



IFRC COVID-19 Emergency Decree Research: Angola

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Below answers are based on policies and regulations published by the central government of Angola as of 1 April 2020. Please note that some links to the source documents indicated in the footnotes may need to be copied and pasted as URL.

Overview.

There are currently seven confirmed cases of COVID-19 in Angola, two victims and one recovered.¹ To date, Angola has 1802 citizens in institutional and home quarantine.² On March 18 the President of Angola, with the powers conferred on him by the Constitution,³ issued, with immediate entry into force, the Provisional Presidential Legislative Decree No. 1/20 to prevent the outbreak of the COVID-19 in the country. On March 25 the President of Angola declared the State of Emergency until April 11 and adopted a decree that came into force on March 27,⁴ whose provisions are applicable on the entire national territory. Although this decree contains more stringent provisions than the ones previously established, the decree is without prejudice to the (compatible) measures already adopted by public and private institutions, the auxiliary departments of the executive branch and other especially competent authorities,⁵ as well as those intended to prevent, contain, mitigate or treat the epidemiological infection, and those aimed at restoring normality after the pandemic.⁶

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

There is no express coordination between state and non-state actors in the official documents adopted by the Government of Angola so far. However, non-state actors are referred to as the object of a specific “duty of collaboration”, as well as a potential resource to strengthen the community’s response to the pandemic (see answer to question n.2).

The Provisional Presidential Legislative Decree No. 1/20 assigns the duty to ensure compliance with the measures set forth therein to the competent State bodies attached to the Ministries of Health, the Ministry of Interior and the Ministry of National Defense and Transport. The decree further assigns to the State’s competent Ministries (depending on the subject) the power to

¹ Useful resources to monitor the development of the situation in the country are: the State Press Agency website (<http://www.angop.ao/>), the website of the Ministry of Health (<http://www.minsa.gov.ao/>) and – especially for official documents – the page of the Angolan Inter-ministerial Commission for COVID-19 (<https://www.covid19.gov.ao/>).

² Ministry of Health of Angola, Press Release, 1 April, available at: <http://www.minsa.gov.ao/vernoticia.aspx?id=49685>

³ Constituição da República de Angola, 2010, available at: <https://www.wipo.int/edocs/lexdocs/laws/pt/ao/ao001pt.pdf>, Articles 125(1) and 126.

⁴ This decree was issued with the powers conferred on the President by the Angolan Constitution, 2010, available at: <https://www.wipo.int/edocs/lexdocs/laws/pt/ao/ao001pt.pdf>, Article 58 in conjunction with Articles 120 (I) and 125(II).

⁵ República de Angola, Decreto Presidencial, Declaração do Estado de Emergência, 25 March, available at: <https://www.plataformamedia.com/pt-pt/noticias/politica/leia-aqui-na-integra-o-decreto-do-estado-de-emergencia-em-angola-11985932.html>, Article 1.

⁶ *Ibid.*, Article 49.

decide on the adoption of additional sanitary, migratory and public order measures to strengthen the prevention and containment of the expansion of the pandemic. However, these bodies may resort to collaboration with specialized public and private entities if deemed necessary.⁷

The provisions of the Decree on the State of Emergency oblige all public and private entities, as well as legal and natural persons, to have a “special duty of collaboration”. This duty is prescribed especially in the fulfillment of orders or instructions of the bodies and agents responsible for safety, civil protection and public health.⁸ The heads of public and private bodies are further called upon to take the necessary and complementary measures to implement the decree.⁹

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

At the moment of writing, there is no mention of the Red Cross in the documents found available.

In a Press Communiqué of March 17, the Inter-ministerial Commission for the Response to Covid-19 of Angola called on “*the whole of society, in particular Civil Society, Churches, Traditional Authorities, the Private Sector, and other institutions, to launch initiatives for education, awareness-raising and prevention in the communities*”.¹⁰

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?

Yes, exceptions to facilitate the movement of humanitarian workers and humanitarian aid across borders currently exist.

