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# Chile's Draft Constitution of 2023

Draft of 30 Oct 2023

*Delivered by the Constitutional Council on November 7 2023. This draft will be voted on December 17 2023.*

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Translated for the Comparative Constitutions Project by Matthew Martin and Guillermo Perez

# CHAPTER I FOUNDATIONS OF THE CONSTITUTIONAL ORDER

## Article 1

- Human dignity
- General guarantee of equality
- Right to found a family
- Type of government envisioned
- Freedom of association
- Right to development of personality
- Type of government envisioned
- Reference to fraternity/solidarity
- General guarantee of equality
- Right to development of personality
- Type of government envisioned

1. Human dignity is inviolable and the basis of law and justice. People are born free and equal in dignity and rights. Their respect and guarantee is the first duty of the political community and its legal form of organization.
2. The family is the fundamental core of society. It is the duty of the State and society to protect families and tend to their strengthening.
3. The State of Chile is social and democratic governed by the rule of law, that recognizes the fundamental rights and freedoms, constitutional duties, and promotes the progressive development of social rights, subject to the principle of fiscal responsibility and through state and private institutions.
4. The groupings that freely arise among the people shall enjoy adequate autonomy to fulfill their specific purposes that are not contrary to the Constitution. The State shall respect the effects of this recognition.
5. The State shall serve the people and society and its purpose is to promote the common good, for which it must create and contribute to creating the social conditions that allow each and every member of the national community to achieve the greatest possible spiritual and material fulfillment.
6. The State shall promote conditions of justice and solidarity in order to achieve the freedom, rights, and equality of the people, removing obstacles that prevent or hinder this goal, with full respect for the rights and guarantees that this Constitution recognizes.

## Article 2

- Type of government envisioned
- Equality regardless of gender
- International law
- International human rights treaties

1. Chile adopts as its form of government the democratic republic, with separation of powers and a presidential regime. Sovereignty resides in the Chilean people, a single and indivisible nation, and it is exercised by the same through periodic elections, plebiscites and mechanisms of participation and, also, by the authorities established by this Constitution. No sector of the people, person, institution or group can assume responsibility for its exercise.
2. The law shall ensure balanced access between women and men to candidacies for elected positions, as well as their participation under conditions of equality in different areas of national life. The State shall guarantee the exercise of political participation by women.

## Article 3

- Human dignity
- Legal status of treaties

1. The Constitution, as the supreme norm of the legal system, recognizes as a limit to the exercise of sovereignty the respect for the essential rights that emanate from human nature, recognized by this Constitution, as well as by the international treaties ratified by Chile and that are in force. It is the duty of State bodies to respect and promote such rights.
2. The norms of domestic law must be interpreted in a manner compatible with the Constitution, and considering the provisions referring to rights and freedoms of the human rights treaties ratified by Chile and that are in force. The provisions of

these treaties shall be distinguished from other international instruments that may assist States in their understanding and application, but which are not legally binding.

- Legal status of treaties

3. The law shall determine the form and procedure to comply with rulings issued by international courts whose jurisdiction Chile has recognized, and agreements or alternative dispute solutions.

- Subsidiary unit government
- Municipal government

## Article 4

- Type of government envisioned

1. The State of Chile is unitary and decentralized. It shall promote national, regional, and local development, ensuring coordination between the different levels. The Administration of the State shall be functional and territorially decentralized or devolved, if applicable.

- Reference to fraternity/solidarity
- General guarantee of equality

2. Regional and communal governments shall be autonomous in the management of their affairs in the exercise of their powers in the manner determined by the Constitution and the law. The law shall promote the strengthening of the country's decentralization and equitable and solidarity-based development among the regions, provinces and communes that make up the national territory, with special attention to special territories, which are strategic for the country's development.

- Citizenship of indigenous groups
- Integration of ethnic communities

## Article 5

- International law

1. The Constitution recognizes indigenous peoples as part of the Chilean Nation, which is one and indivisible. The State shall respect and promote their individual and collective rights guaranteed by this Constitution, the laws and, international treaties ratified by Chile and which are in force.

- Right to culture

2. The State recognizes interculturality as a value of the country's ethnic and cultural diversity and promotes intercultural dialogue under conditions of equality and mutual respect. In the exercise of public functions, recognition and understanding of such ethnic and cultural diversity must be ensured.

- Binding effect of const rights
- Duty to obey the constitution

## Article 6

1. The organs of the State must submit their actions to the Constitution and to the norms issued in accordance with it and guarantee the institutional order of the Republic.

2. The precepts of this Constitution are binding on the heads or members of these bodies as well as on any person, institution or group.

3. Violation of this norm shall trigger the liabilities and penalties determined by law.

- Duty to obey the constitution
- Binding effect of const rights

## Article 7

1. The organs of the state act validly after regular investiture of their members, within their jurisdiction and in the manner prescribed by law.

2. No magistrate, no person, nor any group of persons may, even under the pretext of extraordinary circumstances, claim any authority or rights other than those expressly conferred on them by the Constitution or the laws.

3. Any act in contravention of this article is null and void and shall give rise to the liabilities and penalties indicated by law.

## Article 8

1. The exercise of public functions obligates its holders to strictly comply with the principles of probity, transparency, and accountability in all their actions,



observing impeccable conduct and an honest, ethical, and loyal performance of the function or position, with preeminence of the common good.

- Public or private sessions
- Right to information

2. The organs of the State shall be governed by the principle of transparency and access to information, which ensures effective, timely, and permanent access to public information. The acts and resolutions of the organs of the State, as well as the grounds and procedures they use, are public. However, only a law of a qualified quorum may establish the reservation or secrecy, of the former or of the latter, when the disclosure would affect the due fulfillment of the functions of said organs, the rights of individuals, the security of the Nation or the national interest.

3. The law shall establish the prohibitions, obligations, penalties or burdens to be complied with by state authorities and public officials in order to prevent or resolve conflicts of interest in the exercise of their duties.

4. Corruption, in any of its forms, is contrary to the common good and its eradication is an obligation of the organs of the State.

5. Additionally, the exercise of public functions obligates their holders to strictly comply with the principle of good faith in all their actions.

- Counter corruption commission

6. The law shall create a national anti-corruption agency, which shall coordinate the work of state entities with competence in matters of probity or public integrity, transparency and accountability, and promote preventive actions in these areas. An institutional law shall determine the composition, organization and other functions and powers of this agency.

## Article 9

- Reference to fraternity/solidarity

1. It is the duty of the State to safeguard the security of the population, to promote the harmonious integration and solidarity of its inhabitants and their participation in national life.

2. It is the fundamental obligation of the State and the political community to work for social peace. The constitutional order presupposes the use of peaceful methods of political action.

- Protection of environment

## Article 10

It is the duty of the State to protect the environment, ensuring the care and conservation of nature, its biodiversity and promoting sustainability and development.

- National flag
- National anthem

## Article 11

1. The national flag, the coat of arms of the Republic and the national anthem are national emblems.

2. Every inhabitant of the Republic owes respect to Chile and its national emblems. Chileans have the duty to honor the homeland, respecting the activities that give rise to the identity of being Chilean, such as music, craftsmanship, popular games, national sports and arts, among others.

