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COVID-19 in Latin America and the Caribbean: Experts Examining Legal Responses

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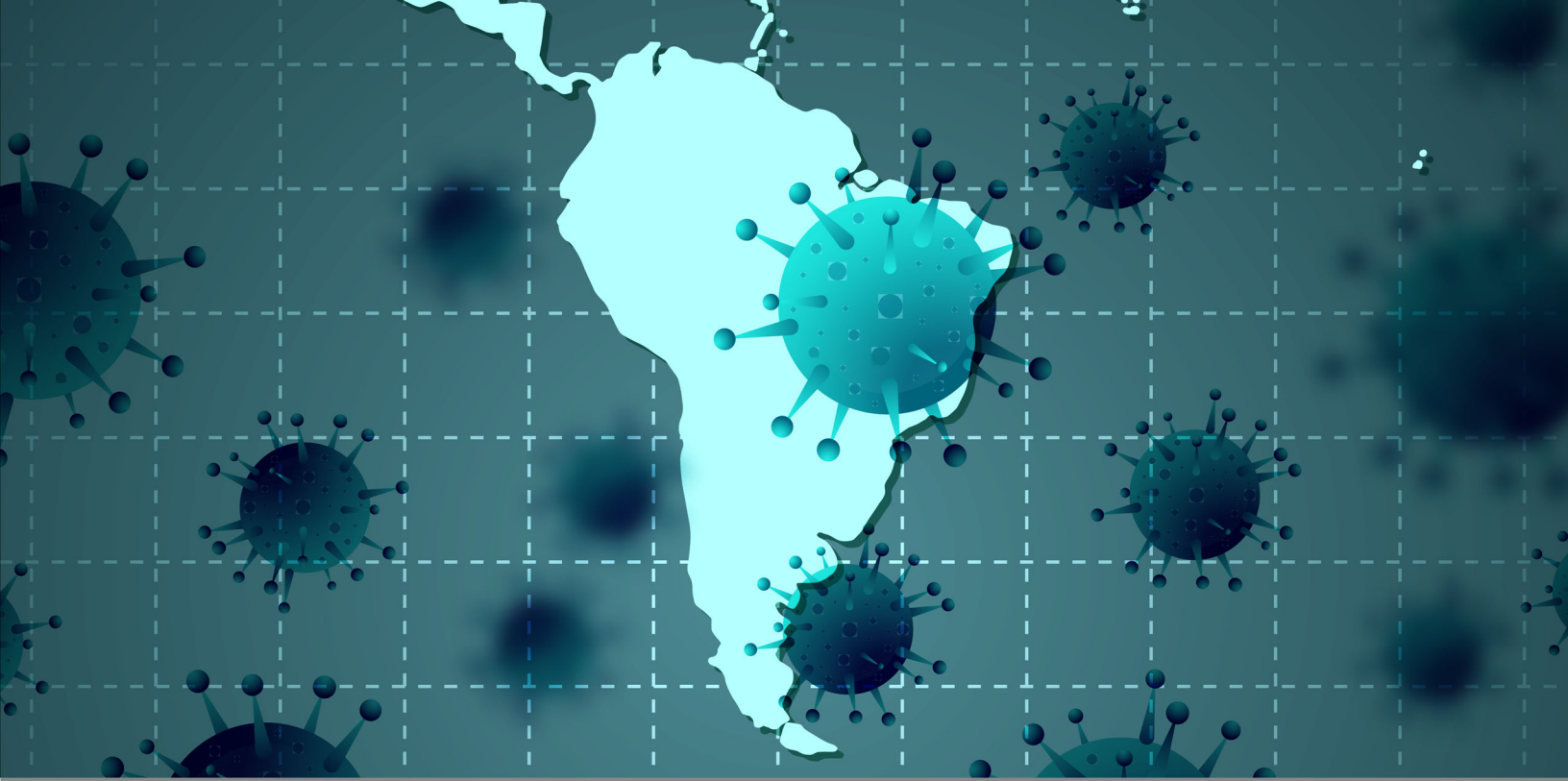


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III COVID-19 in Latin America and the Caribbean: Experts Examining Legal Responses

By Michele A. L. Villagran¹ and Marcelo Rodríguez²

ABSTRACT

Since March 2020, a group of librarians, professors, and legal professionals have been monitoring legal responses to COVID-19 throughout Latin America and the Caribbean. Each member of the project is currently following various countries within this region. In this article, the authors will describe how the project was created and highlight the initial challenges in terms of securing and evaluating trustworthy sources of information in the middle of a pandemic. The authors will summarize the legal responses and any disinformation issues within the countries they have been monitoring: Argentina, Chile, Uruguay, Peru, Bolivia, and Paraguay. Finally, the article will conclude with the authors enumerating the achievements of the group as well as future plans for the project.

