



## OPEN LETTER TO THE HEADS OF STATE OF AMERICAN STATES ON THE OCCASION OF THE 51st REGULAR SESSION OF THE OAS GENERAL ASSEMBLY

The Organization of American States (OAS), in its 51st Regular Session of the General Assembly, has decided to discuss the components for ensuring “a renewed America”. This title seeks to bring together the main concerns in the Americas arising from the Covid-19 pandemic.

Amnesty International believes that in the Americas, as it has highlighted on other occasions, the pandemic has had significant human rights consequences, underscoring serious structural shortcomings in the region in terms of economic, social and cultural rights. In addition, several states in the region once again resorted to repressing those who demonstrated in support of demands for economic, social and cultural rights, including the rights to health and education, as well as other measures to mitigate the effects of the pandemic.

If the General Assembly wants to see a truly renewed continent, it must seek comprehensive solutions to the region’s historic and structural problems. Multilateralism in the Americas must focus its efforts on finding solutions to its problems that are based on guaranteeing and respecting human rights. Human rights must be translated into public policies that are implemented fully and without delay. On this occasion, Amnesty International would remind OAS Member States and the Secretary General of the following issues regarding several urgent human rights situations in the region:

### 1. Response to the impact of the Covid-19 pandemic

It is no surprise that the Americas has been the region hardest hit by the Covid-19 pandemic. The serious human rights crises that the region was already experiencing created fertile ground for it to subsequently become the epicentre of a new coronavirus. The impact of the pandemic is not only reflected in the number of infections and fatalities, which represent approximately 46% of the global total. The impact is also seen in the immediate and future consequences regarding the exercise of human rights, especially of historically marginalized groups such as Indigenous peoples and Afro-descendant communities, women and girls, and migrants and refugees, among others. These impacts are also the result of wrong and ineffective responses by states themselves.

At the beginning of 2020, the Americas was the most unequal region in the world, a situation that only worsened with the pandemic, which resulted in at least 22 million more people living in poverty. Covid-19 hit the region’s extensive informal economy hard, while the lack of differentiated government measures often exacerbated the marginalization of many sections of the population.

The race to distribute COVID-19 vaccines in the region, which seemed to offer a light at the end of the tunnel, now appears to be turning into an additional crisis. States must urgently adopt international cooperation and collaboration mechanisms to ensure universal access to vaccine. Amnesty International also calls on states to guarantee the availability, accessibility, acceptability and quality of medical facilities and medicines for the entire population. The authorities must adopt laws and policies to ensure that pharmaceutical companies comply with human rights standards.

### 2. Situation of migrants and people in need of international protection

The Americas continues to host several of the largest cross-border movements of people in the world, either the result of the human rights crisis in Venezuela, which has led more than 5.6 million people to flee seeking international protection; or the political and humanitarian crisis in Haiti, which has led to thousands of people on the move being trapped at various borders on the continent; or the situation of generalized violence, on top of natural disasters associated with climate change in Central America, which has caused tens of thousands of people from El Salvador, Honduras and Guatemala to set out to travel to the north of the continent.

Faced with the urgent need for protection, several states are responding with restrictive and often inhumane policies, some are detaining migrants and refugees in precarious conditions, while others are carrying out forced returns without due regard for people’s requests for asylum or the impossibility of return, as in the case of Haiti. The militarization of borders has become a permanent feature in several countries in the region, fostering a context of violations of the human rights not only of those seeking protection, but also of the host communities themselves.



OAS Member States must, as a matter of urgency, adopt a coordinated response in order to provide protection to migrants and refugees, strengthening their capacity and infrastructure to respond to cross-border flows and putting the human rights of people on the move at the centre of their actions.

### 3. *Countries of special concern*

The “renewed America” to which the OAS aspires, requires Member States to redouble their efforts to make the observance of and respect for human rights a reality for those living in the region. In particular, Amnesty International would highlight the situation of people living in three countries in the region, whose complex human rights contexts are emblematic of the need to address these issues in a comprehensive manner during the General Assembly:

#### a) *Brazil*

The impact that the Covid-19 pandemic has had in Brazil can be explained, to a large extent, by the actions and omissions of state authorities during the health crisis. The lack of a genuine commitment on the part of the federal government regarding proposals for and intergovernmental coordination of effective measures and policies on health and social assistance issues has been a constant throughout the pandemic.

The pre-existing social conditions and the fragile response capacity and investment of the federal government in public policies and emergency actions to address Covid-19 have given rise to a disproportionate impact on groups that have historically faced discrimination and are in situations of greater vulnerability.

