

Reference: C.N.163.2017.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 notification was originally received on 20 January 2017. Subsequently, on 15 March 2017, Ecuador provided the Secretary-General with further required information.

(Translation) (Original: Spanish)

Note No. 4-2-13/2017

The Permanent Mission of Ecuador to the United Nations presents its compliments to the Secretariat of the United Nations and informs it that, following the seismic events dating from 16 April 2016 and the strong aftershocks in the provinces of Manabí and Esmeraldas, and in order to protect and guarantee the safety of its population from the adverse effects of this natural disaster, the Government of the Republic of Ecuador has declared a state of emergency by Executive Decree No. 1295 of 12 January 2017, which will remain in force for sixty days following its signature.

The Permanent Mission of Ecuador to the United Nations is attaching herewith Executive Decree No. 1295 and, in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, requests the Secretariat to inform all States Parties to this international instrument of this measure.

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

New York, 17 January 2017

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Note No. 4-2-47/2017

The Permanent Mission of Ecuador to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to refer to note verbale No. 4-2-13/2017 of 17 January 2017 by which it informed the Secretariat that, following the seismic events dating from 16 April 2016 and their strong aftershocks in the provinces of Manabí and Esmeraldas, and in order to protect and guarantee the safety of its population from the adverse effects of this natural disaster, the Government of the Republic of Ecuador has declared a state of emergency by Executive Decree No. 1295 of 12 January 2017 which shall remain in force for sixty days following its signature.

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. 1295 and article 4 of the International Covenant on Civil and Political Rights, the rights contained in article 12, paragraph 1, and article 17, paragraph 1, of the Covenant have been suspended.

The Permanent Mission of Ecuador to the United Nations, in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, respectfully requests the Secretariat to inform all States Parties 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, 15 March 2017

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No. 1295

**Rafael Correa Delgado
Constitutional President of the Republic**

Considering:

That article 14 of the Constitution of the Republic of Ecuador recognizes the right of the population to live in healthy and environmentally balanced surroundings guaranteeing sustainability and well-being (sumak kawsay);

That article 396 of the Constitution of the Republic of Ecuador specifies that the State will adopt appropriate policies and measures to prevent negative environmental impacts when certainty exists regarding harm; and that, in case of doubt about the environmental impact of any action or omission, even if there is no scientific evidence of harm, the State will adopt appropriate measures of protection;

That article 389 of the Constitution of the Republic of Ecuador notes that it is the obligation of the State to protect people, communities and nature from the negative effects of natural or man-made disasters by means of risk prevention, disaster mitigation, recovery and improvement of social, economic and environmental conditions, with the aim of minimizing vulnerability;

That, in accordance with article 389 of the Constitution of the Republic of Ecuador, the State will administer the decentralized national system of risk management through the technical body established by law;

That the Public and State Security Act establishes the National Risk Management Secretariat as the leading body in the decentralized national system of risk management;

That, according to the relevant legislation, the tasks of the technical body include empowering institutions to coordinate risk prevention and mitigation actions, as well as to tackle, resolve and improve the conditions that prevailed prior to the emergency or disaster; to adopt and coordinate the necessary measures to reduce vulnerabilities; and to prevent, mitigate, deal with and offset any negative effects resulting from disasters or emergencies in the national territory;

That on 16 April 2016 seismic events occurred between the provinces of Esmeraldas and Manabi and that strong aftershocks occurred subsequently, so that the situation remains tense;

That the persons concerned have announced their intention of resuming their lives and wish to return to their homes located in buildings that pose a risk to their lives or physical well-being, in the areas affected by the earthquake of 16 April 2016 and its aftershocks, and that measures must be taken to prevent such action;

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That heavy rainfall is an additional factor affecting the adoption of appropriate action to help the persons affected by the natural events, so that appropriate and timely measures must be taken for continuing mitigation of the effects of these seismic events;

That the Minister of Security Coordination, by official letter No. MICS-MICS-2017-0030 of 11 January 2017, requested the declaration of a state of emergency;

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

Hereby decrees:

Article 1. A state of emergency is declared in the provinces of Manabí and Esmeraldas due to the adverse effects of the natural disaster (seismic movements) dating from 16 April 2016 and their strong aftershocks;

Article 2. Mobilization is declared throughout the national territory around the provinces of Esmeraldas and Manabí, requiring all entities of the central and institutional public administration and especially the Armed Forces, the National Police and the decentralized autonomous governments of the affected provinces to coordinate efforts in order to take the necessary and essential actions to mitigate and prevent risks, as well as to tackle, resolve and improve the adverse conditions caused by the seismic events of 16 April 2016 and their aftershocks;

Article 3. Exercise of the right to inviolability of the home and freedom of movement is suspended for those affected by the earthquake of 16 April 2016 and its aftershocks, in the provinces of Manabí and Esmeraldas, as some citizens want to return to their homes located in buildings that pose a risk to their lives or physical well-being. The Ministry of Security Coordination shall determine the form of implementation of these measures in order to achieve the aforementioned goal.

Article 4. Any requisitions necessary to resolve the emergency shall be ordered.

Requisitions shall be ordered in cases of extreme need and in strict compliance with the legal regulations applicable to this situation.

Article 5. The Ministry of Finance shall earmark sufficient resources to deal with the emergency situation.

Article 6. This state of emergency shall remain in force for sixty days as from the date of signature of the present executive decree. The territorial scope of application shall be the provinces mentioned.

Article 7. This declaration of a state of emergency shall be communicated to the National Assembly and the Constitutional Court.

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Article 8. The United Nations and the Organization of American States shall be notified of the suspension of exercise of the right to inviolability and to free movement of those affected by the earthquake of 16 April 2016 and its aftershocks who want to return to their homes located in buildings at risk, in the provinces of Manabí and Esmeraldas.

Article 9. The Ministries of Security Coordination, Interior, Defence, Finance, Health, and Economic and Social Inclusion and the Risk Management Secretariat shall be responsible for executing this executive decree which enters into force as of its date of issue, without prejudice to its publication in the Official Gazette.

DONE in Quito, on 12 January 2017

(Signed) Rafael Correa Delgado
Constitutional President of the Republic

31 March 2017



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