- Reference to country's history
- Rights of children
- Rights or duties of parents
- Right to found a family

## Article 12

The Constitution recognizes and ensures the best interests of children, which include conditions for their growth and development in their families. A child is defined as any human being under eighteen years of age. The State accords the family, i.e., parents or guardians, as the case may be, priority in determining the best interests of their children or wards, seeking their maximum possible spiritual and material well-being. Children shall be especially protected against any form of exploitation, mistreatment, abuse, neglect or trafficking, all in accordance with the law.

## Article 13

1. The Constitution recognizes the value of care for the development of life in the family and society. The State must promote co-responsibility, as well as create and contribute to the creation of support and accompaniment mechanisms for caregivers and people under their care.
2. The State shall promote the reconciliation of family and work life and the protection of child-rearing, paternity and maternity.

- Right to found a family
- Rights of children
- Equality for persons with disabilities

## Article 14

The State shall promote the active participation and equal opportunities of persons with disabilities in all areas of society, and in particular shall ensure appropriate forms of communication, as well as appropriate measures of access to information.

- Terrorism

## Article 15

1. Terrorism, in any of its forms, is contrary to human rights and the security of the nation. A law of qualified quorum shall determine terrorist conduct and its penalty.
2. Those responsible for these crimes may not be the beneficiaries of any pardon and shall be disqualified for life from exercising public functions or positions, whether or not they are popularly elected; or as rector or director of educational establishments, or to exercise teaching functions therein; to operate a media outlet or to be a director or administrator thereof, or to perform functions related to the issuance or dissemination of opinions or information. Nor may they be leaders of political or education-related organizations or of a neighborhood, professional, business, union, student or guild nature in general. The foregoing is without prejudice to other disabilities established by law. Those disqualified by virtue of this clause may apply to the Senate for reinstatement.
3. The offenses referred to in clause 1 shall always be considered common and non-political for all legal purposes.
4. Once a final conviction has been handed down for an act classified as terrorist conduct, the groups to which the perpetrators, accomplices or accessories belong, who have carried out such acts or for which they are responsible, shall be declared unconstitutional by the Constitutional Court at the request of the victim or any other person. The law shall regulate the effects of such a declaration.
5. The State gives special recognition to victims of terrorism. Victims of offenses classified by the courts as terrorist conduct shall have the right to be compensated by the State for any damage suffered as a result of such acts. The amount of compensation shall be determined by the court in a brief proceeding conducted in the competent civil court of the victim's domicile, in which the evidence shall be assessed in due conscience.

- Power to pardon

- Protection of victim's rights
- Restrictions on rights of groups

- Protection of victim's rights
- Right to speedy trial

# CHAPTER II FUNDAMENTAL RIGHTS AND LIBERTIES, CONSTITUTIONAL GUARANTEES AND DUTIES

## Fundamental Rights and Liberties

## Article 16. The Constitution guarantees to all persons:

- Right to life
- Prohibition of capital punishment
- Prohibition of torture
- Prohibition of corporal punishment
- Prohibition of cruel treatment
- Human dignity
- Reference to science
- Prohibition of slavery
- General guarantee of equality
- Equality regardless of gender

1. The right to life. The law protects the life of who is unborn. The death penalty is prohibited.
2. The right to physical and mental integrity. No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment. Scientific and technological development shall be at the service of human beings and shall be carried out with respect for human dignity.
3. The right to equality before the law and non-discrimination. Neither the law nor the authority may establish arbitrary differences. Men and women are equal before the law. In Chile there is no privileged person or group. In Chile there are no slaves and whoever sets foot on its territory is free. In order for this right to be realized, the State must adopt the appropriate measures and reasonable adjustments that may be necessary, with respect to the other rights recognized in this Constitution.

- Freedom of movement

4. The right to personal liberty and individual security. Consequently:
  - a. Everyone has the right to reside and remain anywhere in the Republic, to move from one place to another and to enter and leave its territory, provided that the rules established by law are observed.
  - b. The law shall regulate the entry, stay, residence and departure of foreigners from the national territory. All procedures and measures regulated by this law must be carried out with full respect for human dignity, fundamental rights and guarantees, and the international obligations acquired by the State of Chile.

- Restrictions on entry or exit
- Human dignity
- Power to deport citizens
- International law

The law shall establish the cases, procedures, forms and conditions for the release or expulsion in the shortest possible time, as appropriate, of those foreigners who have entered the national territory clandestinely or through unauthorized crossings, as well as of those who have served a sentence of effective imprisonment in Chile for crimes or simple offenses. Efforts shall be made to ensure that such foreigners serve the above-mentioned sentence in their country of origin, where appropriate, in accordance with the law and the international treaties ratified by Chile and in force.

- Power to deport citizens
- International law
- Extradition procedure

However, the provisions of the preceding paragraph shall not apply in cases of refuge, asylum or protection, expressly provided for by law, as well as in international treaties ratified by Chile and in force.

- Protection of stateless persons

Any person, institution or group that organizes, finances or executes, for profit, the illegal entry of persons into the territory of the Republic shall incur the penalties determined by law.

- Protection from unjustified restraint
- Principle of no punishment without law

- c. No one may be deprived of his or her personal liberty nor may it be restricted except in the cases and in the manner determined by the Constitution and the laws.
- d. No one may be arrested or detained except by order of a public official expressly empowered by law and after such order has been lawfully served upon him. However, a person caught in the act of committing a crime may be arrested for the sole purpose of being brought before the competent judge within twenty-four hours. The person must be informed, in an immediate and understandable manner, of their rights and the reasons for the deprivation of their liberty. If the authority causes any person to be arrested or detained, it shall, within forty-eight hours, notify the competent judge and place the person concerned at their disposal. The judge may, by reasoned decision, extend this period by up to five days, and up to ten days, in the event that facts classified by law as terrorist conduct are investigated.

- Principle of no punishment without law
- Protection from unjustified restraint
- Terrorism

- Right to counsel
- Prison registry

- e. No person may be arrested or detained, subject to custody or imprisoned, except in his or her home or in public places designated for this purpose, in accordance with the law. The official in charge of these places may not receive the person without recording the act ordering it and their entry, which must be recorded in a public register. No incommunicado detention may prevent a person deprived of his liberty from having access to the officer in charge of the place of detention and his lawyer. The official is

- Privileges for juveniles in criminal process

- Protection of victim's rights

- e. obliged, whenever the arrested or detained person so requires, to transmit to the competent judge a copy of the arrest warrant, or to request that such a copy be given to him or her, or to give himself a certificate that the individual is in custody, if this requirement has been omitted at the time of his arrest.
- f. Persons under eighteen years of age deprived of their liberty shall be separated from adults and shall be subject to a regime commensurate with their age.
- g. The accused shall be released unless the arrest or pre-trial detention is considered by the judge to be necessary for the investigation or for the safety of the injured party or society. The law shall establish the requirements and modalities for decreeing such. An appeal against a decision on the release of the person accused of the offenses referred to in Article 15 shall be heard by the appropriate higher court, composed exclusively of full members. The resolution approving or granting it shall need unanimous agreement. For the duration of his or her freedom, the accused shall always be subject to the supervision measures of the authority provided for by law.
- h. A person sentenced to a custodial sentence may apply to the competent court for the substitution of such sentence for total home confinement, provided that it is established in accordance with the law that he or she is terminally ill and that the convicted person does not represent a present danger to society.

