



WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: Trinidad and Tobago

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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?

The Government of Trinidad and Tobago appears to be developing certain elements of its response to the COVID-19 pandemic in coordination with non-state actors.

For example, with the support of a corporate donor, the Government was able to order key medical equipment (a PCR testing machine) and arrange for a technician to be privately flown into the country. This measure has expanded the country's testing capacity.¹

Further, private corporations have been providing free meals and free phone credit to front line healthcare workers.²

The Ministry of Finance has been working with private sector financial organisations to implement measures in support of individuals and businesses that have been negatively affected by the COVID-19 pandemic. Most of the banks in Trinidad and Tobago have instituted repayment deferral periods of up to six months and have agreed to waive penalties on overdraft facilities. Furthermore, these banks have agreed to extend overdraft facilities on a case-by-case basis and to reduce interest rates on credit cards. (See the response to question 7 below for details on further measures implemented.)³

The Ministry of Education has developed an online educational platform to allow students at all levels to continue their education remotely during the period of school closure. The Ministry has partnered with non-state stakeholders (such as the Catholic Board of Education and UNICEF) to ensure that students who do not have access to the internet or do not have access to electronic devices can have a means through which to access the Ministry's online learning platform.⁴ The Ministry of Public Administration is in discussions with third-party providers (including two of the main telecommunications providers) to create

¹ "Additional Support Measures to Alleviate the Effects of the COVID-19 Pandemic", finance.gov.tt, published on 24 March 2020, <<https://www.finance.gov.tt/2020/03/24/update-additional-support-measures-to-alleviate-the-effects-of-the-covid-19-pandemic/>> accessed 23 April 2020. See briefing from the Minister of Health at approx. 19:45 to 22:02.

² Ibid. See briefing from the Minister of Health at approx. 23:30 to 24:30.

³ Ibid. See briefing from the Minister of Finance at approx. 52:00 to 58:20 (Minister of Finance).

⁴ "Ministry of Education Virtual Media Conference – Tuesday April 14th 2020", TTT Live Online, published on 14 April 2020, <https://www.youtube.com/watch?v=QRTKIYWEWWc&list=PL4miAH8rcLbJ3EnSimYq_ZsXVe0Po8xMr&index=8> accessed 23 April 2020. See response from Minister of State – Ministry of Education at approx. 15:26 and 19:00.

hotspots in geographical areas that currently do not have a strong WiFi connection and to ensure that these online learning resources can be accessed at reduced cost.⁵

The Prime Minister has established a “Road to Recovery” team to assist the Government in navigating the economic recovery. This committee, comprised of 22 members, includes activists, economists, business people, and members of civil society. In his opening address at the first meeting of the Road to Recovery team, the Prime Minister specified that economic recovery, in the immediate short term, will be driven by civil society and the private sector in addition to the Government. The Government intends to remove constraints to private sector activity, and envisages that civil society will “provide an effective conduit for the implementation of many Government-funded social programmes”. The Prime Minister further specified that non-governmental organisations can “enhance the Government’s execution capability and support the objective of keeping the country afloat in the recovery period”. Civil society is a key area of focus for economic recovery, and the Government will be evaluating the “[t]he readiness and health of this sector to be deployed”.⁶

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 does not appear to be express mention of the Red Cross (neither the Trinidad and Tobago Red Cross Society (TTRCS) nor the International Federation of the Red Cross (IFRC)) or humanitarian actors generally in the emergency decrees.

However, at a press conference on 14 April 2020, the Minister of State at the Ministry of Education mentioned that the Ministry has established a partnership with UNICEF to enhance accessibility of the Ministry’s online education platform. (See response to question 1 above.)

