



Prepared by: British Red Cross

## SAO TOME E PRÍNCIPE

### Overview of emergency legislation adopted in response to COVID-19

#### **Cut-off date for the research**

The material analysed has been gathered until 7 April 2020. The analysis is comprehensive up to that point in time.

#### **Note on the sources**

As the website of the Government of São Tomé e Príncipe was not accessible at the time of the research, the majority of the information gathered and included in the present document was collected through its social media accounts, Facebook in particular.

#### **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 mention of coordination between state and non-state actors in tackling the Covid-19 pandemic was found in any of the documents analysed.

##### ***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 was found in any of the documents analysed.

Regarding other humanitarian actors, two of the documents analysed mention the role of the WHO in the provision of medical and humanitarian aid. In particular, in one document dated

1 April 2020 the Government informed its citizens that a DHL aircraft had landed in the country bringing various materials and goods provided by the World Health Organization to tackle the Covid-19 pandemic.<sup>1</sup> The second document mentioning the WHO is a communiqué of the Council of Ministers of 6 April 2020 describing the additional measures adopted by the Government in the fight against Covid-19 following the report of the first four confirmed cases in the country.<sup>2</sup> Among the measures, the communiqué lists the “acceleration of contacts with WHO for the urgent sending of the promised screening laboratory for COVID-19 and field hospital”.<sup>3</sup>

It should be however noted that this is not the only help received by the country to tackle the Covid-19 pandemic. Humanitarian aid was also received on 25 March from the Ali-Baba Foundation, owned by the Chinese billionaire Jack Ma<sup>4</sup>, through the African Union<sup>5</sup>, while on 26 March a press release informed that China had donated medical equipment and material, including ventilators, medicines, heart defibrillators, surgical instruments, gloves and masks.<sup>6</sup>

These documents seem therefore to suggest a willingness on the part of the Government to accept the support of NGOs and other actors to effectively respond to the Covid-19 pandemic.

***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?***

The Government of São Tomé e Príncipe has imposed restrictions on movement to and from the country, with the limited exceptions described below.

The first of these limitations came into effect on 4 March 2020, when the Council of Ministers suspended all travels by public officials to countries affected by the Covid-19 epidemic, and discouraged the population at large from travelling to these countries.<sup>7</sup> Moreover, on the same day it was agreed that passengers coming from these countries would be subjected to restrictive control measures upon return to São Tomé e Príncipe, which could take the form of isolation or quarantine.<sup>8</sup>

On 17 March, after the proclamation of the State of Emergency by the President of the Republic<sup>9</sup>, the Government adopted new measures limiting the entrance in the country with effect from 19 March. These include the prohibition for foreign nationals to enter São Tomé e Príncipe, and the compulsory home quarantine of nationals and foreign residents returning to

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<sup>1</sup> Government of São Tomé e Príncipe, “Aid from WHO is already in the country”, 1 April 2020.

<sup>2</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>3</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>4</sup> Government of São Tomé e Príncipe, “Chinese billionaire’s help to fight Covid-19 arrives in the country this afternoon”, 25 March 2020.

<sup>5</sup> Council of Ministers, Communiqué, 25 March 2020.

<sup>6</sup> Ministry of Health, Press Release, “COVID-19 Equipment – Chinese Donation to STP”, 26 March 2020.

<sup>7</sup> Presidency of the Council of Ministers, Resolution No. 06/2020, 4 March 2020, Articles 1(1) and 2(1).

<sup>8</sup> Presidency of the Council of Ministers, Resolution No. 06/2020, 4 March 2020, Article 2(2).

<sup>9</sup> President of the Republic, Presidential Decree No. 3/2020, 17 March 2020, Art. 1.

the country.<sup>10</sup> Moreover, charter flights have been forbidden to land and cruise ships to berth.<sup>11</sup> Exceptions to these measures have however been provided. A first exception is for technical and governmental missions, which can be allowed by the Government to enter the country provided that their members have taken the Covid-19 screening test at the airport of origin.<sup>12</sup> Secondly, the prohibition does not apply to cargo vessels (whose crews and passengers are however forbidden to disembark) and the provision of urgent hospital material and supplies remains ensured through special charter flights in the absence of commercial flights.<sup>13</sup>

The closure of the national airspace from 21 March was decided with a communiqué on 20 March 2020.<sup>14</sup> A humanitarian flight was however authorized on 25 March 2020 to evacuate the European citizens that were held in Sao Tome after the Government's decision to close Sao Tomean airspace.<sup>15</sup> As described under question 2, flights bringing humanitarian relief and medical equipment have also been subsequently authorized to land.

