

SUPREME DECREE

NO. 044-2020-PCM

THE PRESIDENT OF THE REPUBLIC

CONSIDERING:

That Articles 7 and 9 of the Political Constitution of Peru establish that everyone has the right to protection of their health, the family environment and the community, and that the State determines the national health policy, corresponding to the Executive Power to regulate and supervising its application, being responsible for designing and conducting it in a plural and decentralized manner to facilitate equal access to health services for all;

That Article 44 of the Magna Carta provides that it is the primary duties of the State to guarantee the full validity of human rights, protect the population from threats to their security, and promote the general well-being that is based on justice and development. integral and balanced of the Nation;

That, likewise, in number 1 of article 137 of the aforementioned text, it is established that the President of the Republic, with the agreement of the Council of Ministers, may decree for a specified period throughout the national territory, or part of it, and giving account to Congress or the Permanent Commission, the State of Emergency, among others, in case of serious circumstances that affect the life of the Nation; the exercise of constitutional rights relating to personal liberty and security, inviolability of domicile, and freedom of assembly and transit in the territory may be restricted or suspended;

That Articles II and VI of the Preliminary Title of Law No. 26842, the General Health Law, establish that health protection is in the public interest and that it is the responsibility of the State to regulate, monitor and promote the conditions that guarantee adequate coverage. health benefits of the population, in socially acceptable terms of security, opportunity and quality, the State's responsibility in the provision of public health services being inalienable. The State intervenes in the provision of health care services in accordance with the principle of equity;

That, also, Article XII of the Preliminary Title of the aforementioned Law has provided that the exercise of the right to property, inviolability of the home, free transit, freedom of work, company, commerce and industry, as well as the exercise of the right of assembly, are subject to the limitations established by law in protection of public health;

That said law, in its articles 130 and 131, enables quarantine as a security measure, provided that it is subject to the following principles: it is proportional to the purposes pursued, its duration does not exceed what is required by the situation of imminent risk and serious that justified it, and it is an effective measure that allows achieving the end with the least restriction for fundamental rights.

That, on March 11, 2020, the World Health Organization has classified the outbreak of COVID-19 as a pandemic, having spread in more than one hundred countries of the world simultaneously;

That, through Supreme Decree No. 008-2020-SA, the National Health Emergency was declared for a period of ninety (90) calendar days, and measures for prevention and control were issued to prevent the spread of COVID-19;

That, despite said measure, the need for the State to adopt additional and exceptional measures to efficiently protect the life and health of the population, reducing the possibility of increasing the number of those affected by COVID-19, without affecting the provision, is appreciated. of basic services, as well as the health and nutrition of the population; In accordance with the provisions of numbers 4 and 14 of article 118, and number 1 of article 137 of the Political Constitution of Peru; and Law No. 29158, Organic Law of the Executive Power; and;

With the approving vote of the Council of Ministers and charged to account to the Congress of the Republic;

DECREES:

Article 1.- Declaration of a State of National Emergency

Declare a State of National Emergency for a period of fifteen (15) calendar days, and establish the obligatory social isolation (quarantine), due to the serious circumstances that affect the life of the Nation as a result of the outbreak of COVID-19.

Article 2.- Access to public services and essential goods and services

2.1 During the national State of Emergency, the supply of food, medicine, as well as the continuity of water, sanitation, electric power, gas, fuel, telecommunications, cleaning and collection of solid waste, funeral services and other established services are guaranteed in this Supreme Decree.

2.2 Likewise, the adequate provision and access to the services and essential goods regulated in article 4 of this Supreme Decree are guaranteed. Public and private entities determine the complementary and related services for the adequate provision and access to essential services and goods established in article 4. The competent entities ensure the proper compliance with this provision.

2.3 The Peruvian National Police and the Armed Forces adopt measures to guarantee the provision and access to goods and services in accordance with this article.

Article 3.- Suspension of the exercise of Constitutional Rights

During the present State of National Emergency, the exercise of constitutional rights relating to personal freedom and security, the inviolability of the home, and the freedom of assembly and transit in the territory included in paragraphs 9, 11 and 12 of the article 2 and in paragraph 24, paragraph f of the same article of the Political Constitution of Peru.

