

Military Responses to the COVID-19 Pandemic Crisis in Latin America: Military Presence, Autonomy, and Human Rights Violations

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Abstract

The military in Latin America has been extensively involved in pandemic relief operations. This paper analyses the impact of militarization of pandemic relief operations on human rights. It argues that not all militarization is equally harmful to individuals in the region. When troops assume responsibilities regarding medical care and logistical support, human rights violations do not follow. When involved in policing the stay-at-home orders, the extent of human rights violations is explained by the level of operational autonomy the military has in public security operations. The more autonomous the military, more likely abuses are to occur. Additionally, military exposure to judicial prosecution for human rights offenses contributes to the explanation. After gathering original empirical evidence from 14 Latin American democracies on military presence in pandemic relief, we draw our inferences from process tracing on four comparative case studies of Argentina, Brazil, Chile, and El Salvador.

Keywords

civil-military relations, military autonomy, covid-19 pandemic, human rights

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The military in Latin America has been extensively involved in pandemic relief operations. From producing and distributing medical supplies, to caring for patients, to enforcing health restrictions, the armed forces have comprised an important component of the overall pandemic relief mission. Just as in natural disasters, for which militaries have been consistently used, (Kapucu, 2011; Malešič, 2015) an adequate response to COVID must be rapid, massive, superbly coordinated, and comprised of professionals and volunteers who are sufficiently well trained or coached along the way. Often times, the armed forces fit those qualifications.

Countries are finding that they can and must draw on the innate strengths of the organization to supplement the services provided by civilian health professionals and agencies (Pion-Berlin, 2016). Those strengths include the military's customary hierarchical structure of command and compliance ensuring that orders to respond to COVID crisis are followed and with dispatch; facilities which can be converted to the production of medical relief supplies, as well as barracks that can house supplies and patients; national reach with installations stationed throughout the territory, seldom far removed from communities afflicted by the disease; logistical capabilities enabling the efficient transport and distribution of materials; and finally the economy of means because the organization is already paid for, staffed and readily deployable.

In short, it is little wonder all Latin American countries have called upon the armed forces to lend a hand in the face of disasters, epidemics, and this pandemic (Cepik & Rodriguez, 2020; RESDAL, 2020). However, not all aspects of militarization are equally welcomed and harmless. A wide and sustained military presence could create a longer-term dependency on the armed forces and disincentives to build civilian agencies. An autonomous military could take matters into its own hands, disregarding the civilian chain of command. And a military ill-trained in law enforcement and the use of restrained force could overreact, trampling on human rights when asked to enforce health-related restrictions. The chances that abuse occur should rise, we hypothesize, when militaries are extensively deployed for public security, enjoy higher levels of operational autonomy, control the chain of command, and are not subject to judicial recriminations in case misdeeds are committed.

The rest of the article will proceed as follows: The potential risks to military deployment will be analyzed, distinguishing between the non-coercive and coercive features of the operations. Then political and operational aspects of military autonomy will be discussed and how these might theoretically impact troop behavior in the public security realm. Then pandemic deployment will be analyzed in four countries of Latin America drawn out of a larger sample of countries: Argentina, Chile, Brazil, and El Salvador. We will pay particular attention to how militaries are deployed, how much operational autonomy militaries they have, and what the consequences are for the public.

The Potential Risks to Military Involvement in Pandemic Relief

The militarization of the pandemic relief efforts is not an a priori cause to sound alarms. Militaries have been used in the past to assist in natural disaster relief without imposing

detrimental effects on civilian control, democracy, the rule of law or human rights. To know when and where military pandemic operations will be harmful, distinctions must be made between non-coercive operations (the production, transportation, and delivery of medical assistance, not to mention the treatment of patients under direct military care) and coercive ones (public security enforcement) and their separate effects on governance and citizen rights.

A serious problem associated with the military's non-coercive role might be termed over-reliance. Too much reliance on the military to engage in disaster relief-related tasks can create a dependency on it that can extend well into the future. Leaders will be tempted to fall back on the military instrument time and time again rather than commit to the more difficult task of investing resources to strengthen or create new civilian agencies to perform the same tasks. Should that occur, the military could conceivably parlay that dependence into leverage, expanding its influence over policy discussions and planning at higher levels of governance. Additionally, their expanded role could easily be used to justify larger defense budget shares at the expense of other priority sectors.

Then there are potential risks related to the military's public security functions during a pandemic. Natural disasters have been considered officially to be among the "new security threats" facing Latin America ([Organization of American States, 2003](#)). Even if the "enemy" is a force of nature, such as a raging disease, confronting it brings potential peril to the afflicted communities. Armed soldiers will patrol neighborhoods and monitor compliance with public security orders. It is easy to visualize a military disaster response mimicking features of a feared internal security mission. What if the military acts as if the region was under martial law? What if it *is* under martial law, or at the very least, under conditions as provided for in states of exception (or states of emergencies, catastrophes, etc.)? Invariably, these states of exception allow presidents to adopt extraordinary measures they deem necessary to ensure public order and security nation-wide, as in a pandemic. Among those measures are restrictions on individual rights and freedoms (movement, speech, assembly, and due process), and it is the state security agents who are charged with enforcing those restrictions. This opens the possibility for abuse when security forces overreach, victimizing the very citizens they are told to protect.