Further, Legal Notice No.76 enacted by the Minister of Health under section 105 and confirmed by the President under section 167 of the Public Health Ordinance sets out regulations relating to COVID-19. It is to have effect from 20 April 2020 until 30 April 2020, and it identifies certain persons that are exempt from restrictions on movement due to the nature of their work. The Red Cross may be considered to fall into subregulation 3(2)(t): “social workers, workers who provide social welfare support and non-governmental organisations that work with the socially disadvantaged and vulnerable”.⁷ (See responses to questions 4 and 6 below.)

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?

On 21 March 2020, the Government announced the indefinite closure of its borders to all international flights effective midnight 22 March 2020.⁸

Subregulation 6(1) of Legal Notice No. 76 upholds the closure of all air and sea ports, except in relation to air and sea cargo. There are no exceptions to the travel restrictions given Legal Notice No. 76.

⁵ Ibid. See response from Minister of State – Ministry of Education at approx. 30:45 to 31:45 and 42:40.

⁶ “Prime Minister Rowley Chairs First Road Map to Recovery Meeting – April 20, 2020”, Office of the Prime Minister, published on 20 April 2020 <https://www.opm.gov.tt/prime-minister-rowley-chairs-first-road-map-to-recovery-meeting-april-20-2020/> accessed 23 April 2020.

⁷ Legal Notice No. 76.

⁸ “Closure of Trinidad and Tobago Borders midnight March 22, 2020”, US Embassy Port of Spain published 21 March 2020 < <https://tt.usembassy.gov/health-alert-u-s-embassy-port-of-spain-trinidad-and-tobago-march-21-2020/> > accessed on 23 April 2020.

Whilst no specific reference to the TTRCS, IFRC or humanitarian aid was made, at a press conference on 21 March 2020, the Minister of National Security stated that cargo vessels bringing food and pharmaceuticals into the country would be allowed entry.⁹

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)?

Legal Notice No. 76 includes restrictions on public transport, public gatherings, and business operations. There is no specific reference to the TTRCS, the IFRC or humanitarian aid in the legal notice as an exception to these measures. The following relevant exemptions are listed:

- Private emergency ambulance services (subregulation 3(2)(i));
- Basic essential services concerning the provision of health and sanitation are also listed (subregulation 3(2)(l)(i),(vi));
- Health services including the provision of medical supplies and sanitary and hygiene products (subregulation 3(2)(o));
- Workers who provide social welfare support and non-governmental organisations that work with the socially disadvantaged and vulnerable (subregulation 3(2)(t)).

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?

There have been no specific measures put in place relating to medical aid, though as above, cargo vessels bringing pharmaceuticals are expected to be allowed into the country. No quarantine requirements have been announced.

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?

The TTRCS is not specified within regulations related to restrictions on business operations and opening hours, nor are humanitarian organisations. However according to TTRCS's website, their Disaster Management Department works alongside first responders such as the emergency health services, fire and rescue and the Municipal Corporations' Disaster Management Units.¹⁰ These organisations are categorised specifically amongst the legislation set out below and therefore it is assumed that the ongoing partnership would be covered.

Under section 3(1) of Legal Notice No. 76, measures are enacted to restrict business operations, placing restrictions on any person being in a work place unless their work place is associated with a service specified in subregulation (2).¹¹

Under subregulation (2)(g) the Office of Disaster Preparedness and the Tobago Emergency Management Agency are exempted from the restriction set out in section 3(1). Subregulation (2)(i) specifies that primary emergency services, namely State and private emergency ambulance services and all emergency call centres are also exempt.

⁹ "T&T's borders closed to all", Trinidad Express published 21 March 2020 <https://trinidadexpress.com/newsextra/t-t-s-borders-closed-to-all/article_5061e42c-6b8b-11ea-8328-3f8003c18b6f.html > accessed on 23 April 2020.

¹⁰ "Disaster Preparedness and Response", TTRCS, <<https://ttrcs.org/disaster-management/> > accessed on 20 April 2020.

¹¹ "Public Health [2019 Novel Coronavirus (2019-nCoV)] (NO.8) REGULATIONS 2020", gov.tt, published on 20 April 2020, <<http://laws.gov.tt/ttdll-web/revision/bylegalnotice>> accessed on 20 April 2020.

