

Reference: C.N.182.2020.TREATIES-IV.4 (Depositary Notification)

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

EL SALVADOR: NOTIFICATION UNDER ARTICLE 4 (3)¹

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

The above action was effected on 24 May 2020.

(Translation) (Original: Spanish)

DNU-47-2020

New York, 24 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] and 21 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, through decision No. 63-2020 of 22 May 2020, the Constitutional Chamber of the Supreme Court of Justice, in the exercise of the powers conferred on it by article 172, paragraph 1, of the Constitution of the Republic of El Salvador, ordered the suspension of Executive Decree No. 19 of 19 May 2020, which was notified to you in my previous communication.

In this regard, and considering the criteria of urgency, adequacy, reasonableness, necessity and proportionality, the said Chamber ordered the legal reviviscence of Legislative Decree No. 593, adopted by the Legislative Assembly on 14 March 2020 and published in Official Gazette No. 52, Volume No. 426 of 14 March 2020.

This measure, unless a new law is adopted before, shall be in force until 29 May 2020, period within which the Constitutional Chamber ordered the executive and legislative branches to seek the necessary consensus for the creation of a new regulation that guarantees the fundamental rights of the inhabitants of the Republic and mitigates risks generated by the COVID-19 pandemic.

¹ The text of Legislative Decree No. 593 of 14 March 2020, attached to the notification, is on file with the Secretary-General and available for consultation.

Consequently, in accordance with the above-mentioned decision, the Republic of El Salvador is once again applying the legal effects derived from Legislative Decree No. 593, pursuant to which, the following constitutional rights are restricted during the extension of the state of emergency: 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.

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 Salvadoran State 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 of all Salvadorans, as well as their related guarantees. The executive branch will continue to ensure the adoption of proportional and reasonable measures whose main purpose is to preserve a framework of legal certainty, the unrestricted respect for the democratic state based on the rule of law and respect for principles of international human rights law, which are applicable to all persons without any discrimination. Likewise, the executive branch is promoting dialogue with the other branches of government and different sectors in order to protect the general welfare of the population during this emergency.

For further information, I have the honour to attach the official publication of Legislative Decree No. 593, the reviviscence of which was ordered by the Constitutional Chamber.

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

(Signed) Egriselda López
Ambassador and Permanent Representative

5 June 2020