- General guarantee of equality
- Right to counsel

- 5. Equal protection of the law in the exercise of their rights.
- 6. Access to justice, in order for their rights to be effectively protected. This includes information and the means necessary to exercise them; the existence of legal and judicial services, alternative dispute resolution mechanisms, and the adoption of the necessary measures to enable them to be realized.
  - a. Everyone has the right to legal defense in the manner prescribed by law. It is the duty of the State to provide free legal aid to any person who is unable to obtain it on his or her own, in the manner established by law. No authority or individual may prevent, restrict or disturb the due intervention of counsel if requested. In the case of members of the Armed Forces and the Forces of Public Order and Security, this right shall be governed, with regard to administrative and disciplinary matters, by the relevant provisions of their respective bylaws.
  - b. The State, in accordance with the law, shall provide free criminal defense to persons accused of acts that may constitute a crime, simple offense or misdemeanor and who do not have legal defense. To comply with this obligation, the State shall have a Public Criminal Defender's Office.
  - c. The law shall specify the cases and the manner in which natural persons who are victims of crimes shall have access to free legal advice and defense, for the purpose of bringing criminal proceedings where appropriate, especially in cases of terrorism, drug trafficking, corruption, organized crime and trafficking in persons. To comply with this obligation, the State shall have a Victims' Ombudsman's Office.

- Guarantee of due process
- Right to fair trial
- Prohibition of double jeopardy
- Principle of no punishment without law

- 7. The right to due process. This includes:
  - a. The right to be heard and judged by a competent, independent, impartial tribunal, predetermined by law and established prior to the occurrence of the facts. No one may be tried by special commissions.
  - b. A process endowed with guarantees that enable rational and fair actions, procedures and decisions. The law shall establish the guarantees of a rational and fair procedure and investigation.
  - c. Any judgment of a body exercising jurisdiction must be reasoned and based on a prior, legal and timely process. It must be issued within a reasonable time, with the right to enforcement and respect for res judicata.

- Principle of no punishment without law

- Principle of no punishment without law
- Principle of no punishment without law
- Protection from ex post facto laws

- 8. Minimum criminal guarantees:
  - a. No law may establish penalties or security measures unless the conduct to be punished is precisely and expressly described therein.
  - b. No law may establish disproportionate penalties or security measures.
  - c. No offense shall be punishable by any penalty other than that prescribed by a law enacted prior to its perpetration, unless a new law favors the person concerned.
  - d. Everyone has the right to a rational and fair investigation, as provided by law, and to be presumed innocent until a final conviction has been handed

- Presumption of innocence in trials

- Prohibition of double jeopardy
- Principle of no punishment without law
- Protection from self-incrimination
- Right to counsel

- d. down against him. The law may not presume criminal liability as a matter of law.
- e. If the law in force at the time of the trial or enforcement of the criminal sentence is more favorable, it shall apply to acts committed prior to its entry into force.
- f. No one may be subjected to further criminal proceedings or criminally convicted for the same act for which he or she was acquitted or convicted by a final judgment in accordance with the law.
- g. Any conduct of the investigation or proceeding that deprives, restricts or disturbs the exercise of the rights guaranteed by the Constitution requires prior judicial authorization.
- h. No person may be compelled to testify against himself or to acknowledge his responsibility. Nor may his or her ascendants, descendants, spouse, civil partner and other persons that the law prescribes be compelled to testify against that person, depending on the case and circumstances.
- i. In criminal proceedings, the assistance of a defense lawyer provided by the State is not waived if one is not appointed at the time established by law.
- j. The penalty of confiscation of property may not be imposed, without prejudice to confiscation in the cases established by law.
- k. The loss of pension rights may not be applied as a penalty.
- l. An institutional law shall establish the courts responsible for the execution of sentences and security measures, which shall exercise jurisdictional functions in such matters, judicial control of the disciplinary power of the prison authorities, protection of the rights and benefits of inmates in penitentiary establishments and other matters specified by law.

- Human dignity
- Principle of no punishment without law
- Ultra-vires administrative actions
- Principle of no punishment without law
- General guarantee of equality
- Ultra-vires administrative actions

- 9. The right to dignified and helpful treatment by the organs of the State Administration, as well as by its authorities and officials. These shall make it easier for people to exercise their rights and fulfill their obligations.
  - a. Decisions issued by the Administration shall be duly substantiated and subject to appeal, both administratively and judicially, in accordance with the provisions of the Constitution and the law.
  - b. Administrative sanctioning powers are only exercised through a prior, rational and fair process, legally processed, for conduct determined in its essential core by law, and the commission of which has been avoidable for the alleged offender. Administrative sanctions are subject to the principles of legality, non-retroactivity to the detriment, proportionality and necessity.

- Right to protect one's reputation
- Right to privacy

- 10. The right to respect and protection of one's honor and that of one's family.
- 11. The right to respect and protection of one's privacy and that of one's family.
  - a. The home and other private premises are inviolable. Entry and search or any search may only be carried out with a prior court order in specific cases and in the manner determined by law, without prejudice to the situation of being caught in the act of committing a crime.
  - b. Communications and private documents are also inviolable. Interception, seizure, opening, search or search may only be carried out with a prior court order issued in specific cases and in the manner determined by law.

- Right to privacy

- 12. The right to respect and protection of their personal data and their computer and digital security. The processing of personal data may only be carried out in the cases and under the conditions established by law, without prejudice to the legitimate use that the owner of the data may make of them.

- Freedom of religion
- Freedom of opinion/thought/conscience
- Right to conscientious objection

- 13. The right to freedom of thought, conscience and religion. Its exercise, due respect and protection are guaranteed. This right includes the freedom of everyone to adopt, live in accordance with and transmit the religion or belief of his or her choice. It also includes conscientious objection, which shall be exercised in accordance with the law.

- Right to academic freedom
- Rights or duties of parents

- a. Parents, and where appropriate guardians, have the right to educate their children or wards, and to choose their religious, spiritual and moral education that is in accordance with their own convictions. Families have the right to institute educational projects and educational communities have the right to preserve the integrity and identity of their respective projects in accordance with their moral and religious convictions.
- b. Freedom of religion includes the free exercise and expression of worship, freedom to profess, maintain and change one's religion or belief, to manifest, disseminate and teach one's religion or belief, to observe rites

- b. and practices, all in public and in private, individually and in community as long as they are not contrary to morality, good customs or public order.
- c. Religious denominations may erect and maintain temples and their dependencies. Those destined exclusively for the service of a cult will be exempt from all types of contributions. Churches, confessions and all religious institutions shall enjoy adequate autonomy in their internal organization and for their own purposes, and cooperation agreements may be concluded with them.
- d. Any attack on temples and their premises is contrary to religious freedom.

