



WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: Peru

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

The government of Peru, through its Presidency of the Council of Ministers ("*Presidencia del Consejo de Ministros*"), ministries, superintendencies and the Congress of the Republic ("*Congreso de la República*"), has been issuing a set of ministerial, directorial and legislative decrees related to the COVID-19 crisis on a continuous basis.¹ These decrees range from addressing the health and financial impact of the crisis on private sector employees, to the educational impact on children in Peru. The government, through its agencies and units, has taken a large role in developing, implementing and carrying out these mechanisms. In turn, the government has given a limited role to non-state actors, essentially limiting such role to giving public sector agencies a catch-all option to procure non-state actors as needed to fulfil their own roles.

First, the government has authorized its agencies to hire non-state actors within the health industry to facilitate its mission to adopt preventive and responsive actions to reduce the risk of spread of COVID-19. Although the decrees' procedures are specific to the public health sector, they nonetheless highlight that the decrees' goals may be achieved through hiring non-state actors, as necessary.² Additionally, the decree issued on April 12, 2020 specifically states that all public and private entities in Peru have the duty to collaborate with the Ministry of Health in achieving the government's framework created to combat the health emergency created by COVID-19.³

On March 12, 2020, the government issued a decree stating that Peru's Ministry of Health is authorized to hire or sign agreements with private laboratories to take samples and run relevant tests to diagnose COVID-19.⁴ Further, the government prepared a directive aimed at regulating the procedure for identifying and evaluating older adults at high risk (which are defined as those living in situations of poverty, dependency, fragility, physical violence, psychological violence, sexual violence, economic or patrimonial violence, abandonment or any other kind of violence that may lead to a state of dependency).⁵

¹ Presidencia del Consejo de Ministros, Normativa sobre Estado de Emergencia por Coronavirus, <https://www.gob.pe/institucion/pcm/colecciones/787-normativa-sobre-estado-de-emergencia-por-coronavirus>.

² Article 5 and Final Supplementary Provisions, *Decreto de Urgencia N° 037-2020* (April 12, 2020), https://cdn.www.gob.pe/uploads/document/file/582223/DU_037-2020.pdf.

³ Article 5 and Final Supplementary Provisions, *Decreto de Urgencia N° 037-2020* (April 12, 2020), https://cdn.www.gob.pe/uploads/document/file/582223/DU_037-2020.pdf.

⁴ Section 8.1, *Decreto de Urgencia N° 026-2020* (March 15, 2020), <https://cdn.www.gob.pe/uploads/document/file/566447/DU026-20201864948-1.pdf>.

⁵ Section 5.2, *Directiva N° 001-2020-MIMP "Dictado de medidas de protección temporal a favor de las personas adultas mayores en situación de riesgo"* (March 20, 2020),

To that end, the directive states that private establishments may contribute to helping the Ministry of Health identify older adults that visit such establishments and, once they have been identified, a team of experts assembled by the government must coordinate with private or public institutions, as needed, to take any necessary actions to deal with the individual's health.⁶ This includes coordinating temporary protection measures through private institutions.⁷

Finally, as part of its efforts to broaden its response to the COVID-19 crisis, the Ministry of Health of Peru, acting through the National Identification of Registry and Civil Status ("*Registro Nacional de Identificación y Estado Civil*" or RENIEC) established a hotline for individuals to call and obtain information and diagnoses of COVID-19.⁸ The government authorized RENIEC to hire non-state actors as needed to aid in offering this service.⁹ The decree further states that the Ministry of Health of Peru, acting through the Authority for Reconstruction with Changes ("*Autoridad para la Reconstrucción con Cambios*"), is authorized to hire non-state actors to aid in the acquisition, installation and operation of provisional hospitals equipped to handle COVID-19 patients.¹⁰

