

Reference: C.N.362.2021.TREATIES-IV.4 (Depositary Notification)

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

PARAGUAY: 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 21 October 2021.

(Translation) (Original: Spanish)

MP/UN/NY/No. 955/2020

The Permanent Mission of the Republic of Paraguay to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to the statement contained in document CCPR/C/128/2, adopted by the Human Rights Committee on 24 April 2020, on derogations from the International Covenant on Civil and Political Rights in connection with the COVID-19 pandemic.

In response to the request for clarification of the information provided in note MP/UN/NY/No. 827/2020, on the duration of the state of emergency declared by the Republic of Paraguay in relation to the COVID-19 pandemic, further details are provided below.

First of all, it is necessary to underline that, as stated in paragraph 4 of the report attached as annex I to note MP/UN/NY/No. 827/2020, the emergency measures adopted in Paraguay do not entail any derogation from obligations under the International Covenant on Civil and Political Rights, which, pursuant to article 4 of the Covenant, must be notified to the Secretary-General.

However, the Government of Paraguay has deemed it appropriate to communicate that, in order to protect the right to life and health of all individuals subject to its jurisdiction, it has, on a temporary basis, resorted to its emergency powers to apply provisions that may, to some extent, result in reasonable limitations or restrictions on the enjoyment of certain individual rights guaranteed by the Covenant, in particular those enshrined in articles 9, 12 and 21 thereof.

Such restrictions are consistent with the wording used by the Human Rights Committee in paragraph 2 (c) of its statement contained in document CCPR/C/128/2, which reads:

“States parties should not derogate from Covenant rights or rely on a derogation made when they are able to attain their public health or other public policy objectives by invoking the possibility to restrict certain rights, such as article 12 (freedom of movement), article 19 (freedom of expression) or article 21 (right to peaceful assembly), [...] or by invoking the possibility of introducing reasonable limitations on certain rights, such as article 9 (right to personal liberty) and article 17 (right to privacy),...”

With regard to the duration of the state of emergency, reference must be made to multiple regulatory instruments, which were listed in the annexes to note MP/UN/NY/No. 827/2020 and copies of which were attached to that communication. The following information can be derived from those instruments.

First, by means of Act No. 6524 of 26 March 2020, a state of emergency was declared throughout the Republic of Paraguay and emergency measures of a budgetary, administrative, fiscal and financial nature, as well as emergency measures relating to economic and financial policy, were established in order to mitigate or minimize the consequences of the COVID-19 pandemic, strengthen the health system, protect employment and prevent a breakdown in the chain of payments. These measures were established for the duration of the 2020 fiscal year.

Second, the state of public health emergency, declared for the purposes of the implementation of emergency measures such as social distancing, restrictions on entry into or movement within the country, preventive stay-at-home orders and a mandatory quarantine, which entail restrictions or limitations on the enjoyment of certain individual rights guaranteed by the Covenant, was established by the executive branch through Decree No. 3456 of 16 March 2020, authorizing the Ministry of Public Health and Social Welfare to impose preventive isolation measures for health reasons from 9 p.m. to 4 a.m., for the duration to be established by the said health authority. By resolution SG No. 099 of 17 March 2020, the Ministry of Public Health and Social Welfare extended the preventive isolation measures until 24 March 2020.

From then on, the emergency restrictive measures applied in the context of the public health emergency were gradually extended, passing through various stages. Thus, by means of Decree No. 3478 of 20 March 2020, the preventive isolation measures for health reasons were extended, throughout the entire country, until 12 April 2020. Subsequently, those measures, together with the health and restrictive measures intrinsic to them, were further extended by successive decrees issued by the executive branch, namely:

- Decree No. 3525 of 9 April 2020, from 13 to 19 April 2020;
- Decree No. 3537 of 18 April 2020, from 20 to 26 April 2020;
- Decree No. 3564 of 24 April 2020, from 27 April to 3 May 2020.

The phased implementation of the plan for the gradual lifting of the preventive isolation measures (smart quarantine), a copy of which was also attached to the initial communication, began on 4 May 2020 and proceeded as follows:

- Phase 1: from 4 to 25 May 2020, subject to the technical assessment of the Ministry of Public Health and Social Welfare, pursuant to Decree No. 3576 of 3 May 2020.
- Phase 2: from 25 May 2020 to 14 June 2020, subject to the technical assessment of the Ministry of Public Health and Social Welfare, pursuant to Decree No. 3619 of 24 May 2020.
- Phase 3 (current): from 15 June 2020 to 5 July 2020, pursuant to Decree No. 3706 of 14 June 2020.

In short, the duration of the state of public health emergency, and the restrictive measures intrinsic to it, essentially depends on the evolution of the pandemic, at both the local and regional levels, based on the regular technical assessments conducted by the Ministry of Public Health and Social Welfare, with the primary objective of preserving the life and health of the entire population, as basic public goods protected under articles 4 and 68 of the Constitution of Paraguay.

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

New York, 29 June 2020

NB. All the decrees are available on the official website of the Ministry of Public Health and Social Welfare (<https://www.mspbs.gov.py/decretos-covid19.html>).

3 November 2021

A handwritten signature in black ink, consisting of a stylized 'D' and 'N' with a horizontal line underneath.