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IFRC COVID-19 Emergency Decree Research: Seychelles

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- *Questions to be answered by close of business Friday, 27 March are listed below.*
- *Please be sure to include English translations of relevant text where possible.*

The following analysis is based on our research conducted as of 27 March 2020:

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

- The Public Health Commissioner of Seychelles declared public health emergency on 20 March 2020 and directed all persons to comply with the directions and orders issued by the public health authorities in preventing and containing the spread of COVID-19.
- In such a case, various laws and guidelines apply, key amongst which are (i) the Disaster Risk Management Act of 2014 (“**DRMA**”), (ii) standard operating principles of the Department of Health, and (iii) Seychelles National Health Strategic Plan (2016-2020), all of which encourage cooperation between various stakeholders but do not lay out a plan on *how* such stakeholders should interact.¹
- —As of 27 March 2020, most of the emergency efforts have focused on intra-governmental actions (see the response to Question 7 below) but the Seychelles government has directly coordinated with the private sector in a few ways, which include (i) an agreement by and among several commercial banks and the Central Bank of Seychelles to consider a moratorium of six (6) months on the repayment of loans in exceptional circumstances, (ii) discussions between the government and representatives of business, farmer and fishing associations to ensure economic and food security, and (iii) arrangements between the government and hotel owners to allow for additional quarantine sites.
- With respect to non-governmental organizations and other humanitarian actors, the Seychelles government collaborated most significantly with the World Health Organization (“**WHO**”), World Bank, International Monetary Fund (“**IMF**”) and the Red Cross (“**RC**”), the four (4) organizations with which Seychelles has had long relationships given Seychelles’ exposure to infectious diseases, vulnerability to climate change and heavy dependence on tourism as an archipelago of 115 islands.

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

¹ Please note that the third version of the Integrated Diseases Surveillance and Response Technical Guidelines (“**IDSR**”) tailored to Seychelles titled “Adapted Guidelines for Seychelles for the Integrated Disease Surveillance and Response” often referenced by the Seychelles government has not been included above as only the second version was available online. Please note that Section 5 of the second version of the IDSR stresses the importance of collaboration between the private sector, public sector and non-governmental organizations.

- Yes, there has been mention of humanitarian actors and the RC.
 - WHO was noted to be involved in the following efforts relating to health:
 - Provision of US\$1.9 million to the Seychelles government together with WHO and the World Bank;
 - Provision of personal protection equipment (“PPE”); and
 - Advisory services with respect to Seychelles government’s formulation of the COVID-19 emergency plan.
 - RC was noted to be involved in the following efforts relating to health:
 - Contact tracing, the process of identifying all persons who may have come into contact with an infected person in partnership with the Department of Health, the importance of which President Faure emphasized;
 - Provision of tents to the Ministry of Health, which house screening systems that assist in testing persons accessing hospitals / health care services;
 - Social mobilization, which involves training of its volunteers on various topics such as contact tracing and interviewing skills as well as sensitization sessions which has as its goal the provision of critical information to volunteers to raise awareness of the COVID-19 emergency;
 - Cessation of its public standby efforts and first aid trainings to focus on the current emergency; and
 - Activation of its contingency plan, which, among other things, includes (i) strengthening of the surveillance system, (ii) dissemination of information relating to COVID-19 through different mediums, and (iii) continuous exchange with its local and international partners as well as volunteers to ensure continuous flow of technical and financial assistance.²

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 27 March 2020, pursuant to the Health & Travel Advisory published by the Department of Health, no passenger arriving by any means is allowed to enter Seychelles except for returning Seychellois citizens who are, upon the date of arrival, subjected to additional health screening and compulsory quarantine for at least fourteen (14) days at a designated quarantine center. There are no exempted foreign nationals. A foreign national who requires entry into Seychelles for any special mission must obtain written permission from the Public Health Commissioner prior to leaving his/her country of origin.
- With respect to movement of aid across borders, Section 28(4) of the DRMA provides an exception that allows for acceptance of assistance from international humanitarian organizations if such assistance is deemed relevant and necessary based on a report prepared by the Director General responsible for the Disaster Risk Management Division (“**Director General**”) in consultation with the Minister responsible for disaster risk management. On 20 March, President Faure implied that Seychelles is further open to other

² Please note that the IMF and the World Bank, which together with WHO, aided the Seychelles government by providing a total sum of USD1.9 million was not included in the response to Question 2 as the IMF and the World Bank are most accurately categorized as global partnerships, not humanitarian actors.



types of international aid by noting that “Seychelles will receive more equipment and medicine from friendly countries.”

- As of 27 March 2020, Seychelles received COVID-19-related aid from the United Arab Emirates (eleven (11) tons of medical supplies), WHO (PPE) and Jack Ma (20,000 testing kits, 100,000 masks and 1,000 protective suits).

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)?

- Seychelles has imposed quarantines on incoming Seychellois citizens, which is discussed in the response to Question 3 above, and has additionally prohibited outdoor and indoor public assemblies.³
- One broad exception that may potentially apply relates to Section 30(4)(h) of the DRMA, which provides that the Director General shall “facilitate access (and as much as possible provide care, security and protection) to areas affected by the disaster” to the extent necessary for the performance of disaster relief and recovery .