On the economic front, the government has authorized coordination with non-sector actors through a scheme of granting subsidies to vulnerable households and impoverished households in rural areas through private financial entities¹¹ and to private employers to pay eligible employees.¹² The government has also made clear that the production and preparation of textile face masks, hospital clothing and other textile materials for medical protection and the supply of inputs or raw materials for the production and preparation of such goods by private employers is considered essential and thus may continue to operate during the State of Emergency (further discussed under Question 3 herein).¹³ In addition to complying with social isolation mechanisms implemented by the government, private employers must meet the following criteria to be considered exempt: (i) have the status of a formal company (registered in the *Superintendencia Nacional de los Registros Públicos* or SUNARP and have an operating license) and have their registration number (RUC, by its Spanish acronym) active; (ii) invoice on average annual sales greater than (fifty) 50 Peruvian tax units ("*Unidad Impositiva Tributaria*" or UIT, by its Spanish acronym) in the last three years; (iii) have seniority and experience in the market of no less four (4) years; (iv) have more than 19 employees on payroll; (v) sell or supply to major local markets and/

https://cdn.www.gob.pe/uploads/document/file/569385/directiva_001_2020_mimp.pdf.

⁶ Section 6.1.1(e), 6.2.1 *Directiva N° 001-2020-MIMP "Dictado de medidas de protección temporal a favor de las personas adultas mayores en situación de riesgo"* (March 20, 2020), https://cdn.www.gob.pe/uploads/document/file/569385/directiva_001_2020_mimp.pdf.

⁷ Section 6.3.1(f), *Directiva N° 001-2020-MIMP "Dictado de medidas de protección temporal a favor de las personas adultas mayores en situación de riesgo"* (March 20, 2020), https://cdn.www.gob.pe/uploads/document/file/569385/directiva_001_2020_mimp.pdf.

⁸ Section 2.1, 2.2, *Decreto de Urgencia N° 031-2020* (March 23, 2020), https://cdn.www.gob.pe/uploads/document/file/569729/DU_031-2020.pdf.

⁹ Section 2.1, 2.2, *Decreto de Urgencia N° 031-2020* (March 23, 2020), https://cdn.www.gob.pe/uploads/document/file/569729/DU_031-2020.pdf.

¹⁰ Section 3.1, 3.2, *Decreto de Urgencia N° 031-2020* (March 23, 2020), https://cdn.www.gob.pe/uploads/document/file/569729/DU_031-2020.pdf.

¹¹ Section 3.1, *Decreto de Urgencia N° 033-2020* (March 27, 2020), https://cdn.www.gob.pe/uploads/document/file/572106/DU033_2020.pdf. Section 2.1, *Decreto de Urgencia N° 042-2020* (April 19, 2020). Article 1, *Decreto de Urgencia N° 044-2020* (April 21, 2020), https://cdn.www.gob.pe/uploads/document/file/606088/DU_044-2020.pdf.

¹² Section 14.1, *Decreto de Urgencia N° 033-2020* (March 27, 2020), https://cdn.www.gob.pe/uploads/document/file/572106/DU033_2020.pdf.

¹³ Article 1, *Resolución Ministerial N° 125-2020-PRODUCE* (April 3, 2020), https://cdn.www.gob.pe/uploads/document/file/605782/DU042_2020.pdf.

or have the status of an exporting company and (vi) not be located in the departments of Tumbes, Piura, Lambayeque, La Libertad and Loreto.¹⁴

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

The role of humanitarian actors such as the Red Cross is one of direct cooperation with the government of Peru on a limited scale. As further outlined below, the emergency decrees and other relevant government reports have thus far mentioned the Red Cross and humanitarian actors in the scope of helping channel donations to vulnerable populations and alerting relevant authorities of situations involving vulnerable populations (such as migrants or the elderly).

Decrees issued by the Peruvian government:

There is no express mention of the Red Cross or other humanitarian actors in the Peruvian decrees issued as of the date of this research. However, there is indirect mention of humanitarian actors. Section 9.11 of the Regulation on Law No. 29664 creates the National Disaster Risk Management System ("*Sistema Nacional de Gestión del Riesgo de Desastres*" or SINAGERD, by its Spanish acronym). This agency falls under the National Institute of Civil Defense ("*Instituto Nacional de Defensa Civil*" or INDECI, by its Spanish acronym), which administers the national warehouses of civil defense and coordinates distributing humanitarian aid with relevant competent entities, as needed.¹⁵

The Peruvian government issued a decree on March 11, 2020 specifically outlining that INDECI may channel donations related to the health emergency from the private sector to vulnerable populations through non-profit charities, specialized international organizations and agencies involved in the care of vulnerable populations.¹⁶ This text may be interpreted as including the Red Cross as one of the entities that INDECI may coordinate with to distribute humanitarian aid necessary to alleviate the COVID-19 crisis. The government issued a further decree on April 14, 2020 authorizing INDECI to directly distribute donations from the private sector to vulnerable populations.¹⁷ However, this function is in addition to INDECI's authorization to channel donations through organizations such as the Red Cross.

