The purpose of this research is to provide answers to the questions raised by the Red Cross. These answers are based upon our review of documents describing and/or implementing governmental measures to fight COVID-19, including, among others, Governmental Decrees, Presidential Decrees and Action plans. The list of documents relied upon is attached at Annex A.

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

On 5 March 2020, after the World Health Organization declared the COVID-19 outbreak a public health emergency, the Guatemalan President declared through Governmental Decree No. 5-2020, the “State of Public Calamity” (“Estado de Calamidad Pública”) and launched the “Plan for the Prevention, Contention and Response to Coronavirus (COVID-19) Cases in Guatemala” (“Plan for COVID-19”).

The Plan for COVID-19, which is “directed to the departments of the Ministry of Health,” sets forth general actions to be taken by that Ministry in coordination with the governmental departments directly attached to Ministry of Health. The Plan for COVID-19 does not contain any express reference to non-state actors and it is unclear whether the plan applies to private hospitals or health professionals from the private sector that are not attached to the Ministry of Health.

However, some Governmental or Presidential Decrees issued thereafter expressly refer to the need for an “effective coordination” between state and non-state actors. We provide below some examples:

- Governmental Decree No. 6-2020 requires a general collaboration of all “state entities, public officials and public employees” with health personnel of the public and private sector. It also requires all media and advertising entities (without distinguishing between public or private) to publish free of charge the provisions of Decree No. 5-2020 and any related information to the population.

- Governmental Decree No. 7-2020 required an extension of time for the validity of Decree No. 6-2020. The decree further requires all media and advertising entities to publish free of charge the provisions of such decree and any related information.

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1 See Governmental Decree No. 5-2020 dated 6 March 2020, art. 1.
4 See Governmental Decree No. 6-2020 dated 20 March 2020 art. 2.
5 See Governmental Decree No. 6-2020 dated 20 March 2020 art. 5.
6 See Governmental Decree No. 7-2020 dated 24 March 2020 art. 5.
Decree No. 12-2020, “Emergency Law,” issued by the Guatemalan Congress, requires that the Guatemalan Social Security Institute (“IGSS,” according to its acronym in Spanish) and the private health sector work jointly in the informative and preventive campaigns issued by the Guatemalan Government, with respect to the COVID-19 pandemic. Decree No. 12-2020 also established several economic measures involving non-state actors. For example:

- **With respect to educational centers and universities:** the prohibition that these institutions apply fines, penalties, or interest in the event of non-payment of tuition fees, or in any way sanction students for such non-payment;

- **With respect to retail business (e.g., pharmacies, supermarkets, convenience stores):** the implementation of a program for nutritional support, which includes the delivery of coupons exchangeable for certain products at pharmacies, supermarkets, and other establishments. Governmental Agreement No. 60 provides that the Ministry of Social Development shall determine the businesses where these coupons can be exchanged and coordinate with such establishments as to the corresponding compensation.

- **With respect to banks and credit institutions:** The stay or deferral of credit obligations whose payment default does not exceed one month. The stay or deferral can be granted for a period of up to six months, counting from the date when the state of public calamity related to COVID-19 is concluded.

- **With respect to energy and electricity companies:** The guarantee of the continuous supply of electric energy for certain users.

- Decree 13-2020 issued by the Guatemalan Congress created a “Financial Rescue/Bailout Law for Families Affected COVID-19 Pandemic,” wherein the government undertook to provide to certain families a “Family Bond” worth up to $1,000 quetzales (i.e., US$ 129.65) redeemable in any banking institution (including private banks).

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

We have not identified any reference to the role, responsibilities, or scope of action of the Red Cross and/or humanitarian actors. However, as further developed below, Governmental Decree No. 6-2020 that imposed, among others, travel and movement restrictions, expressly excluded the application of certain of those restrictions to the Guatemalan Red Cross. 

