

Key messages for National Societies

in requesting humanitarian access to their authorities for their preparedness and response efforts to COVID-19 pandemic

1. Intro

In the current COVID-19 pandemic, National Red Cross and Red Crescent Societies ('National Societies') are working around the clock to prevent transmission of the virus, help communities already affected by the outbreak to maintain access to basic social services, and reduce the economic, social and psychological impact on people. In order to execute their mandate as auxiliary to their government in the humanitarian field, National Societies need the necessary legal facilities to undertake preparedness and response activities.

2. Background

2.1 International Health Regulations

Adopted at the World Health Assembly in 2005, the revised [International Health Regulations](#)ⁱ (IHR) are the sole legally binding framework to govern international cooperation for the control of infectious diseases. The IHR aim to “prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade.” The revised IHR apply to diseases emerging from biological, chemical or radiological accidents as well as to animal diseases that might be transmitted to humans.

Although National Societies are not specifically mentioned in the International Health Regulations (IHR), the IFRC is named as one of the international organizations with whom WHO must co-operate and co-ordinate in implementing the IHR. National Societies, in their capacity as auxiliary to governments on humanitarian issues, can draw their governments' attention to legislative and other measures needed to implement the IHR. In this way, changes can be made at national level to improve pandemic preparedness and response and further protect international public health.

2.2 Resolution 3 of the International Conference of the Red Cross Red Crescent ‘Time to act: Tackling epidemics and pandemics together’

At the 33rd International Conference of the Red Cross Red Crescent in December 2019, States have committed to “tackle pandemics and epidemics together”. Resolution 3 of the International Conference has invited States to : ...“*enable and facilitate Movement components, in accordance with their mandates and capacities and with international law, to contribute to a predictable and coordinated approach to epidemics and pandemics, including effective international cooperation and coordination, and engagement with and support to affected communities*”...

3.3 National RCRC Societies' Auxiliary Role

Resolution 2 of the International Conference of the RCRC in 2007 recognized that “[...] the public authorities and the **National Societies as auxiliaries enjoy a specific and distinctive partnership, entailing mutual responsibilities and benefits**, and based on international and national laws, in which the national public authorities and the National Society agree on the areas in which the National Society supplements or substitutes for public humanitarian services; the National Society must be able to deliver its humanitarian services at all times in conformity with the Fundamental Principles[...].”

Many National Societies enjoy a special legal base as private organizations with certain recognized public functions in their Red Cross or Red Crescent Law, and as such National Societies support and supplement the public authorities in their humanitarian activity.

The Auxiliary Role defines the relationship between the NS and its government, as well as their responsibilities and activities, and National Societies must operate autonomously and in compliance with the Movement's Fundamental Principlesⁱⁱ.

The Auxiliary Role establishes a space for dialogue between the NS and its government and for a two-way relationship. In essence, the auxiliary role gives National Societies an unique positioning and a seat at the table. Based on this, National Societies are in position to **request legal facilities are in place to ensure they can assume their responsibilities and provide their preparedness and response activities in the COVID-19 pandemic.**

3. Legal facilities

National Societies should request their governments to include necessary legal facilities for the execution of their humanitarian mandate in emergency decrees, proclamations, regulations and plans. This includes:

3.1 Freedom of Movement and exemption of quarantine

National Societies have mobilized volunteers for health and hygiene awareness in communities, provision of psychosocial support, risk communication and Community Engagement and Accountability. In fulfilling its Auxiliary Role, the National Society will require exemptions to restrictions placed by law, regulation, executive order, emergency decree or policing practice on the movement of persons to or from specific areas or communities. This freedom of Movement should apply to and from operating hospitals, testing sites, field clinics, ambulances and other services or health facilities operated by the National Society. These exceptions should into account the safety of communities, volunteers, and disaster preparedness and relief personnel. **National Societies should ask their government to be provided freedom of access to communities, RC premises such as offices and logistics warehouses, and crisis-hit areas affected by the virus to conduct their life-saving activities.**

3.2 Classification of Red Cross and Red Crescent personnel and volunteers

In addition to what mentioned above, for the purposes of implementing their respective functions, governments should recognize the National Society as an essential service for public health and public safety in law, regulation, executive order or policing practice. **National Societies should ask their government for their personnel and volunteers to be classified as 'frontline', 'emergency' or 'essential' workers**, or such other classification that will allow them to remain exempt from curfews, limitations on business opening hours and other generalised population control strategies. These exceptions should be subject to the ordinary safety precautions placed on frontline and emergency workers.

3.3 Coordination Mechanisms and Communication channels

Effective disaster preparedness and response requires coordination both horizontally between different sectoral agencies, and vertically between different levels of governments. As key national actor in the preparedness and response efforts, and as Auxiliary to government in the humanitarian field, **National Societies should ask their government to be included in the coordination mechanisms and communication channels put in place in the response efforts to the Covid-19.** National Societies should be included in multi-sectoral governmental coordination mechanisms and communication channels for this health emergency.