Finally, the government decree dated April 15, 2020 outlines the form that any government agencies must fill out to accept donations related to the health emergency from private sector actors abroad.¹⁸ This document must be subscribed by the official or public servant authorized for this purpose (such as through an act of delivery-reception of donated goods, affidavit of receipt of assets, among others), and must contain, at a minimum, the identity of the donor and grantee, the description, quantity and estimated value of the goods, the state of the goods, as well as the destination and / or purpose of the donated goods.¹⁹ No resolution of donation acceptance is required.²⁰

¹⁴ Article 1, *Resolución Ministerial N° 125-2020-PRODUCE* (April 3, 2020), https://cdn.www.gob.pe/uploads/document/file/605782/DU042_2020.pdf.

¹⁵ Recitals, *Decreto Supremo N° 067-2020* (April 14, 2020), https://cdn.www.gob.pe/uploads/document/file/590798/DS_067-2020-PCM.pdf.

¹⁶ Article 1, *Decreto Supremo N° 059-2020-PCM* (March 11, 2020), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-establece-medidas-complementarias-en-el-decreto-supremo-n-059-2020-pcm-1865374-1/>. Article 1, *Decreto Supremo N° 068-2020-PCM* (April 14, 2020), https://cdn.www.gob.pe/uploads/document/file/590800/DS_068-2020-PCM.pdf.

¹⁷ Article 1, *Decreto Supremo N° 067-2020* (April 14, 2020), https://cdn.www.gob.pe/uploads/document/file/590798/DS_067-2020-PCM.pdf.

¹⁸ Article 3, *Decreto Legislativo N° 1460* (April 15, 2020), https://cdn.www.gob.pe/uploads/document/file/600033/DL_1460.pdf.

¹⁹ Article 3, *Decreto Legislativo N° 1460* (April 15, 2020), https://cdn.www.gob.pe/uploads/document/file/600033/DL_1460.pdf.

As mentioned above, the Red Cross likely falls within the category of non-state actors highlighted by the Peruvian government in the aforementioned decrees for aiding the government in channeling donations to vulnerable populations.

National Institute of Civil Defense reports:

INDECI published reports through its National Operation Center for Emergencies (“*Centro de Operaciones de Emergencia Nacional*” or “COEN”) detailing the crisis and the resulting government response.²¹ These reports detail which private enterprises have donated goods, as well as the monetary value of these donations.²²

Additionally, the April 3 Report specifically includes actions taken by the Red Cross and other humanitarian actors in its Annex No. 1 (*Cronología de acciones*). This Annex is a detailed chronological report of steps taken by the Peruvian government at a national and local level in response to the COVID-19 crisis, demonstrating that the Peruvian government is indeed including the requests and actions of humanitarian actors. The Red Cross is specifically mentioned in the following instances:

- The Lambayeque Regional Emergency Operations Center (“*El Centro de Operaciones de Emergencia Regional de Lambayeque*”) reported on April 1, 2020 that the Red Cross of Chiclayo informed the authorities of the Lambayeque region their request for support to 89 elderly people in the San José nursing home who, although quarantined and stable, are in need of food.
- The Sectorial Emergency Operations Center of the Ministry of Agriculture (“*El Centro de Operaciones de Emergencia Sectorial del Ministerio de Agricultura*”) reported on March 30, 2020 that the Red Cross of Chiclayo reported that they have been helping to disseminate preventative care measures at an official informational level. Regarding the immigrant population specifically, the Red Cross of Chiclayo is connecting with health care and immigration assistance agencies, including Caritas del Perú, for the purpose of alerting the government of their status.
- The Lambayeque Regional Emergency Operations Center (“*El Centro de Operaciones de Emergencia Regional de Lambayeque*”) reported on March 23, 2020 that the Red Cross of Chiclayo reported that the department of Migrations will reschedule processing or reissuing expired temporary identification documentation (known as “*salvoconductos*”) for Venezuelan foreigners residing in different cities of the department of Lambayeque. It is estimated that an average of six thousand to ten thousand Venezuelan migrants inhabit that jurisdiction, and the authorities are forcing them to remain in their homes. Caritas del Perú manages humanitarian aid for them.

