

IFRC Review of Emergency Decrees: GRENADA

AS AT 22 APRIL 2020

Overview

There was limited accessibility to Grenada legislation, especially the most recent instruments. This review therefore needs to be treated with some caution as it may not have identified all relevant legislation and some of the regulations found may now be out of date. The main Grenada laws website appear to be: <http://laws.gov.gd> (but this does not permit links to be copied to individual pieces of legislation) The Grenada Ministry of Health has a dedicated COVID-19 website: <https://covid19.gov.gd>.

A proclamation of a state of emergency was made which took effect on 25 March 2020.¹ The state of emergency has been extended by Parliament for a period of 6 months from April 2020, although the period can be terminated sooner.²

Where there has been a declaration of a state of emergency, Emergency Powers Act 1987³ enables regulations to be made to deal with the emergency including measures such as:

- (a) the control or regulation of all means of communications and transport;
- (b) the control or regulation of all food and liquor supplies and necessities;
- (c) the control or regulation of all electric, water and other power stations;
- (d) the prohibition of any person from being out of doors between such hours as may be specified; and
- (e) restriction on movements.⁴

A series of regulations have been made under the Emergency Powers Act, the latest of which appears to be the Emergency Powers (COVID-19) (No. 4) Regulations 2020 ('COVID-19 Regulations').⁵ These were made on 20 April 2020 and impose a curfew between 5 am and 7 pm until 27 April 2020. During the curfew all persons should remain confined to their place of residence, except as provided in the COVID-19 Regulations or as may be authorised in writing by the Commissioner of Police acting on the direction of the Cabinet.

If a business cannot operate through its employees working from home, it must cease operations unless it is exempted from closure by the COVID-19 Regulations or specific permission is given by the Commissioner of Police.⁶ The COVID-19 Regulations list a number

¹ <https://www.thenewtodaygrenada.com/local-news/state-of-emergency/>

² <https://www.facebook.com/GISgrenada/videos/2887168271395681/>

³ <http://oas.org/dsd/EnvironmentLaw/CaribbeanLegislationProject/Disaster%26StateEmergency/Grenada/Emergency%20Powers%20Act.pdf> ; and <http://laws.gov.gd>

⁴ Emergency Powers Act, s 4.

⁵ The only version that could be found was published on nowgrenada.com:

<https://www.nowgrenada.com/2020/04/2020-emergency-powers-covid-19-no-4-regulations/>

⁶ COVID-19 Regulations, reg 3.

of businesses which may remain open. The list includes doctor's offices, dentist's offices, optician's offices, hospitals, medical facilities and pharmacies and medical supply establishments; as well as manufacturers and suppliers of personal protective equipment and hand sanitisation products.⁷

Every person is confined to their place of residence except for essential workers, essential travel to an establishment which can open, for members of the COVID-19 Taskforce and emergency travel to a hospital or medical facility.⁸ Essential workers are defined as officers, staff, employees or directors of an organisation or business listed in the COVID-19 Regulations.⁹

On designated business days one person per household may leave their residence once day to attend an open establishment or access essential services.¹⁰

There are restrictions on international¹¹ and domestic travel.¹² Visits to quarantine or isolation stations, hospitals or residential care establishments and prisons are prohibited.¹³ There are also mandatory reporting and isolation requirements.¹⁴

Masks must be worn when entering or in line to enter the premises of a business, establishment or government office and when in a motor vehicle if another person is in the vehicle.¹⁵ All establishments must maintain physical distancing protocols.¹⁶ Places of education or religious instruction are closed.

It is not clear if Grenada has generic, standing disaster management legislation, but there is a National Disaster Management Agency ('NaDMA'), a department in the Office of the Prime Minister, with a National Emergency Advisory Council ('NEAC'). The Director General of the Grenada Red Cross is a member of NEAC. There is a National Disaster Plan dating from 2005 ('National Disaster Plan').¹⁷

There is also a standing Public Health Act (Cap 263)¹⁸ which enables regulations to be made for the prevention of epidemic diseases and includes powers for the compulsory treatment and detention of infected persons.¹⁹ A Quarantine Act 1947 (Cap 271) enables regulations or

⁷ COVID-19 Regulations, reg 5.

⁸ COVID-19 Regulations, reg 7.

⁹ COVID-19 Regulations, reg 7.

¹⁰ COVID-19 Regulations, reg 12.

¹¹ COVID-19 Regulations, reg 10.

¹² COVID-19 Regulations, regulations 13 and 14.

¹³ COVID-19 Regulations, reg 15.

¹⁴ COVID-19 Regulations, reg 16.

¹⁵ COVID-19 Regulations, reg 2.

¹⁶ COVID-19 Regulations, reg 6.

