

CABO VERDE

MANAGING THE
IMPACTS OF
COVID-19

State of Emergency declared from 29 March 2020

In order to ensure the constitutional legitimacy of the measures approved by the Government to control the country's epidemiological situation and to anticipate and contain the foreseeable increase of the COVID-19 contagion lines in the country, the President of the Republic of Cabo Verde declared a state of emergency by Presidential Decree 06/2020, of 28 March 2020 ("PD 06/20"), after hearing the Government and securing Parliament's authorization.

The state of emergency started at 0.00 am on 29 March and will last for 20 days, i.e., until 0.00am on 17 April 2020. The following rights are partially suspended and/or limited for the duration of the state of emergency:

- right to freedom, including right of movement and the right to emigration, national and international movement of persons;
- right to actual work and workers' rights, including, work place, employment conditions and work schedules related rights;
- ownership and private enterprise rights;
- right to assembly and protest; and
- freedom of worship.

These temporary derogatory measures were regulated by Decree-Law 36/2020, of 28 March ("DL 36/20), which also entered into force at 0.00am on 29 March, the following being particularly noteworthy:

- Flight and maritime connection bans save as otherwise provided for by law;
- Compulsory confinement in a healthcare establishment, at home or at another location designated by the health and civil protection authorities, of patients diagnosed and infected with the virus COVID-19 / SARS - Cov2 or of any persons placed under active surveillance by the proper health authorities. Persons failing to comply with the compulsory confinement may be charged with a crime of aggravated disobedience;
- Special duty of protection and restrictions of movement in public spaces and streets for those over 65 years of age, immunosuppressed and suffering from chronic disease that are considered risk groups according to the guidelines of the health authority;
- Restrictions on the freedom of movement and on persons loitering on the public highway. Citizens must remain isolated at home, without prejudice to any urgent and necessary movements identified by law, carried out in compliance with the recommendations and orders issued by the health authorities and security forces, particularly with regard to distance, hygiene, restriction of groups of more than two

persons (save for children in their care);

- Restriction of the circulation of vehicles, which may be used only for urgent and necessary journeys identified by law or for refueling at gas stations;
- General shutdown of cultural, recreational, sports and entertainment facilities and establishments;
- Shutdown of state-owned companies, public services of the central and local administration, **and private-law companies and other trade, industry and services activities**, save for the following:
 - i. pharmacies and healthcare services (including veterinarians),
 - ii. public and private security forces and services, inspection, civil protection, fire department and custody services,
 - iii. port, airport and related services (including meteorology and geophysics, airspace control, civil aeronautics, handling, customs and official freight forwarders, health and fisheries inspections),
 - iv. production, processing, distribution, sale and supply of food, hygiene and cleaning and other essential goods,
 - v. markets' supply, supply of fuel and gas,
 - vi. cleaning and sanitation services and production, supply and sale of water and electricity,
 - vii. the media,
 - viii. vulnerable and emergency child care services, and the care of underage children of health professionals, security forces and civil protection,
 - ix. central bank, commercial banks, payment systems and insurers,
 - x. independent regulators,
 - xi. telecommunication, electronic communications services and top-up for mobile communications,
 - xii. urgent registration, notary offices and civil identification services,
 - xiii. urgent court and public prosecutor's office services (pursuant to the law),
 - xiv. social security and postal services;
 - xv. essential tax revenue services;
 - xvi. the sovereign bodies of the Ombudsman's Office, embassies and,
 - xvii. any other services subject to a prior and duly justified authorization issued by the head of the *Serviço Nacional de Proteção Civil e Bombeiros Nacional* (Civil Protection and Fire Department Service) ("SNPCB").
- Mandatory promotion of alternative teleworking or similar mechanisms in public and private companies, as well as in closed central and local government public services, whenever the relevant duties so allow;

- Mandatory sending of the list of employees designated to perform essential services for the SNPCB, to validate and issue their free transits;
- Restrictions on the operation of restaurants, which are limited to delivering take-away, between 10.00am and 9.00pm;
- E-commerce and home delivery services maintain their opening hours between 8.00am and 9.30pm;
- Restriction of food, hygiene and cleaning and other essential goods' supply, distribution and sale services, including bakeries, until 8 pm;
- Impossibility of relying on the shutdown of facilities and establishments covered by DL 36/20, as grounds for terminating non-residential lease agreements or other forms of contract for the exploitation of personal property, or as grounds for an obligation to vacate the buildings in which they are installed;
- Duty to comply with safety and hygiene rules at commercial establishments or in the provision of services; I
- Priority care for persons subject to a special protection duty, as well as for health professionals, members of the security, civil protection and rescue forces and services, personnel of the armed forces and providers of social support services;
- Prohibition of religious celebrations and other worship events involving large gatherings; Funerals are subject to the adoption of organizational measures to ensure that there are no gatherings, with a maximum of 20 persons, and control of safety distances.
- Possibility of temporary requisition of goods and services by joint order of the members of the Government in charge of Home Affairs and Finance, based on urgency and public interest, regarding public and private infrastructure (including hotel and related infrastructure) that can be converted into quarantine and isolation spaces, public transport of passengers, clinical analysis laboratories and private health clinics that have capacity for in-patient care and isolation of suspicious cases;
- Special regime for the procurement of public works and supply of goods and services, which may be done by direct award by joint order of the members of the Government in charge of Home Affairs and Finance, without being subject to prior approval of the Court of Auditors;
- Any licenses, permits and official documents expired during the state of emergency will be deemed valid.

With regard to justice, DL 36/20 establishes that the Minister for Justice, liaising with the Superior Councils and the Public Prosecutor's Office, shall be responsible for adopting the appropriate measures to implement access to the law and the Courts, in order to safeguard the rights, freedoms and guarantees that have been harmed or are threatened with harm.

The SNPCB is tasked with supervising the operations, activities and measures in connection with the state of emergency. Any persons breaching the provisions in PD 06/20 and in DL 36/20 will incur criminal liability and may be charged with a crime of disobedience provided for in and punishable under the Penal Code, without prejudice to any disciplinary or civil liability that may also be incurred, if any.

Considering the impact that the measures adopted by PD 06/20 and DL 36/20 have on the life of both companies and individuals, we will review this information further and keep it updated. The information will soon be available for consultation on our website www.vda.pt and will also be shared through VdA Legal Partners' standard institutional communication channels.

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