

ECUADOR

CCPR

DECLARATION RE: ARTICLE 41

6 August 1984

The Government of Ecuador recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the aforementioned Covenant, as provided for in paragraph 1 (a), (b), (c), (d), (e), (f), (g) and (h) of that article.

This recognition of competence is effective for an indefinite period and is subject to the provisions of article 41, paragraph 2, of the International Covenant on Civil and Political Rights.

DEROGATIONS: NOTIFICATIONS UNDER ARTICLE 4 (3) OF THE COVENANT

12 May 1983

The Government declared the extension of the state of emergency as from 20 to 25 October 1982 by Executive Decree No. 1252 of 20 October 1982 and derogation from article 12 (1) owing to serious disorders brought about by the suppression of subsidies, and termination of the state of emergency by Executive Decree No. 1274 of 27 October 1982.

20 March 1984

Derogation from articles 9 (1) and (2); 12 (1) and (3); 17; 19 (2) and 21 in the provinces of Napo and Esmeraldas by Executive Decree No. 2511 of 16 March 1984 owing to destruction and sabotage in these areas.

29 March 1984

Termination of the state of emergency by Executive Decree No. 2537 of 27 March 1984.

17 March 1986
(Dated 14 March 1986)

Declaration of the State of emergency in the provinces of Pichincha and Manabi due to the acts of subversion and armed uprising by a high-ranking officer no longer on active service, backed by extremist groups; thereby derogations from articles 12, 21 and 22, it being understood that no Ecuadorian may be exiled or deported outside the capitals of the provinces or to a region other than the one in which he lives.

19 March 1986
(Dated 18 March 1986)

End of State of emergency as from 17 March 1986.

29 October 1987
(Dated 28 October 1987)

Declaration of a state of national emergency throughout the national territory, effective as of 28 October 1987. [Derogation from articles 9 (1) and (2); 12 (1) and (2); 19 (2); and 21.]

The notification states that this measure was made necessary as a result of an illegal call for a national strike which would lead to acts of vandalism, offences against persons and property and would disrupt the peace of the State and the proper exercise of the civic rights of Ecuadorians.

30 October 1987

Termination of the state of emergency throughout the national territory as from 0 hour on 29 October 1987.

3 June 1988
(Dated 1 June 1988)

Declaration of a state of national emergency throughout the national territory, effective as of 9 p.m. on 31 May 1988. [Derogation from articles 9 (1) and (2); 12 (1) and (2); 19 (2); and 21.]

The notification states that this measure is the necessary legal response to the 24 hour strike called for by the United Workers Front, which would result in acts of vandalism, violation of the security of persons and attacks on public and private property.

(Dated 2 June 1988)

Termination of the state of emergency throughout the national territory as from 1 June 1988.

14 January 1999

(Dated 12 January 1999)

Declaration of a state of emergency in Guayas province, indicating the the measures were prompted by the serious internal disturbance resulting from the massive crime wave in Guayas Province.

Subsequently, the Government of Ecuador specified that the provisions from which it has derogated are articles 12 (1) and 17 (1) of the Covenant.

16 March 1999

(Dated 15 March 1999)

Decree No. 681 by the President of the Republic dated 9 March 1999 by which a state of national emergency was declared and the entire territory of the Republic established as a security zone, as from 9 March 1999.

12 April 1999

(Dated 22 March 1999)

Decree No. 717 by the President of the Republic dated 18 March 1999 by which the state of national emergency declared by Decree No. 681 dated 9 March 1999, was lifted as from 18 March 1999.

10 September 1999
(Dated 27 August 1999)

Decree No. 1041 of 5 July 1999 by the President of the Republic, establishing a state of emergency in Ecuador in respect of public and private transport system throughout the country during the month of July 1999;

Decree No. 1070 of 13 July 1999 by the President of the Republic (following the revocation of Decree No. 1041 by the National Congress on 13 July 1999), declaring a state of national emergency and establishing the entire territory of the Republic as a security zone; and

Decree No. 1088 of 17 July 1999 by the President of the Republic, lifting the state of national emergency and rescinding Decree No. 1070.

Subsequently, the Government of Ecuador specified that the provisions from which it had derogated were articles 17 (1), 12 (1), 21 and 22 of the Covenant.

28 December 1999
(Dated 9 December 1999)

Establishment of the State of Emergency in the Guayas Province by Decree No. 1557 of 30 November 1999 by the President of the Republic indicating that the measure was taken in response to the serious internal disturbance which produced a massive crime wave that continues to affect that province. The Decree states that "since the state of emergency declared in the Guayas Province in January 1999 (see notification of 14 January 1999), was ended there has been an increase in criminal activity which has made it clear that extraordinary measures must once again be taken..., it is necessary to attenuate the serious repercussions of the criminal activity in Guayas Province in order to prevent any change in the normal pattern of civil life...".

