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

CHILE: 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 25 March 2020.

(Translation)(Original: Spanish)

No. 19/2020

25 March 2020

Excellency,

The Permanent Mission of Chile to the United Nations has the honour to inform you that, pursuant to article 4 of the [International] Covenant on Civil and Political Rights, on 18 March of this year, the President of the Republic of Chile, using the powers conferred on him under article 41 of the Political Constitution of the Republic of Chile, declared a country-wide state of emergency, owing to a public disaster. This is in response to the worldwide spread of the COVID-19 pandemic, the effects of which have also been felt on the territory of Chile and which pose a health hazard. A copy of the relevant decree is attached.

The state of emergency allows for the adoption of a number of measures restricting freedom of assembly and movement, such as the establishment of quarantines or curfews, and also allows for the imposition of requisitions or other measures restricting the right to property.

The state of emergency also allows the Armed Forces to cooperate in order to face the crisis, and enables the appointment of national defence chiefs, who will assume command of the forces of law and order and public security in the corresponding areas, enforce law and order, and repair or prevent any damage or threat to national security, observing the instructions given by the President of the Republic and the health measures ordered by the competent authorities of the Ministry of Health.

¹ The text of Decree No. 104 declaring the state of emergency, as well as the text of administrative instruments Nos. 188, 194, 200, 202 and 203 through which restrictions are being imposed, have been attached to the notification addressed to the Secretary General and are available for consultation.

By an express provision (article 44 of the Constitution), the actions of the executive branch remain subject to the checks and balances of the other branches of Government because its functioning is in no way altered by these measures. Furthermore, the exercise of individual fundamental rights continues to be protected by the courts (article 45, paragraph one of the Constitution), and its respect and promotion remain the duty of State bodies.

Thus, in order to protect the life, health and safety of the population, and in the context of the declaration of a state of emergency, the competent authorities, in accordance with the instructions given by the President of the Republic, have restricted the exercise of two rights set out in the International Covenant on Civil and Political Rights: liberty of movement (article 12) and freedom of assembly (article 21). The text of the administrative instruments through which these restrictions have been imposed is attached.

As you know, the Government of Chile is fully committed to democracy, the respect for and promotion of human rights and the rule of law, as the pillars of social coexistence. The restrictions on the rights outlined above are fully in line with current international human rights conventions, because they are limited to what is strictly necessary to protect the life, health and safety of the population. Those restrictions will be lifted as soon as normality is restored, and even before the end of the state of emergency, if possible.

Finally, it should be noted that the state of emergency will be in force for 90 days and came into effect at midnight on 19 March 2020; the President of the Republic may request its extension or a new declaration if the underlying circumstances persist. The National Congress may rescind the declaration 180 days from that date if the reasons behind the declaration no longer exist. However, the President of the Republic may only declare a state of emergency for a period exceeding one year with the agreement of the National Congress.

Accept, Sir, the assurances of my highest consideration.

(Signed) Milenko E. **Skoknic**
Ambassador
Permanent Representative of Chile to the United Nations

9 April 2020

