



WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: MEXICO

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

Yes, the Mexican government has collaborated with regional and international representatives of the World Health Organization (“WHO”) in adopting and implementing policies intended to contain and treat patients. Mexico has also followed the current International Health Regulations that establish measures for the protection, prevention and control of epidemics, including not interfering with persons’ mobility and international commerce. More recently, the Federal Government entered into an agreement with the Mexican Association of Private Hospitals and the Mexican Hospitals Consortium called “*Todos juntos contra el Covid-19*” (All together against Covid-19) to free-up capacity in the public healthcare system to treat COVID-19 patients. Under the agreement, 146 private hospitals with over 3,115 beds across the country would be made available to treat non-COVID-19 patients that would otherwise receive healthcare in public hospitals under state sponsored health plans. In addition, the agreement would make available up to 60,000 healthcare providers, including physicians, nurses, technicians, administrative personnel and social workers, to assist with the containment and treatment of the COVID-19 pandemic.

The Mexican Federal Government has also enacted several executive decrees ordering the immediate suspension of all “non-essential activities” from March 30 to May 18, 2020, for states and cities with a low transmission rate, and to May 30, 2020 for the rest of the country.¹ Several states have followed suit and issued their own sanitary emergency declarations and stay-at-home orders, in line with the federal decrees.

The Mexican government has also developed two media campaigns known as “*Quédate en Casa*” (Stay at Home) and “*Sana Distancia*” (Healthy Distance) to promote social distancing and its shelter-at-home orders. A Wonder Woman-style cartoon character named “*Susana Distancia*” has

¹ Decree published in the Official Gazette of the Federation on March 31st, 2020 “*ACUERDO por el que se establecen acciones extraordinarias para atender la emergencia sanitaria generada por el virus SARS-CoV2.*”, as amended from time to time.

become viral in Mexico. Her main goal is to show and remind Mexicans to wash their hands constantly, create a protective bubble by staying 6 feet away from others and remain at home.

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

Yes. On April 1, 2020, the International Committee of the Red Cross (“ICRC”) for Mexico and Central America, called on the governments of all such countries to implement migration policies to protect migrants in the face of the sanitary emergency due to COVID-19. The ICRC urged the governments to assume responsibilities and ensure the protection of people who are in transit and are returning to their countries of origin. According to public sources, the ICRC is launching a campaign on digital platforms and social networks under the slogan “Humanity that alleviates”, in solidarity with the challenges faced by thousands of people who are forced to leave their homes and lives behind by embarking on a perilous and completely unknown migration journey.²

In light of the pandemic, the ICRC and the Mexican Red Cross are distributing water, hygiene kits and information of the virus to help prevent its spread.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?

Mexico has not adopted any additional immigration requirements for travelers to enter or leave Mexico or the movement of RC/humanitarian relief teams, and aid has not been interrupted as a result of the COVID-19 pandemic. However, the Federal government has implemented temperature-monitoring measures at some of the airports and border entry ports across the country and passengers who present symptoms of the disease or who have recently traveled to high-risk areas may be subject to additional health checks or mandatory quarantines.⁴ The Ministry of Health has deployed personnel at the country’s entry points to assist travelers with issues related to the pandemic and take measures whenever they present symptoms associated with COVID-19.

Mexico has also reached agreements with the United States and Canada to limit travel across their respective borders to “essential travel” beginning March 20, 2020. The termination date is subject to change based on circumstances associated with the virus threat.

² <https://peoplesdispatch.org/2020/04/03/icrc-urges-mexico-and-central-american-countries-to-protect-migrants-against-covid-19/>

³ <https://www.icrc.org/en/document/covid-19-coronavirus-pandemic-icrc#gs.4y2a1p>

⁴ <https://mx.usembassy.gov/health-alert-mexico-covid-19-update-04-21-2020/>

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)?

Yes, essential services and activities are excluded from the sanitary emergency declarations and stay-at-home orders issued by the federal and state governments.⁵ Please refer to question number 6 below for the list of activities exempted from such declarations and orders.

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?

Yes, the federal government has established the following measures to facilitate the importation of medical aid and other relief items into the country:⁶

(i) Allowing customs precincts and agents to continue operating as an essential activity. Operations are at a lower capacity to avoid congestion and reduce the risk of transmission (e.g. staff working in staggered period with two officials per area in each shift, permanent communication channels, allowing adults over 60, pregnant, lactating or staff with chronic illness to carry out their work from home, and supplying hand sanitizers in all entry points);

(ii) Expediting the clearance of (a) medical supplies, goods and produces donated to or imported by the Ministry of Health and decentralized agencies of the Health Sector, and (b) other perishable goods, medicines, and health products and essential goods.

