



Prepared by: British Red Cross

CAPE VERDE

Overview of emergency legislation adopted in response to COVID-19

Cut-off date for the research

The material analysed has been gathered until 3 April 2020. The analysis is comprehensive up to that point in time.

Analysis under the different research questions

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

No national emergency response mechanism involving non-state actors emerges from any of the documents analysed. However, two documents mention the support that different non-state actors (media outlets and NGOs) should provide.

Firstly, the Joint Order issued by the Ministry of Finances, Ministry of Internal Administration and the Ministry of Health and Social Security on 16 March 2020 addresses the role of media outlets. In its paragraph 4, the Joint Order states that, in light of the newly-declared contingency situation, media outlets have a special obligation to cooperate in the dissemination of information and announcements to the population. The Joint Order also places a similar obligation of cooperation on the whole of the population, to respect the instruction received and to provide the support asked by the Civil Defence Forces. The disrespect of orders received by authorities is sanctioned with a criminal sanction.

A second mention of the role of non-state actors in the tackling of the Covid-19 pandemic is found in a press release issued by the Government of Cape Verde on 26 March 2020 announcing a set of measures to support families, workers, children and elderly people. According the press release, the measures announced would be "be implemented by the Government at central level, by local councils at the local level, in partnership with non-

¹ Ministry of Finances, Ministry of Internal Administration and the Ministry of Health and Social Security, Joint Order No, 1/2020, 16 March 2020, para. 4.

² *Ibid.*, para. 5.

³ *Ibid.*, para. 6.



governmental organizations (NGOs), with international partners and in line with the recommendations of the National Civil Protection Council."⁴ For a detailed analysis of these measures, please see question 2 below.

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

No mention of the Red Cross is made in any of the documents analysed.

The only mention of other humanitarian actors, in the form of a generic reference to NGOs and international partners, can be found in a press release issued on 26 March 2020 announcing a set of measures to support the most affected sections of the population. According to the press release, the measures would "be implemented by the Government at central level, by local councils at the local level, in partnership with non-governmental organizations (NGOs), with international partners and in line with the recommendations of the National Civil Protection Council."⁵.

As for these measures, they are aimed at families that are economically dependent on informal work and which have lost their income because of the Covid-19 pandemic, children belonging to the most vulnerable households and elderly people living alone.⁶ These are:

- the award of the Social Inclusion Income to 8,000 families living in extreme poverty;
- the implementation of a Solidarity Income Scheme for around 30,000 workers;
- a three-months moratorium on the payment of bank loans for families and businesses;
- the immediate provision of food assistance to 22,500 families (about 90,000 people) whose income is below the minimum wage or without any source of income;
- the continued insurance of food security to about 30,000 children attending the educational system and belong to the most vulnerable households;
- the insurance of home assistance for 712 elderly people living alone through the recruitment of social workers, carers and volunteers.

Despite this mention however, no concrete tasks required from the NGOs to implement these measures are specified. Nonetheless, this document suggests a willingness on the part of the Government to include the NGOs and humanitarian actors in its response to the Covid-19 epidemic.

⁴ Government of Cape Verde, Press Release, "Measures to informal sector ensure the basic needs of food, access to health, family income and care - Prime Minister", 26 March 2020.

⁵ *Ibid*.

⁶ Ibid.

⁷ Ibid.



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?

Cape Verde has adopted numerous measures in the course of the past three months to regulate and limit passengers' arrival in order to counter the risk of the arrival of Covid-19 in the Country. These measures are described below, and none of them appear to contain an exception for humanitarian workers.

(1) Measures of control short of limitations

The first measure adopted at the end of January was the strengthening of surveillance measures in all points of access to the Country, such as airports, through the deployment of medical personnel screening all passengers coming from abroad and the referral to the authorities of suspected cases.⁸ No limitations to the entry of passengers were however put in place at this point.

