

Reference: C.N.402.2022.TREATIES-IV.4 (Depositary Notification)

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 3 November 2022.

(Translation) (Original: Spanish)

Note No. 4-2-137-2022

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 inform it that on 1 November 2022, Executive Decree No. 588, the text of which is annexed hereto, was issued, by which the President of the Republic, Guillermo Lasso Mendoza, declared “a state of emergency owing to serious internal unrest in the Provinces of Guayas and Esmeraldas”.

This declaration was issued because of the activities of organized crime groups, whose criminal actions, threats and practices were reflected, with increased violence, in the early hours of 1 November 2022, in events whose escalation puts at risk the safety of citizens and law enforcement officials, their integrity and their lives.

The declaration is limited to the aforementioned territorial area because that is where the events occurred and where the conflict between criminal groups and factions has led to violent acts that undermine the rights of the rest of the population, law enforcement officials and even the participants in the aforementioned clashes. It is also the territorial area where criminal groups and factions have reacted violently and disproportionately to the State’s strategic intervention.

The situation described above requires urgent intervention by State institutions to safeguard security and protect the rights of citizens, public order and social peace.

Under article 6, “the right to freedom of association and assembly is suspended in the territorial area defined in [the aforementioned] Executive Decree of, strictly in relation to the reasons for the state of emergency, provided that the principles of proportionality, necessity and appropriateness, and the other rights protected under the Constitution, are fully respected. The right to freedom of association and assembly is suspended to limit the spread of violent actions such as those that gave rise to the state of emergency. In that regard, law enforcement officials are authorized to prevent and break up meetings in public spaces where possible threats to public order and civilian safety have been identified”.

¹ The text of Executive Decree No. 588 of 1 November 2022 of the Republic of Ecuador attached to the notification is on file with the Secretary-General and is available for consultation.

Similarly, under article 7, “the right to inviolability of the home is suspended in the territorial area defined in the Executive Decree. The suspension of the right to inviolability of the home will permit the conduct of inspections and searches by law enforcement officials in order to find caches of controlled substances, weapons and explosives to eliminate ongoing or future threats. This exceptional measure is necessary to prevent possible attacks and violent acts resulting from confrontations between organized crime groups”.

Under article 8, “the right to the inviolability of correspondence sent or received is suspended in the territorial area defined in the Executive Decree. The suspension of the right to the inviolability of correspondence shall be limited to the identification, analysis and collection of messages whose purpose is the commission or concealment of unlawful acts related to the events that gave rise to this declaration, in particular those that are related to possible attacks that put the integrity and life of citizens at risk”.

Under article 10, “freedom of movement shall be restricted as from the issuance of the Executive Decree. The restrictions shall be in effect every day from 9.00 p.m. to 5.00 a.m. in the territorial area defined in the Executive Decree. Anyone moving around during the curfew shall be brought before the competent judicial authorities. Notwithstanding the foregoing, the following sectors are exempted from the restrictions established herein:

1. Services in the comprehensive public health network and the complementary private network;
2. Security and law enforcement, complementary private security and risk management and emergency services;
3. Emergency road services;
4. Public servants of the Offices of the President and Vice-President of the Republic, the Ministry of Government, the Ministry of Defence, the Ministry of the Interior, the National Secretariat of Public and State Security and the diplomatic corps accredited to the country;
5. Public servants or the personnel of contractors of public agencies who can prove that they must travel to ensure the continuity of public services;
6. Persons who are part of a logistic chain, including the export sector, who must prove that they belong to a company whose ordinary business activity requires the transportation of cargo and, if applicable, that the cargo being transported is legitimate; similarly, companies whose factories or production facilities operate during the night or in rotating shifts and their employees, who must prove their status with a pass or identification card issued by their employer;
7. Persons who must travel to and from airports for flights scheduled during curfew hours;
8. Lawyers, as long as they can prove the need to attend a judicial proceeding, officials of the Constitutional Court and public servants of the judiciary;
9. Personnel of the mass media;
10. Workers in the strategic sectors and public services defined as such in the Constitution, namely energy in all its forms; telecommunications; non-renewable natural resources; transportation and the refining of hydrocarbons; biodiversity and genetic heritage; the radio-frequency spectrum; water; provision of public drinking water and irrigation services; sanitation; electricity; telecommunications (as a public service); roads; port and airport infrastructure; and others provided for by the Law;

Persons who in the exercise of their economic activities supply a production chain. For this purpose, the Ministry of Government may issue specific provisions. The Ministry of Government may, subject to a prior assessment, authorize the holding of activities such as public events, touristic and similar activities in places where there is no risk of violence.

Persons who are closely involved in these exceptions must so prove with documentation. The national police, the armed forces and/or traffic police are authorized to demand documentation proving engagement in an exempted activity from any person moving around during curfew hours”.

Lastly, under article 2 of the aforementioned Executive Decree, “the state of emergency shall be in effect for 45 days”.

The rights enshrined in the International Covenant on Civil and Political Rights that are suspended under Executive Decree No. 588 are those contained in article 12; article 17; article 21; and article 22, paragraphs 1 and 2.

In view of the above and in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, the Permanent Mission of Ecuador respectfully requests that the Office of Legal Affairs, United Nations Secretariat, 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, 3 November 2022

Annexes: As indicated.

15 November 2022