Thus, these situations test the military's ability to interact with populations. It will also test government's resolve to exert some control and oversight on the operations to limit the military's freedom to maneuver. Greater civilian control could mitigate some of the harmful effects of soldiers taking on police roles. How much can or will political leaders limit the military's autonomy within these emergency zones?

Military Autonomy

Autonomy has multiple dimensions, and it is vital to be clear about how the concept is utilized in analyzing military responses to the pandemic ([Croissant et al, 2013](#); [Pion-Berlin, 1992](#); [Serra, 2010](#); [Stepan, 1988](#); [Trinkunas, 2005](#)).¹ [Stepan \(1988\)](#) referred to

prerogatives, those items that militaries believed they were entitled to, and were often legally enshrined. The challenge for civilian control was to reduce the number of military prerogatives. Pion-Berlin (1992) conceived of autonomy as control over a function in the realm of civil–military relations and defense policy. How worrisome that control is depends on where military influence lies on a professional-political continuum. The closer military control gets to functions that are squarely political in character, the more concern; the greater distance from the political realm, and the more central to the internal military organization, the less apprehension. Trinkunas (2005) and Croissant et al. (2013) reached similar conclusions, arguing that military autonomous participation in decision-making poses varied threats, depending on the issues at stake. When the military dominates on external defense, that is less threatening to a democracy than if it interferes with public policy, leadership selection, or internal security.

All nations entered the 2020 pandemic with some preset degree of military political autonomy, based on historical precedents, legacies of military power following departures from authoritarian rule, and negotiated settlements once democracies regained their footing (Agüero, 1995). At stake is how much influence militaries bring with them at the outset of a pandemic and over how wide a range of policy matters (Pion-Berlin & Arceneaux, 2000). Militaries that have enjoyed histories of high political autonomy and power could be in a position to also command the pandemic operations on the ground. But is it true that a military's store of political power from the past translates directly into operational control over contemporary pandemic functions? And does that in turn result in human rights violations? These are two of the empirical questions to be examined in this study.

Operational autonomy refers to the ability of the military to take charge of a specific operation, as distinct from an entire mission, let alone an entire policy sphere (Pion-Berlin & Arceneaux, 2000). While general parameters for conduct may be set by political and ministerial authorities, commanders on the ground can be given or perhaps demand some discretion to shape the nature of the operation and to determine how specific tasks are executed. In the context of pandemic public security, this can entail decisions about confinement measures, restricting citizens' freedom of movement, enforcing health measures, curfews and lockdowns, setting up checkpoints, determining patrol routes, and on the spot decisions about questioning and detaining potential violators.

Operational autonomy can be set by constitutions, law, decree, or presidential discretion. In some countries (e.g., Argentina), national defense and security laws proscribe the military from engaging in law enforcement activities—whether related to the pandemic or not. Many other nations will permit the military to temporarily take part in public security functions tied to the counter-pandemic effort, as circumscribed by constitutional states of emergency provisions. Still other countries have allowed public security to increasingly fall within the military's permanent remit (Rial, 2018). In countries where the armed forces have more political clout, presumably governments will find it more difficult to constrain their ground operations, all else equal. But because not all militaries are anxious to take on policing tasks, greater political autonomy does not automatically translate into greater operational freedom in public security as officers can push back against such deployments. Alternatively, political

conditions can change, empowering civilian leaders to unexpectedly rein in their militaries.

The Military Pandemic Public Security Deployment and Human Rights

If military-inflicted human rights abuses were to occur during pandemic relief operations, they would most likely transpire when soldiers are carrying out public security functions.² Not every task given to the military necessarily entails misdeeds and deviations. But most militaries in Latin America are not professionally trained to engage in law enforcement kinds of tasks, by respecting norms of coercive restraint, proportionality, and necessity. When they are assigned duties that are not compatible with their professional skills and experience, violations are more likely to occur (Campbell & Campbell, 2010). Soldiers might encounter difficulties in calibrating their use of force, let alone resisting its use entirely because they are familiar with more violent routines ingrained into them from years of regimented education and training. Where contacts with the public are frequent, as they are when enforcing COVID restrictions, there will be greater chances for missteps to occur, intended or unintended.

It is conceivable, however, that civilians can curb or correct military excesses through vigorous oversight. Where the president has delegated responsibilities to soldiers to conduct pandemic-related public security but has also appointed civilian officials to keep close tabs on them, then human rights abuses can be prevented or if not, monitored, reported, potentially punished and thus deterred. In essence, civilian leaders try to resolve the moral hazard problem that occurs when they confer operational responsibility on soldiers with the anticipation they will faithfully comply, only to discover they have shirked their duties, by furtively conducting themselves in inappropriate if not illegal manners (Feaver, 2003).

