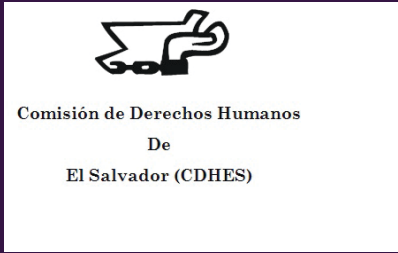


fidh



Prioritise life over debt: in the face of the Covid-19 crisis, Latin America requires a new social pact



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## INTRODUCTION

The International Federation for Human Rights (FIDH) and its member organisations (see list below) are extremely concerned by the current situation of vulnerable populations in Latin America in the context of the Covid-19 coronavirus pandemic. Weak and inadequate State responses to combat the spread of the virus in the region and to ensure that those most in need have sufficient resources to deal with isolation, have had a devastating impact on people living in poverty<sup>1</sup>. Policies adopted by many governments “reflect a social Darwinism philosophy that prioritises the economic interests of the wealthiest, while doing little for those who are hard at work providing essential services or unable to support themselves”<sup>2</sup>. Despite the provision of massive financial support packages, those in vulnerable situations have not sufficiently been taken into account.

With Latin America as the new epicentre of the coronavirus, it is feared that in addition to numerous deaths there will be a flagrant increase in socio-economic inequalities, which will further undermine the well-being of the Latin-American populations. The crisis, and the measures that have been adopted by governments to address it, exacerbates the structural vulnerability of a large segment of the population, who are already suffering from job insecurity, poor access to food, water, health and housing. In the context of a global pandemic, an increase in poverty and socio-economic inequalities is not ineluctable, transcontinental mobilisation is needed to safeguard the continent’s progress and the social achievements of the past few decades.

The Covid-19 pandemic of recent months is resulting in an unprecedented global crisis, not only putting health systems in a majority of countries in check, but also severely impacting social dynamics, ways of life in large cities and, above all, undermining the foundations of the economy, at the global, national and local levels. This note is intended to highlight the severity of the current situation on the continent and the serious risk of increased socio-economic inequalities and extreme poverty across the region. To address this situation, the note calls for the adoption of a new social pact that prioritises more redistributive fiscal policies, suspends foreign debt and interest, and fights corruption, especially when resulting in state capture. This must lead to the reinforcement of State capacity to increase social investment and establish a universal health system.

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1. See OHCHR, Special Rapporteur on extreme poverty and human rights, Philip Alston, “Responses to COVID-19 are failing people in poverty worldwide - UN human rights expert”, 22 April 2020, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25815&LangID=E>

2. Ibid.

## I. BEYOND THE FIGURES: DRAMATIC INCREASE IN DEATHS DUE TO COVID-19

Latin America has already become the new epicentre of Covid-19, while it has yet to reach its peak. The number of cases increase on a daily basis and the number of deaths continue to rise. To date, more than 2,004,019 cases of Covid-19 have been registered across the continent. Numbers are staggering in the region, and the pandemic poses a serious threat to the lives of all Latin American populations. Brazil is one of the most affected countries, with more than 50,591 deaths with a total of 1,083,341 coronavirus cases. In Mexico there have been more than 21,825 deaths since the first case was recorded in the country. Peru is next, with more than 7,861 deaths. In Chile, there have been over 4,479 deaths caused by the pandemic. In Ecuador there have been over 50,640 Covid-19 cases and 4,223 deaths caused by the pandemic.

The alarming number of deaths in the region highlights the fragility of health systems (see Section 3 below), as well as the incapacity to adequately deal with corpses in a pandemic context because States lack the necessary protocols and facilities to conduct decontamination processes or funeral services that prevent the spread of the virus. This is illustrated by the situation in the city of Guayaquil, Ecuador, where 990 people died (30.7% of the total number of deaths in the country, as of 27 May)<sup>3</sup>, generating risks for the rest of the population and making the performance of adequate funeral rites for family members impossible, with emotional consequences.

Although the coronavirus attacks everyone, vulnerable populations are the most affected, with high numbers of deaths. The pandemic has significantly affected people with lower incomes<sup>4</sup>, those living in confined spaces and those belonging to marginalised racial-ethnic groups.

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3. Open data available at the following page: <https://coronavirusecuador.com/data/>

4. *El País*, "La pandemia golpea a los que menos tienen", 17 May 2020, available at: <https://elpais.com/ciencia/2020-05-16/la-pandemia-golpea-a-los-que-menos-tienen.html>

## II. RISK OF DEEPENING SOCIO-ECONOMIC INEQUALITIES AND INCREASED POVERTY AND EXTREME POVERTY

The eradication of extreme poverty is not only a moral requirement but also a legal obligation under international human rights law<sup>5</sup>. The Universal Declaration of Human Rights (Article 25), the International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 11) and the Protocol of San Salvador<sup>6</sup> require States to take the necessary measures to guarantee the right of every person to an adequate standard of living for her- or himself and her or his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. Poverty, including extreme poverty, must be understood as a multidimensional phenomenon covering not only a lack of income but a range of other factors, including “physical poverty, social poverty, the reduced capacity to enjoy freedoms, cumulative trauma”<sup>7</sup>. Thus, poverty is both a cause and a consequence of human rights violations which may be exacerbated by the pandemic. Public policies implemented to fight poverty and extreme poverty must therefore have a human rights focus<sup>8</sup>.

### A) Unprecedented increase in poverty and extreme poverty in Latin America and the Caribbean as a result of Covid-19

Today, the Latin American and the Caribbean region remains the most unequal in the world<sup>9</sup>, with a Gini Index of 0.465 in 2018, showing a slow reduction in income inequality<sup>10</sup>. Moreover, levels of poverty and especially extreme poverty have increased since 2015<sup>11</sup>. More than 185 million people are living below the poverty line, of whom 66 million are in extreme poverty.

According to the Economic Commission for Latin America and the Caribbean (ECLAC), as a result of the pandemic, the region will suffer a decrease in GDP of 5.3% in 2020, the most significant in all its history. This means that the unemployment rate is expected to reach around 11.5%, an increase of 3.4% compared to 2019 (8.1%). At the same time, the poverty rate may rise from 4.4% to 34.7%, which would mean an increase of 29 million people<sup>12</sup> in situations of poverty, while the extreme poverty rate could rise by 2.5% from 11.0% to 13.5%, representing an increase of 16 million people<sup>13</sup>, almost equal to the total population of Ecuador.

Although reactions to the crisis by states across the region differed, with some, like Peru, quickly entering a lockdown, while others, such as Chile, adopted less stringent measures, the World Bank pointed out that the pandemic would have a disproportionate impact on populations from the most disadvantaged sectors “through job loss, loss of remittances, rising prices, and disruptions in services such as education and health care”<sup>14</sup>.

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5. OHCHR, *Guiding Principles on Extreme Poverty and Human Rights*, 2012, available at: [https://www.ohchr.org/Documents/Publications/OHCHR\\_ExtremePovertyandHumanRights\\_EN.pdf](https://www.ohchr.org/Documents/Publications/OHCHR_ExtremePovertyandHumanRights_EN.pdf)

6. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador” adopted in San Salvador on 17 November 1988.