No specific exception for humanitarian relief personnel is therefore provided. It however appears clear from the above that the limitations to entry in the country do not affect the transport of goods, including humanitarian and medical aid.

***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)?***

As described under question 3, all nationals and residents returned to São Tomé e Príncipe are subjected to restrictive control measures in the form of isolation or home quarantine.<sup>16</sup> No exceptions to this have been provided. The Government also provided on its official Facebook page a clarification on the meaning of isolation and quarantine, stating that every person testing positive for Covid-19 must stay in isolation, while persons in contact with positive cases but without symptoms are required to self-quarantine.<sup>17</sup>

On 6 April 2020 additional limitations to the movement inside the country were imposed. In particular, the Council of Ministers decided to suspend, from 8 April, all maritime and air links between the islands of São Tomé and Príncipe, except for health emergency situations duly authorized by the Prime Minister.<sup>18</sup> The limitation, which had been previously ruled out<sup>19</sup>, was introduced after the first four cases of Covid-19 were confirmed in the country.<sup>20</sup> No exception other than the abovementioned health emergency situations has been provided for this measure.

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<sup>10</sup> Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.

<sup>11</sup> Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.

<sup>12</sup> Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.

<sup>13</sup> Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.

<sup>14</sup> Government of São Tomé e Príncipe, Government Communiqué, 20 March 2020.

<sup>15</sup> Council of Ministers, Communiqué, 25 March 2020.

<sup>16</sup> Presidency of the Council of Ministers, Resolution No. 06/2020, 4 March 2020, Article 2(2).

<sup>17</sup> See image on the Facebook page of the Government of São Tomé e Príncipe.

<sup>18</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>19</sup> Council of Ministers, Communiqué, 25 March 2020.

<sup>20</sup> Council of Ministers, Communiqué, 6 April 2020.

**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 or relief aid. The Government of São Tomé e Príncipe has however adopted measures to ensure the availability of medical goods and equipment to tackle the Covid-19 pandemic.

Firstly, on 17 March, after the proclamation of the State of Emergency by the President of the Republic<sup>21</sup>, the Government adopted new measures strongly limiting entrance in the country with effect from 19 March. The prohibition of entrance however is not applicable to cargo vessels nor to the provision of urgent hospital material and supplies, to be ensured by special charter flights in the absence of commercial flights.<sup>22</sup> As described under question 2, flights bringing humanitarian relief and medical equipment have also been subsequently authorized to land despite the closure of the national airspace from 21 March.<sup>23</sup>

Secondly, the provision by external actors of humanitarian relief and medical aid with the authorization of the Government has been mentioned in different documents. For instance, on 26 March a press release informed that China had donated medical equipment and material, including ventilators, medicines, heart defibrillators, surgical instruments, gloves and masks.<sup>24</sup>

Finally, a communiqué of the Council of Ministers of 6 April 2020 describing the measures adopted by the Government in the fight against Covid-19 following the report of the first four confirmed cases in the country includes, *inter alia*, the “reinforcement of the stock of medicines, goods and reagents for the fight against COVID-19” and the “acceleration of the process of purchase of ventilators and other materials necessary to combat Covid-19”.<sup>25</sup> As previously mentioned, the communiqué also provides for the “acceleration of contacts with WHO for the urgent sending of the promised screening laboratory for COVID-19 and field hospital”.<sup>26</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?**

No mention of the Red Cross or other humanitarian organization as essential or emergency services for the purposes of exemptions to restrictions on business operations and opening hours was found in any of the documents analysed. Restrictions of this kind have been put in place by the Government, and are described below.

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<sup>21</sup> President of the Republic, Presidential Decree No. 3/2020, 17 March 2020, Art. 1.

<sup>22</sup> Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.

<sup>23</sup> Government of São Tomé e Príncipe, Government Communiqué, 20 March 2020.

<sup>24</sup> Ministry of Health, Press Release, “COVID-19 Equipment – Chinese Donation to STP”, 26 March 2020.

<sup>25</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>26</sup> Council of Ministers, Communiqué, 6 April 2020.

