

**IFRC Review of Emergency Decrees: DOMINICA****Overview**

**There was limited accessibility to Dominica’s legislation online, especially the most recent instruments. This review therefore needs to be treated with some caution as it may not have identified all relevant legislation.**

A proclamation of a state of public emergency was made by the President of Dominica on 1 April 2020.<sup>1</sup> This was made under Section 17 (3) of the Constitution and Section 5 of the Emergency Powers (Disaster) Act 1987 (‘Disaster Act’).<sup>2</sup> The declaration of the State of Emergency was accompanied by the Emergency Powers (Curfew) Order 2020 (‘Curfew Order’)<sup>3</sup> which imposed a curfew, initially until 20 April 2020. The Dominica House of Assembly met on 6 April 2020 to extend the State of Emergency to 3 months and the curfew by an additional 21 days. Press reports suggest that as of 27 April 2020, a number of the restrictions imposed by the Curfew Order would be reduced.<sup>4</sup>

Under the Disaster Act, the President may make Orders securing the essentials of life to the community and for the preservation of the health, welfare and safety of the public.<sup>5</sup> Such Orders may include provision requisitioning transport; requisitioning and regulating the supply and distribution of food, clothing, water, fuel, light and other necessities of life, and fixing maximum wholesale and retail prices.<sup>6</sup>

The Curfew Order imposed a curfew initially until 20 April<sup>7</sup> (but now believed to have been extended until 11 May) the effect of which is that a person must not be out in a public place:

(a) between 6 pm and 6 am Monday to Friday, unless they are exempt or have the written authorisation of the Commissioner of Police.<sup>8</sup>

(b) between 6 am to 6 pm Monday to Friday except if they are exempt or to provide or access essential services. Essential services are listed in the Curfew Order.<sup>9</sup>

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[http://presidentoffice.gov.dm/images/docs/Scanned\\_Copy\\_of\\_Proclamation\\_Declaring\\_State\\_of\\_Emergency\\_2020.pdf](http://presidentoffice.gov.dm/images/docs/Scanned_Copy_of_Proclamation_Declaring_State_of_Emergency_2020.pdf)

<sup>2</sup> Emergency Powers (Disaster) Act 1987 (Chapter 15:03) <http://extwprlegs1.fao.org/docs/pdf/dmi87085.pdf>

<sup>3</sup> Curfew Order:

[http://www.presidentoffice.gov.dm/images/docs/Scanned\\_Copy\\_of\\_Emergency\\_Powers\\_Curfew\\_Order\\_2020.pdf](http://www.presidentoffice.gov.dm/images/docs/Scanned_Copy_of_Emergency_Powers_Curfew_Order_2020.pdf)

<sup>4</sup> Dominica Newsonline, 26 April 2020, <https://dominicanewsonline.com/news/homepage/news/covid-19-skerrit-announces-the-lifting-of-some-restrictions-under-emergency-powers-sro/>

<sup>5</sup> Disaster Act, s 5(1).

<sup>6</sup> Disaster Act, s 5(2).

<sup>7</sup> Curfew Order, para 3.

<sup>8</sup> Curfew Order, paras 3(a) and 4(1)

<sup>9</sup> Curfew Order, paras 3(b) and 4(1) and (2).

(c) between 6 pm Friday to 6 am Monday, unless they are essential workers or have the written authorisation of the Commissioner of Police.<sup>10</sup>

The Curfew Order permits businesses and offices to continue in operation where their employees can work remotely from home, but otherwise closes every non-essential establishment or business.<sup>11</sup> Liquor licences were initially suspended<sup>12</sup> but it appears that the suspension may have been lifted. Buses, hire cars and taxis may operate between 6am and 5pm,<sup>13</sup> although there may only be one person per row of seating.<sup>14</sup> All open businesses must maintain physical distancing.<sup>15</sup> Social activities are restricted and places of education and religious worship are closed.<sup>16</sup>

All airports are closed to incoming flights carrying any visitor, except with the prior written permission of the Minister responsible for National Security; and all seaports are closed to seafaring and private boating. No visitor is allowed to enter and disembark for any reason. However, this restriction does not apply to outgoing flights or outgoing ships; cargo flights or cargo ships; commercial courier flights; emergency flights; or flights carrying any diplomat.<sup>17</sup> No person is permitted to visit any place of quarantine or isolation station; a patient in a hospital or residential care establishment or facility, including an infirmary or nursing home; or a detainee in a prison.<sup>18</sup>

It is understood that the arrangements for quarantine remained governed by the standing Quarantine Act and Quarantine (Maritime) Regulations and Quarantine (Air) Regulations.<sup>19</sup> No specific COVID-19 measures could be located.