SOMMAIRE

Depuis mars 2020, un groupe de bibliothécaires, de professeurs et de professionnels du droit suit les réponses juridiques à la COVID-19 émises dans toute l'Amérique latine et les Caraïbes. Chaque membre du projet suit actuellement divers pays de cette région. Dans cet article, les auteurs décrivent comment le projet a été créé et soulignent les défis initiaux en termes de sécurisation et d'évaluation de sources d'information fiables au milieu d'une pandémie. Les auteurs

résumant les réponses juridiques et les problèmes de désinformation dans les pays qu'ils ont surveillés : Argentine, Chili, Uruguay, Pérou, Bolivie et Paraguay. Enfin, les auteurs concluent en énumérant les réalisations du groupe ainsi que les plans futurs du projet.

Introduction

Latin America and the Caribbean unfortunately became an epicenter of COVID-19 from May until September 2020. The numbers speak for themselves. The entire region accounted for more than 8.3 million confirmed cases and 310,956 deaths as of 15 September 2020. Countries such as Brazil, Mexico, Peru, Chile, Colombia, and Argentina were among the most affected in the entire world.³ Despite the rapid and catastrophic impact of the pandemic in the region, a few countries have decided to continue or begin their reopening plans, and others have continued to completely ignore or deny the reality of the pandemic in their countries. The calamitous situation in the bigger countries eclipses the fact that some of the smaller countries, such as Uruguay, Paraguay, and Costa Rica, have managed to mitigate the impact of the crisis so far. Furthermore, some island nations in the Caribbean have claimed a certain degree of success against the pandemic which might be threatened by the highly active hurricane season.

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³ "COVID-19 Map Dashboard" (2020), online: *John Hopkins Coronavirus Resource Center* <coronavirus.jhu.edu/map.html>.

The idea for monitoring the legal responses to the COVID-19 crisis in Latin America and the Caribbean came to fruition from the desire to do something useful and productive with the resources available. Co-author Marcelo Rodríguez created the *Law Librarians Monitoring COVID-19 in Latin America and the Caribbean* project because he believes that it is important, in this moment of global crisis affecting every single one of us, that we be aware of what is happening in the rest of our shared continent.⁴ Legal professionals have the expertise and professional network to strive for a more comprehensive and nuanced understanding of the complexities of, and possible solutions for, this unprecedented crisis. Applying the law during emergency situations, keeping track of a rapidly evolving legal response, and providing access to justice, health, and government services, particularly to vulnerable communities when it's most needed, are among the most prominent roles of legal professionals during this pandemic.⁵

Since the beginning, our project has included a core team of seven legal professionals closely monitoring their respective countries:

- [Mary Abby Dos Santos](#): Brazil
- [Yasmin Morais](#): Caribbean Community
- [Ana Delgado](#): Puerto Rico, Dominican Republic, Cuba
- [Ulysses Jaen](#): Mexico, Central America
- [Michele A. L. Villagran](#): Chile, Argentina, Uruguay
- [Victoria De La Torre](#): Colombia, Ecuador, Venezuela
- [Marcelo Rodríguez](#): Peru, Bolivia, Paraguay, regional overview

Several additional librarians, professors, and legal professionals have joined our core team members to collaborate and strengthen our purpose by including a diverse set of backgrounds, experiences, and positions to create a robust lens of expertise.

We have developed a website called *Monitoring the Legal Response to COVID-19 in Latin America and the Caribbean* that can be accessed at <https://lawlibrariansmonitoringcovid19.com/>. Our website works as the public face of our project which contains both the most trusted sources for each set of countries and periodic reports on the situation. Project members follow the CRAAP test to identify trustworthy and reliable online resources related to legal aspects for their countries. This test uses the following evaluation criteria:

- currency of the information
- relevance of the information to the project need
- authoritativeness of the source

- how accurate the information is
- the purpose of the information⁶

In addition, project members use critical thinking by following eight steps in their methods to discover the verifiability of an online source. These steps include:

- considering the source
- reading beyond the headline
- checking the author
- a support of the claim
- checking the date
- verifying if satire or parody
- checking their biases
- fact-checking across other sources⁷