However, where the military is placed fully in charge of all pandemic-related security operations, granting them authority to make decisions from the top-down, then civilian oversight will be non-existent. Instances of malfeasance will either be effectively concealed or if reported up the chain of command, will arrive at the seat of military power, not with a civilian ombudsman. In this scenario, information on human rights violations that occur will not be divulged, and no punitive actions will be taken. As Bell et al. (2021) point out, a lack of proper monitoring can afford military agents the opportunity to abuse human rights, contrary to the wishes of the principal. They may choose this option because they are conditioned to react violently. The best that could be hoped for is that the media and human rights organizations act as watch dogs, reporting publicly on infractions that could stir calls for remedial action.

A third possibility is that the military is required to coordinate with other state agencies involved in pandemic relief. Here, it is extended some operational space, but not complete authority. It shares authority with other ministries and state entities, cannot make unilateral decisions, and is subject to additional constraints.

Then there is the issue of judicial risks. Prior to the pandemic, as a condition for fulfilling the requisites of the mission, more politically powerful militaries could have pressured for legal changes shifting human rights cases from civilian to military courts, where the risk of prosecution is lower (Pion-Berlin & Acacio, 2022). In that case, they would be less inhibited in their use of force to gain public compliance with COVID restrictions. If, however, the justice system has shown itself willing and able to prosecute military rights abusers, then soldiers will be at greater legal risk, and more reticent to violently enforce pandemic restrictions.

In sum, the chances for human rights violations to occur at the hands of soldiers who participate in pandemic-related public security operations should rest on three main conditions. The first is the extent to which soldiers are actually deployed to perform those duties. Should presidents choose to keep the military out of public security, or if soldiers resist such assignments, then the chances are remote. Second, if the armed forces are involved, then it depends on how domineering a presence they command, or whether they share authority with others. And third, soldiers are less likely to practice human rights safeguards when they face little or no judicial liability in the courts.

Case Studies and Case Selection Strategy

Methodologically, this study employs a small-n design that combines cross-country and within-country analyses that allows us to perform process tracing (Goertz & Mahoney, 2012:97). Because of the exploratory nature of analyzing a new phenomenon (e.g., the impact of an unprecedented global pandemic), we chose four cases that reflect variation on several dimensions that might account for patterns of human rights abuses. This is consistent with a diverse case selection strategy, which aims at exemplifying variance of both the independent variables of interest and the dependent variable. With a relatively small number of cases, this strategy enhances its representativeness with respect to a larger population (Gerring, 2006; Seawright & Gerring, 2008).

First, in terms of military presence, we were interested in the share of all armed forces personnel have been assigned to pandemic missions, and whether they performed policing duties. It is conceivable that larger numbers of troops deployed to fill an array of pandemic functions could cause greater harm to the public. We have a range represented based on regional comparisons, from those countries where deployment is extensive in terms of size (Argentina), to those where it is moderately so (Chile and El Salvador) and to those where few troops were deployed (Brazil). We also observe variation on whether such militaries were used in public security, with Chile and El Salvador having deployed their troops in policing tasks, whereas Brazil and Argentina did not.

Second, our cases illustrate variation in military operational autonomy over tasks executed during the pandemic. Operational autonomy was high in El Salvador and Brazil, moderately high in Chile, and low in Argentina. Here, we hypothesize that greater autonomy over policing functions would shield the military from scrutiny and oversight. Given the military's lack of preparation to conduct law enforcement, this

would result in more human rights transgressions and less accountability for their conduct.

To select our cases, we documented and measured levels of presence, autonomy, and human rights violations during the pandemic for all Latin American democracies with sizeable militaries (see [Supplemental Appendix C1](#)). This provides us with the necessary degrees of freedom to select a sample of cases representing a broader population. We selected two cases explained by our framework at extreme values of the dependent variable (Argentina and El Salvador) and two cases where the dependent variable had unexpected values (Brazil and Chile).

Argentina and El Salvador are at opposite ends of the spectrum. Argentina is a case where the military have been massively deployed to help fight COVID (high levels of presence), but does not call its own shots, is closely monitored and supervised, and has been kept out of public security operations. The result has been low levels of human rights violations. El Salvador is a country where the military has been well deployed to help fight COVID, but has considerable operational autonomy, and has been deployed in the public security realm. That has led to grim human rights outcomes.

Brazil and Chile are unexpected cases according to our framework. In Chile, military involvement in pandemic relief has been far-reaching and with considerable operational autonomy. Despite that and the extensive contact soldiers had with civilians, levels of human rights violations were low. Brazil has had extensive history of military deployments in responses to natural disasters and domestic policing and operates with high levels of autonomy. So, the expectation would be that troops would have a heavy presence in COVID-19 security-related functions causing numerous civilian casualties. Instead, surprisingly, the military preferred not to get involved in COVID law enforcement and human rights violations, at the hands of soldiers, were low.