- Freedom of expression

**14.** The right to freedom of expression, information and opinion, without prior censorship, in any form and by any means, without prejudice to subsequent responsibilities for crimes or abuses committed in the exercise of these freedoms, in accordance with a law of qualified quorum.

- a. The State may not deprive, restrict, disturb or threaten freedom of expression by direct or indirect means that impede the communication and circulation of ideas and opinions. In no case may it establish ideas or opinions as sole or official, nor may it sanction the expression of ideas or opinions contrary to those expressed by the State, its agencies, authorities or officials.
- b. Any person offended or unjustly referred to by any means of social communication has the right to have his or her statement or rectification disseminated free of charge, under the conditions determined by law, by the means of social communication in which such information was issued, without prejudice to any responsibilities that may arise.
- c. Every person has the right to establish, edit and maintain social media, regardless of its platform, under the conditions established by law. The State and such other persons or entities as may be determined by law may establish, operate and maintain television stations.
- d. Under no circumstances may the law establish a state monopoly over the means of social communication.
- e. There shall be a National Television Council, autonomous and with legal personhood, in charge of ensuring the proper functioning of this means of communication. An institutional law shall specify the organization and other functions and powers of the aforementioned council.
- f. The law shall regulate a rating system for the exhibition of film production.

- Protection of victim's rights

- Freedom of press
- State operation of the media

- State operation of the media
- Freedom of press
- Media commission
- State operation of the media

**15.** The right to access, seek, request, receive in a timely manner, as well as to disseminate public information from any organ of the State, without any other limitation than the grounds of secrecy or reserve established by this Constitution. An autonomous and specialized body shall be competent to promote and supervise the exercise of this right, performing such other functions as may be determined by an institutional law.

- Right to information

**16.** The right to assemble peacefully without prior permission and without weapons. Gatherings in squares, streets and other places of public use shall be governed by the provisions of this Constitution and the law. Those who participate in these meetings must respect the rights of those who are not part of the assembly and public and private property.

- Freedom of assembly

**17.** The right to associate without prior permission.

- Freedom of association

- a. Associations contrary to public order and State security are prohibited.
- b. Personnel of the Armed Forces and of Order and Public Security may not belong to political parties, trade union organizations or institutions, groups or bodies determined by law to be incompatible with their constitutional function.
- c. Membership shall always be voluntary. No one can be forced to belong to an association.
- d. In order to have legal personhood, associations must be established in accordance with the law.
- e. The right to associate includes the right to establish, organize and maintain associations, to determine their identity and to protect their integrity, to determine their purpose, their ideology, their directors, members and internal bylaws in order to pursue their ends.
- f. No one may be compelled to belong to professional associations. Professional associations established in accordance with the law shall be empowered to hear complaints concerning the ethical conduct of their members. An appeal may be lodged against their decisions with the respective Court of Appeal. Non-associated professionals shall be tried by the competent courts in accordance with the law.

- Right of petition
  - Terrorism
  - Protection of environment
  - Right to health care
  - Rights or duties of parents
  - Free education
  - Compulsory education
  - State support for children
  - State support for children
  - Free education
  - Compulsory education
  - General guarantee of equality
  - General guarantee of equality
  - Access to higher education
- g.** The senior management positions of trade union organizations are incompatible with the senior national and regional management positions of political parties.
- 18.** The right to submit petitions to the authority, through digital or other means, on any matter of public or private interest, with no other limitation than to proceed in respectful and convenient terms, and the right to receive a response from the authority, within a reasonable time.
- 19.** Admission to all public functions and employments, with no other requirements than those imposed by the Constitution and the laws.
- 20.** The right to live in a safe environment. It is the duty of the State to ensure effective protection of individuals against crime, especially terrorism and organized criminal violence.
- 21.** The right to live in a healthy and pollution-free environment that allows for sustainability and development.
- a.** It is the duty of the State to ensure that this right is not affected and to protect the preservation of nature and its biodiversity.
  - b.** The law may provide for specific restrictions on the exercise of certain rights or freedoms in order to protect the environment.
- 22.** The right to holistic health protection.
- a.** The State protects free, universal, equal and timely access to actions for the promotion, prevention, protection, recovery and care of the health and rehabilitation of the person, at all stages of life. Additionally, by virtue of its guiding role, the State shall be responsible for the coordination and control of such actions, taking into account the social and environmental determinants of health, in accordance with the law.
  - b.** It is the primary duty of the State to guarantee the execution of health actions, through State and private institutions, in the manner and under the conditions determined by law, which may establish compulsory contributions. Each person shall have the right to choose the health system they wish to use, whether it is state or private.
  - c.** The law shall establish a universal health plan, without discrimination based on age, sex or medical pre-existence, which will be offered by state and private institutions.
  - d.** The State shall support and coordinate a network of health facilities in accordance with basic and uniform quality standards.
  - e.** The State shall promote physical activity and sports in order to improve people's health and quality of life.
- 23.** The right to education.
- a.** Education aims at the full development of the person at the various stages of his or her life, in the context of a free and democratic society, and should strengthen respect for fundamental rights and freedoms.
  - b.** Families, through parents or, where appropriate, legal guardians, have the preferential right and duty to educate their children or wards, to choose the type of education and its educational establishment, as well as to determine their best interests. It shall be the responsibility of the State to grant special protection to the exercise of this right.
  - c.** The State has the unavoidable duty to strengthen education at all levels and to encourage its continuous improvement, exercising tasks of promotion, regulation and supervision.
  - d.** It is the duty of the State to promote preschool education, for which it shall finance and coordinate a free system from the lower nursery level, aimed at ensuring access to this and its higher levels. The second level of transition is compulsory, being a requirement for entry into basic education.
  - e.** Basic and secondary education are compulsory, and the State must finance and coordinate a free system for this purpose, aimed at ensuring access for the entire population, guaranteeing funding per student in State and private establishments. In the case of secondary education, compulsory education shall extend until the age of twenty-one.
  - f.** Public resources shall be allocated to state and private institutions, according to criteria of reasonableness, quality and non-arbitrary discrimination. In no case may this assignment condition the freedom of education.
  - g.** The law shall provide for mechanisms to ensure non-arbitrary discrimination in students' access to and financing of higher education.

- Free education

- h. The State shall ensure the financing of the education of persons with special educational needs, in accordance with the law.
- i. The State shall support and coordinate a pluralistic network of quality educational establishments at all levels of education.
- j. The State shall provide public, pluralistic and quality education through its own establishments at all levels. The State shall guarantee the financing of its preschool, primary and secondary education establishments. In any case, the law shall be able to provide funding to its higher education institutions.
- k. It is the duty of the family and the community to contribute to the development and improvement of education. Additionally, it shall be the responsibility of the State to ensure the quality of education at all levels and to promote civic education, stimulate scientific and technological research, artistic creation and the protection and enhancement of the cultural heritage of the Nation.
- l. It is the duty of the State and of every educational community to promote the professional development and respect of teachers and educational assistants.