With regard to the restrictions imposed by the Government, all commercial and private passenger flights from Angola to abroad and vice versa are suspended since March 20, for an extendable period of time of 15 days. Are however excluded from this suspension cargo flights, as well as flights which are indispensable for humanitarian reasons. The Provisional Presidential Legislative Decree No. 1/20 further prohibits the docking and disembarkation of passenger ships and their respective crews, coming from outside the country, in all national ports. This measure is also prescribed for 15 days, extendable for further 15 days depending on the circumstances of the epidemics. The prohibition does not apply to the unloading of cargo vessels. Crew disembarkation of cargo vessels is allowed only for medical and humanitarian reasons. The movement of people at land borders is prohibited since March 20, for an extendable period of 15 days.¹¹

With the entry into force of the Decree on the State of Emergency, the entry and exit of the national territory, as well as the interprovincial movement within the country is prohibited.

⁷ República de Angola, Decreto Legislativo Presidencial Provisório n.º 1/20, 18 March, available at: https://www.covid19.gov.ao/assets/arq_pdf/Decreto%20Legislativo%20Presidencial.pdf, Article 4.

⁸ República de Angola, Decreto Presidencial, Declaração do Estado de Emergência, 25 March, available at: <https://www.plataformamedia.com/pt-pt/noticias/politica/leia-aqui-na-integra-o-decreto-do-estado-de-emergencia-em-angola-11985932.html>, Articles 2 and 48.

⁹ *Ibid.*, Article 49.

¹⁰ República de Angola, Comunicado: Comissão Interministerial para a Resposta à Pandemia do Coronavírus avalia Medidas de Prevenção e o Plano Nacional de Contingência para o controlo da Pandemia COVID-19, 17 March, available at: <https://ciencia.ao/ciencia/item/1013-comunicado-comissao-interministerial-para-a-resposta-a-pandemia-do-coronavirus-avalia-medidas-de-prevencao-e-o-plano-nacional-de-contingencia-para-o-controlo-da-pandemia-covid-19>

¹¹ República de Angola, Decreto Legislativo Presidencial Provisório n.º 1/20, 18 March, available at: https://www.covid19.gov.ao/assets/arq_pdf/Decreto%20Legislativo%20Presidencial.pdf, Article 1.

Violating the provisions establishing the provincial health fence may constitute a crime of disobedience.¹² However, there are exception to these restrictions for cases of extreme need and urgency, namely:

- For the entry and exit of essential goods and services;
- For humanitarian aid;
- For Incoming and outgoing patients.¹³

As for travel-related quarantine measures, the Provisional Presidential Legislative Decree No. 1/20 of 18 March provides for a quarantine period of a minimum of 14 days for all passengers that have disembarked at national airports since March 20. These individuals need to fill in a form for a compulsory health check and cannot receive visits during their quarantine period. Their absence from the workplace must be justified.¹⁴

On March 17, the Inter-ministerial Commission for the Response to Covid-19 cited a Communiqué released by the Ministry of Health of Angola. This Communiqué has extended the mandatory quarantine to all nationals or residents, who at any time in the course of the pandemic, have been in China, South Korea, Iran, Italy, Portugal, Spain and France or in contact with patients affected by COVID-19. These persons are required to stay at home for a minimum of 14 days and cannot receive visits during this period. The Ministry of Health has recommended all public and private organizations to enforce the quarantine measure on all officials who have returned from countries where cases of COVID-19 have been confirmed.¹⁵

The Ministry of Health of Angola outlines in another document¹⁶ released on March 18 the following additional provisions (“recommendations”) on home quarantine:

- Anybody who travelled outside of the national territory, even if showing no symptoms, needs to self-isolate for 14 days from their arrival to Angola. They should not receive visitors. Their family members need to be quarantined as well (it is unclear whether this is only valid for household members). After completion of 14 days of quarantine without symptoms, the person is free to perform his/her usual activities.
- Anyone who starts developing symptoms of the disease must immediately call 111 to allow the Ministry of Health to send a Rapid Response Team.

