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IMPACT OF THE FIGHT AGAINST THE COVID-19 PANDEMIC ON HUMAN RIGHTS IN LATIN AMERICA

Abstract. Latin American countries and their populations have not only suffered the devastating consequences of the COVID-19 pandemic but also those of their governments' pandemic inactions, mismanagement and corruption practices. The particularities and the extension of the fight against the COVID-19 pandemic as well as the lockdowns in Latin America have caused the violation of basic universal and fundamental human rights. *Objective:* Assess the catastrophic consequences of the COVID-19 pandemic in Latin America and provide sustainable evidence that governments' inactions, mismanagement and corruption practices to fight it, including severe and over extensive lockdowns, have caused several violations to basic universal human rights. *Methods:* i) Comparative analysis of quantitative data corresponding to different regions (including Latin America) and referred to total COVID-19 total casualties due to the pandemic, measured as a ratio to million inhabitants. Data was published by Worldometer (Figure 1); ii) Comparative analysis of the Effective Lockdown Index corresponding to different geographical regions including Latin America, published by Oxford University, Google, Apple, Wind and Goldman Sachs Global Investment Research (Figure 2); iii) Regional comparative analysis of the impact of the Effective Lockdown Index on Gross Domestic Product corresponding to different geographical regions including Latin America, published by Goldman Sachs Global Investment Research (Figure 3); iv) COVID-19 Stringency Index on government restrictions strictness in different geographical regions including Latin America published by Our World in Data, corresponding to 2020 (Figure 4a); v) COVID-19 Stringency Index on government restrictions strictness in different geographical regions including Latin America published by Our World in Data, corresponding to 2021 (Figure 4b); vi) Comparative Transparency Perception Index 2020 vs. Transparency Perception Index 2018 reflecting different geographical regions including Latin America published by Transparency International (Figure 5); vi) Share of Population fully vaccinated against COVID-19 comparing different geographical regions including Latin America published by Our World in Data (Figure 6); vii) The Pandemic Democratic Violations Index comparing June, 2021 (Figure 7a) with March to June, 2020 (Figure 7b) for different regions including Latin America published by V-Dem Institute. *Results:* The research performed and the resulting data, show that despite very severe and extended lockdowns implemented by Latin American governments to fight the COVID-19 pandemic, the region has suffered devastating consequences not only on the health side but also on their economies. Government mismanagement, inactions and corruption practices to fight the COVID-19 have caused very serious violations of basic universal human rights in the continent such as the ones related to education, circulation, trade and business management, work, healthcare, healthy environment enjoyment, data privacy. *Discussion:* After relating Latin American results with those of other regions, it is evident that governments in the Latin American region have wrongly or ineffectively implemented extended lockdowns which have caused flagrant human rights violations

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instead of increasing PCR tests and implementing effective and accelerated vaccination programs. *Conclusion:* There is sustainable data which provides significant evidence that the fight against the COVID-19 pandemic in Latin America has caused serious restrictions and violations of basic universal human rights.

Keywords: *Human rights, violation, Latin America, pandemic, corruption*

Introduction. There is no doubt at this stage of the strong evolving global relevance of universal human rights, in a very complex global scenario like everyone has to face today. The COVID-19 pandemic and lockdowns have produced and are still causing an overwhelming negative impact on the standard citizens' life. Such affirmation, as drastic as it is, is sustained on the serious deterioration that is being reflected in a considerable number of democracies around the world but specially in Latin America, a region of six hundred million inhabitants (Werthein & Abrantes, 2021). Unreasonable extended lockdowns and other misleading and inappropriate measures implemented by different Latin American administrations, have had unsurmountable and very dramatic consequences for inhabitants in the region. This is due to the fact that quite a relevant number of Latin American governments, implicitly or explicitly, have inadvertently put in place two excluding options for their populations affected by the COVID-19 pandemic. It had to be either healthcare and fight against COVID-19, on the one side, or economic sustainability, on the other, but not the two at the same time. With no real choice at all, citizens have been obviously forced to focus on fighting COVID-19, without really imagining that such a fight had to be at a very high, unsurmountable and unpredictable cost. Losses of thousands of lives, economic devastation, thousands of business shutdowns, millions of job losses, educational catastrophes, lack of basic freedoms, all of which have caused the violation of individuals' basic universal human rights recognized by modern constitutions, including those in force in Latin America.

Governments of advanced economies around the world have been using massive financial resources, both to fight the COVID-19 pandemic as well as to help businesses heavily affected by the lockdowns, to survive and be able to continue with their operations. In most Latin American countries, where financial resources have been always scarce and corruption indexes are high, there has been a lack of sufficient financial aid and support from governments to avoid devastation for businesses as a consequence of long, unreasonable and very strict lockdowns. In addition, fiscal stability and employment levels heavily plunged, and relevant indicators reflected a massive fall of gross domestic products in the economies all over the region. As it will be analyzed later on, mismanagement of the pandemic, including corruption practices by certain Latin American governments, despite extensive lockdowns, have led to catastrophic results both in the healthcare and economic areas. Although there has been a general worldwide economic slowdown and breakdown, the Latin American countries gross domestic products have had an abrupt and steep fall as it has not been seen before, coupled with a massive violation of basic universal human rights as the consequence of the failure to effectively manage the fight against the COVID-19 pandemic.

Analysis of recent scientific researches and publications. Since the end of 2019 the world has been facing an unexpected and tremendous never ending nightmare. The irruption of the COVID-19 pandemic has caused a severe and devastative impact in the different countries around the globe. In quite relevant geographic areas including Latin America, the detrimental consequences of the pandemic, and specially of the unreasonable extended lockdowns and other mismanagement actions, are visibly reflected in a deterioration of democracies, the transformation of democracies into autocracies as well as on violations of basic universal human rights (Beteta, 2020). The COVID-19 pandemic is testing the societies of the world's most unequal continent, where many depend on informal work for their livelihood. Social distancing measures directly affect their

livelihoods, and make immediate social assistance imperative. The crisis is also testing political leadership, as some presidents are emerging as strong, unifying leaders, while others face complex difficulties, in a continent where historically trust in formal political institutions is low. What is today absolutely clear is that the COVID-19 pandemic has affected the life of millions of people. They were compelled to change their style of life, as interaction between human beings has been totally disrupted. The state of huge uncertainty is dominating People's lives.

The purpose of this work is to study the impact of the fight against the COVID-19 pandemic on human rights in Latin America.

