as possible for those persons who have not received or completed the whole cycle of primary instruction; e) Programs of special education should be established for the handicapped, so as to provide special instruction and training to persons with physical disabilities or mental deficiencies; iv) In conformity with the domestic legislation of the States Parties, parents should have the right to select the type of education to be given to their children, provided that it conforms to the principles set forth above; v) nothing in this Protocol shall be interpreted as a restriction of the freedom of individuals and entities to establish and direct educational institutions in accordance with the domestic legislation of the States Parties”.

75. The right to Education has three dimensions: 1. its own dimension of the right to education. It responds to the nature and scope of international instruments on human rights, national constitutions and local laws, 2. the dimension in the realization of all human rights in education, which is due to promoting and ensuring respect for all human rights in the educational process; 3 dimension that reflects the role of education as a multiplier of rights, namely the importance of education to facilitate greater enjoyment of all rights and freedoms.²⁹

76. In relation to the three dimensions of the right to education, they carry a framework of obligations and indicators known as "A system of four A's". This framework aims to structure the individual components of the rights to education (available and accessible), rights in education (acceptable and adaptable) and fees for education (adaptable) to their respective government obligations: affordability, accessibility, acceptability and adaptability.³⁰

²⁹ The definitions have been taken from the conceptual developments made by the former special rapporteur of the United Nations for the right to education: Katarina Tomasevski, stated in different annual reports: Tomaševski, K (2001) Economic, social and cultural rights. Annual report of the Special Rapporteur on the right to education, submitted in accordance with resolution 2000/9 of the Human Rights Commission, E/CN.4/2001/52, January 11, 2001; Tomaševski K. (2001). *Human rights obligations: making education available, accessible, acceptable and adaptable*. Education Primers N° 3 Novum Grafiska AB, Gothenburg, Sweden.

³⁰ The “Four A’s” system was developed by Tomasevski, K. (2000) Economic, social and cultural rights. Annual report of the Special Rapporteur on the right to education, submitted in accordance with resolution 2000/9 of the Human Rights Commission, E/CN.4/2000/6, February 1, 2000 and subsequent.

77. Schematically, the relationship between rights and obligations results in: i) the obligation of "affordability" or "availability", which implies a duty to fulfill the right to education either through state-run public school or private management. However, the State assumes a dual obligation to establish or finance educational institutions and to refrain (negative obligation) to prevent individuals to establish private educational institutions; ii) the requirement of "accessibility" commits the state to ensure access to public schools without discrimination, iii) the obligation of "acceptability" under which the State must ensure adequate quality of education; iv) the obligation of "adaptability" which requires states to provide in their schools education that best suits the needs of children and adolescents.³¹

78. These criteria were adopted by the ICESCR Committee that in its General Comment N° 13 has pointed out that "...While the precise and appropriate application of the terms will depend upon the conditions prevailing in a particular State party, education in all its forms and at all levels shall exhibit the following interrelated and essential features: a. *Availability* - functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology; b. *Accessibility* - educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions: *Non-discrimination* - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds [...]; *Physical accessibility* - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighborhood school) or via modern technology (e.g. access to a "distance learning" programme); *Economic accessibility* - education has to be affordable to all [...] whereas primary education shall be available "free to all", States parties are required to progressively introduce free secondary and higher education; c. *Acceptability* - the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents [...]; d. *Adaptability* - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings. When considering the appropriate application of these "interrelated and essential features" the best interests of the student shall be a primary consideration (...)"

79. The set of indicators of progress related to the progress regarding the realization of the right to education, follow the overall pattern in conjunction with the system and the 4-A transversal indicators.

31 The ICESCR Committee in its General Comment N° 13 stated that "the right to education" has expressed a general principle that must be understood as extending to the whole economic, social and cultural rights: "*the prohibition of discrimination is not subordinated neither to a gradual implementation nor to the availability of resources and is applied completely and immediately to all aspects of education and comprises all motives for discrimination rejected internationally*" (OG N° 13, item 31). The Committee establishes, therefore, the state obligations with regard to the use of as many resources as are available, including the principle that the progressive development of economic, social and cultural rights consists of guaranteeing that the pertinent rights will be exercised in under equal conditions and without discrimination, becoming an immediate obligation. Strictly speaking, the comment indicates accessibility in three dimensions: non-discrimination, economic accessibility and material accessibility. In the case of economic accessibility, it clearly includes the mandatory nature of cost-free provision at least in the mandatory levels of education (as in the case of elementary school).

Right to Education		Structural Indicators	Process Indicators	Outcome Indicators
Incorporation of the Right	Indicator	<ul style="list-style-type: none"> - Ratification by the State of the following international agreements that recognize the right to education: i) ICESCR and Optional Protocol, II) CEDAW and Optional Protocol, iii) CDN, iv) CIEDR; v) Education Goals 2021; vi) Declaration of the XX Iberoamerican Summit (2010) - Ratification by the state of the following international treaties that recognize the right to Education: i) ICESCR and its Optional Protocol, II. CEDAW and its Optional Protocol, iii). CRC, iv) Educational Goals 2021; vi) Declaration of the XX Iberoamerican Summit (2010) -Recognition in the constitution (and/or federal or state constitutions) of the right to education -Specific legislation that considers the right to education. Scope - Compulsory education: age ranges and duration - Rules governing the right to free education by level of education -Scope of enforceability and justiciability of the right to education 	<ul style="list-style-type: none"> - Level of student performance according to national evaluation system of education - Net school attendance rate by sex, age, geographic area, level of education (preschool, elementary, junior high and high school oriented), disaggregated by gender, quintiles of income, race / ethnicity, urban / rural - Percentage of over-age by sex, ethnicity and geographic area - Number of school days in accordance with standard -Number of reports submitted by the country to international monitoring bodies in relation to the right to education - Number of reports presented by civil society to the international monitoring bodies in relation to the right to education - Type, characteristics, coverage and jurisdiction of programs that give priority to vulnerable sectors for access and permanence in the educational system. - Existence of database with relevant jurisprudence of federal and state high courts on the enforceability of the right to education. Model Cases. - Development, scope and impact of policies 	

