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To: International Federation of Red Cross & Red Crescent Societies
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Memorandum
London
**COVID-19
Response
Measures in
Honduras:
Impact on
International
Humanitarian
Organizations**

A. INTRODUCTION

This memorandum sets out certain aspects of the governmental response in Honduras during the COVID-19 pandemic. In particular, this memorandum seeks to clarify the position of international humanitarian organizations operating in the country as of this date based on available information.

In preparing this memorandum, we reviewed materials that are publicly accessible online comprising primary legislation and executive legislative instruments, such as ministerial decrees, statutory instruments, or their equivalents. Further information is also available on materials published on the government of Honduras' official COVID-19 website (<https://covid19honduras.org/>).

B. COORDINATION BETWEEN STATE AND NON-STATE ACTORS

The government of Honduras is working in coordination with other governments and various international organizations in its response to COVID-19. From a fiscal perspective, the International Monetary Fund (IMF) issued a press release on March 31, 2020 confirming a disbursement of US\$143 million to Honduras to “support the authorities’ policy response, helping to shore up the external position of the economy”.¹ In addition, the World Bank approved a US\$20 million loan to support Honduras in its fight against the pandemic by funding investments in laboratory and hospital equipment, including ventilators, respirators,

¹ “IMF disburses US\$143 million to Honduras to fight Covid-19 Pandemic” (International Monetary Fund Press Release No. 20/125, March 31, 2020) <<https://www.imf.org/en/News/Articles/2020/03/31/pr20125-honduras-imf-disburses-us-143-million-to-honduras-to-fight-covid-19-pandemic>> accessed April 22, 2020.>

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beds and special equipment for intensive care units and supplies for the protection of health care personnel, among others”.²

In addition to financial support from the IMF and the World Bank, the Honduran government has also been working in coordination with the World Health Organization, who has provided a team and test kits to facilitate increased testing in Honduras.³ The Honduran government also reached out to the authorities in Cuba for healthcare support, and a group of 20 Cuban doctors and other medical personnel have been mobilized to COVID-19 units in hospitals in San Pedro Sula on April 19, 2020.⁴

While the official government websites have not made specific reference to Red Cross involvement, the Honduran Red Cross appears to be playing an active role in the community in coordination with various groups (including the Humanitarian Network, the Pan-American Health Organization and the Honduran government) and its initiatives include delivery of food parcels to communities at risk, training for selected doctors and psychologists, targeted communication campaigns and updating its protocols for diagnosis, management, surveillance and quarantine of cases.⁵ Likewise, the organization Doctors Without Borders is

² “El Salvador and Honduras to receive support from the World Bank to strengthen their response to COVID-19 (coronavirus)” (World Bank Press Release dated April 17, 2020) <https://www.worldbank.org/en/news/press-release/2020/04/16/el-salvador-y-honduras-recibiran-apoyo-del-banco-mundial-para-fortalecer-su-respuesta-al-covid-19-coronavirus> accessed April 22, 2020.

³ “Hoy llega desde Washington equipo para hacer pruebas de detección de coronavirus” (Trans.: “Today a team to test for coronaviruses arrives from Washington”) <<https://www.presidencia.gob.hn/index.php/gob/el-presidente/7218-hoy-llega-desde-washington-equipo-para-hacer-pruebas-de-deteccion-de-coronavirus>> accessed April 22, 2020.

⁴ “Brigada médica cubana llega a Honduras para reforzar lucha contra la covid-19” (Trans.: “Cuban medical brigade arrives in Honduras to reinforce fight against Covid-19”) <<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7240-brigada-medica-cubana-llega-a-honduras-para-reforzar-lucha-contra-la-covid-19>> accessed April 22, 2020.

