



Prepared by: **WHITE & CASE**

IFRC COVID-19 Emergency Decree Pro Bono Research:

- **The Republic of the Congo (Congo-Brazzaville)**

White & Case Team:

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

Coordination between state and non-state actors is possible. On 18 March 2020, the Congolese Ministry of Health issued Decree n° 2020-60¹ creating a Task force responsible for informing the State authorities on the consequences of the Covid-19 on the national economy and society. Article 4 of the Decree provides that the Task force may call on any third-parties resource as needed.

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 mention to the RC or other humanitarian actors in the Decree.

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 Congolese Ministry of Health implemented mandatory quarantine measures to prevent the spread of coronavirus on 3 March 2020, applicable to all travelers who visited China, South Korea, Iran and Italy, as well as to any travelers showing COVID-19 symptoms². As the Congolese authorities only confirmed the first case of coronavirus on 14 March 2020, further restrictive measures only came to effect on 31 March 2020. President Denis Sassou Nguesso declared a state of health emergency and imposed restriction of movement measures, including an overnight curfew between 8pm and 5am local time. Public spaces such as schools, bars, restaurants and places of worship are being closed down to prevent further spread of the virus³.

¹ Official journal of the Republic of the Congo, 26 March 2020, pg. 3-4, available at [link](#) (in French).

² Garda World, "Congo: Authorities implement quarantine measures March 3", 4 March 2020, available at [link](#).

³ Ministry of Communication and Media, "Déclaration du Président de la République sur le Coronavirus COVID-19 du 28 mars", 28 March 2020, available at [link](#) (in French).

Exceptions to these restrictions are only for the provision of essential goods and services, as well as to security personnel controlling the enforcement of these restrictions. In the speech given by President Sassou on 28 March 2020, no specific example was provided of who is understood to be “those who work for the provision of essential goods and services”.⁴ However, it is likely that the movement of RC/humanitarian relief teams and/or aid across borders would fall under the category of “essential goods and services”.

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 mentioned in the response to question 3, exceptions to these restrictions are only being applied to those providing essential goods and services. It is likely that the movement allowing RC/humanitarian organizations access to vulnerable populations would fall under the category of “essential goods and services”.

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?

As mentioned above, exceptions to these restrictions are only being applied to those providing essential goods and services. It is likely that the importation of medical aid or other relief items or personnel would fall under the category of “essential goods and services”.

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?

As mentioned above, there has been no specific reference made by the Congolese government to who would fall under the category of “those who work for the provision of essential goods and services”, exempted from the movement restrictions imposed on the country.

However, the *Croix Rouge Congo Brazzaville* (the Congolese Red Cross in Brazzaville) works with public authorities in the humanitarian field and has a mandate to ensure the improvement of the living conditions of the most vulnerable in the country⁵. This shows there is existing coordination between state authorities and the RC in Congo and the role of the RC as a humanitarian organization is likely to fall under the category of an “essential service” in the country.

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

Other measures taken by the Congolese authorities to fight the spread of Covid-19 have included the closure of “all land, river, sea and air borders except for ships and cargo flights”⁶.

In terms of health facilities, President Sassou confirmed in his speech that health facilities should be provided specifically in “the departments of Brazzaville, Pointe-Noire and La Cuvette”⁷. However, we have not identified further instructions on reception capacity and facilitating access to people.

⁴ *Ibid.*

⁵ Agence d’information d’Afrique Centrale, “*Croix-Rouge : la question du genre en débat*”, 8 April 2015, available at [link](#) (in French).

⁶ Ministry of Communication and Media, *supra* note 3.

⁷ *Ibid.*

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

As mentioned in the response to question 7, restrictions have been put in place in order to close “*all land, river, sea and air borders except for ships and cargo flights*”⁸. This measure suggests that ships and cargo flights can still arrive in the Congo, therefore giving the opportunity to receive COVID-19 medical equipment, as well as having the ability to export goods outside the country.

⁸ *Ibid.*