



WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: Nicaragua

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- *Questions to be answered by close of business Friday, 24 April 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?

Nicaragua has no official emergency response to the COVID-19 pandemic. The government continues to uphold a policy of open borders and no mandatory quarantines.¹ Collaboration with non-state actors is occurring, although in recent weeks the levels of communication appears to have declined. On March 24, 2020 an agreement was reached amongst unions, workers, the Ministry of Labor and the Free Trade Zone Commission regarding the implementation of social distancing rules and guidelines for employees in these zones.² However, the director of Emergency Health at the Pan American Health Organization (“PAHO”) recently stated that “communication between the organization and Nicaragua has declined, specifically regarding COVID-19”.³ The PAHO has publicly expressed concern over Nicaragua’s lack of response.⁴ On April 2, prior to the director’s comments, the PAHO successfully delivered a donation of personal protection equipment to Nicaragua.⁵

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

There do not appear to be specific mentions of the Red Cross or other humanitarian actors in the communications issued by the Nicaraguan government regarding the COVID-19 pandemic. The communications in regards to COVID-19 have been issued by the Ministry of Health (“MINSa”).⁶ The

¹ Ministerio del Poder Ciudadano Para La Salud, “Medidas Frente al Coronavirus”, available at <http://www.minsa.gob.ni/index.php/repository/Descargas-MINSa/Columna-Derecha/Medidas-Frente-al-Coronavirus/>

² “Nuevo Acuerdo Tripartito de Zonas Francas”, available at <http://cnzf.gob.ni/es/noticias/nuevo-acuerdo-tripartito-de-zonas-francas>.

³ “Régimen Ortega – Murillo reduce comunicación sobre covid-19 con la OPS”, Ivette Munguía, Confidencial, April 21 2020, available at <https://confidencial.com.ni/regimen-ortega-murillo-reduce-comunicacion-sobre-covid-19-con-la-ops/>.

⁴ Ibid.

⁵ “La OPS dona equipos de protección personal al Ministerio de Salud de Nicaragua para proteger al personal de salud que podría atender pacientes con la COVID-19”, OPS Nicaragua, April 2, 2020, available at https://www.paho.org/nic/index.php?option=com_content&view=article&id=1052:la-ops-dona-equipos-de-proteccion-personal-al-ministerio-de-salud-de-nicaragua-para-proteger-al-personal-de-salud-que-podria-atender-pacientes-con-la-covid-19&Itemid=244.

⁶ See “Protocolo de Preparación y Respuesta ante el Riesgo de Introducción de Virus Coronavirus (COVID-19), Ministerio de Salud, February 2020, available at

government has been maintaining open communications with the PAHO through the crisis, although these seem to be declining as described in the answer to question 1.⁷

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?

While the authorities have adopted a voluntary 14-day quarantine measure for nationals returning from countries with large outbreaks,⁸, there are no official quarantine or travel restrictions established in Nicaragua. The government through MINSa has released an official statement that Nicaragua “has not established and will not establish any type of Quarantine.”⁹ Nicaragua has issued guidance for persons who have respiratory symptoms and epidemiology nexus and for persons who are positive for COVID-19.¹⁰ The epidemiology nexus per the MINSa protocol from February 2020 relates to persons with a history of travel to China in the 14 days prior to symptoms developing or a person who has had close contact with a confirmed or a suspected case of COVID-19 in the 14 days prior to developing symptoms.¹¹

Persons who have respiratory symptoms and epidemiology nexus will be admitted to a healthcare center to be studied and monitored.¹² Those persons who present themselves with a confirmed case of COVID-19 will be admitted to a healthcare facility and given medical attention.¹³ Persons who arrive from countries with a risk of transmission as established by the World Health Organization but without any symptoms will have no restrictions on their mobility and travel through Nicaragua.¹⁴

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)?

The Nicaraguan government has not mandated any quarantine, curfew or other restrictions. While media reports state that many airlines in Nicaragua have closed operations or suspended their flights indefinitely and anyone crossing a land border or disembarking a plane in Nicaragua’s international airport is required to see a medical professional who checks the temperatures of all arriving passengers, tests for potential symptoms, and asks about health issues,¹⁵ in the guidance issued by the MINSa there is no mention of any exemption for the RC or other humanitarian organizations.

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?

https://confidencial.com.ni/wp-content/uploads/2020/03/Protocolo_Coronoavirus.pdf.

