

COUNTRY NOTES ON COVID-19 RELATED EMERGENCY DECREES & THE RED CROSS

JAMAICA

DRAFT DATED: March 30, 2020

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SUMMARY

By using disaster risk management mechanisms coordinated through the National and Municipal Emergency Operations Centres, Jamaica has positioned the health sector-led response to COVID-19 as a multi-agency, public-private collaborative effort. The Jamaica Red Cross is likely to benefit from its inclusion in these disaster coordination structures, even though the regulatory and strategic documentation guiding the national response makes no explicit mention of the RC or other humanitarian actors. While the JRC is already involved in the humanitarian relief aspects of the country's COVID-19 response, it is likely to be hindered in future by the absence of clear legislative and planning measures that facilitate the movement of humanitarian relief personnel and goods while the country is invoking travel bans and other restrictions on freedom of movement. Detailed findings along with advocacy recommendations for addressing these gaps are given below.

FINDINGS

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

The Government of Jamaica has issued a Declaration of Disaster under the Disaster Risk Management Act, 2015. The declaration covers the entire island. This gives rise to a number of mechanisms under the Act, which governs the mechanisms for comprehensive disaster risk management and emergency operations. By using disaster and emergency management and response mechanisms as the regulatory foundation for its epidemic response, the GOJ has paved the way for the inclusion of a wide range of sectors, agencies and stakeholders.

The declaration of a disaster triggered the activation of the National Emergency Operations Centre¹. The NEOC typically involves representatives of state agencies along with private sector, humanitarian and civil society entities and the media. The NEOC is coordinated by the Office of Disaster Preparedness and Emergency Management, which retains strong collaborative ties with all state and non-state entities providing humanitarian and emergency response support, including the Jamaica Red Cross.

The disaster response machinery is supported at the policy level by the Disaster Risk Management Council, which is comprised of government and non-government organisations and includes, by law, the

¹See https://odpem.org.jm/odpem_in_the_media/full-activation-of-the-national-emergency-operations-centre-2/

President of the Red Cross and representatives from civil society, the private sector and the faith-based community².

In addition to these national coordination mechanisms, Parish Disaster Committees and Municipal Emergency Operations Centres have been activated to make preparations for the implementation of restrictions at the local authority level³. These Parish Committees will include state and non-state actors and typically include representation from the private sector, civil society and other local stakeholders.

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

The Disaster Risk Management Orders that are being used to respond to the COVID-19 epidemic do not themselves make reference to the role of the Red Cross or any other humanitarian actor. The President of the Jamaica Red Cross is a legally named member of the National Disaster Risk Management Council and the Red Cross is typically integrated into NEOC functions. The JRC is a standard partner of the GOJ in emergency response and relief initiatives and implements shared or collaborative relief distribution, supply management and reporting systems.

Under the COVID-19 response, the JRC has provided relief supplies including food and personal hygiene packs to communities under quarantine. The JRC is currently sourcing hand sanitizer to support the national effort.

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?

As of the 22nd of March, all of Jamaica's airports and seaports are closed to incoming travellers. Limited exemptions were put in place for Jamaicans *en route* to the country or those working overseas as crew members of airlines or ships. There are no stated exceptions for humanitarian teams, except that a blanket exemption allows the Chief Immigration Officer, with the approval of Cabinet, to permit any person or category of persons to enter the country during the period of restriction, provided they submit to a 14-day quarantine period and provide information that allows them to be traced. A person placed under quarantine may leave the country during the 14-day period, but only if they are free of COVID-19 symptoms.

Humanitarian teams may leave the country and there are minimum commercial flights daily to locations that still have incoming flights.

Ports have not closed to cargo ships, and restrictions on public gatherings above 10 persons do not currently apply to the loading and unloading of ships or the storage and delivery of goods through docks, wharves or warehouses. This suggests that humanitarian relief items will continue to be able to enter Jamaica.

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)?

² See Second Schedule to the Disaster Risk Management Act at https://japarliament.gov.jm/attachments/341_The%20Disater%20and%20Preparedness%20and%20Emergency%20Management%20Act,%202015%20No.1.pdf

³ See for example <https://jis.gov.jm/mayor-davis-activates-st-james-emergency-committee/>

Under the Disaster Risk Management Order issued on March 16th, a 7-day restriction was issued limiting public gatherings to twenty persons or less. This was later reduced to 10 persons or less. This restriction excluded health and sanitation services, as well as 'any service, activity or public gathering authorized to be carried on by the Medical Officer (Health)'. While the restriction (which was implemented as of March 18th) did not specifically exempt the JRC, its terms could facilitate the provision of humanitarian relief that falls within the definition of a health or sanitation service, or that is specifically authorized by the Medical Officer of Health to continue its operations.

In addition to the national restrictions, communities in Bull Bay St. Andrew and Corn Piece, Clarendon have been placed under quarantine, restricting the movement of persons in and out of those communities for a 14-day period.