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

Financial and Economic support measures

On 18 March 2020, the Minister of Finance revealed a number of measures intended to support individuals and business affected by the COVID-9 pandemic.¹² The latest update on these measures were provided for at a press conference held on 23 March 2020.¹³ The following measures were announced:

- Trinidad and Tobago Mortgage Finance Company (TTMF) and Home Mortgage Bank (HMB) are proposing payment deferrals for up to three months and may extend to up to six months pending developments.
- The Housing Development Corporation (HDC) is looking at payment deferral on mortgages and rental payments for two months with possible extensions.
- The Ministry of Trade is in discussion with moneylenders such as Unicomer and Standards to arrange deferred payments and interest rate reductions for their members.
- A Liquidity Support Loan Programme is to be launched, the Government will provide \$100 million to the Credit Union movement to allow them to provide loans to their members at favourable interest rates with a long repayment period beginning after the situation normalises.
- The Government will provide \$50 million as part of a grant facility for Tobago hoteliers to upgrade their premises and will also supplement the THA's Enterprise Development Facility with up to an additional \$5 million.
- A salary relief grant was announcement providing temporarily unemployed individuals for a grant of up to \$1,500 for a three-month period.
- The Central Bank of Trinidad and Toabgo (CBTT) has reduced the reserve requirements for commercial banks from 17% to 14% allowing for more cash to become readily available to banks for lending rates to be decreased.
- The Government has asked banks to reduce the interest rate to 10% for any small businesses with credit card limits of \$25,000 and less.

Social assistance

The Ministry of Social Development and Family Services (MSDFS) in collaboration with the Ministry of Labour and Small Enterprise Development (MOLSED), have put in place varied measures to support affected persons who are citizens or permanent residents of Trinidad and Tobago.¹⁴

The Government has committed to provide the following financial assistance in the form of income support, food support and rental fee support to those who have been retrenched/ terminated or those experiencing reduced income for a period not exceeding three months.

The retrenchment/ termination and reduced income must have occurred on or after 1 March 2020 and the applicant must be retrenched/terminated or have experienced reduced income. Where the applicant has experienced reduced income, the reduced gross income (minus statutory deduction) of the family must not exceed \$10,000 per month. Only one person from each affected family can submit an application.

¹² "Financial and Economic Support Measures to be Put in Place in Response to COVID-19 Pandemic", Ministry of Finance, published on 18 March 2020, <<https://www.finance.gov.tt/2020/03/18/financial-and-economic-support-measures-to-be-put-in-place-by-the-ministry-of-finance-in-response-to-covid-19-pandemic/>> accessed 20 April 2020.

¹³ "Additional Support Measures to Alleviate the Effects of the COVID-19 Pandemic", finance.gov.tt, published on 24 March 2020, < <https://www.finance.gov.tt/2020/03/24/update-additional-support-measures-to-alleviate-the-effects-of-the-covid-19-pandemic/>> accessed 22 April 2020.

¹⁴ "COVID-19 Social Assistance", Ministry of Labour and Small Enterprise Development <<https://molsed.gov.tt/covid-19-social-assistance>> accessed 20 April 2020.

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

No restrictions have been adopted or put in place to ban the export of any protective medical equipment. The only measure related to protective medical equipment was announced 14 April 2020 when the National Insurance Property Development Company Limited, acting on behalf of the Government of the Republic of Trinidad and Tobago, solicited submissions from interested individuals, sole traders and firms for the local manufacturing and supply of cloth face masks to aid in the combating of the spread of COVID-19.¹⁵

¹⁵ "Invitation to Tender - Face Masks", Ministry of Finance, published on 14 April 2020, <<https://www.finance.gov.tt/2020/04/14/invitation-to-tender-face-masks/>> accessed 20 April 2020.