
**STANDARDS AND PANDEMIC CONTROL OF COVID-19:
EVALUATION OF THE CHALLENGES OF PUBLIC HEALTH
POLICIES AND THIRD SECTOR**

***NORMAS E CONTROLE DA PANDEMIA DE COVID-19: DESAFIOS
DA AVALIAÇÃO DE POLÍTICAS PÚBLICAS EM SAÚDE E O
TERCEIRO SETOR***

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ABSTRACT

Objective: the article aims to demonstrate that, despite some minimal effort undertaken by the Brazilian health authorities to alleviate the widespread epidemic disease caused by a worldwide virus and democratically spread across the planet, the measures, the rules imposed with the power of police and the public policies implemented by the Brazilian government were insufficient to contain the galloping advance of the levels of contamination of the disease named Covid-19, even demanding the interference of the Judiciary.

Methodology: the investigation is carried out with bibliographical research, through doctrinal and normative analysis, by the deductive method, without dispensing with empirical observation, which is important in dealing with this type of theme.

Results: The result found in this study was that government ineptitude and political disputes delayed crucial measures that were decisive in the catastrophic result, shaped by the loss of countless lives. The inertia of public authorities forced the people to carry out the necessary public actions against the disease, using the third sector as a solution mechanism.

Contributions: the research's contribution lies in the demonstration of measures capable of preventing and containing the disease, which can be implemented independently of the State, through the effort and commitment of civil society and citizens in individual actions.

Keywords: Covid-19; Coronavirus; Pandemic; Public policy; Third sector.

RESUMO

Objetivo: o artigo tem por objetivo demonstrar que, apesar de algum esforço minimamente empreendido pelas autoridades sanitárias brasileiras no sentido de aplacar a enfermidade epidêmica amplamente disseminada, provocada por um vírus mundial e democraticamente espalhado por todo o planeta, as medidas, as normas impostas com poder de polícia e as políticas públicas implementadas, pelo governo brasileiro, foram insuficientes para a contensão do avanço galopante dos níveis de contaminação da doença batizada de Covid-19, chegando a exigir a interferência do Poder Judiciário.

Metodologia: a investigação é desenvolvida com pesquisa bibliográfica, por meio de análise doutrinária e normativa, pelo método dedutivo, sem dispensar a observação empírica, importante no trato desse tipo de temática.

Resultados: o resultado constado nesse estudo foi que a inépcia governamental e as disputas políticas, retardaram providências cruciais que foram determinantes no resultado catastrófico, plasmado pela perda de inúmeras vidas. A inércia das



autoridades públicas forçou o povo a concretizar as ações públicas necessárias contra a doença, utilizando-se do terceiro setor como mecanismo de solução.

Contribuições: *a contribuição da pesquisa está na demonstração de medidas capazes de prevenir e conter a enfermidade, que podem ser concretizadas de forma desassociada do Estado, pelo esforço e empenho da sociedade civil e dos cidadãos em ações individuais.*

Palavras-chave: *Covid19; Coronavírus; Pandemia; Políticas públicas; Terceiro setor.*

1 INTRODUCTION

Democracy and citizenship coexist, there is no way to have one, absent the other. In a democratic environment, citizenship manifests itself when the citizen has voice in the exercise of power and occasionally takes an active part in it.

The society recognized the third sector as a form to directly influence and participate in the government *locus*, mainly to guarantee rights and give voice to minorities.

Meeting the needs of the people is encouraged by public policies defined by the rulers, who in the Brazilian case are much more concerned with the dispute and maintenance of power than with the solution of problems. This fact was wide open with the pandemic caused by Covid-19, where Brazil in January 2021 reached the mark of 220,161 deaths, becoming the second country with more confirmed cases and deaths.

Unfortunately, this breakdown occurred because there was no clear and central definition of public policies to be implemented, starting a war among the federal entities, a fact that led the judiciary to interfere, however without reaching a satisfactory solution for the population, since state inefficiency remained.

In this scenario, society, through the third sector, took the reins of their destiny and started to act directly in the implementation of public policies to combat, restrain and care of Covid-19. This survey lists several successful initiatives, which proved more efficient than those applied by public entities.



The study aims to demonstrate that the rules and public policies implemented by the Brazilian government were insufficient and inefficient for the restraint, prevention and treatment of the pandemic caused by Covid-19.

The motivation of the analysis was to propagate effective measures capable of preventing and restraining the disease, which can be applied disassociated from the State or to be used as a successful case to be followed.

To do so, the article will analyse citizenship in the democratic scenario; the third sector and citizenship; the third sector and its ability to influence public policies; pandemic norms and control, and, finally, the third sector and the implementation of public policies in the Covid-19 pandemic.