(2) Limitations to the entry in Cape Verde

The first limitation to entry into Cape Verde due to Covid-19 appears to have been implemented from 27 February 2020 when, through a Resolution, the Council of Ministers suspended for a period of three weeks all flights coming from Italy. This suspension was later extended until 30 June 2020. 10

On 17 March 2020 the Government of Cape Verde decided to ban all air links with all EU Countries affected by the Covid-19 epidemic, including Portugal, and with the US, Brazil, Senegal and Nigeria. The measure, in place for three weeks with the possibility of extension, is not applicable to cargo flights, to return flights for Cape Verde nationals temporary abroad and to foreigners temporary in Cape Verde and wishing to return home. The Government also ensured the continuation of urgent medical evacuations, also not affected by the measure. On the same occasion, the Government also banned the berthing of cruise ships and sailing ships in the Country as well as the possibility for passengers and crews of cargo and fishing vessels to disembark. Cargo and fishing vessels were however still allowed to berth.

⁸ Ministry of Health and Social Security, National Health Director, "Prevention of Coronavirus – Already-adopted measures", 31 January 2020, p. 1.

⁹ Council of Ministers, Resolution No. 35/2020, Art. 1, as included in Government of Cape Verde, Press Release, "Suspension of flights from Italy to Cape Verde", 27 February 2020.

¹⁰ Government of Cape Verde, Press Release, "Council of Ministers extends the suspension of flights from Italy until 30 June", 13 March 2020.

¹¹ Government of Cape Verde, Press Release, "Covid-19: Government declared the situation of contingency at the Civil Defence Level", 17 March 2020

¹² Ibid.

 $^{^{13}}$ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.



Following the declaration of the State of Emergency through Presidential Decree no. 6/2020 of 28 March, which allowed the government to adopt border control measures to prevent the Covid-19 spread¹⁶, the Council of Ministries adopted Decree No. 36/2020 of 28 March 2020. The decree prohibits aerial links with all countries affected by the Covid-19 epidemic, as well as the berthing of vessels coming from abroad.¹⁷ The berthing can be authorized in exceptional circumstances and under the supervision of health authorities, but no disembarking would be authorized, with the exception of Cape Verdean nationals returning home.¹⁸ Vessels and aircrafts transporting goods, as well as flights and transports in emergency situations, would still be allowed in the Country, but their crews would not be allowed to disembark.¹⁹

(3) Mandatory quarantine for all returnees

Regarding the repatriation of Cape Verde nationals abroad, a mandatory quarantine upon arrival in the hotels designated by the Cape Verdean authorities for this purpose was agreed upon on 23 March 2020.²⁰

The Decree No. 36/2020 adopted by the Council of Ministers on 28 March 2020 following the declaration of the State of Emergency also mandates that all passengers who exceptionally disembark in Cape Verde during the emergency and coming from Countries with confirmed cases of Covid-19 must follow the orders and instructions of the health authorities, including mandatory confinement²¹. The applicability of this measure to all returnees from countries affected by Covid-19 was also confirmed in a note provided in March 2020 by the National Institute for Public Health²².

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)?

Limitations to movement inside Cape Verde have also been put in place, with the very limited exceptions described below.

(1) Limits to movement inside the country

¹⁶ Presidential Decree No. 06/2020, 28 March 2020, Art. 1 and 3.

¹⁷ Government of Cape Verde, Decree No. 36/2020, 28 March 2020, Art. 3(1) and (2).

¹⁸ *Ibid.*, Art. 3(2).

¹⁹ *Ibid.*, Art. 3(3)–(4).

²⁰ Government of Cape Verde, Press Release, "Government decides the mandatory quarantine for passengers on repatriation flights", 23 March 2020.

²¹ Government of Cape Verde, Decree No. 36/2020, 28 March 2020, Art. 4(1) and 6(1)(b).

²² National Institute for Public Health, COVID-19: Time to take social distancing seriously, March 2020, p. 2.