The qualitative evidence used in this paper comes from local and international newspapers, triangulated with official government documents, human rights NGOs reports and academic secondary sources. We only counted instances of military-inflicted human rights abuses that transpired from the pandemic relief actions, as follows: massive arrests of those accused of violating curfews, violations in overcrowded detention centers in custody of military and police officers; harassment and brutalization of suspects of violating curfews; abuse of authority, excessive use of force, of military officers in charge of monitoring the compliance of sanitary measures, and arbitrary detentions of citizens in areas where restriction of movement was implemented. Therefore, if the military perpetrated human rights abuses in other non-pandemic-related operations (e.g., counter-crime operations), these were not included in our assessment.

Case Studies

Argentina

Argentina is a case where the military have been massively deployed to help fight COVID but has not been directly involved in public security operations. About 80% of

the Argentinian armed forces—some 60,000 of 74,200 soldiers—have responded to the call to fight the pandemic. That is the second highest in the region whose average is about 42%. At the same time, the Argentine military does not operate autonomously. Civilian-run ministries of health and security are the ultimate agencies that coordinate relief operations. With the military mostly removed from direct policing functions and operating under the authority of civilian leadership, we would not expect to find evidence of human rights abuses at the hands of soldiers.

The Argentine response to the pandemic is directed by civilian authorities. Early in the pandemic, a public emergency was declared under the provisions of Law 27.541 and Article 76 of the constitution which allows the chief executive to temporarily assume legislative powers, and to direct various ministries to take charge of emergency relief. The emergency law was followed up by an urgent decree (DNU 260/2020) authorizing the health ministry to adopt all measures needed, coordinate the response, propose policies, and dictate norms to follow ([Ministry of Justice and Human Rights of Argentina, 2019](#)).

The defense ministry was then instructed to coordinate efforts with health and other ministries. A ministerial resolution signed by Defense Minister Agustin Rossi says that the military's involvement in pandemic relief is justified within the nation's law of defense, which permits its use to counter the effects of a natural disaster, and to re-establish normality ([Ministry of Defense of Argentina, 2020a](#)). But in doing so, the military will answer to the health ministry ([Piñeiro, 2020](#)). The chain of command runs from the president to the health ministry, to an inter-ministerial cabinet, of which the MOD is a member. The defense minister assigns a ministerial secretary to liaison with other authorized ministries and agencies ([Ministry of Defense of Argentina, 2020a](#)).

Dubbed Operation General Belgrano, the relief effort was described by the defense minister as the most important deployment since the 1982 Malvinas War ([Dinatale, 2020](#)). The defense ministry delegates operational tasks to the defense forces through the Chiefs of the General Staffs for army, air force and navy who oversee coordinating armed forces personnel. To organize the relief effort, the military divided the territory into 14 joint emergency commands ([Molina, 2020](#)), corresponding to the location of military units in the provinces.

By October 2020, the military is reported to have carried out 20,118 pandemic-related work projects over the previous 200 days ([Ministry of Defense of Argentina, 2020b](#)). Military help came in the form of the production, transportation, and distribution of medical supplies (hand sanitizer, masks, and other personal protective equipment) and the provision of mobile hospitals, doctors, and nurses. All services provided enormous logistical support to the entire relief effort, including airlifting sanitation gear and medical specialists across the expanse of the territory.

The military has strictly abided by the limits imposed in the Law of Internal Security, which prohibits it from directly engaging in law enforcement ([Government of Argentina, 1992](#)). It mostly conducts non-lethal activities. As if to underscore its humanitarian focus, the military has instructed all its troops to go unarmed ([Marón, 2020](#)). In the realm of security, the armed forces confine themselves to providing

logistical support to other forces that carry out public security functions, including the enforcement of quarantine, lockdown and stay-at-home orders, as well as border control. The Gendarmería is stationed at the country's northern border to prevent people who are infected with COVID from crossing over. This operation is coordinated by the Minister of Security, who then advises the defense ministry if any logistical help is needed.

Inside the borders, military helicopters patrolled from above to convey information to the police and other security forces ([La Nación, 2020a](#)). However, no troops were used on the ground for those purposes. During lockdown only police were given enforcement authority, meaning that they could stop and question virtually anyone on the streets. The media and local human rights groups reported dozens of alleged human rights violations by the national and provincial security forces tasked with enforcing these measures ([Human Rights Watch, 2020a](#)). But there were no reports of armed forces personnel committing any such abuses.

Chile

Chile is an example of where military involvement in pandemic relief has been far-reaching, and where the armed forces have been delegated considerable though not absolute powers in the realm of public security. Soldier-citizen contact has been extensive, as have been the opportunities for human rights abuses to be committed. However, so far, the armed forces have avoided inflicting harm on the public.

In response to the onslaught of the COVID-19 pandemic, the President of Chile declared a Constitutional State of Exception-Catastrophe on March 18, 2020, to take effect throughout the territory, for a duration of 90 days ([Sherwood, 2020](#)). This constitutional provision places the heads of national defense—the chiefs of each service—in charge of all security operations, granting the military considerable but not complete power and autonomy in the COVID relief operations. High-ranking military officers took charge of 16 territorial zones to “ensure public order” and “repair or prevent damage or danger to national security.” The military zone commanders enjoy considerable clout, as they have been able to “issue guidelines and instructions for the maintenance of order,” and to instruct all government officials, state enterprises and municipalities within each zone, for the purposes of mitigating the effects of the public calamity ([Ministry of Interior and Public Security of Chile, 2020](#)). In particular, they could define the conditions for public meetings, control the entrance into and exit from the zones, and organize the collection of food and other goods needed to care for the afflicted population ([Ministry of Interior and Public Security of Chile, 2020](#)).