The study will be developed with bibliographic analysis, using doctrinal and normative sources, by the deductive method.

2 CITIZENSHIP IN THE DEMOCRATIC SCENARIO

Democracy and citizenship are complex definition terms that go hand in hand, in such a way as to influence each other. There is no way to discuss democracy without the element of citizenship, just as the reverse is difficult to occur.

Democracy, in a more simplistic aspect, can be defined to be a form of government in which the will of the people is the source of power and indicative of the direction of the government.¹ For the proper transmission of power to representatives and government action, the people must be citizens² and exercise citizenship.

Political action should not be bound by legal norms, it manifests itself regularly, given that Society moves in the world of the decisions of relatively free men, and thus

¹ "The option for Democracy to structure a State that seeks freedom with well-being is not arbitrary. This choice results from the recognition that the greatest virtue of democracy is its line with the preferences of citizens" (our translation). (FERREIRA FILHO, 1979, p. 29).

² José Afonso da Silva states that the current legal discourse has given greater precision to the concept of "citizen", taking it only as the national in the exercise of political rights, unlike the concept of "citizen" that carries the idea of "people" as raw material for the democratic regime and primary holder of sovereignty. In this section, the second concept of "citizen" will be adopted, that of the people. (SILVA, 2005, p. 36).



its content changes with history. Society is constantly changing, and political action follows the same way. Political activity is a decision-making process, a polemical social activity in the sense of debate, to reach an agreement or a unitary decision.

Political action, as a social action, free and controversial, is projected as an activity that creates, develops, and exercises power in the community. It is a decision³ that chooses an action project among several, with a view to a future result. One can observe that the conduct is influenced by the social axes that exert pressure, having the vote a margin of free and rational action, hardly measurable, which is oriented to a public good of the community; this margin of responsible freedom is precisely the one that creates the new and the unforeseen. The responsible external freedom is an act of judgment or preference that is the original root of political decision, implying the concept of what is a public good (SANCHEZ AGESTA, 1979).

Freedom reaches its maximum degree when the individuals have the possession of their privileges as a citizen, keeping in mind that the ideal form of government is the one in which sovereignty belongs “to the assembled mass of the community” (MILL, 1981, p. 31), in which every citizen has voice in the exercise of power and occasionally takes an active part in it.

3 THE THIRD SECTOR AND CITIZENSHIP

Civil society⁴ found in the third sector the means to organize itself in order to put pressure on the state power in order to meet its interests, as well as found a way to participate more actively in the construction of a more just and democratic society. The third sector provides civil society with a role in achieving the objectives of the State,

³ “A decision is a responsible activity that implies an ethical foundation by an estimation of values, which refer to the existence or the way of articulating a political community, or it concerns the objectives that the public power must accomplish” (our translation). (SANCHEZ AGESTA, 1979, p. 91).

⁴ “Civil society can also be understood as a set of free associations and organizations, not belonging to the State and non-economic that have communication with the public field and with the social components” (our translation). (ALBUQUERQUE, 2006, p. 19).



decentralizing it, bringing it closer to the citizen and making better use of state resources.

Ruth Cardoso, in a clear way, outlined the role of the third sector for Civil Society, namely, organizing, and structuring society so that, in addition to being an ascending channel for the people to take their demands to the political organization of the State, will be a form of direct participation in the State, satisfying their interests or defining their situation within the order of the state community. In this regard, there is a “combination” between the State and civil society through the third sector. In her words:

I am convinced that the concept of the Third Sector describes a space for participation and experimentation with new ways of thinking and acting on social reality. Its statement has the great merit of breaking the dichotomy between public and private, in which public was synonymous with state and private with business. We can see the emergence of a non-state public sphere and private initiatives with a public meaning. This enriches and complexes the social dynamics (CARDOSO, 2005, p. 8).

Society is composed of a plurality of groups of the most varied species, containing a set of social forces that determine and pressure political organization. The groups that make up the social structure are part of a system or a social entirety, that is, the system of the political community. The formation of these small circles of people is the way for individuals to organize their economic, social, cultural, and religious interests, along with the political process (competition and integration of desires and attitudes) (SANCHEZ AGESTA, 1979, p. 159/163). The structured form that these associations present themselves is through the third sector entities.

In the words of Andrés A. Thompson (2005, p.46), the third sector's role is “(...) to act in the conquest and guarantee of the rights and citizenship of the excluded, working as a lawyer and, often facing the State and companies”. Rousiley C. M. Maia (2008, p. 166) states that “voluntary associations are seen as agents that contribute to articulate collective interests, provide a voice, sustain deliberations, in order to contribute to the processes of defining political agendas or provide alternative modes of governance”.