- Reference to art
- Reference to science
- Rights or duties of parents

**24. Freedom of education.**

- Right to academic freedom

- a. Freedom of education includes the right of individuals to open, organize and maintain educational establishments, as well as to create and develop educational projects and ideas, without any limitations other than those imposed by morality, public order and the security of the country.
- b. Freedom of education exists to guarantee families, through parents or legal guardians, as the case may be, the preferential right and duty to educate their children or wards; to choose the type of education; and to teach them for themselves or to choose for them the educational establishment which they deem in accordance with their moral or religious convictions. It also guarantees everyone the choice of the educational establishment of their choice.
- c. State and officially recognized education may not be aimed at propagating any partisan political tendency.
- d. The authorities of educational institutions at all levels must ensure respect within the educational community, adopting the necessary measures to prevent or punish acts that seriously affect order or coexistence. The law shall provide for the powers and attributes necessary for the exercise of this duty, as well as the responsibilities for its non-compliance.
- e. The State must guarantee the continuity of educational service in its educational establishments.
- f. The State respects the autonomy of higher education institutions.
- g. Educational establishments shall be free to determine their curricular content in accordance with the identity and integrity of their project. Notwithstanding the foregoing, the State shall establish minimum contents for preschool, primary and secondary education, which shall not involve the use of a percentage greater than half of the teaching hours at the time of teaching them, in order to guarantee educational autonomy and diversity. However, the State shall draw up a programme with minimum content covering the use of the entire school day, to which educational establishments may freely adhere, in whole or in part.
- h. A law of qualified quorum shall establish the minimum requirements to be met at each level of primary and secondary education and shall indicate the objective standards of general application that will enable the State to ensure that they are complied with. Such requirements must be reasonable and refer only to essential knowledge that is compatible with the plurality of educational projects. In the same way, this law shall establish the requirements for the official recognition of educational establishments at all levels.
- i. The State shall promote the diversity of educational projects at the local and regional levels.

- Rights or duties of parents

- Right to academic freedom
- Right to academic freedom

- Right to academic freedom

- Subsidiary unit government
- Municipal government
- Right to culture
- Reference to art
- Reference to science
- Right to enjoy the benefits of science

**25. The right to culture.**

- a. The State safeguards the right to participate in cultural and scientific life. It also protects creative freedom, its free exercise and dissemination; promotes the development and dissemination of knowledge, arts, sciences, technology and cultural heritage; and facilitates access to cultural goods and services.



- b. The State recognizes the role that this right plays in the realization of the individual and in the development of the community, promoting it through collaboration between the State and civil society.
- c. The State shall promote harmonious relations and respect for all manifestations of culture. It shall also promote cultural activity through different financing mechanisms, taking into account local and regional diversity, and guaranteeing the due plurality of visions.

**26. The right to decent work, free choice and free contract.**

- a. The right to decent work consists of access to fair working conditions, occupational safety and health, as well as fair remuneration, rest and digital disconnection, with full respect for the fundamental rights of the worker in the context of the employment relationship. The law shall establish the conditions for the exercise of this right.
- b. The law shall promote the reconciliation of personal, family and work life in the exercise of the right to decent work.
- c. Any arbitrary discrimination that is not based on personal capacity or suitability is prohibited, without prejudice to the fact that the law may require Chilean nationality or age limits in certain cases. Arbitrary discrimination in pay for work of equal value and with the same employer, especially between men and women, is also prohibited in accordance with the law.
- d. No kind of work is prohibited, except child labor and that which a law declares to be contrary to morality, safety, public health, or the interest of the Nation.
- e. No law or provision of public authority may require affiliation to any organization or entity as a requirement for carrying out a particular activity or work, or disaffiliation in order to remain in them. The law shall determine the professions that require a university degree or degree and the conditions that must be met in order to exercise them.

**27. Freedom of association. This includes the right to organize and to strike within the framework of collective bargaining.**

- a. The right to organize includes the right of workers to form and join trade union organizations of their choice, and to exercise adequate autonomy in such organizations for the fulfillment of their specific purposes in the cases and in the manner prescribed by law.
- b. No one may be compelled to join or leave a trade union organization. Workers shall enjoy adequate protection against acts of anti-union discrimination in relation to their employment.
- c. Collective bargaining with the company where they work is a right of workers, except in cases where the law expressly does not allow negotiation. The law shall establish the modalities of collective bargaining and the appropriate procedures for achieving a just and peaceful solution. The law shall specify the cases in which collective bargaining must be submitted to compulsory arbitration, which shall be the responsibility of special tribunals of experts, the organization and powers of which shall be established therein.
- d. Civil servants of the State or municipalities may not go on strike. Nor may persons who work in corporations or companies, whatever their nature, purpose or function, that provide services of public utility or whose stoppage causes serious damage to the health, supply of the population, or the economy or security of the country. The law shall establish the procedures for determining the corporations or enterprises whose workers shall be subject to the prohibition of this paragraph.
- e. Trade union organizations shall enjoy legal personhood by the mere fact of registering their bylaws and articles of incorporation, in accordance with the law.

**28. The right to social security.**

- a. The State guarantees access to basic and uniform benefits, established by law, whether granted through public or private institutions, protecting persons from the contingencies of old age, disability, death, illness, pregnancy, maternity, paternity, unemployment, accidents and occupational diseases, without prejudice to the establishment of other contingencies or circumstances established by law. Compulsory contributions may be established by law.
- b. Each person shall have ownership over his or her old-age pension contributions and the savings produced by them, and shall have the right

- Right to just remuneration
- Right to work
- Right to safe work environment

- Right to found a family
- General guarantee of equality

- Rights of children

- Freedom of association

- Right to join trade unions
- Right to strike

- Restrictions on rights of groups

- Restrictions on rights of groups

- State support for children
- State support for the disabled
- State support for the unemployed
- State support for the elderly

- Right to own property
- Protection from expropriation

- b. to freely choose the institution, state or private, that administers and invests them. In no case may they be expropriated or appropriated by the State through any mechanism.
- c. The State shall regulate and supervise the proper exercise of the right to social security, in accordance with the law.
- d. The laws regulating the exercise of this right shall have a qualified quorum.

- Right to shelter

**29.** The right to adequate housing.

- a. The State shall promote, through State and private institutions, actions aimed at the progressive satisfaction of this right, with preference given to access to one's own home, in accordance with the law.
- b. The State shall adopt measures aimed at generating equitable access to basic services, goods and public spaces, safe and sustainable mobility, connectivity and road safety.
- c. The property intended for the owner's main residence, whether he or she lives alone or with his or her family, as the case may be, will be exempt from all contributions and land taxes.

The legal exceptions to this exemption may only be based, jointly, on the high tax valuation of the main residence and the income of the taxpayer and his or her family.

- Ownership of natural resources
- Right to water

**30.** The right to access water and sanitation, in accordance with the law. It is the duty of the State to guarantee this right to present and future generations.

