



Prepared by: **WHITE & CASE**

**IFRC COVID-19 Emergency Decree Pro Bono Research:** Gabon

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

Gabon's Ministry of Health, Ministry of the Interior, and Scientific Committee (acting under the authority of the Prime Minister) are primarily responsible for handling the coronavirus pandemic as far as health management is concerned. All three have the power to coordinate state and non-state actors. The Ministry of the Interior is responsible for drafting laws that promote civil protection and public hygiene and is in charge of the country's borders.<sup>1</sup> The Ministry of Health is responsible for implementing the government's health policy. It also controls the training of health personnel, oversees all public and private initiatives relating to public health, conducts general inspection of health services, and defines the standards of sanitary structures and equipment, among other roles.<sup>2</sup> Finally, the Scientific Committee is in charge of carrying out all research, studies, investigations, and data collection relating to the coronavirus. The Scientific Committee collaborates with specialists and experts, national and international, to discern the best practices for managing the virus. It also advises the government on the most current devices, protocols, and solutions.<sup>3</sup>

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

On its website, Gabon's Ministry of Health lists the Red Cross as one of its partners.<sup>4</sup> Starting in February and throughout the month of March, volunteers from the Gabonese Red Cross received training regarding the coronavirus.<sup>5</sup> The training's aim was to provide participants with knowledge about the disease and reduce the risk of infection. The training focused on the definition and symptoms of the disease, transmission, and means of prevention. On March 22, volunteers from the Gabonese Red Cross mobilized around Gabon to bring awareness of the disease to neighborhoods.<sup>6</sup>

<sup>1</sup> <http://www.interieur.gouv.ga/ministere/attributions>

<sup>2</sup> <http://www.sante.gouv.ga/2-ministere/219-attributions/>

<sup>3</sup> <http://www.primature.gouv.ga/2-actualites/1413-sante/1539-covid19-mise-en-place-dun-comite-scientifique/>

<sup>4</sup> <http://www.sante.gouv.ga/8-connexes/233-partenaires/>

<sup>5</sup> <https://www.facebook.com/SNCRG/>

<sup>6</sup> <https://www.facebook.com/SNCRG/>

The Gabonese Red Cross' focus on awareness about preventive measures results from the general mandate of the IFRC's emergency appeal. The IFRC emergency appeal to support communities affected by the coronavirus was launched on February 11, 2020. Through a 32 million Swiss franc global emergency appeal, it is aimed at quashing misinformation and supporting national Red Cross chapters in their engagement with communities affected by the coronavirus. The overall objective of the emergency appeal is helping communities promote health, hygiene and access to services and disseminate information on how to contain and prevent the spread of the virus.<sup>7</sup>

The Gabonese Red Cross has been actively working throughout the country to raise awareness on preventive measures to fight the coronavirus. Its presence as a humanitarian organization is categorized as auxiliary to public authorities in the humanitarian field. As a member of the 'Dispositif National de Gestion des Risques et Catastrophes' (the National System for the Management of Risks and Disasters), the Gabonese Red Cross is currently deploying its staff throughout the national territory to sensitize the population on preventive measures against the coronavirus, in accordance with guidelines from the Ministry of Health.<sup>8</sup>

### **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?**

#### Travel restrictions

The government of Gabon has put in place several travel restrictions to prevent the spread of the coronavirus. First, Gabon indefinitely has stopped issuing tourist visas for persons from at-risk countries, such as all European Union countries, China, South Korea, and the United States.<sup>9</sup> Second, Gabon has suspended all international flights until further notice.<sup>10</sup> Third, Gabon has closed its land, sea, and air borders indefinitely.<sup>11</sup>

#### Exceptions

Exceptions to travel restrictions include "medical evacuation" and "freight." The freight exception may facilitate the movement of essential hygiene products, personal protection devices, and medicine to Gabon. The medical-evacuation exception may enable the IFRC to transfer sick patients from Gabon to a different country to seek treatment. Note that medical evacuations only occur when an individual is suffering from a curable condition that cannot be treated in the national territory, taking into account the technical means and human resources

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<sup>7</sup> <https://media.ifrc.org/ifrc/2020/03/03/red-cross-red-crescent-national-societies-scaling-coronavirus-preparedness-response/>

<sup>8</sup> <https://www.facebook.com/SNCRG/>

<sup>9</sup> <https://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs/conseils-par-pays-destination/gabon/>

<sup>10</sup> <https://www.gov.uk/foreign-travel-advice/gabon/coronavirus>

<sup>11</sup> <https://www.gov.uk/foreign-travel-advice/gabon/coronavirus>

available.<sup>12</sup> These exceptions do not appear to allow medical volunteers to enter Gabon's borders.

