

Reference: C.N.983.2016.TREATIES-IV.4 (Depositary Notification)

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

ECUADOR: NOTIFICATION UNDER ARTICLE 4 (3)

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

The above action was effected on 7 December 2016.

(Translation) (Original: Spanish)

No. 4-2-208/2016

The Permanent Mission of Ecuador to the United Nations presents its compliments to the United Nations Secretariat and has the honour to inform it that owing to the seismic events of 16 April 2016 and strong aftershocks, the Government of the Republic of Ecuador has declared a state of emergency in the provinces of Esmeraldas and Manabí, by Executive Decree No. 1215, in order to protect their populations from the adverse effects of that natural disaster and ensure their safety.

In that regard, the Permanent Mission of Ecuador to the United Nations has the honour to inform the Secretariat that, in accordance with article 3 of Executive Decree No. 1215, the rights relating to inviolability of the home and freedom of movement of those affected by the 16 April 2016 earthquake and its aftershocks in the provinces of Manabí and Esmeraldas, recognized in article 17, paragraph 1, and article 12, paragraph 1, of the International Covenant on Civil and Political Rights, have been suspended.

The Permanent Mission of Ecuador to the United Nations respectfully requests, in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, that the United Nations Secretariat inform all States parties to the Covenant of this measure.

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

New York, 5 December 2016

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No. 1215

Rafael Correa Delgado
Constitutional President of the Republic

Whereas:

Article 14 of the Constitution of the Republic of Ecuador recognizes the right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and good living (*buen vivir/sumak kawsay*);

Article 396 of the Constitution of the Republic of Ecuador provides that the State shall adopt timely policies and measures to avoid adverse environmental impacts where there is certainty of harm; and, that, in case of doubt as to the environmental impact stemming from a deed or omission, even where there is no scientific evidence of harm, the State shall adopt timely protective measures;

Article 389 of the Constitution of the Republic of Ecuador provides that the State shall protect persons, communities and nature from the adverse effects of natural or man-made disasters through risk prevention, disaster mitigation, and the restoration and improvement of social, economic and environmental conditions with the aim of minimizing the condition of vulnerability;

Under article 389 of the Constitution of the Republic of Ecuador, the State shall exercise governance over the national decentralized system for risk management through the technical body established by law;

The Public and State Security Act establishes the National Risk Management Secretariat as the governing body of the national decentralized system for risk management;

In accordance with the relevant law, the technical body shall, among other functions, provide a liaison between institutions in order for them to coordinate actions to prevent and mitigate risk, as well as to address risk and restore or improve upon the conditions that existed prior to the occurrence of an emergency or disaster, and carry out and coordinate the necessary actions to reduce vulnerabilities and to prevent, mitigate, respond to and overcome the adverse effects of disasters or emergencies in the national territory;

Seismic events occurred on 16 April 2016 in the provinces of Esmeraldas and Manabí, followed by strong aftershocks, which has prolonged the tension caused by the situation;

As the affected persons, understandably anxious to resume their normal lives, are attempting to return to their homes in buildings where their lives or physical integrity are at risk in the areas affected by the earthquake of 16 April 2016 and its aftershocks, it is therefore necessary to take measures to prevent such acts;

The Minister of Security Coordination, in note No. MICS-DM-2016-0769 of 12 October 2016, requested the declaration of a state of emergency;

In exercise of the powers conferred on him by articles 164 et seq. of the Constitution of the Republic, and articles 29 and 36 et seq. of the Public and State Security Act,

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Decrees:

Article 1. – The state of emergency is hereby declared in the provinces of Manabí and Esmeraldas on account of the adverse effects of this natural disaster.

Article 2. – Provision shall be made for national mobilization in the provinces of Esmeraldas and Manabí; accordingly, all entities of the Central and Institutional Public Administration, and in particular the Armed Forces, the National Police and the autonomous governments of the provinces affected, shall coordinate their efforts to take all necessary and indispensable action to prevent and mitigate risks and to address, remedy and redress the adverse conditions caused by the earthquake of 16 April 2016 and its aftershocks.

Article 3. – The rights to inviolability of the home and freedom of movement of persons affected by the earthquake of 16 April 2016 and its aftershocks in the provinces of Manabí and Esmeraldas are suspended, as some citizens are attempting to return to their homes in buildings where their lives or physical integrity are at risk. The Minister of Security Coordination shall determine the manner in which this measure shall be applied in order to achieve the aforementioned aim.

Article 4. – Such requisitions as are necessary to address the emergency shall be issued. Requisitions shall be issued in cases of extreme necessity and in strict compliance with the laws applicable in such situations.

Article 5. – The Ministry of Finance shall allocate sufficient funds to address the state of emergency.

Article 6. – The state of emergency shall remain in effect for sixty days from the signing of this Executive Decree. The territorial scope of application shall be the aforementioned provinces.

Article 7. – The National Assembly and the Constitutional Court shall be apprised of the declaration of the state of emergency.

Article 8. – The United Nations and the Organization of American States shall be apprised of the suspension of the rights to inviolability of the home and freedom of movement of the persons affected by the earthquake of 16 April 2016 and its aftershocks who are attempting to return to their homes in buildings at risk, in the provinces of Manabí and Esmeraldas.

Article 9. – Implementation of this Executive Decree, which enters into force as of its date of issue, without prejudice to its publication in the Official Gazette, shall be the responsibility of the Minister of Security Coordination, the Minister of the Interior, the Minister of Defence, the Minister of Finance, the Minister of Health, the Minister for Economic and Social Inclusion and the National Risk Management Secretariat.

DONE in Quito, on 14 October 2016.

(Signed) Rafael Correa Delgado
Constitutional President of the Republic

16 January 2017



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