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7 See Decree No. 12-2020 “Emergency Law” issued by the Guatemalan Congress, dated 1 April 2020, art. 4.
8 Decree No. 12-2020 “Emergency Law” issued by the Guatemalan Congress, dated 1 April 2020, art. 9.
9 Decree No. 12-2020 “Emergency Law” issued by the Guatemalan Congress, dated 1 April 2020, art. 15.1.b.
10 Governmental Agreement No. 60-2020 issued by Ministry of Social Development and the Ministry of Agriculture, Livestock and Nutrition, dated 17 April 2020, art. 10.
11 Decree No. 12-2020 “Emergency Law” issued by the Guatemalan Congress, dated 1 April 2020, art. 15.4.
12 Decree No. 12-2020 “Emergency Law” issued by the Guatemalan Congress, dated 1 April 2020, art. 15.5. It bears pointing out that on 3 April 2020, the Guatemalan Congress discussed and approved Decree No. 15-2020, which proposed additional measures to protect the population against the economic effects caused by the COVID-19 pandemic. The decree notably provided for the deferral during three months of the payments for basic services, including, among others, water and electricity supply. However, the entering into force of this Decree is subject to its prior approval /veto by Guatemalan President Alejandro Giammattei, which we understand is still under discussion.
14 See Governmental Decree No. 6-2020 dated 20 March 2020 art. 1.c.3.
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?

On March 17, Guatemalan President Alejandro Giammattei announced that the country was closing its borders and, accordingly, imposed generalized travel and movement restrictions. The terms of travel and movement restrictions were subsequently specified through Governmental Decree No. 6-2020 and periodically updated and/or extended through several Presidential Mandates (“Disposiciones Presidenciales”) issued on a weekly basis, with the last one to date being issued on 19 April 2020.

Governmental Decree No. 6-2020 set out under Article 1.b two major restrictions on mobility rights:

- First, with respect to international travel, Article 1.b.3 banned the “exit or entry of people into the territory of the Republic of Guatemala” with immediate effect.

- Second, with respect to mobility rights within the territory of Guatemala, Article 1.b.4 imposed mobility restrictions on “the transit and circulation of individuals, crew, passengers, vehicles, or all types of ground transportation between 4:00 pm and 4:00 am of the following day”. Under the Decree, these measures took effect between 22 March 2020 and 29 March 2020, with the understanding that they could be extended through subsequent Presidential Mandates. The Presidential Mandate of 12 April 2020 confirmed, and in fact further extended these restrictions, so as to include (i) a prohibition to circulate across municipal boundaries, (ii) a shelter-in-place order for vulnerable individuals, (iii) a restriction for personal and recreational trips, and (iv) a general prohibition to visit public sites.

Nevertheless, Governmental Decree No. 6-2020 indicated that the restrictions provided for under Article 1.b would not apply to a limited list of “individuals and types of transportation.” In particular:

- Article 1.c.3 provided that these restrictions would not apply to the “personnel and vehicles such as ambulances, that provide assistance and relief, belonging to municipal firemen and volunteers, private and public hospitals, the IGSS, the Guatemalan Red Cross, and private entities that provide health services, duly authorized and documented”. Notably, this provision refers specifically to the “Guatemalan Red Cross,” and not to the “International Red Cross” or, more generally, the “Red Cross” or “humanitarian actors.” This limited language could suggest that the exception lifts restrictions only on mobility rights within the territory of Guatemala, and not restrictions on international travel.

- Article 1.c.5 provides that the restrictions provided for under Article 1.b do not apply to “international personnel and vehicles with diplomatic plates or identification or on international mission, as well as vehicles managed by Embassies and Consulates for the repatriation of Guatemalans to national territory.”

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18 See Governmental Decree No. 6-2020 dated 20 March 2020 art. 1.b.3 and Article 7.
20 See Governmental Decree No. 6-2020 dated 20 March 2020 art. 1.c
21 Governmental Decree No. 6-2020 dated 20 March 2020 art. 1.c.3 and 1.c.5.
In this respect, the Presidential Mandate issued on 12 April 2020, clarified that, despite the closure of all borders, “Guatemalans”, “Permanent Residents”, “Diplomatic Personnel accredited in Guatemala” and other “exceptional cases determined by the relevant authority” would be allowed to enter Guatemalan territory subject to compliance with a mandatory quarantine for a determined amount of time (enough time to dismiss the possibility of having contracted COVID-19).22

Significantly, Article 8.c provides that “foreign passengers of humanitarian character” “may be allowed to enter Guatemala, subject to prior approval by the relevant authority.”23 According to Governmental Decree No. 5-2020, both the Ministry of Health and the Guatemalan Institute of Immigration may issue the necessary authorizations to enter Guatemalan Territory.24

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)?

