



WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: Haiti

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- **Questions to be answered by close of business Friday, 24 April are listed below.**
- **Please be sure to include English translations of relevant text where possible.**

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

There is a great deal of coordination between the Haitian government, particularly the Ministry of Public Health and Population (MSPP). Haiti's overall health care system is extremely reliant on private actors, including foreign assistance and NGOs. As of 2013, 64 percent of Haiti's health budget¹ derived from international assistance. In many parts of the country, access to health care is only provided by non-state actors. Due to the extreme poverty in Haiti and lack of a strong healthcare system, non-state actors are crucial to providing healthcare to Haitians under normal circumstances.

The MSPP released a preparation and response plan to address COVID-19 ("MSPP Plan") on March 10, 2020.² The MSPP Plan acknowledges that participation of non-state actors, including international and national NGOs, are of great importance in successfully implementing the measures set forth in the plan.³ The MSPP Plan also contemplates coordination between the Haitian government and NGOs to maintain a coherent communication mechanism to disseminate information regarding COVID-19.⁴

One example of ongoing non-state coordination is the Pan American Health Organization's (PAHO) efforts to support Haiti in combating COVID-19. The PAHO

¹ The Haitian Times, *Coronavirus Exposes Precarious Living Conditions in Haiti* (March 26, 2020).

² RÉPUBLIQUE D'HAÏTI MINISTÈRE DE LA SANTÉ PUBLIQUE ET DE LA POPULATION (MSPP), PLAN DE PREPARATION ET DE REPOSE DU MSPP AU CORONAVIRUS, available at <https://mspp.gouv.ht/site/downloads/Plan%20de%20Pr%C3%A9paration%20et%20de%20R%C3%A9ponse%20du%20MSPP%20au%20CoronaVirus.pdf>.

³ *Ibid*, at Section 8.

⁴ *Ibid*, at Section 3.II(e).

delegation provided Haiti's Ministry of Health with 500 COVID-19 test kits as well as training in diagnosis and detection of the disease for Haitian healthcare workers.⁵

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

As noted above in our response to Question 1, coordination with international and national NGOs is specifically contemplated in the MSPP Plan, particularly in respect of maintaining coherent communication mechanism to disseminate information regarding COVID-19. RC is not explicitly referenced in the MSPP Plan, but it can be expected that RC is included in the NGOs.

We understand that the Haitian Red Cross (HRC) has been conducting ongoing activities in Haiti in respect of COVID-19, including:⁶

- established a direct line of contact between President Moïse and the MSPP;
- created a working group/task force to enhance monitoring and preparedness; and
- coordination with the Dominican Republic Red Cross, including creating a humanitarian corridor to improve the procurement of items in the Dominican Republic.

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?

Haiti has closed all its land, air and sea ports of entry and exit, as well as suspended commercial passenger flights until at least May 19, 2020.⁷ Transportation of merchandise, and the captains and pilots of cargo vessels/planes are not restricted.⁸ Trucks will be able to cross from the Dominican Republic, subject to increased security measures and health screenings.⁹

The MSPP Plan implements quarantine measures for persons entering Haiti, which includes home quarantine for 14 days.¹⁰

⁵ Pan American Health Organization, *PAHO and Prime Minister of Haiti work together to strengthen health system preparedness for COVID-19*, (March 27, 2020).

⁶ IFRC, *COVID-19 Outbreak Operational Update #9* (April 2, 2020).

⁷ WorldAware, *COVID-19 Alert: Haiti Extends Movement Restrictions, Curfew and Port Closures Through May 19* (April 21, 2020).

⁸ U.S. Embassy in Haiti, *COVID-19 Information* (2020).

⁹ WorldAware, *COVID-19 Alert: Haiti Extends Movement Restrictions, Curfew and Port Closures Through May 19* (April 21, 2020).

¹⁰ RÉPUBLIQUE D'HAÏTI MINISTÈRE DE LA SANTÉ PUBLIQUE ET DE LA POPULATION (MSPP), *PLAN DE PREPARATION ET DE REPONSE DU MSPP AU CORONAVIRUS*, Section 3.6, available at <https://mspp.gouv.ht/site/downloads/Plan%20de%20Pr%C3%A9paration%20et%20de%20R%C3%A9ponse%20du%20MSPP%20au%20CoronaVirus.pdf>.

Many Haitians have returned to the country from nearby Dominican Republic in the past few weeks as the Prime Minister and government look to reopen.¹¹ Haiti is also permitting entry of Haitians abroad provided certain conditions are met, including recent proof of testing negative for COVID-19. Entrants must self-quarantine for 14 days at one of two Port-au-Prince hotels designated by the government.¹²

There does not appear to be any exceptions to travel restrictions that pertain specifically to the movement of Red Cross staff or volunteers or other humanitarian relief teams. It is not clear whether such personnel could enter Haiti under the cargo transport exception if accompanying importation of aid supplies.

