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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 13 October 2023.

(Translation) (Original: Spanish)

No. 108/23

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:

As previously reported by means of note No. [79/23/C], H.E. 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 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 has been extended for consecutive periods until the present date.

In that regard, please be informed that, following the dispatch of note No. [79/23/C], the aforementioned state of emergency was extended, with the agreement of the National Congress, for periods of 15 days, through Supreme Decrees Nos. 221, 229, 239 and 256 of 2023, all issued by the Ministry of the Interior and Public Security. The latest extension, ordered by Supreme Decree No. 256 of 6 October 2023, issued by the Ministry of the Interior and Public Security, is for an additional period of 15 days from the end of the period established by the previous extension, that is, up to 23 October 2023.

As indicated in the previous note, 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 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 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 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, 13 October 2023

On 8 November 2023, the Permanent Mission of Chile provided the following additional information:

Supreme Decree No. 221 extended the state of emergency from 25 August to 8 September 2023;
Supreme Decree No. 229 extended the state of emergency from 9 to 23 September 2023;
Supreme Decree No. 239 extended the state of emergency from 24 September to 8 October 2023; and
Supreme Decree No. 256 extended the state of emergency from 9 to 23 October 2023.

9 November 2023

