

IFRC Review of Emergency Decrees: SAINT LUCIA**AS AT 22 APRIL 2020****Overview**

The St Lucia Government has created a COVID-19 Dashboard containing information on the pandemic and St Lucia's response: <https://www.covid19response.lc>. This dashboard contains reference to some legislation made as part of this response. Other legislation has been found by various searches, but no central website containing St Lucia's COVID-19 measures or St Lucia's legislation generally could be found. 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with some caution as it may not have identified all relevant legislation and some of the regulations found may now be out of date.

A proclamation of a state of emergency was made under section 17(6) of the Constitution of St Lucia on 23 March 2020.¹ On 21 and 22 April, St Lucia's Parliament was due to consider a motion extending the state of emergency until 31st May.²

The state of emergency enables orders to be made under the Emergency Powers (Disasters) Act 1995.³ This permits the Minister to make Orders securing the essentials of life to the community and for the preservation of the health, welfare and safety of the public, including requisitioning transport and communications; requisitioning and regulating the supply and distribution of food, clothing, water, fuel, light and other necessities of life and for fixing maximum wholesale and retail prices; and the disposal of the dead.⁴

It appears that under the Emergency Powers (Disaster) Act, a number of orders have been made establishing a curfew and imposing restrictions on business and movement. The latest Order that could be found was the Emergency Powers (Disasters) (COVID-19) (Curfew) (No. 5) Order 2020 ('the Curfew Order') which imposes a curfew from 7pm to 5am until 26 April 2020.⁵ The Curfew Order also prescribes what services (public and private) may remain open generally⁶ and the essential services that may operate during the curfew.⁷ Physical distancing protocols are put in place⁸ and a person must remain in their place of residence, except when performing prescribed or essential services.⁹ All educational institutions remain closed¹⁰ and there are restrictions on gatherings and social activities.¹¹

¹ <http://www.govt.lc/media.govt.lc/www/resources/legislation/ConstitutionOfSaintLucia.pdf>

² <https://www.stlucianewsonline.com/parliament-sittings/>

³ http://nemo.gov.lc/Portals/0/Documents/National_Plan/5of95.pdf?ver=2017-09-15-161118-000

⁴ Emergency Powers (Disasters) Act, s 3.

⁵ <https://www.covid19response.lc/blogs/statutory-instrument-56-of-2020>

⁶ Curfew Order, ss 4 and 5 and Schs 1 and 2.

⁷ Curfew Order, s 6.

⁸ Curfew Order, s 7.

⁹ Curfew Order, s 8.

¹⁰ Curfew Order, s 9.

¹¹ Curfew Order, s 10.

All air and sea ports are closed to incoming flights and ships and no person may disembark, except with the prior permission of the competent authorities. Cargo flights or ships, commercial courier flights, emergency medical flights and other approved emergency flights are exempt from this prohibition.¹² Road traffic is prohibited (except with written permission of the Director of the National Emergency Management Organisation ('NEMO'), as are visits to persons in isolation. Licences for selling liquor are suspended.¹³ Face masks must be worn in public.¹⁴

The Curfew Order refers to an Emergency Powers (Disasters) (COVID-19) Order¹⁵ but that could not be located online. From press reports this latter Order provides power to declare an area place or building a quarantine facility and for the Chief Medical Officer to detain someone believed to be infected or contaminated with coronavirus.¹⁶ There are also reports that, presumably under this measure, travel restrictions on non-nationals with a travel history in particular countries were put in place and any Saint Lucian national returning to Saint Lucia with a travel history to any of the specified countries would be quarantined for 14 days.¹⁷

St Lucia has a standing Disaster Management Act 2006 ('DMA')¹⁸ which makes provision for national disaster preparedness and response.¹⁹ The DMA establishes NEMO and a National Emergency Management Advisory Committee (NEMAC). The Director -General of the St Lucia Red Cross is named as a member of NEMO.²⁰ NEMAC comprises (a) a number of Ministries, including the Ministry for Public Health, and (b) other persons or organisations who volunteer or who are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters.²¹

NEMO is responsible for the preparation of the St Lucia National Disaster and Emergency Response Plan.²²

Press reports suggest²³ that there may be a National Preparedness and Response Plan for COVID-19 for which the Department of Health and Wellness is responsible, but the Plan could not be located online.

¹² Curfew Order, s 11.

¹³ Curfew Order, ss 12 to 14.

¹⁴ Curfew Order, s 15.

¹⁵ See Curfew Order, s 2(2).