In addition to the limited availability of Covid-19 tests and the lack of coordination and planning in rolling out testing, as well as access to tests to detect the virus, was more difficult for those on low incomes. In November 2020, for example, people in the income bracket four times above the minimum wage used four times more tests than the section of the population living on less than half the minimum wage.<sup>1</sup> The lack of medicines and supplies for those infected also constantly pervade the reality of the country’s health facilities. In January 2021, 51 people died in Manaus, in the state of Amazonas, due to a lack of oxygen in hospitals. The shortage of so-called “intubation kits” subjected patients and professionals to situations of stress and suffering that could have been avoided.

The shortage of hospital beds and intensive care units (ICUs) for the treatment of Covid-19 was also one of the main difficulties faced by the Brazilian population throughout the pandemic. In December 2020, 20,642 deaths from Covid-19 occurred in pre-hospital or emergency units. These deaths awaiting adequate hospital spaces occurred more among Afro-descendant and Indigenous people and people of Asian descent (13.1% of all patients admitted) than among those who can be considered white (9.2%) and were concentrated, almost exclusively, in public facilities.

Some 67% of the people who depend exclusively on the Unified Health System (*Sistema Único de Saúde, SUS*), the public health system, are Afro-descendants. The Afro-descendant population also makes up the majority of patients in the at-risk group for COVID-19 and the majority of those who work in the informal sector and essential services, and so are more exposed to the virus and lack of assistance. It is no coincidence that the proportion of Afro-descendant and white people killed by the coronavirus was 55% and 38% of the total, respectively.

It should also be noted that the pandemic has contributed to the fact that poverty and food insecurity figures skyrocketed in 2020. Almost 9% of Brazilians, equivalent to the total population of Chile, live in food poverty. In other words, hunger has a gender, colour and population: it affects 11% of households headed by women, 10% of households headed by Afro-descendants and is mainly concentrated in the northern and north-eastern regions of the country and in neighbourhoods on the outskirts of cities and in rural areas.

Grave inequalities can also be seen in the field of education. More than 1.8 million students do not have electronic equipment for studying and some 6 million lack access to the internet, which makes distance learning unfeasible or difficult. Some 4 million students dropped out of education in 2020. Of the students who dropped out this year, 80% came from

<sup>1</sup> See G. L. Werneck, L. Bahia, J. P. L. Moreira and M. Scheffer, (Grupo do Alerta), *Mortes evitáveis por Covid-19 no Brasil*, June 21, [idec.org.br/sites/default/files/mortes\\_evitaveis\\_por\\_covid-19\\_no\\_brasil\\_para\\_internet\\_1.pdf](https://www.idec.org.br/sites/default/files/mortes_evitaveis_por_covid-19_no_brasil_para_internet_1.pdf)



public schools, which mainly serve the poorest strata of the population. The data as regards housing and security is also alarming. Between March 2020 and June 2021, at least 14,000 families were evicted from their homes.

In addition to the human rights violations inherent in the excessive use of force by members of the security forces, police operations in the city of Rio de Janeiro caused, according to data collected by the organization *Fogo Cruzado*, 221 interruptions or changes in the operation of health centres and 57 suspensions of Covid-19 vaccination services.

On 27 April 2021, a Parliamentary Commission of Inquiry (*Comisión Parlamentaria de Investigación*, CPI) was created in the Federal Senate to investigate the actions and omissions of the Federal Government regarding measures to deal with Covid-19. Although the CPI is ongoing, there are elements and evidence that point to the responsibility of Jair Bolsonaro's handling of the situation for the health and humanitarian catastrophe that Brazil is experiencing. The anti-scientific discourse and strategies, the insistence on "early treatment", the collapse of the health system and the neglect of mass vaccination reinforce the argument sustained by Amnesty International throughout this period: responsibility for preventable deaths can be attributed.

## b) Colombia

In April 2021, what began as a demonstration against a tax reform law drew in other issues and spread throughout almost the entire country. Colombia is one of the most unequal countries in the region and the protesters demanded greater equality and the guarantee of economic, social and cultural rights such as the right to health, education, work and social security, in a context of the Covid-19 pandemic. At the same time, thousands of people protested against the failure to implement the Peace Agreement signed in 2016 and the worsening of violence against human rights defenders and civil society leaders.

Most of the demonstrations were peaceful,<sup>2</sup> although there were also reports of damage to public and private property, such as damage to public transport service stations and buses and some protesters built barricades, which resulted in temporary obstructions to public roads in several cities in Colombia. Despite this, the government of President Iván Duque Márquez responded with stigmatization, criminalization and severe police repression of protests. The presence on the streets of urban centres of soldiers shaped by more than six decades of armed conflict, far from giving a message of dialogue, fuelled the protests.

In this context, organizations that defend human rights denounced the deaths of at least 28 people between the end of April and the end of June as a result of the unlawful actions of the security forces. In addition, they documented at least 81 cases of eye injuries and 28 cases of sexual violence in the context of demonstrations. The figures for arbitrary detentions reported by civil society organizations stand at around 2,000 cases. In addition, some 300 people allegedly disappeared in the context of the protests.

