



WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: Costa Rica

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- *Questions to be answered by close of business Friday, 27 March are listed below.*
- *Please be sure to include English translations of relevant text where possible.*

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

Yes. Costa Rica has partnered with non-state actors in order to accumulate and distribute resources. Costa Rica has accepted donations of medical supplies from China¹, the United States², and the World Health Organization³. Further, the *Comisión Nacional de Prevención de Riesgos y Atención de Emergencias* (National Commission for Risk Prevention and Emergency Attention) works with municipal committees and a variety of institutions to ensure delivery of food and resources to those in need of assistance.

Also, the President of Costa Rica has worked with the *Consejo Presidencial de Economía Social Solidaria*, led by Vice President Marvin Rodríguez, to formulate policy proposals related to COVID-19.⁴ Finally, Costa Rica has entered a regional contingency plan with the other members of the Central American Integration System.⁵ The plan directs individual countries' health ministers to prepare regional contingency plans to combat COVID-19.⁶

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

¹ <https://ticotimes.net/2020/03/24/news-briefs-china-donates-medical-supplies-to-help-costa-rica-fight-covid-19>

² <https://ticotimes.net/2020/03/27/u-s-embassy-donates-medical-supplies-to-costa-rica>

³ https://www.paho.org/costa-rica/index.php?option=com_content&view=article&id=498:ops-oms-dono-pruebas-para-agnostico-covid-19-en-costa-rica&Itemid=314

⁴ Presidency of Costa Rica. Social Economy Sectors join efforts against COVID-19.

<https://www.presidencia.go.cr/comunicados/2020/04/sectores-de-economia-social-solidaria-se-suman-a-esfuerzos-de-gobierno-para-atencion-del-covid-19/>

⁵ <https://ticotimes.net/2020/03/13/central-america-agrees-to-regional-plan-vs-coronavirus-costa-rican-film-festival-suspended>

⁶ Ibid

According to article 2 of the Executive Decree 42227-MP-S, issued by the President of the Republic, the phase of crisis response includes “the protection of medical staff, first response staff, and of the Costa Rican Red Cross...”

On the other hand, according to article 17, letter “b”, of the Costa Rican National Emergency and Risk Prevention Law (number 8488), the Costa Rican Red Cross is part of the Board of the National Commission for Risk Prevention and Emergency Addressing, which is the legal authority in charge of the coordination of the national risk policy.

The *Cruz Roja Costarricense* (Costa Rican Red Cross) has provided vehicles for the transportation of resources.⁷ It is also aiding the Tourism Police in keeping people away from the beaches.⁸

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

A state of emergency was declared by an executive decree on 16 March 2020.⁹

The current travel restrictions created by the decree are currently extended until 30 April 2020.¹⁰ Only Costa Rican citizens, residents, those whose residency is in process, minors who are children of Costa Rican citizens and foreign diplomats may enter Costa Rica. This restriction applies to arrivals by land, sea and air. Those who are allowed to enter will have to carry out mandatory isolation for 14 days.¹¹

Neither the Red Cross nor other humanitarian relief teams are specified in the exceptions to the cross-border travel restrictions. However, the Ministry of Health has announced that humanitarian support with the private sector and non-governmental organizations will be facilitated by the government.¹² Further, the Red Cross is specified as being excepted to internal travel restrictions (detailed in question 4 below).

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

⁷ Presidency of Costa Rica. Efforts to provide food to affected families.

<https://www.presidencia.go.cr/comunicados/2020/04/enlace-de-esfuerzos-permite-llevar-alimento-a-las-familias-afectadas-por-el-covid-19/>

⁸ <https://www.crhoy.com/nacionales/cruz-roja-e-ict-alejan-a-turistas-de-las-playas-por-covid-19/>

⁹ Presidential decree - <https://www.presidencia.go.cr/bicentenario/wp-content/uploads/2020/03/Decreto-Ejecutivo-42227-Emergencia-Nacional.pdf>

¹⁰ Government of Costa Rica - Notice of the New Restriction Measures -

<https://www.presidencia.go.cr/comunicados/2020/04/nuevas-medidas-de-restriccion-aplicaran-del-13-al-30-de-abril/>

¹¹ Government of Costa Rica– Notice of the State of Emergency -

<https://www.presidencia.go.cr/comunicados/2020/03/gobierno-declara-estado-de-emergencia-nacional-impide-llegada-de-extranjeros-y-se-suspende-lecciones-en-todos-los-centros-educativos-del-pais/>

¹² Government of Costa Rica – Notice of the Support for Humanitarian Aid -

<https://www.presidencia.go.cr/comunicados/2020/04/gobierno-habilita-mesa-de-trabajo-para-apoyo-humanitario-con-el-sector-privado-y-organizaciones-no-gubernamentales/>

The Ministry of Health announced on 11 April 2020 new restrictive measures, which are currently extended until 30 April 2020. The Ministry has listed the Red Cross as an exception to the vehicle restriction detailed below, as well as the personal vehicles of the RC personnel (as well as international bodies and institutions addressing the COVID-19 emergency), as long as they are wearing their uniform or have their ID or badge.¹³

The restrictions include a curfew from Monday to Friday, covering all hours of the day and night, with certain exceptions for an hour per day (plus a few hours on Friday evening).