Additionally, it is the duty of the State to promote water security, in accordance with sustainability criteria. Legislation, regulation and management must incorporate all the functions of water, prioritizing human consumption and domestic subsistence use.

- Duty to pay taxes

**31.** The equal distribution of taxes in proportion to income or in the progression or form established by law, and the equal distribution and proportionality of other legal public burdens.

- a. In no case may the law establish taxes that, individually or collectively considered, with respect to the same person, are disproportionate, confiscatory in scope, unjust or retroactive.
- b. Expenses objectively necessary for the life, care or development of the person and his or her family shall be considered deductible for the determination of the corresponding taxes.
- c. The taxes collected, whatever their nature, shall enter the patrimony of the Nation and may not be assigned to a specific destination.
- d. However, the law may authorize that certain taxes may be used for national defense purposes. Additionally, the law may authorize that certain taxes levied on activities or goods that have a clear regional or local identification may be applied, within the frameworks indicated by the same law, by regional or communal authorities for the financing of development and investment works.
- e. The State must compensate for discriminatory, disproportionate or retroactive public charges. The law shall establish a procedure for the enforcement of this compensation. This law must also provide for a procedure to enforce the financial liability of the State for acts of the legislator that contravene this Constitution, when the Constitutional Court so declares.

- Right to establish a business

**32.** The right to engage in any economic activity that is not contrary to public health, public order, or the security of the Nation, respecting the legal norms that regulate it.

- a. A law of qualified quorum may authorize the State and its agencies to engage in or engage in business activities. These activities shall be subject to the common legislation applicable to individuals, without prejudice to the exceptions which, for justified reasons, are established by that law.
- b. Under no circumstances may state-owned companies and enterprises regulate, audit or supervise the economic activities included in their line of business or purpose.
- c. It is the duty of the State to promote and defend free competition.
- d. It is the duty of the State to promote entrepreneurship and innovation in productive activities, considering the protection of the environment,

- Right to competitive marketplace
- Protection of environment

**d. sustainability and development.**

**33. Non-arbitrary discrimination in the treatment of the State and its agencies in economic matters.**

- General guarantee of equality

Only by virtue of a law of qualified quorum, and provided that it does not entail such discrimination, may certain direct or indirect benefits be authorized in favor of any sector, activity or geographical area, or special charges may be established affecting one or the other. In the case of franchises or indirect benefits, the estimated cost of these must be included annually in the Budget Law.

**34. The liberty to acquire dominion over all kinds of goods, except those which nature has made common to all persons or which should belong to the whole nation and the law so declares. The foregoing is without prejudice to the provisions of other provisions of this Constitution.**

- Right to own property

A law of qualified quorum, when the national interest so requires, may establish limitations or requirements for the acquisition of ownership of certain assets.

**35. The right of property in its various forms over all kinds of tangible or intangible property.**

- Right to own property
- Right to own property
- Protection from expropriation
- Protection from expropriation
- Ownership of natural resources
- Ownership of natural resources
- Ownership of natural resources

- a. Only the law can establish the manner of acquiring, using, enjoying and disposing of property, and the limitations and obligations deriving from its social function. This includes whatever is required by the general interests and security of the Nation, public utility and health, and the conservation of the environmental heritage.
- b. No one may, in any case, be deprived of his property, of the property on which it falls, or of any of the essential attributes or faculties of dominion, except by virtue of a general or special law authorizing expropriation for reasons of public utility or national interest, qualified by the legislator. The expropriated party may challenge the legality of the expropriatory act before the ordinary courts and shall always be entitled to monetary compensation for the damage caused, which shall be determined by mutual agreement or in a judgment rendered in accordance with the law by those courts. In the absence of an agreement, the compensation must be paid in cash.
- c. The taking of physical possession of the expropriated property shall take place upon payment of the total compensation, which, in the absence of agreement, shall be provisionally determined by experts in the manner indicated by law. In the event of a claim about the appropriateness of the expropriation, the judge may, on the merits of the information invoked, order the suspension of the taking of possession.
- d. The State has absolute, exclusive, inalienable and imprescriptible ownership of all mines, including coal mines, metalliferous sands, salt flats, deposits of coal and hydrocarbons and other fossil substances, with the exception of surface clays, notwithstanding the ownership of natural or legal persons over the land in which they are located. Surface properties shall be subject to the obligations and limitations established by law to facilitate the exploration, exploitation and benefit of such mines.
- e. It is up to the law to determine which of the substances referred to in the preceding paragraph, with the exception of liquid or gaseous hydrocarbons, may be the subject of exploration or exploitation concessions. Such concessions shall always be constituted by judicial decision and shall have the duration, confer the rights and impose the obligations expressed by law, which shall be a qualified quorum. The mining concession obliges the owner to carry out the activity necessary to satisfy the public interest that justifies its grant. Its protection regime shall be established by said law, shall aim directly or indirectly to obtain compliance with this obligation and shall provide grounds for revocation in the event of non-compliance or simple extinction of ownership of the concession. In any case, these grounds and their effects must be established at the time the concession is granted.
- f. It shall be the exclusive competence of the ordinary courts of justice to declare the termination of such concessions. Any disputes that may arise regarding the expiry or extinction of the ownership of the concession shall

- Ownership of natural resources
- Right to own property
- Ownership of natural resources

- f. be resolved by them and, in the event of revocation, the affected person may request from the court a declaration of subsistence of his or her right.
- g. The owner's dominion over his or her mining concession is protected by the constitutional guarantee referred to in this subparagraph.
- h. The exploration, exploitation or beneficiation of deposits containing substances not subject to concession may be carried out directly by the State or its enterprises, or by means of administrative concessions or special operating contracts duly tendered, subject to the requirements and under the conditions established by the President of the Republic in each case by supreme decree. This rule shall also apply to deposits of any kind existing in maritime waters under national jurisdiction and to those situated, in whole or in part, in areas which, in accordance with the law, are determined to be of importance to the security of the country. The President of the Republic may terminate, at any time, without giving cause and with the corresponding compensation, administrative concessions or operating contracts relating to operations located in areas declared to be of importance to the security of the country.
- i. Waters, in any of their states and in natural sources or state works for the development of the resource, are national assets for public use. Consequently, their dominion and use belong to the whole Nation. Notwithstanding the foregoing, rights to use water may be constituted or recognized, which confer on the holder the use and enjoyment of water, and allow him to arrange, transmit and transfer such rights, in accordance with the law.

- Ownership of natural resources

### 36. The author's right over their work and intellectual property.

- Provisions for intellectual property
- Reference to art
- Reference to science

- a. The State recognizes the author's right over his or her intellectual, artistic and scientific creations, which includes the ownership of the works and other rights, such as authorship, editing and integrity of the work, all in accordance with and for the time indicated by law, which shall not be less than the life of the owner and the related rights that the law ensures.
- b. Industrial property is also guaranteed over patents for inventions, trademarks, models, industrial designs, new plant varieties, or other similar creations determined by law, for the period established by law.
- c. The provisions of clause 35 above on the right of property shall apply to the ownership of intellectual and artistic creations and to industrial property.