Formulation of the main material. The present article will focus on Latin America, where the negative effects of the lockdowns and other misleading actions, have had catastrophic effects on the rule of law, and specifically on the principle of the supremacy of the constitutions which are considered to be, in this part of the world, fundamental law of the State. Many democratic governments have taken undue advantage of the pandemic outbreak, by purportedly and illegally stepping into infringement and violations of individual rights and guarantees widely recognized by those constitutions. Either because those lockdowns and other restrictive actions, have largely overextended in time more than really necessary, or because the different governments have only taken an insufficient reactive rather than proactive approach to face the lack of vaccines, hospital and medical infrastructure and materials, the end result was a clear and devastating deterioration of democratic institutions in the Latin American region.

It is hereby essential to review the basic universal human rights recognized by western-style constitutions in Latin American countries. The identification of all of those rights is crucial to portray the dimension of those infringements and violations by legitimate and non-legitimate governments, that is to say, those political authorities which have been appointed to public office through free elections, and those which do not have, for various reasons, a legitimate standing. It is true that under international human rights law, States can limit the exercise of most human rights if it is necessary to protect the rights of others or collective interests. However, it is necessary to conduct a thorough assessment of the seriousness and extent of those restrictions and the length of time the same have been in place, in order to determine whether or not they have legal and practical sustainability, considering that human rights have a very supreme value and priority. A key response to this dilemma is that government actions should not have disproportionally harmed common citizens' interests such as the recognition and protection of human rights (Lebret, 2020).

In addition, the wide diversity of actions taken by the different governments to enforce the lockdowns and other restrictions to human rights' enforcement, have also derived in violations to the traditional concept recognized by Montesquieu as the division of powers (Fairlie,1923). Western constitutions, including many of the Latin American ones, have widely recognized the independence of powers, namely the Executive, Legislative and Judiciary. However, in many cases, there were situations in which the Executive Branch in certain countries in the region, has taken advantage of the strong lockdown context, to leave the Legislative aside and issue executive orders as well as promote bills of law designed to unduly change the rules of democracy. Debate and decision of these key topics where human rights are restricted, generally fall within the power or the confirmation by the Legislative, as mandated by the fundamental laws of the State. These actions were specially focused to interfere on the appointment of judges, design and implement changes in the selection process of attorneys general as well as proposals to change the composition of the Supreme Courts, all of which had the clear intention of supporting or favoring decisions taken by the Executive All of these actions are reserved to the compliance of specified legal procedures where all of the political parties with sufficient representation in the Legislative branch, were to be involved.

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However, such compliance has been simply bypassed and ignored.

It is true that the institutional and economic performance of democratic governments, especially in Latin America, has been disappointing and frustrating for a very long period of time (Fukuyama, 2015). If someone couples the failure of citizens' expectations with the governments' mismanagement of the COVID-19 pandemic and the unreasonable extended lockdowns, the raise of protest demonstrations should not be taken as a mere surprise by anyone. This is not, in anyway, a justification of such disrupting demonstrations, but it is only a conscious reasoning to understand why citizens step out and protest in situations when their basic universal human rights have been flagrantly infringed or violated. The capacity of the State in Latin America has not follow the necessary pace to meet citizens' demands and in a pandemic scenario. Such failure has been highly visible, namely, there were not enough hospital and medical supplies and infrastructure, as well as insufficient medical staff to satisfy the overwhelming demands of infected patients, among other very serious gaps and deficiencies. More importantly, healthcare workers heavily exposed to infections have not and are not having adequate and reasonable access to personal protective equipment, safety procedures, and diagnostic protocols, necessary for safe working conditions (Delgado et al., 2020). In addition, there has been a lack of enough number of vaccines, necessary to reduce the number of infections and therefore the number of casualties. Non-compliance of vaccine programs has led to unfairly assign vaccines to government officials' family members and active members of political parties which constituted flagrant corruption practices.

Modern western democracies are known to share three principles, namely, the State, the rule of law and democratic accountability (Fukuyama, 2015). Unfortunately, the consequences of the COVID-19 pandemic and the actions taken by some governments, both democratic and non-democratic in Latin America, have proved that such principles have been flagrantly violated. The pandemic caught the States and their governments, totally unprepared to face the effects of such a crisis, no matter what the extent of such pandemic has been. Despite millions of financial resources, Latin American States failed to effectively manage the pandemic, conducting the populations to healthcare and economic devastation, and causing millions of casualties (Lago, 2020).

According to Our World in Data publications, Latin America is losing the fight against COVID-19, and therefore human rights enforcement is in real danger. When measuring the number of casualties as a percentage of total population, 9 out of 10 countries in the region are at the top of this slot. Vaccination campaigns have appeared to be very slow and chaotic, and therefore, have not been successful to stop the virus circulation among the population. Notwithstanding the long lasting lockdowns and human rights' restrictions imposed by governments in the region, which have caused economic devastation, the number of casualties in the region in terms of population, is still the highest. Numbers in all sectors appear to be overwhelming as will now be reflected. A recent United Nations (UN) report has reflected that in 2020, an additional twenty-two million people in the Latin American region plunged into poverty. In addition, nearly sixty million people fell out of the middle class. According to the UN Economic Commission for Latin America and the Caribbean, the population of Latin America represents less than 9 % of the world's population and has had over a quarter of the world's casualties due to the COVID-19 pandemic. The post pandemic era certainly presents a historic opportunity for the region to launch a true transformative agenda, but there is a long road still ahead to repair the health and economic damages which the pandemic has caused and is still causing.

The key and relevant aim of this research article is to analyze the impact of the fight against the COVID-19 pandemic on human rights in Latin America, which have derived in serious violations in many cases and in diverse areas. It has first

been necessary to give an overview of the Latin American context after suffering the consequences of the pandemic on the political, healthcare and economic fronts. In addition, the research has been designed to establish a cause-and-effect relationship which in this case is reflected in the mismanagement of the pandemic by several Latin American governments and its negative consequences on basic universal human rights, deriving in their violation.

In order to be able to achieve the above referred aim, both quantitative and qualitative data have been used. Both primary and secondary data have been collected to complete the research task, and arrive to sustainable conclusions. In this sense, it has been considered that there was a need to look at both quantitative and qualitative data to gather evidence on the cause-and-effect relationship that has been established, namely, that the mismanagement in the fight of the pandemic in certain countries in Latin America has caused devastating effects on the economy, healthcare and governments' institutions, with infringement and violations of fundamental human rights.