The military however is not operating with complete autonomy. It answers to the President, who following the chain of command, assigns the Ministry of Interior and Public Security the responsibility of designating the military to be officially in charge of security operations during the state of catastrophe. The armed forces are also required to collaborate with the Health Ministry, the police, and community leaders ([Ministry of Defense of Chile, 2020a](#)). When it comes to enforcing public security regulations,

officers are appointed to serve as direct liaisons between municipalities and the military brass ([Ministry of Defense of Chile, 2020b](#)). The military fulfills health ministry requests by deploying modular hospitals, airlifting medical supplies, sanitizing airports, helping set up of vaccination centers and special medical attention posts and educating the public regarding the dangers of COVID.

Described by the defense minister as unprecedented at the time, the armed forces, the national police called *Carabineros*, and the investigative police began in March 2020 to conduct joint public security patrols to ensure the compliance with lockdown, stay at home, curfew, and other pandemic-related orders. ([Ministry of Defense of Chile, 2020c](#)). By early 2021, the defense ministry was stating that soldiers alone and jointly with police had carried out literally millions of inspections and made thousands of arrests to enforce compliance with COVID restrictions during the pandemic ([Ministry of Defense of Chile, 2021a](#)).

Given the fact that the armed forces have crossed over into law enforcement activities, working closely with the *Carabineros*, one would imagine that if human rights abuses were being committed during public security operations, that soldiers would be implicated. This is largely not the case. Evidence indicates only one isolated instance of a military transgression.³ It would appear as if the armed forces have been generally following the defense ministerial rules of engagement that stressed the need to avoid violence wherever possible ([Ministry of Defense of Chile, 2020d](#)).⁴ The same is true at the northern border where the military has also been involved in immigration enforcement operations at non-authorized crossings ([Ministry of Defense of Chile, 2021b](#)). While military assistance is mostly of a logistical and technological nature, it also has the authority to detain individuals and then turn them over to the police. Here too, there are no reports of human rights abuses committed by soldiers ([Infodefensa, 2021](#)). The reasons for this will be discussed below.

Brazil

Brazil is a case of the unexpected. With the presence of a growingly autonomous military, one with a past of domestic deployments in both public security and natural disaster relief, we might have anticipated a heavy military presence in all COVID-19 security-related functions. However, we instead observed a pattern of deployment limited to health-related measures, as the armed forces chose not to get involved in enforcement stay-at-home orders and other pandemic security tasks.

The government declared a national state of health emergency on February 3, 2020, and the Congress ratified it on February 5 ([Government of Brazil, 2020a](#)). That was followed by a state of public calamity that was extended indefinitely, following a Supreme Court decision that sought to counter President Bolsonaro's efforts to minimize the pandemic ([Government of Brazil, 2020b](#)). These legal measures allowed the state, and municipal authorities to implement stay-at-home orders, repeatedly clashing with the Bolsonaro administration, which mounted a tepid response to fighting the pandemic.

Bolsonaro argued for the need to preserve economic growth over health precautions to prevent the spread of the virus (O Globo, 2021). On March 29, 2020, the president claimed that people who were pressing for strict measures against the pandemic were “hysterical” and the sanitary crisis “would be over soon” (Veja, 2020). He also defined COVID-19 as a “little flu” and has repeatedly undermined social distancing guidelines (Borges, 2020). Yet, Bolsonaro’s mismanagement of the crisis stands in contrast with the positions of military commanders, who took the pandemic seriously.

The Brazilian military has dealt with COVID largely autonomously and attempted to distance themselves from the government. The Army Commander at the time, General Edson Leal Pujol, stated in late March 2020, the fight against the pandemic was the most important mission of his generation (Brazilian Army, 2020a). Conflicting with Bolsonaro’s anti-scientific rhetoric and behavior, the military emphasized the urgency of establishing a national policy of quarantine and adhering to infection prevention and control measures (Brazilian Army, 2020c, 2020d).

A wide range of pandemic relief actions happened on the initiative of the high command. Following the publication of a defense ministry ordinance in March 2020, commands were established within each military branch to promote actions from North to South against the pandemic. About 10% of the military were involved with logistics, reinforcement of border control and medical care, reinforcing Brazilian state capacity to respond to the pandemic crisis (Brazilian Army, 2020b).