Building on the professional expertise and personal attachment of project members, our reports work under the frameworks of “serious storytelling” and “sensemaking” by aiming to make sense of the multiple components affecting this particular situation and by providing relevant information about the everyday during a rapidly evolving pandemic. Lugmayr, et al, define “serious storytelling” as being “where the narration progresses as a sequence of patterns impressive in quality, relates to a serious context, and is a matter of thoughtful process.”⁸ Weick defines sensemaking as a process that “involves the ongoing retrospective development of plausible images that rationalize what people are doing.”⁹ Using serious storytelling and sensemaking, as a guide, our project follows an evolving sequence of linear actions and schemas arranged in a meaningful way. This sequence of phases led to the creation of the knowledge base on which our legal resource project is founded. The serious storytelling approach and the sensemaking paradigm allowed project members to develop narratives around their selected countries that consider both the current legal and government landscapes. Given the rapid and, at times, contradictory information related to COVID-19, sensemaking has been described as one the best approaches to the current chaotic situation and a precursor to sensible policy-making.¹⁰

In this article, the authors apply these two frameworks while describing the first legal responses and measures taken in the following countries: Argentina, Chile, Uruguay, Peru, Bolivia, and Paraguay. Based on the organization of our project, the authors each took the leadership in collecting data and monitoring the situation in these six countries due to interest in, or personal connection to, these areas.

⁴ “Law Librarians Monitoring COVID-19 in Latin America and the Caribbean” (2020), online: *Law Librarians Monitoring COVID-19 in Latin America and the Caribbean* <lawlibrariansmonitoringcovid19.com/>.

⁵ Katharina Pistor, *Law in the Time of Covid-19* (New York: Columbia Law School, 2020).

⁶ Meriam Library, “Evaluating Information - Applying the CRAAP Test” (2010), online: *California State University, Chico* <library.csuchico.edu/sites/default/files/craap-test.pdf>.

⁷ Eugene Kiely and Lori Robertson, “How to Spot Fake News” (2016), online: *FactCheck.org* <www.factcheck.org/2016/11/how-to-spot-fake-news/>.

⁸ Artur Lugmayr et al, “Serious Storytelling—A First Definition and Review” (2017) 76 *Multimedia Tools and Applications* 15707 at 15709.

⁹ Karl E Weick et al, “Organizing and the process of sensemaking” (2005) *Organization Science* 16.

¹⁰ Richard Cordes, “Making Sense of Sensemaking: What it is and What it Means for Pandemic Research” (27 August 2020), online: *The Atlantic Council* <www.atlanticcouncil.org/blogs/geotech-cues/making-sense-of-sensemaking-what-it-is-and-what-it-means-for-pandemic-research/>.

Infodemic Landscape

In February 2020, the World Health Organization (WHO) director, Tedros Adhanom Ghebreyesus declared: “We’re not just fighting an epidemic; we’re fighting an infodemic.”¹¹ The term “infodemic” was first used in 2003, during the SARS epidemic.¹² The rapid dynamics and real time consequences of both disinformation and misinformation create an infodemic. Misinformation is defined as false or inaccurate information regardless of the intention to mislead. Disinformation, on the other hand, is intentionally false or inaccurate information that is spread deliberately as an act of deception or as false statements to convince someone of untruth.¹³ As a whole, there are seven types of mis-and disinformation:

- false connection
- false context
- manipulated content
- satire or parody
- misleading content
- imposter content
- fabricated content¹⁴

An infodemic poses a fundamental problem when it comes to accessing vital information while keeping people rapidly and constantly informed as evidenced in Latin America and the Caribbean.

Contradictory information can lead to harm not only to the citizens of a country, but to anyone who may need to rely on accurate data in matters of life and death. Both misinformation and disinformation may shape people’s perception and worldview. Infodemics destroy trust.¹⁵ Latin American communities, given their turbulent history, are arguably more averse to uncertainty and ambiguity than other cultures.¹⁶ Many people often find the best security in those they trust. An infodemic can undermine that trust and breed suspicion and cynicism, which can start to polarize and break down an entire community.

Polarization can even impact journalism. According to the *2020 World Press Freedom Index* compiled by Reporters Without Borders, “future decades will be decisive for the future of journalism with the COVID-19 pandemic highlighting and amplifying the many crises that threaten the right to freely reported, independent, diverse and reliable information.”¹⁷ The polarization between state-owned and privately-owned media is still common in Latin American countries. Political corruption and authoritarianism in some countries has also had an impact on free and independent journalism. Despite progress in access to information and Internet use, issues around journalists’ ability to report on specific topics such as political corruption, even in a pandemic, remain.