7. Instituto Interamericano de Derechos Humanos IIDH. “Pobreza y Derechos Humanos: hacia la definición de parámetros conceptuales desde la doctrina y acciones del sistema interamericano. available at: <http://www.corteidh.or.cr/tablas/r30504.pdf>

8. CIDH. (2017). “CIDH presenta informe sobre pobreza y derechos humanos”, available at: <https://www.oas.org/es/cidh/prensa/comunicados/2017/202.asp>

9. ECLAC. (2018). “Panorama Social de América Latina 2018”. available at: [https://repositorio.cepal.org/bitstream/handle/11362/44395/11/S1900051\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/44395/11/S1900051_es.pdf)

10. ECLAC. (2019). “Panorama Social de América Latina 2019”, p. 21, available at: [https://repositorio.cepal.org/bitstream/handle/11362/44969/5/S1901133\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/44969/5/S1901133_es.pdf)

11. ECLAC. (2019). p.16

12. ECLAC. (21 April 2020). Comunicado de Prensa “Pandemia del COVID-19 llevará a la mayor contracción de la actividad económica en la historia de la región: caerá -5,3% en 2020”, available at: <https://www.cepal.org/es/comunicados/pandemia-covid-19-llevara-la-mayor-contraccion-la-actividad-economica-la-historia-la>

13. ECLAC. (2020).

14. Banco Mundial. (April, 2020). “Pobreza”. Recuperado de : <https://www.bancomundial.org/es/topic/poverty/overview>

**FIDH and its member organisations consider that States are in a position to prevent the deterioration of social conditions on the continent by implementing immediate measures to curb the increase in social inequalities across the region and the accentuation of poverty and extreme poverty.**

## **B) Increased hunger in the region due to Covid-19**

According to the Food and Agriculture Organization of the United Nations (FAO) and the ECLAC point out that the COVID-19 crisis could turn into a food crisis<sup>15</sup> and could double the number of people suffering acute hunger worldwide<sup>16</sup> by the end of 2020, for example by increasing the high rates of child malnutrition in certain countries such as Guatemala where almost half of the children (46.5%) are undernourished<sup>17</sup>. In a recent report<sup>18</sup>, the World Food Programme (WFP) pointed out that *"it is highly likely that the Covid-19 pandemic will result in increased hunger and poverty in Latin America and the Caribbean. The sanitary measures implemented to prevent the spread of the virus have direct consequences on the functioning of food systems. Hence, complementary actions are required so that the fight against the pandemic does not compromise the food security of the population"*. The WFP also stressed that prior to the pandemic 188 million people, a third of the population of Latin America and the Caribbean, were facing food insecurity<sup>19</sup>.

In this context, government programmes seeking to address some of the needs of the most vulnerable populations are inadequate. Since economic resources are limited, structural socio-economic inequalities persist and even increase as a result of the pandemic. In addition, food rations provided to low-income families often fail to meet minimum nutritional requirements, presenting risks of malnutrition and/or obesity in severe cases. The covid-19 crisis has limited access to fresh foods such as fruits and vegetables, "given the restrictions imposed on fairs and other local markets"<sup>20</sup> and has also favoured the purchase of non-perishable foods which, in many cases, are highly processed, having negative effects on the nutritional quality of the diet.

For example, in Ecuador, in addition to the issue of corruption within government bodies during the health emergency, linked to the overpricing of "food kits" purchased by the National Secretariat for Risk Management, the food packages provided contain highly processed food of low nutritional quality<sup>21</sup>, presenting risks of malnutrition as well as undermining the agricultural sector. In the department of Valle del Cauca in Colombia, 13 child deaths due to malnutrition<sup>22</sup> have been reported so far since the beginning of 2020, which may be linked to the impact of the coronavirus in the country.

Likewise, in Venezuela, the current pandemic is exacerbating the humanitarian crisis in the country. The consequences of the economic crisis, which has been devastating and has led to a shortage in basic commodities, could have a significant impact on enjoyment of the right to food. WFP reported that more than 9 million Venezuelans cannot access food, despite its availability in the country,

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15. ECLAC. & FAO. (16 June 2020). Informe Cómo evitar que la crisis del COVID-19 se transforme en una crisis alimentaria. Acciones urgentes contra el hambre en América Latina y el Caribe. available at: [https://repositorio.cepal.org/bitstream/handle/11362/45702/4/S2000393\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/45702/4/S2000393_es.pdf)

16. WFP. "La COVID-19 duplicaría el número de personas que hacen frente a crisis alimentarias si no se actúa con rapidez", available at: <https://es.wfp.org/noticias/covid-19-duplicara-numero-personas-hambre-si-no-se-actua>

17. BBC News. (2018). "Los países de América Latina con las mayores tasas de desnutrición infantil crónica", available at: <https://www.bbc.com/mundo/noticias-46100675>

18. FAO. (2020). La nueva enfermedad coronavirus (covid-19) y los Sistemas Alimentarios en América Latina y el Caribe, available at: <http://bit.ly/COVID19FAO>

19. FAO. (2020). Informe Seguridad Alimentaria bajo la Pandemia de COVID-19. Available at: <http://www.fao.org/3/ca8873es/CA8873ES.pdf>

20. ECLAC. & FAO. (16 June 2020). Informe Cómo evitar que la crisis del COVID-19 se transforme en una crisis alimentaria. Acciones urgentes contra el hambre en América Latina y el Caribe. Available at: [https://repositorio.cepal.org/bitstream/handle/11362/45702/4/S2000393\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/45702/4/S2000393_es.pdf)

21. Acción Ecológica. (28 May 2020). "¡Hoy más que nunca, la soberanía alimentaria como prioridad!" Available at: <http://www.biodiversidadla.org/Recomendamos/%21Hoy-mas-que-nunca-la-soberania-alimentaria-como-prioridad>

22. El Tiempo. (03 June 2020). Preocupación en el Valle : van 13 muertes por desnutrición. Available at: <https://www.eltiempo.com/colombia/cali/alerta-por-muertes-por-desnutricion-en-el-valle-del-cauca-en-2020-502490>

as a result of hyperinflation<sup>23</sup>. The situation of the Venezuelan migrant population in Colombia, Ecuador and Peru is equally serious: the WFP indicated that the number of severely food insecure people was expected to rise from more than 540,000 to more than 1 million<sup>24</sup>. It is anticipated that the food situation will be aggravated by the loss of livelihoods of informal workers and small entrepreneurs prevented from working by quarantine measures.

In addition, there have been reports of repression and discrimination against citizens in the context of food delivery campaigns. In Honduras, the State of Emergency is used by certain State agents as a pretext to diminish and restrict human rights and to violate certain fundamental rights. An alarming number of complaints have been registered concerning violations of the right to security and freedom of expression, among others. CIPRODEH reported that 55 % of complaints relate to alleged abuses of power by officials imposing irregular measures without oversight. On 23 April, several citizens from the community of Las Metalías, in the municipality of Tela, who were demanding the equal distribution of humanitarian food aid by the government, were attacked by Military Police officers, who engaged in unnecessary, disproportionate and illegal use of force, employing lethal and non-lethal weapons such as tear gas and firearms, attacking the physical integrity of demonstrators.

**FIDH and its member organisations therefore call on Latin American countries to combat hunger on the continent by ensuring implementation of adequate, healthy, and safe food programmes during the pandemic.**

### C) Vulnerable groups

States' responses to emergency situations - in terms of logistics, health and economic resources - tend to render invisible the basic needs of populations who are vulnerable due to structural or circumstantial factors: women, indigenous persons, people with disabilities, children and adolescents, elderly persons, migrants and internally displaced persons, people of African descent, people deprived of liberty and the LGBTIQ population. As a result, in the short- and medium-term, the Covid-19 pandemic is expected to affect the lives of millions among these populations across the world by exacerbating levels of poverty, extreme poverty, unemployment and underemployment, as well as inequality, especially in the Latin American and Caribbean (LAC) region.

Although it is still too early to determine the full impact of the crisis, the following examples reveal a number of difficulties faced by some of the continent's vulnerable populations, such as indigenous populations, women and persons deprived of their liberty.