(iii) Allowing the filing of paperwork for the importation of COVID-19 related supplies and products online, and the payment of custom duties and taxes online.

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?

Yes. According to the Ministry of Health,⁷ the following activities are consider essential:

(i) Activities necessary to attend health emergencies (such as activities in the medical, paramedical, administrative and support sectors of the entire National Sanitary System);

(ii) Activities in the supply chain of the health sector (including pharmaceutical, production and distribution sectors);

(iii) Manufacturing of supplies, medical equipment and technologies for health care;

⁵ *Idem*, at 1

⁶ http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/natural-disaster/covid_19/best-practices_mexico_en.pdf?la=en

⁷ *Idem*, at 1

(iv) Handling, managing and disposing of biological-infectious hazardous waste; as well as cleaning and sanitizing medical units at different levels of care.

Other sectors such as financial, water distribution, food industry and transportation are also considered essential activities and covered by the exception to the decree. The Mexican Government has determined that, when performing any of such essential activities, people must wear facemasks and keep a safe distance from coworkers and public, as far as possible.

Quarantine is mandatory for persons over 60 years old, pregnant women (or after labor), persons diagnosed with high blood pressure, diabetes, chronic heart or lung diseases, immunosuppression (acquired or caused), kidney or liver failures, regardless of whether their work activity is considered essential.⁸

Guidelines on the return of work activities will be determined once the suspension period ends.

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 above, the Mexican Government has issued a series of guidelines intended to manage the pandemic, prevent transmission and treat the disease, including:

- (i) Guidelines for COVID-19 patient care;
- (ii) Process to prevent infections on patients with COVID-19;
- (iii) Hospital reconversion guideline;
- (iv) Implementation guidelines for COVID-19 temporary attention centers and mobile hospitals;
- (v) Corpse Management Guide for COVID-19 in Mexico;
- (vi) Correct filling of the death certificate deaths from COVID-19;
- (vii) Recommendations for the correct use of respirator (facemasks) for bioaerosols;
- (viii) Guidelines for the prevention and mitigation of COVID-19 in the care of pregnancy, childbirth, puerperium and newborn;
- (ix) Epidemiological surveillance guideline for viral respiratory disease;
- (x) Recommendations for dental practice;
- (xi) Preparation and response to COVID-19 cases for primary health care;
- (xii) Basic Guide for Prehospital Systems for COVID-19;
- (xiii) General Guidelines for Call Centers related to COVID-19.

⁸ *Idem*, at 1.

The government has also issued recommendations for healthcare providers and workers related to sterilization of all medial tools, cleaning and sanitizing work areas, reporting respiratory symptoms, and vaccinating against H1N1 flu.

Also, on April 21, 2020, the federal government ordered all state governments to⁹:

- (i) Report on a daily basis the occupation, availability and care for acute respiratory infection and any other that the Ministry of Health considers necessary;
- (ii) Implement the pertinent prevention and control measures according to the general criteria issued by the Ministry of Health and according to the magnitude of the epidemic due to COVID-19;
- (iii) Establish and execute the mechanisms necessary for the reduction of the mobility of people between municipalities with different degrees of spread, according to the criteria established by the Ministry of Health, and
- (iv) Guarantee the adequate and timely implementation of these measures, and inform the Ministry of Health about their follow-up, with the periodicity indicated by such Ministry of Health.

In addition to the above, schools have been closed since March 23, 2020¹⁰ and, to this date, until May 30, 2020 in most municipalities, as announced by the Mexican Government. Also, electoral processes, censuses, and surveys are being postponed.¹¹

From an economic perspective, on April 22, 2020, the Mexican President announced that expenditures on social programs and infrastructure projects will be increases to US\$25.6 billion as a form of stimulus to the Mexican economy. The Mexican Central Bank (*Banco de México*) has also announced interest rate cuts and various measures to provide support of up US\$30.5 billion for the financial system in response to the impact of COVID-19, among other factors, on the financial markets in Mexico.

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

To the date of this memorandum, and based on publicly information available, Mexico has not adopted or put in place restrictions that ban the export of protective medical equipment.

⁹ *Idem*, at 1.

¹⁰ Decree published in the Official Gazzette of the Federation on March 16, 2020: “*ACUERDO número 02/03/20 por el que se suspenden las clases en las escuelas de educación preescolar, primaria, secundaria, normal y demás para la formación de maestros de educación básica del Sistema Educativo Nacional, así como aquellas de los tipos medio superior y superior dependientes de la Secretaría de Educación Pública*”, as amended from time to time.

¹¹ <https://www.infobae.com/america/mexico/2020/04/01/el-ine-pospuso-las-elecciones-en-dos-estados-ante-emergencia-sanitaria-por-coronavirus/>

Sources of information used for the preparation of this memorandum:

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