### 37. As consumers, access to goods and services in a free, informed and secure manner. The law shall regulate the rights and duties of consumers and suppliers, as well as the guarantees and procedures for enforcing them. It is the duty of the State and its institutions to protect consumers from abusive practices and to guarantee the exercise of their rights, individually or collectively, by promoting education, health and safety in the consumption of goods or services.

- Protection of consumers

## Nationality and Citizenship

### Article 17

- Requirements for birthright citizenship
- Requirements for naturalization

#### 1. Chileans are:

- a. Those born in the territory of Chile, with the exception of the children of foreigners who are in Chile in the service of its Government, and the children of transient foreigners, all of whom, however, may opt for Chilean nationality.
  - b. Children of a Chilean father or mother born in foreign territory. However, it shall be required that one of their immediate elders of the first or second degree has acquired Chilean nationality by virtue of the provisions of subsection a), c) or d).
  - c. Those who obtain a letter of naturalization in accordance with the law.
  - d. Those who obtained a special grace of naturalization by law.
2. The law shall regulate the procedures for opting for Chilean nationality, the granting, refusal and cancellation of letter of naturalizations and the creation of a register of all these acts.
3. However, those born according to the exceptional situation of clause 1 (a) shall always be Chileans when, for the purposes of the provisions of said law, they become stateless.

- Conditions for revoking citizenship
- Right to renounce citizenship

## Article 18

1. Chilean nationality is lost:
  - a. By voluntary resignation manifested before the competent Chilean authority. This waiver will only take effect if the person has previously been naturalized in a foreign country.
  - b. By supreme decree, in case of rendering services during a foreign war to enemies of Chile or its allies.
  - c. Due to the cancellation of the letter of naturalization.
  - d. By revocation of the naturalization granted by grace, in the cases and according to the procedure established by law.
2. Those who have lost their Chilean nationality for any of the reasons established in this article may only be reinstated by law. The loss of nationality shall have no effect with respect to the person who thereby becomes stateless and for the duration of that circumstance.

- Claim of universal suffrage
- Restrictions on voting

## Article 19

1. Chileans who have attained the age of eighteen and who have not been sentenced to punishment are citizens.
2. Citizenship grants the right to vote, to run for elected office, and to hold office by the Constitution or the law.
3. Citizens with the right to vote who are outside the country may vote from abroad in presidential primary elections, in elections for President of the Republic and in national plebiscites.
4. In the case of Chileans referred to in subparagraphs (b) and (d) of Article 17, the exercise of the rights conferred on them by citizenship shall be subject to the fact that they have been resident in Chile for more than one year.

- Conditions for revoking citizenship
- Restrictions on voting

## Article 20

1. Citizenship is lost:
  - a. Due to loss of Chilean nationality.
  - b. Due to conviction of afflictive punishment.
  - c. Conviction for offenses that the law classifies as terrorist conduct and those related to drug trafficking, trafficking or smuggling of persons, as well as those committed by authorities or public officials in the exercise of their functions, and which have also warranted afflictive punishment.
2. Those who have lost their citizenship for the reason indicated in subparagraph (b) shall regain it in accordance with the law once their criminal liability has been extinguished. Those who have lost it for the reasons provided for in paragraph c) may request their reinstatement from the Senate, once their sentence has been served.

- Requirements for naturalization

## Article 21

1. Foreigners who have resided in Chile for more than five years, who have valid permanent residence and who meet the requirements established by this Constitution, may exercise the right to vote in the cases and forms determined by law.
2. Those who have been naturalized in accordance with article 17 (c) shall have the option of holding popularly elected public office only after five years of being in possession of their letters of naturalization.

## Article 22

The right to run for elected office is suspended only if the person is accused of an offense punishable by felony.

## Guarantees of Right and Freedoms

- Inalienable rights

## Article 23

1. Only the law may limit or restrict the exercise of fundamental rights.
2. The rights enshrined in this Constitution shall be subject only to those limits which are reasonable and can be justified in a democratic society.
3. In no case may a fundamental right be affected in its essence, nor may conditions, taxes or requirements be imposed that prevent its free exercise.

- Right to shelter
- Right to health care
- General guarantee of equality
- Free education
- Compulsory education
- State support for the elderly
- State support for the unemployed
- State support for the disabled
- State support for children
- Protection of environment
- Right to water

## Article 24

The State shall take appropriate measures to realize the rights to health, housing, water and sanitation, social security and education, taking into account:

- a. Progressive development to achieve the realization of these rights.
- b. Ensuring an adequate level of protection for each right.
- c. Non-discrimination or arbitrary differentiation.
- d. The removal of obstacles to ensure the fulfillment of these rights.
- e. The use of the maximum available resources, with fiscal responsibility.
- f. Fulfillment through state and private institutions, as appropriate.

## Article 25

The appropriate measures for the realization of the rights referred to in the preceding article shall be determined by the law and the rules based on it. In the application and interpretation of the provisions of this article, the courts may not define or design public policies that realize the rights individualized in the preceding article.

- Constitutional interpretation

## Article 26

1. Any person who, as a result of illegal or arbitrary acts or omissions, suffers deprivation, disturbance or threat in the legitimate exercise of the rights and guarantees recognized in Article 16 of this Constitution, with the exception of the rights set forth in the following paragraph, may personally or through anyone on their behalf, apply to the respective Court of Appeals, which shall immediately take the measures it deems necessary to restore the rule of law. In the case of the right to live in a healthy and pollution-free environment, this action shall proceed when it is affected by an illegal act or omission attributable to a specific authority or person.
2. In the case of social benefits linked to the exercise of the rights to health, housing, water and sanitation, social security and education established in Article 16 of this Constitution, any person who, as a result of illegal acts or omissions, suffers deprivation, disturbance or threat in the legitimate exercise of benefits expressly regulated by law may apply by himself or by anyone on his behalf to the respective Court of Appeals, which shall order compliance with the benefit, ensuring the due protection of the affected party.
3. A law shall regulate the procedure of such actions, the processing of which shall be brief and concentrated, and shall enjoy preference for hearing and adjudication.
4. The court may, before deciding the action, adopt any urgent interim measure.
5. Notwithstanding the provisions of the preceding paragraph, in the event that the Court dismisses the action on the grounds that the matter is of a general knowledge or is not of a precautionary nature, it shall indicate the procedure that corresponds in law and that allows the resolution of the matter.
6. The decision may be appealed to the Supreme Court, which shall hear and resolve the appeal, and may decide to group appeals of the same nature.