The situation of indigenous populations living in the region and the potential impact of Covid-19 on them, affecting their very survival, is alarming, as illustrated by the case of the Yagán community in Puerto Williams, Chile. This population consists of 94 people, 10 of whom are elderly, and "the decision of the authorities not to halt economic activity is a serious concern, threatening the health and lives of those who live there and, especially, members of the Yagán community, who, due to their conditions of material poverty, health and precarious housing, are in a situation of particular vulnerability to the pandemic"<sup>25</sup>.

Indigenous peoples and communities in the Amazon and other areas where oil, mining and agro-industrial projects have been installed are at extreme risk due to the incursion of workers hired for extractive activities without taking the necessary biosecurity measures; this has led to numerous infections and a significant increase in deaths, as the immune system of these populations is more vulnerable.

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23. WFP. (February 2020). Available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/wfp-venezuela-evaluacion-de-seguridad-alimentaria-principales>

24. WFP. ( 28 May 2020). Millones en riesgo de inseguridad alimentaria en América Latina y el Caribe. Available at: <https://es.wfp.org/noticias/millones-en-riesgo-de-inseguridad-alimentaria-en-america-latina-y-el-caribe>

25. El Mostrador, (23 April 2020), "Una nueva amenaza a la supervivencia del pueblo Yagán". Available at: <https://www.elmostrador.cl/destacado/2020/04/23/una-nueva-amenaza-a-la-supervivencia-del-pueblo-yagan/>



In Colombia, there have been complaints that government aid fails to reach or has difficulty reaching indigenous populations in the departments of Casanare, Vichada and Meta. Similarly, transport paralysis resulting from quarantine measures makes access to health centres impossible. In Brazil, around 81,000 indigenous people are vulnerable to the pandemic, according to a study by a team from the University of Campinas (Unicamp), which indicated that “indigenous peoples are especially susceptible to the virus because they have had little biological contact with pathogens already dealt with by the non-indigenous population”<sup>26</sup>. Likewise, the situation of the Quilombola communities is alarming, as, to date, they have reported 89 deaths<sup>27</sup>, while they could also be seriously affected if the necessary measures are not taken<sup>28</sup>.

The situation of Latin American women is of serious concern, as they face dual pandemics. In the majority of Latin American countries, two out of every three femicides occur in the context of a partner or ex-partner relationship, and male violence and gender-based violence affect an average of one in three women in the course of their lives, a situation that is underestimated and further aggravated by the health emergency and lockdown. The economic impact of the pandemic, the loss of income or work disproportionately affects women in the informal sector and can generate additional barriers to getting away from the perpetrator and reporting him, due to economic dependence-coercion. Women migrants, refugees, asylum-seekers and returnees may face increased risks of physical, psychological and sexual abuse due to heightened exposure, increased xenophobia, discrimination, difficulties in accessing services and lack of documentation<sup>29</sup>.

The situation of persons deprived of their liberty, one of the vulnerable populations with least protection from Covid-19 due to the high rate of overcrowding in Latin American prisons, is also dramatic and of utmost concern. The Inter-American Commission on Human Rights issued Resolution No. 1/20 entitled “Pandemic and Human Rights in the Americas” recommending States to “take measures to address overcrowding in prisons” and to “adapt the conditions of detention of people deprived of liberty, particularly concerning food, health, sanitation and quarantine measures”.

In countries such as El Salvador, the Dominican Republic, Colombia and Brazil, persons deprived of their liberty are held in precarious, overcrowded conditions and without the benefit of health measures inside detention centres. Brazil, for example, is in fourth place worldwide in terms of the number of deaths in prisons due to the pandemic, with 29 deaths and at least 755 confirmed cases of the disease so far<sup>30</sup>.

Similarly, in Mexico, the situation of migrants deprived of their liberty is concerning, since migrant detention centres do not have adequate health protocols, and migrant arrests in the streets continue<sup>31</sup>, putting the life, health and integrity of migrants at risk. It should be recalled that many of the migrants deprived of their liberty are children, elderly persons, adolescents or members of groups at risk from Covid-19.

In Colombia, since the declaration of the first case of infection in the country, 1,063 Covid-19 cases have been confirmed in prisons, representing 4.6% of the national figure (23,003 as of 26 May<sup>32</sup>). The most worrying situations are in Villavicencio with 877 cases, followed by Leticia with 143 cases.

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26. Study led by anthropologist and demographer Marta Azevedo. Available at: <https://www.lavanguardia.com/vida/20200423/48690978440/mas-de-81000-indios-en-situacion-de-maxima-vulnerabilidad-frente-al-covid-19.html>

27. Open data available at the following page: Observatorio da covid-19 nos Quilombos. Available at: <https://quilombosemcovid19.org/>

28. Brasil de Fato. (28 May 2020). Levantamento inédito mostra que 46 quilombolas já morreram por coronavírus no Brasil. Available at: <https://www.brasildefato.com.br/2020/05/28/levantamento-ineditomostra-que-46-quilombolas-ja-morreram-por-coronavirus-no-brasil>

29. Red de Salud de las Mujeres Latinoamericanas y del Caribe – RSMAC. Pronunciamento “Las mujeres enfrentan dos pandemias”, 28 de May 2020.

30. Agencia EFE. (26 May 2020). La situación en las cárceles alerta en un Brasil con el COVID-19 en escalada. Available at: <https://www.efe.com/efe/america/sociedad/la-situacion-en-las-carceles-alerta-un-brasil-con-el-covid-19-escalada/20000013-4255794>

31. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH). (15 de May 2020). CP: El INM No puede dejar desprotegidas a personas migrantes frente a la crisis del COVID-19. Available at: <http://cmdpdh.org/2020/05/cp-el-inm-no-puede-dejar-desprotegidas-a-personas-migrantes-frente-a-la-tesis-del-covid-19/>

32. El Espectador. (4 June 2020). Esta es la situación del coronavirus en Colombia en tiempo real. Available at: <https://www.elespectador.com/coronavirus/esta-es-la-situacion-del-coronavirus-en-colombia-en-tiempo-real-articulo-909153>

In addition to overcrowding, in many prisons “there is a lack of proper access to health care and sometimes no access to basic services such as water”<sup>33</sup>, which further aggravates the situation. This situation persists “despite the fact that since the beginning of the outbreak of the coronavirus in the country, institutions such as the Attorney General’s Office, the Ombudsman and civil society organisations warned that that the virus represented a serious risk for a prison system in crisis, with high levels of overcrowding, as measures taken by the State failed to prevent infection, even though prison visits and entry by external personnel were suspended in March”<sup>34</sup>.

**FIDH and its member organisations call on States to implement emergency plans with differential approaches taking into consideration gender and ethnicity to ensure respect for the human rights of vulnerable populations in the pandemic context.**

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33. El Tiempo. (12 May 2020). En un mes, casos de covid-19 en cárceles ya alcanzan los 962. Available at: <https://www.eltiempo.com/justicia/servicios/expansion-del-coronavirus-en-carceles-de-colombia-494572>

34. Ibid.

### III. INSUFFICIENT PUBLIC MEASURES/POLICIES TO PROTECT AND FOCUS ON CERTAIN POPULATION GROUPS

All governments declared that they would provide both financial and food aid to the poorest citizens, yet the measures implemented appear limited and inadequate and are already presenting problems, in terms of the rapidity of delivery and the transparency of allocations, for example. FIDH and the signatory organisations denounce the financial measures adopted which currently affect the entire Latin American population. Some of these financial measures have involved the allocation of vast amounts of money to support banks and various productive sectors, limiting the resources that could be allocated to benefit populations who are historically vulnerable and who will suffer the most serious consequences of the Covid-19 pandemic, leading to greater inequalities and social exclusion.