From 20 March 2020, and until at least 4 April, the Government decided to quarantine the island of Boa Vista, which registered the first case of Covid-19 in Cape Verde.²³ As a result, domestic flights and other passenger transports were banned except for sanitary purposes or emergency situations, evacuations of patients and repatriation; the measures were not to affect the transport of goods.²⁴ Other measures were also adopted for the island, including the closure of all non-essential activities and shops. ²⁵ Essential shops included pharmacies, public and private health services, shops for the sale food and other essential goods and home delivery services; according to the press release announcing those measures, other services could be included with the authorization of the competent authorities.²⁶

Following the declaration of the State of Emergency in the Country through the Presidential Decree no. 6/2020 of 28 March, which allowed the Government to adopt restrictions to the right of movement to prevent the Covid-19 spread²⁷, the Council of Ministers adopted Decree No. 36/2020 of 28 March 2020. Among other measures, flights and maritime links between islands are now prohibited, except those for the transport of goods and technical personnel of essential services, evacuations, emergency situations or when deemed necessary for sanitary purposes or as requested by civil defences.²⁸

Decree no. 36/2020 also includes the obligation not to move from one's home except to, among other reasons, attend work (if the activities are authorized by law), assist vulnerable persons, and to take part in volunteering activities organized and authorized by the civil defence.²⁹ More restrictive measures are also adopted for individuals belonging to high risk categories, such as elderly individuals (more than 65 years old) and individuals with a certain range of pre-existing underlying conditions. These individuals are only allowed to leave their homes to shop and to carry out other essential activities.³⁰

The exceptions to the measures described above are limited. However, the provision of medical and essential services is ensured, and personnel involved should therefore be able to carry them out. Moreover, home delivery services and volunteering activities are also included in the exceptions, and therefore the Red Cross might be able to obtain the authorization to carry out many of its tasks. A note from the Ministry of Industry, Trade and Energy to clarify the meaning of home delivery services states that they include the home deliveries of meals, foodstuff, and goods for hygiene and cleaning and other essentials.³¹

(2) Mandatory self-isolation

²³ Government of Cape Verde, Press Release, "Boa Vista: Government quarantines the island and strengthen restrictions", 20 March 2020.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid

²⁷ Presidential Decree No. 06/2020, 28 March 2020, Art. 1 and 3.

²⁸ Government of Cape Verde, Decree No. 36/2020, 28 March 2020, Art. 3(5).

²⁹ *Ibid.*, Art. 8.

³⁰ *Ibid.*, Art. 7.

³¹ Ministry of Industry, Trade and Energy, Covid-19 – Note of clarification on home delivery services, 31 March 2020.



The Decree No. 36/2020 of 28 March 2020 prescribes a mandatory self-isolation at home or in another place designated by public authorities for all patients with Covid-19 or those who have the virus, as well as individuals just returned from a Country affected by it.³² The violation of this prescription is a crime under the Criminal Code.³³

The measure is absolute and no exception is provided in the law.

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 legal facilities or exemptions have been put in place for the importation of medical aid or other relief items. However, the Government has adopted measures to ensure the availability of medical and relief equipment.

Firstly, the Government has ordered the import of additional equipment as well as the control of its internal production. The first mention of imports can be found in a note of 31 January 2020 by the National Health Director. The note mentioned that a pharmaceutical affairs office had been set up to provide the necessary goods and equipment for a possible complication of the situation, that available equipment and goods had already been mobilised and that a sixmonth stock had been ordered for import. ³⁴ Moreover, following the institution of a travel ban for all passengers coming into Cape Verde, the Government stated that supplies of medicines, materials and hospital consumables would be taken care of and ensured under sanitary flights.³⁵ The same was also confirmed by Decree no. 36/2020 following the declaration of the State of Emergency³⁶. Regarding the internal production, on 30 March 2020 a press release issued on the website of the Government stated that enough disinfectant gel was available to supply the market during this period of high demand, as well as sufficient stock of medicine and personal protection equipment to cope with the current situation.³⁷

A special simplified regime was also created by Decree no. 36/2020 to allow the Government to ensure the supply of goods and services in the face of the Covid-19 emergency. According to this decree, the Government can directly agree to the supplying, with a joint order of the

³² Government of Cape Verde, Decree No. 36/2020, 28 March 2020, Art. 6(1).

