



GOBERNACIÓN
Departamento Archipiélago de San Andrés,
Providencia y Santa Catalina
Reserva de Biosfera Scaflower
Nit: 892.400.038-2

DECREE No. 0128 - - 471
(18 MAR 2020)

*"By means of which the Sanitary Emergency is declared in the **DEPARTMENTAL ARCHIPIELAGO OF SAN ANDRES, PROVIDENCE AND SANTA CATALINA** and extraordinary police measures are adopted to mitigate the risk posed by the possible arrival of the coronavirus (COVID-19) to the jurisdiction of the Department. "*

**THE GOVERNOR OF THE DEPARTMENTAL ARCHIPIELAGO OF
SAN ANDRES, PROVIDENCE AND SANTA CATALINA**

In exercise of the constitutional and legal powers, especially those contained in Articles 2, 49, 305 and 365 of the Political Constitution of Colombia, Article 43 of Law 715 of 2001, the Single Regulatory Decree 780 of 2016, Law 1801 of 2016, and other concordant provisions, and,

CONSIDERING:

That in accordance with Article 2 of the Political Constitution, the authorities of the Republic are instituted to protect all persons residing in Colombia, in their life, honor, property, rights and other freedoms.

Likewise, Article 49 of the Constitution prescribes that "Health care and environmental sanitation are public services which the State is in charge of. All people are guaranteed access to health promotion, protection and recovery services".

The Political Constitution in its Article 365 establishes that public services are inherent to the social purpose of the State and it is the duty of the State to ensure its efficient protection to all the inhabitants of the national territory.

That Article 20 of the Statutory Law 1751 of 2015 "Through which the fundamental right to health is regulated and other provisions are issued," establishes that the fundamental right to health is autonomous and inalienable individually and collective. It includes access to health services in a timely, effective, and quality manner for the preservation, improvement, and promotion of health. The State will adopt policies to ensure equal treatment and opportunities in access to promotional, prevention, diagnosis, treatment, rehabilitation and palliation activities for all people. In accordance with Article 49 of the Political Constitution, its provision as a mandatory essential public service is carried out under the non-delegable direction, supervision, organization, regulation, coordination and control of the State.

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That Article 43 of Law 715 of 2001 "By which organic regulations are issued in terms of resources and competence in accordance with Articles 151, 288, 356 and 377 of the Political Constitution and other provisions are dictated to organize the provision of the education and health services, among others, "indicates the competence of the Departments in health matters, establishing that, among other functions, they are responsible for directing, coordinating, monitoring the health sector and the General Social Security System in Health in the jurisdiction of its territory, in particular to guarantee the financing and provision of public health laboratory services directly or by contracting.

That according to literal i) of Article 2.8.8.1.1.9 of the Single Regulatory Decree 780 of 2016 "Through which the Single Regulatory Decree of the Health and Social Protection Sector is issued, it is the function, among others, of the Departmental Health Directorates, in relation to the Public Health Surveillance System, declare in their jurisdiction the health emergency in accordance with the law.

That in cases where there is an emergency due to an epidemic, Article 202 of Law 1801 of 2016 "By which the National Code of Citizen Security and Coexistence is issued", and declares:

"(...)

ARTICLE 202. EXTRAORDINARY COMPETENCE OF POLICE OF GOVERNORS AND MAYORS, IN TERMS OF EMERGENCY AND CALAMITY SITUATIONS. In extraordinary situations that threaten or seriously affect the population and in order to prevent risk or mitigate the effects of disasters, epidemics, calamities, situations of insecurity and lessen the impact of their possible consequences, these authorities in their respective territory, may order the following measures, with the sole purpose of protecting and assisting people and avoiding greater harm:

(...)

8. Organize the supply and distribution of food, medicines and other goods, and the provision of medical, clinical and hospital services.

9. Reorganize the provision of public services.

(...) "

That there is currently a highly contagious respiratory disease caused by the Coronavirus COVID-19, reported in the last weeks of December 2019, which is transmitted through the secretions that are expelled from a sick person when they cough or exhale.

That the World Health Organization -WHO-, through Report No. 51 published on March 11, 2020 on its website, elevated COVID-19 (Coronavirus) to the category of "pandemic," where at the time, 118.322 positive cases with this disease had been officially registered in 114 countries, and the number of deaths from this cause had risen to 4.292.

That in regards of the declaration of a pandemic made by the WHO regarding COVID-19, the Ministry of Health and Social Protection issued Resolution No. 385 of March 12, 2020 "By which the health emergency is declared due to the COVID

coronavirus -19 and measures are taken to deal with the virus," which declared: "Article 1, Declaration of a health emergency. Declare a health emergency throughout the national territory until May 30, 2020. "And includes measures such as the prohibition of any event that congregate more than 500 people or the docking, disembarking, loading and unloading of passengers and goods from international maritime traffic passenger ships, among other measures.

That in Colombia, 65 cases of people who contracted COVID-19 have been officially confirmed up to March 17, 2020, and that these are located in Bogota, Medellin, Buga (Valle del Cauca), Neiva and Cartagena, but that most of them came from foreign countries where they acquired the virus, and now they must move from a prevention phase to a containment phase in emergency management, based on the guidelines of the Ministry of Health and Social Protection.

That the Departmental Archipelago of San Andres, Providence and Santa Catalina, due to its insular status, has a connection to the continent by air and sea, the first being more frequently with direct daily flights from Panama, Bogota, Cali, Medellin, Barranquilla, Cartagena and Canada where there is presence of confirmed cases of CONVID-19.