Subsequently, on 28 January 2000, the Government of Ecuador specified that the provisions from which it has derogated are articles 12 (1) and 17 (1) of the Covenant.

1 February 2000
(Dated 6 January 2000)

On 5 January 2000, by Executive Decree, the President declared a state of national emergency establishing the entire territory of the Republic as a security zone. This measure was motivated by the serious internal unrest caused by the economic crisis which Ecuador is experiencing.

The Government of Ecuador specified that the provisions from which it has derogated are articles 12 (1), 17 (1), 21 and 22 (1).

On 21 February 2001, the Secretary-General received from the Government of Ecuador a notification dated 16 February 2001, made under article 4 (3) of the above Covenant, transmitting the text of Executive Decree No. 1214 by the President of the Republic dated 2 February 2001, by which a state of national emergency was declared and the entire territory of the Republic was established as a security zone, as from 2 February 2001. The said Decree stipulates that this measure was adopted to overcome the adverse consequences of the economic crisis affecting Ecuador which has created a situation of serious internal unrest.

The Government of Ecuador specified that the provisions from which it has derogated are articles 12, 17 and 21 of the Covenant.

On 21 February 2001, the Secretary-General received from the Government of Ecuador a notification dated 16 February 2001, made under article 4 (3) of the above Covenant, transmitting the text of Executive Decree No. 1228 by the President of the Republic dated 9 February 2001, by which the state of national emergency, declared by Decree No. 1214 of 2 February 2001, was lifted as from 9 March 2001.

17 July 2002

Sir,

In accordance with article 4 of the International Covenant on Civil and Political Rights, of which Ecuador is a State Party, and on behalf of the national Government, I am writing to notify you of the declarations of a state of national emergency this year declared by Dr. Gustavo Noboa Bejarano, President of the Republic, in accordance with the provisions of articles 180 and 181 of the Ecuadorian Constitution in force, and when they were lifted. The details of these declarations follow:

Executive Decree No. 2404 of 26 February 2002 (Official Register No. 525): A state of emergency is declared in Sucumbios and Orellana provinces. The reason for this measure is the serious situation arising out of problems of the Colombian conflict on the frontiers;

Executive Decree No. 2421 of 4 March 2002: The state of emergency in Sucumbios and Orellana provinces is declared over, and accordingly Executive Decree 2404 of 22 February 2002 is abrogated;

Executive Decree No. 2492 of 22 March 2002: State of emergency in Esmeraldas, Guayas Los Ríos,

Manabí and El Oro provinces. The reason for this measure is the severe storm on the Ecuadorian coast. The state of emergency was lifted on 22 May pursuant to the legal provision embodied in article 182, paragraph 2, of the Ecuadorian Constitution to the effect that "a decree of a state of emergency shall remain in force for up to a maximum of 60 days";

Executive Decree No. 2625 of 7 May 2002 (Official Register No. 575 of 14 May 2002): State of national emergency in respect of land transport. (This state of emergency has not been lifted but, will last until 7 July, unless the President declares that it is lifted in advance.)

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Dr. Heinz Moeller Freile
Minister for Foreign Affairs

18 August 2005

On 18 August 2005, the Secretary-General received from the Government of Ecuador a notification made under article 4 (3) of the above Covenant, notifying of the declaration of a state of emergency in Sucumbios and Orellana Provinces, decreed by the President of the Republic on 17 August 2005, in accordance with the provisions of articles 180 and 181 of the Ecuadorian Constitution in force.

The Government of Ecuador specified that this measure was motivated by the serious internal unrest caused by crime waves in the aforementioned provinces. The declaration of emergency was made by means of Executive Decree No. 426 of 17 August 2005. Moreover, the articles of the Covenant which were derogated from were not indicated.

22 August 2005

On 22 August 2005, the Secretary-General received from the Government of Ecuador notifications made under article 4 (3) of the above Covenant, notifying of the declaration of a state of emergency in the Canton of Chone, Manabi Province, decreed by the Constitutional President of the Republic on 19 August 2005, in accordance with articles 180 and 181 of the Political Constitution of Ecuador.

The Government of Ecuador specified that this measure was taken in response to serious internal unrest, which has led to a crime wave and to widespread looting in the aforementioned canton. The declaration of emergency was made by means of Executive Decree No. 430 of 19 August 2005. Moreover, the Government of Ecuador specified that during the state of emergency the rights established in article 23, paragraphs 9, 12, 13, 14 and 19, and article 23 of the Political Constitution of the Republic were suspended.

18 April 2006

Declaration of a state of emergency in a number of Ecuadorian provinces, issued on 21 March through Executive Decree No. 1269 which was suspended on 7 April 2006 through Executive Decree No. 1329.