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Reference: C.N.347.2009.TREATIES-8 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

GUATEMALA: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 20 May 2009.

(Translation) (Original: Spanish)

J/1/731

New York, 20 May 2009

Sir,

I have the honour to inform you, in your capacity as depositary of the International Covenant on Civil and Political Rights, of a notification by the Government of Guatemala pursuant to article 4, paragraph 3, of the Covenant. On 6 May 2009, Dr. Rafael Espada, Vice-President of the Republic of Guatemala, acting on behalf of the President, declared, by Government Decree No. 7-2009, a public health emergency throughout the national territory, with a view to preventing and mitigating the effects of the influenza A (H1N1) epidemic.

Government Decree No. 7-2009, which was declared for a period of thirty (30) days, limits the rights and freedoms contained in articles 12, 19 and 21 of the International Covenant on Civil and Political Rights.

On 12 May 2009, by Government Decree No. 8-2009, the President of the Republic repealed Government Decree No. 7-2009 dated 6 May 2009.

I should be grateful if you would use your good offices to inform the other States parties of the contents of this notification and the respective Government decrees.

Accept, Sir, the assurances of my highest consideration.

(Signed) Gert Rosenthal
Permanent Representative

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are currently issued in both hard copy and electronic format. Depositary notifications are made available to the Permanent Missions to the United Nations at the following e-mail address: missions@un.int. Such notifications are also available in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, where interested individuals can subscribe to directly receive depositary notifications by e-mail through a new automated subscription service. Depositary notifications are available for pick-up by the Permanent Missions in Room NL-300.

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Classification: DDHH/SubCCPP
No. 350-000041-09
Re: Suspension of rights
Guatemala City, 14 May 2009

Sir,

I have the honour to write to you pursuant to article 4, paragraph 3, of the International Covenant on Civil and Political Rights and, in that connection, to request you to notify the other States parties of the suspension by the State of Guatemala of the obligations entered into under the Covenant, as well as the lifting of that suspension.

In this regard, I wish to inform you that on 6 May 2009, in the Council of Ministers, Dr. Rafael Espada, Vice-President of the Republic of Guatemala, acting on behalf of the President, declared, by Government Decree No. 7-2009, a public health emergency throughout the national territory for a period of 30 days, with a view to preventing and mitigating the effects of the influenza A (H1N1) epidemic.

The public health emergency was declared following the discovery of the first case of infection by the influenza A (H1N1) virus in Guatemala, and the World Health Organization's decision to raise the level of influenza pandemic alert in the world from phase 4 to phase 5 on a scale of 1 to 6. Accordingly, the State's obligations under article 12, on the right to liberty of movement, article 19, on the right to freedom of expression and article 21, on the right of peaceful assembly, of the International Covenant on Civil and Political Rights were suspended.

By Government Decree No. 8-2009 of 12 May 2009, in the Council of Ministers, Mr. Álvaro Colom Caballeros, Constitutional President of the Republic of Guatemala, repealed Government Decree No. 7-2009 dated 6 May 2009, declaring a public health emergency throughout the national territory.

This decision was taken in consideration of the fact that Guatemala does not have a significant number of influenza A (H1N1) cases and that it was thus desirable to restore the full enjoyment of the rights suspended by Government Decree No. 7 2009.

Accordingly, I should be grateful if you would inform the other States parties to the Covenant.

Accept, Sir, the assurances of my highest consideration.

(Signed) Alfredo Trinidad Velásquez
Deputy Minister for Foreign Affairs, Head of
office

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The Office of the President of the Republic

A public health emergency is hereby declared throughout the national territory, with a view to preventing and mitigating the effects of the influenza A (H1N1) epidemic.

Government Decree No. 7-2009

The Vice-President of the Republic acting on behalf of the President

Considering

That while it is the obligation of the State and its authorities to ensure that the inhabitants of the nation continue to enjoy fully the rights guaranteed by the Political Constitution of the Republic, the full and effective exercise of certain rights can be suspended during public health emergencies following a declaration by the President of the Republic in the Council of Ministers, describing the nature and seriousness of the specific situation and applying such legal measures as are deemed strictly necessary in accordance with the Public Order Act,

Considering

The grave situation facing the world owing to the spread of the influenza A (H1N1) pandemic in various countries, including Guatemala, in view of which it is necessary to adopt as a matter of urgency all appropriate measures to prevent and mitigate the effects of influenza A (H1N1) for the Guatemalan people, necessitating the issuance of the Decree containing the declaration of a public health emergency throughout the national territory,

Therefore

In exercise of the functions conferred on him by articles 138 and 183, paragraphs (e) and (f), of the Political Constitution of the Republic of Guatemala, and in accordance with the provisions of articles 1, 2, 14 and 15 of the Public Order Act,

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In the Council of Ministers

Decrees

Article 1. Declaration. A public health emergency is hereby declared throughout the national territory, with a view to preventing and mitigating the effects of the influenza A (H1N1) epidemic.