Article 4.- Limitation to the exercise of the right to freedom of movement of persons

4.1 During the validity of the State of National Emergency and quarantine , people can only circulate through public use roads for the provision and access to the following essential services and goods:

- a) Acquisition, production and supply of food, which includes its storage and distribution for sale to the public.
- b) Acquisition, production and supply of pharmaceutical and basic necessity products.
- c) Assistance to health centers, services and establishments, as well as diagnostic centers, in cases of emergencies and urgencies.
- d) Employment, professional or business provision to guarantee the services listed in article 2.
- e) Return to the place of habitual residence.
- f) Assistance and care for older adults, girls, boys, adolescents, dependents, people with disabilities or people in vulnerable situations.
- g) Financial institutions, insurance and pensions, as well as complementary and related services that guarantee its proper functioning.
- h) Production, storage, transportation, distribution and sale of fuel.
- i) Hotels and accommodation centers, only for the purpose of complying with the established quarantine.
- j) Means of communication and *call centers* .
- k) Workers in the public sector who exceptionally provide necessary services to attend to actions related to the health emergency caused by COVID-19 may move to their work centers in a restricted manner.
- l) By exception, in the cases of productive and industrial sectors, the Ministry of Economy and Finance, in coordination with the competent sector, may include additional activities that are strictly indispensable to those indicated in the preceding paragraphs, that do not affect the national state of emergency. .
- m) Any other activity of an analogous nature to those listed in the preceding paragraphs or that must be carried out by fortuitous event or force majeure.

4.2 Likewise, the circulation of private vehicles is allowed on public use roads to carry out the activities referred to in the previous section.

4.3 The limitations on freedom of transit do not apply to foreign personnel duly accredited in Peru from diplomatic missions, consular offices and representations of international organizations, who move in the performance of their duties, respecting health protocols.

4.4 In order to guarantee internal order, the Ministry of the Interior, in coordination with the Ministry of Defense, is empowered to dictate the measures that allow the implementation of this article.

4.4 The Ministry of the Interior provides for the closure or restriction of traffic on highways for reasons of public health, safety, or traffic flow.

4.5 In any case, for any displacement carried out in accordance with this article, the recommendations and provisions issued by the Ministry of Health, the Ministry of the Interior and other competent public entities must be respected.

Article 5.- Measures aimed at strengthening the National Health System throughout the national territory

5.1 All public, private and mixed sanitary entities of the national territory, as well as other officials and workers serving them, are under the direction of the Ministry of Health for the protection of people, goods and places, being able to impose extraordinary services on them. its duration or by its nature.

Likewise, the Ministry of Health has powers to dictate measures to ensure that the personnel and centers and establishment of the Health Services of the Armed Forces and the National Police of Peru contribute to strengthening the National Health System throughout the national territory. .

5.2 Notwithstanding the foregoing, regional and local governments exercise the management of the corresponding health services and benefits within their sphere of competence, ensuring their proper functioning at all times.

5.3 These measures also include the possibility of determining the best distribution in the territory of all technical and personal resources, in accordance with the needs that become apparent in the management of this health emergency.

5.4 Likewise, the Ministry of Health may exercise those powers that may be necessary with respect to privately owned health centers, services and establishments, according to the availability of each establishment and after evaluation by the National Health Authority.

Article 6.- Measures to ensure the supply of goods and services necessary for the protection of public health.
The Ministry of Health has powers to:

a) Provide the necessary health regulatory provisions to ensure the supply of the market and the operation of the health services of the production centers affected by the shortage of products necessary for the protection of public health.

b) Provide the necessary provisions in coordination with the competent authorities, to guarantee the entry and exit of products and services and others required by the National Health Authority.

c) Impart the corresponding measures within the quarantine period, to safeguard public health.

Article 7.- Restrictions in the field of commercial activity, cultural activities, establishments and recreational activities, hotels and restaurants

7.1 Provide for the suspension of public access to premises and establishments, with the exception of retail commercial establishments for food, beverages, products and basic necessities, pharmaceutical establishments, medical, optical and orthopedic products, hygienic products, taps and retail establishments. made out of fuel. Any other activity or establishment that, in the opinion of the competent authority, may pose a risk of contagion is suspended.

7.2 The permanence in commercial establishments whose opening is allowed must be strictly necessary so that consumers can purchase food and basic necessities, the possibility of consuming products in the establishments themselves being suspended. In any case, crowds must be avoided and consumers and employees must be kept at a safe distance of at least one meter in order to avoid possible contagion.

7.3 Public access to museums, archives, libraries, monuments, as well as premises and establishments where public shows, cultural, sports and leisure activities take place, is suspended.

7.4 The activities of restaurants and other food consumption centers are suspended.

7.5 Likewise, parades, patron festivals, civil and religious activities, as well as any other type of meeting that puts public health at risk are suspended.

Article 8.- Temporary closure of borders

8.1 During the state of emergency, the total closure of the borders is ordered, so the international transport of passengers, by land, air, sea and river, is suspended. This measure is effective from 11:59 p.m. on Monday, March 16, 2020.