In the view of Joaquim Falcão (2006), the third sector presents itself as a new form of direct participation of the individual in the State. This model is on the rise alongside the classic model of representative democracy, based on the verification of the insufficiency of the oligopolistic party system and that the government, understood as the Executive Power, is out of control.⁵

4 THE THIRD SECTOR AND ITS ABILITY TO INFLUENCE PUBLIC POLICIES.

In traditional democracies, the relationship between society and government is embodied by the election of representatives - that is, the citizens' way of influencing / participating in the State is through their representatives, through them the society signals the desired policies and holds the governors accountable for the actions taken and the results obtained and / or perceived.

However, modern society calls for more participation, thus new participatory forms have been emerging daily that seek to expand the democratic space of political life from a critical view of the representative system and the search for greater economic and social efficiency in the use of public resources. These new participatory faces provide the expansion of political education and the exercise of citizenship in addition to helping to control the fulfilment of the commitments made by the rulers and to identify and capture the need for new public policies.⁶

In this search for new participatory forms, society identified the third sector as an instrument⁷ able to give them the opportunity, and it has begun to influence the

⁵ "The third sector is basically a private sector initiative, be it business, community or union. It aims neither profit nor power. Nevertheless, it is justified by the pursuit of an eminently public purpose. It seeks solutions and influence. It is a private sector, but public, as they say. This apparent ambiguity is its *raison d'être*. In fact, it is only ambiguity for those who reduce social relations to the opposition between the public and the private, between the government and society" (our translation). (FALCÃO, 2006, p. 119).

⁶ "The democratic principle imposes the integration of the people in the political process. Ideally it demands all its components to participate in it. It demands, in a word, that the people be entrusted with as much *participation as possible*" (our translation). (FERREIRA FILHO, 1979, p. 145).

⁷ "When the isolated individual unites with others in virtue of a community of interests, then there is the possibility of offering greater resistance to the holders of the state power than if they had to confront in



State by "delegation" from society.⁸ To a certain extent, this occurred with the advent of restructuring of the public administration in Brazil, which took place in 1990s.

In subsequent years, when the Brazilian political agenda begins to slow down and seeks a more assistentialist service, based on the idea of a social State, the same phenomenon of fostering the third sector is witnessed. However, in this case, motivated by the State's lack of capacity to meet the necessary demand, which has further expanded the influence of the third sector in the definition and implementation of public policies, as it began to "replace" the State in providing public services. This influence is heightened by the State's own incentive when it creates several types of public policy management councils in the most varied spheres of the state organization⁹, promotes public hearings to debate projects, especially within the legislative sphere, creates ombudsmen to measure complaints and denunciations of citizens regarding public services, promotes the participatory budgeting, among other initiatives implemented by the State. In these situations, the third sector is present as an interlocutor of the various social groups, thus exerting its influence directly on the State.

Another way in which the third sector influences the State is when it plays the role of a pressure group. Due to the crisis of representativity that society suffers, it ends up "associating itself with others that share its interests, in order to influence the decision-making process" (FERREIRA FILHO, 1979, p. 164), considering that this form is a lot more efficient than traditional action through political parties.

isolation, united with others, they exert influence on political decisions that correspond to the strength of their group" (our translation). (LOEWENSTEIN, 1976, p. 423).

⁸ "The participation of private non-profit entities is essential in helping the State to achieve the objectives set forth in the Constitution and its infra-constitutional developments, sharing the responsibility for social assistance and other social rights among themselves, since it is not always possible exclusively to the State to manage the social issue and fulfil the state function properly, despite its obligation in this regard" (our translation). (TEIXEIRA, 2011, p. 35).

⁹ "And whether some people want it - and others do not - public policy management councils exercise the popular power determined by the Constitution of the Republic and provoke a conception of power sharing, of change in public management (...) And the form found by the constituent legislator of 1988, to allow the participation of organized civil society, in a direct way, was through participation in the various management councils, aimed at the social public policies inserted in the Federal Constitution" (our translation). (ALVES, 2005, p. 218).



Such an assertion is easily understood based on the definition of a pressure group established by Roger-Gérard Schwartzberg (1979, p. 614), for whom “a pressure group can be defined as an organization constituted to defend interests, exerting pressure on public authorities in order to obtain decisions in accordance with those interests”. Of the elements contained in the definition mentioned, the third sector gathers all three: it is an organized group; it promotes the defence of interests and exerts pressure on the governmental *locus*.