⁵ See pages 22 to 23 of the “COVID-19 Outbreak Operational Update #9” report dated April 2, 2020 <<https://reliefweb.int/report/world/covid-19-outbreak-operations-update-9-emergency-appeal-n-mdr00005-2-april-2020>> accessed April 22, 2020. See further “Gobierno e industria farmacéutica anuncian 3.5 millones de frascos de gel para prevenir coronavirus” (“Government and pharmaceutical industry announce 3.5 million bottles of gel to prevent coronavirus”) (Institutional Webpage of the Ministry of Economic Development, April 22, 2020) <https://sde.gob.hn/2020/03/10/gobierno-e-industria-farmacautica-anuncian-35-millones-de-frascos-de-gel-para-prevenir-coronavirus/> accessed April 22, 2020. See further “Gobierno, OPS y CMH acuerdan potenciar los hospitales con recurso humano y equipo de protección personal” (“Government, PAHO and CMH agree to empower hospitals with human resources and personal protective equipment”) (Institutional Webpage of the Ministry of Economic Development, April 22, 2020) <<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7144-gobierno-ops-y-cmh-acuerdan-potenciar-los-hospitales-con-recurso-humano-y-equipo-de-proteccion-personal>> accessed April 22, 2020. See further “Sociedad civil destaca orden, transparencia, neutralidad y eficacia de entrega de alimentos por parte del Gobierno” (Trans.: “Civil society highlights order, transparency, neutrality and efficiency of food delivery by the Government”) (Institutional Webpage of the Presidency of Honduras, April 22, 2020) <<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7102-sociedad-civil-destaca-orden-transparencia-neutralidad-y-eficacia-de-entrega-de-alimentos-por-parte-del-gobierno>> accessed April 22, 2020.

supporting the government by assisting in a Center for Patient Management with a mild or moderate symptoms.⁶

Further, the Honduran government has also received donations from private actors, such as Corporación Dinant, who gave food and disinfectants to the Honduran government for distribution to families affected by the health emergency,⁷ and the Business Council for Latin America who gave 21 ventilators, as well as electric beds, electrocardiographs, infusion pumps, lecterns, mattresses and biosafety equipment, among others.⁸

C. EXEMPTION FROM QUARANTINE MEASURES

The government of Honduras initially announced a national State of Sanitary Emergency on February 10, 2020 and subsequently passed an executive decree PCM-021-2020 on March 16, 2020 (the “**March 16 Decree**”) pursuant to which the government suspended certain constitutional guarantees established under the Constitution of the Republic of Honduras relating to free movement, freedom of association and freedom of speech, among others. Among other measures taken by the government, the Honduran borders have been closed (subject to limited exceptions) and curfews have been implemented through to April 26, 2020 (subject to any further extension).

There are exceptions set forth in the March 16 Decree, including, among others: personnel involved in managing the emergency, healthcare workers, first responders, and personnel that work with hospitals, medical service centers and laboratories, the maquilas making protective masks and biomedical equipment/supplies needed for the emergency, as well as humanitarian transport.⁹ While it is not clear whether these exceptions apply to movement within

⁶ “Presidente Hernández agradece ayuda de EEUU y Cuba, y anuncia aumento salarial para personal de salud” (Trans.: “President Hernández thanks US and Cuba for help, and announces salary increases for health personnel”) (Institutional Webpage of the Presidency of Honduras, April 22, 2020) <https://www.presidencia.gob.hn/index.php/gob/el-presidente/7241-presidente-hernandez-agradece-ayuda-de-eeuu-y-cuba-y-anuncia-aumento-salarial-para-personal-de-salud> accessed April 22, 2020.

⁷ “Para apoyar a familias afectadas por emergencia de Covid-19: Ministra de SDE recibe donativo de parte de Corporación DINANT” (Trans.: “To support families affected by Covid-19 emergency: SDE Minister receives a donation from the DINANT Corporation”) (Institutional Webpage of the Ministry of Economic Development, April 22, 2020) <https://sde.gob.hn/2020/04/14/para-apoyar-a-familias-afectadas-por-emergencia-de-covid-19-ministra-de-sde-recibe-donativo-de-parte-de-corporacion-dinant/> accessed April 22, 2020.

⁸ “Consejo Empresarial para América Latina dona 21 ventiladores mecánicos para tratar pacientes de coronavirus” (Trans.: Business Council for Latin America donates 21 mechanical ventilators to treat coronavirus patients”) (Institutional Webpage of the Presidency of Honduras – Press Room, April 22, 2020) <https://www.presidencia.gob.hn/index.php/sala-de-prensa/7176-consejo-empresarial-para-america-latina-dona-21-ventiladores-mecanicos-para-tratar-pacientes-de-coronavirus> accessed April 22, 2020.

