



*Official Gazette of the Republic of Argentina*

## **MANDATORY PREVENTIVE QUARANTINE**

### **FEDERAL DECREE No. 297/2020**

City of Buenos Aires, 03/19/2020

Having seen Docket No. EX-2020-18181895-APN-DSGA#SLYT, Law No. 27,541, and Decree No. 260 dated March 12, 2020 as amended by Decree No. 287 dated March 17, 2020, and

#### **WHEREAS:**

On March 11, 2020, the WORLD HEALTH ORGANIZATION (WHO), declared the outbreak of the new coronavirus a pandemic, after the number of people infected by COVID-19 globally reached 118,554, and the number of deaths reached 4,281, so far affecting 110 countries.

As a result of the pandemic, by means of Decree No. 260 of March 12, 2020, the national public health emergency declared by Law No. 27,541 was extended in our country for a period of ONE (1) year.

According to the WHO, on March 19, 2020, the spread of the coronavirus COVID-19 has been confirmed at a global level, reaching a total of 213,254 infected people, 8,843 deaths in over 158 countries on different continents, and a few days ago it reached our region and our country.

The speed at which the epidemiological crisis is worsening on an international scale requires the adoption of immediate measures to deal with this emergency.

Despite the timely and firm measures adopted by the National Government, various provincial governments and the Autonomous City of Buenos Aires since the first confirmed case in Argentina, on March 3, 2020, NINETY SEVEN (97) cases were reported in ELEVEN (11) jurisdictions, THREE (3) of which died, according to official data from the Ministry of Health provided on March 18, 2020.

We are facing a potential health and social crisis without precedent, and it is therefore necessary to take timely, transparent, consensual and evidence-based measures to mitigate its spread and impact on the health system.

Since there is no effective antiviral treatment or vaccine to prevent the virus, measures such as mandatory quarantine and social distancing play a vital role in dealing with the epidemiological crisis and mitigating the health impact of COVID-19.

Considering the experience of countries in Asia and Europe that have experienced the SARS-CoV2 pandemic virus, it can be concluded that the success of the measures depends on the following variables: timeliness, intensity (drastic or staggered), and effective compliance.

Taking into account that the protection of the public health is an inalienable obligation of the National Government, "preventive and mandatory quarantine" is established for all persons currently living in the country, for a set period of time, during which all persons must remain

in their residences or in the place where they currently are, and abstain from attending their workplaces.

Further, circulation by routes, public transit and public spaces is also prohibited, in order to prevent the circulation and spread of the COVID-19 virus.

Article 14 of the National Constitution establishes that *"all residents of the Nation enjoy the following rights in accordance with the laws regulating their exercise: the right to work and to engage in lawful industries; to navigate and trade; to petition the authorities; to enter, remain, transit and leave Argentine territory"*.

Although the foregoing is one of the fundamental pillars of our constitutional system, it is subject to limitations for reasons of public order, security and public health. In line with this, the International Convention on Civil and Political Rights (ICCPR) includes in its Article 12, paragraph 1, the right of *"freedom of movement"*, and Article 12, paragraph 3, provides that the exercise of the rights enshrined therein *"shall not be subject to any restrictions except those provided by law, those necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized herein"*.

In line with the foregoing, the American Convention on Human Rights establishes in its Article 22.3 that the exercise of the rights to circulate and reside in a nation, enshrined in Article 22.1 *"...may be restricted only by law, to the extent necessary in a democratic society, to prevent criminal offenses or to protect national security, public safety or public order, public morals or public health or the rights and freedoms of others"*.

In this regard, *"... the scope of action of the health police powers is very broad, and concerns everything that may affect the life and health of persons, especially the fight against diseases, for which purpose mostly preventive duties are imposed, in order to prevent the appearance and spread thereof, such as... isolation or quarantine"* (Source: "The power of the police and health police - Scope of State Responsibility", in "Issues of State Intervention - Public Services. Poder de Policía y Fomento", Ed. RAP, Bs).

The measures established herein are essential, reasonable and proportionate to the threat and health risk we face.

The dynamics of the pandemic and its impact on public health render it impossible to follow the ordinary procedure for the enactment of laws.

Law No. 26,122 governs the procedure and scope for the intervention of the HONORABLE NATIONAL CONGRESS with respect to Emergency Decrees issued by the NATIONAL EXECUTIVE, pursuant to Article 99, paragraph 3, of the National Constitution.