In practice, the JRC has been providing care packages containing food and personal hygiene items to families in the quarantine. This is a service that has been provided by the JRC in the past to communities restricted by curfew. It is not clear to what extent the free movement of the JRC and its volunteers will be allowed in a national curfew or widespread quarantine scenario.

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 measures have been triggered providing waivers or exemptions for the importation of disaster relief goods in relation to the COVID-19 epidemic. This means that humanitarian organisations wishing to import relief items free of taxes, duties and fees will need to apply to the Ministry of Finance to grant a case by case waiver. The provision of such discretionary waivers have been restricted in the last few years through changes to government policy that resulted from IMF-imposed limitations on tax exemptions.

The Jamaica Red Cross enjoys tax free status by virtue of the provisions of the Jamaica Red Cross Act. However more recently, the National Society has been required to register as a charity and under charities law does not enjoy the same degree of comprehensive tax exemptions on the importation of goods. If importing relief items such as personal protective equipment, one option for the RC at this time would be to consign the goods to the Office of Disaster Preparedness and Emergency Management, which by law is exempt from the payment of taxes. Similar arrangements have become necessary in recent years as post-IMF restrictions have impacted the capacity of the Jamaica Red Cross to access tax waivers and exemptions.

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 JRC has not been categorized officially as essential or emergency services within the meaning of the restrictions on business hours and rights of assembly that are being imposed by the various orders under the Disaster Risk Management Act.

The JRC operates ambulances and *may* be able to use these services to continue in the conduct of its humanitarian functions. However, this and other aspects of the JRC's role are not explicitly identified in any current regulation or order.

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

a. Other important measures

- Quarantines were imposed in two communities in Bull Bay, St Andrew and one in Corn Piece, Clarendon.
- Schools have been closed until April 20th, 2020 and universities and colleges have migrated to virtual learning platforms, closing halls of residence.
- Events and gatherings of over 10 persons have been banned, and amusement licences revoked⁴.
- Special restrictions have been put in place for hairdressers, barbers and other personal care service providers. These limit clients inside the premises to two persons at a time.
- Sporting facilities and entertainment and cultural venues have been closed.
- Persons over 75 years old have been required to stay in doors, with one trip per day permitted for accessing food, medication and other essentials.
- Government departments and private employees have been requested to implement a work-from-home mandate for all non-essential staff who can execute their functions remotely. Persons over 65 have been required to work from home.
- Social distancing measures are being implemented.
- Limitations imposed on the number of persons who can travel in public passenger vehicles, including buses and taxis.

b. Measures with regard to “vulnerable” groups

- Infirmaries and homes for the aged are required to ban personal visits.
- Pensioners over the age of 75, who are now required to stay indoors, will benefit from relaxation of requirements for collecting their pensions.
- Meals are being distributed to children who were on school feeding programmes. This is being done through partnerships between the Ministry of Education, ODPEM, private sector manufacturers and restaurant chains and the Adventist Development and Relief Agency (ADRA), and represents a public-private partnership.⁵ Toys and educational materials are also being delivered to school-aged children as part of this scheme.
- Children’s homes have temporarily suspended visitation privileges, to limit potentially high risk contact between children and their extended family.

c. Medical measures

- Hospital visits have been limited to one person, once per day.
- Postponement or cancellation of elective procedures and other non-critical planned treatments in hospitals.

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

No such restrictions have been imposed at this time.

RECOMMENDATIONS

- The JRC should advocate for the explicit recognition of its role as an auxiliary to government and its current and potential future responsibilities in providing humanitarian relief during the COVID-19 pandemic.

⁴ See for example <https://jis.gov.jm/ksamc-revokes-64-amusement-licences/>

⁵ See https://odpem.org.jm/odpem_in_the_media/restaurants-odpem-govt-join-forces-to-feed-path-students/

- This recognition should explicitly categorize the JRC, its staff and volunteer teams as essential workers having the capacity to move into and out of communities limited by curfews, quarantines and other restrictions, for the purposes of providing humanitarian aid.
- Further, the RC (including the IFRC) should be accorded any necessary legal privileges and exemptions required to import humanitarian goods and teams into the country during the course of the pandemic.
- The template letters and key messages provided by the DLP can be used in framing these advocacy positions in a letter to the appropriate competent authority (Office of the Prime Minister and/or Minister of Foreign Affairs), copying the national disaster office (Office of Disaster Preparedness and Emergency Management).

LAWS & REGULATIONS REFERENCED

1. Disaster Risk Management Act, 2015
2. Disaster Risk Management (Declaration of Disaster Area) Order, 2020, dated March 13, 2020
3. Disaster Risk Management (Enforcement Measures) Order, 2020 dated March 16, 2020
4. Disaster Risk Management (Enforcement Measures) (Amendment) Order, 2020 dated March 20, 2020
5. Public Health (Class 1 Notifiable Diseases) (Amendment) Order, 2020 dated March 13, 2020