#### A) The situation of formal and informal workers during the pandemic

The right to work is a mechanism which contributes to fighting poverty by generating income and access to goods and services. Article 6 of the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that *"The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right"*. Similarly, Article 6(1) of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) states that *"everyone has the right to work, which includes the opportunity to secure the means for living a dignified and decent existence by performing a freely elected or accepted lawful activity"*. The right to work is therefore considered to be a freedom "to choose a lawful activity that allows for the economic support of the individual" or of the family<sup>35</sup>, without neglecting State responsibility to guarantee that the work is decent and complies with certain criteria set out in General Comment No. 18 of the UN Committee on Economic, Social and Cultural Rights (CESCR).

FIDH is alarmed by the grave consequences of the pandemic on the situation of workers in the region. They face the dual threat of death as a result of the virus or, in the medium term, through hunger<sup>36</sup> and/or malnutrition because they lack the necessary means of subsistence. The International Labour Organisation (ILO) estimates that lockdown and containment measures are affecting more than 1.6 billion workers worldwide<sup>37</sup>. FIDH has expressed concern at the increase in mass redundancies and violations of labour rights, especially in those countries of the region lacking social safety nets and protection against unemployment as well as structured public policies to deal with emergencies such as the current crisis<sup>38</sup>. In Latin America, a sharp increase in unemployment<sup>39</sup> and underemployment<sup>40</sup> is expected, which will have a negative impact on poverty and inequality.

In addition, some companies are putting pressure on staff to continue to work despite the adoption of social distancing measures and the lack of adequate protective equipment or health-related distancing protocols.

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35. Badilla, A.-E. & Urquilla, C.R. El derecho al trabajo en el Sistema Interamericano de Derechos Humanos. Available at: <http://www.corteidh.or.cr/tablas/a22091.pdf> p. 199

36. OIT (2020). "El contagio o el hambre, el dilema de los trabajadores informales durante la Pandemia". Available at: [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_744028/lang-es/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_744028/lang-es/index.htm)

37. Ibid.

38. FIDH. (2020). "Don't wash your hands of human rights obligations - Corporate due diligence in times of COVID-19 and lessons for the future". Available at: <https://www.fidh.org/en/issues/globalisation-human-rights/don-t-wash-your-hands-of-human-rights-obligations-corporate-due>

39. UN News. (21 April 2020). Coronavirus, hambre América Latina, recesión...Las noticias del martes. Available at: <https://news.un.org/es/story/2020/04/1473172>

40. OIT. (2020). "¿En qué medida va a afectar el COVID-19 al mundo del trabajo?". Available at: [https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS\\_739398/lang-es/index.htm](https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_739398/lang-es/index.htm)

For example, in countries such as Honduras<sup>41</sup>, Colombia and Peru<sup>42</sup>, workers have complained that a portion of the business community remains determined to maintain profits without implementing improved health and prevention protocols. In Peru, many workers have had to start spending their savings, while many companies have forced them to continue to work without offering them minimum biosecurity conditions, undermining their safety and that of their families. In this context, the Peruvian government has made more public resources available to companies than to those living in poverty.

In the case of Brazil, several human rights defenders stated the following:

*"During lockdown, the mining companies continue their activities without any opposition. The judicial system, on the other hand, is paralysed. Government decrees have closed down shops, bars and restaurants, but say nothing about mining or industrial activities. People working in these companies and their families have no protection, but they are forced to continue working"*<sup>43</sup>.

In Peru, without authorisation from the authorities, a number of companies have made thousands of workers unemployed during their probationary period, terminated their temporary contracts during or at the end of their term; or simply dismissed them without respecting the minimum legal requirements. Many of them have done so despite the fact that in recent years they secured huge dividends and had already imposed salary reductions and/or decreased social benefits to their staff.

Meanwhile, companies in Peru can benefit from fiscal aid to support part of the payroll. Despite this, they have employed the legal construction known as "perfect suspension of work" which authorises companies to stop payment of workers' wages without breaking the contractual bond. Workers in online delivery companies, another of the least protected sectors, work in poor conditions without recognised labour rights or minimum health and safety measures. In countries such as Argentina and Chile, several delivery platforms including *Pedido Ya*, Rappi and Glovo are protesting against current working conditions, calling for a 100% increase in payment per order and the implementation of safety and hygiene measures<sup>44</sup>.

In Latin America, around 50% of the population works in informal conditions<sup>45</sup>, corresponding to 140 million people. For these families, whose economies are governed by informality, accepting the call to "Stay at Home" implies the immediate suppression of their income, with direct repercussions for their capacity to feed themselves, pay rent or housing loan instalments and other basic services and which in the medium-term could result in health problems, forcing them to attend a hospital and incur expenses, without the resources to cover them.

For example, in the Dominican Republic, the government has implemented the "Stay Home" aid program for the most vulnerable households by providing two monthly payments of 2,500 RD\$ each, the equivalent of 50 USD. This measure is intended to benefit around 1.5 million among the most vulnerable Dominican families, but it is not enough to cover the basic needs of a family, considering that a family shopping basket in the first quintile, the cheapest, is worth 14,465.46 RD\$. In Brazil and El Salvador, although governments have provided emergency aid to informal workers, the payment system is bureaucratic and disorganised, and the receipt of aid has generated huge queues, leading to overcrowding and increased risk of infection.

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41. CIPRODEH. (2020). Problemas a considerar el marco de la crisis covid-19 a la luz de los estándares internacionales en derechos humanos pp. 3-4. Available at : [http://www.ciprodeh.org.hn/images/Doc/Problemas\\_considerar\\_crisis\\_COVID\\_19.pdf](http://www.ciprodeh.org.hn/images/Doc/Problemas_considerar_crisis_COVID_19.pdf)

42. Sindicato de Trabajadores de Hipermercados de Tottys SA en Perú. Comunicado de abril 2020" Available at : [https://db0a2585-5805-4090-be7c-cf01233b9cc7.filesusr.com/ugd/6f0244\\_123c5d1ac9df4a23a8e13efe5d470070.pdf](https://db0a2585-5805-4090-be7c-cf01233b9cc7.filesusr.com/ugd/6f0244_123c5d1ac9df4a23a8e13efe5d470070.pdf)

43. Testimony collected by FIDH. (2020). "Don't wash your hands of human rights obligations - Corporate due diligence in times of COVID-19 and lessons for the future". Available at : <https://www.fidh.org/es/temas/globalizacion-y-derechos-humanos/no-se-laven-las-manos-de-sus-obligaciones-de-derechos-humanos>

44. El Clarín. (April 2020). "Paro de trabajadores de delivery : el duro oficio de repartir pedidos durante la cuarentena a cambio de \$55 por entrega" Available at : [https://www.cclarin.com/ciudades/paro-trabajadores-delivery-duro-oficio-repartir-pedidos-cuarentena-cambio-55-entrega\\_0\\_8aUyfxBIJ.html](https://www.cclarin.com/ciudades/paro-trabajadores-delivery-duro-oficio-repartir-pedidos-cuarentena-cambio-55-entrega_0_8aUyfxBIJ.html)

45. OIT. (2018). "Economía informal en América Latina y el Caribe". Available at : [https://www.ilo.org/americas/sala-de-prensa/WCMS\\_645596/lang-es/index.htm](https://www.ilo.org/americas/sala-de-prensa/WCMS_645596/lang-es/index.htm)

**With regard to labour rights, States should therefore ensure that workers have the economic income and livelihood to cope with the pandemic and should call on companies to strengthen human rights due diligence practices.**

## **B) The right to health and the right to drinking water for the poorest in the pandemic context**

Article 10 of the Protocol of San Salvador stipulates that “everyone shall have the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being”. The Protocol of San Salvador requires States parties to recognize health as a public good and to adopt measures making it possible to prevent and treat endemic and other diseases, in particular to meet the health needs of those at greatest risk due to vulnerability and poverty. The right to health is intrinsically linked to the right to water, which is a limited natural resource and a public good, as affirmed in CESCR General Comment No. 15<sup>46</sup>. Both the right to health and the right to water are indispensable to living with dignity, especially in the context of a pandemic. The resolution adopted by Member States of the World Health Organisation (WHO) on 19 May stipulates that fair and affordable access to a future vaccine for the entire world population must be guaranteed<sup>47</sup>, avoiding the predominance of certain countries in its creation, distribution and promotion, which could generate and reproduce restricted and unequal access to the vaccine.