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?

²⁰ Article 3, *Decreto Legislativo N° 1460* (April 15, 2020), https://cdn.www.gob.pe/uploads/document/file/600033/DL_1460.pdf.

²¹ Casos Confirmados por Coronavirus en el Perú (April 3, 2020), REPORTE COMPLEMENTARIO N° 1503 - 3/4/2020 / COEN - INDECI / 07:00 HORAS (Reporte N° 34), <https://www.indeci.gob.pe/wp-content/uploads/2020/04/REPORTE-COMPLEMENTARIO-N%C2%BA-1503-3ABR2020-CASOS-CONFIRMADOS-DE-CORONAVIRUS-EN-EL-PER%C3%A9-34.pdf> [hereinafter the “April 3 Report”] and Epidemia Coronavirus en el Perú (April 20, 2020), REPORTE COMPLEMENTARIO N° 1675 - 20/4/2020 / COEN - INDECI / 07:00 HORAS (Reporte N° 60), <https://www.indeci.gob.pe/wp-content/uploads/2020/04/REPORTE-COMPLEMENTARIO-N%C2%BA-1675-20ABR2020-EPIDEMIA-DEL-CORONAVIRUS-EN-EL-PER%C3%A9-60-004.pdf> [hereinafter the “April 20 Report”].

²² April 3 Report, Section VI (*Bienes de Ayuda Humanitaria*) and April 20 Report, Section VI (*Bienes de Ayuda Humanitaria*).

On March 15, 2020, the Peruvian government announced a national State of Emergency, resulting in a total closure of all borders until at least 26 April 2020.²³ This suspension applies to the international transport of all passengers by land, air, sea and river, particularly to all international commercial aviation and general aviation flights. The decree introducing this international travel ban (*Decreto Supremo N° 044-2020-PCM*) does not refer to specific exceptions, although the wording focuses on “passengers” and does not explicitly exclude humanitarian aid/relief from coming into the country.²⁴ New decrees are being introduced regularly, and so further clarification may be provided, although it should be noted that the importation of cargo and goods is still permitted which in itself will facilitate the movement of aid into Peru.

Before the international travel ban was implemented, all persons entering Peru from certain restricted countries (e.g. Italy, Spain, China) were subject to a period of 14 days’ isolation.²⁵ Subject to clarification, it is likely that this will continue to apply to relief teams entering Peru from any of these destinations.

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)?

Since March 31, 2020, the Peruvian government has instigated a nationwide curfew.²⁶ Current quarantine movement restrictions stipulate that from Monday to Saturday, only one person per family may conduct limited business outside of their home (such as grocery shopping, pharmacy visits and banking) between the hours of 4:00 and 18:00, and no routine business may be conducted on Sundays. In Tumbes, Piura, Lambayeque, La Libertad and Loreto, the curfew starts two hours earlier, lasting from 16:00 until 4:00 (with exceptions for emergencies)²⁷. The operation of urban transport has been halved during the state of emergency.²⁸

However, such restrictions are not universal. On one level, the restrictions do not apply to persons who are involved in the provision and access to certain services and goods, such as:

- Acquisition, production and supply of food (which includes its storage and distribution for sale to the public);
- Acquisition, production and supply of pharmaceutical and basic necessity products;
- Assistance to health centers, services and establishments in cases of emergencies and urgencies; and
- Assistance and care for older adults, girls, boys, adolescents, dependents, people with disabilities or people in vulnerable situations.