#### **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)?**

##### Quarantine

By decree of the government, the following persons will be placed in quarantine: all persons traveling from countries where a pandemic has officially been declared, all persons who have tested positive for COVID-19, and all persons who were exposed to anyone who tested positive for COVID-19.<sup>13</sup> The decree defines quarantine as confining someone to his or her place of domicile, a hospital, or a structure requisitioned by the state to serve as a hospital. Quarantine in one's place of domicile is appropriate for those persons traveling from a country where the pandemic has been declared and who exhibit no symptoms for a minimum period of fifteen days -- the incubation period of the coronavirus. Quarantine in a hospital is appropriate for those who present symptoms of or test positive for COVID-19. Quarantine in a structure requisitioned by the state is appropriate for those who have been in direct contact with a person who has COVID-19.<sup>14</sup>

##### Curfews

The government of Gabon has implemented a country-wide curfew between the hours of 7:00 p.m. and 6:00 a.m.<sup>15</sup>

##### Non-Compliance

Failure to comply with Gabon's coronavirus-related measures would constitute the criminal offense of endangering another. Such offense would be punishable under Article 384 of the Penal Code.<sup>16</sup> Under Article 384 of Gabon's Penal Code, whoever exposes another to another to an immediate risk of death or injuries likely to cause mutilation or permanent illness by deliberately violating a regulation or ordinance will be punished by a maximum of five years in prison and a fine not to exceed 5,000,000 FCFA.<sup>17</sup>

##### Exceptions

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<sup>12</sup> <http://www.cnamgs.net/node/138>

<sup>13</sup> <https://lalibreville.com/gabon-communique-final-du-conseil-des-ministres-du-lundi-16-mars-avec-le-durcissement-des-mesures-pour-freiner-la-propagation-du-coronavirus/>

<sup>14</sup> <https://lalibreville.com/gabon-communique-final-du-conseil-des-ministres-du-lundi-16-mars-avec-le-durcissement-des-mesures-pour-freiner-la-propagation-du-coronavirus/>

<sup>15</sup> <https://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs/conseils-par-pays-destination/gabon/>

<sup>16</sup> <https://lalibreville.com/gabon-communique-final-du-conseil-des-ministres-du-lundi-16-mars-avec-le-durcissement-des-mesures-pour-freiner-la-propagation-du-coronavirus/>

<sup>17</sup> <https://lalibreville.com/covid-19-au-gabon-cinq-ans-de-prison-et-cinq-millions-de-fcfa-damende-pour-avoir-contacte-le-1410-pour-rigoler/>

The restrictions on movement discussed above do not apply to defense and security forces, personnel and essential vehicles of the Society of Energy and Water (SEEG), medical personnel and essential vehicles, funeral staff and vehicles, or media staff and vehicles.<sup>18</sup> Medical personnel and essential vehicles specifically include those of the Service of Medical Emergencies (SAMU), the Emergency Ambulance Service (SMUR), and the Emergency Ambulance Service of the Armed Forces (SMURA). The SMUR provides ambulance services to the general population. The SMURA provides ambulance services and care by military health service professionals. SMURA crews are comprised of doctors trained in emergency medicine, nurses, and ambulance drivers.<sup>19</sup> Humanitarian teams providing medical aid might be exempt from restrictions under the exemptions that apply to medical personnel and essential vehicles.

**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?**

Please see the response to Question 8 regarding the importation and exportation of medical items.

Please see the response to Question 4 regarding travel for medical personnel.