⁹ Article 4, “Decreto Ejecutivo Número PCM-021-2020” (Trans.: “Executive Decree Number PCM-021-2020”) (Institutional Webpage of the Presidency of Honduras, April 22, 2020)

Honduras only or also movement across borders, it is noted that travel was permitted for medical professionals from Cuba. This demonstrates that the government of Honduras may facilitate movement of humanitarian relief teams and/or aid across borders. However, exceptional arrangements may be required to be reached with the Honduran governmental authorities, noting, for example, that the Cuban doctors travelled to Honduras on an aircraft provided by the government of Honduras. In this regard, on March 21, 2020, the Immigration National Institute confirmed that immigration mobility is restricted, closing Air Immigration Control points for commercial flights and stating that “no foreign person may enter the national territory”.¹⁰ Also, the Civil Aeronautics authority has indicated through several communications that some airports will be closed, while others will continue to operate only for cargo, supply and, strictly exceptional flights (such as equipment and spare parts for hospital use, medicines and other donations); such flights must obtain prior authorization from the competent authority. On March 27, 2020, the Civil Aeronautics authority stated that national and international flights from any state, international organizations or air operators must request authorization through forms sent to the mailing address designated for this purpose in time to allow for approval 24 hours before departure.¹¹

Accordingly, it is recommended that humanitarian relief teams should seek guidance from the relevant governmental authority in Honduras, including to confirm whether the exemptions for emergency and health care workers extend to allowing movement to vulnerable populations¹² and, to the extent any such teams are travelling across borders, to mitigate the

<<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7016-decreto-ejecutivo-numero-pcm-021-2020>> accessed April 22, 2020.

¹⁰ “Comunicado Flujos Migratorios ante la Pandemia COVID 19” (Trans.: “Migration flows in the face of the COVID 19 pandemic”) (Institutional Webpage of the COVID-19 by the Government of Honduras, April 22, 2020) <https://docs.google.com/viewerng/viewer?url=https://covid19honduras.org/sites/default/files/comunicado_0.pdf> accessed April 22, 2020.

¹¹ “Comunicado #10” (Trans.: “Press Release #10”) (Institutional Webpage of the Honduran Civil Aeronautics Agency, April 22, 2020) <<https://www.ahac.gob.hn/category/noticias>> accessed April 22, 2020.

¹² While movement restrictions do not seem to apply for the circulation of vehicles transporting suppliers of products of basic needs provided such cargo employees use a mask, alcohol or gel and have all the corresponding preventive biosecurity measures, it should be noted that an “absolute curfew” has been established for different Departments within Honduras. See “Comunicado de Prensa” (Trans.: “Press Release”) (Institutional Webpage of the COVID-19 by the Government of Honduras, April 22, 2020) <https://docs.google.com/viewerng/viewer?url=https://covid19honduras.org/sites/default/files/COMUNICADO%2520PCM%2520Valle%2520de%2520Sula.pdf> accessed April 22, 2020; See further “El Sistema Nacional de Gestión de Riesgo (SINAGER) anuncia al pueblo hondureño la continuidad de las restricciones de las garantías constitucionales como medida de prevención ante la propagación de COVID-19 como medidas excepcionales para tres ciudades.” (Trans.: The National Risk Management System (SINAGER) announces to the Honduran people the continuity of the restrictions of the constitutional guarantees as a preventive measure against the spread of COVID-19 as exceptional measures for three cities”) (Institutional Webpage of the COVID-19 by the Government of Honduras, April 22, 2020) https://docs.google.com/viewerng/viewer?url=https://covid19honduras.org/sites/default/files/TOQUE%2520DE%2520QUEDA%2520HONDURAS_0.pdf accessed April 22, 2020.

potential requirement for mandatory self-quarantine, which currently applies to returning Honduran citizens, permanent and temporary residents and accredited diplomats.