Violation of mandatory quarantine measures or orders can give rise to a forcible transfer to a quarantine center until the end of the prescribed period. This provision is set forth in the Decree on the State of Emergency of March 25, where it is specified that (in addition to travel-related restrictions) quarantine is mandatory for patients with COVID-19 and those infected with SARS-Cov2, as well as those individuals deemed by the health authority or by other health professionals to need active surveillance. Violating the mandatory quarantine provisions

¹² See Article 47(b) of the Decree on the State of Emergency.

¹³ República de Angola, Decreto Presidencial, Declaração do Estado de Emergência, 25 March, available at: <https://www.plataformamedia.com/pt-pt/noticias/politica/leia-aqui-na-integra-o-decreto-do-estado-de-emergencia-em-angola-11985932.html>, Articles 6 and 7.

¹⁴ República de Angola, Decreto Legislativo Presidencial Provisório n.º 1/20, 18 March, available at: https://www.covid19.gov.ao/assets/arq_pdf/Decreto%20Legislativo%20Presidencial.pdf, Article 3.

¹⁵ República de Angola, Comunicado: Comissão Interministerial para a Resposta à Pandemia do Coronavírus avalia Medidas de Prevenção e o Plano Nacional de Contingência para o controlo da Pandemia COVID-19, 17 March, available at: <https://ciencia.ao/ciencia/item/1013-comunicado-comissao-interministerial-para-a-resposta-a-pandemia-do-coronavirus-avalia-medidas-de-prevencao-e-o-plano-nacional-de-contingencia-para-o-controlo-da-pandemia-covid-19>

¹⁶ República de Angola, Ministério de Saúde, Direcção Nacional de Saúde Pública, Recomendações para a quarentena domiciliar, 18 March, available at: https://www.covid19.gov.ao/assets/arq_pdf/QUARENTENA%20DOMICILIAR%20%20REV%20%2018%20mar%202020%20versao%202.pdf

constitutes a crime of disobedience, and the competent authorities would be allowed to enter the offender's house and, in case of resistance, arrest him/her to enforce the institutional quarantine.¹⁷

Forced quarantine can also be imposed for violations of additional measures set forth in the Law on Public Health of Angola.¹⁸

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)?

Yes, there are some exceptions to the restriction of movement that may allow Red Cross' staff and volunteers to access vulnerable people.

The Decree on the State of Emergency identifies some individuals as being entitled to a "special duty of protection", namely: women, everyone older than 60, immunosuppressed and patients with chronic diseases who, according to the guidelines of the health authority, are considered at risk (hypertensive patients, diabetic patients, cardiovascular patients, patients with chronic respiratory disease and cancer patients). These categories of people are only allowed to circulate in public spaces and roads (or equivalent) in the following cases:

- to purchase essential goods and services;
- for health reasons;
- to carry out individual physical activity;
- to carry out other activities of a similar nature or for other reasons of *force majeure* or imperative necessity, provided that they are duly justified.

The competent authorities will return to their domicile any individual in violation of these provisions. A further violation gives rise to the crime of disobedience and may result in immediate detention.

This restriction does not apply to the following categories of people, even if they fall within the vulnerable categories:

- health professionals;
- civil protection agents;
- essential personnel in the aeronautical, rail, maritime and port fields;
- holders of political offices;
- magistrates;
- leaders of the social partners of the State (which include non-governmental organizations).¹⁹

¹⁷ República de Angola, Decreto Presidencial, Declaração do Estado de Emergência, 25 March, available at: <https://www.plataformamedia.com/pt-pt/noticias/politica/leia-aqui-na-integra-o-decreto-do-estado-de-emergencia-em-angola-11985932.html>, Article 3.

¹⁸ República de Angola, Ministerio de Saúde, Direcção Nacional de Saúde Pública, Recomendações para a quarentena domiciliar, 18 March, available at: https://www.covid19.gov.ao/assets/arg_pdf/QUARENTENA%20DOMICILIAR%20%20REV%20%2018%20mar%202020%20versao%20.pdf. See República de Angola, Ministério da Saúde, Regulamento Sanitário Internacional, 2005, available at: <http://www.minsa.gov.ao/verlegislacao.aspx?id=463>, Titles IV-V; See also República de Angola, Ministério da Saúde, Lei de Bases do Sistema Nacional de Saúde, 1992, available at: <http://www.minsa.gov.ao/verlegislacao.aspx?id=466>, Article 18.