The current health crisis has highlighted the fragility of health systems in the region, most of which are characterized by their exclusionary and precarious nature and where a curative rather than a preventive model prevails. The causes of this fragility include reduced budget, widespread cases of corruption<sup>48</sup> and the gradual process of privatisation to which they have been subjected. Several factors explain the high number of deaths caused by Covid-19 in Latin America, from the lack of job security of health workers, inadequate supplies of medical equipment such as ventilators, and insufficient numbers of beds in public hospitals to the general dismantling of the public health system.

In a context in which resources allocated to combating the pandemic are scarce, it is striking that on 24 March in Ecuador, Lenin Moreno’s Government paid more than 324 million dollars in foreign debt to the International Monetary Fund (IMF), disregarding the call of the National Assembly and several Ecuadorian economists to suspend payment in order to have resources to address the virus<sup>49</sup>. The Moreno Government’s austerity measures to deal with Covid-19 risk causing social instability and impacting human rights<sup>50</sup>.

Although over the last 25 years certain health indicators have shown improvements in the region, such as life expectancy at birth, the number of cases of malaria and tuberculosis, and access to vaccinations<sup>51</sup>, serious inequalities in terms of access to health services remain and have been exacerbated by the Covid-19 pandemic. For example, according to ECLAC, in Latin America and the

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46. Observación general nº15 : El derecho al agua (artículos 11 y 12 del Pacto Internacional de Derechos Económicos, Sociales y Culturales)

47. UN News, (19 May 2020), “Covid-19 : l’Assemblée mondiale de la santé demande une évaluation indépendante de la réponse internationale”. Available at: <https://news.un.org/fr/story/2020/05/1069152>

48. See IGG-S-PISA case in Guatemala where around 70 people died due to State negligence. FIDH. FIDH. (August 2019). “Guatemala: Justicia y Estado de derecho en la encrucijada”. Available at: <https://www.fidh.org/IMG/pdf/424112108-guatemala-justicia-y-estado-de-derecho-en-la-encrucijada.pdf>

49. Asamblea Nacional de Ecuador. (24 March 2020) “Primera sesión virtual en la historia de la Asamblea del Ecuador con motivo de la emergencia sanitaria”. Available at: <https://www.asambleanacional.gob.ec/es/noticia/65767-primera-sesion-virtual-en-la-historia-de-la-asamblea>

50. Amnesty International. (28 April 2020). “Ecuador: Medidas de austeridad ante COVID-19 podrían provocar inestabilidad social y afectar derechos humanos”. Available at: <https://www.amnesty.org/es/latest/news/2020/04/ecuador-covid19-austeridad-podria-afectar-derechos-humanos/>

51. PAHO (2019), Indicadores básicos de salud, : Tendencias de Salud en las Américas. Available at: [https://iris.paho.org/bitstream/handle/10665.2/51543/9789275321287\\_spa.pdf?sequence=7&isAllowed=y](https://iris.paho.org/bitstream/handle/10665.2/51543/9789275321287_spa.pdf?sequence=7&isAllowed=y)

Caribbean central government public spending in the health sector for 2018 only represented 2.4%<sup>52</sup> of regional GDP, while the Pan American Health Organization (PAHO) recommended investing at least 6% of regional GDP<sup>53</sup>.

In addition, medical centres are mostly concentrated in urban areas, leaving a large portion of the rural population unprotected, without the financial capacity to travel to their premises or to access consultations. Thus, public health services in the region are not only costly but also of low quality. For example, in Peru, two months after the first Covid-19 case was detected, a higher percentage of deaths (56%) was recorded in the regions compared to Lima (44%), despite the fact that most cases of infection were in the capital, with 80,882 of the country's 130,000 cases. Similarly, and as mentioned above, in Ecuador the situation is no less serious, with more than 1,393 deaths recorded in the Guayas region, i.e. five times more than in Pichincha (259 deaths), where Quito, the country's most populous city, is located. These two examples illustrate the huge disparity between health systems inside and outside the capitals in their capacity to respond to the pandemic.

Corruption scandals have been reported in several countries in the region linked to the mismanagement and embezzlement of funds intended for the purchase of medical supplies to fight the pandemic. For example, in Honduras, complaints have been filed revealing over expenditure on products that make up the solidarity food ration and hospital equipment and material in several of the country's 292 municipalities, alerting monitoring bodies such as the Technical Investigation Agency (ATIC), which initiated an investigation procedure at the Social Security Institute Hospital in San Pedro Sula concerning the loss of a significant amount of biosecurity material. In Panama, the Public Prosecutor's Office opened an investigation into the acquisition of 100 ventilators of the make *Allied 300* purchased through the Vice Presidency of the Republic for 48,950 USD each, compared to a cost before the pandemic of between 6,000 USD and 8,000 USD, thereby impacting the Panamanian treasury<sup>54</sup>. This corruption scandal is said to have led to the departure of Vice Minister of State Juan Carlos Muñoz<sup>55</sup>.

Meanwhile, in La Guajira, Colombia, where more than 52,000 Wayúu indigenous families are struggling to survive in the face of hunger, drought, and the pandemic, alleged over-expenditure of up to 480 million dollars has been reported in relation to markets delivered to the population under a 1.3 billion dollar contract<sup>56</sup>.

The outbreak of Covid-19 in the Americas has also highlighted the lack of job security of health workers who do not have sufficient medical supplies to deal with the pandemic or privileged and rapid access to Covid-19 diagnostic tests. In Venezuela and Nicaragua<sup>57</sup>, health workers are being threatened or fired for denouncing this situation. In Nicaragua medical personnel have been forced to change the causes of death in medical records to conceal the gravity of the situation<sup>58</sup>. Members of the Nicaraguan Medical Unit have reported receiving death threats over

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52. ECLAC quoted by Rodolfo Mendoza in "COVID19 : la crisis económica y los Niños, Niñas y Adolescentes (NNA) en América Latina y el Caribe." Perú Equidad, 14 April 2020 . Available at: [https://db0a2585-5805-4090-be7c-cf01233b9cc7.filesusr.com/ugd/6f0244\\_6c6cb1c07e394a38939a70f36ee15a6e.pdf](https://db0a2585-5805-4090-be7c-cf01233b9cc7.filesusr.com/ugd/6f0244_6c6cb1c07e394a38939a70f36ee15a6e.pdf)

53. Paho. (2017). Financiamiento de la Salud en las Américas". Available at: [https://www.paho.org/salud-en-las-americas-2017/?post\\_type=post\\_t\\_es&p=290&lang=es](https://www.paho.org/salud-en-las-americas-2017/?post_type=post_t_es&p=290&lang=es)

54. EFE. (26 April 2020), "Centroamérica encara la corrupción que prolifera con la pandemia del covid-19". Available at: <https://www.efe.com/efe/america/politica/centroamerica-encara-la-corrupcion-que-prolifera-con-pandemia-del-covid-19/20000035-4231052#>

55. Bayano Digital, (12 May 2020) " La pandemia del COVID-19 destaca la corrupción en la CSS". Available at: <https://bayanodigital.com/la-pandemia-de-covid-19-destaca-la-corrupcion-en-la-css/>. See CNN : <https://cnnespanol.cnn.com/2020/04/28/alerta-panama-renuncia-el-vice-ministro-de-la-presidencia-juan-carlos-munoz/>

56. Caracol Radio. (20 April 2020). 52.000 familias Wayúu en La Guajira enfrentan con hambre el COVID-19. Available at: [https://caracol.com.co/emisora/2020/04/21/riohacha/1587421405\\_741319.html](https://caracol.com.co/emisora/2020/04/21/riohacha/1587421405_741319.html)

57. Cénidh

58. FIDH. (4 June 2020). La FIDH y CENIDH denuncian que las presuntas muertes por covid-19 en Nicaragua son 20 veces superiores a la cifra oficial. Available at: <https://www.fidh.org/es/region/americas/nicaragua/la-fidh-y-cenidh-denuncian-que-las-presuntas-muertes-por-covid-19-en>

the phone and being labelled “terrorists” and “killers”<sup>59</sup> for providing free guidance on the current pandemic. This has taken place in a context of socio-political crisis, in which the Nicaraguan Government has not taken the necessary measures to combat the pandemic, exposing a large part of the population and disregarding recommendations issued by WHO and PAHO on social distancing<sup>60</sup>.