There were also ethical and philosophical considerations in the design of the research and its aim. How has this been reflected? Corruption practices and violation of integrity principles and standards have also been taken into account to assess whether or not violation of ethical conducts by Latin American governments have been common in the mismanagement of the pandemic, and have played a key role in the violation of human rights. Despite the fact that the World Health Organization made an international and overwhelming call for fair, transparent and equitable access to vaccines and treatments, in Latin American countries there has been and still is a very strong pressure to secure vaccines for the population. Why? Corruptive practices have threatened and it is still threatening massive access to vaccines, as there has been an evident lack of transparency in the development, procurement, supply and distribution processes, which have had a very negative effect on the different pre-established vaccination programs (i.e. Argentina).

Abstract concepts, such as violation of democratic standards and restriction of rights caused by the governments' mismanagement of the fight against the COVID-19 pandemic, as well as the fear of contracting the virus, cannot be easily measured. There are millions who have lost their jobs, thousands of businesses were closed, students were restricted from having regular classes, circulation has been limited and other violations of basic universal human rights, have occurred. Psychological and healthcare negative effects of the pandemic, have been exacerbated by Latin American governments' mismanagement actions. Those abstract concepts have been turned in this research into measurable observations making good use of operationalization. Operationalization have been used to reduce subjectivity and increase the reliability of the data that have been collected. A good sample of this operationalization is the magnitude of the violation of democratic standards as well as the extent of the stringencies imposed during the fight against of the COVID-19 pandemic in Latin America.

The information that have been included in this section, is focused on reflecting comparative data of Latin America and other geographical regions, among other type of data.

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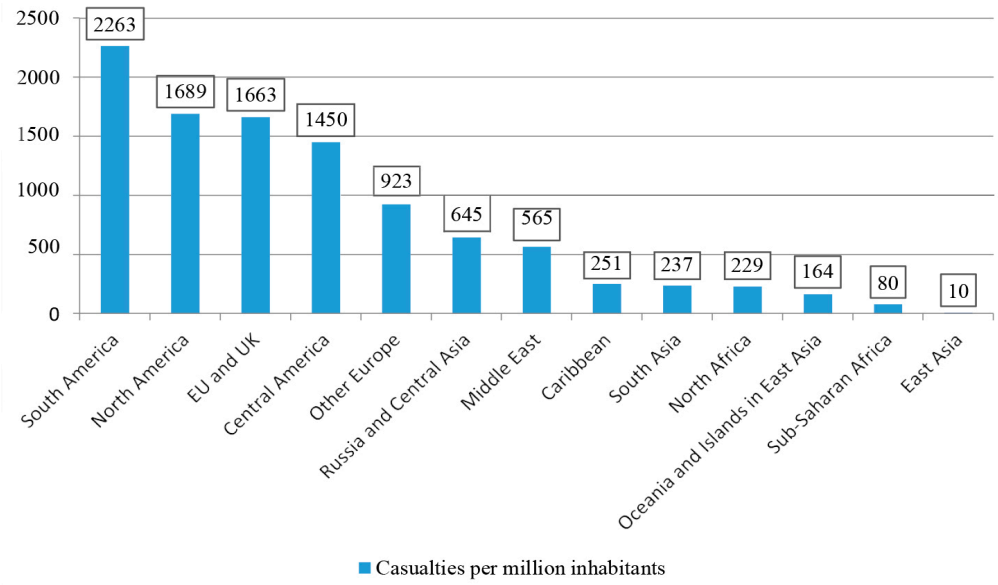

Figure 1 – COVID-19 pandemic number of casualties per million inhabitants
Source: Worldometer
Results: Latin America (South America and Central America)
COVID-19 deaths per million inhabitants: 2263.

Despite high ELIs (as defined below) in Latin America, casualties ratio per million inhabitants show that Latin America has been hit more than the European Union & UK, South Asia, Countries Non-Members of the European Union, Middle East, Russia & Central Asia, Oceania & Islands in East Asia, North Africa, East Asia and the Caribbean. Such ratios are worse than all of those in all regions shown on the Figure 1 above.

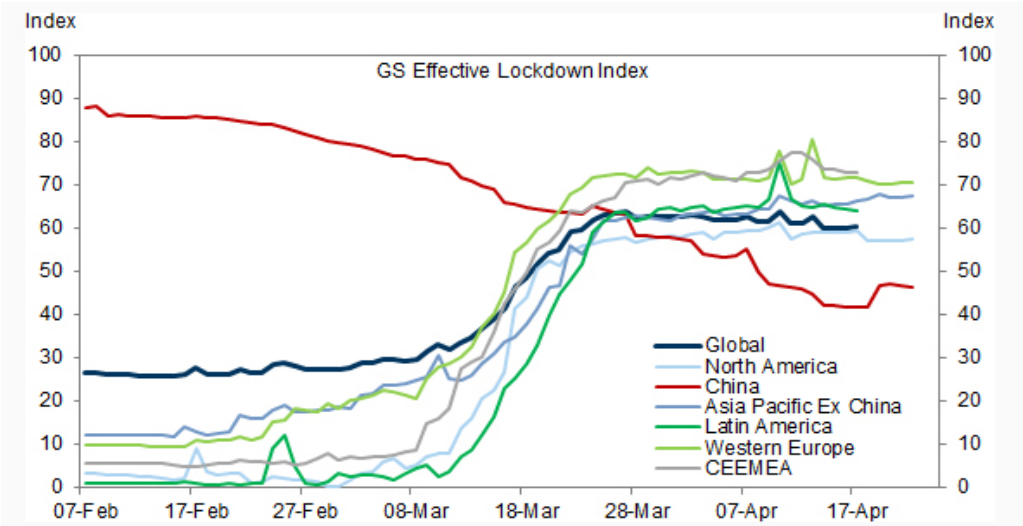

Figure 2 – Investment Research. 2020. The "Effective Lockdown Index (ELI)", provides an equal weight to a "virus policy" measure – an adjusted version of the Oxford index – and a "social distancing" measure – a summary of the Google data
Source: Oxford University, Google, Apple, Wind, Goldman Sachs Global
Results: The ELI for Latin America is higher than the Global ELI, the one in China and in North America, and lower than in Western Europe. Despite this fact, the number of casualties per million inhabitants in Latin America is higher than in Western Europe and UK, and North America.