Examining the legal response to the pandemic in Argentina, Chile, Uruguay, Peru, Bolivia, and Paraguay offers us insights into the challenges and differences among these countries, particularly on how the initial responses to COVID-19 have molded their situations.

Argentina

In March 2020, Argentina began a mandatory and strict quarantine. Non-residents were banned from entering the country and all applications for temporary residence were postponed. This was seen as a very risky move by the newly elected president, Alberto Fernández, given the financial hardship the country was experiencing. In particular, the inflation rate was well over 50 per cent and more than a third of Argentina was already living in poverty.¹⁸ In October 2019, Fernández won the presidential election with the Peronist Party and came into power in December 2019 right before the pandemic set in.¹⁹ The former president, Mauricio Macri, who led Argentina from 2015 to 2019, criticized Fernández saying he was leading a “systemic and permanent attack”²⁰ on Argentina’s constitution. Protesters took over the streets of Argentina with anti-government supporters expressing their anger at the quarantine measures. Despite these challenges to the government’s decisions, Fernández was choosing social protection and health safety over financial and economic hardship already facing the country.²¹

¹¹ Department of Global Communications, “UN Tackles ‘infodemic’ of Misinformation and Cybercrime in COVID-19 Crisis” (31 March 2020), online: *United Nations* <www.un.org/en/un-coronavirus-communications-team/un-tackling-%E2%80%98infodemic%E2%80%99-misinformation-and-cybercrime-covid-19>.

¹² David Rothkopf, “When the Buzz Bites Back” (11 May 2003), online: *The Washington Post* <www.washingtonpost.com/archive/opinions/2003/05/11/when-the-buzz-bites-back/bc8cd84f-cab6-4648-bf58-0277261af6cd/>.

¹³ Claire Wardle, “Understanding Information Disorder” (22 September 2020), online: *First Draft* <firstdraftnews.org/long-form-article/understanding-information-disorder/>.

¹⁴ *Ibid.*

¹⁵ John Zarocostas, “How to Fight an Infodemic” (2020) 395:10225 *The Lancet* 676.

¹⁶ Cristina López-Pujalte & María Victoria Nuño-Moral, “La ‘infodemia’ en la crisis del coronavirus: Análisis de desinformaciones en España y Latinoamérica” (2020) 43:3 *Rev Española de Doc Científica* 1.

¹⁷ “2020 World Press Freedom Index” (2020), online: *Reporters Without Borders* <rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus>.

¹⁸ World Health Organization, “Argentina: There is No Economy without Health” (29 July 2020), online: *World Health Organization* <www.who.int/news-room/feature-stories/detail/argentina-there-is-no-economy-without-health>.

¹⁹ Adam Jourdan, “Argentina’s Fernandez pledges to ‘turn the page’ as left wins power” (28 October 2019), online: *Reuters* <www.reuters.com/article/us-argentina-election/argentinas-fernandez-pledges-to-turn-the-page-as-left-wins-power-idUSKBN1X71ED>.

²⁰ “Macri ‘Breaks Silence’ to Launch Fierce Attack on Fernández” (13 September 2020), online: *Buenos Aires Times* <www.batimes.com.ar/news/argentina/macri-breaks-silence-to-launch-fierce-attack-on-fernandez.phtml>.

²¹ World Health Organization, *supra* note 18 ; “COVID-19: Protests as Argentina’s Cases Pass 900,000” (13 October 2020), online: *BBC News* <www.bbc.com/news/world-latin-america-54522428>.

Within Argentina, there was a lack of access to COVID-19 vaccines. Citizens did not believe in their importance and effectiveness even though historically many believed vaccines were safe and essential. A *Lancet* report, which mapped vaccine confidence in 149 countries from 2015 to 2019, showed there were a high number of respondents strongly agreeing that vaccines are safe, important, and effective in Argentina.²² In conjunction with the Pan American Health Organization (PAHO), Argentina took steps to inform their citizens about the pandemic through strong media coverage including sharing information with journalists to ensure they understood COVID-19.²³ The country is focusing on scaling up testing and continuing to ensure the citizens have accurate information through communication guidance with the PAHO. By September 2020, Argentina surpassed 500,000 infections and more than 11,000 fatalities.²⁴ It will certainly be a challenge ahead for Argentina given the current socio-economic crisis, and critical reaction to government policies.