Nonetheless, the military held back from a full-scale offensive in the realm of public security. After years of sizeable deployment in public security, the high command is unwilling to engage in law enforcement missions that can harm their good reputation (Acacio, 2021) in light of civilian casualties that have occurred during such operations (Viana, 2021). Their mission preference is clear, and they were influential enough to have it their way: by not enforcing stay-at-home orders during the COVID-19 response, the military avoids being charged with human rights abuses that can undermine societal prestige. That the military can set their own mission preference is consistent with the fact that it has enjoyed persistent levels of political autonomy and institutional autonomy for decades. The Ministry of Defense is headed by an army general, the armed forces are not subject to any real legislative oversight, and they run their own affairs. Such influence is reinforced by an unprecedented number of former and current members of the armed forces serving in key government positions since Jair Bolsonaro came to power in late 2018.⁵

In regard to the human rights situation, our outcome of interest, they did not take place at the hands of military personnel. Violations at the hands of police forces continue to be reported regularly during unauthorized raids of favelas (Sousa, 2020). There was a 7% increase in killings committed by police personnel in 2020 compared to 2019 (Velasco et al., 2020). While the Brazilian military has been implicated in a few human rights abuses (Heringer & Queiroga, 2019), to date, there were no human rights complaints registered against military personnel involved with pandemic-related tasks. This case demonstrates that high levels of military autonomy do not always lead dire

human rights outcomes, provided that autonomous militaries choose to stay out of public security.

El Salvador

El Salvador is a case where the military has been extensively deployed to help fight COVID, and it was directly involved in public security operations. About 53% of the Salvadorean Armed forces (13,023) troops were involved in COVID-19 response ([Diario Libre, 2020](#)). The government largely delegated the control of the operations to generals in direct link with the President, Nayib Bukele. The Salvadorean military's performance in the COVID response conforms with our theoretical expectations. It is a case where the extensive public security presence and high military operational autonomy has led to grim human rights outcomes.

Decrees mobilizing the armed forces were issued on March 11, 2020, and January 2021 ([Government of El Salvador, 2020a](#); [Human Rights Watch, 2021](#)). Military troops coordinated sanitary and vehicle checkpoints, patrolling to ensure the compliance of lockdown measures. The military and police are jointly in charge of containment centers, logistics, medical care, and border surveillance.

Government decrees allowed for massive arrests and detentions during the pandemic ([Rodríguez, 2020](#)). Technically, pandemic-related arrests and detentions are subject to oversight by the civilian-led Ministry of Government and the armed forces are also required to inform the National Assembly of their activities ([Government of El Salvador, 2020b](#)). However, we have found no evidence that either form of monitoring occurred. Instead, it is the military-led defense ministry that oversees and coordinates all actions under the direction of Vice-Admiral René Monroy. This assures a military-led chain of command that amounts to a defense against genuine democratic oversight.

Presidential Decree 12 (Art. 5) states that individuals not obeying COVID restrictions will be sent to quarantine centers (CCC) and can be charged with crimes ([Instituto de Derechos Humanos de la UCA, 2020](#)). Though the centers are under the authority of the ministry of health, the Human Rights Ombudsman, José Apolonio Tobar Serrano, in a statement to the United Nation's High Commissioner of Human Rights, made it clear the personnel from both the police forces and the military are massively present at the centers ([Serrano, 2020a](#)).

President Nayib Bukele announced that he was authorizing security forces in the pandemic operations to use of lethal force for self-defense ([Human Rights Watch, 2020b](#)). Human Rights Watch characterized the President's action as "reckless," and one that would encourage "security forces to execute alleged gang members" who are in mandatory lockdown in prisons ([Human Rights Watch, 2020b](#)). The human rights outcomes in El Salvador are expected from a military that is highly present in policing missions operating under presidential authorization to use force, and without democratic oversight. The bulk of the human rights violations occurred in the 89 quarantine detention centers and prisons. More than 16,000 citizens were kept in mandatory detention for over 40 days in several cases. The Human Rights Ombudsman in El

Table 1. Military Presence, Public Security, and Human Rights Violations in the Pandemic.

	Military Presence in COVID (No. Troops as % of Total Armed Forces)	Presence Compared to Region ¹	Public Security—Did Military Have Substantial Role?	Military Human Rights Violations ²
Argentina	80.86	High	No	Low
Chile	43.36	Medium	Yes	Low
Brazil	10.16	Low	No	Low
El Salvador	53.15	Medium	Yes	High
Regional percentage	42.3			

Note. On number of soldiers and military COVID presence: [The International Institute of Strategic Studies \(2021\)](#); [Ministry of Defense of Argentina \(2020a, 2020b\)](#); [Ministry of Defense of Brazil \(2020\)](#); [Ministry of Defense of Chile \(2020a\)](#); [Armed Forces of El Salvador \(2020\)](#); Notes: ¹ For data on military presence for other countries in Latin America, see [Supplemental Appendix Table D1](#). ² Data on human rights came from the following: The Global State of Democracy Initiative, <https://www.idea.int/gso-d-indices/#/indices/world-map>; Washington Office on Latin America, Amnesty International, Human Rights Watch, and various country specific newspapers.

Salvador received 1337 complaints, 30% of which were lodged against the Ministry of Health's containment centers—which were occupied by police and military personnel. Roughly half of those complaints identified military as perpetrators, and half police ([Amnesty International, 2020](#); [Serrano, 2020b](#)).