Illiteracy rate of the population older than 15 years of age, sex, ethnicity, age groups (in particular, 15-24 and adult population), geographic area

- Percent of students entering preschool and first grade reach the fifth grade of primary education

			to train judges and lawyers. Coverage and court, content, frequency and requirements.	
	Signs of progress	<ul style="list-style-type: none"> -Type and characteristics of coverage: a universal, or focus or logical demand subsidy in education - Number, type, characteristics of civil society organizations registered to participate in the promotion, implementation and protection of the right to education - Number, type, characteristics of bilingual and intercultural education to indigenous peoples. 	<ul style="list-style-type: none"> - Characteristics and scope of the satisfaction survey of recipients of the education system, taking into consideration the set of 4 A-or at least some of its components: accessibility, acceptability, adaptability and affordability or availability. 	
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS	Indicator	<ul style="list-style-type: none"> -Characteristics, sources and financing rates of the education sector - Percentage of public social spending allocated to education - Characteristics, types, amount and extent of incentives, tax deductions (tax incentives) and subsidies for the private sector of education by level -Percentage of investment in I+D in the region with respect to GDP 	<ul style="list-style-type: none"> - Public expenditure on education by level of education (preschool, primary, secondary, polytechnic, tertiary) - Expenditure (Spending) per student, educational levels, as percentage of GDP per capita. - Private expenditure on education as percentage of GDP expenditure distribution by jurisdiction (state, local, provincial) - Percentage of teachers without a specific degree. 	<ul style="list-style-type: none"> - Size of the section of students per teacher, by educational level - Average percentage of household income spent on education by income quintile
	Signs of progress	-Progress in the fulfillment of education goals by 2021, by goal		
		- Percentage of schools participating in	-Offer of public educational institutions for	- Percentage of children between 0 to 6 years

STATE CAPABILITIES	Indicator	<p>screening programs and quality educational content</p> <ul style="list-style-type: none"> - Type, characteristics, extent, amount and management of international technical and financial assistance in the area of education 	<p>children and adolescents from 45 days old to 6 years. By number institutions and number of vacancies</p> <ul style="list-style-type: none"> -Percentage of educational institutions (at all levels including university) with libraries according with quantity of books. - Annual growth rate of specific enrollment rates by age group. 	<p>who participate in educational programs</p> <ul style="list-style-type: none"> -Percentage of full-time researchers, disaggregated by sex and geographic area. -Percentage of schools and teachers participating in training programs and educational innovation - Percentage of young people and adults who participate in training programs and ongoing training and distance, by sex and geographic area -Percentage of young people from technical and vocational education that access to employment after completing their studies and jobs related to their training, by sex and geographic area
	Signs of progress			
EQUALITY	Indicators	<ul style="list-style-type: none"> - Recognition act of bilingual and intercultural education - Inclusion of gender and human rights in the common core content - Inclusion of mandatory sex education in different educational levels - Percentage of primary school enrollment of full-time or double shift by management (public or private) 	<ul style="list-style-type: none"> -Percentage of families with socio-economic difficulties, which are supported to ensure regular attendance of their children to schools. -Percentage of scholarships to students of all levels of education - Percentage of teachers who have the specific title of primary (early childhood) education - Weekly time devoted to arts education and sports in schools by educational level - Number of computers in schools per student for learning projects 	<ul style="list-style-type: none"> - Girls to boys ratio by education level, by ethnicity and geographic area. - Ratio of literate women and men aged 15 to 24 years - Percentage of children and adolescents belonging to ethnic, indigenous, Afrodescendants, and rural populations enrolled in preschool, primary and secondary schools. -Percentage of students from ethnic minorities, indigenous populations and African descent who is studying technical and vocational education (TVE) and university. -Percentage of students with special educational needs enrolled in school systems -Percentage of students belonging to indigenous

				peoples who receive bilingual education, by educational level -Students/computers ratio
	Signs of progress		Frequency and results in the updating of the basic content of education that incorporates the gender, ethnic, human rights and citizenship in the curriculum of different educational stages	
ACCESS TO PUBLIC INFORMATION AND PARTICIPATION	Indicator	- Characteristics, coverage (regional and thematic), budget and jurisdiction of the statistical system in education. Mechanisms for dissemination and access to databases.	-Number of projects submitted and approved in which different social sectors participate and apply an integrated way to the educational design	
	Signs of progress	- Type, characteristics, coverage and frequency of campaigns for the right to education - Type, characteristics, coverage and frequency of campaigns to eradicate illiteracy	-Type, characteristics and coverage of media that broadcast information to people on their rights to education at all levels of the system (formal, non formal, adult)	
ACCESS TO JUSTICE SEDI00071E01	Indicator	-Existence of administrative appeals (instances) to file complaints of breach of obligations relating to the right to education - Existence of litigious-administrative actions (instances) - Existence of constitutional (actions) instances (appeals on the grounds of unconstitutionality, protective actions, guardianship)	- Number and type of court decisions has led to guarantees in education. -Number and type of complaints concerning the right to education received, investigated and adjudicated by the national human rights institutions and / or relevant education in the country.	
	Signs of progress	- Type, characteristics and coverage of studies that inquire about the need for accessibility, adaptability, affordability and acceptability in education.	-Type, characteristics and coverage of the media that broadcast information on the people's right to education	