Furthermore, and more importantly, the restrictions do not apply to duly accredited foreign personnel from diplomatic missions, consular offices and international organizations who must travel to perform their

²³ UK government foreign travel advice: Peru, <https://www.gov.uk/foreign-travel-advice/peru/coronavirus>

²⁴ Article 8.1, *Decreto Supremo N° 044-2020-PCM* (March 15, 2020), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/>

²⁵ Explanation of Decreto Supremo No. 008-2020-SA included in preliminaries of *Decreto Supremo N° 008-2020-MTC*, <https://busquedas.elperuano.pe/normaslegales/suspenden-los-vuelos-provenientes-de-europa-y-asia-y-desde-decreto-supremo-n-008-2020-mtc-1864486-1/>

²⁶ UK government foreign travel advice: Peru, <https://www.gov.uk/foreign-travel-advice/peru/coronavirus>

²⁷ Articles 1 and 3, *Decreto Supremo N° 064-2020-PCM* (April 10, 2020), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-prorroga-el-estado-de-emergencia-nacional-decreto-supremo-no-064-2020-pcm-1865482-3/>

²⁸ Article 9, *Decreto Supremo N° 044-2020-PCM* (March 15, 2020), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/>

duties.²⁹ On these bases, representatives of the Red Cross should not be prevented from accessing vulnerable populations in Peru for the purpose of providing aid.

Nevertheless, travel around Peru is still subject to conditions. Persons benefitting from any of the exceptions above still need to obtain a “Special Transit Pass” (“*pase especial de tránsito*”) to not be subject to the quarantine, which can be acquired by registering through a virtual form available on the website of the Peruvian National Police (www.pnp.gob.pe) and on the single digital platform of the Peruvian State (gob.pe/pasedetransito).³⁰ The pass is valid for 15 calendar days, according to the days of the week requested in the computer application. Those with the pass must carry a printed version around with them, in addition to I.D., which police personnel and the Armed Forces may inspect. Furthermore, when travelling around Peru, facemasks must be worn at all times.³¹

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?

Although all borders have been closed until at least April 26, 2020 (which may be further extended), this restriction only applies to the movement of passengers in and out of Peru. The importation of cargo and goods is still permitted, with entry through ports, airports and enabled border points guaranteed by the Peruvian government.³² As such, the importation of medical aid and other relief items is not currently restricted. However, vessels importing goods into the country must submit a health declaration before arrival,³³ and will be subject to inspection at anchorage prior to berthing.³⁴

To facilitate the importation of relief items, there has been a temporary reduction to 0% of the CIF ad valorem tariff rate normally applicable to the importation of the goods listed in Appendix 1 of Supreme Decree No. 59-2020-EF, published on March 28, 2020.³⁵ Such goods include chlorine, anesthetics, esters and medical masks, and the full list can be found on the institutional portal of the Ministry of Economy and Finance (www.gob.pe/mef). This measure is applicable for 90 calendar days from March 12, 2020, and may be subject to further extension.

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?

As a consequence of the World Health Organization’s declaration of COVID-19 as pandemic³⁶, the Peruvian government has addressed COVID-19 as a “Sanitary Emergency” by means of the Supreme Decree No. 008-2020-SA, in turn mentioned in Supreme Decree No. 010-2020, published on March 14,

²⁹ Articles 4.1 and 4.3, *Decreto Supremo N° 044-2020-PCM* (March 15, 2020),

<https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/>

³⁰ Article 5.1, *Resolución Ministerial N° 304-2020-IN* (March 17, 2020),

<https://busquedas.elperuano.pe/normaslegales/aprueban-protocolo-para-la-implementacion-de-las-medidas-que-resolucion-ministerial-n-304-2020-in-1865055-1/>

³¹ US Embassy in Peru: COVID-19 Information, <https://pe.usembassy.gov/covid-19-information/>

³² Article 8.3, *Decreto Supremo N° 044-2020-PCM* (March 15, 2020), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/>

³³ Inchcape Shipping: Coronavirus Port/Country Implications, <https://www.iss-shipping.com/pages/coronavirus-port-country-implications>

³⁴ North: Coronavirus Outbreak – Impact on Shipping (updated April 22, 2020), <https://www.nepia.com/industry-news/coronavirus-outbreak-impact-on-shipping/>

³⁵ KPMG, Peru: Government and institution measures in response to COVID-19, <https://home.kpmg/xx/en/home/insights/2020/04/peru-government-and-institution-measures-in-response-to-covid.html>

³⁶ <http://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-COVID-19/news/news/2020/3/who-announces-COVID-19-outbreak-a-pandemic>

2020.³⁷ As previously mentioned, Peru entered into a State of Emergency starting on March 16, 2020, as approved by the Supreme Decree No. 044-2020-PCM (published on March 15, 2020).³⁸ Although the latter decree deals with restrictions on business operations, self-isolation of the population, closing of non-essential businesses such as restaurants, bars as well as a nationwide curfew, its Article 4 nonetheless enumerates exemptions to restrictions on business operations and opening hours for “essential” or “emergency” services.³⁹ Indeed, the exercise of the right to freedom of movement is strictly limited to the continuity of essential services and goods.

