

COUNTRY NOTES ON COVID-19 RELATED EMERGENCY DECREES & THE RED CROSS

COMMONWEALTH OF THE BAHAMAS

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SUMMARY

The Government of the Bahamas was among the first in CARICOM to issue an emergency decree concerning COVID-19, imposing border closures, shelter in place and social distancing guidelines, national curfews and activity bans before many other countries in the region had their first case. In addition to having one of the more restrictive responses to COVID-19, the Bahamas leads in being among the first countries to specifically exempt the national society of the Red Cross from prohibitions on business operations. The Government and Red Cross are both still engaged in providing post-disaster relief to those affected by Hurricane Dorian and these exemptions will allow the BRC and other RCRC counterparts in country to continue their programmes, integrating infection prevention and control protocols as necessary. Additionally, potential aspects of IFRC operations that may require the importation of humanitarian aid items and teams, can be captured in exemptions provided for the landing of medical and emergency flights. In this way, the Bahamas Emergency Orders could be used as a reference point for other Caribbean countries advocating for the inclusion of the RC in the COVID-19 legal framework.

FINDINGS

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

The Bahamas has developed a COVID-19 Preparedness and Response Plan. From operational information it appears that there is some level of non-state input in the roll-out of strategies, however it is not clear whether the level of coordination is similar to what is typically experienced through a national emergency operations centre.

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 Bahamas Red Cross is identified and recognized as an essential service exempted from shelter in place procedures and restrictions on business operations. BRCS teams will therefore be able to move to and from, provided they are providing essential services. There is no clear mention in the regulatory framework of a role ascribed to the Red Cross, but the humanitarian programmes established in the wake

of Hurricane Dorian by BRCS, IFRC as well as American Red Cross and Canadian Red Cross programmes have continued to be implemented, with some modifications to methodology.

To date the BRCS's response to the pandemic has largely focused on using communications strategies to enhance infection prevention and control – particularly in Haitian-creole speaking communities and among persons displaced by Hurricane Dorian – and implementing additional sanitation systems in its locations and shelters.

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?

All ports of entry have been closed, with exceptions provided to a few types of vessels, including cargo vessels, medical emergency flights, flights landing for the purposes of evacuating foreign nationals and “emergency flights approved by the Civil Aviation Authority”¹. The latter exemption suggests that approved humanitarian aid vessels could be permitted to land, once there is a successful application to the Civil Aviation Authority.

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 Bahamas Red Cross has been identified as an exempted organisation under the regulations governing the shelter in place and business closure restrictions currently in force in the Bahamas. These restrictions were initially established from March 17th to 31st and subsequently extended to April 8th. Under the exemption, RC volunteers may move around for the purposes of work, provided that at the time they are providing an essential service.

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?

No special measures have been noted that provide waivers or exemptions for the importation of disaster relief goods in relation to the COVID-19 epidemic. However the Government of Bahamas had developed a system for the importation of humanitarian and disaster relief items in the wake of Hurricane Dorian and these systems appear to be still accessible through the website of the National Emergency Management Agency (NEMA) of the Bahamas.

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?

The BRCS is explicitly named as an exempt category of organisation to which shelter in place protocols and restrictions on business operations do not apply. This applies only to essential staff of the BRC in their conduct of essential services. In practice, other RCRC personnel working in the Bahamas post-Hurricane Dorian have been covered by this categorization.

¹ Emergency Powers (Covid-19) (No. 2) Order, 2020, order 10(2)(e)

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

a. Other important measures

- Quarantines have been imposed on travelers coming into the country.
- Schools and religious institutions have been ordered closed
- Events and gatherings have been banned.
- Social distancing measures are being implemented.
- Limitations imposed on the number of persons who can travel in public passenger vehicles, including buses and taxis.
- Ban imposed on the use of public bus transportation

b. Measures with regard to “vulnerable” groups

- Churches, charitable organisations and NGOs have been allowed to continue programmes that provide food packages to those in need, provided that they operate within the hours of 9:00 a.m. and 2:00 p.m. and apply physical distancing protocols.

c. Medical measures

- Hospital visits have been prohibited.
- Private doctors have been asked to postpone non-emergency procedures and appointments.

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

No such restrictions have been imposed at this time.

RECOMMENDATIONS

- Bahamian regulations provide a useful precedent to other Caribbean territories seeking to provide exemptions to the RC in order to continue its humanitarian mission during the imposition of pandemic-related restrictions.
- Unless these are fully covered under existing laws or Hurricane Dorian response systems, the BRC and IFRC should further negotiate for IDRL exemptions, waivers and expedited procedures so that future importation of any humanitarian goods (including non-medical items) and personnel.

LAWS & REGULATIONS REFERENCED

1. Emergency Powers Act
2. Emergency Powers (COVID 19) Order
3. Emergency Powers (COVID 19) (Amendment) Orders 1 through 4