Regarding the participation of interest groups in the governmental process, Karl Loewenstein (1976, p.437-439) states that it is a reflex consequence of constitutional democratic States, due to the government's policy of consulting these groups on legislative measures, often motivated by the *expert* and technical knowledge that these groups bring with them, considering that the complex phenomena of a heterogeneous Society is a framework that the government lacks to regulate.

5 PANDEMIC CONTROL AND NORMS

The first case of Covid-19 was detected in Brazil on February 26, 2020 and the first death on March 12, 2020. Since then, the numbers have only grown, reaching its first peak in July 2020, when it went into decline until early December and from then on it has been going through a second wave, which has more confirmed cases daily than at the peak occurred in July 2020. Today Brazil has already registered 8,996,879 confirmed cases and 220,161 deaths from the Coronavirus, making it the second country with the most cases and deaths, second only to the United States that ranks first. (BRAZIL, Ministry of Health, 2021).

According to a study published on January 28, 2021, by the *Lowy Institute* (2021), in Sydney/Australia, in which 100 countries were analysed, based on six criteria, namely, confirmed cases, confirmed deaths, confirmed cases per million people, ability to detect the disease and tests per thousand people, Brazil was the country that worst managed the Covid-19 pandemic. Among the ten countries that best managed the pandemic are New Zealand, Vietnam, Taiwan, Thailand, Cyprus, Rwanda, Iceland, Australia, Latvia, and



Sri Lanka, among the worst, besides Brazil, are Mexico, Colombia, Iran, and the United States.

The researchers responsible for the study, Alyssa Leng and Hervé Lemahieu (2021), pointed out that the country's political system influenced the way in which the pandemic was fought, with democracies being more successful compared to authoritarian regimes. As tools to contain the spread of the COVID-19, requests to stay home were used, and locks and closing borders, common in most countries, but how governments convinced or forced its citizens to adhere to these measures usually reflected the nature of their political systems.

According to the researchers:

Despite initial differences, the performance of all regime types in managing the coronavirus converged over time. On average, countries with authoritarian models have no prolonged advantage in suppressing the virus. Indeed, despite a difficult start and some notable exceptions, including the United States and the United Kingdom, democracies found marginally more success than other forms of government in their handling of the pandemic over the examined period. By contrast, many hybrid regimes, such as Ukraine and Bolivia, appeared least able to meet the challenge. (LENG;LEMAHIEU, 2021, p.1).

Research has shown that countries with higher *per capita* incomes had more resources available to combat the pandemic of COVID-19 as well as showing a better average performance than developing countries for most of the crisis, a fact that did not come as a surprise. However, the surprising fact was to detect that many developing countries were able to deal with the initial outbreak of the pandemic. In contrast, advanced economies lost their leadership in the late 2020, with infections rising again in many places that had achieved apparent success in suppressing the first waves of the pandemic.

The study revealed that the wealthiest countries were quickly affected when the virus first appeared, due to the high air traffic, where international trips accelerated the transmission of the virus from abroad to within these countries. On the other hand, many governments in developing countries have had more lead time and often a greater sense of urgency to implement preventive measures after the scale and severity of the global crisis became known.



The analysis indicates that the fact that there is lack of knowledge and limited technology to combat it has created a more equitable playing field between developed and developing countries in the management of Covid-19. Nevertheless, the uneven distribution of the first vaccines against the disease can give the wealthiest countries a decisive advantage in their efforts to recover from the crisis and leave the poorer countries fighting the pandemic for longer, especially in cases where the government decided late to opt for a vaccination program, as in the Brazilian case.

The “Bulletin nº 10 Rights in Pandemic”, published on January 20, 2021, whose edition is the scientific dissemination by “Conectas Direitos Humanos” and the “Centro de Pesquisas e Estudos de Direito Sanitário – CEPEDISA” of the Faculty of Public Health of University of São Paulo (USP) presents preliminary results of the project “Mapping and analysis of legal standards for responding to Covid-19 in Brazil”, 3,049 standards related to Covid-19 were identified, 1788 of which were ordinances, 884 resolutions, 66 normative instructions, 59 provisional measures, 77 decisions, 50 laws, 24 decrees and 100 other types of normatization. (CONNECTAS, 2021).

The research points out that

The intense normative activity of the Executive Branch related to Covid-19 continued throughout 2020. In addition to pulverizing the emergency regulation, it limits the role of the Legislative Branch and favours the judicialization of health care, since the conformity of the normative acts of the Executive Branch with the law and the Federal Constitution is frequently questioned before the Judiciary Branch. One of the most important characteristics of federal legislation on the pandemic is the lack of citizen participation in its preparation. Consultation mechanisms, councils and representative entities that could act in favour of an efficient response have been ignored or even dismantled. The relationship between the federal government and civil society is one of explicit antagonism, affronting the principles enshrined in SUS legislation, in addition to compromising the legitimacy of the normative body, since these non-statutory rules often go beyond the administrative scope, creating obligations for the general population, in a fragmented and sometimes even contradictory way. The urgency character could justify the lack of participation, were it not for the evident slowness in taking action that the study of the norms reflects. Those who participate in the elaboration of the norms tend to collaborate with its application, which can be decisive during an emergency (CONNECTAS, 2021, p. 4).