Article 2. Justification. A public health emergency has been declared following the discovery of the first case of infection by the influenza A (H1N1) virus in Guatemala, and the World Health Organization's decision to raise the level of influenza pandemic alert around the world from phase 4 to phase 5 on a scale of 1 to 6.

Article 3. Duration. The public health emergency is declared for a period of thirty days from the entry into force of the present Government Decree.

Article 4. Suspension of rights. The full and effective exercise of the constitutional rights recognized in articles 5 and 26 of the Political Constitution of the Republic of Guatemala is suspended throughout the national territory for the period stated in article 3 of this Decree.

Article 5. Measures. During this public health emergency, the following measures shall be taken:

(1) Make the Ministry of Public Health and Social Welfare the focal point of all actions taken to prevent and mitigate the effects of influenza A (H1N1) and to provide medical services and care to infected persons.

(2) Restrict the right to liberty of movement by changing or maintaining people's residences; establishing security zones; restricting vehicular traffic; and preventing people from entering or leaving the affected areas.

(3) Call for the assistance and cooperation of civilians in order to better control the situation in the affected area.

(4) Prevent crowds from forming and to prohibit or suspend public events and any type of meeting, as well as to shut down commercial establishments of any kind in which crowds tend to form.

(5) Order the evacuation of the inhabitants of the regions affected or at risk of being affected by the epidemic.

(6) Determine appropriate measures for the protection of international borders.

(7) Take all measures necessary to prevent the epidemic from spreading to other areas in order to ensure people's safety.

Article 6. Cooperation. All the agencies and units of the executive branch and the agencies of the public health sector shall participate and cooperate within the scope of their competencies in implementing the measures adopted by the Ministry of Public Health and Social Welfare in order to guarantee basic public services.

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Article 7. Preventive measures. In seeking to ensure the well-being of the people, the necessary means must be found to prevent and mitigate the effects of influenza A (H1N1). Accordingly, the executive units of the Ministry of Public Health and Social Welfare shall carry out refurbishments and renovations and shall purchase equipment, furniture, medical and surgical supplies, medicines, nutritional supplements, vehicles and anything else deemed necessary for the purposes of prevention and mitigation.

Article 8. Communication. The Congress of Guatemala shall be informed of the contents of this Government Decree for the purposes of articles 138 and 139 of the Political Constitution of the Republic of Guatemala and a detailed report on what occurred and the measures that were adopted during the emergency shall be presented to the Congress in a timely manner, in accordance with article 32 of the Public Order Act.

Article 9. Entry into force. The present Government Decree shall enter into force immediately and shall be published in the Official Journal of Central America.

Done in Guatemala City on 6 May 2009.

For publication and compliance

(Signed)

Rafael Espada

(Signed) Salvador Gándara Gaitán

Minister of the Interior

(Signed) Juan Alberto Fuentes K.

Minister of Finance

(Signed) Alfredo Trinidad Velásquez

Deputy Minister for Foreign Affairs

Head of office

(Signed) Ana Ordóñez de Molina

Minister of Education

(Signed) Juan José Ruiz Morales

Chief of National Defence Staff

Head of office

(Signed) Luis Alfredo Alejos Olivero

Minister of Communications,

Infrastructure and Housing

(Signed) Édgar Alfredo Rodríguez

Minister of Labour and Social Security

(Signed) Rubén Estuardo Morales Monroy

Minister of the Economy

(Signed) Mario Roberto Aldana Pérez

Minister of Agriculture, Livestock
and Nutrition

(Signed) Celso David Cerezo Mulet

Minister of Public Health and

Social Welfare

(Signed) Alfredo Américo Polus Yaquian

Deputy Minister of Energy and Mines

(Signed) Luis Alberto Ferraté Felice

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Minister of Energy and Mines
(Signed) Jerónimo Lancerio Chingo
Minister of Culture and Sports
(Signed) Modesto Aníbal Samayoa Salazar
Assistant Secretary-General for the
Office of the President of the Republic
Head of office

4 June 2009

A handwritten signature in black ink, consisting of a stylized, cursive 'J' followed by a flourish.

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