

Reference: C.N.464.2023.TREATIES-IV.4 (Depositary Notification)

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

CHILE: 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 14 August 2023.

(Translation) (Original: Spanish)

No. 79/23/C

The Permanent Mission of Chile to the United Nations presents its compliments to the Secretary-General and, in accordance with article 4 of the International Covenant on Civil and Political Rights, has the honour to inform him of the following:

In accordance with article 42 of the Political Constitution of the Republic, H.E. the President of the Republic, Mr. Gabriel Boric Font, declared a constitutional state of emergency in the Araucanía Region and the Arauco and Biobío Provinces of the Biobío Region, by Supreme Decree No. 189 of 2022, issued by the Ministry of the Interior and Public Security. That state of emergency has been in force since 17 May 2022 and has been extended for consecutive periods until the present date.

The latest extension was declared by Supreme Decree No. 203 of 9 August 2023, issued by the Ministry of the Interior and Public Security, for an additional period of 15 days from the end of the period established by the previous extension, that is, up to 24 August 2023.

The state of emergency was declared in response to an increase in acts of violence on the roads in those areas, which has disturbed the public order and affected the life, physical integrity and freedom of movement of persons, as well as disrupting supply chains. Moreover, these conflicts have hindered the implementation of development projects, thereby perpetuating conditions of poverty and inequity in those regions. The state of emergency has therefore been established to protect human life, in addition to freedom of movement and the security of roads in those territories.

As laid down in article 42 of the Political Constitution of the Republic, the state of emergency has been extended with the agreement of the National Congress. The extensions have been ordered for consecutive periods of 15 days, by Supreme Decrees Nos. 199, 214, 219, 223, 231, 242, 245, 270, 285, 296, 307, 320, 335, 356 and 365 of 2022, and Nos. 12, 40, 47, 81, 93, 100, 112, 122, 134, 143, 158, 166, 182, 192 and 203 of 2023, all issued by the Ministry of the Interior and Public Security. In addition, the aforementioned Supreme Decree No. 189 was amended by Supreme Decrees Nos. 262 of 2022 and 156 of 2023, both issued by the Ministry of the Interior and Public Security.

It should be clarified that, in accordance with the existing constitutional rules, the rights safeguarded in the Political Constitution of the Republic and in the international treaties ratified by Chile, including the International Covenant on Civil and Political Rights, may be restricted or suspended when constitutional states of emergency are established. Consequently, while the aforementioned constitutional state of emergency is in force, the right to liberty of movement and the right of assembly, as provided for in articles 12 and 21 of the International Covenant on Civil and Political Rights, may be suspended.

However, by express provisions of the Political Constitution of the Republic (articles 1, 5, 6, 7, 19 paragraph 26, 20, 21 and 45 thereof), rights that are not expressly suspended or restricted by the aforementioned state of emergency continue to be safeguarded. The respect for and promotion of those rights remain the duty of State bodies and the actions of the executive branch remain subject to the checks and balances of the other branches of the State, whose functioning is in no way altered by these measures.

The Constitutional Organic Act (Act No. 18.415) concerning states of emergency allows the President of the Republic to delegate his powers – in full or in part – to the commanders-in-chief of the various units of the Armed Forces. For that reason, the decree establishing the aforementioned constitutional state of emergency and the renewals thereof also provide for the appointment of the respective defence chiefs, since it is they who are authorized to establish the restrictions permitted by the Constitution and the Act.

Lastly, it is important to underscore the steadfast commitment of Chile to democracy, the rule of law and the defence of human rights, as key pillars of social coexistence. The restrictions on freedom of movement and the right of assembly that may be established under the aforementioned constitutional state of emergency are fully in line with the international obligations of Chile, given that they are limited to what is strictly necessary to protect the life and physical integrity of persons affected by disturbances to public order. Consequently, those restrictions will be lifted as soon as this situation is resolved, which will be duly communicated.

Given the above, and in accordance with article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Chile to the United Nations hereby informs the Secretary-General of the constitutional state of emergency in the areas indicated, in order for him to inform the other States Parties thereof.

The Permanent Mission of Chile takes this opportunity to convey to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 14 August 2023

9 November 2023

A handwritten signature consisting of the letters 'DN' in a stylized, cursive font, with a horizontal line underneath.