According to the bulletin, the agencies that most edited standards in 2020 at the federal level were: 865 from the Ministry of Health; 514 of the Ministry of Economy;



382 of ANVISA; 166 of the Presidency of the Republic; 128 from the Ministry of Infrastructure; 121 from the Ministry of Citizenship; 102 from the Ministry of Regional Development; 99 from the Ministry of Education; 69 from the Ministry of Tourism; 64 from the Ministry of Mines and Energy; 60 of the Ministry of Science, Technology and Innovations; 57 from the Ministry of Justice; 48 from the Ministry of Defence and 41 from the Ministry of the Environment. The figures make it clear that the activities were more intense in the fields of health and the economy, indicating that these were the greatest concerns and difficulties the federal government had in fighting the pandemic. (CONNECTAS, 2021).

As if the tangled web of rules when facing the pandemics was not enough, there were sometimes discrepancies regarding the treatment of the same situation of a Federation entity in relation to another, like what should be considered an essential activity and, therefore, could keep its operation with some restrictions on the number of people and schedules.

Even before the first case of Covid-19 was confirmed in the country, Law nº. 13,979, published on February 6, 2020 was the main legal instrument related to the disease, it did not expressly address the issue, but defined in its art 2, II, the quarantine as “restriction of activities”, among other provisions, “to avoid possible contamination or the spread of coronavirus” (BRAZIL. Presidency of the Republic, 2020). The following month, Provisional Measure nº 926 of March 20, 2020, which was later converted into Law nº 14.035, of August 11, 2020 (BRAZIL. Presidency of the Republic, 2020) inserted a provision that gave the President of the Republic the power to, by decree, dispose of essential public services and activities, whose “exercise and operation” should be safeguarded when the federal entities adopt public health measures. Three days later, an injunction from the Federal Supreme Court acknowledged the competing competence of the Union, the States, the Municipalities and the Federal District to rule on the matter, understanding that the exercise of normative competence by the President would not rule out the taking of normative and administrative measures by the other federal entities (BRAZIL. Federal Supreme Court, 2021).



The Supreme Court's decision, partially resolved, at first, the apathy with which the federal government dealt with the situation, but over time it generated more contradiction and political crisis, and, in some states, transmuted into legalization of the disrespect for life and the seriousness of the pandemic.

In this sense, from the Presidential Decree nº 10.282, published on March 20, 2020 (BRAZIL. Presidency of the Republic, 2020), some examples are cited, where there is acknowledgement as an essential activity for the Union and non-admission by some States in the following cases¹⁰:

1. Social assistance and care for the population in a state of vulnerability (excluded as essential in the AC, AL, AP, AM, BA, CE, DF, ES, MA, MG, PR, PE, PI, RJ and RR).

2. National and civil defence activities (excluded in almost all states except RN, RS, SC, SP and TO).

3. Funeral services (excluded as essential in the States of AP, CE, PE, PI, and RJ).

4. Postal services (excluded as essential in the States of AC, AL, AP, AM, BA, CE, DF, GO, MS, MG, PB, PE, PI, and RJ).

As if the legal confusion were not enough as to what should be considered an essential activity or not, the judiciary issued several decisions that further disrupted the situation, a fact that, at times, went against the contention of the pandemic spread as well as did not determine the preservation of what should, in fact, be indispensable for the survival, health or safety of the population.

In this aspect, some decisions of the Judiciary are cited, regarding essential activities:

1. In the Judicial District of Luzilândia, Piauí, where an injunction granted on May 6, 2020, in a writ of mandamus filed by the Brazilian Bar Association Subsection of Barras, determined that the City Hall included private law practice in the list of

¹⁰ The complete comparative table can be found *In: CONECTAS DIREITOS HUMANOS*. 2021, p. 39-44..



essential activities, allowing the internal operation of the offices, including the possibility of in-person service, if necessary. (BRAZIL. TJPI, 2020).

2. On May 16, 2020, the São Paulo Court of Justice, in a writ of mandamus filed against the Governor of the State of São Paulo and the Mayor of Embu das Artes, granted an injunction authorizing the on-site operation of a restaurant located on the margins of the Regis Bittencourt Highway, considering it essential to have a minimum infrastructure for truck drivers and other motorists. (BRAZIL, TJSP 2020).