On the weekends, vehicles may only be used to access supermarkets, pharmacies and other stores serving similar purposes, and only at specified times.

The following restrictive measures within the country apply at all times:

- Bars, clubs, theaters and cinemas are closed.
- Taxis circulate for 24 hours.
- Special bus services, minibuses and student vans, and tourism is not allowed.
- Special transport for workers will be enabled.
- The ferry service will only operate two services a day.
- Public institutions continue with 20% of essential services.
- All public servants who are at higher risk must use annual leave and not attend their workplace.
- School is suspended.¹⁴

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

There are general measures in place easing the importation of products. For example, in terms of article 4 of the Law 9830, of Fiscal Relief due to COVID-19, importers in the Unique Tax Registry may enter goods from April to June 2020 without paying the otherwise applicable tariffs (except for certain agricultural products). Importers using this benefit shall pay the tariffs on 31 December 2020 at the latest, or make an accord with the country's tax authorities in this regard.

Also, per the Order DGA-004-2020,¹⁵ importers can only show authorities photocopies related to the goods they try to get into Costa Rica.

Certain measures have been put in place to automate the entering and exiting proceedings to Costa Rica of drivers registered in Declarations of International Ground Traffic (*Declaraciones de Tránsito*)

¹³ Government of Costa Rica - Notice of the New Restriction Measures - (exception 13)-
<https://www.presidencia.go.cr/comunicados/2020/04/nuevas-medidas-de-restriccion-aplicaran-del-13-al-30-de-abril/>

¹⁴ Government of Costa Rica - Notice of the New Restriction Measures -
<https://www.presidencia.go.cr/comunicados/2020/04/nuevas-medidas-de-restriccion-aplicaran-del-13-al-30-de-abril/>

¹⁵ Government of Costa Rica- Order DGA-004-2020- https://www.hacienda.go.cr/docs/5e753e3e60502_Directriz%20DGA-004-2020%20%20Doc%20a%20presentar%20para%20efectos%20de%20la%20verificacion%20documental%20y%20fisica.pdf

Internacional Terrestre, DUCA-T), in designated ports of entry,¹⁶ pursuant to the Resolution RES-DGA-057-2020.¹⁷

Furthermore, the Order 2020-000324-MOPT temporarily suspend until 30 April 2020 certain limitations over cargo vehicles, so that they can freely circulate in the country.¹⁸

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

We have not found particular information in this regard. However, please note that the RC is exempted from other restrictions, as stated above.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

The Executive Decree 42227-MP-S provides the following measures:

- a) In general, coordination between authorities to address the different phases of the pandemic in Costa Rica;
- b) General application of home-office measures;
- c) Instruction to authorities to take measures avoiding speculation in the trade of goods;
- d) Authorities' faculties to close down commercial establishments disrespecting the restrictive measures explained above;
- e) Decrease of workdays, authorized by labor authorities to respect the rights of the workforce.¹⁹

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

Yes. In terms of the Executive Decree 42291-MEIC-S-COMEX,²⁰ the export of personal protection equipment is restricted and, particularly, of the following products:

- a) Protective glasses;
- b) N95 masks, as well as disposable surgery masks;
- c) Surgery gloves in different sizes (small, medium, and large), and
- d) Disposable gowns.

¹⁶ The designated ports of entry in which this is authorized are Aduana de Peñas Blancas, Puesto Aduanero Las Tablillas, Aduana de Paso Canoas, and Puesto Aduanero Sixaola.

¹⁷ National Customs Service of Costa Rica- RES-DGA-057-2020-
https://www.hacienda.go.cr/docs/5e5eb344a66c6_RES-DGA-057-2020%20Automatizacion%20del%20control%20migratorio%20de%20los%20choferes.pdf

¹⁸ Government of Costa Rica- Order 2020-000324-MOPT-
https://cicr.com/wp-content/uploads/2015/12/Resolucion_2020-000324.pdf

¹⁹ Government of Costa Rica- Documents of Special interest on labor relations, due to the new COVID19 and the Coronavirus- <http://www.mtss.go.cr/elministerio/despacho/covid-19-mtss/COVID19-MTSS.html>

²⁰ Government of Costa Rica- Communiqué on the Executive Decree banning the export of certain personal protection equipment- <https://www.presidencia.go.cr/comunicados/2020/04/licencia-de-exportacion-busca-evitar-desabasto-de-productos-medicos-necesarios-para-la-atencion-de-la-emergencia-covid-19/>

Companies aiming to export such personal protection equipment, in general, shall have an exporting license issued by the Costa Rican Ministry of Economy, Industry, and Trade, which will verify with the country's Ministry of Health and the Social Security (*Caja Costarricense del Seguro Social*) whether there is a shortage of equipment needed to face the current health contingency.

This has been further enforced to the customs authorities through the Instruction DGA-003-2020.²¹

²¹ Government of Costa Rica – Instruction DGA-003-2020, https://www.hacienda.go.cr/docs/5e729e805d36d_DGA-003-2020%20Directriz%20Emergencia%20COVID%2019.pdf