No standing general disaster or emergency management act could be located online. There is a National Disaster Plan<sup>20</sup> dating from 2001, revised in 2006,<sup>21</sup> produced, apparently, under the Disaster Act (although in contrast to the situation in other Caribbean states, the copy of the Disaster Act which was found online makes no reference to a national plan or the national disaster management organisational arrangements).

Dominica is a member of the Caribbean Disaster Emergency Management Agency ('CDEMA') and the Caribbean Public Health Agency ('CARPHA').

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

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<sup>10</sup> Curfew Order, paras 3(c) and 4(1) and (3).

<sup>11</sup> Curfew Order, paras 5 to 7.

<sup>12</sup> Curfew Order, para 7(2).

<sup>13</sup> Curfew Order, para 7(1)(h).

<sup>14</sup> Curfew Order, para 12.

<sup>15</sup> Curfew Order, paras 7(4) and 8.

<sup>16</sup> Curfew Order, paras 9 and 10.

<sup>17</sup> Curfew Order, para 11.

<sup>18</sup> Curfew Order, para 13.

<sup>19</sup> See [http://www.vertic.org/media/National%20Legislation/Dominica/DM\\_Quarantine\\_Act.pdf](http://www.vertic.org/media/National%20Legislation/Dominica/DM_Quarantine_Act.pdf)

<sup>20</sup> National Disaster Plan 2001: [http://odm.gov.dm/images/docs/national\\_disaster\\_plan.pdf](http://odm.gov.dm/images/docs/national_disaster_plan.pdf)

<sup>21</sup> See <https://www.gfdrr.org/en/dominica>

Yes, although not in the emergency measures themselves.

Instead, it is assumed that reliance will be placed on the arrangements under the National Disaster Plan 2001 ('National Plan'). According to that plan, there is an Office of Disaster Preparedness (now Office of Disaster Management) which works with the National Emergency Planning Organisation (NEPO), a "governmental organization with responsibility for the planning and organization of counter-disaster measures at central level."<sup>22</sup> There is also a National Emergency Executive Committee, which has responsibilities under the National Plan during the response phase including providing executive and management functions during and after a national disaster, maintaining contact with appropriate Government and other Authorities, coordinating requests for assistance and National Disaster Plan and relief work; and arranging requests for foreign government and donor agency assistance.<sup>23</sup>

There is also reference in the National Plan to a Health Services Task Force whose tasks include: coordinating the deployment and control of medical personnel; providing and coordinating all Public Hospital and emergency medical services, facilities and personnel; coordinating all Private and Voluntary Hospital and medical services, the distribution of medical supplies to District casualty stations and emergency shelters; coordinating medical and First-Aid assistance with voluntary organizations; and requisitioning of medical supplies as necessary.<sup>24</sup>

A number of NGOs are assigned responsibilities in the National Plan, including the Dominica Red Cross. The specific RC responsibilities are:

"Support responsibilities:

- Communication
- Public information/education
- Public service announcements
- Search and rescue
- Emergency shelter/Mass care relief
- Emergency Health care/Public Health
- Logistic administrative support
- Tracking and clearance of incoming relief
- Coordination of Volunteers

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<sup>22</sup> <http://odm.gov.dm/about-us>

<sup>23</sup> National Plan, para 5.3

<sup>24</sup> National Plan, para 5.4.1.