Chile

COVID-19-related numbers have been constantly undependable. As noted by Benítez, et al, “the effectiveness of the measures was undermined by the existing fragility of the health systems, which are characterized by insufficient investment in health resources, regional disparities, modest information systems and poor communication and coordination.”²⁵ This observation was based on extensive qualitative document analysis focussing on publicly-available epidemiological data and federal and state/regional policy documents produced since the beginning of the pandemic.²⁶ Even though the government has provided a sophisticated website to keep citizens informed there are still questions about the figures. At the time of this writing, high case numbers continue to be seen throughout some municipalities in the country. The pandemic hit during unprecedented times in Chile with challenges due to economic inequality and unrest and the government under fire as a result of the economic crisis and cultural conflict. For example, in November 2019, it was agreed upon that

Chileans would be able to vote in April 2020 on whether they wanted a new constitution, however, this vote was postponed until October 2020.²⁷

Uruguay

With a population of 3.5 million, Uruguay has only had 2,452 deaths from COVID-19 between January 3, 2020 to April 29, 2021.²⁸ President Luis Lacalle Pou was only a few weeks into his first term and took swift action once the first case was confirmed. Uruguay closed its borders beginning in March 2020 and has had strong control over the pandemic. President Pou took a different approach than other countries and asked rather than demanded that citizens stay at home.²⁹ Decision makers, health officials, and scientists came together from the beginning and focused on the urgency of the situation. One key to Uruguay’s success compared to other Latin American countries has been with testing. Uruguay has tested 233.7 individuals for every confirmed case.³⁰ Over half of the polymerase chain reaction (PCR) tests used were developed in Uruguay helping the country ramp up capacity for testing, while the rest of Latin America was relying on medical supplies from abroad.³¹

To date, Uruguay’s wider strategy appears to have been successful in controlling the pandemic. The country has also used additional techniques with a mobile app and passed the *Telemedicine Law* to improve communications and information sharing. Uruguay’s COVID-19 mobile app was created to inform about exposure to COVID-19 cases. Due to Google and Apple’s intervention, it was recently updated to allow the tracking of positive or possibly positive COVID-19 cases nearby to a person who has installed the app. Uruguay is the first country in the region to adopt the Google-Apple interface. In April 2020, Uruguay approved *Telemedicine Law No. 19,869* which provides guidelines on the execution and development of telemedicine as a health care service, and aims to improve quality and increase its coverage through the use of information and communication technologies.³²

²² De Figueiredo et al, “Mapping Global Trends in Vaccine Confidence and Investigating Barriers to Vaccine Uptake: A Large-scale Retrospective Temporal Modelling Study” (10 September 2020) 396:10255 *The Lancet* 898 at 902–05.

²³ *Ibid.*

²⁴ Marina Lammertyn, “‘Health Catastrophe’: Argentine Provinces Strain as Coronavirus Cases Top 500,000” (8 September 2020), online: *Reuters* <www.reuters.com/article/uk-health-coronavirus-argentina-idUKKBN25Z2FV>.

²⁵ María Alejandra Benítez et al, “Responses to COVID-19 in Five Latin American Countries” (2020) 9:4 *Health Policy & Technology* 525 at 539.

²⁶ *Ibid.*

²⁷ Dave Sherwood, “Chile to Postpone Referendum on New Constitution as Coronavirus Concerns Grow” (19 March 2020), online: *Reuters* <www.reuters.com/article/us-health-coronavirus-chile/chile-to-postpone-referendum-on-new-constitution-as-coronavirus-concerns-grow-idUSKBN2163TL>; Margarita Salazar, “Chile Plebiscite 2020: The Rebirth of Democracy” (30 November 2020), online: *Latina Republic* <latinarepublic.com/2020/11/30/chile-plebiscite-2020-the-rebirth-of-democracy/>.

²⁸ WHO Health Emergency Dashboard, “Uruguay” (last visited 10 June 2021), online: *World Health Organization* <covid19.who.int/region/amro/country/uy>.

²⁹ Luisa Horwitz, “Uruguay’s Luis Lacalle Pou and his Pandemic Honeymoon” (12 June 2020), online: *Americas Society/Council of the Americas* <www.as-coa.org/articles/uruguays-luis-lacalle-pou-and-his-pandemic-honeymoon>; “Uruguay is Winning Against Covid-19: This is How” (26 September 2020), online: *Merco Press* <en.mercopress.com/2020/09/26/uruguay-is-winning-against-covid-19-this-is-how>.