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 of 27 March 2020, the following analysis of the DRMA applies:
 - Special legal facilities:
 - No special legal facility has been put in place for the importation of medical aid or other relief items, although Section 30(4)(c) of the DRMA provides that the Director General shall “request relevant government institution to make available assets or premises required to facilitate the work of the international humanitarian organization” to the extent necessary for the performance of disaster relief and recovery. The most recent shipment from the United Arab Emirates and Jack Ma were transported to the Financial Services Authority warehouses in Bois De Rose.
 - Exemptions for importation of medical aid or other relief items:
 - Section 30(4)(f)(i) of the DRMA provides that the Director General shall “facilitate through the Ministry responsible for finance and trade for exemption of custom duties, taxes, levies and tariffs or any other government fees on goods and equipment imported” to the extent necessary for the performance of disaster relief and recovery; and
 - Section 30(4)(j) of the DRMA provides that the Director General shall “ensure the security and safety of . . . the goods and equipment to be used” by humanitarian

³ Infectious Disease (Prohibition of Public Assemblies) Order 2020.

personnel to the extent necessary for the performance of disaster relief and recovery.

- Exemptions and conditions regarding personnel:
 - With respect to exemptions, DRMA provides that, to the extent it is necessary for the performance of disaster relief, the Director General shall:
 - “facilitate through the authority responsible for qualification for temporary recognition of professional qualifications of foreign medical personnel and other licenses or certificates of humanitarian personnel” (Section 30(4)(e));
 - “facilitate through the Ministry responsible for telecommunication for the use and setting up of the telecommunication equipment by the humanitarian personnel” (Section 30(4)(g));
 - “facilitate through the Ministry responsible for finance the opening of bank account, if necessary” (Section 30(4)(i));
 - “ensure the security and safety of humanitarian personnel” (Section 30(4)(j)); and
 - “facilitate the role of the assisting international humanitarian organisations into their contingency planning and mechanism for operational coordination for disaster relief and initial recovery assistance” (Section 30(4)(l)).
 - With respect to conditions, DRMA provides that:
 - “international humanitarian organisations shall cooperate and coordinate with national authorities and organisations during the disaster relief and initial recovery period” (Section 30(5));
 - “[t]he head of the international humanitarian organisation shall ensure that any medications or equipment to be used are safe, of good quality, have not expired, are maintained in appropriate condition and are labelled in a language understood by the medical doctors of Seychelles” (Section 30(6));
 - “[t]he international humanitarian organisations shall comply with the principles of humanity, independence and impartiality in providing assistance and shall establish priorities on the basis of need and they shall not –
 - (a) engage in adverse distinctions, exclusions or preferences based on status, nationality, race, ethnicity, religious belief, class, gender, sexual orientation, disability, age or political opinion;
 - (b) seek to further a particular political or religious standpoint or interfere in internal matters not relating to disaster response;
 - (c) seek to obtain commercial gain from their assistance; or
 - (d) gather sensitive information of a political, economic or military nature” (Section 30(7)); and
 - “[t]he international humanitarian organisation shall ensure that any goods or equipment they import for the purpose of disaster relief or initial recovery assistance which are or become unusable, including other

waste products produced by them are destroyed, recycled or otherwise disposed of in a safe, environmental friendly and effective manner and in accordance with the laws relating to environment for the time being in force in Seychelles” (Section 30(8)).

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 of 27 March 2020, there have been no restrictions on business operations and opening hours, although President Faure’s opposition has clamored for a two (2)-week lockdown. Neither the RC nor any other humanitarian organization has been categorized as “essential” or “emergency” service.
- Please note, however, that RC is currently assisting Ministry of Health to carry out contact tracing as discussed in the response to Question 2, which may require work outside traditional opening hours.
- Please also note that RC is a member of the Integrated Disease Surveillance and Response Committee of the Ministry of Health (alongside other partners such as the Police Department and the Department of Tourism) and the National Disaster Risk Management Committee (alongside other partners such as the Seychelles Broadcasting Corporation, the Meteorological Office, the Police Department and the Seychelles Fire and Rescue Services Agency), which roles by their very nature, may be classified as providing a type of “emergency” services if construed broadly.

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

- Health and social measures provided in the emergency decrees include the following:
 - Closure of all public schools and day cares in Mahé, Praslin and La Digue until further notice including post-secondary institutions, the University of Seychelles and The Guy Morel Institute;
 - Suspension of issuance of gainful occupation permits (“GOP”) to foreign workers;
 - Increase in the capacity of quarantine and treatment facilities through (i) receipt of more equipment and medicine from friendly countries and (ii) opening of a new quarantine facility on Ile du Swet;
 - Invitation for military personnel who left “Defence” Forces in the last three (3) years to join the Reserve; and

- Training in contract tracing by all ministries, departments and agencies in the government to support the Department of Health.
- Economic measures provided in the emergency plans include the following:
 - Guarantee of salaries of all employees in the private sector for the months of April, May and June, with a total of SCR1.2 billion (approximately USD87,916,860) earmarked for this measure (exclusive of redundancies and subject to a salary cap);
 - Increase in the budgetary allocation for the Agency of Social Protection, with a total of SCR30 million (approximately USD2,197,922) earmarked for this measure;
 - Increase in the budgetary allocation for the Unemployment Relief Scheme, with a total of SCR10 million (approximately USD732,640) earmarked for this measure;
 - Conceptualization of a financial framework which would allow businesses to access credit quickly and more affordably (to be finalized);
 - Postponement of taxes due in March 2020 to September 2020;
 - Promotion of food security by ensuring that food produced can be bought through Seychelles Trading Company Ltd. (“**STC**”) (contingent on farmer’s wishes to sell to STC) and identification of additional plots of land for further production;
 - Reduction of interest rates for investment loans in agriculture or fisheries to one percent (1%);
 - Postponement of employers’ contribution due to the Seychelles Pension Fund in April, May and June 2020 to September 2020; and
 - Proposal of a new budget for 2020 on 31 March 2020 before the National Assembly.

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

- As of 27 March 2020, no such restrictions have been announced by the Seychelles government.