¹⁶ St Lucia News, 25 March 2020, <https://www.stlucianewsonline.com/parliament-approves-emergency-powers-disaster-covid-19-order/>

¹⁷ <https://www.stlucianewsonline.com/statement-from-saint-lucia-on-covid-19/>

¹⁸ http://nemo.gov.lc/Portals/0/Documents/National_Plan/30of2006.pdf?ver=2017-09-15-161118-000

¹⁹ http://nemo.gov.lc/Portals/0/Documents/National_Plan/30of2006.pdf?ver=2017-09-15-161118-000

²⁰ DMA, s 3 and Fourth Schedule.

²¹ DMA. s 8.

²² http://nemo.gov.lc/Portals/0/Documents/National_Plan/CDMStrategy.pdf?ver=2017-09-15-161120-000

²³ See <https://www.stlucianewsonline.com/statement-from-saint-lucia-on-covid-19/>

St Lucia 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?

There is no reference to coordination in the emergency measures.

Instead, it is assumed that reliance will be placed on the arrangements under the standing DMA.

The Director of NEMO, in consultation with NEMAC, must prepare a National Emergency and Disaster Response Plan.²⁴ The Plan should include procedures related to preparedness for, mitigation of, response to and recovery from emergencies and disasters by public authorities and persons or organizations who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters. The Plan should also cover procedures for accepting and facilitating the distribution of volunteer services and relief supplies.²⁵

A further function of NEMO is to 'liaise with persons and organisations within and outside St Lucia for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government ...relating to the prevention and mitigation of, preparedness for, response to, and recovery from, disasters and emergencies.'²⁶

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

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 RC in particular under the DMA and standing arrangements (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. However, there are more general exemptions to the prohibitions on international flights and ships arriving in St Lucia. For example, cargo flights or ships, commercial courier flights, emergency medical flights and

²⁴ DMA, s 11(1).

²⁵ DMA, s 11(3).

²⁶ DMA, s.5(3)(h).

other approved emergency flights are exempt from the prohibition.²⁷ There also appears to be, in principle, discretion for the St Lucia Government to permit other flights and ships to land.²⁸

There may be quarantine restrictions in the Emergency Powers (Disasters) (COVID-19) Order, but as noted, that Order could not be located online.

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)?

Potentially yes. Again, although there is no express exception for RC or humanitarian organisations, health care workers are permitted to move and operate during the curfew. Hospitals, clinics, doctors' offices/ clinics, online health services, hospital pharmacies, dialysis centres and caregivers (home or community) may operate fully during the emergency; private pharmacies and medical shops may operate a 'minimal service' (i.e. only during times specified by the authorities).²⁹ Whether operating full or minimal services these are classed as essential services and are permitted to operate during the curfew (although it appears that written permission is still required). An essential service should be issued with a pass by the Director of NEMO and must still comply with physical distancing protocols.³⁰

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) Act³¹ and other customs legislation which can be found at <https://customs.gov.lc/customs-core-legislation.php>. There is also an External Trades Act which, with regulations made under it, appears to set out the restrictions and prohibitions on imports and exports, although there appear to be no restrictions (or exemptions) for relief aid etc.³²

Under section 39 of the Health Practitioners Act (Chap 16.11)³³ during a state of emergency, the Governor General, acting on the advice of the Chief Medical Officer, may authorize a person to practice as a General Practitioner, Specialist Practitioner or Temporary Practitioner and issue a practicing certificate to a person if satisfied the person is of good

²⁷ Curfew Order, s 11(2).

²⁸ Curfew Order, s 11(1).

²⁹ Curfew Order, s 4 and Sch 1.

³⁰ Curfew Order, s 6.

³¹ <https://customs.gov.lc/legislation/customs-core-legislation/customs-control-and-management-act-cap.15.05.pdf>

³² <https://customs.gov.lc/legislation/customs-core-legislation/external-trade-act-cap.13.11.pdf>

³³ Extract at http://nemo.gov.lc/Portals/0/Documents/National_Plan/legal_other.pdf?ver=2017-09-15-161122-000

character and holds a qualification from any university or other institution in any other country.

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 are classed as essential services include hospitals, clinics, doctors' offices/ clinics, online health services, hospital pharmacies, dialysis centres and caregivers (home or community).³⁴

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 legislation outlined in Q5. There appears to be no specific prohibition on exportation of PPE but this will need to be checked with St Lucia's authorities and there is power for the Minister to add specific items to the list of prohibited exports by order.³⁵

**Simon Whitbourn
Knightwood Legal**

22 April 2020

³⁴ Curfew Order, s 6 and Sch 1.

³⁵ Customs (Control and Management) Act, s 41.