3. In Manaus, Amazonas, the 5th Court of Public Treasury granted an injunction, on May 19, authorizing the operation of a beauty salon as it is considered an essential activity, understanding that the plaintiff (Sempre Bella Centro de Beleza Eireli), owned by the family of a local councilwoman, sought the “simple applicability” of the federal decree on the matter. However, Amazonas State Prosecutor’s Office filed an Interlocutory Appeal against the decision rendered, and, on May 22, the Amazonas Court of Justice suspended the aforementioned provisional emergency protection, on the grounds that the activities considered essential by local authorities take into account the particularities of each locality, since the level of contagion, the structure of the public network and the behavioural features of the population vary sharply among the regions of Brazil. (BRAZIL, TJMA, 2020).

According to the researchers of the “Bulletin nº. 10 Rights in Pandemic”,

In Brazil today, the essential character of an activity during the pandemic is not linked to a rigorous technical assessment that seeks to reconcile the imperative to contain the spread of the disease, with the preservation of what is in fact indispensable for survival, health, or the security of the population, but depends on the outcome of the correlation of political forces in the location where the person is (CONNECTAS, 2021, p. 32) (our translation).

Despite the profusion of rules issued, by all spheres of the federation, and even the interference of the judiciary, they were not able to contain the epidemiological curves caused by Covid-19 in Brazil.

In terms of regulation, the greatest attempt to contain the disease was to avoid agglomerations and restrict the circulation of the population in public places, the so-called *lockdown*, which, according to several national and international studies,



showed a reduction in the numbers of new cases of Covid- 19 and deaths after its implementation.

In the Brazilian case, most of the regulations were issued in response to growing number of cases, that is, the regulation or implementation of public policies were primarily a consequence of the epidemiological phenomenon.

For the researchers of “Bulletin nº 10 Rights in Pandemic”

The assessment of the impact of preventive policies on the incidence and mortality of COVID-19, represents an enormous methodological challenge. At the state level, decentralization in the coordination of quarantine measures makes the implementation and the impact of the corresponding rules widely variable. There are differences in the form of presentation, in the strictness of restrictions, in the validity periods, even in the wording and in the degree of access to data in the respective Brazilian Official Government Journal. (CONNECTAS, 2021, p. 54). (our translation)

6 THE THIRD SECTOR AND THE IMPLEMENTATION OF PUBLIC POLICIES IN THE COVID-19 PANDEMIC

According to article 196 of the Federal Constitution of 1988 “Health is the right of all citizens and the duty of the State, guaranteed through social and economic policies aimed at reducing the risk of disease and other diseases and provide universal and equal access to actions and services for its promotion, protection and recovery”.

As constitutionally recommended, the State must implement public policies that meet the health needs of the population, and it cannot evade such a burden or resort to the theory of the reserve of possible in cases of calamity, such as the one experienced today due to the pandemic caused by Covid-19.

Unfortunately, contrary to the scientific opinion and the World Health Organization - WHO, the Brazilian central government has adopted an attitude of disregard for the disease, disqualifying the severity of the illness and devaluing the number of deaths.

Jair Bolsonaro’s statement went around the world, when he classified, in two different moments, that Covid-19 was “a little flu” (BBC NEWS, 2020) and that the



deaths were regrettable "but life goes on" (UOL, 2021), thus trivializing the death of more than 200 thousand Brazilians, counted until January 7, 2021.

The central government's disregard for the pandemic, bordering on denial, led the country to a lack of control of the public policies to be employed. States and Municipalities adopted different actions, which led to the worsening of contaminations and deaths in certain locations or regions.

The countries that best contained or dealt with the pandemic, created public policies of national application, in these States, a protection network was established in an organized way, so that the entire population had access to information and application of actions, a fact that did not occur in Brazil, making it the second most deadly country in the pandemic.

In view of the inertia of some rulers and the inability to cover the care of others, the population, especially the neediest groups, did not have access to public health services to the necessary extent, a fact that compelled society to take "the reins" of insufficient or non-existent public policies.

Public policies should be initiated by the Executive, regulated by the Legislative and ensured by the Judiciary, however what is seen in Brazil is media competition among the Powers, where the Executive and Legislative intend only to maintain the power arising from the polls and the Judiciary seeks to be the last "word", in an "imperial" staging of power, overthrowing Montesquieu's "Theory of the Tripartition of Powers" (2004) and relegating the people to their own fate.

