

Reference: C.N.88.2024.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 1 March 2024.

(Translation) (Original: Spanish)

No. 041/2024

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

As previously reported by means of note No. 79/23/C, the President of the Republic, Mr. Gabriel Boric Font, in accordance with article 42 of the Political Constitution of the Republic, declared a constitutional state of emergency in the Araucanía Region and in 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 was extended for consecutive periods of 15 days, as previously reported in the aforementioned note No. 79/23/C and in subsequent notes Nos. 108/23 and 125/23.

In that regard, please be informed that, following the dispatch of note No. 125/23, the aforementioned state of emergency has again been extended with the agreement of the National Congress through Supreme Decrees Nos. 29 and 81, both issued by the Ministry of the Interior and Public Security in 2024. It should also be noted that, on 16 January 2024, Act No. 21.654 “Amending the fundamental charter regarding successive extensions of the constitutional state of emergency, under the conditions stipulated” was enacted. This Act establishes that, from the sixth successive extension of the constitutional state of emergency, the President of the Republic may extend constitutional states of emergency for periods of 30 days, subject to prior agreement with the National Congress. This is without prejudice to the fact that reports on the measures adopted during states of emergency must also be sent to Congress for evaluation every 15 days. Furthermore, pursuant to the transitional article of that Act, if, upon publication of the aforementioned constitutional amendment, the extension of a constitutional state of emergency that has already been extended more than six times is in effect, it shall be understood that such an extension will be in effect for 30 days. Consequently, the extensions established by the aforementioned Supreme Decrees Nos. 29 and 81 extended the period of the state of emergency for consecutive periods of 30 days from the expiration of the period provided for in the previous extensions, that is, until 7 March 2024.

As indicated in the previous notes, the renewal of the state of emergency is in response to continued acts of violence on the roads in those areas, which have 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.

Furthermore, as previously mentioned, 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 provision 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 extension 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, 1 March 2024

11 March 2024