While the situation throughout the continent is difficult, it is of particular concern in Haiti since, according to PAHO, “most Haitians do not have access to drinking water and sanitation, and many live in overcrowded homes where quarantine and isolation present a challenge. In addition, there is a risk that growing food insecurity could lead to famine”<sup>61</sup>. Furthermore, 17,000 Haitians have returned from the Dominican Republic, where there is already community transmission of the virus, without any form of health monitoring, and this number is expected to rise to 55,000.

The situation in Venezuela also shows alarming signs. According to PAHO, “there has been a progressive loss of operational capacity in the national health system over the past six years, and this has become more acute since 2017, affecting the delivery of health care and access to medicines without charge at the point of service. Many hospitals are operating in challenging conditions and are unable to ensure a supply of basic support services”<sup>62</sup>. This situation is due both to the migration of health personnel and to difficulties in accessing water and electricity services in health care facilities.

Access to water is directly linked to the spread of the virus and is a source of concern throughout the region. The call by governments and WHO/PAHO has highlighted the vulnerability of millions of Latin Americans in the face of the necessity to access water to protect themselves from the spread of Covid-19. UNESCO reported that, in Latin America and the Caribbean, 65 million people do not have access to water and soap<sup>63</sup> and this precious resource is often lacking in schools, prisons and even hospitals. Rural areas are the most affected. In Chile, for example, some 383,204 families<sup>64</sup> in rural areas do not have a supply of drinking water, with the Araucanía region one of those most affected, where 71% of inhabitants do not have access to this resource.

In Venezuela, access to drinking water is also a problem. Although most Venezuelan households have piped connections, interruptions in the water supply are becoming more frequent. The results of the survey carried out by the Venezuelan Observatory of Public Services<sup>65</sup> in December 2019 revealed that in 10 of the country’s main cities, 93.8% of households store drinking water. Of those households 38.6% said that they maintain reserves for more than 5 days due to service failures. In addition, approximately 20% of households have to travel to obtain drinking water and bring it home, in many cases covering long distances. This service instability represents one of the main risks in terms of the transmission of Covid-19 in the country.

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59. La Vanguardia. (19 May 2020). Médicos que orientan sobre COVID-19 reciben amenazas en Nicaragua. Available at: <https://www.lavanguardia.com/vida/20200519/481291363382/medicos-que-orientan-sobre-covid-19-reciben-amenazas-en-nicaragua.html>

60. FIDH, (20 March 2020), “Los Estados en América latina deben aportar una respuesta adecuada y proporcionada a la crisis sanitaria”. Available at: <https://www.fidh.org/es/region/americas/coronavirus-los-estados-de-america-latina-deben-aportar-una-respuesta>

61. UN News. (5 May 2020). Coronavirus en América: Haití enfrenta un posible gran brote, mientras se duplican los casos en muchos países. Available at: <https://news.un.org/es/story/2020/05/1473872>

62. OPS (2019). Respuesta de la OPS para mantener una agenda eficaz de cooperación técnica en Venezuela y en los estados miembros vecinos. Available at: <https://iris.paho.org/bitstream/handle/10665.2/51422/CE164-INF-9-s.pdf?sequence=2&isAllowed=y>

63. UN News. (16 April 2020). Aguas de Latinoamérica y el Caribe: contribuciones en tiempos de covid-19. Available at: <https://es.unesco.org/news/aguas-latinoamerica-y-caribe-contribuciones-tiempos-covid-19>

64. Fundación Amulen, (2019), “Pobres de Agua. Radiografía del agua rural en Chile” p. 12. Available at: [https://static1.squarespace.com/static/5afc52595ffd20cbdc764a27/t/5cf84bdaab32aa0001d08a08/1559776320566/Informe\\_Amulen.pdf](https://static1.squarespace.com/static/5afc52595ffd20cbdc764a27/t/5cf84bdaab32aa0001d08a08/1559776320566/Informe_Amulen.pdf)

65. Observatorio Venezolano de servicios Públicos (15 May 2020). OVSP: Almacenamiento y acarreo de agua como alternativas ante la falta del recurso. Available at: <http://www.observatorioovsp.org/ovsp-almacenamiento-y-acarreo-de-agua-como-alternativas-ante-la-falta-del-recurso/>

The lack of drinking water, food, hygiene and safety products in several slums in Argentina is alarming<sup>66</sup>. The situation in Barrios Carlos Mugica (Villa 31/31bis) and Barrio Rodolfo Ricciardelli (Villa 1.11.14), where hundreds of people have been infected, is of particular concern<sup>67</sup>. In slums around the Autonomous City of Buenos Aires there has been an accelerated increase in the number of cases, representing 36% (1,877 cases as of 18 May 2020) of the total number of cases in the city (5,200 cases)<sup>68</sup>, due to insufficient prevention measures<sup>69</sup> and the lack of minimum housing conditions necessary for the isolation of Covid-19 suspected cases.

FIDH and its member organisations therefore call on countries in Latin America to join efforts to guarantee universal access to health, health coverage and water in the region.

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66. CELS y La Poderosa. (25 May, 2020). Carta dirigida a la Comisión Interamericana de Derechos Humanos sobre Villas y asentamientos urbanos informales en Argentina en el contexto de la pandemia de covid-19. Available at: <https://www.cels.org.ar/web/wp-content/uploads/2020/05/Villas-y-pandemia-en-Argentina.pdf>

67. Ver datos de Caminos de la Villa- Covid-19 : <https://www.covid-19.caminosdelavilla.org/datos-y-visualizaciones>

68. CELS y La Poderosa. (25 May, 2020). Carta dirigida a la Comisión Interamericana de Derechos Humanos sobre Villas y asentamientos urbanos informales en Argentina en el contexto de la pandemia de covid-19. Available at: <https://www.cels.org.ar/web/wp-content/uploads/2020/05/Villas-y-pandemia-en-Argentina.pdf>

69. Liga Argentina por los Derechos Humanos (LADH). (18 May 2020). Emergencia sanitaria en las villas. Available at: <https://www.laligaporlosddh.com/post/organismos-de-ddhh-expresamos-nuestra-solidaridad>



## RECOMMENDATIONS

The above analysis demonstrates the ways in which the pandemic is challenging the established order, the economic model, the institution of the State and social coexistence, sparking a debate on the urgent need for a new “social contract” that restores human dignity over and above the laws of the market. A debate in which are considered the role and functions of the State as a provider of general welfare, through actions and benefits provided by basic public services which make it possible to deploy human capabilities; and based on the denunciation of the historic abandonment of broad sections of the population, who are excluded from the distribution of wealth, and forced to live in increasingly unequal societies.