Explanation of Findings and Comparisons

The first question to be answered is whether the mere presence of troops in a whole range of non-lethal, pandemic relief operations can lead to increased human rights abuses. We considered the hypothesis that extensive military presence in a pandemic response mission could have deleterious consequences for citizens because of the greater opportunities for soldiers to encounter and interact with them. That hypothesis cannot be confirmed. As shown in [Table 1](#), the size of military forces committed to pandemic relief does not closely correspond to levels of human rights abuse, with the exception of Brazil.

More to the point, we could find no evidence that military operations *outside* of public security functions resulted in harm to citizens. At the same time, public security deployment was a necessary but not sufficient condition to produce human rights offenses. [Table 1](#) shows that major human rights violations at the hands of soldiers only occurred in El Salvador, where troop presence was high and where soldiers were heavily involved in law enforcement activities. Argentina committed a larger percentage of their troops to pandemic relief than El Salvador, but human rights abuses at the hands of soldiers did not occur because troops did not perform law enforcement tasks on the ground. The same was true for Brazil where troops preferred to stay out of

Table 2. Military Political and Operational Autonomy.

Country	Military Political Autonomy ^a	Military Operational Autonomy ^b
Argentina	Low	Low
Chile	Moderately low	Moderately high
Brazil	High	High
El Salvador	High	High

^aExplanations for levels of political autonomy are found in [Supplemental Appendix B](#).

^bOperational autonomy was measured by answering the following five questions: Are states of emergency enacted to grant more autonomy to the military? Do policing substantially involve the military? Must the military coordinate with non-military agencies? Does the chain of command begin and end with the military or is it civilian controlled or mediated? Is there civilian oversight on military operations?

public security. Chile had a high presence of troops some of whom were involved in policing. Yet there were only scattered reports of minor violations by soldiers.

The second question to be raised is whether a military’s overall level of political autonomy in a country accounts for its operational autonomy during the pandemic. If the military exerts enough political clout, it should be able to dictate its own terms with respect to how it handles public security during the pandemic. With more control, and less civilian oversight, we might predict a greater likelihood of human rights violations to occur.

Table 2 compares levels of political and operational autonomy across our four countries. As shown, there is a strong association for Argentina, Brazil, and El Salvador, but not Chile. We might expect that militaries with less political power (Argentina) would be less able to dictate the terms of their operations, and that has proven to be true. Conversely, militaries with ample amounts of political power (Brazil and El Salvador) could demonstrate operational control, and that too is true. The difference is that the Brazilian military chose to minimize their public security role, whereas the Salvadoran military amplified it. In Chile, the military has lost political clout in recent decades, but the constitution stipulates that they should play a predominant public security role during natural disasters, which they did.

Is it true that the more operational autonomy militaries enjoy with respect to public security operations, the greater the likelihood that human rights violations would occur? It is plausible, but it depends on other conditions being fulfilled: the extent to which they are deployed for this purpose, the degree to which they are in fact independent, and what exposure they have to judicial recriminations for human rights abuses.

Table 3 summarizes the findings. In Argentina, operational autonomy was low, and the military was ordered removed from police like duties. Accordingly, the absence of human rights abuses committed by soldiers is understandable. What distinguished Brazil from Argentina are two factors. First, defense and security laws prohibit the military from engaging in law enforcement tasks in Argentina, and Presidents have with

Table 3. Military Operational Public Security Autonomy and Human Rights Violations in the Pandemic: Expected and Actual Outcomes.

Country	Military Operational Autonomy	Expected Military Human Rights Violations	Actual Military Human Rights Violations
Argentina	Low	Low	Low
Chile	Moderate–high	Moderate–high	Low
Brazil	High	High	Low
El Salvador	High	High	High

few exceptions abided by those strictures. By contrast, the Brazilian constitution authorizes the military to ensure law and order ([Government of Brazil, 1988](#)). Second, the Brazilian military *chose* to stay out of public security. We maintain that the Brazilian armed forces were reluctant to engage in policing activities because they had been implicated in dozens of citizen deaths during prior law enforcement operations and are of the belief that those casualties have damaged their reputation ([Acacio, 2021](#)).

The human rights outcomes in El Salvador are largely consistent with the fact that levels of operational autonomy were higher. The armed forces were used extensively in public security, and democratic civilian oversight was practically non-existent. However, this is not a rogue military operation. The armed forces operated largely in accordance with the wishes of President Bukele, who favored using the “iron fist.” El Salvador is an example where executive preference coupled with a lack of operational supervision has resulted in worse outcomes for human rights. Moreover, soldiers in El Salvador face minimal risks in being prosecuted for human rights violations. Though the Supreme Court has ruled the amnesty law unconstitutional, and though soldiers are by law to be tried in civilian courts for human rights offenses, President Bukele has impeded investigations, defied court rulings prohibiting arrests for COVID violations, and has backed the military’s refusal to hand evidence over to investigating judges for past crimes ([Human Rights Watch, 2020c](#)).