According to the Tourism Secretary of the Archipelago of San Andres, Providence and Santa Catalina, on a monthly average, 85.000 tourists visit the Archipelago and of these 4.000 tourists comes from the United States, Canada, France and Spain; in addition to 1.500 tourists from Italy, Germany, the United Kingdom and Netherlands. In all these countries there are confirmed cases of people infected with the CONVID-19 virus.

That the Departmental Archipelago of San Andres, Providence and Santa Catalina, due to its status as an international and national tourist reference, should foresee the possible entry of national and international tourists who may give entry to the COVID-19 virus, from their place of origin.

That the Departmental Secretariat of Health of the Archipelago of San Andres, Providence and Santa Catalina carried out an analysis of the current situation of sanitary measures to prevent, mitigate and control the risk of a possible outbreak of the virus, according to the information available in the Secretariat.

That the condition of the hospital network of the Departmental Archipelago of San Andres, Providence and Santa Catalina is not at the optimal level to deal with the CONVID-19 Pandemic.

That from the analysis carried out, it is not possible to have calculations of the possible people to become infected, given the little knowledge that COVID-19 has in the world, so it is necessary to have the capacity to expand the infrastructure currently installed, in the event that the number of patients exceeds the current supply of infrastructure.



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That due to a potential threat of such magnitude to the public health of the inhabitants of the Departmental Archipelago of San Andres, Providence and Santa Catalina, it is imperative to declare a health emergency as ordered by Regulatory Decree 780 of 2016, and likewise adopt some of the extraordinary police measures contemplated in the aforementioned Article 202 of Law 1801 of 2016 (National Police Code), in order to take the necessary steps to avoid or mitigate the effects caused by the over-demand of health services by the eventual arrival of COVID-19 in the jurisdiction of this Department.

Base on the foregoing,

DECREE

FIRST ARTICLE. Declare a Sanitary Emergency in the Departmental Archipelago of San Andres, Providence and Santa Catalina, in accordance with the motivating part of this Decree.

SECOND ARTICLE. The Departmental Sanitary Emergency will govern for up to three months, extendable for an equal period, during which time the Administration will adopt the measures it deems necessary to prevent, mitigate, control, contain or suppress the outbreak of COVID-19 in the Departmental Archipelago of San Andres, Providence and Santa Catalina, within the framework of its constitutional, legal and regulatory powers.

PARAGRAPH. The Departmental Health Secretariat, as the Departmental Health Authority, shall determine, within ten (10) business days following the admittance into force of this act, the action plan of the measures to deal with the emergency situation declared by means of this Decree.

THIRD ARTICLE. All the members of the Social Security System in Health, among them, the State Social Companies and the Public, Private and Mixed Economy Health Service Provider Institutions, health promoting companies, educational institutions and the Mayor's Office of Providence, will carry out the actions that are necessary in compliance with the measures adopted by the Departmental Administration, under the protection of this declaration of Sanitary Emergency and the others that are necessary to guarantee the protection of the essential public health service.

FOURTH ARTICLE. Adopt by the Departmental Government of the Archipelago of San Andres, Providence and Santa Catalina, the extraordinary and transitory police measures to prevent, mitigate, control, contain or suppress the effects of the eventual arrival of COVID-19 to the jurisdiction of this Department, that prevent or suspend the holding of meetings, demonstrations or social, religious, sports, academic, political and similar activities, both public and private, that have the purpose of concentrating fifty (50) or more people in public or private places in close contact, during the period of validity of the health emergency declared in this Decree.

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PARAGRAPH: For all purposes of the police measures, it is understood as a close contact, the location of a group equal to or greater than fifty (50) people in a distance equal to or less than two (2) meters between those present.

FIFTH ARTICLE. Authorize the Secretary of Health of the Departmental Archipelago of San Andres, Providence and Santa Catalina to issue orders and instructions through resolution or circulars, in the terms provided in this Decree, to take the preventive or corrective measures that are necessary to avoid contagion or spread of COVID-19; monitor the actions taken in development of the measures adopted and periodically evaluate their compliance.

SIXTH ARTICLE. The declaration of Sanitary Emergency, the measures adopted to prevent, mitigate, control, contain or suppress the outbreak of COVID-19 in the Departmental Archipelago of San Andres, Providence and Santa Catalina, the action plan that is issued for its implementation, the intervention of all the members of the Social Security System in Health, among them, the State Social Companies and the Public, Private and Mixed Economy Health Service Provider Institutions, the health promoting companies, and the Mayor's Office of Providence, the Police measures adopted, as well as the monitoring and evaluation of these actions, must be carried out in harmony and in strict observance of the provisions issued on the occasion of the Sanitary Emergency decreed by the National Government throughout the Colombian territory.

SEVENTH ARTICLE. This Decree is in force from the date of issue and repeals all provisions that are contrary to it.

EIGHT ARTICLE. Order the publication of this Decree on the website of the Departmental Government of the Archipelago of San Andres, Providence and Santa Catalina.

Given in San Andres Island, on 18 MAR 2020

BE IT THUS NOTIFIED AND ORDERED



EVERTH HAWKINS SJOGREEN
Governor



JULIAN DAVIS ROBINSON
Secretary of Health

Projected by: M Moreno./ Private S.
Revised by: M Moreno./ Private S.
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