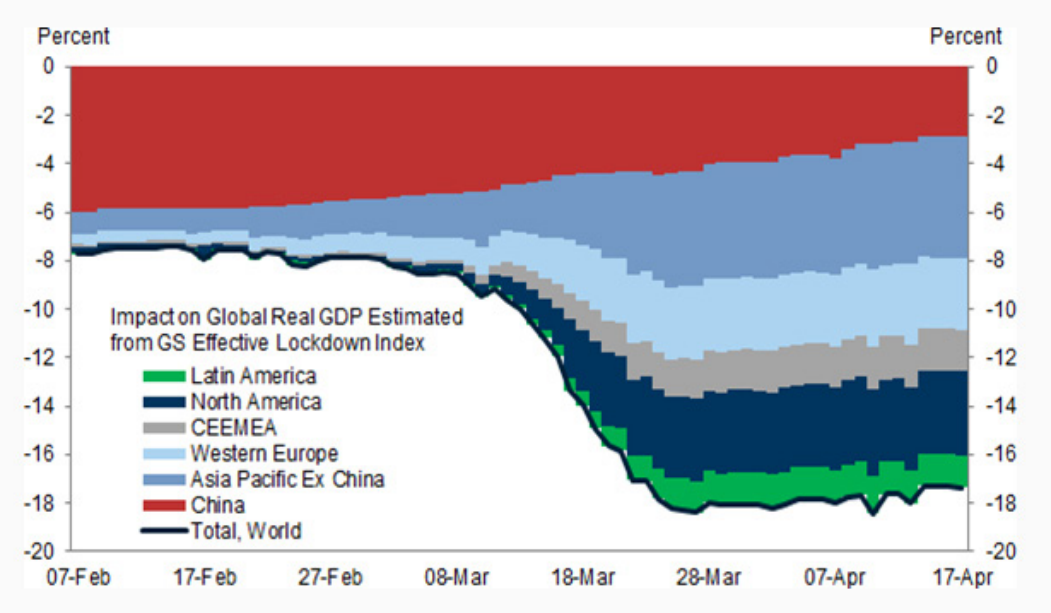

Figure 3 – Impact of ELI on Gross Domestic Product (GDP) Source: Goldman Sachs Global Investment Research

Results: There is a direct relationship between a high ELI and high GDP fall. Comparing Figures 2 and 3, the former shows that the ELI in Latin America is higher in a given period of time compared to ELI Global, ELI North America and China. A high ELI has caused Latin America to have the highest GDP fall compared to other geographical regions such as North America, China, Western Europe and Asia Pacific.

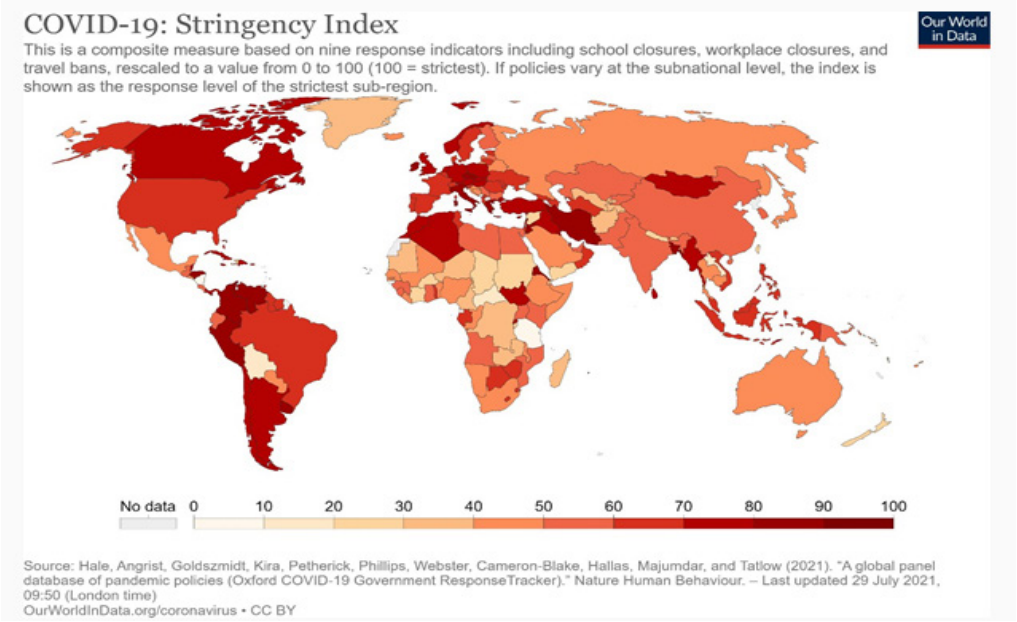

Figure 4a – Stringency Index March 15, 2020 published July 29, 2021 showing Latin America.
Source: Our World in Data

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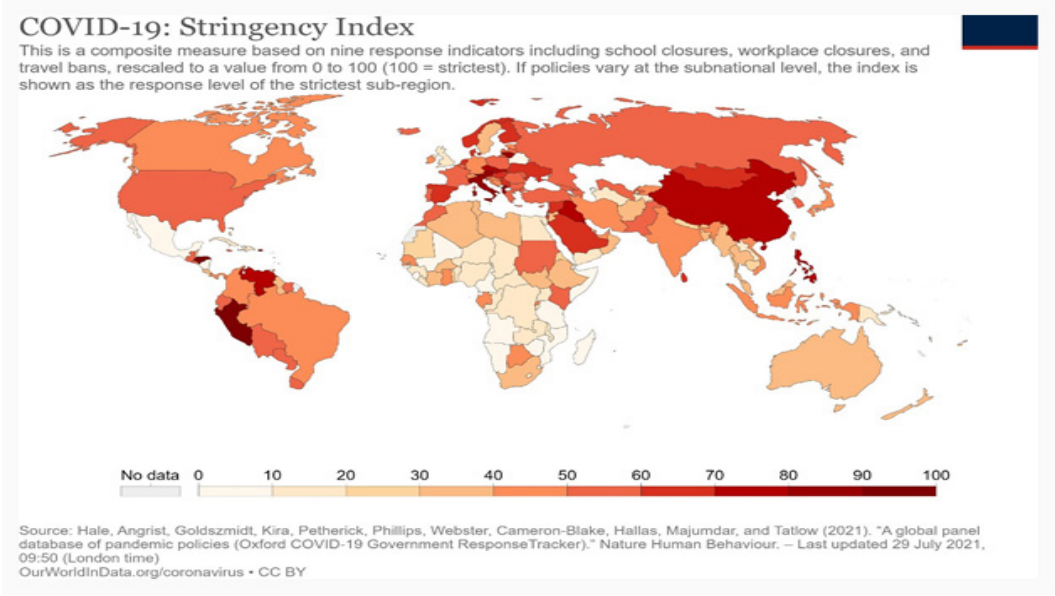

Figure 4b – Stringency Index March 16, 2021 published on July 29, 2021, showing Latin America
Source: Our World in Data
Results: The nine metrics used to calculate the Stringency Index are: school closures; workplace closures; cancellation of public events; restrictions on public gatherings; closures of public transport; stay-at-home requirements; public information campaigns; restrictions on internal movements; and international travel controls. Comparing Figures 4a and 4b, showing the Stringency Index on March 15, 2020 (average 30) and March 16, 2021 (average 60) in Latin America, there is a significant deterioration of the basic universal human rights and freedoms in this region.