D. EXEMPTIONS FOR MEDICAL AID, OTHER RELIEF ITEMS, AND PERSONNEL

One of the exemptions under the March 16 Decree is with respect to air, sea and land cargo industry for import, export, supplies and ports.¹³ There are no exceptions to this exemption based on publicly available material. Given the broad wording under the March 16 Decree, the abovementioned exemption should apply to the importation of medical aid or other relief items.

Further, through Decree No.29-2020, the government of Honduras took certain measures for tax relief for the acquisition of certain products. This Decree establishes, among others, an exemption from the payment of the sales tax in the import of raw materials, supplies, packaging material and containers necessary for the manufacture of sanitizing products, purchase of masks and hand gel produced locally. Likewise, the State and Civil Associations are exempt from filing tax solvency in the process of all customs franchises and exemptions from local purchases as well as donations for humanitarian aid due to the emergency established by the Board of Directors of the National Risk Management System (SINAGER) for the prevention and fight against coronavirus and dengue.¹⁴ Similarly, Decree 33-2020 of April 3, 2020 establishes that import of raw materials, machinery, supplies, equipment, spare parts, accessories and packaging material necessary for the manufacture of medical supplies or other products necessary to combat the epidemic are exempt from the payment of Sales Tax and import duties.¹⁵

In line with the above, on April 2, 2020 it was published that the Honduran Customs Administration, through the Regional Customs Office, have been acting as a liaison between the private sector and the government by coordinating and facilitating donations made by several organizations.¹⁶

¹³ Article 4, “Decreto Ejecutivo PCM-021-2020” (Trans.: “Executive Decree Number PCM-021-2020”) (Institutional Webpage of the Presidency of Honduras, April 22, 2020) <<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7016-decreto-ejecutivo-numero-pcm-021-2020>> accessed April 22, 2020.

¹⁴ Article 3, “Decreto No. 29-2020 (Trans.: “Decree No. 29-2020”) <<https://www.tsc.gob.hn/web/leyes/Decreto-29-2020.pdf>> accessed April 22, 2020

¹⁵ Article 39, “Decreto No. 33-2020” (Trans.: “Decree No. 33-2020”) <<https://www.tsc.gob.hn/web/leyes/Decreto-33-2020.pdf>> accessed April 22, 2020.

¹⁶ “Aduanas Honduras facilita donación de más de 30 mil insumos y equipo de bioseguridad para personal de salud que

In relation to the movement of personnel, please see the response in Section C above.

E. HUMANITARIAN ORGANIZATIONS AS “ESSENTIAL” OR “EMERGENCY” SERVICES

The March 16 Decree includes an express exception for personnel from institutions that are part of the SINAGER, medical and nursing personnel, health regulation, relief and emergency bodies accredited by a public or private institution and ambulances.¹⁷ Humanitarian organizations that are part of the SINAGER would benefit from this exemption from the restrictions on business operations and opening hours. The exemption is otherwise worded broadly and should cover other international humanitarian organizations. It would, however, be prudent for any international humanitarian organization seeking to operate in Honduras to seek specific guidance from the government on permitted activities and any specific requirements for such organizations.

F. OTHER MEASURES CONTAINED IN EMERGENCY DECREES

Aiming to ensure access to basic basket products and to avoid any abuse from businesses, the Ministry of Economic Development has taken various measures such as freezing masks, antibacterial and ethyl alcohol prices, as per Ministerial Agreement No. 018-2020 and PCM-030-2020, and establishing maximum prices for basic products, under Ministerial Agreement No. 023-2020. Further, the general public has been encouraged by the government to report any violation of consumer rights.¹⁸

Also, the government has established a social program called “Operación Honduras Solidaria” by means of which 800,000 food rations were distributed to 3.2 million Hondurans

atiende emergencia nacional por Covid-19” (Trans.: “Honduras Customs facilitates donation of more than 30 thousand supplies and biosecurity equipment for health personnel attending a national emergency by Covid-19”) (Institutional Webpage of the Presidency of Honduras – Press Room, April 22, 2020 <<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7154-aduanas-honduras-facilita-donacion-de-mas-de-30-mil-insumos-y-equipo-de-bioseguridad-para-personal-de-salud-que-atiende-emergencia-nacional-por-covid-19>> accessed April 22, 2020.