¹⁹ República de Angola, Decreto Presidencial, Declaração do Estado de Emergência, 25 March, available at: <https://www.plataformamedia.com/pt-pt/noticias/politica/leia-aqui-na-integra-o-decreto-do-estado-de-emergencia-em-angola-11985932.html>, Article 5.

For those who do not fall within the “special duty of protection” categories, the circulation or permanence on public roads and spaces (or assimilated) is prohibited, for both people and vehicles. All sports are prohibited too, including the professional activity of athletes and their coaches. Failure to comply with this prohibition may result in a crime of disobedience.²⁰

If social distance can be ensured, however, displacement is allowed (only) in the following cases:

- To purchase essential goods and services;
- For the purpose of carrying out (allowed) professional activities;
- For health reasons, including to obtain health care and transport persons to whom such care should be administered, and for blood donation purposes;
- For the emergency reception of victims of domestic violence or human trafficking, as well as of children and young people at risk, in accordance with a measure enacted by a judicial authority;
- To assist vulnerable people, children, parents, elderly or dependents, as well as authorized visits to persons with disabilities or persons deprived of their liberty, including to deliver them essential goods;
- To carry out physical activity (the exercise of collective physical activity is prohibited);
- To participate in social volunteering activities;
- For other imperative family reasons, e.g. the fulfillment of shared parental responsibilities;
- To take part in proceedings before judicial authorities;
- Movement of persons carrying a *laissez-passer*, issued in accordance with the law, in the exercise of their functions or because of them;
- Movement of the staff of diplomatic missions, consular offices and international organizations accredited in Angola, insofar as the travel is related to the performance of their functions;
- Movement required for the exercise of freedom of press;
- To return to one’s own domicile;
- For other activities of a similar nature or for other reasons of *force majeure* or imperative necessity, provided that they are duly justified.

The decree allows the competent authority at the Ministry of Interior to further restrict or interdict the free circulation on public roads and spaces for reasons of public health, safety or fluidity of traffic.²¹

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?

Besides the exceptions outlined in the answer to question n.3, it is worth pointing out that the Decree on the State of Emergency subjects the acquisition of urgent goods and services necessary for controlling and combating the pandemic to an exceptional regime. It allows essential goods and services, namely medicines, hospital supplies, biosafety supplies and other essential supplies to be purchased under simplified contracting. The ministerial department for public finances is responsible of creating the conditions for the implementation of this provision.²²

²⁰ See *Ibid.*, Article 47(b).

²¹ *Ibid.*, Article 8.

²² *Ibid.*, Article 29.

As for taxes, their payment on the import of foodstuffs and medicines is subject to a system of a *posteriori* regularization.²³ The import of food, medicines, biosafety material and other essential products is also subject to an exceptional licensing regime.²⁴ The transit of products of first need and the material required for their production is prioritized by the competent customs authorities.²⁵

Furthermore, the decree provides for the possibility of requisitioning health equipment, namely protective masks, breathing apparatuses or ventilators, which are in stock or will be produced as of the entry into force of the decree. If appropriate and indispensable for the protection of health, the competent authority at the Ministry of Health has the power to requisition all types of goods and services.²⁶ Retired physicians and nurses may be called to perform their professional duties, with the exception of those considered particularly vulnerable to the COVID-19.²⁷ Factories or facilities of any nature, including private health establishments, may also be requisitioned.²⁸

Minimum public transport services are guaranteed, including for the supply of essential goods and for the repatriation of nationals into Angolan territory.²⁹

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 Decree on the State of Emergency specifies that its effects shall not affect – among others – the rights to life, to personal integrity, to personal identity, to civil capacity and citizenship; the principle of non-retroactivity of criminal law as well as the right to freedom of conscience and religion and freedom of expression and information.³⁰ On this basis, essential services are allowed to continue to operate. However, the Red Cross or humanitarian organizations are not explicitly categorized as “essential” services.