8.2 Before this date, passengers entering the national territory must comply with mandatory social isolation (quarantine) for fifteen (15) calendar days.

8.3 The transportation of cargo and merchandise is not included within this temporary closure. The competent authorities adopt the necessary measures to guarantee the entry and exit of merchandise from the country through authorized ports, airports and border points.

8.4 The competent authorities may issue provisions in order to guarantee priority attention for the entry of basic necessities, for health and for all those required to attend the health emergency.

8.5 The competent sectors may establish special transitory measures for the entry and exit of restricted goods.

Article 9.- Transportation in the national territory

9.1 In urban transport, during the state of emergency, the reduction of the supply of operations is established by fifty percent (50%) in the national territory by land and river. The Ministry of Transport and Communications can modify the reduction percentage of the national transport offer, as well as dictate the corresponding complementary

measures. Regarding the means of transport authorized to circulate, the operators of the transport service must carry out a cleaning of the vehicles, in accordance with the provisions and recommendations of the Ministry of Health.

9.2 In the interprovincial transport of passengers, during the state of emergency, the suspension of the service is provided, by land, air and river. This measure is effective from 11:59 p.m. on Monday, March 16, 2020.

9.3 The transportation of cargo and merchandise is not included in this article.

Article 10.- On the intervention of the Peruvian National Police and the Armed Forces

10.1 In order to guarantee the implementation of the measures, the intervention of the Peruvian National Police and the Armed Forces is carried out in accordance with the provisions of Legislative Decree No. 1186, Legislative Decree regulating the use of force by the National Police of Peru, and in Legislative Decree No. 1095, Legislative Decree that establishes rules for the use and use of force by the Armed Forces in the national territory, respectively.

10.2 The Peruvian National Police, with the support of the Armed Forces, verify compliance with the provisions of this supreme decree, for which they can carry out the verifications and interventions of people, goods, vehicles, premises and establishments that are necessary to check and, where appropriate, prevent the services and activities not allowed from taking place. For this, the Ministry of the Interior and the Ministry of Defense dictate the necessary complementary provisions and measures.

10.3 They can also verify, within their competence, the capacity allowed in commercial establishments, in order to avoid crowds and disturbances to public order.

10.4 Likewise, they exercise control regarding the limitation of the exercise of freedom of transit at the national level of people, in various means of transport, such as private vehicles, public transport, aquatic means, among others.

10.5 Citizens, as well as national, regional and local authorities, have the duty to collaborate and not hinder the work of the police and military authorities in the exercise of their functions.

Article 11.- Entities competent for compliance with this supreme decree

During the validity of the state of emergency, the ministries and public entities in their respective areas of competence dictate the regulations that are necessary to comply with this supreme decree.

Regional and local governments contribute to compliance with the measures established in this Supreme Decree, within the framework of their powers.

Article 12.- Endorsement

This Supreme Decree is endorsed by the President of the Council of Ministers, the Minister of the Interior, the Minister of Defense, the Minister of Foreign Affairs, the Minister of Health, the Minister of Justice and Human Rights, the Minister of Development and Social Inclusion, the Minister of Labor and Employment Promotion, the Minister of Foreign Trade and Tourism, the Minister of Transport and Communications, and the Minister of Economy and Finance.

FINAL DISPOSITION

Unique provision.- Within the framework of their autonomy, the other powers of the State and the constitutionally autonomous bodies adopt the measures to comply with this Supreme Decree.

Given at the Government House, in Lima, on the fifteenth day of the month of March of the year two thousand and twenty.

MARTÍN ALBERTO VIZCARRA CORNEJO

Republic President

VICENTE ANTONIO ZEBALLOS SALINAS

President of the Council of Ministers

EDGAR M. VÁSQUEZ VELA

Minister of Foreign Trade and Tourism

MARÍA ANTONIETA ALVA LUPERDI

Minister of Economy and Finance

WALTER MARTOS RUIZ

Minister of Defense

ARIELA MARIA OF THE MIRACLES LUNA FLOREZ

Minister for Development and Social Inclusion

CARLOS MORÁN SOTO

Minister of the Interior

FERNANDO R. CASTAÑEDA PORTOCARRERO

Minister of Justice and Human Rights

MARIA ELIZABETH HINOSTROZA PEREYRA

Minister of Health

GUSTAVO MEZA-CUADRA V.

Minister of Foreign Affairs

SYLVIA E. CÁCERES PIZARRO

Minister of Labor and Employment Promotion

CARLOS LOZADA CONTRERAS

Minister of Transport and Communications