3.4 Importation of medical and non-medical relief items

In order to carry out their humanitarian mandate, National Societies need to import and pre-position goods, material and equipment. This includes personal protective equipment, sanitation supplies, related relief items for health professionals, and non-medical relief items to communities and families whose health and/or livelihood are affected by the disaster or by related isolation or quarantine requirements. Restrictions placed on air, land and sea travel, including cross-border or international travel, should make specific exemptions for RC and IFRC. **As such, National Societies should ask their government to be provided the following customs and landing facilitiesⁱⁱⁱ:**

- a. Authorization of imports for all medical and non-medical relief items**
- b. Priority landing of airplanes carrying humanitarian assistance supplies**
- c. Special and simplified custom clearance procedures, and measures in place to prevent delays**
- d. Provisions for the elimination of customs duties, tariffs or fees**

3.5 Global support from the RCRC Movement to National Societies

The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest humanitarian organization. It comprises 192-member Red Cross and Red Crescent National Societies, a secretariat in Geneva and more than 60 delegations strategically located to support National Societies' humanitarian and development activities around the world.

During times of disaster and crisis, like the current COVID-19 Pandemic, National Societies and Governments have recognised the key functions of the IFRC as to “act as permanent body of liaison, co-ordination and study among National Societies,” “assist National Societies in risk reduction, disaster preparedness, in the organization of their relief actions and the relief operations themselves” as well as “bring relief by all available means to all disaster-affected persons” and “organize, coordinate and direct international relief actions.” These functions are set in the IFRC Constitution and form part of the “Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance,” which were endorsed by 194 States Parties to the Geneva Conventions at the International Conference of Red Cross and Red Crescent in 2015.

IFRC will support National Society preparedness and relief operations and coordinate international relief received from global partners in support of Red Cross and Red Crescent COVID-19 operations globally. The humanitarian services that IFRC provides are essential and may entail dispatching emergency supplies to countries in need and issuing orders for personnel to deploy to countries in need of Red Cross Red Crescent assistance.

As such, IFRC personnel may be required to undertake urgent travels to disaster and crisis-hit areas. Because disasters and crises can strike anywhere at any time, restricting the personnel to travel may mean a lack of crucial support in contributing to saving lives. In this regard, allowing IFRC foreign personnel to travel out and into the country when circumstances demand will be required and an acknowledgement of the humanitarian imperative.

Specifically, **the National Society should request its government to provide the RCRC actors deployed under the umbrella of the IFRC, mobility of movement to enter and leave the territory of the country, once the precautionary and safety measures that apply to the circumstance are observed (eg. self-isolation for 14 days).**

Based on the IFRC's humanitarian mandate and in line with the Legal Status Agreement signed with many countries, **National Societies should request their authority to enable the following legal facilities to the IFRC in the preparedness and response phases of COVID-19:**

- **Waiver of travel restriction for RCRC personnel traveling to and from COVID-19 affected countries**
- **Visas on arrival for the IFRC humanitarian personnel**
- **Priority of landings for flights carrying humanitarian assistance**
- **Expedited custom clearance for the humanitarian goods and equipment**
- **Tax and duty exemptions for the humanitarian goods and equipment**

ⁱ Key provisions include:

- **Notification:** States are requested assess events to determine if they constitute a public health emergency of international concern and inform the WHO. A National IHR Focal Point must be designated which is available at all times.
- **Capacity-building:** States must take measures to develop their surveillance and response capacities for health emergencies, in particular at certain entry points which must be designated. The minimum capacities to be developed are set out in detail.
- **Health measures:** The IHR specify which health measures may be taken against travelers, goods, baggage and conveyances (e.g. requesting information, vaccinations, health examinations, etc.) and under which circumstances. In particular, the Regulations define when a traveler, vehicle, etc. may be considered affected by a disease, and what steps may then be taken. The charges which may be imposed for these measures are also regulated. States are also required to designate authorities responsible for a specified list of tasks related to health measures (e.g. ensuring that facilities used by travelers at points of entry are kept free of sources of infection).
- **Certification:** The IHR regulates the types of health documents which may be required in respect of travelers, ships or aircraft entering a territory, as well as setting out some of their legal consequences. Model documents are also provided.
- **Respect for human rights:** The IHR stipulates that its provisions must be applied with full respect for human rights. This is of particular importance in safeguarding the rights of persons undergoing health measures such as medical examinations or quarantine, as well as protecting individual privacy.
- **Implementation:** States must assess their existing structures, and then develop plans of action to ensure that minimum capacities are present and functioning.

ⁱⁱ The Red Cross promotes the recognition and observance of its Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality in the crafting and implementation of special measures designed to contain and mitigate the impact of the pandemic.

ⁱⁱⁱ The *IDRL Guidelines* (the [Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance](#)) adopted by the States Parties to the Geneva Conventions at the 30th International Conference of the Red Cross and Red Crescent in 2007 governing the movement of international disaster relief goods, personnel and equipment in a time of crisis. The Red Cross calls on governments to provide such legal status, waivers, exemptions, extended business hours, expedited customs and immigration processes and other special legal facilities required to ensure the unhindered movement of medical relief and humanitarian assistance teams and items into and out of their borders, removing or reducing as far as possible any bureaucratic or cost-related barriers.