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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 15 December 2020.

(Translation) (Original: Spanish)

15 December 2020

No. 66/2020

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 considered necessary to extend for a further 90 days the constitutional 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, 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. 646 of the Ministry of the Interior and Public Security, issued on 9 December 2020 and published in the Official Gazette on 12 December 2020, extending the state of emergency owing to a public disaster and implementing concrete steps pursuant to the aforementioned instruments, is attached.

As reported in note No. 19/20 of 25 March 2020, the constitutional state of emergency in question allows for 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, affecting the right to freedom of movement, may be adopted in accordance with the powers conferred on the Chief of area under article 43 of the Constitution and article 5 of the Constitutional Organic Law No. 18.415 on the states of emergency, which concern the right to freedom of movement.

¹ The text of Decree No. 646 of 9 December 2020 attached to the notification is on file with the Secretary-General and is available for consultation.

The state of emergency also allows the Armed Forces to cooperate in order to face the crisis and calls for the appointment of defence chiefs. The defence chiefs are responsible for controlling the law enforcement and security forces in their respective areas and for maintaining law and order and identifying and preventing any harm or threat to national security. The powers allowing for the state of emergency and the corresponding specific measures will be adopted gradually, as the pandemic develops, and the population will be provided with timely information.

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 remain safeguarded by express constitutional provisions (articles 1, 5, 6, 7, 19 paragraphs 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 the other branches of the State, whose functioning is in no way altered by these measures.

As you know, the Government of Chile is fully committed to democracy, the rule of law and the defence 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 current international human rights conventions, because they are limited to what is strictly necessary to protect the health and safety of the population and help to combat the pandemic. Those restrictions will be lifted as soon as this situation ends.

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

(Signed) Milenko E. Skoknic Tapia
Ambassador
Permanent Representative

24 December 2020