As indicated in the Supreme Decree of March 18, 2020 (*Decreto Supremo N° 046-2020-CPM*)⁴⁰ specifying Article 4 of Decree No. 044-2020, during the validity of the State of Emergency and quarantine, the exercise of the right to freedom of movement of people is strictly limited to assistance and care for older adults, children, adolescents, dependents, people with disabilities or people in vulnerable situations. Essential and emergency services may contain temporary protection measures in favor of the elderly at risk, as highlighted in the March 20, 2020 Supreme Decree.⁴¹

Moreover, it is important to emphasize that the Preliminary Title of General Health Law No. 26842⁴² provides that health is an indispensable condition of human development and a fundamental means to achieve individual and collective well-being and that the protection of health is in the public interest. Therefore, it is the responsibility of the State to regulate, monitor and promote it, guaranteeing adequate coverage of health benefits for the population, in socially acceptable terms of security. Therefore, even if humanitarian associations and in particular the Red Cross are not explicitly mentioned in the Article 4 as being “essential,” it seems reasonable to consider that their work falls under an essential and urgent mission to protect the health of the Peruvian population, including by offering essential services such as food and medicine. In addition, two Supreme Decrees issued on April 14, 2020⁴³ provide complementary measures within the framework of the declaration of the State of Emergency. As outlined in Question 2 herein, Articles 1 and 2 deal with the authorization for direct distribution of donations and humanitarian aid assets. Exceptionally, INDECI⁴⁴ is authorized to distribute donations and humanitarian aid goods such as food from the private sector directly to the vulnerable population, as a complementary measure to the authorization granted by Supreme Decree No. 059-2020.⁴⁵

Article 4 of Supreme Decree No. 044-2020 has been amended⁴⁶ several times (for example, on March 18, 2020⁴⁷ and most recently on April 2, 2020, as the state of emergency was extended on March

³⁷ *Decreto Supremo N° 010-2020-PCM* (March 14, 2020), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-el-estado-de-emergencia-en-vario-decreto-supremo-n-010-2020-pcm-1848440-1/>.

³⁸ *Decreto Supremo N° 044-2020-PCM* (March 15, 2020), <https://www.gob.pe/institucion/pcm/normas-legales/460472-044-2020-pcm>.

³⁹ Article 4, *Decreto Supremo N° 044-2020-PCM* (March 15, 2020), https://cdn.www.gob.pe/uploads/document/file/566448/DS044-PCM_1864948-2.pdf.

⁴⁰ *Decreto Supremo N° 046-2020-CPM* (March 18, 2020), https://cdn.www.gob.pe/uploads/document/file/568925/DS_046-2020-PCM.pdf.

⁴¹ *Decreto Supremo N° 062-2020-CPM* (March 20, 2020), https://cdn.www.gob.pe/uploads/document/file/569384/rm_062_2020_mimp.pdf.

⁴² *Ley de Salud General N° 26842* (1987), <http://www.digemid.minsa.gob.pe/UpLoad/UpLoaded/PDF/LEYN26842.pdf>.

⁴³ *Decreto Supremo N° 067-2020-PCM* (April 14, 2020), https://cdn.www.gob.pe/uploads/document/file/590798/DS_067-2020-PCM.pdf. *Decreto Supremo N° 068-2020-PCM* (April 14, 2020), https://cdn.www.gob.pe/uploads/document/file/590800/DS_068-2020-PCM.pdf.

⁴⁴ Instituto Nacional de Defensa Civil, <https://www.indeci.gob.pe/>.

⁴⁵ *Decreto Supremo N° 059-2020-PCM* (March 11, 2020), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-establece-medidas-complementarias-en-el-decreto-supremo-n-059-2020-pcm-1865374-1/>

⁴⁶ *Decreto Supremo N° 058-220-CPM* (April 2, 2020), https://cdn.www.gob.pe/uploads/document/file/574879/DS_058-2020-PCM.pdf.