The public services – whether provided by public entities or not – that are not affected by the restrictions on business operations are:³¹

- Public and private hospital units;
- Pharmacies and medicine suppliers;
- Military units, public order services and assimilated;
- Private security services;
- Civil protection and firefighter services and emergency services;
- Energy and water services, including the supply by private cisterns (which cannot be suspended except in case of *force majeure*, or else could be requisitioned);
- Waste collection services;
- Cemeteries.

All other public services of the central and local administration of the State must close,³² or else could be liable of the crime of disobedience.³³ Furthermore, facilities and establishments for the

²³ *Ibid.*, Article 30.

²⁴ *Ibid.*, Article 31.

²⁵ *Ibid.*, Article 39.

²⁶ *Ibid.*, Article 24.

²⁷ *Ibid.*, Article 40.

²⁸ *Ibid.*, Article 24.

²⁹ *Ibid.*, Article 33. See also Article 25.

³⁰ *Ibid.*, Article 2.

³¹ *Ibid.*, Article 9.

³² *Ibid.*, Article 9.

³³ See *Ibid.*, Article 47(b).

sale of non-essential products must close,³⁴ as well as all commercial private establishments. Museums, archives, libraries, monuments, nightclubs, game rooms, bars, pubs (and similar) must also close to the public, as well as all establishments for sports and leisure activities.³⁵ The closure of these establishments cannot be invoked as a ground for termination of real estate contracts, nor as a ground for the obligation to vacate the premises.³⁶

The following can continue to operate, and can only be closed for reasons of *force majeure*:

- establishments selling:
 - food and beverages;
 - pharmaceutical and medical products;
 - hygiene products;
 - stationery;
 - tobacco;
 - technological equipment;
 - pet food;
- hotels, banks, telecommunications and press services,³⁷ dry cleanings and laundries;
- catering services (with some limitations);
- fuel filling stations;
- funeral and related agencies;
- services for the maintenance and repair of vehicles;
- other services essential to community life, approved by the competent health authorities.³⁸

While e-commerce activities do not need to be suspended (neither do those providing services at distance),³⁹ formal and informal markets, as well as itinerant markets, are allowed to continue only the sale of food items and related goods, provided that social distancing measures and hygienic norms are ensured. These include the prohibition of any form of social grouping of more than five people without the minimum social distance of 2 meters,⁴⁰ the presence of hand disinfection disposals at entrance and the prohibition of consumption of the products inside the premises. However, if a proven high risk of contagion is deemed to exist, these businesses may be closed on the recommendation of the competent health authorities.⁴¹

The same conditions are valid for other retail trade activities and service activities.⁴² Small retail establishments may exceptionally apply to the municipal civil protection authority for authorization to operate, upon reasoned request. The competent authority of the Ministry of Economy can impose the exercise of some retail activities deemed essential to ensure a regular supply of first-necessity goods to the population.⁴³

³⁴ *Ibid.*, Article 12.

³⁵ *Ibid.*, Article 21.

³⁶ *Ibid.*, Article 15.

³⁷ The continuation of public and private media services is also guaranteed under Article 45 of the Decree on the State of Emergency.

³⁸ República de Angola, Decreto Presidencial, Declaração do Estado de Emergência, 25 March, available at: <https://www.plataformamedia.com/pt-pt/noticias/politica/leia-aqui-na-integra-o-decreto-do-estado-de-emergencia-em-angola-11985932.html> , Articles 13 and 21.

³⁹ *Ibid.*, Article 16.

⁴⁰ *Ibid.*, Article 21.

⁴¹ *Ibid.*, Article 14.

⁴² *Ibid.*, Article 17. See Article 32 for Safety and Hygiene Rules.

⁴³ *Ibid.*, Article 17. See Article 18 for Management and Monitoring Duties.

