

Reference: C.N.180.2020.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 21 May 2020.

(Translation) (Original: Spanish)

DNU-046-2020

New York, 21 May 2020

Excellency,

I have the honour to write to you in reference to my letters dated 26 and 31 March; 14, 16 and 17 April; and [7] May 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, in order to guarantee the right to health of its population, specifically the prevention and treatment of epidemic, endemic, occupational and other diseases, referred to in article 12 (2) (c) of the International Covenant on Economic, Social and Cultural Rights, and in view of the powers granted under article 24 of the Civil Protection and Disaster Prevention and Mitigation Act, the executive branch adopted Decree No. 19 of 19 May 2020, published on the same date in Official Gazette No. 101, Volume No. 427, and which provides, in its first article, as follows:

*“A national state of emergency is hereby declared throughout the territory of the Republic, within the framework established in the Constitution, as a result of the COVID-19 pandemic.”*

According to the second article of the said decree, the declared state of emergency shall remain in effect to counter the adverse consequences of the COVID-19 pandemic nationwide and that, as a result, priority is given to the obligation set forth in article 65 of the Constitution of the Republic of El Salvador, pursuant to which the health of the inhabitants of the Republic constitutes a common good, the State and the people being therefore obligated to safeguard its conservation and restoration.

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<sup>1</sup> The texts of Executive Decrees No. 19 and No. 26, attached to the notification, are on file with the Secretary-General and available for consultation.

The aforementioned decree responds to the need to guarantee the principle of legal certainty for the population and ensures that the expiration of Legislative Decree No. 593, which previously declared the state of national emergency, does not harm the life, health, economy, and employment stability of the Salvadoran people.

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. This restriction is maintained for up to fifteen days, starting on 19 May 2020, the date the aforementioned Executive Decree No. 19 entered into force.

Furthermore, I wish to inform you that Executive Decree No. 22, which addressed 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, was repealed by Executive Decree No. 26, issued by the health sector of the executive branch, on 19 May 2020, and published in Official Gazette No. 102, Volume No. 427, on 20 May 2020.

In accordance with the latter regulation, the proportionality rules that regulate the conditions, time and manner of enforcing the quarantine, surveillance or observation of persons subject to such control measures, as determined by the Ministry of Health due to the COVID-19 pandemic, shall remain in force.

Considering that, to date, El Salvador had a total of 1,640 confirmed COVID-19 cases, the decree maintains the Salvadoran territory as an epidemic zone subject to health control; as such, all the inhabitants shall be subject to an obligatory stay-at-home order and may only leave their homes or residences when so authorized under the aforementioned decree, in accordance with the rule that allows the movement of persons in order to purchase food, medicines or for transactions in bank agencies, according to the last digit of their identity card, passport or aliens' residency card, thereby ensuring that the rules of social distancing are respected. These measures shall remain in effect until 6 June 2020.

Excellency,

Therefore, and pursuant to article 4, paragraph 3, of the International Covenant on Civil and Political Rights, the Salvadoran 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 in protecting human dignity, the right to health and the general welfare of the population, as well as their related guarantees; and will therefore continue to ensure the adoption of proportional measures, such as those set forth in the above-mentioned decrees, and to always recognize the importance of preserving a framework of legal certainty and respect for 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 Executive Decrees No. 19 and No. 26, the latter issued by the Ministry of Health, both dated 19 May 2020.

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

(Signed) Egriselda López  
Ambassador and Permanent Representative

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3 June 2020

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