The aforementioned law establishes that the Permanent Bicameral Commission is empowered to rule on the validity of Emergency Decrees, as well as to submit the report to each Chamber for evaluation, within ten (10) working days.

Article 22 of Law No. 26,122 provides that the Chambers shall issue their rulings by means of resolutions, and that the rejection or approval of the relevant decree shall be expressly stated in accordance with Article 82 of the National Constitution.

The relevant legal office has duly intervened.

This Decree is issued by means of the authority granted under Article 99, paragraphs 1 and 3 of the National Constitution.

THEREFORE:

**THE PRESIDENT OF THE NATION,  
IN AGREEMENT WITH THE MINISTERS,  
HEREBY ESTABLISHES THE FOLLOWING:**

ARTICLE 1. In order to protect the public health, which is an inalienable obligation of the National Government, "preventive and mandatory quarantine" is hereby established for all persons currently living in the country, under the terms provided for hereunder. This measure shall be in force as from March 20 until March 31 of this year, and may be extended for as long as deemed necessary in light of the epidemiological crisis.

This Decree is adopted within the framework of the declaration of pandemic issued by the World Health Organization (WHO), the National Health Emergency extended by Decree No. 260/20 as amended, and in response to the epidemiological crisis caused by CORONAVIRUS-COVID 19.

ARTICLE 2. During the period of "preventive and mandatory quarantine", people must remain in their residences or where they are located at 00:00 hours on March 20, 2020, when this measure goes into effect. They must refrain from going to their workplaces and may not circulate on streets or public spaces, all with the aim of preventing the circulation and spread of the COVID-19 virus and the resulting effect on public health and other constitutional rights, such as life and physical integrity of persons.

Those persons subject to the quarantine provided for in Article 1 hereof may only make minimal and essential movements to purchase cleaning supplies, medicine and food.

ARTICLE 3. The Ministry of Security shall set up permanent controls on streets and public spaces, accesses and other strategic places, in coordination and concurrently with the provincial jurisdictions and the Autonomous City of Buenos Aires, in order to ensure compliance with the "preventive and mandatory quarantine" as well as all other emergency health rules and regulations.

The authorities of other jurisdictions and national public sector, within the scope of their authorities, in coordination with provincial jurisdictions and in the Autonomous City of Buenos Aires, shall arrange for control procedures with the same purpose.

ARTICLE 4. In the case of infringement of the "preventive and mandatory quarantine" or of other regulations established for the protection of public health, the unlawful conduct shall be immediately stopped and action shall be taken by the competent authority pursuant to Articles 205 and 239 *et seq.* of the Criminal Code.

The Ministry of Security shall arrange for the immediate confiscation of vehicles driving in violation of the provisions hereunder and shall keep confiscated such vehicles for as long as necessary to prevent their movement, in order to safeguard public health and to prevent the spread of the virus.

ARTICLE 5. During the period of "preventive and mandatory quarantine", no cultural, recreational, sports or religious events, or any other type of event involving the participation of people, shall be held.

The opening of shopping centers, wholesale and retail establishments, and any other place that requires the presence of persons is hereby suspended.

ARTICLE 6. Those persons that carry out activities and services deemed essential during the emergency, as detailed below, are hereby exempt from complying with the "preventive and

mandatory quarantine" as well as the circulation ban, provided that their movements must be limited to strict compliance with said activities and services:

1. Health personnel, security forces, Armed Forces, customs personnel, national meteorological service, firefighters and air traffic control.
2. Senior authorities of the national, provincial, municipal and Autonomous City of Buenos Aires governments, and workers in the national, provincial, municipal and Autonomous City of Buenos Aires public sector summoned to ensure essential activities required by the respective authorities.
3. Justice service personnel on duty, as established by the competent authorities.
4. Foreign diplomatic and consular personnel of the Argentine Government, under the framework of the Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, and the international organizations personnel employed under the Argentine Government, the Red Cross and White Helmets.
5. Persons who must assist others with disabilities; family members who need assistance; elderly persons; children and adolescents.
6. People who face a *force majeure* event.
7. Persons working in connection with the performance of funeral services, burials and cremations; in connection with the foregoing, activities that involve the gathering of people are suspended.
8. Persons working school and community canteens or cafeterias.
9. Personnel working in audiovisual, radio and newspaper communication services.
10. Personnel involved in public works.
11. Wholesale and retail supermarkets and convenience stores. Pharmacies. Hardware stores. Veterinary shops. Provision of carafes.
12. Food industries, including their supply chain; personal hygiene and cleaning; medical equipment, medicines, vaccines and other sanitary supplies.
13. Activities related to agricultural and fishing production, distribution and commercialization.
14. Telecommunications, fixed and mobile internet and digital services activities.
15. Activities linked to foreign trade that cannot be postponed.
16. Collection, transport and treatment of urban, hazardous and pathogenic waste.
17. Maintenance of basic services (water, electricity, gas, communications, etc.) and emergency care.
18. Public passenger transport, transport of goods, oil, fuel and LPG.
19. Home delivery of food, medicine, hygiene and cleaning products and other necessary supplies.