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- Liaison with overseas missions
- Damage assessment/Data gathering
- Rehabilitation

General Responsibilities:

- Assist with first aid training
- Provide relief supplies
- Assist with distribution of relief supplies
- Assist with first aid and nursing duties, where possible, at medical centers and emergency shelters
- Run feeding programmes at feeding centers
- Provide humanitarian and welfare services, as provided in the International Red Cross Convention PRE-DISASTER
- Assist the ODM with first aid and other disaster management training

ALERT

Send representative to the NEOC

RESPONSE

- Assess needs and report to the NEOC
- Provide tracing services
- Provide first aid to disaster victims and aged persons in association with the NEOC
- Provide, manage and distribute relief supplies, storage, requisitions, etc. during and after a disaster in association with the ODM/NEOC
- Coordinate medical and first aid assistance with voluntary organizations as required.
- Provide counselling and other disaster mental health services for victims, EOC staff and emergency workers.”<sup>25</sup>

There will also be regional cooperation and coordination through CDEMA and CARPHA.

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<sup>25</sup> National Plan, para 5.7.21.

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

There is no explicit mention in the emergency measures. There are roles for the national RC and NGOs under the National Plan (see above).

**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?**

No express exceptions appear to have been made. The Curfew Order closes all air and seaports and prevents visitors entering and disembarking “for any reason”.<sup>26</sup> However, the restriction does not apply to cargo flights or cargo ships and emergency flights, nor to incoming flights with the prior written permission of the Minister for National Security.<sup>27</sup>

Apart from the standing Quarantine legislation no quarantine restrictions specific to COVID-19 could be located, although it appears that individuals have been placed under home quarantine.<sup>28</sup>

There are no express exceptions to the prohibition on visits to places of quarantine and isolation stations; or to patients in hospital or residential care establishments; or detainees in prison.<sup>29</sup>

**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)?**

Although there is no express exception for RC or humanitarian organisations, the categories of prescribed essential services or workers might apply to certain RC or NGO personnel, so permitting movement during the curfew. The options though are limited: for example, a person is permitted to be in public to seek urgent medical care;<sup>30</sup> and essential services which may be provided or accessed during the curfew include “medical, health, hospital, infirmary or nursing home services”.<sup>31</sup>

**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 provision of this nature appears to have been made yet. Reliance seems to be placed on pre-existing measures and arrangements which appear to be principally contained in the Customs Act 2010.<sup>32</sup> The Act does not contain any specific provision for the importation of medical aid.

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<sup>26</sup> Curfew Order, para 11(1).

<sup>27</sup> Curfew Order, paras 11(2) and 11(1)(a).

<sup>28</sup> <https://dominicanewsonline.com/news/homepage/government-confirms-dominicas-second-case-of-covid-19/>

<sup>29</sup> Curfew Order, para 13.

<sup>30</sup> Curfew Order, para 4(1)(b)(ii).

<sup>31</sup> Curfew Order, para 4(2)(c).

<sup>32</sup> [http://www.customs.gov.dm/images/documents/dominica\\_customs\\_act\\_no\\_20\\_of\\_2010.pdf](http://www.customs.gov.dm/images/documents/dominica_customs_act_no_20_of_2010.pdf)

Apart from the standing Quarantine legislation no quarantine restrictions specific to COVID-19 could be located, although it appears that individuals have been placed under home quarantine.<sup>33</sup>

**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?**

Not expressly. However, the list of businesses that may remain open include “medical, health, hospital, infirmary or nursing home services”.<sup>34</sup>

Essential workers include officers of any hospital or health care, medical, residential care establishment or facility.<sup>35</sup>

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

The measures in force are outlined above.

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

No provision of this nature appears to have been made yet. Reliance seems to be placed on the pre-existing arrangements which appear to be principally under the Customs Act 2010.<sup>36</sup> The Act does not contain any specific prohibition on exportation of PPE although there is power for the Minister to add specific items to the list of prohibited exports by order.

**Simon Whitbourn  
Knightwood Legal**

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<sup>33</sup> <https://dominicanewsonline.com/news/homepage/government-confirms-dominicas-second-case-of-covid-19/>

<sup>34</sup> Curfew Order, para 4(2)(c).

<sup>35</sup> Curfew Order, para 4(3)(j)

<sup>36</sup> [http://www.customs.gov.dm/images/documents/dominica\\_customs\\_act\\_no\\_20\\_of\\_2010.pdf](http://www.customs.gov.dm/images/documents/dominica_customs_act_no_20_of_2010.pdf)