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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 18 June 2020.

(Translation) (Original: Spanish)

No. 28/2020

18 June 2020

Excellency,

I have the honour to inform you that the President of the Republic, using the powers conferred on him under article 41 of the Political Constitution of the Republic of Chile, has extended for 90 days the state of emergency, owing to a public disaster, declared in the Chilean territory through Supreme Decree No. 104, of 18 March 2020, of the Ministry of the Interior and Public Security, and its amendments. The foregoing is due to the persistence of the circumstances that led to the declaration of the said state of emergency, owing to a public disaster, given the spread and effects of the COVID-19 outbreak in the national territory, qualified as a pandemic by the World Health Organization.

Decree No. 269 of the Ministry of the Interior and Public Security, extending the state of emergency, owing to a public disaster, issued on 12 June 2020 and published in the Official Gazette on 16 June 2020, and implementing concrete measures in the framework of the aforementioned regulation, is attached to this letter.

As reported in note No. [19/2020], of [25] March 2020, the state of emergency, owing to a public disaster, enables the adoption of a number of measures, including the restriction of meetings in public spaces, ensuring the distribution of basic goods and services, ordering the establishment of reserves of food and other goods necessary for the care and livelihood of the population, the issuance of measures for the protection of public utility services, and the limitation of transport or movement of persons as well as the establishment of quarantines or curfews. The latter measure may be adopted in accordance with the powers conferred on the Head of area under article 43 of the Constitution and article 5 of the Constitutional Organic Law No. 18.415 on the states of emergency, relating to the right to freedom of movement.

¹ The text of Decree No. 269 issued on 12 June 2020, attached to the notification, is on file with the Secretary-General and available for consultation.

Furthermore, the extended state of emergency allows the Armed Forces to cooperate in order to face the crisis and provides for the appointment of national defence chiefs who will assume command of the forces of law and order and public security in the corresponding areas, being in charge of order and repairing or preventing any damage or threat to national security. The powers conferred on under this state of emergency and the corresponding specific measures will be adopted gradually, depending on the development of the virus, and the population will be informed accordingly in a timely manner.

Constitutional states of emergency are regulated by the Political Constitution of the Republic and the corresponding Constitutional Organic Law (COL No. 18.415).

Fundamental and human rights are safeguarded by express constitutional provision (articles 1, 5, 6, 7, 19 §26, 20, 21 and 45 of the Constitution). The respect and promotion thereof remain the duty of State bodies and the actions of the executive branch remain subject to the checks and balances of other branches of Government, whose functioning is in no way altered by these measures.

As you know, the Government of Chile is strongly committed to democracy, the rule of law and the protection of human rights, as the pillars of social coexistence. The above restrictions on the freedom of movement and right to assembly are fully in line with international human rights conventions currently in force, since they are limited to what is strictly necessary to protect the health and safety of the population of Chile and help combat the pandemic. Consequently, those restrictions will be lifted as soon as this situation ends.

Please accept, Excellency, the assurances of my highest consideration.

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

26 June 2020