20. Laundry services.

21. Postal and parcel delivery services.

22. Essential surveillance, cleaning and guard services.

23. Minimum shifts to ensure the operation and maintenance of oil and gas fields, oil and gas treatment and/or refining plants, transportation and distribution of electric power, liquid fuels, oil and gas, fuel dispensing stations and electric power generators.

24. Federal Reserves, ATM services, transportation of cash and all those activities that the Central Bank of the Argentine Republic establishes as essential to guarantee the operation of the payment chains.

The Chief of Staff, in his capacity as coordinator of the "General Coordination Unit of the Integral Plan for the Prevention of Public Health Events of International Importance", along with the recommendation of the health authority, may extend or reduce the exemptions provided hereunder, depending on the dynamics of the epidemiological crisis and the effective compliance with this measure.

In all these cases, employers shall guarantee the health and safety conditions established by the Ministry of Health in order to preserve the health of workers.

ARTICLE 7. It is hereby established that, as an exceptional matter, the April 2 holiday provided for by Law No. 27,399, in commemoration of the Malvinas (Falklands) War Veterans' and Fallen Persons' Day, shall be moved to Tuesday, March 31, 2020.

ARTICLE 8. Workers in the private sector shall be entitled to the full enjoyment of their usual income for the duration of the "preventive and mandatory quarantine", under the terms established by the regulations of the Ministry of Labor, Employment and Social Security.

ARTICLE 9. In order to enable compliance with the "preventive and mandatory quarantine", personnel of National Public Administration shall be granted leave on March 20, 25, 26, 27 and 30, 2020, and the various agencies are hereby instructed to implement the necessary measures in order to maintain the continuity of the relevant activities mentioned in Article 6 hereof.

ARTICLE 10. The provinces, the Autonomous City of Buenos Aires and the municipalities shall issue the necessary measures to implement the provisions hereof, under delegated authority of the Federal Government, in accordance with Article 128 of the National Constitution, without prejudice to other measures that must be adopted by the provinces, the Autonomous City of Buenos Aires and the municipalities, in the exercise of their own authority.

The NATIONAL LEGISLATIVE POWER and the NATIONAL JUDICIAL POWER are invited, within the scope of their authority, to adhere to the terms hereof.

ARTICLE 11. The authorities in the jurisdictions and agencies included in Article 8, paragraphs a), b) and c) of Law No. 24,156, in the exercise of their respective authority, shall issue such regulations as they deem appropriate to enforce the terms hereof.

ARTICLE 12. This Decree shall go into effect as from publication in the Official Gazette.

ARTICLE 13. Remand to the Permanent Bicameral Commission of the Honorable National Congress.

ARTICLE 14. Communicate, publish, and remand to the NATIONAL DIRECTORATE OF THE OFFICIAL REGISTRY to be archived. FERNÁNDEZ - Santiago Andrés Cafiero - Eduardo Enrique de Pedro - Felipe Carlos Solá - Agustin Oscar Rossi - Martín Guzmán - Matías Sebastián Kulfas - Luis Eugenio Bastera - Mario Andrés Meoni - Gabriel Nicolás Katopodis - Marcela Miriam Losardo - Sabina Andrea Frederic - Ginés Mario González García - Daniel Fernando Arroyo - Elizabeth Gómez Alcorta - Nicolás A. Trotta - Tristán Bauer - Roberto Carlos Salvarezza - Claudio Omar Moroni - Juan Cabandie - Matías Lammens - María Eugenia Bielsa