Brazilian rulers are more concerned and busier with the political dispute than with meeting the needs of the people, the decision is not aimed at the general good but at the personal political advantage, given the recent issue related to the immunization of the population. The federal government opted for one manufacturer, São Paulo state government for another, a fact that caused a delay in the beginning of the population's vaccination, as well as other immunizers were neglected, which will certainly lead Brazil to be one of the last countries to reach vaccination coverage of its citizens.

Faced with this scenario of governmental ineptitude, the way in which society recognizes and consummates its active citizenship, that is, puts public policies into



practice, is through the Third Sector, which comes to fill the gap left by the State and its respective Powers.

In this sense, the State of São Paulo and initiatives implemented by organized civil society are taken as an example.

In terms of federative entity state, São Paulo was one, among others, that adopted a proactive approach in fighting the pandemic caused by Covid-19, following advice from the scientific community, and relying on WHO guidelines and experiences from other countries. However, despite occupying the “21st position in the ranking of the world’s largest economy” and being the “third largest economy and the third largest consumer market in Latin America” (São Paulo. Government, 2020), failed to implement actions compatible with the needs of the situation.

Quantitatively the State of São Paulo has 46,289,333 people [2020], of which 12,325,232 people [2020] inhabit the capital city, and respectively, the city of São Paulo (IBGE, [200-?]. The city of São Paulo registered the first proven case of Covid-19 in Brazil (BRAZIL. Ministry of Health, 2020) and ranks as the state with the most confirmed cases and deaths in the country (BRAZIL. Ministry of Health, 2021).

Although the State of São Paulo and its respective capital city, have adopted a conscious approach and sought actions to contain the pandemic as well as representing the largest economy in the country, these have proved insufficient to protect the individuals and their families, a fact that exposed the weakness of state policy.

The Covid-19 pandemic has started a wave of solidarity for the third sector. Important initiatives have emerged to provide help in several aspects associated with this crisis, such as assistance to communities vulnerable to infection, support for people with impaired finances, campaigns to support health professionals, who are in the front line of the fight against pandemic, among other measures. The purpose of most of these initiatives is to buy hygiene items and carry out preventive actions. Poor communities are a high-risk environment for the spread of the virus because of the high population density and the lack of essential services, such as basic sanitation.

Examples of initiatives developed by the third sector to help vulnerable groups include:



1. The project "Mães da Favela", linked to the "Central Única das Favelas – CUFA" (2020), whose organization brings together 500 Brazilian slums, and created a "mother voucher" of R\$ 120.00 to supplement the income of women with children living in communities during the pandemic, more than 30 thousand mothers were benefited. The entity raised R\$ 169,120,680.00, according to the "Monitor das Doações da Covid 19" of the "Associação Brasileira de Captadores de Recursos – ABCR" (2020).

2. The "G10 das Favelas" (2020) group, which supports specific communities, has started to 'pitch in' online on behalf of the largest Brazilian communities, such as Paraisópolis, in São Paulo, and Rocinha, in Rio de Janeiro.

3. The "União de Núcleos de Educação Popular para Negras/os e Classe Trabalhadora – UNEAFRO" (2020) has created a fundraising line to financially support poor, black and peripheral families from various communities in São Paulo and Rio de Janeiro, in addition to teachers and students in community preparatory courses to enter the University.

4. The "Ação da Cidadania" (BRAZIL, 2020), which is one of the references in the fight against hunger in the country, collected donations to provide food for those most affected by the economic crisis, more than 400 tons were distributed by the NGO.

5. The "Serviço Franciscano de Solidariedade – SEFRAS" (2020), commanded by the Franciscan branch of the Catholic Church, is a service with several social and educational actions for people in vulnerable situation in São Paulo. The entity collected and distributed personal protective equipment, hand sanitizer, as well as cleaning and personal hygiene products.

6. The NGO "Habitat Para a Humanidade Brasil" (2020), promoted the project "Do not spread the virus, #SpreadSolidairty", which helped people living in precarious housing conditions, where the virus can spread faster. The donations benefited communities in the Northeast, Midwest, South and Southeast Brazil.

7. The "Associação de Resgate à Cidadania por Amor à Humanidade – ARCAH" (2020), provides support to the homeless, whose actions are developed in the shelter centres in São Paulo, and, during the pandemic, raised funds to buy soap, hand sanitizer and masks for the approximately 12 thousand homeless people sheltered in such institutions.



According to the “Associação Brasileira de Captadores de Recursos – ABCR” (2020), in a consultation held on February 9, 2021, the amount corresponding to R\$ 6,561,404,383.00 was collected in response to Covid-19, donations made by 574,791 donors, with the sector with the most donations being the financial system, the city with the most donations was São Paulo, the campaign with the most donations was the one led by the government of the State of São Paulo and the “live show” with the highest revenue was the “Hunger for Music” promoted by the artists Sandy and Jr (ABCR, 2021).