¹⁷ Article 3, “Decreto Ejecutivo Número PCM-021-2020” (Trans.: “Executive Decree Number PCM-021-2020”) (Institutional Webpage of the Presidency of Honduras, April 22, 2020) <<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7016-decreto-ejecutivo-numero-pcm-021-2020>> accessed April 22, 2020.

¹⁸ “Últimas Noticias” (Trans.: “Latest News”) (Institutional Webpage of the Ministry of Economic Development, April 22, 2020) <<https://sde.gob.hn/category/ultimas-noticias/>>. See further “Congelamiento de Precios Absoluto” (Trans.: “Absolute Price Freezing”) (Institutional Webpage of the Presidency of Honduras – Press Room, April 22, 2020) <<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7028-congelamiento-de-precios-absoluto>> accessed April 22, 2020.

who are vulnerable due to the emergency caused by COVID-19, as well as antibacterial gel and masks.¹⁹

Another measure taken by the government was the enactment of the Special Law on Economic Acceleration and Social Protection against the Effects of the Coronavirus COVID-19 (*Ley Especial de Aceleración Económica y Protección Social Frente a los Efectos del Coronavirus COVID-19*), which will allow the government to implement actions such as increasing the health budget and boosting the economy to counteract the global effects of the disease pandemic and generate employment.²⁰

G. RESTRICTIONS ON EXPORT OF PROTECTIVE MEDICAL EQUIPMENT

As noted above, there is an exception to the March 16 Decree for air, sea and land cargo industry for import, export, supplies and ports.²¹ Based on publicly available materials, no measures appear to have been adopted which would operate as a carve-out to this exception under the March 16 Decree and prohibit the export of protective medical equipment from the country. Also, it is noted that on April 7, 2020, Honduras received 26,000 test kits from the Central American Bank for Economic Integration. These test kits were transported in a Honduran Air Force plane, which carried a total of 182,000 test kits for distribution among seven countries and Honduras assisted with the transportation to five of these countries.²²

¹⁹ “Gobierno invierte más de 356 millones de lempiras en entrega de alimentos y ahorra 140 millones gracias a la transparencia” (Trans.: “Government invests more than 356 million lempiras in food delivery and saves 140 million thanks to transparency”) (Institutional Webpage of the Ministry of Economic Development, April 22, 2020) <<https://sde.gob.hn/2020/04/15/gobierno-invierte-mas-de-356-millones-de-lempiras-en-entrega-de-alimentos-y-ahorra-140-millones-gracias-a-la-transparencia/>> accessed April 22, 2020.

²⁰ “Congreso aprueba Ley Especial de Aceleración Económica y Protección Social Frente a los Efectos del Coronavirus” (Trans.: Congress approves the Special Law on Economic Acceleration and Social Protection against the Effects of the Coronavirus COVID-19”) (Institutional Webpage of the Presidency of Honduras – Press Room, April 22, 2020) <https://www.presidencia.gob.hn/index.php/sala-de-prensa/7010-congreso-aprueba-ley-especial-de-aceleracion-economica-y-proteccion-social-frente-a-los-efectos-del-coronavirus> accessed April 22, 2020.

²¹ Article 4, “Decreto Ejecutivo Número PCM-021-2020” (Trans.: “Executive Decree Number PCM-021-2020”) (Institutional Webpage of the Presidency of Honduras, April 22, 2020) <<https://www.presidencia.gob.hn/index.php/sala-de-prensa/7016-decreto-ejecutivo-numero-pcm-021-2020>> accessed April 22, 2020.

²² “Honduras se solidariza con cinco países llevándoles pruebas de detección de coronavirus donadas por BCIE” (Trans.: Honduras stands in solidarity with five countries by bringing them coronavirus screening tests donated by CAPEI”) (Institutional Webpage of the Presidency of Honduras, April 22, 2020) <https://www.presidencia.gob.hn/index.php/gob/el-presidente/7179-honduras-se-solidariza-con-cinco-paises-llevandoles-pruebas-de-deteccion-de-coronavirus-donadas-por-bcie> accessed April 22, 2020.