Amnesty International's research also documented the use of lethal weapons against protesters, excessive and unlawful use of less lethal weapons such as tear gas, unlawful detentions and torture. Likewise, the organization documented an incursion by National Police officials in conjunction with members of Mobile Anti-Riot Squad (*Escuadrón Móvil Antidisturbios*, ESMAD) and the Special Operations Group of the Colombian National Police, who used lethal weapons, such as Tavor 5.56mm rifles, against peaceful protesters in the Siloé neighbourhood in the city of Cali. This research also documented attacks by armed civilians, who, with the acquiescence and tolerance of National Police officials, attacked demonstrators and human rights defenders, constituting acts of urban paramilitarism.

Finally, Amnesty International believes that human rights violations and crimes under international law, such as torture and enforced disappearance, committed by members of the security forces in Colombia or by groups facilitated or tolerated by them, are not isolated or sporadic incidents, but rather reflect a pattern of violent actions, designed to instil fear and discourage peaceful protest.

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<sup>2</sup> Statement by Vice President and Chancellor, Marta Lucía Ramírez, at the end of the meeting with the Representative of the United Nations High Commissioner for Human Rights, Juliette de Rivero, 25 June 2021, available at: [cancilleria.gov.co/newsroom/video/declaracion-vicepresidente-canciller-marta-lucia-ramirez-termino-reunion](https://cancilleria.gov.co/newsroom/video/declaracion-vicepresidente-canciller-marta-lucia-ramirez-termino-reunion) (last accessed on 5 July 2021).



## c) Nicaragua

Nicaragua's human rights crisis has continued, despite the efforts of the international community, regional and international mechanisms for the protection of human rights, and civil society organizations, including victims' associations. In May of this year, the government of Daniel Ortega began a new phase of its repressive strategy. A new group of people perceived as government opponents was arrested. Between May and 2 August of this year, more than 30 people were arbitrarily deprived of their liberty, including seven presidential candidates, who joined the more than 100 people already in prison solely for exercising their human rights. Among those recently detained are also political activists, public figures in the country's political life, former workers for civil society organizations, student leaders, *campesino* representatives and journalists, among others.

In December 2020, the National Assembly approved the Law for the Defence of the Rights of the People to Independence, Sovereignty and Self-determination for Peace. The Inter-American Commission on Human Rights (IACHR) has stated that its content unduly limits the exercise of political rights protected by international human rights standards.<sup>3</sup> In most of the recent arrests, people are being investigated for inciting "foreign interference" – a vague and subjective concept – in internal affairs, using this law.

The organization notes that enforced disappearance, a crime under international law, has been used as a form of repression. Amnesty International was able to document that at least 10 of the detainees were subjected to enforced disappearance for a certain period of time. Likewise, the organization recognizes that, thanks to international pressure, the government of Daniel Ortega allowed relatives of these victims to finally meet some of detainees. However, their families continue to complain about the precarious conditions of detention and the lack of regular visits.

As previously noted, the run up to the Nicaraguan elections has been characterized by a worsening of the human rights crisis in the country. This increasingly alarming deterioration includes violations of the rights to personal freedom and safety, freedom of expression and association and freedom of the press, among other repeated obstacles to the exercise of civil and political rights.

## 4. The Inter-American Human Rights System, a heritage to be safeguarded in the Americas

The Inter-American system of human rights protection – comprising the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (Inter-American Court), both autonomous and independent bodies of the OAS – is crucial to the realization of human rights in the Americas.

In this General Assembly, the OAS will have an opportunity to elect more than half of those who will make up both the IACHR and the Inter-American Court. For the Inter-American System to continue to be a useful tool to combat impunity and allow the investigation of human rights violations committed in territories under the jurisdiction of states when states in the region have been unable or unwilling to do so, and, in addition, provide victims with an independent protection mechanism capable of guaranteeing truth, justice and reparation, depends directly on having people with the highest credentials and with an unequivocal commitment to the defence of human rights taking on the challenge of leading this System.

Amnesty International strongly urges OAS Member States to elect people to the Inter-American Commission and the Inter-American Court bearing in mind the guiding principles of transparency, impartiality and suitability. They must also, in addition to adhering to these principles, have a strong commitment to support the victims of human rights violations and their families, since on many occasions the Inter-American System has represented the last hope of obtaining justice, truth and reparation in this region.

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<sup>3</sup> Inter-American Commission on Human Rights, *IACHR Rejects Passing of Law Restricting Political Rights in Nicaragua*, available at [oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2021/003.asp](https://oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/003.asp) 6 January 2021.