- **With respect to quarantines:** As noted, under Presidential Mandate issued on 12 April 2020, Red Cross personnel or other humanitarian actors may enter Guatemalan territory in “exceptional cases determined by the relevant authority,” but the Mandate also conditions their entry to Guatemala on compliance with a mandatory quarantine.25 Hence, no exceptions to quarantines appear to be applicable to Red Cross personnel or other humanitarian actors.

- **With respect to curfews:** Article 1.c.3 of Governmental Decree No. 6-2020 provides that the mobility restrictions provided in Article 1.b of the same decree, do not apply to the “Guatemalan Red Cross.”26 In addition, the Presidential Mandate issued on 12 April 2020 established that the “transport of humanitarian aid” is excluded from the mobility restrictions and such transport can be conducted within a determined schedule.27 Hence, Red Cross personnel or other humanitarian actors appear not to be bound by the general restrictions upon transit and circulation of “individuals [and] ... vehicles or all types of ground transportation between 4:00 pm and 4:00 am.” Accordingly, their access to vulnerable populations should not be limited by these restrictions.

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?

- **With respect to aid or other relief items,** Decree No. 12-2020 issued by the Guatemalan Congress established an “exemption” for “all importation taxes and value-added taxes and customs or tariff rights” over donations made to non-profit organizations including (i) the National Coordinator for the Reduction of Disasters (“CONRED,” according to its acronym in Spanish), (ii) churches, and (iii) charity and welfare organizations and associations, that are duly registered and incorporated in the Registry of Legal Entities of the Ministry of Governance.28 The Guidelines for Importations during the State of Emergency for COVID-19, issued by Superintendence of Tax

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22 Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance, dated 12 April 2020, Eighth and Tenth Mandate.
23 Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance, dated 12 April 2020, Eighth Mandate c) (“c)... the access to crew or passengers of humanitarian character is allowed, with prior approval of the corresponding administrative authority.”).
24 Governmental Decree 5-2020, dated 6 March 2020, art. 5.
25 Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance, dated 12 April 2020, Eighth Mandate a).d and c) (“all the personnel described above shall be subject to mandatory quarantine with no exception”)
26 Governmental Decree 6-2020, dated 20 March 2020, art. 1.c.3.
27 Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance, dated 12 April 2020, Sixth Mandate.
28 Decree No. 12-2020 “Emergency Law” issued by the Guatemalan Congress, dated 1 April 2020, art. 16.
Administration ("SAT," according to its acronym in Spanish) establish the procedure that must be followed to benefit from this exemption. In particular, the Guidelines clarify that this exemption applies only to merchandise outside the Guatemalan territory and donations in kind (i.e., it does not apply to donations of cash). Moreover, the Guidelines clarify that those who seek to benefit from these exemptions must submit a request with the SAT. The Guidelines do not mention any quarantine requirement that may be applicable to the goods and merchandise donated upon entry to Guatemalan territory. Relatedly, the SAT published certain “Actions” to be taken during the COVID-19 crisis. Through those actions, the SAT announced the activation of a specific and expedited procedure to process aid or relief shipments received during the State of Public Calamity which seeks to ensure that urgent shipments are treated as a priority and dispatched promptly. The Guatemalan Institute of Immigration recently informed that it had received a donation of medical and relief items from the International Committee of the Red Cross.

- With respect to medical aid and relief personnel, and consistent with the discussion above, they may be exempted from travel restrictions subject to prior authorization from the Ministry of Health or the Guatemalan Institute of Immigration and compliance with the mandatory quarantine.

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 did not identify any reference or provision categorizing the RC or humanitarian organizations as providing “essential” or “emergency” services. However, and consistent with the discussion above, our understanding is that personnel from the Guatemalan Red Cross is (i) exempted from internal mobility restrictions, and (ii) may be exempted from travel restrictions, subject to prior authorization from the Ministry of Health or the Guatemalan Institute of Immigration and compliance with the mandatory quarantine.

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

In addition to the measures described in response to Question No. 1 above, the emergency measures adopted to fight the COVID-19 pandemic are aimed at (i) suspending certain activities and events to prevent the spread of the disease, and (ii) provide financial support to assist vulnerable businesses and populations.

- With respect to the suspension of activities and events, these included:
  - Work at State and private entities.