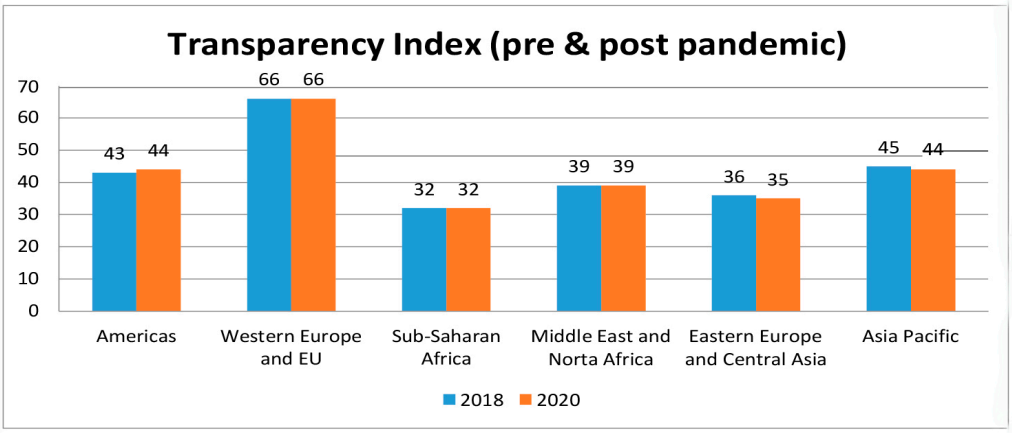

Figure 5 – Transparency Perception Index 2020 (published in 2021) vs. Transparency Perception Index 2018 (published in 2019)
Source: Transparency International
Results: The Transparency/Corruption Perception Index elaborated by Transparency International in 2020 shows that the Americas (including Latin America) is a geographical region where transparency is seen as lower than that in the European Union and Western Union and the Asia Pacific Region. When comparing Transparency Perception Index 2018 with that of 2020, there is a deterioration in the Americas (44 vs. 43) and the highlights of such a weakening in the index, can be attributed to corruption practices during the beginning of the COVID-19 crisis with ongoing investigations of corrupt contracts, embezzlement, and inflated pricing of medical supplies like face masks and body bags in many Latin American countries.

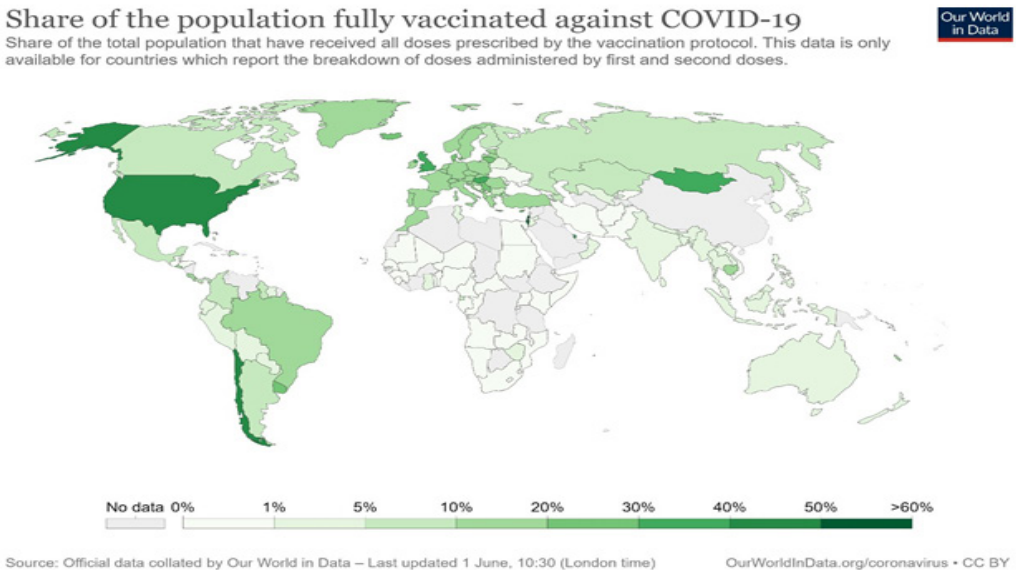

Figure 6 – Share of the Population fully vaccinated against COVID-19
Source: Our World in Data
Results: Latin America is one of the geographical regions where only 10-15 % average of the population has received all doses of prescribed vaccines. This is a very low percentage compared to North America (40 % average), Europe (30 % average) and Asia (20 % average).

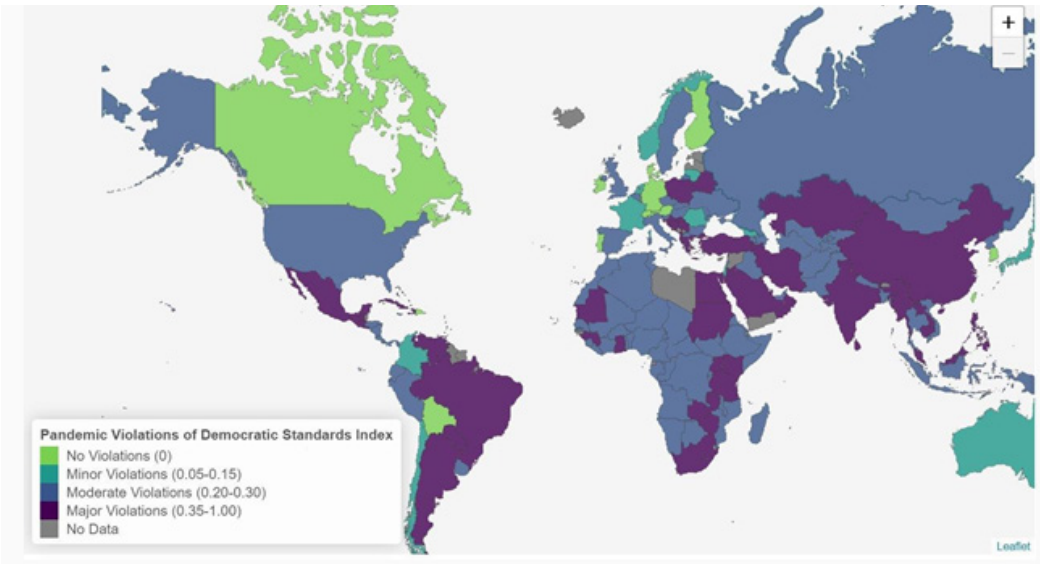

Figure 7a – Pandemic Violations of Democratic Standards Index (June 2021)
Source: V-Dem Institute