³³ *Ibid.*, Art. 6(2).

³⁴ Ministry of Health and Social Security, National Health Director, "Prevention of Coronavirus – Already-adopted measures", 31 January 2020, p. 1. The same was confirmed: Government of Cape Verde, Press Release, "Coronavirus: National Health Director guarantees that Cape Verde is implementing all recommendations issued by the WHO", 5 February 2020.

³⁵ Government of Cape Verde, Press Release, "Covid-19: Government declared the situation of contingency at the Civil Defence Level", 17 March 2020.

³⁶ Government of Cape Verde, Decree No. 36/2020, 28 March 2020, Art. 5.

³⁷ Government of Cape Verde, Press Release, "Prime Minister satisfied about internal production of equipment, medicines and disinfectant gel", 30 March 2020.



members of the Government responsible for the areas of internal administration and finance, and no prior approval of the audit office needs to be sought.³⁸

The Government has also adopted measures to combat speculation. Through the issuance of two Communiqués, the Government has reminded the public that the unjustified raising of product prices and the hoarding of essential products and goods constitute crimes.³⁹ Despite no explicit mention of sanitary goods, it can be assumed that these rules are applicable to them as well.

Moreover, a general deferment of the payment of VAT, which can now be paid through monthly instalments, may also benefit the acquisition of medical and relief materials.⁴⁰

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 Government of Cape Verde has restricted the activities of businesses and enterprises on the whole territory of the Country. No explicit exemption has been provided for the Red Cross or other humanitarian organizations. However, should the Red Cross provide any of the services that are exempted from the restrictions, it is safe to assume it will be able to obtain an authorization to continue its activities.

The restriction to business activities was announced by the Government of Cape Verde on 26 March 2020, when a press release on the official website of the Administration declared that all public services and businesses throughout the Country would have been closed until 17 April, and encouraged the use of teleworking.⁴¹ The press release also mentioned that exceptions would have been made for essential service.⁴²

The measure was subsequently confirmed through Decree No. 36/2020 of 28 March 2020. In its Article 10, the Decree provides for the closure of all private and public enterprises, businesses and other activities. Exceptions are made, among others, for:

- pharmacies and other health services;
- activities of production, processing, distribution, sale and supply of food, hygiene and cleaning products and other essential goods;

³⁸ Government of Cape Verde, Decree No. 36/2020, 28 March 2020, Art. 18.

³⁹ Government of Cape Verde, General Inspectorate of Economic Activities, Communiqué, "Communiqué IGAE: alteration of prices", 18 March 2020; and Government of Cape Verde, General Inspectorate of Economic Activities, Communiqué, "IGAE communication 01-COVID-19-AE", 19 March 2020.

⁴⁰ Government of Cape Verde, Decree No. 37/2020, 31 March 2020, Art. 8.

⁴¹ Government of Cape Verde, Press Release, "We increase the contingency level of the Civil Defences to calamity risk situation", 26 March 2020.

⁴² Ibid..

⁴³ Government of Cape Verde, Decree No. 36/2020, 28 March 2020, Art. 10.



 vulnerable and child emergency care services, limited to those activities that are considered essential⁴⁴.

In order to receive the authorization, the number of individuals required to perform the essential tasks must be submitted to the National Civil Defence Service for approval. ⁴⁵ The Decree also states that other exceptions might be authorized by the same Authority. ⁴⁶ Businesses that are exempted from these restrictions must however adopt measures to comply with the obligation to maintain a two-meters distance between individuals and other health and safety rules established by the authorities, and ensure in their services the prioritization of individuals who are more exposed to the risks of Covid-19 as well as medical personnel, social care and other security personnel. ⁴⁷

In March 2020 the Ministry of Health and Social Security also issued a set of guidelines for businesses, in order to help them prepare a contingency plan in case of need to responds to infections at work, in light with the obligation for the employer to provide his workers with continuous and permanent health and safety conditions.⁴⁸