¹⁷ http://www.grenadagov.info/egov/docs/nadma/national_disaster_plan.pdf

¹⁸ <http://laws.gov.gd>

¹⁹ Public Health Act, Part VI.

orders to be made to prevent danger to public health and the spread of infection.²⁰ Standing Quarantine (Maritime) and Quarantine (Air) Regulations are in place.²¹

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

The Red Cross Society Act provides for the establishment of the Grenada Red Cross Society, whose objects include carrying on and assisting "in the work for the improvement of health, the prevention of disease and the mitigation of suffering throughout the world in time of peace or war".²²

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

There is no reference to coordination in the emergency measures.

Instead, it is assumed that reliance will be placed on the arrangements under the National Disaster Plan. This is stated to have been prepared with the involvement of the Grenada RC and the RC is present on a number of disaster management committees eg shelter management, disaster relief, evacuation and welfare and voluntary services. All the Committees have terms of reference under the National Disaster Plan.

The role of the RC is expressly set out in the Plan as:

- "To design, update, test and evaluate continuity of operations and emergency response plans and procedures.
- Assist with First-Aid training
- Provide relief supplies
- Assist with distribution of relief supplies
- Assist with Emergency Shelters
- Co-ordinate activities of voluntary organisations
- International tracing
- Assist in search and rescue
- Education water and sanitation
- Liaise with health services re: health issues/risks following disasters
- Psychological support and counselling."²³

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

²⁰ <http://laws.gov.gd>

²¹ <http://laws.gov.gd>

²² <http://laws.gov.gd>

²³ National Plan, p 31.

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. The RC has specific responsibilities under the National Disaster 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.

All air and seaports are closed to incoming flights and ships and no person may disembark, except with the prior permission of the Airports Authority and Ministry of Health. Cargo flights or ships, commercial courier flights, emergency medical flights, other emergency flights and flights carrying diplomats are exempt if permission has been granted by the Airports Authority and Ministry of Health.²⁴

A person who has travelled into Grenada after the 9 March 2020 must immediately place themselves in self-isolation and notify a police station in their parish. A person under self-isolation must “(a) install on all of his mobile devices as far as possible; and (b) for the duration of their surveillance, comply with the instructions of, the surveillance mobile application as pre-approved by the Ministry of Health.”²⁵ Any person who is aware that they have been in contact with any person who has travelled into Grenada on or after the 9 March 2020 shall immediately notify a police station in their parish. Any person who is exhibiting any flu-like symptoms shall immediately notify a police station and any person who has observed that any other person is exhibiting flu-like symptoms shall also notify the police. A person who is asked by any official of the Ministry of Health to submit themselves to any testing for COVID-19 shall submit to such testing and, if directed, must submit themselves to self-isolation or quarantine.²⁶

The provisions of the Standing Quarantine (Maritime) and Quarantine (Air) Regulations may also apply.

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)?

Possibly. Although there is no express exception for RC or humanitarian organisations, the list of essential workers includes an officer, staff, employee or director (although no reference is made to volunteers) of any hospital or health care, medical, residential care

²⁴ COVID-19 Regulations, reg. 10.

²⁵ COVID-19 Regulations, reg 16(2).

²⁶ COVID-19 Regulations, reg 16.

establishment or facility and private caregivers for the elderly or disabled, as authorised in writing by the Commissioner of Police acting on the direction of the Cabinet. It also includes officer, staff, employee or director of the NaDMA “or any person authorised by NadMA” and, potentially an officer or category of officers or workers approved in writing by the Commissioner of Police acting on the direction of the Cabinet.²⁷

Consequently, although no express provision has been made, exceptions may be allowed with the permission of NaDMA or the Commissioner of Police.

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 appears to still be placed on pre-existing measures and arrangements which appear to be principally contained in the Customs (Control and Management) Act and other customs legislation.²⁸

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 essential workers in the COVID-19 Regulations may apply, although it is noted that volunteers appear not to be included.²⁹

Doctor’s offices, dentist’s offices, optician’s offices, hospitals, medical facilities and pharmacies and medical supply establishments; and manufacturers and suppliers of personal protective equipment and hand sanitisation products are expressly exempted from the business closure provisions and there is discretion for other businesses or undertakings to be specifically exempted in writing by the Commissioner of Police acting on the direction of the Cabinet.³⁰

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.

One provision not seen by this reviewer previously is the requirement for a person under self-isolation to install a Ministry of Health app – see reg 16(6) of the COVID-19 Regulations.

²⁷ COVID-19 Regulations, reg 7(2).

²⁸ <http://laws.gov.gd>

²⁹ COVID-19 Regulations, reg 7(2).

³⁰ COVID-19 Regulations, reg 5.

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. This presumably will be covered by the pre-existing arrangements and customs legislation. There appears to be no specific prohibition on exportation of PPE but this will need to be checked with Grenada authorities.

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