**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?**

Yes. The Red Cross' status as an emergency service organization is established by the Geneva Conventions and their Additional Protocols.<sup>20</sup> These sources of international law have been ratified by all nations and apply during armed conflict.<sup>21</sup> The Red Cross' role in responding to emergencies during times of peace is governed by the Statutes of the International Red Cross and Red Cross Movement.<sup>22</sup> Under Article 2 of the Statutes of the International Red Cross and Red Cross Movement, states parties to the Geneva Conventions must cooperate with the Red Cross, promote the development of a chapter of the Red Cross in their territory, and respect the fundamental principles of the organization.<sup>23</sup> Under Article 3, Section 2, the Red Cross is responsible for cooperating with public authorities in the prevention of disease, promoting health, mitigating human suffering through programs in fields such as education, health, and social welfare, and organizing emergency relief operations.<sup>24</sup> It also disseminates and assists governments in disseminating international humanitarian law and taking initiatives in this respect.<sup>25</sup>

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<sup>18</sup> <http://www.faapa.info/blog/gaboncovid-19-le-gouvernement-renforce-les-mesures-de-confinement/>

<sup>19</sup> <https://ga.ambafrance.org/Lancement-du-Service-Mobile-d>

<sup>20</sup> [https://www.redcross.org/content/dam/redcross/atg/PDF\\_s/International\\_Services/International\\_Humanitarian\\_Law/IHL\\_SummaryGenevaConv.pdf](https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf)

<sup>21</sup> [https://www.redcross.org/content/dam/redcross/atg/PDF\\_s/International\\_Services/International\\_Humanitarian\\_Law/IHL\\_SummaryGenevaConv.pdf](https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf)

<sup>22</sup> <https://www.icrc.org/en/doc/assets/files/other/statutes-en-a5.pdf>

<sup>23</sup> <https://www.icrc.org/en/doc/assets/files/other/statutes-en-a5.pdf>

<sup>24</sup> <https://www.icrc.org/en/doc/assets/files/other/statutes-en-a5.pdf>

<sup>25</sup> <https://www.icrc.org/en/doc/assets/files/other/statutes-en-a5.pdf>

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

### Ban on Gatherings

Gabon has banned gatherings of ten or more persons.<sup>26</sup> Gabon also requires the closure of places of worship and concert spaces and prohibits political meetings, wedding celebrations, and more.<sup>27</sup>

### Closure of Primary, Pre-Primary, Professional, and University Establishments

Gabon requires students, teachers, and administrators to stay home during this time.<sup>28</sup>

### Closure of Bars and Shops

Gabon requires the closures of its bars, dance clubs, shops selling local drinks, snack bars, and restaurants (with the exception of home deliveries).<sup>29</sup>

### Closure of Other businesses

Gabon requires the closure of motels, cafeterias, jewelry stores, sewing shops, hair salons, and more. The following stores are exempt, however, requiring that each person maintain at least one meter of distance between another person: grocery stores, bakeries, pharmacies, gas stations, and garages.<sup>30</sup>

### Banks

All bank counters and ATMs will remain open and operational. The police will be responsible for applying the rules of distancing between users inside and outside of banks.

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

No. The closure of borders, including air, land, and sea borders applies to persons, but it does not apply to freight.<sup>31</sup> Protective medical equipment likely is exempt under this regulation as freight. Additionally, Gabon is attempting to procure protective medical equipment. According to the Secretary General of the Ministry of Health, Dr. Guy Patrick Ndong, Gabon has ordered over 200,000 rapid screening tests to allow as many people as possible to be tested for COVID-19.<sup>32</sup>

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<sup>26</sup> <https://www.gov.uk/foreign-travel-advice/gabon/coronavirus>

<sup>27</sup> <http://www.gabonactu.com/declaration-integrale-sur-la-fermeture-des-frontieres-au-gabon/>

<sup>28</sup> <http://www.gabonactu.com/declaration-integrale-sur-la-fermeture-des-frontieres-au-gabon/>

<sup>29</sup> <http://www.gabonactu.com/declaration-integrale-sur-la-fermeture-des-frontieres-au-gabon/>

<sup>30</sup> <http://www.gabonactu.com/declaration-integrale-sur-la-fermeture-des-frontieres-au-gabon/>

<sup>31</sup> <http://www.faapa.info/blog/gaboncovid-19-le-gouvernement-renforce-les-mesures-de-confinement/>

<sup>32</sup> <https://www.gabonactu.com/coronavirus-le-gabon-commande-plus-de-200-000-tests-de-depistages-rapides/>