Those businesses that continue to operate must give priority to the people entitled to the “special duty of protection” (see answer to question n.4), as well as to health professionals, member of security forces, personnel of the armed forces and staff of social services.⁴⁴

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

A press release of March 19 informed that all public and private higher educational institutions would suspend their classes starting from March 24 for an (initial) period of 15 days, following a directive of the Ministry of Education.⁴⁵

Other measures include the prohibition of all social gatherings of more than 200 people, as well as the requirement for all establishments open to the public to guarantee the appropriate conditions for hand hygiene.⁴⁶ The Decree on the State of Emergency has further restricted this measure by prohibiting to hold any religious celebration that involve an agglomeration of people, except for funeral ceremonies with 50 or less participants.⁴⁷

With the entry into force of the Decree on the State of Emergency it has become mandatory to adopt the home working regime whenever the nature of the function performed allows it. This excludes employees of the Public Administration, whenever the nature of their duties is necessary to ensure the normal functioning of the services and to guarantee the fulfilment of essential duties and obligations (e.g. the processing of workers' remuneration, the fulfilment of financial obligations, the assistance and maintenance of computer equipment or other equipment essential to allow other workers to implement the home working regime). The same applies for public servants whose functions require consultation of databases or confidential information that cannot be securely accessed outside the workplace.⁴⁸ It is prohibited to terminate the labor relationship on the basis of absence from the workplace for employees adopting the home-working regime.⁴⁹

Access to justice continues to be guaranteed,⁵⁰ but all the current proceedings must follow the judicial vacations regime; statutes of limitations and deadlines are suspended, except when proceedings can take place by means of remote communication. Eviction procedures are suspended. Only urgent acts can be carried out in the judicial premises, as well as cases in which fundamental rights are at stake, especially with regard to minors at risk and imprisoned defendants.⁵¹ Documents, licenses and permits expired within the 15 days preceding the entry into force of the decree (27 March) are considered valid for the duration of the state of emergency.⁵²

⁴⁴ *Ibid.*, Article 20.

⁴⁵ ANGOP, Press Release of 19 March (updated 20 March), available at: http://www.angop.ao/angola/pt_pt/noticias/saude/2020/2/12/COVID-Ensino-superior-suspenso-por-dias.75bae79f-7d67-49d8-9246-25503dc5d59f.html

⁴⁶ República de Angola, Decreto Legislativo Presidencial Provisório n.º 1/20, 18 March, available at: https://www.covid19.gov.ao/assets/arg_pdf/Decreto%20Legislativo%20Presidencial.pdf, Article 2.

⁴⁷ República de Angola, Decreto Presidencial, Declaração do Estado de Emergência, 25 March, available at: <https://www.plataformamedia.com/pt-pt/noticias/politica/leia-aqui-na-integra-o-decreto-do-estado-de-emergencia-em-angola-11985932.html>, Article 22.

⁴⁸ *Ibid.*, Article 10.

⁴⁹ *Ibid.*, Article 11.

⁵⁰ *Ibid.*, Article 27.

⁵¹ *Ibid.*, Article 28.

⁵² *Ibid.*, Article 42.

For the fields of agriculture and forests,⁵³ fisheries and sea,⁵⁴ industry,⁵⁵ energy and water, oil and mineral resources,⁵⁶ and waste collection,⁵⁷ the Decree on the State of Emergency outlines the responsibilities of the competent authority in each of the pertinent Ministries with the aim of guaranteeing the continuation of those services that are indispensable for the normal progression of the everyday life of the population.

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

There is no explicit ban on the export of protective medical equipment in the decrees reviewed. However, as explained in the response to question 5 of the review, the Decree on the State of Emergency of March 25 empowers the competent authority at the Ministry of Health to requisition all types of goods and services considered indispensable for the protection of health. Further restrictions on the transit of goods, and exceptions thereto, can also be found in the responses to questions 3 and 5 of the review.

⁵³ *Ibid.*, Article 34.

⁵⁴ *Ibid.*, Article 35.

⁵⁵ *Ibid.*, Article 38.

⁵⁶ *Ibid.*, Article 36.

⁵⁷ *Ibid.*, Article 37.