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31 See Actions to attend the COVID-19 Emergency by Guatemala’s Custom Service, published by the SAT.
32 See Actions to attend the COVID-19 Emergency by Guatemala’s Custom Service, published by the SATat 7.
33 See generally Procedure for Processing Aid or Relief Shipments published by the SAT, dated 29 August 2018.
34 Procedure for Processing Aid or Relief Shipments published by the SAT, dated 29 August 2018 at 14.
35 Guatemalan Institute of Migration, “International Red Cross donated supplies to Migration”, 17 April 2020.
36 See Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance, dated 12 April 2020, Eighth Mandate c) (“c)... the access to crew or passengers of humanitarian character is allowed, with prior approval of the corresponding administrative authority.”). Governmental Decree 5-2020, dated 6 March 2020, art. 5.
37 See Governmental Decree No. 6-2020 dated 20 March 2020 art. 1.c.3.
38 See Governmental Decree No. 6-2020 dated 20 March 2020 art. 1.c.5. Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance, dated 12 April 2020, Eighth Mandate c) (“c)... the access to crew or passengers of humanitarian character is allowed, with prior approval of the corresponding administrative authority.”).
- Gatherings of any type, regardless of the amount of people;\textsuperscript{40}
- All social, sport, or cultural activities;\textsuperscript{41}
- Public transportation;\textsuperscript{42}
- Visits to penitentiary centers, as well as nursing or retirement centers for senior people;\textsuperscript{43}
- Religious celebrations;\textsuperscript{44}
- External consults in hospitals;\textsuperscript{45}
- Shopping centers, malls, or similar establishments;\textsuperscript{46}
- Bars, clubs, or similar establishments;\textsuperscript{47}
- Distribution of alcoholic beverages between 6:00 pm and 5:00 am of the next day;\textsuperscript{48}
- Educational institutes of any level.\textsuperscript{49}

- With respect to the financial support to assist vulnerable businesses and populations:
  - Decree No. 12-2020 issued by the Guatemalan Congress, created (i) a fund to grant loans to businesses, professionals of any sector, and companies,\textsuperscript{50} and (ii) a fund to provide loans to micro, small, and medium-sized companies.\textsuperscript{51}
  - Decree 13-2020 issued by the Guatemalan Congress created a (i) “Financial Rescue/Bailout Law for Families Affected by the COVID-19 Pandemic,” whereby the government undertook to provide to the most vulnerable families a “Family Bond” worth up to $1,000 quetzales (i.e., US$ 129.65) redeemable in any banking institution (including private banks),\textsuperscript{52} and (ii) the establishment of a fund for the protection of employment.\textsuperscript{53}

\textsuperscript{50} See Decree No. 12-2020 “Emergency Law” issued by the Guatemalan Congress, dated 1 April 2020, art. 15.b.2.
\textsuperscript{51} See Decree No. 12-2020 “Emergency Law” issued by the Guatemalan Congress, dated 1 April 2020, art. 15.b.3.
\textsuperscript{52} See Decree No. 13-2020 of the Guatemalan Congress the “Law of Economical Rescue to Families for the Effects provoked by COVID-19”, dated 8 April 2020, art. 3.
\textsuperscript{53} See Decree No. 13-2020 of the Guatemalan Congress the “Law of Economical Rescue to Families for the Effects provoked by COVID-19”, dated 8 April 2020, art. 3.
Governmental Agreement No. 57-2020 authorized the delivery of “Family Bonds” worth up to $1,000 quetzales to the most affected population segments by the measures taken to fight COVID-19.\textsuperscript{54}

Governmental Agreement No. 58-2020 authorized the payment of $75 quetzales to each worker of the private sector whose job was suspended because of the state of emergency caused by the COVID-19 pandemic.\textsuperscript{55}

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

We did not find any restriction applicable to the export of protective medical equipment.

\textsuperscript{54} Governmental Agreement No. 57-2020 issued by the Ministry Social Development, dated 16 April 2020, art. 4.