³⁰ “Uruguay is Winning Against Covid-19: This is How” (26 September 2020), online: *Merco Press* <en.mercopress.com/2020/09/26/uruguay-is-winning-against-covid-19-this-is-how>.

³¹ Hannah Ritchie et al, “Coronavirus Pandemic (COVID-19)” (2020), online: *Our World in Data* <ourworldindata.org/coronavirus-testing#tests-per-confirmed-case>; Rita Rubin, Jennifer Abbasi & Rebecca Voelker, “Latin American and its Global Partners Toil to Procure Medical Supplies as COVID-19 Pushes the Region to its Limit” (2020) 324:3 *JAMA* 217.

³² *Telemedicina: Normas Para Su Implementación Como Prestación De Servicio De Salud (Telemedicine: Rules For its Implementation as a Provision of Health Service)*, (Uruguay) Ley N° 19.869, online: <perma.cc/XL9J-CJE8>; Rodrigo Felló, “Uruguay: telemedicina and Covid-19” (9 September 2020), online: *International Bar Association* <www.ibanet.org/Article/NewDetail.aspx?ArticleUid=344274D5-C73A-4C6A-9CD7-792F962202B9>.

Peru

Since the strict and abrupt national lockdown declared on March 16, 2020, many have questioned its efficiency and implementation mechanisms given that the country continues to have one of the highest rates of daily infections in the region, particularly among its most vulnerable populations.³³ Initially, President Martín Vizcarra enjoyed a high approval rating due to his government's response to the pandemic.³⁴ However, public trust has continued to erode as a result of the unrelenting increase of confirmed cases and the potential socio-economic impacts.³⁵ Disagreements with the opposition-dominated Congress precipitated Vizcarra's departure and new presidential elections were called for 2021.³⁶

In the midst of this intense political drama, the Peruvian people have had to face numerous misinformation and disinformation campaigns coming from different sources.³⁷ A doctor working for the local government of Ayacucho in the southern part of the country publicly encouraged people to consume industrial disinfectant similar to bleach.³⁸ The disinfectant was supposed to cure COVID-19 in patients.³⁹ These misinformation campaigns, especially those regarding miracle cures against COVID-19, have been widely present on social media in Peru. The fact that the messenger of this disinformation was a medical doctor complicated efforts to stop the spread of false and unverified information.⁴⁰ However, through a strict approach of imprisonment for creating and propagating "fake news," the government has made it clear that it has taken this problem seriously.⁴¹

Bolivia

Bolivia has delayed presidential elections three times: May 3, 2020, September 6, 2020, and October 18, 2020.⁴² Two of these date changes have been related to COVID-19.

On November 12, 2019, Jeanine Áñez, a senator for Beni, a department in Bolivia's northeastern lowlands, assumed the interim presidency in an extraordinary session of Bolivia's Plurinational Legislative Assembly.⁴³ Despite calls for a boycott from the opposition parties, the Plurinational Constitutional Court upheld the vote and declared Áñez interim president with a mandate to call for new presidential elections in no less than 90 days.⁴⁴ In the following 10 days, the Legislative Assembly unanimously annulled the October election results and banned Evo Morales from running as a candidate. Subsequently, the new team appointed to the Supreme Electoral Tribunal set May 3, 2020 as the new date for new elections.⁴⁵

On March 21, 2020, a day before a full national quarantine was declared in the country, the Supreme Electoral Tribunal suspended elections scheduled for May 3, 2020, and declared a 14-day suspension of electoral campaigns and preparations. The rapid escalation of the public health crisis forced the tribunal to consider a date later than the prior to August 2 date initially envisioned. After consultation with all political parties, elections were confirmed to take place on September 6, 2020.⁴⁶ Áñez, as well as her political party, expressed doubt as to the need to conduct elections in the middle of a pandemic, while her opposition claimed that her doubts were evidence of her desire to remain in power.⁴⁷ And then on July 23, the elections were postponed once again. This time the Supreme Electoral Tribunal just issued a statement without consultation with the Legislative Assembly or political parties. Salvador Romero, president

³³ Ian Vázquez-Rowe & Andrea Gandolfi, "Peruvian Efforts to Contain COVID-19 Fail to Protect Vulnerable Population Groups" (2020) 1 *Pub Health in Practice* 10020.