At first blush Chile would seem to be a candidate for extensive human rights abuses perpetrated by military personnel. After all, the military under State of Catastrophe provisions is put in charge of the public security operations. There is a sizeable presence of soldiers patrolling city streets both alone and alongside of the police, monitoring the public and looking for curfew violators. Our findings indicate that the military was not responsible for infringing upon citizen rights and freedoms. There are several reasons for this. First, operational autonomy was not absolute. The armed forces were under a civilian-led chain of command and were required to coordinate not just with the Interior and Public Security Ministry but with the Ministry of Health as well. Coordination serves as a kind of check on unrestrained behavior, compelling the military to cooperate with other agencies in designing their pandemic responses.

Second, the Chilean military must protect its officers and soldiers from the considerable legal risks they incur should they violate human rights, along with a potential

loss of prestige. Chilean civilian courts continue to successfully prosecute officers for past human rights offenses (Human Rights Watch, 2020d). Context matters. The mission to enforce pandemic restrictions took place just months after soldiers were deployed alongside with the national police to quash street protests in November 2019. Though they exhibited considerable self-restraint compared to the Carabineros, they were nonetheless guilty of some human rights violations, and suffered a sizeable decline in public trust (Chilean National Institute for Human Rights, 2020; Latinobarómetro, 2020; Mani, 2020; Pion-Berlin & Acacio, 2020). An awareness of legal liability and reputational costs could make soldiers refrain from overstepping their bounds when undertaking public security tasks, especially since their pandemic activities were exposed to intense media coverage.

Conclusion

Countries have militarized their efforts to respond to the COVID pandemic. All countries in Latin America have deployed their militaries for either coercive and/or non-coercive purposes. Has the introduction of soldiers into pandemic relief efforts harmed the citizenry? Has it resulted specifically in more human rights abuses committed by the military? With one exception (El Salvador), the answer, according to our evidence, is no. While numerous human rights abuses during pandemic enforcement operations have been reported, those have overwhelmingly been at the hands of police, not military forces. The mere presence of soldiers in relief operations cannot fully explain patterns of human rights abuses. By and large, when called upon by democratically elected leaders, militaries were helpful in offering medical assistance to afflicted populations and did so without incident.

If militarization of pandemic relief poses a problem, it is a latent one, producing a suboptimal equilibrium in two ways. First, too much reliance on the armed forces to provide health aid could reduce incentives to build up civilian agencies in the future that could perform identical functions. Second, and more worrisome, militaries could also leverage a government's dependence on them for pandemic relief to gain more budget shares, perks, and powers. Therefore, an avenue for future research is investigating long-term effects of over-reliance on the military in pandemic relief actions.

If human rights abuses were to transpire, they would likely occur during public security operations intended to enforce health restrictions. Abuses were reported, but mainly at the hands of the police. For some countries (Argentina and Brazil), the reason is that the military did not engage in pandemic-related public security and enforcement. In others, such as Chile, the military was deployed for public security but with some limits imposed on their otherwise considerable operational autonomy. Provided that civilian leadership is committed to upholding the rule of law, then civilian-led chains of command and requirements that the military collaborate with other agencies undoubtedly help mitigate the chances that excesses would be committed, as does potential exposure to legal prosecution were they to mistreat the public.

It is important to highlight an important limitation of our analysis. Because these are unfolding events, our analysis focused on the immediate impacts of military involvement in pandemic relief actions for the human rights situation in each country. Therefore, long-term impacts of militarization were not assessed. It is possible that over-reliance on the military may compromise the investment in civilian agencies or alter the civil–military balance of power. Nonetheless our message is clear. For decades, the armed forces have been called upon to assist in natural disaster relief, and the pandemic constitutes one more example of that. So long as COVID lingers, so too will soldiers as they perform relief and enforcement functions. Anytime the armed forces are asked to intervene domestically—for any reason—governments and society must be vigilant. There is always the chance that soldiers who are not well trained in how to interact with the citizenry can cause harm. But this study also cautions against making any sweeping generalizations about the dangers of militarization. The outcomes are context-bound. When societies have urgent needs for relief in the face of catastrophe, soldiers can and do perform worthy functions. And with adequate levels of civilian control and oversight, military operational autonomy can be limited in ways to safeguard against malfeasance.

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Supplemental Material

Supplement material for this article is available online.

Notes

1. Military autonomy is one facet of the larger institutional framework of each country. It is important to acknowledge that countries enter the pandemic with varied institutional strengths and weaknesses. Space limitations prevent us from delving into more detail on this dimension.

2. This is not to say that abuses could never occur during non-kinetic, purely health-related relief operations. But the chances of them arising are remote, and we could find no evidence that they had in the four countries under review.
3. Soldiers picked up eight Chileans for violating the pandemic curfew and left them abandoned in the desert. They were later charged for unlawful coercion (La Nación, 2020b).
4. The defense ministry issued a Decree (No. 8 of January 21, 2020) setting out the rules governing the use of military force during states of exception.
5. 9 out of the current 22 cabinet members are or were members of the armed forces. High-ranking military officers are also secretaries of state in various ministries or run state-owned enterprises. According to information of the Federal Audit Court (Tribunal de Contas da União), 6,157 military officers from active-duty (3,029) and retired (3,128) hold offices in the current administration (Lis, 2020).

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