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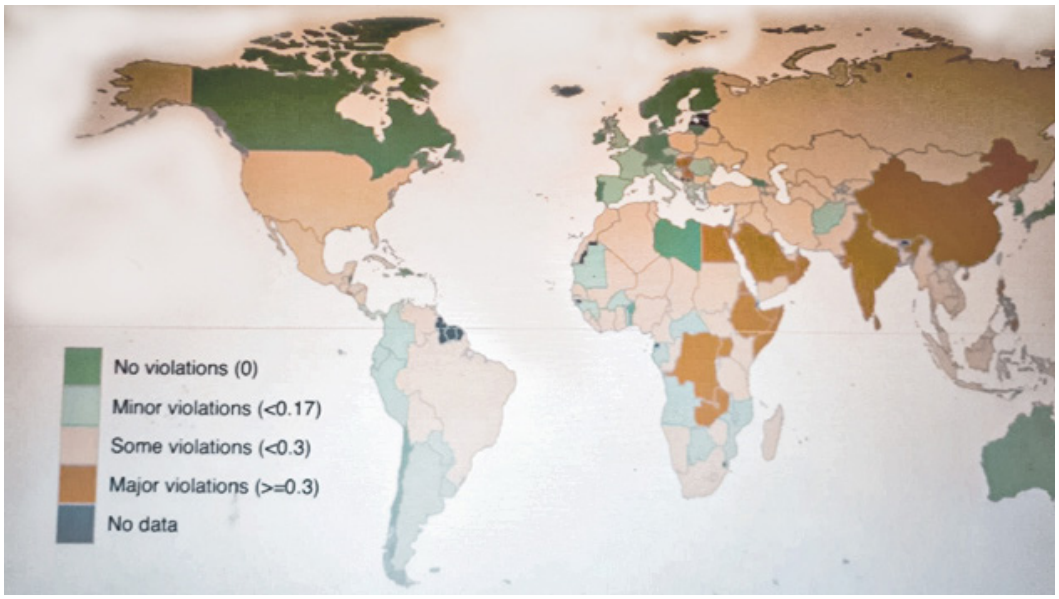

Figure 7b – Pandemic Violations of Democratic Standards Index (March to June, 2020)
Source: V-Dem Institute
Results: The Pandemic Democratic Violations Index measures the following violations: (i) No time limit on emergency measures; (ii) Discriminatory measures; (iii) Derogations from non-derogable rights; (iv) Restrictions on media freedoms; (v) Disproportionate limitations on the role of the legislature and (vi) Abusive enforcement. When comparing Figure 7a and 7b, the number and seriousness of the violations, there has been a very strong increase and aggravation of all type of democratic violations after measuring a twelve (12) months period of the COVID-19 pandemic.

For the purpose of this research, it is essential to identify the so-called basic universal human rights. According to the Universal Declaration of Human Rights proclaimed by the United Nations General Assembly in Paris on 10 of December, 1948, these are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom of opinion and expression, the right to work and education, among others. Everyone is entitled to these rights, without discrimination. The International Covenant on Economic, Social and Cultural Rights which entered into force in 1976, seeks to promote and protect the right to work in fair and favorable conditions; the right to social protection, to an adequate standard of living and to the highest attainable standards of physical and mental well-being; the right to education and the enjoyment of benefits of cultural freedom and scientific progress. As a consequence of certain Latin American governments' mismanagement of the COVID-19 pandemic, and that regional GDPs plunged, social protection levels as well as citizens' standards of living have dramatically deteriorated, the right to work and to receive education were severely affected. Millions of jobs were lost and there were thousands of business shutdowns.

Amnesty International has supported the idea that violations of human rights usually do not contribute to facilitate adequate responses to emergencies in the public health area, undermining their efficiency (Amnesty International, 2020). The World Health Organization also requested countries to ensure that the measures are taken to fight the COVID-19 pandemic, should not negatively affect human rights. Most modern constitutions or national fundamental laws, including those in force in Latin American countries, recognize the protection and guarantee of basic human

rights. Human rights are characterized as universal entitlements applicable to all individuals. They are solely focused to preserve and defend human dignity. States have the obligation to protect, promote and enforce human rights (Sikkink, 2014) Such traditional human rights can be identified as economic, social and cultural rights, including the right to health, to education, to work and fair remuneration, to enjoy a culture leisure, to social security benefits, and the right to secure food, shelter, the right to circulate within and outside the countries' geographic boundaries, the right to receive and give education, the right to do lawful business, among other fundamental rights (2021). In accordance with international law, the right to life is one that cannot be suspended even in emergency circumstances (Queensland Human Rights Commission, 2019). No doubt that the right to health care guarantees the right to life because it is closely related to human life. States are obliged to take actions to prevent threats to public health and to provide medical care to those who need it. Indeed, in Latin America and even in developed economies, the COVID-19 pandemic has reflected strong deficiencies in health-care systems and health inequities characterized in many cases by shortages of medical materials and equipment (Kalra, 2020). Also, some countries suffered from a collapse in the health system and poor quality of medical facilities, which specially affected low-income sectors of the Latin American population (Bambra et al., 2020).

The Latin American region has been characterized by a key period of constitutional change, which fundamentally took place between the end of the 1980s and 2000 (Gargarella, 2014).

During this period, Brazil amended its constitution in 1988, Colombia in 1991, Argentina in 1994, Venezuela in 1999, Ecuador in 2008, Bolivia in 2009, and Mexico in 2011. In all cases, protection of universal human rights has been emphasized and new rights were added. As examples, Section 14 of the Argentine Constitution provides that all inhabitants are entitled to fundamental rights, in accordance with the laws that regulate their exercise, namely, among others, to work and perform any lawful industry; to navigate and trade; to petition the authorities; to enter, remain in, travel through, and leave the Argentine territory; to profess freely their religion; to teach and to learn. Many of these fundamental rights have been severely violated during the COVID-19 pandemic with the implementation of severe and extended lockdowns, despite that the number of casualties in Argentina were at the top ten of the worldwide ranking. In addition, Section 2 of El Salvador Constitution provides that every very person has the right to life, physical and moral integrity, freedom, security, work, property and possession. Section 53 guarantees the right to receive education. In one way or other, all of these rights have been restricted or violated by government mismanagement and abuses.