30, 2020⁴⁸) to include additional activities that are strictly indispensable and are not affected by State of Emergency. People who are within the assumptions established in Article 4 of Supreme Decree No. 044-2020-PCM register through a virtual form available on the website of the Peruvian National Police (www.pnp.gob.pe) and on the single digital platform of the Peruvian State (gob.pe/pasedetransito). As further outlined in Question 4 herein, this “Special Transit Pass” (“*pase especial de tránsito*”) mentioned in the Supreme Decree published on March 17, 2020⁴⁹ is strictly granted to personnel who participate in the provision of food supply and distribution services, pharmaceutical and basic necessities; work in a health or diagnostic center or establishment or assist and care for other people.

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

Because the COVID-19 pandemic health crisis affects society as a whole, the Peruvian government has issued numerous Supreme Decrees relating to the State of Emergency and covering various subjects to generate major economic and social consequences.

Two Emergency Decrees published on April 19, 2020⁵⁰ and on March 27, 2020⁵¹, respectively, establish extraordinary measures to help reduce the impact on households in situations of poverty or extreme poverty in rural areas. Amongst these measures is the authorization of the Ministry of Development and Social Inclusion to grant, on an exceptional basis, a monetary subsidy in favor of households in condition of poverty or extreme poverty according to the Household Targeting System in the geographic areas with greater health vulnerability, as further outlined in Question 1 herein. 73.7% of the Economically Active Population (EAP) is employed in rural households and engaged in agricultural activities and 25% work in unskilled jobs or elementary occupations, making them especially vulnerable to the COVID-19 pandemic. Because their productive activities result in limited purchasing power, it is necessary to adopt extraordinary measures aimed at helping to reduce the economic impact of COVID-19 on households living in poverty or extreme poverty in rural areas.

Preserving the continuity of education is also a priority for the Peruvian government. The government has created a comprehensive online learning framework called “*Aprendo en Casa*,” described in the Supreme Decree published on April 1, 2020,⁵² to facilitate public school children’s access to non-contact or remote educational services.⁵³ Indeed, Article 2 of the Decree published on April 19, 2020⁵⁴ emphasizes non-contact or remote educational services; it authorizes the Ministry of Education, during fiscal year 2020, to carry out the acquisition of computer and/or electronic devices to be delivered

⁴⁷ *Decreto Supremo N° 046-2020-CPM* (March 18, 2020), https://cdn.www.gob.pe/uploads/document/file/568925/DS_046-2020-PCM.pdf.

⁴⁸ *Decreto Supremo N° 053-2020-CPM* (March 30, 2020), https://cdn.www.gob.pe/uploads/document/file/574369/DS_053-2020-PCM.pdf.

⁴⁹ *Decreto Supremo N° 304-2020-CPM* (March 17, 2020), https://cdn.www.gob.pe/uploads/document/file/567283/RM_304-2020-in.pdf.

⁵⁰ *Decreto Supremo N° 042-2020-CPM* (April 19, 2020), https://cdn.www.gob.pe/uploads/document/file/605782/DU042_2020.pdf.

⁵¹ *Decreto de Urgencia N° 033-2020-CPM* (March 27, 2020), https://cdn.www.gob.pe/uploads/document/file/572106/DU033_2020.pdf.

⁵² *Decreto Supremo N° 160-2020-CPM* (April 1, 2020), <https://cdn.www.gob.pe/uploads/document/file/574684/disponen-el-inicio-del-ano-escolar-a-traves-de-la-implementa-resolucion-ministerial-n-160-2020-minedu-1865282-1.pdf>.

⁵³ Article 2, *Decreto Legislativo N° 1465* (April 19, 2020), https://cdn.www.gob.pe/uploads/document/file/605862/DL_1465.pdf. *Resolución Ministerial N° 160-2020-MINEDU* (April 1, 2020), <https://cdn.www.gob.pe/uploads/document/file/574684/disponen-el-inicio-del-ano-escolar-a-traves-de-la-implementa-resolucion-ministerial-n-160-2020-minedu-1865282-1.pdf>.

⁵⁴ Article 2, *Decreto Supremo N° 1465* (April 19, 2020), https://cdn.www.gob.pe/uploads/document/file/605862/DL_1465.pdf.

to the Institutions of Targeted Public Education, as well as hiring internet services to be used to implement the distance or remote education service for teachers and students.