This situation arises on top of the austerity measures which were adopted in several Latin American countries in an ineffective attempt to counteract the impact of the financial crisis. These economic policies have been disastrous and endanger the well-being of the Latin American population. In Brazil, for example, civil society has mobilised for the suspension of Constitutional Amendment 95, adopted in 2016, which provides for a 20-year freeze on public spending.

In view of the above, FIDH and its member organisations are calling for the adoption of the following short- and medium-term measures to prevent the exacerbation of poverty and socio-economic inequalities caused by the impact of Covid-19 on vulnerable populations. It is essential to adopt more far-reaching measures in order to maintain the social progress achieved in recent decades and prevent regression in the situation of the region’s most disadvantaged populations and the middle classes.

### **A) A new social contract: repositioning the role of the State, increasing social investment and a universal health care system**

In the context of the vicious effects of long years of economic austerity that have put the lives of millions of people at risk and weakened health systems across the continent, FIDH calls for greater State involvement to meet basic needs in terms of universal access to health and universal health coverage. In the 21<sup>st</sup> century, Latin American States must implement recommendations issued by WHO and PAHO<sup>70</sup> and ensure universal health coverage to comply with Goal 3 of the 2030 Agenda for Sustainable Development. Health must be seen as a public good and not as a commodity. Emergency plans must implement measures to address this situation, guaranteeing the universality, comprehensiveness and quality of free health services, which should be progressively expanded in accordance with priorities, needs and the national context, and include differential approaches<sup>71</sup>, based on gender and ethnicity, to ensure effective enjoyment of the right to health for vulnerable populations. FIDH urges States to adapt their emergency plans and public policies to take into account the needs of such populations, to guarantee rapid, universal access and fair redistribution of all essential health-related products and technology, particularly including access to an affordable vaccine for the entire Latin American population.

In view of the above, and taking into consideration that the Covid-19 crisis requires immediate responses, it is essential to adopt urgent measures which in the short-term guarantee the well-being of the population, but in the longer-term generate economic and financial autonomy of the most affected sectors, thereby reducing poverty and extreme poverty indices, such as, for example, the adoption of economic policies to consider a universal basic income<sup>72</sup> financed by taxes on high wealth and allowing citizens to fully and effectively enjoy their fundamental rights.

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70. <https://www.paho.org/hq/dmdocuments/2014/MGPSS-Y-AUS-Y-CUS-PAN-NOV-2014.pdf>

71. Pandemia y Derechos Humanos, CIDH (2020). Available at: <http://www.oas.org/es/cidh/decisiones/pdf/Resolucion-1-20-es.pdf>

72. CAJAR. (22 April 2020), “ Corte Constitucional: ordene al gobierno renta básica, enfoque diferencial y recursos directos para frenar la pandemia”. Available at: <https://www.colectivodeabogados.org/?Corte-Constitucional-ordene-al-gobierno-renta-basica-enfoque-diferencial-y>

With regard to labour rights, States should ensure that workers have the economic income and livelihood to cope with the pandemic<sup>73</sup>. FIDH calls on companies to provide the necessary biosecurity and protection measures to safeguard the life and health of workers. Companies should strengthen human rights due diligence practices to prevent potential harm to workers and communities, including in the context of all activities in value supply chains.

With regard to the situation in prisons, FIDH member organisations have been calling on the authorities of their respective countries<sup>74</sup>, on the basis of these proposals, to adopt urgent measures in order to reduce prison overcrowding and avoid mass infection among the prison population. Proposed measures include humanitarian and mass pardons for all terminally ill inmates, for all adults over 60 years, liberation of all inmates with coercive measures such as payment of economic guarantees, etc.

Food programmes prepared during this emergency must also guarantee access to adequate, healthy and safe food, taking into account availability and accessibility<sup>75</sup>. It is also imperative to begin the transition to a system of food sovereignty<sup>76</sup> favouring local markets and recognising and valuing the role played by peasants and rural agricultural workers in guaranteeing food for the inhabitants of cities<sup>77</sup> and the outskirts.

## **B) Fiscal justice: redistributive fiscal policies to combat increases in inequality and extreme poverty**

FIDH urges countries in Latin America and the Caribbean to consider the implementation of equitable and redistributive differential tax reforms<sup>78</sup> envisaging taxes on significant wealth and to request the contribution of large companies and financial groups to efforts to combat the pandemic and to the implementation of a universal basic income<sup>79</sup>. Such measures are intended not to affect the income of vulnerable populations and aim to capture and free up resources to address the social and economic consequences of the Covid-19 pandemic. The adoption of measures to prevent tax evasion and avoidance and to improve tax collection processes should also be encouraged. This would ultimately contribute to consolidating and strengthening a public health system. Current tax systems on the continent are regressive, do not provide the resources necessary to finance the basic expenses of a Welfare State and in some countries disproportionately affect vulnerable populations and workers. The non-exacerbation of socio-economic inequalities in the region depends on these reforms. Currently, the richest 1% in the world are benefiting from the crisis "through speculation and other means"<sup>80</sup>.

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73. CIDH. (2020), p.10

74. Comisión Nacional de los Derechos Humanos (CNDH-RD). Informe situación penitenciaria en la República Dominicana bajo la epidemia de COVID-19. Available at: <https://cndhrd.com/2020/04/21/informe-situacion-penitenciaria-en-la-republica-dominicana-bajo-la-epidemia-de-covid-19>

75. See CIPRODEH. (2020). p. 3.

76. Al Jazeera, (April 2020), "The solution to food insecurity is food sovereignty". Available at: [https://www.aljazeera.com/indepth/opinion/solution-food-insecurity-food-sovereignty-200425143803134.html?fbclid=IwAR3QH\\_C-4smFr8Lq9CvxwAR0crH3cdTNW-YypJkvV7AiddeyhgZJ4e8A9w8](https://www.aljazeera.com/indepth/opinion/solution-food-insecurity-food-sovereignty-200425143803134.html?fbclid=IwAR3QH_C-4smFr8Lq9CvxwAR0crH3cdTNW-YypJkvV7AiddeyhgZJ4e8A9w8)

77. Acción Ecológica. (24 April 2020), "¡Por la soberanía alimentaria de los pueblos! Agricultura Campesina para enfrentar la pandemia!" Available at: [https://www.facebook.com/notes/acci%C3%B3n-ecol%C3%B3gica/por-la-soberan%C3%A1a-alimentaria-de-los-pueblos-agricultura-campesina-para-enfrentar/2878751978884095/?fbclid=IwAR3\\_WwSf1bPFiatJepXddScwErEApVjOgViJY1Xz2Zf1E6jRTZtVnSCBE](https://www.facebook.com/notes/acci%C3%B3n-ecol%C3%B3gica/por-la-soberan%C3%A1a-alimentaria-de-los-pueblos-agricultura-campesina-para-enfrentar/2878751978884095/?fbclid=IwAR3_WwSf1bPFiatJepXddScwErEApVjOgViJY1Xz2Zf1E6jRTZtVnSCBE)

78. CELS, (28 April 2020) Una respuesta integral al COVID-19 exige políticas fiscales redistributivas" Available at: <https://www.cels.org.ar/web/2020/04/la-pandemia-covid-19-en-el-manicomio-la-profundizacion-de-la-desidia/>

79. ECLAC has referred to this by calling for the creation of a basic income during the time of the coronavirus crisis. Available at: <https://elpais.com/economia/2020-05-12/la-cepal-llama-a-los-paises-latinoamericanos-a-crear-una-renta-basica-como-paso-previo-al-ingreso-universal.html>

80. Juan Pablo Bohoslavsky. Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights. Available at: [https://www.ohchr.org/Documents/Issues/Development/IEDebt/20200414\\_IEDebt\\_urgent\\_appeal\\_COVID19\\_sp.pdf](https://www.ohchr.org/Documents/Issues/Development/IEDebt/20200414_IEDebt_urgent_appeal_COVID19_sp.pdf)

## C) Prioritise life over debt: the need to suspend foreign debt and interest, while evaluating those that should be cancelled

FIDH calls on international organisations<sup>81</sup> and countries in Latin America to start discussions and joint actions concerning an immediate suspension of foreign debt and interest and the provision of funding to address the health emergency that does not generate more debt, in order to be able to fully and unreservedly meet the social and economic rights of Latin American populations in the context of Covid-19. The call for the suspension of public debt could draw on international law<sup>82</sup>, taking into account the State's situation of necessity, the sudden change in circumstances (*rebus sic stantibus*), the states of exception and/or emergency that are currently in force in most of them, and the doctrine of *force majeure*. Such suspension measures must be accompanied by joint audits conducted by States and civil society to "identify the illegitimate, odious and illegal parts that must be definitively cancelled"<sup>83</sup>.