\textsuperscript{55} Governmental Agreement No. 58-2020 issued by the Ministry of Economy, dated 16 April 2020, art. 2.
### Annex A

#### List of Reviewed Documents

<table>
<thead>
<tr>
<th>No.</th>
<th>Document Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Procedure for Processing Aid or Relief Shipments published by the SAT</td>
<td>29 August 2018</td>
</tr>
<tr>
<td>2.</td>
<td>Guidelines for importations during the State of Emergency of the COVID-19</td>
<td>2020</td>
</tr>
<tr>
<td>3.</td>
<td>Actions to attend the COVID-19 Emergency by Guatemala’s Custom Service</td>
<td>2020</td>
</tr>
<tr>
<td>4.</td>
<td>Plan for the Prevention, Contention and Response to Coronavirus (COVID-19) cases in Guatemala</td>
<td>March 2020</td>
</tr>
<tr>
<td>5.</td>
<td>Governmental Decree No.5-2020</td>
<td>5 March 2020</td>
</tr>
<tr>
<td>6.</td>
<td>Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance</td>
<td>16 March 2020</td>
</tr>
<tr>
<td>7.</td>
<td>Supreme Court and Judicial Organism Agreement on the State of Calamity Caused by Covid-19</td>
<td>17 March 2020</td>
</tr>
<tr>
<td>10.</td>
<td>Decree No. 8-2020</td>
<td>20 March 2020</td>
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<td>No.</td>
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<td>Date</td>
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| 11. | Governmental Decree No. 6-2020  
| 12. | Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance  
*Available at:* [https://www.amm.org.gt/portal/?wpfb_dl=583AMPLIACIONES%20Y%20MODIFICACIONES.PDF.pdf](https://www.amm.org.gt/portal/?wpfb_dl=583AMPLIACIONES%20Y%20MODIFICACIONES.PDF.pdf) | 21 March 2020 |
| 13. | Governmental Decree No.7-2020  
| 14. | Judicial Organism Disposition 15  
| 15. | Judicial Organism Disposition 17  
| 16. | Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance  
| 17. | Decree No.9-2020  
*Available at:* [https://www.congreso.gob.gt/detalle_pdf/decretos/13514](https://www.congreso.gob.gt/detalle_pdf/decretos/13514) | 31 March 2020 |
| 18. | Decree No.10-2020  
*Available at:* [https://www.congreso.gob.gt/detalle_pdf/decretos/13515](https://www.congreso.gob.gt/detalle_pdf/decretos/13515) | 31 March 2020 |
| 19. | Decree No.11-2020  
*Available at:* [https://www.congreso.gob.gt/detalle_pdf/decretos/13516](https://www.congreso.gob.gt/detalle_pdf/decretos/13516) | 31 March 2020 |
| 20. | Decree No.12-2020  
*Available at:* [https://www.congreso.gob.gt/detalle_pdf/decretos/13517](https://www.congreso.gob.gt/detalle_pdf/decretos/13517) | 1 April 2020 |
| 21. | Decree No.13-2020  
*Available at:* [https://www.congreso.gob.gt/detalle_pdf/decretos/13518](https://www.congreso.gob.gt/detalle_pdf/decretos/13518) | 7 April 2020 |
| 22. | Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance  
| 23. | Judicial Organism Release  
*Available at:* [http://www.oj.gob.gt/Archivos/ImagenesSlidersPrincipales/InformacionCorona](http://www.oj.gob.gt/Archivos/ImagenesSlidersPrincipales/InformacionCorona) | 12 April 2020 |
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<th>No.</th>
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<tr>
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<td>15 April 2020</td>
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<td>15 April 2020</td>
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<td>15 April 2020</td>
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<tr>
<td></td>
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<td>Decree No.20-2020</td>
<td>15 April 2020</td>
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<td>30.</td>
<td>Governmental Agreement No. 57-2020</td>
<td>16 April 2020</td>
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<td>31.</td>
<td>Governmental Agreement No. 58-2020</td>
<td>16 April 2020</td>
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<tr>
<td>32.</td>
<td>Governmental Agreement No. 59-2020</td>
<td>16 April 2020</td>
</tr>
<tr>
<td>33.</td>
<td>Governmental Agreement No. 60-2020</td>
<td>17 April 2020</td>
</tr>
<tr>
<td>34.</td>
<td>Guatemalan Migration Institute, “Red Cross Donates Sanitary Material to Guatemala Migration”</td>
<td>17 April 2020</td>
</tr>
<tr>
<td>35.</td>
<td>Presidential Mandate for Cases of Public Calamity and Orders for Strict Compliance</td>
<td>19 April 2020</td>
</tr>
<tr>
<td>36.</td>
<td>Judicial Organism Disposition 18</td>
<td>20 April 2020</td>
</tr>
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