

Reference: C.N.66.2024.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 6 February 2024.

(Translation) (Original: Spanish)

Note No. 28/2024

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 the provisions of article 41 of the Political Constitution of the Republic, H.E. the President of the Republic, Gabriel Boric Font, declared a constitutional state of emergency in the provinces of Marga Marga and Valparaíso of the Valparaíso Region, by supreme decree No. 83 of the Ministry of the Interior and Public Security, published on 3 February 2024.

This was in response to the forest fires in the area that have affected nature reserves, infrastructure and residential areas, with serious consequences for the life and integrity of the persons affected. In that regard, the decree refers to “the dangerous nature and extreme development of the fire; the risk of it spreading to nearby areas; the number of persons affected; the geographical characteristics of the areas; and the adverse weather conditions” that make this a public calamity, and to the need for the Government “to use all legal means at its disposal to ensure the integrity and safety of the inhabitants, requiring, to that end, an efficient and effective use of resources and organization of the population by the various relevant public services, both during the process of controlling the above-mentioned forest fires and in the subsequent recovery of the property and persons affected”, and to ensure public security in the areas affected.

The state of emergency was established for a period of 30 days that will end on 4 March 2024. In accordance with current constitutional regulations, the President of the Republic only requires the approval of the National Congress 180 days after the declaration, provided that the reasons therefor cease to exist completely. However, the President must report the measures taken under the state of emergency.

It should be clarified that, in accordance with the constitutional regulations in force, 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. In this case, the right to liberty of movement, as provided for in article 12 of the International Covenant of Civil and Political Rights, is subject to suspensions, owing to the establishment of the following curfews: (i) on Saturday, 3 February, from 8 a.m. until noon, in the communes of Viña del Mar, Limache, Quilpué and

Villa Alemana; (ii) from 9 p.m. on Saturday, 3 February until 10 a.m. on Sunday, 4 February, in the communes of Viña del Mar, Limache, Quilpué and Villa Alemana; (iii) from 6 p.m. on Sunday, 4 February until 10 a.m. on Monday, 5 February, in the communes of Viña del Mar, Limache, Quilpué and Villa Alemana; and (iv) from 9 p.m. on Monday, 5 February until 5 a.m. on Tuesday, 6 February, in the communes of Viña del Mar, Limache, Quilpué and Villa Alemana. The purpose of the above-mentioned curfews is to keep roads clear for emergency vehicles and for the purpose of evacuations; consequently, they may be renewed by decree if the emergency so requires. In addition, other restrictions may be adopted in the coming days.

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 also provides for the appointment of the respective defence chief, since it is the latter who is 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 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 the disaster situation. Consequently, those restrictions will be lifted as soon as this situation is resolved.

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, 6 February 2024

9 February 2024

