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

ECUADOR: 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 17 August 2022.

(Translation) (Original: Spanish)

Note No. 4-2-114/2022

The Permanent Mission of Ecuador to the United Nations presents its compliments to the Office of Legal Affairs, United Nations Secretariat, and has the honour to report that, on 14 August 2022, Executive Decree No. 527 was issued, by which the Constitutional President of the Republic, Guillermo Lasso Mendoza, declared a state of emergency owing to serious internal unrest in the cantons of Guayaquil, Durán and Samborondón.

Executive Decree No. 527 reads as follows: “This declaration has been made because of the rise in the activities of organized crime groups, marked by a return of incidents such as the explosives attack in the Cristo del Consuelo district in the overnight hours, late on 13 August 2022 and early on 14 August 2022. Such an escalation of events places the safety, integrity and lives of the population at risk.

This declaration is limited to the aforementioned territories, which have a substantial presence of organized crime, and are the location of clashes between groups and factions, leading to violent acts which harm the rights of the rest of the population, of members of law enforcement agencies and of the individuals involved in those clashes.

This situation requires urgent intervention by government institutions to reinforce security and protect the rights of citizens, public order and social peace”.

In accordance with article 6 of the Executive Decree, “in the cantons of Guayaquil, Durán and Samborondón, the exercise of the right to freedom of association and assembly [is suspended] strictly in relation to the reasons for the state of emergency, adhering to the principles of proportionality, necessity and appropriateness, and fully respecting the other rights protected under the Constitution...”.

¹ The text of Executive Decree No. 527 of 14 August 2022 of the Republic of Ecuador attached to the notification is on file with the Secretary-General and is available for consultation.
Pursuant to Article 7, “the right to inviolability of the home is suspended in the cantons of Guayaquil, Durán and Samborondón.

The suspension of the right to inviolability of the home will consist of the possibility of inspections and searches by the law enforcement agencies, conducted with the aim of detecting locations used to store controlled substances, weapons and explosives, in order to dismantle the structures used by organized crime groups to operate in the area covered by this Executive Decree. This exceptional measure is necessary to prevent possible attacks and violent acts caused by clashes between organized crime groups.”

According to Article 8, “the right to inviolability of correspondence sent or received is suspended in the cantons of Guayaquil, Durán and Samborondón.

The suspension of the right to inviolability of correspondence will be limited to the identification, analysis and collection of messages aimed at the commission or concealment of any illicit act related to organized crime groups operating in the city, in particular in connection with possible attacks that place the integrity and life of citizens at risk”.

Lastly, article 2 of the Executive Decree provides that “the state of emergency shall remain in effect for 30 days”.

The rights contained in the International Covenant on Civil and Political Rights that have been suspended by Executive Decree No. 527 are: Article 17 (No one shall be subjected to arbitrary or unlawful interference with his ... home or correspondence), Article 21 (Freedom of assembly) and Article 22, paragraphs 1 and 2 (Freedom of association).

In accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, the Permanent Mission of Ecuador to the United Nations respectfully requests the Office of Legal Affairs, United Nations Secretariat, to inform all the States parties to the Covenant accordingly.

The Permanent Mission of Ecuador to the United Nations takes this opportunity to convey to the Office of Legal Affairs, United Nations Secretariat, the renewed assurances of its highest consideration.

New York, 17 August 2022

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26 August 2022