On 29 March 2020 the Government confirmed that restaurant services may continue to carry on home delivery activities between 10 a.m. and 9 p.m. ⁴⁹ Two days later, a note by the Ministry of Industry, Trade and Energy clarified that home delivery services which can maintain their activity between 8 a.m. and 9.30 p.m. include only the home deliveries of meals, foodstuff, and goods for hygiene and cleaning and other essentials. Other non-essential goods may be delivered subject to evaluation by the Directorate of Trade Services. ⁵⁰

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

On top of the measures described in the sections above, other measures adopted by the Government of Cape Verde to tackle the Covid-19 epidemics are:

a) The suspension of all international events taking place on national territory from 15 March 2020 until 30 June 2020.⁵¹

⁴⁵ *Ibid*.

⁴⁴ *Ibid*.

⁴⁶ Ibid.

⁴⁷ *Ibid.*, Art. 12 and 13.

⁴⁸ Ministry of Health and Social Security, *Guidelines for Businesses*, 01/DNS 2020, March 2020.

⁴⁹ Government of Cape Verde, Press Release, "Covid19-Government lists the exceptions to business [closure] during the state of emergency", 29 March 2020.

⁵⁰ Ministry of Industry, Trade and Energy, Covid-19 – Note of clarification on home delivery services, 31 March 2020.

⁵¹ Government of Cape Verde, Press Release, "Council of Ministers extends the suspension of flights from Italy until 30 June", 13 March 2020.



- b) The closure of all museums and cultural spaces from 16 March 2020 and the cancellation of all cultural events.⁵²
- c) The creation of a stock of individual protection equipment for firefighters and police and armed forces.⁵³
- d) Limits to public events gathering a significant number of individuals both in outside spaces and inside.⁵⁴
- e) The closure of night entertainment venues, such as clubs.⁵⁵
- f) Restriction to visits to elderly care houses, hospitals and prisons.⁵⁶
- g) The bringing forward of all school holidays from 23 March until at least 13 April 2020.⁵⁷
- h) The suspension of all sport championships for a period of at least three weeks from 18 March 2020, with possibility of extension.⁵⁸
- i) Measures to support businesses and workers whose jobs have been negatively affected by the impact of the restrictions put in place, such as the creation of credit lines supported by the banking system and State guarantees, the guarantee of the receipt of 70% of the salary for workers who must self-isolate, a new regime for unemployment benefits and new tax relief measures.⁵⁹
- j) The prohibition of street selling of products and limitations to the number of sellers of agricultural products in municipal markets.⁶⁰
- k) The closure of amusement parks and recreational parks for children, aquatic parks, bars, dance halls, sports facilities, cultural and artistic facilities, public libraries,

⁵² Government of Cape Verde, Press Release, "Closure of museums, cultural spaces and cancellation of all cultural events of the Ministry of Culture and Creative Industries", 16 March 2020.

⁵³ Ministry of Finances, Ministry of Internal Administration and the Ministry of Health and Social Security, Joint Order No, 1/2020, 16 March 2020, para. 1.

⁵⁴ Ibid.

⁵⁵ Ibid.

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⁵⁷ Government of Cape Verde, Resolution No. 50/2020, 18 March 2020, Art. 1 and 2.

⁵⁸ Government of Cape Verde, Press Release, "The government and sport federations are aligned in the prevention of and fight against the Coronavirus pandemic", 18 March 2020.

⁵⁹ Government of Cape Verde, Press Release, "Social Concertation Agreement: 'We have taken a big step to mitigate the effects on employment, income and business life' - Ulisses Correia e Silva", 24 March 2020; and Government of Cape Verde, Decree 37/2020 of 31 March 2020.