Sanitary, economic, social and political conflicts are strongly disturbing the life of inhabitants in the Latin American geography today. In a relevant number of cases, these conflicts existed even before the COVID-19 pandemic, but nobody can doubt at this stage, that the consequences of such pandemic has exacerbated problems and has turned on a red light for societies that are suffering the emerging negative consequences which are being observed today. The context is extremely challenging for both Latin American democracies and autocratic regimes in place today. It is well known that Latin America is the world's most unequal continent where a relevant portion of the population really depend on informal work for their own livelihood (Lacase, 2021).

The COVID-19 pandemic has truly represented a strong challenge to political leadership in Latin America, where institutions are historically weak and do not enjoy the trust of the populations (Acacio & Passos, 2020). Some of the Latin American leaders have increased their political power violating the principle of the division of powers to face the crisis of the pandemic. From El Salvador to Nicaragua in Central America, the current administrations in those countries have used the COVID-19 pandemic to incur in different type of abuses of power, restricting and/or deleting key human rights, with the sole intention of having no opposition parties in the

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political arena. In El Salvador, President Nayib Bukele, dismissed Supreme Court of Justice's members and replaced them with individuals who are more in line with his political thoughts. In Nicaragua, President Ortega is persecuting political opponents and several political leaders are suffering from unjustified imprisonment to avoid opposition in the next presidential elections. In South America, the Colombian well-established democracy has been threatened by massive demonstrations in key cities, complaining about new tax bills which represent a huge burden for taxpayers and which had the sole purpose of financing additional healthcare costs. Brazil, Peru and Argentina are the countries in the region which have suffered the effects of the COVID-19 pandemics most in terms of deaths per million inhabitants, despite that Argentina has implemented the longest lockdown in the world (Larrosa, 2020). In addition, in a worldwide rank reported by the World Health Organization, Peru is first with the highest number of casualties (5.915) per million inhabitants, Brazil is ninth with 2.704 casualties and Argentina is eleventh in the ranking with 2.443 casualties per million inhabitants. Lockdown has been implemented as a way of reducing mobility and then potential contagion These countries enjoy democratic governments which have emerged from free elections.

However, and especially in the case of the Argentine, democracy has turned into a kind of autocracy with an unreasonable extended lockdown of almost 8 months in 2020 and newly extended and very strict lockdowns in 2021. The violations of human rights in certain provincial jurisdictions are in the process of being investigated by the United Nations Commission for Human Rights. In Brazil, the highest populated country in Latin America, and after an initial very soft approach to fight the COVID-19 pandemic by President Bolsonaro, such approach has changed into a stricter and more conservative one, as the number of casualties placing Brazil at the top of the rank, were severely hitting the Brazilian society, turning Bolsonaro as an unpopular leader As a consequence of this, President Bolsonaro is suffering congressional investigation as well as huge demonstrations claiming for more volumes of vaccines to avoid additional casualties. Corruption represents a very serious threat to individuals' lives and established living styles, and particularly when a public health emergency such as the COVID-19 breaks out (Kos, & Wasserstrom, 2020).

It is very relevant to realize that transparent government administrations bring higher investments in healthcare and offer strong epidemiological surveillance mechanisms which are key to fight a pandemic and preserve human lives as much as possible (Layachi, 2020). Transparency International, has referred to the COVID-19 pandemic not only as just a health and economic crisis but also as a corruption crisis, in the sense that those government administrations with higher levels of corruption have been in a highly weaker position to face the pandemic challenges. There is, undoubtedly, a severe impact of corruption in the Latin American States' ability to cope with its obligations in order to guarantee compliance with several universal human rights in a pandemic situation.

Unfortunately, this is the context in a great number of Latin American countries. Priority has been given to purchasing testing kits, medicines, patients' protective equipment, ventilators, special beds and other relevant medical devices, and that was the right thing to do. However, despite the urgency with which those supplies were required, the truth was that the purchasing processes have been characterized, in many cases, by an evident lack of transparency. According to Transparency International, direct purchasing mechanisms were used without complying with standard regular bidding processes, which was reflected in illegal and corruption practices. In Colombia such practices became a common standard. Procurement rules were eased and there was an increase in the discretion of public servants in awarding contracts. which generated favoritism, lack of transparency and corruption. The negative consequences of such discretion have offset any potential benefits in promoting flexibilities in the procurement process for emergency reasons (Gallego, Prem & Vargas, 2021).

In Latin America, the sanitary and economic crises, are closely linked. Despite very extended lockdowns which have caused large economic devastations which will require country economies several years to recover, there were very high rates of casualties and very poor vaccination campaigns, Chile being an exception to this rule. According to Prensa Internacional magazine, Latin American countries have been very dogmatic when taking steps towards closing their economies. Peru is at the top of the rank followed by Argentina in the second place. In 2020, and just for comparison purposes, while global gross domestic product (GDP) had a 3 % fall, the average GDP decline in the Latin American and Caribbean region was 7 %, with certain countries declining 10-12 %. Such is the case of Argentina and Peru. In addition, in 2020 the work force in Latin America worked 16 % fewer hours, which is almost twice the loss occurred on a worldwide basis.

After analyzing the key economic indicators in Latin America, the World Trade Organization (WTO) considered that the recovery of Latin American economies would depend on the path of vaccination and its expansion. Further, in the G-7 meeting which recently took place in England, the WTO expressed its fears that the steps taken by Latin American governments to provide vaccines to their population were not as fast as they should be. In addition, the WTO desires that developed economies as those of the countries conforming the G-7, would reach a global agreement to provide developing countries with a more extensive access to vaccines. Although countries in the G-7 have initiated the process of a massive donation of vaccines to developing countries, the WTO considered that an extra United States Fifty Billion Dollars will be needed to accelerate the deployment of vaccines supply. While in Europe, the European Commission took very relevant actions to support short-time work and invested the amount of Euros Thirty-Seven Billion to support small and medium companies as well as the healthcare sector (Lebret, 2020), this was not clearly the case in Latin America. Subsidies and financial aid from the States were not sufficient for recovery purposes.