On 2 April 2020 the Government announced the willingness to adopt restrictive measures for activities and businesses, including the adoption of standard limited opening hours for commercial activities and the reduction of passengers on public transport.<sup>27</sup>

Restrictive measures were finally adopted on 6 April 2020, following the report of the first four confirmed cases of Covid-19 in the country, to come into effect from 8 April 2020.<sup>28</sup> The measures adopted include the setting of unified opening hours for public offices (7:30 am to 1 pm), the reduction of the number of non-essential public service employees, the setting of unified opening hours for commercial stores and supermarkets (8:30 am to 5 pm) and the time limit of 4 pm for the operation of municipal and district markets coupled with the prohibition to sell on the sidewalks.<sup>29</sup>

Other measures adopted and applicable to the workplace are the prohibition of meetings and gatherings with more than 10 people, the obligation to respect the sanitary distance of 2 meters, the use of masks by employees and the availability of sinks or alcohol for the disinfection of customers and users in all institutions, public or private, providing services to the public.<sup>30</sup>

### ***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 São Tomé e Príncipe to tackle the Covid-19 pandemic are:

- a) The closure from 20 March 2020 of all public and private schools in the country;<sup>31</sup>
- b) The banning of all public gatherings of a cultural, recreational, religious, and entertainment nature, as well as all clubs, open-air dances and popular festivities;<sup>32</sup>
- c) The stop to the issuing of diplomatic passports to State agents except in emergency situations with the approval of the Prime Minister;<sup>33</sup>
- d) The indefinite banning of the import and entry of used clothes to the country;<sup>34</sup>
- e) The insurance of the stocks of fuels and food;<sup>35</sup>
- f) The provision by the Ministry of Health of a training and awareness-raising course of the police forces and the general public;<sup>36</sup>

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<sup>27</sup> Government of São Tomé e Príncipe, “Government prepares a reduction of passengers on public transport and new opening hours for commercial activities”, 2 April 2020.

<sup>28</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>29</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>30</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>31</sup> Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.

<sup>32</sup> Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.

<sup>33</sup> Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.

<sup>34</sup> Council of Ministers, Communiqué, 25 March 2020.

<sup>35</sup> Council of Ministers, Communiqué, 25 March 2020.

<sup>36</sup> São Tomé e Príncipe National Police, “Prevention against Covid-19“, 3 April 2020.

- g) The prohibition of gatherings in public spaces or spaces open to the public;<sup>37</sup>
- h) The closure from 8 April 2020 of all restaurants, bars, cafes, pastry shops and food vans, except those with home delivery services;<sup>38</sup>
- i) The limitation of the occupancy of passenger seats, in taxis and private vehicles, up to half the legal capacity of the vehicles;<sup>39</sup>
- j) The prohibition of meetings and gatherings with more than 10 people;<sup>40</sup>
- k) The suspension of all visits to patients in hospitals and other health centres, elderly care homes and penitentiaries.<sup>41</sup>

***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\***

- Presidency of the Council of Ministers, Resolution No. 06/2020, 4 March 2020, available at <http://www.consolatosaotome.it/notizie-su-covid-19/>.
- President of the Republic, Presidential Decree No. 3/2020, 17 March 2020, available at <http://www.consolatosaotome.it/notizie-su-covid-19/>.
- Government of São Tomé e Príncipe, Government Communiqué, 17 March 2020.
- Government of São Tomé e Príncipe, Government Communiqué, 20 March 2020.
- Government of São Tomé e Príncipe, “Chinese billionaire’s help to fight Covid-19 arrives in the country this afternoon”, 25 March 2020.
- Council of Ministers, Communiqué, 25 March 2020.
- Ministry of Health, Press Release, “COVID-19 Equipment – Chinese Donation to STP”, 26 March 2020, available at <http://covid.ms.gov.st/noticia.php#>.
- Government of São Tomé e Príncipe, “Aid from WHO is already in the country”, 1 April 2020.
- Government of São Tomé e Príncipe, “Government prepares a reduction of passengers on public transport and new opening hours for commercial activities”, 2 April 2020.

<sup>37</sup> São Tomé e Príncipe National Police, “Prevention against Covid-19“, 3 April 2020.

<sup>38</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>39</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>40</sup> Council of Ministers, Communiqué, 6 April 2020.

<sup>41</sup> Council of Ministers, Communiqué, 6 April 2020.

- São Tomé e Príncipe National Police, “Prevention against Covid-19“, 3 April 2020, available at [https://www.facebook.com/PNstp/?ref=py\\_c](https://www.facebook.com/PNstp/?ref=py_c).
- Council of Ministers, Communiqué, 6 April 2020, available at <http://covid.ms.gov.st/docs/ComunicadoCM6.04.pdf>.

\*Unless otherwise indicated, all documents were found on the official Facebook page of the Government of São Tomé e Príncipe (<https://www.facebook.com/governostp/>).