

Reference: C.N.161.2020.TREATIES-IV.4 (Depositary Notification)

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

EL SALVADOR: NOTIFICATION UNDER ARTICLE 4 (3)<sup>1</sup>

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

The above action was effected on 7 May 2020.

(Translation) (Original: Spanish)

New York, 7 May 2020

Excellency,

I have the honour to write to you in reference to my letters dated 26 and 31 March and 14, 16 and 17 April 2020, in which I notified you of the *national state of emergency, public calamity and natural disaster* that the Republic of El Salvador declared over its national territory, and of the corresponding measures limiting certain constitutional rights, in order to prevent, address and control the risk and imminent impact of the COVID-19 pandemic.

The Republic of El Salvador hereby wishes to inform that Legislative Assembly adopted Decree No. 634 on 30 April 2020, published on the same date in Official Gazette No. 87, Volume No. 427, which provides as follows:

*“The validity of Legislative Decree No. 593 of 14 March 2020 on the national state of emergency in response to the COVID-19 pandemic, published on the same date in Official Gazette No. 52, Volume No. 426, and its subsequent amendments, is hereby extended for fifteen days, starting from the entry into force of this Decree. This decree shall enter into force on 2 May 2020, following publication in the Official Gazette, and its effects shall terminate on 16 May 2020.”*

Consequently, the restrictions on certain constitutional rights shall remain in force until 16 May 2020. During the extension of the state of emergency, the constitutional rights that are restricted include: freedom of movement, the right to assemble peacefully without arms for lawful ends, and the right of not being forced to change domicile or residence.

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<sup>1</sup> The texts of Legislative Decree No. 634 of 30 April 2020 and Executive Decree No. 22 of 6 May 2020, attached to the notification, are on file with the Secretary-General and available for consultation.

Furthermore, I wish to inform that, taking into account the international obligation to guarantee the necessary conditions for the realization of the population's right to health, the executive branch, through the Presidency of the Republic of El Salvador, adopted Executive Decree No. 22 on 6 May 2020, which aims at prescribing additional causes to those provided for in article 8 of the Act on the regulation of isolation, quarantine, observation and surveillance due to COVID-19, that regulate, with respect to certain persons, the right of movement during quarantine.

In this respect, the measures established pursuant to the above-mentioned Executive Decree include, *inter alia*, the following:

- The movement of employees and contractors of businesses, industries and entities engaged in home delivery of food and pharmaceutical products, medical services, nursing and all health-related services, including dental and hearing emergencies, pharmacies, drugstores and pharmaceutical and clinical laboratories, will be authorized.
- The movement of employees and contractors working in private transportation; the agro-industry and its distribution chain; agriculture, livestock, beekeeping and fisheries; public and private drinking water services, among other activities listed in the attached document, will also be authorized.
- In order to allow the supply of food, purchase of medicines or transactions in bank agencies, the movement of persons will be authorized according to the last digit of their identity card, passport or aliens' residency card.
- The Ministry of Labour and Social Welfare has been granted the authority to supervise the occupational safety and health protocols applicable to companies that are authorized to carry out their activities pursuant to the decree.
- Cooperation with municipal governments, namely mayors, municipal councils, municipal agencies and members of the civil protection commission of such local governments, is strengthened.
- Individuals must also collaborate and abide by the restrictions indicated above, without prejudice to the corresponding criminal and civil liabilities. This measure is based on preambular paragraph XXI of the Executive Decree which refers to article 14, paragraph 1, of the Act on administrative procedures that prescribes to all persons or authorities to collaborate with the public administration when required to do so.
- Finally, Executive Decree No. 22 will be in force for 17 days starting from the day following its publication in the Official Gazette.

Excellency,

Therefore, and pursuant to article 4, paragraph 3, of the International Covenant on Civil and Political Rights, the Salvadorian State wishes to avail itself of the right of derogation from its obligations under articles 12 and 21 of the said Covenant, due to the provisional measures adopted by the Government of El Salvador to prevent, address and control the risk and imminent impact of the COVID-19 pandemic, solely within the period defined by law in the aforementioned decrees.

In that regard, the Republic of El Salvador reaffirms its paramount interest of protecting human dignity and other rights, through the application of the standard of proportionality as reflected in the measures provided for by the above-mentioned decrees, and always recognizing the importance of respecting the principles of international human rights law, which are applicable to all persons, without any discrimination.

For further information, I have the honour to attach the official publication of Legislative Decree No. 634 of 30 April 2020, and the Decree No. 22 of 6 May 2020 as approved by the executive branch.

Please, accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Egriselda López  
Ambassador and Permanent Representative  
of the Republic of El Salvador to the United Nations

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14 May 2020

A handwritten signature in black ink, consisting of a stylized 'E' followed by 'LÓPEZ' in a cursive script.