⁶⁰ Government of Cape Verde, Press Release, "We increase the contingency level of the Civil Defences to calamity risk situation", 26 March 2020.



monuments and archaeological sites, conference halls, pavilions, squares, cinemas, concert halls and theatres.⁶¹

- 1) The prohibition of religious ceremonies and events involving gatherings of people with the exclusion of funerals, which can take place subject to the respect of the safety distance and with the attendance limited to a maximum of 20 individuals.⁶²
- m) The possibility for the Civil Defence to operate a requisition of certain goods or services and of human resources upon need.⁶³
- n) The possibility for the competent public Authorities to limit the right of demonstration and assembly.⁶⁴
- o) Public authorities also issued specific guidelines for hotels, to support them in the creation and implementation of contingency plan should they be faced with cases of Covid-19, and on the handling of bodies of individuals who lost their lives due to Covid-19. 65

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

No mentions of restrictions to ban the export of protective medical equipment could be found in any of the documents analysed.

List of sources analysed

a) Orders and Decrees

- Ministry of Finances, Ministry of Internal Administration and the Ministry of Health and Social Security, Joint Order No, 1/2020, 16 March 2020.
- Government of Cape Verde, Resolution No. 50/2020, 18 March 2020.
- Presidential Decree No. 06/2020, 28 March 2020.
- Government of Cape Verde, Decree No. 36/2020, 28 March 2020.
- Government of Cape Verde, Decree 37/2020 of 31 March 2020.

b) Guidelines and notes

⁶¹ Government of Cape Verde, Decree No. 36/2020, 28 March 2020, Art. 9.

⁶² *Ibid.*, Art. 14.

⁶³ *Ibid.*, Art. 16 and 17.

⁶⁴ Ibid., Art. 29.

⁶⁵ Ministry of Health and Social Security, Guidelines for hotels, 01/DNS 2020, March 2020 and Ministry of Health and Social Security, Guidelines on the handling of bodies, 01/DNS 2020, March 2020.



- Ministry of Health and Social Security, National Health Director, "Prevention of Coronavirus – Already-adopted measures", 31 January 2020, available at https://www.governo.cv/tipos/comunicados/.
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- Ministry of Health and Social Security, Guidelines on the handling of bodies, 01/ DNS 2020, March 2020, available at https://covid19.cv/recomendacoes/.

c) Press releases

- Government of Cape Verde, Press Release, "Coronavirus: National Health Director guarantees that Cape Verde is implementing all recommendations issued by the WHO", 5 February 2020, available at https://www.governo.cv/coronavirus-director-nacional-de-saude-garante-que-cabo-verde-esta-a-implementar-todas-as-recomendacoes-da-organizacao-mundial-de-saude/.
- Government of Cape Verde, Press Release, "Suspension of flights from Italy to Cape Verde", 27 February 2020, available at https://www.governo.cv/os-voos-da-italia-para-cabo-verde-estao-suspensos/.
- Government of Cape Verde, Press Release, "Council of Ministers extends the suspension of flights from Italy until 30 June", 13 March 2020, available at https://www.governo.cv/conselho-de-ministros-prorroga-prazo-de-suspensao-voos-de-italia-ate-30-de-junho/.



- Government of Cape Verde, Press Release, "Closure of museums, cultural spaces and cancellation of all cultural events of the Ministry of Culture and Creative Industries", 16 March 2020, available at https://www.governo.cv/encerramento-de-museus-espacos-culturais-e-cancelamento-de-toda-a-programacao-cultural-do-mcic/.
- Government of Cape Verde, Press Release, "Covid-19: Government declared the situation of contingency at the Civil Defence Level", 17 March 2020, available at https://www.governo.cv/covid19-governo-declara-situacao-de-contingencia-a-nivel-da-protecao-civil/.
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- Government of Cape Verde, Press Release, "Measures to informal sector ensure the basic needs of food, access to health, family income and care Prime Minister", 26 March 2020, available at https://www.governo.cv/medidas-aosetor-informal-asseguram-as-necessidades-basicas-da-alimentacao-do-acesso-asude-do-rendimento-familiar-e-de-cuidados-primeiro-ministro/.
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