

Reference: C.N.228.2023.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 27 July 2023.

(Translation) (Original: Spanish)

Note No. 4-2-79/2023

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 of the issuance and entry into force of executive decree No. 823, of 24 July 2023, the text of which is annexed hereto, by which the President of the Republic, Guillermo Lasso Mendoza, declared a state of emergency owing to serious internal unrest in all the national social rehabilitation system's detention centres, without exception, for a period of 60 days from the issuance of the aforementioned executive decree.

The state of emergency was declared owing to circumstances which have seriously affected the rights of prisoners, corrections officers and members of the National Police, especially their right to personal integrity and right to life.

The purpose of the state of emergency is to safeguard the rights of detainees, as a group requiring priority attention, and of corrections officers and members of the National Police. It is also intended to address the circumstances which have changed the functioning of the corrections system, to restore peaceful coexistence, order and the normal functioning of the latter, to enable them to fulfil their constitutional mission of social rehabilitation.

The state of emergency is limited to the territorial areas mentioned above because they have been the theatres of significant escalating violence that undermines the rights of detainees, workers at the national social rehabilitation system's detention centres, law enforcement officers and citizens.

The temporal scope of the state of emergency is based on the need to maintain a reinforced presence of the State in the indicated territory for a sufficient and adequate amount of time to be able to strengthen law and order, restore peaceful coexistence and limit the cases of violence.

Article 9 of executive decree No. 823 stipulates the suspension of the right to inviolability of correspondence and the suspension of the right of freedom of assembly of detainees at all detention

¹ The text of Executive Decree No. 823 of 24 July 2023 of Ecuador attached to the notification is on file with the Secretary-General and is available for consultation.

centres, in accordance with the territorial scope of the present state of emergency, the prevailing constitutional and legal orders, constitutional guarantees, and decisions of the Constitutional Court of Ecuador. These suspensions are described as follows:

1. The suspension of the right to inviolability of correspondence means the prohibition of access by detainees to any letter, communication or correspondence, in any form, that has not been previously reviewed by the National Police or the Armed Forces in the corresponding entry filters, in coordination with corrections officers. The same restriction will apply to the sending of information, communications, letters, photos or videos from within detention centres.

2. The suspension of the right of assembly means the limitation of gatherings and meeting places inside corrections detention centres and in their surrounding vicinity and areas of influence, 24 hours a day. This measure will be applied based on the criteria of reasonableness, proportionality and necessity. Meetings between detainees and their public or private defenders, as well as meetings that are necessary for the performance of activities that are part of the Life Plan, which may be held following guidelines established by the Armed Forces and the National Police in coordination with the National Service for Comprehensive Care of Adult Prisoners and Juvenile Offenders based on the criteria of reasonableness, proportionality and necessity, are expressly excluded from this measure.

Consequently, the rights enshrined in the International Covenant on Civil and Political Rights that have been temporarily limited or suspended under executive decree No. 823 are those contained in articles 17, 21 and 22.

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 the other States parties to the Covenant of the issuance and entry into force of executive decree No. 823.

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, 27 July 2023

4 August 2023

A handwritten signature in black ink, consisting of stylized letters 'DN' with a horizontal line underneath.