³⁴ Juan Andres Fuentes, "Peruvian Government's Initial Reactions and First Measures" (5 December 2020), online: *Monitoring COVID-19 in Latin America and the Caribbean* <lawlibrariansmonitoringcovid19.com/2020/12/05/peruvian-governments-initial-reactions-and-first-measures/>.

³⁵ *Ibid.*

³⁶ Marcelo Rodríguez, "Upcoming Presidential Elections in 2021" (3 January 2021), online: *Monitoring COVID-19 in Latin America and the Caribbean* <lawlibrariansmonitoringcovid19.com/2021/01/03/upcoming-presidential-elections-in-2021/>.

³⁷ Jack Goodman & Flora Carmichael, "Coronavirus: Fake Cures in Latin America's Deadly Outbreak" (12 July 2020), online: *BBC News* <www.bbc.com/news/53361876>.

³⁸ Suzanne Leigh, "Peruvian Doctor Fired After for Telling People to Drink Bleach-like Substance" (13 June 2020), online: *BBC News* <www.bbc.com/news/live/world-53033071?ns_mchannel=social&ns_source=twitter&ns_campaign=bbc_live&ns_linkname=5ee51006da511906610dfaa0%26Peruvian%20doctor%20fired%20for%20telling%20people%20to%20drink%20bleach-like%20substance%262020-06-13T17%3A47%3A37.881Z&ns_fee=0&pinned_post_locator=urn:asset:7d501330-1aec-4c24-b84c-3c2dba764b46&pinned_post_asset_id=5ee51006da511906610dfaa0&pinned_post_type=share>.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Aldo Alvarez-Risco et al, "The Peru Approach against the COVID-19 Infodemic: Insights and Strategies" (2020) 103:2 *Am J of Tropical Medicine and Hygiene* 583 at 584.

⁴² Andre Pagliarini, "Bolivia's Covid-19 Election Nightmare is a Warning" (30 July 2020), online: *The New Republic* <newrepublic.com/article/158666/bolivias-covid-19-election-nightmare-warning>.

⁴³ "Áñez assume la presidencia para pacificar el país" (12 November 2019), online: *Pagina Siete* <www.paginasiete.bo/nacional/2019/11/12/anez-assume-la-presidencia-para-pacificar-el-pais-237195.html>.

⁴⁴ Infobae, "El Tribunal Constitucional avaló a Jeanine Áñez como presidenta interina de Bolivia" (12 November 2019), online: *Infobae* <www.infobae.com/americas/america-latina/2019/11/13/el-tribunal-constitucional-avaló-a-jeanine-anez-como-presidenta-interina-de-bolivia/>.

⁴⁵ Paola Nagovitch, "Explainer: Presidential Candidates in Bolivia's 2020 Special Elections" (6 February 2020), online: *America Society/S/Council of the Americas* [perma.cc/3EEN-GA79].

⁴⁶ "Acuerdan elecciones generales el 6 de septiembre en Bolivia ante Covid-19" (2 June 2020), online: *El Universal* www.eluniversal.com.mx/mundo/acuerdan-elecciones-generales-el-6-de-septiembre-en-bolivia-ante-covid-19 [perma.cc/4G7A-G4AG].

⁴⁷ Laurence Blair, "Is Bolivia's 'Interim' President Using the Pandemic to Outstay Her Welcome?" (1 June 2020), online: *The Guardian* <www.theguardian.com/global-development/2020/jun/01/bolivia-president-jeanine-anez-coronavirus-elections>.

of the tribunal, cited the worsening of the health crisis as well as logistical issues during the pandemic as the main reasons for the delay.⁴⁸ Calls for protests and blockades throughout the country were immediately taken into action, and they have affected the supply of food and gas in several parts of the country.⁴⁹

Rampant disinformation has also plagued Bolivia from the beginning of the pandemic. Conspiracy theories on how 5G antennas are responsible for spreading the virus or promoting a toxic disinfectant as a possible cure are among the most widespread disinformation efforts in the country.⁵⁰ These problems were the main *raison d'être* behind decree no. 4200 issued by the Ñez interim government on March 25, 2020, which contained the following article: “individuals who incite non-compliance with this decree or misinform or cause uncertainty to the population will be subject to criminal charges for crimes against public health”⁵¹ (Art. 13-2). Critics have also worried that these new laws might curtail freedom of expression and of the press at a time when they are both most critically needed.⁵²