Regarding the situation of health workers, an extension of life insurance has been granted⁵⁵ to those who perform work related to COVID-19 in public entities. This is a comprehensive policy of compensation to health personnel at the service of the State. Further, the Supreme Decree dated April 12, 2020⁵⁶ permits the creation of a “Special COVID Service-Servicer” during the health emergency, in which Peruvian and foreign health professionals can participate. This service lasts for up to thirty calendar days after the end of the health emergency.⁵⁷ Finally, Article 8⁵⁸ of the abovementioned Decree deals with the transportation of health facilities personnel attending to the COVID-19 emergency. The aim of this measure is to finance the local mobility for healthcare and administrative staff and Rapid Response Teams and managers of epidemiological surveillance of Lima's specialized hospitals.

All in all, the government has authorized transfers of millions of soles to mobilize government agencies in creating new taskforces to combat the virus, as well as hiring and offering better compensation packages to healthcare workers.⁵⁹

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

Although the government of Peru has classified the production and supply of protective medical equipment as essential, the Peruvian emergency decrees related to the COVID-19 pandemic issued as of the date of this research have not banned the export of protective medical equipment.

According to the Supreme Decree No.125-2020 issued April 3, 2020,⁶⁰ some activities related to (i) the textile and clothing sector, (ii) the production of inputs necessary for the activities of the mining sub-sector and (iii) other related activities, are considered as essential and therefore are not affected by the State of Emergency. Article 1 of the above mentioned Decree⁶¹ classifies as strictly essential textile and clothing activities related to (a) the production and manufacture of textile face masks, hospital clothing and other textile materials for medical protection and (b) suppliers of inputs or raw materials for the production and preparation of the goods described in clause (a) , within the framework of the provisions of paragraph l) of section 4.1. of Article 4 of Supreme Decree No. 044-2020-PCM.⁶² Companies that engage in the aforementioned activities must meet several criteria, outlined in Question 1 herein, including selling

⁵⁵ *Decreto Supremo N° 064-2020-CPM* (April 10, 2020), https://cdn.www.gob.pe/uploads/document/file/581846/DS_064-2020-PCM.pdf.

⁵⁶ *Decreto Supremo N° 037-2020-CPM* (April 12, 2020), https://cdn.www.gob.pe/uploads/document/file/582223/DU_037-2020.pdf.

⁵⁷ Nacional PE, Gobierno crea en el sector Salud “Servicio Covid Especial Servicer” (April 12, 2020), <https://www.radionacional.com.pe/noticias/actualidad/gobierno-crea-en-el-sector-salud-servicio-covid-especial-servicer>.

⁵⁸ Article 8, *Decreto Supremo N° 037-2020-CPM* (April 12, 2020), https://cdn.www.gob.pe/uploads/document/file/582223/DU_037-2020.pdf.

⁵⁹ E.g. *Resolución Ministerial N° 212-2020-MINSA* (April 21, 2020) (creating a temporary task force with the duty of advising on bioethical aspects of the COVID-19 pandemic), https://cdn.www.gob.pe/uploads/document/file/606631/RM_212-2020-MINSA.PDF; Article 2, *Decreto de Urgencia N° 037-2020* (April 12, 2020) (transferring funds to increase life insurance coverage to healthcare workers aiding in the public health sector during the COVID-19 crisis), https://cdn.www.gob.pe/uploads/document/file/582223/DU_037-2020.pdf.

⁶⁰ *Decreto Supremo N° 125-2020-PRODUCE* (April 3, 2020), https://cdn.www.gob.pe/uploads/document/file/574922/R.M_N_125-2020-PRODUCE.pdf.

⁶¹ Article 1, *Decreto Supremo N° 125-2020-PRODUCE* (April 3, 2020), https://cdn.www.gob.pe/uploads/document/file/574922/R.M_N_125-2020-PRODUCE.pdf.

⁶² Section 4.1. Article 4, *Decreto Supremo N° 044-2020-PCM* (March 15, 2020), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/>.

or supplying to major local markets and/or having the status of an exporting company. However, there is no mention of restrictions in relation to the export of protective medical equipment in the Supreme Decree.