In the past, in the context of Argentina's socio-economic crisis in the 2000s, FIDH recommended that international organisations such as the IMF, the World Bank and the Inter-American Development Bank (IDB) facilitate a moratorium on foreign debt and debt service payments, in order to significantly increase social expenditures<sup>84</sup>.

The external debt in foreign currency has been one of the great scourges in Latin American history, exacerbating the socio-economic inequalities outlined above and preventing the development of the various countries in the region. Today, the State has a limited capacity to fulfil its duties to preserve and protect populations, while at the same time it has to comply with countless obligations linked to the payment of private and public debt. States are at a moral and economic crossroads: prioritise the lives of millions of Latin Americans or prioritise payment of debt.

## D) Systemic corruption and Covid-19: increased monitoring of public expenditure to combat the pandemic

A more equitable tax system and the benefits of debt suspension will be of no use if resources are lost through corruption schemes.

FIDH condemns the corruption that has taken place in various cases in connection with the administration of new resources intended to combat Covid-19 and expresses its concern over the risks associated with the hoarding of goods and supplies by economic sectors for the purposes of speculation, privileged transactions between individuals and governments, and the lack of transparency in procurement and contracting under the emergency regime.

In turn, in the medium term, to prevent the exacerbation of inequalities, many Latin American states need to confront, investigate and sanction the high levels of systemic corruption and even the capture of State structures by kleptocratic elites, organized crime or businesses.

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81. The International Monetary Fund approved immediate debt relief for 25 countries. See FMI. (April 2020). "El directorio ejecutivo del aprueba un alivio de la deuda inmediata para 25 países". Available at: <https://www.imf.org/es/News/Articles/2020/04/13/pr20151-imf-executive-board-approves-immediate-debt-relief-for-25-countries>) and the G-20 announced a debt-suspension initiative for the poorest countries (G-20, Anexo II) See G20 : [https://g20.org/en/media/Documents/G20\\_FM\\_CBG\\_Communicu%C3%A9\\_EN%20\(2\).pdf](https://g20.org/en/media/Documents/G20_FM_CBG_Communicu%C3%A9_EN%20(2).pdf)) from the first of May until the end of 2020. The United Nations Conference on Trade and Development (UNCTAD), warning about the impacts of COVID-19 on the world economy, considers that it is possible that indebted countries could unilaterally freeze debt repayment. The UN Independent Expert on the effects of foreign debt, Juan Pablo Bohoslavsky, proposes the implementation of a moratorium on sovereign debt for developing countries. See: [https://www.ohchr.org/Documents/Issues/Development/IEDebt/20200414\\_IEDebt\\_urgent\\_appeal\\_COVID19\\_sp.pdf](https://www.ohchr.org/Documents/Issues/Development/IEDebt/20200414_IEDebt_urgent_appeal_COVID19_sp.pdf)

82. CADTM. (2020) "Para combatir el Covid-19 : ¿Por qué y cómo se ha de suspender inmediatamente el pago de la deuda?", Eric Toussaint . Available at: <https://www.cadtm.org/Para-combatir-el-Covid-19-Por-que-y-como-se-ha-de-suspender-inmediatamente-el>

83. CADTM. (2020).

84. FIDH, (2002). Informe de misión internacional de investigación" Argentine : un peuple sinistré, une politique criminelle, des responsabilités plurielles". Available at: <https://www.fidh.org/IMG/pdf/ar338f.pdf>

Fighting systemic corruption and impunity in Latin America are two fundamental pillars required to prevent the disappearance of resources allocated to serve vulnerable populations, and to reinforce democratic governance in the region<sup>85</sup>.

FIDH encourages States to establish monitoring and accountability mechanisms that enable them to control resources allocated to the fight against Covid-19, thereby combating impunity and strengthening the democratic rule of law and the administration of justice. In this regard, FIDH and its member organisations invite civil society to implement citizen oversight mechanisms on purchases and contracts and the use of the resources and goods purchased, since their participation is key to the exercise of citizen control over the treasury. Human rights standards on justice, access to information and freedom of expression should be integrated into national policies, strategies and programmes for action to combat corruption<sup>86</sup>.

Latin American countries are failing vulnerable populations. Immediate measures are required in the context of the Covid-19 crisis to combat extreme poverty in the short- and medium-term.

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85. FIDH. (2018). Informe La corrupción socava la democracia y el acceso a los derechos fundamentales . Available at: <https://www.fidh.org/es/region/americas/peru/fidh-la-corrupcion-deniega-el-acceso-a-los-derechos-fundamentales>

86. FIDH. (2018). Informe La corrupción socava la democracia y el acceso a los derechos fundamentales, p. 18 Available at: <https://www.fidh.org/es/region/americas/peru/fidh-la-corrupcion-deniega-el-acceso-a-los-derechos-fundamentales>



## Member organisations which have adhered to the pronouncement :

1. Centro de Capacitación Social de Panamá (CCS)
2. Centro de Derechos y Desarrollo (CEDAL)
3. Centro de Investigación y Promoción de los Derechos Humanos – CIPRODEH
4. Movimento Nacional de Direitos Humanos-MNDH Brasil
5. Instituto Latinoamericano de Servicios Legales Alternativos ILSA
6. Comisión Nacional de los Derechos Humanos – CNDH-RD
7. Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH)
8. Fundación regional de Asesoría en Derechos Humanos - INREDH
9. Justiça Global
10. Centro de Políticas Públicas y Derechos Humanos Perú Equidad
11. Asociación Pro Derechos Humanos (APRODEH)
12. Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)
13. Comisión de Derechos Humanos de El Salvador (CDHES)
14. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos - CMDPDH
15. Observatorio Ciudadano
16. Corporación Colectivo de Abogados José Alvear Restrepo CCAJAR
17. Centro de Acción legal en Derechos Humanos (CALDH)
18. Centro Nicaragüense de Derechos Humanos (CENIDH)
19. Programa Venezolano de Educación – Acción en Derechos Humanos – PROVEA
20. Comité de Acción Jurídica (CAJ)
21. Acción Ecológica
22. IDHEAS-Litigio Estratégico en Derechos Humanos AC
23. Réseau National de Défense des Droits Humains (RNDDH)



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**fidh**

**Establishing the facts** - Investigative and trial observation missions

**Supporting civil society** - Training and exchange

**Mobilizing the international community** - Advocacy before intergovernmental bodies

**Informing and reporting** - Mobilizing public opinion

**For FIDH, transforming societies relies on the work of local actors.**

The Worldwide Movement for Human Rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

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FIDH is an  
**international human rights  
NGO**  
federating **192** organisations  
from **117** countries

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## ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

### **A broad mandate**

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

### **A universal movement**

FIDH was established in 1922, and today unites 192 member organizations in 117 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

### **An independent organisation**

Like its member organizations, FIDH is not linked to any party or religion and is independent of all governments.