Paraguay

Compared to other countries in the region, Paraguay seems to have escaped the worst of the pandemic without the need to implement the same stringent policies. President Mario Abdo Benítez has been both lauded for her government’s actions as well as criticized for slow testing in the country.⁵³ Landlocked Paraguay is also an example of the pivotal need for a regional and international response to a pandemic that completely disregards political boundaries. Despite its low rate of infection or death, Paraguay faces insurmountable pressure and challenges as Brazil becomes the new hotspot in the region.⁵⁴ Brazil’s President Bolsonaro has recklessly downplayed the situation in his country, and he has consequently endangered any progress neighbouring countries might be able to achieve. Porous borders, the presence of isolated indigenous communities across borders, refugees arriving from Venezuela, and much-needed supply chains among countries are all part of an explosive situation which demands a coordinated and collaborative regional and international approach.⁵⁵

Future Steps

The situation in the Latin America and the Caribbean changes rapidly and often. The initial legal and government responses the authors have outlined might not be reflective of the situation in these countries at this moment. However, the purpose of monitoring and reporting on point-in-time situations is to give readers context of where past, current, and perhaps future conversations can interact.

Our team has contributed to a dedicated website, *Monitoring the Legal Response to COVID-19 in Latin America and the Caribbean*, where we capture summary reports on all countries in the region, top five most-trusted sources, and our publications and presentations. The website serves both as a source of current and accurate information about the pandemic and a time capsule that bears witness to what happened in the region. In September 2020, we presented at the 2020 Law via the Internet conference on “Access to Legal Responses to COVID-19 in Latin America and the Caribbean.” This presentation was the first of many that will take place in spring/summer 2021. We have invited collaborators based in the Latin America and Caribbean region to research and write reports for their respective countries based on experiences and what they are seeing “boots on the ground.” Additionally, we have begun to develop relationships with others within both the legal and library communities to share our findings and coverage. We have been invited by the American Bar Association (ABA) – International Law Section, the International Federation of Library Association (IFLA) – Latin America, and the Association of Caribbean Universities, Research and Institutional Libraries (ACURIL) to present our project and reports, and to engage in conversations about the way forward. Our reports will be compiled in a free e-book available for anyone to download via the *Monitoring COVID-19 in Latin America and the Caribbean website*. Furthermore, the group will host a virtual series of events in September 2021 called the “Conference on Access to Information: Latin America and the Caribbean (CAI:LAC).”

The future of the project is intrinsically tied to the expertise, dedication, and collaborations of its project members. If you are inspired to join us, please do reach out to us.

⁴⁸ “Coronavirus Delays Bolivia Presidential Election Until October” (24 July 2020), online: *Voice of America* <www.voanews.com/covid-19-pandemic/coronavirus-delays-bolivia-presidential-election-until-october>.

⁴⁹ Marcelo Rodríguez, “Elections Postponed in Bolivia Once Again” (13 August 2020), online: *Monitoring COVID-19 in Latin America and the Caribbean* <lawlibrariansmonitoringcovid19.com/2020/08/13/covid-19-reports-on-latin-america-and-the-caribbean-no-2/>.

⁵⁰ Jack Goodman & Flora Carmichael “5G and Microchip Conspiracies Around the World” (27 June 2020), online: *BBC News* <www.bbc.com/news/53191523>.

⁵¹ “Bolivia Enacts Decree Criminalizing ‘Disinformation’ on COVID-19 Outbreak (9 April 2020), online: *Committee to Protect Journalists* <cpj.org/2020/04/bolivia-enacts-decree-criminalizing-disinformation/>.

⁵² *Ibid.*

⁵³ Daniela Desantis, “Paraguay has South America’s Best Record on Coronavirus after Early Lockdown” (14 April 2020), online: *Reuters* <www.reuters.com/article/us-health-coronavirus-paraguay/paraguay-has-south-americas-best-record-on-coronavirus-after-early-lockdown-idUSKCN21W33P>.

⁵⁴ “Brazil’s Outbreaks ‘Threatens Paraguay’s Success’ (9 May 2020), online: *BBC News* <www.bbc.com/news/amp/world-latin-america-52596465>.

⁵⁵ Willem Marx, “Isolated indigenous tribes risk extinction from coronavirus, experts say” (22 April 2020), online: *NBC News* <www.nbcnews.com/news/world/experts-isolated-indigenous-tribes-risk-extinction-virus-n1188586>.

⁵⁶ “Publications and Presentations” (last modified July 2021), online: *Monitoring COVID-19 in Latin America and the Caribbean* <lawlibrariansmonitoringcovid19.com/2020/05/05/our-publications/>.