Moreover, children of different ages and in every geographic region, especially in Latin America where school shut-downs have been for very long periods of time, have been severely affected by the political, social and economic impacts of the COVID-19 pandemic, and, in some cases, by mitigation actions and policies from different government administrations that may advertently or inadvertently have caused, in many instances, more harm than good. Undoubtedly, the negative impact for children will be lifelong, according to the opinion of qualified educational and healthcare experts. It is also clear at this stage, that the harmful effects of the pandemic will not be distributed equally among the world's population. Those severe consequences are expected to be most damaging for children in the poorest countries, and in the poorest neighborhoods, and for those children which are already in disadvantaged or more vulnerable situations.

According to reports prepared and submitted by the John Hopkins University, as December 3, 2020, the COVID-19 pandemic had claimed more than 1.400.000 lives and infected more than 64 million people around the world. COVID-19 has strongly impacted on People's access to healthcare worldwide. Recently, the Save the Children non-governmental organization issued a report which surveyed 25.000 participants in 37 countries, including several Latin American ones. Conclusions were that 90 % of families had severe restrictions to access not only healthcare services but also medicines (Ritz, O'Hare & Burgess, 2020). It is evident that not the pandemic but also the inappropriate actions and mismanagement incurred by the governments to fight it, has increased structural and societal inequalities. Levels of poverty have increased in Latin America, and traditional educational standards were set aside. Millions of children ceased to have in-person classes and had no access to electronic and video devices to be able to have on-line classes. The very negative impact on students' educational standards is evident and will be more visible in the future.

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Faced with an overwhelming crisis, Latin American governments have had, in general, reactive approaches towards the pandemic. Except Chile, which designed and implemented an aggressive vaccine program, there was no other relevant proactive approach. There is a general belief that extended school shut-downs in Latin America have harmed and are still provoking a lasting damage on a full generation. Empty classes are considered a real tragedy. There were Latin American governments that decided to close schools for an extended period of time. A common argument sustaining that decision was not students' physical attendance. Namely, it was parents' circulation and gathering on school entrances and exits that could increase COVID-19 circulation. Closures have also impacted on working parent's daily routines, as many of them have to work from home sharing time with their children. Poverty levels in Latin America, have not allowed students to receive on-line education as they did not have laptops and/or Wi-Fi connections available.

On average, 38 % of workers in Latin America are employed in the informal economy, many of them without access to health or unemployment insurance. Expecting people living hand-to-mouth to comply with lockdown restrictions is perhaps unrealistic. While government-funded relief helped alleviate this problem, it was probably insufficient. Implementing a lockdown correctly is critical in reducing its cost, and several factors may prevent it. Some are particular to individual countries, but a few structural factors common to the region stand out. One is limited government capacity to enforce lockdowns, especially in more remote regions where law enforcement presence is weak. Combined with low trust in government and media, the result was that a certain number of citizens chose to ignore government mandates. The International Labor Organization (ILO) has warned of the need to adopt immediate strategies to face the labor crisis caused by COVID-19 which has led to the loss of at least 34 million jobs in Latin America and the Caribbean. The situation could generate an increase of inequalities in the region even as early indications of recovery have been observed in recent weeks.

Conclusions. There is no doubt at this stage of the 21st century, that basic universal human rights constitute true, significant and supreme values in all modern societies and that they are required to be fully protected by governments. In an extremely complex global context governed by freedom restrictions of all kinds, a good number of Latin American administrations have incurred in a severe and serious mismanagement and corruptive actions in their intent to fight against the COVID-19 pandemic. Such actions, including extended lockdowns, have proved totally ineffective to attack the pandemic and have led to serious restrictions and violations of basic, essential and universal human rights. As analyzed in this research, those violations have not only negatively impacted on citizens' lives (i. e. thousands of casualties, insufficient access to vaccines, no access to education, massive loss of jobs, business shut-downs, lack of medical infrastructure and supplies), but also on democratic institutions, converting some democracies into new real autocracies where lack of transparency and corruption practices have been and currently are common standards. Undoubtedly, Latin American governments will face new challenges during the post-pandemic era, for which they should be prepared to reinvent themselves, and should be thinking on planning and designing appropriate and effective policies to protect basic essential human rights and avoid further and more serious economic and social devastation.

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Conflict of Interest and other Ethics Statements

The author declare no conflict of interest.

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Рікардо Даніель Фурфаро

ВПЛИВ БОРОТЬБИ З ПАНДЕМІЄЮ COVID-19 НА ПРАВА ЛЮДИНИ В ЛАТИНСЬКІЙ АМЕРИЦІ

Анотація. Країни Латинської Америки та їх населення постраждали не тільки від руйнівних наслідків пандемії COVID-19, а також від наслідків бездіяльності їхніх урядів. Особливості та продовження боротьби з пандемією COVID-19, а також карантин в Латинській Америці спричинили порушення основних прав людини.

Метою дослідження є оцінювання катастрофічних наслідків пандемії COVID-19 в Латинській Америці та забезпечення стійких доказів того, що бездіяльність та неефективне управління, а також корупційна практика урядів спричинили порушення основних універсальних прав людини. В процесі дослідження автор застосовував наступні методи: 1) порівняльний аналіз загальної кількості жертв COVID-19, виміряної по відношенню до мільйонів жителів (по різним регіонам, включаючи Латинську Америку); 2) порівняльний аналіз індексу блокування, включаючи Латинську Америку; 3) регіональний порівняльний аналіз впливу індексу ефективного карантину на валовий внутрішній продукт, включаючи Латинську Америку; 4) індекс жорсткості COVID-19 щодо державних обмежень, у тому числі в Латинській Америці; 5) порівняльний індекс сприйняття прозорості 2020 порівняно з індексом сприйняття прозорості 2018, який відображає різні географічні регіони; 6) оцінювання частки повністю вакцинованого населення проти COVID-19.

Проведене дослідження та отримані дані показують, що незважаючи на дуже суворі та тривалі обмеження, запроваджені урядами Латинської Америки у боротьбі з пандемією COVID-19, регіон зазнав руйнівних наслідків не лише в контексті здоров'я громадян, а й для економіки в цілому. Бездіяльність та корупційні практики урядів впродовж боротьби з COVID-19 спричинили дуже серйозні порушення основних універсальних прав людини на континенті, наприклад, пов'язані з освітою, торгівлею та бізнесом, роботою, охороною здоров'я, здоровим довкіллям, задоволенням, конфіденційністю даних тощо.

Ключові слова: *права людини, порушення прав, Латинська Америка, пандемія, корупція*

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