From the numbers and some indicated projects, one can see the massive mobilization promoted by the NGOs, reaching sites where the State and companies cannot, complements the actions of public policies, gives voice to the most different populations and acts as inspectors of the behaviour of the State and the market, show greater efficiency than that performed by public or private initiatives.

In this sense, the community of Paraisópolis is mentioned¹¹, located in the city of São Paulo, which has set up its own health care network, since it cannot rely on state assistance.

According to the media outlet "The Intercept_Brasil" (2020), the residents of Paraisópolis, have shared R\$ 6,000,00 out of their own pockets a day to pay for doctors and ambulances to compensate for the lack of assistance from the “Serviço de Atendimento Móvel de Urgência – SAMU”.

Paraisópolis is a successful case regarding the implementation of public policies to combat the Coronavirus, organized by the third sector, an example that has been replicated in other states.

The community, led by Mr. Gilson Rodrigues, president of the “União dos Moradores de Paraisópolis” (NOVA PARAISÓPOLIS, 2021) and coordinator of the “G10 Favelas”, based his initial decisions on research carried out on the records of how the population articulated in 1918 to face the Spanish flu. The conclusion was that the best way to organize the community was to set up committees, bringing

¹¹ “Paraisópolis is the largest slum in the municipality of São Paulo and is located in the southwest area, administrative region of the Regional Government of Campo Limpo”. (SÃO PAULO, 2021, p.1).



responsibility to the resident and implementing their own public policies. On March 19, 2020, at the first meeting, 20 volunteers attended, who oversaw the monitoring of 50 homes each. A few days later they already had 658 volunteers (85% women) responsible for monitoring suspected cases of Covid-19 delivering basic-needs grocery package and hygiene kits, door to door. (CASEFF, 2020).

Among the actions mobilized by this Entity is the hiring of full-time ambulances and health professionals, training 240 first aiders, production of 1 million lunch boxes, distribution of 80 thousand hygiene kits and basic-needs grocery packages, delivery of 11 thousand shopping cards that maintained local commerce working, workers were employed in essential services, two state schools were turned into shelters to receive people with mild symptoms and guarantee isolation, a Mask-Sewing Workshop was set up and “Street Presidents” were appointed to help organize the tasks. (CASEFF, 2020).

According to the Polis Institute, these measures led Paraisópolis to be considered the region of the São Paulo capital with better control of the pandemic, surpassing the municipal management itself, at the peak of the pandemic in July 2020.¹²

The information brought, especially those relating to the State of São Paulo and the Paraisópolis case, unveils the inefficiency and insufficiency of state public policies, which end up being implemented by the population itself, through civil society organizations, which once again come to rescue people from governmental ineptitude.

¹² “This is the case in Paraisópolis, one of the largest Brazilian slums, with more than 70 thousand inhabitants. Inserted in the district of Vila Andrade (south zone of the capital of São Paulo), which covers neighborhoods such as Morumbi, the community has been implementing a set of integrated actions in partnership with civil society organizations to refrain the spread of the pandemic. This effort led the slum to present, on 5/18/2020, a mortality rate by covid-19 of 21.7 people per 100 thousand inhabitants, while Vila Andrade as a whole registered 30.6 deaths per 100 thousand inhabitants. The index is also below the municipal average (56.2)”. (INSTITUTO POLIS, 2020, p. 1).



7 FINAL CONSIDERATIONS

Democracy is a regime of government in which public policies are defined by representatives of the people, who, in the Brazilian case, are more concerned with disputes and maintenance of power than with meeting the needs of Brazilians, a fact that has greatly aggravated the situation in the country in facing the Covid-19 pandemic.

The political rivalry among the rulers, and, even among the branches of Government, has led Brazil to rank as the second country in the world with more confirmed cases and deaths by Covid-19. This government inefficiency has led the population to implement public policies through the third sector, that are more effective in combating, containing, and preventing the disease than those organized by the State.

In Brazil, assistance to vulnerable populations came through the hands of civil society organizations, the most striking example was the Paraisópolis community, which, at the peak of the pandemic, in July 2020, figured as the region in São Paulo with the lowest transmission rate of the disease, surpassing the municipal management itself, a fact that proves that well-managed and well-defined public policies can achieve a high rate of efficiency. The community is a case of success that has been replicated in other locations and should be followed by our rulers.

The way Paraisópolis dealt with the pandemic and the success of its actions signals the possibility of implementing public policies that are disassociated from the State, a fact that can lead to a thought of the dispensability of representatives and a new democratic model.



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