⁷ “Régimen Ortega – Murillo reduce comunicación sobre covid-19 con la OPS”, Ivette Munguía, April 21 2020.

⁸ International Monetary Fund Policy Tracker for Policy Responses to Covid-19, available at: <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#N>.

⁹ “Medidas Frente al Coronavirus”, Ministerio del Poder Ciudadano Para La Salud, available at <http://www.minsa.gob.ni/index.php/repository/Descargas-MINSA/Columna-Derecha/Medidas-Frente-al-Coronavirus/>.

¹⁰ Ibid.

¹¹ “Protocolo de Preparación y Respuesta ante el Riesgo de Introducción de Virus Coronavirus (COVID-19), Ministerio de Salud, February 2020, available at https://confidencial.com.ni/wp-content/uploads/2020/03/Protocolo_Coronoavirus.pdf.

¹² “Medidas Frente al Coronavirus”, Ministerio de Salud.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ “Protocolo de Preparación y Respuesta ante el Riesgo de Introducción de Virus Coronavirus (COVID-19), Ministerio de Salud, February 2020.

It does not appear that the Nicaraguan government has put in place exemptions for the importation of medical aid or other relief items of personnel.

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?

It does not appear that the Nicaraguan government has categorized RC or any humanitarian organizations as 'essential' or 'emergency' services.

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

There are no specific emergency decrees in Nicaragua. At borders, the relevant government agencies are encouraged to take the temperatures of travelers, to keep their travel information and responses and are asked to share this with MINSA.¹⁶ As discussed in question 3 above, there is no mandatory quarantine, but the MINSA does have a protocol in place for persons who show symptoms with an epidemiology nexus and those who are confirmed positive.¹⁷

An agreement amongst unions, workers, the Ministry of Labor and the Free Trade Zone Commission, where enhanced social distancing rules and guidelines would apply at Free Trade Zones was reached on March 24, 2020.¹⁸ The agreement adopts protections for high risk individuals who work in these areas, including those over 60 years old, pregnant women and individuals with pre-existing conditions.¹⁹ Those who qualify are allowed to take paid time off from their jobs.²⁰ However, no similar agreement has been reached in other sectors.

MINSA continues to implement a COVID-19 awareness program in which health workers do in-person visits to citizens to educate them on COVID-19 and how to prevent contagion.²¹ The government continues to hold the position that by educating the public about the pandemic contagion may be controlled.²² However, doctors and healthcare workers have raised concerns over the lack of protective equipment they are given and the increased risk of exposure.²³

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

¹⁶ "Protocolo de Preparación y Respuesta ante el Riesgo de Introducción de Virus Coronavirus (COVID-19), Ministerio de Salud, February 2020.

¹⁷ "Medidas Frente al Coronavirus", Ministerio del Poder Ciudadano Para La Salud.

¹⁸ "Nuevo Acuerdo Tripartito de Zonas Francas", available at <http://cnzf.gob.ni/es/noticias/nuevo-acuerdo-tripartito-de-zonas-francas>.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Nicaragua Continúa Jornada De Sensibilización Ante La Covid-19, MINSA, April 20, 2020, available at <http://www.minsa.gob.ni/index.php/110-noticias-2020/5228-nicaragua-continua-jornada-de-sensibilizacion-ante-la-covid-19>.

²² "Ortega Reaparece En Televisión Tras 34 Días Y Defiende La Estrategia Frente A La Pandemia", Agencia EFE, April 16, 2020, available at https://es-us.noticias.yahoo.com/ortega-reaparece-televisi%C3%B3n-34-d%C3%ADas-153100458.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAKqd-k-OnaZYeixOOKHw4yMZwk2NT4FmutsMeC6bQs1Hgv9pwk1Q05VScde3sn_4dKb-mnlnRKnCZd9QI53K85v682Rla4uy97sINGu6_PezNvePoEoKwIMTSuGc7URPQ8LHr1QDQBWUEj0ENWMXpVLqyzfjs5CostqCjfoPpt2.

²³ "Hospitales Tienen Menos De 160 Ventiladores Para Pacientes De Covid-19", Wilfredo Miranda Aburto, Confidencial, March 21, 2020, available at <https://confidencial.com.ni/hospitales-sin-ventiladores-suficientes-pacientes-criticos-por-covid-19/>.

There are no specific restrictions in place for the export of protective medical equipment