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)?

At the time of writing, Haiti has implemented a number of restrictions on movement:¹³

- A curfew is in place from 8pm to 5am each day, currently effective through at least May 19. Citizens are to stay limited to essential movements only outside of curfew hours.
- All inter-municipal public transport along National Route 2, between Port-au-Prince and Les Cayes is suspended.
- Public transport in and out of the Sud and Grand'Anse regions have been banned.
- Schools, universities, some factories, and places of worship are closed until further notice.
- Gatherings larger than 10 people have been banned.

There is municipal guidance that further supplement the above described measures, including:¹⁴

- Limitations on number of passengers per vehicle;
- Requirement to wear masks;
- Reduced operating hours for public markets; and
- Sanctions, including fines and possible arrests, for violations of such measures.

At the time of writing, there does not appear to be any exceptions to these restrictions on movement for RC/humanitarian organizations to access vulnerable populations for purposes of administering aid. Some NGOs have reported that their operations were

¹¹ The New York Times, Covid-19 Trickles Into Haiti: 'This Monster Is Coming Our Way'. (April 22, 2020).

¹² Miami Herald, Why Haitian nationals have a tougher time returning home than deportees from the U.S. (April 22, 2020).

¹³ WorldAware, COVID-19 Alert: Haiti Extends Movement Restrictions, Curfew and Port Closures Through May 19 (April 21, 2020).

¹⁴ Haiti Libre, Haiti - Jacmel: Reinforced measures and strong sanctions in the fight against Covid-19 (April 10, 2020); Haiti Libre, Haiti - Covid-19: The Town Hall of Cap-Haitien announces a series of restrictive measures (April 11, 2020).

affected by restrictions of movement; efforts are purportedly underway to establish “laissez passer” protocols to enable movement of humanitarian staff.¹⁵

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?

It is not clear whether there are any special legal facilities or exemptions in place for the importation of medical aid or other relief items or personnel to address COVID-19.

It may be helpful to note that Haiti is receiving ongoing aid to combat COVID-19 from many NGO partners including, among others, the United Nations, PAHO, WHO, and UNICEF in the form of medical supplies, funds, personnel training and public education efforts.¹⁶

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?

At the time of writing, there does not appear to be any exemptions to restrictions on business operations and opening hours for RC or other humanitarian organizations.

As noted in our response to question 4 above, some NGOs have reported that their operations were affected by restrictions of movement, though efforts are purportedly underway to establish protocols to enable movement of humanitarian staff.

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

The Haitian government enacted a state of emergency order on March 20, 2020.¹⁷ Under this order, certain sectors have been placed under specific restrictions.¹⁸

Schools; Industrial Parks; Places of Worship – as noted above, the Presidential Order sets out that all schools, industrial parks, factories and places of worship will remain closed until further notice.¹⁹ It is worth noting that on April 15, 2020 Haiti’s Prime Minister announced that the country’s textile factories would re-open at reduced capacity.²⁰

Health Workers - under the Presidential Order, the Haitian government is required to provide hospitals with masks, gloves, medicines, fluids and all other necessary medical

¹⁵ OCHA, Haiti – Covid-19 Flash Update No 4 As of 14 April 2020, available at https://reliefweb.int/sites/reliefweb.int/files/resources/20200414_-_flash_update_no._4_covid-19_-_ocha_haiti_-_en.pdf.

¹⁶ *Ibid.*

¹⁷ Haiti Libre, *President Moise declares a state of health emergency* (March 20, 2020).

¹⁸ Miami Herald, *Haiti confirms coronavirus in country, closes airport to all commercial flights* (2020).

¹⁹ U.S. Embassy in Haiti, *COVID-19 Information* (2020).

²⁰ Miami Herald, *Haiti declared early victory over coronavirus, plans to reopen factories* (April 15, 2020).

supplies.²¹ All hospitals and private clinics are required to provide isolation services to the State as required.²²

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

No specific restrictions have been adopted or put in place that ban the export of protective medical equipment. Many of the factories that have re-opened manufacture textiles (including scrubs and face masks) for American companies.²³ There has been conversation around requiring that a certain percentage of produced protective medical equipment remain in Haiti, however a specific quota has not been put in place at this time.²⁴

²¹ *Supra* at 1.

²² *Ibid.*

²³ Miami Herald, *Haiti is making face masks, medical garments to fight the coronavirus and save jobs* (March 30, 2020).

²⁴ *Ibid.*