- Ultra-vires administrative actions

- Right to water

- Right to appeal judicial decisions

- Protection from false imprisonment
- Protection from unjustified restraint
- Right to amparo

## Article 27

1. Any person who is arrested, imprisoned or detained in violation of the provisions of this Constitution or the laws may claim, personally or through anyone on their behalf, before the respective Court of Appeals. The court may order that the person concerned be brought before it, and if it is found that the deprivation of liberty has been or has become illegal, it shall order his or her release or immediately take such measures as it deems necessary to restore the rule of law and ensure the due protection of the person concerned.
2. The same action may be brought with respect to a precautionary measure or custodial sentence established by a court, when the execution of the measure violates their constitutional rights. In this case, the court may be constituted in the place where the person was detained, ordering the necessary measures to restore his or her rights.
3. Likewise, this action may be deducted in favor of any person who unlawfully suffers, whether by an authority or an individual, any other deprivation, disturbance or threat to his or her right to personal liberty and individual security. In such a case, the respective magistracy shall issue the measures indicated in the preceding clauses that it deems appropriate to restore the rule of law and ensure the proper protection of the affected person.
4. The decision may be appealed to the Supreme Court, which shall hear and resolve the appeal.
5. The law shall establish an abbreviated and concentrated amparo procedure for the hearing and resolution of this action, which shall have preference for its consideration and judgment.

- Right to appeal judicial decisions

- Ultra-vires administrative actions
- Conditions for revoking citizenship

## Article 28

A person affected by an act of an administrative authority that deprives him or her of his or her Chilean nationality or does not recognize it, may appeal, by himself or herself or by anyone on his or her behalf, within a period of thirty days, to the Supreme Court, which shall hear it as a jury and in a full court. The mere lodging of an action shall suspend the effects of the contested act.

- Right to amparo
- Protection from unjustified restraint
- Protection from false imprisonment
- Ultra-vires administrative actions

## Article 29

1. Once a final dismissal or acquittal has been issued, any person who has suffered a deprivation or restriction of his or her liberty or has been convicted in any instance by a decision that the Supreme Court declares to be manifestly erroneous or arbitrary, shall have the right to be compensated by the State for the monetary and moral damages he or she has suffered. Compensation shall be determined by the courts in a brief and summary proceeding, in which the evidence shall be assessed in due conscience.
2. The State shall be liable for administrative conduct which, in the course of a judicial proceeding, results in a defective administration of justice that causes damages.

- Emergency provisions

- Power to declare/approve war

## States of Exception

### Article 30

1. The exercise of the rights and guarantees guaranteed to all persons by the Constitution may be affected only under the following exceptional situations: external or internal war, severe internal turmoil, emergency and public calamity, when they seriously affect the normal functioning of State institutions.
2. Only the exercise of the rights and guarantees expressly indicated in the following articles may be restricted or suspended.

- Power to declare/approve war

### Article 31

1. The President of the Republic shall declare a state of assembly in the event of a foreign war and a state of siege in the event of an internal war, serious internal

- Legislative oversight of the executive

- Legislative oversight of the executive

- Legislative oversight of the executive

- Legislative oversight of the executive

- commotion or terrorist act, with the consent of the National Congress. The declaration must identify the areas affected by the relevant state of emergency.
2. The National Congress, within a period of five days from the date on which the President of the Republic submits the declaration of a state of assembly or siege to its consideration, shall decide whether to accept or reject the proposal, without being able to make any modifications to it. If the Congress does not act within this period, it shall be deemed to have approved the President's proposal.
  3. However, the President of the Republic may apply the state of assembly or siege immediately while the National Congress decides on the declaration, but in the latter state he or she may only restrict the exercise of the right of assembly. Measures adopted by the President of the Republic pending the meeting of the National Congress may be subject to review by the courts of justice, without the provisions of Article 36, paragraph 1, being applicable in the meantime.
  4. The state of assembly shall remain in force for as long as the external war situation lasts, unless the President of the Republic orders its suspension in advance.
  5. The state of siege shall be in effect for fifteen days from its declaration. The President of the Republic may request its extension, for which he or she shall require the assent of the National Congress. In the event of a third extension or those that succeed it, the vote of an absolute majority of the deputies and senators in office shall be required.
  6. By declaring a state of assembly, the President of the Republic shall have the power to suspend or restrict personal freedoms, the right of assembly and the freedom to work. He or she may also restrict the exercise of the right of association, intercept, open or search documents and all kinds of communications, order requisitions of property and establish limitations on the exercise of the right to property.
  7. By declaring a state of siege, the President of the Republic may restrict freedom of movement and arrest persons in their own dwellings or in places determined by law and which are not prisons or intended for the arrest or imprisonment of common criminals. It may also suspend or restrict the exercise of the right of assembly.

## ARTICLE 32

- Legislative oversight of the executive

- Legislative oversight of the executive

1. A state of catastrophe, in the event of a public calamity, shall be declared by the President of the Republic, determining the area affected by the same.
2. The National Congress may annul the declaration after one hundred and eighty days from this date, if the reasons that motivated it have ceased completely. However, in his or her first declaration, the President of the Republic may only declare a state of catastrophe for a period of more than one year with the agreement of the National Congress. Furthermore, the President of the Republic may request any extension period, which shall also require the agreement of Congress.
3. The National Congress, within a period of five days from the date on which the President of the Republic submits the declaration of a state of catastrophe, shall decide whether to accept or reject the proposal, without being able to introduce modifications to it. The aforementioned agreement shall be processed in the manner established in section 2 of Article 31.
4. Once the state of catastrophe has been declared, the respective areas shall be under the immediate jurisdiction of the Chief of National Defense designated by the President of the Republic. This authority shall assume the direction and supervision of those zones having the powers and duties established by law.
5. By declaring a state of catastrophe, the President of the Republic may restrict the freedom of movement and assembly. He or she may also order requisitions of property, establish limitations on the exercise of property rights and adopt all extraordinary administrative measures that are necessary for the prompt restoration of normality in the affected area.

- Emergency provisions

- Legislative oversight of the executive

## Article 33

1. A state of emergency shall be declared by the President of the Republic in the event of a serious disturbance of public order or serious damage to internal security, and shall determine the areas affected by such circumstances. The state of emergency may not be extended for more than fifteen days, without prejudice



to the fact that the President of the Republic may extend it for the same period. However, for successive extensions, the President shall always need the agreement of the National Congress. The aforementioned agreement shall be processed in the manner established in paragraph 2 of Article 31.

2. Once a state of emergency has been declared, the respective zones shall be placed under the immediate authority of the Chief of National Defense appointed by the President of the Republic. This authority shall assume the direction and supervision of those areas with the powers and duties indicated by law.
3. By declaring a state of emergency, the President of the Republic may restrict the freedoms of movement and assembly.

### Article 34

In states of constitutional exception, the respective chiefs of National Defense must act in accordance with the provisions of the law with the civil authorities.

### Article 35

1. A law of qualified quorum shall regulate states of emergency, as well as their declaration and the application of the legal and administrative measures that may be adopted under them. Such law shall consider what is strictly necessary for the prompt restoration of constitutional normality and may not affect the powers and functioning of constitutional bodies or the rights and immunities of their respective holders.
2. The President of the Republic shall report to the National Congress on the measures adopted pursuant to the declaration of states of constitutional emergency. The corresponding institutional law shall regulate the manner in which this duty shall be fulfilled.
3. The measures adopted during states of emergency may not, under any circumstances, be extended beyond the duration of the period.
4. The request for the renewal of states of emergency shall be reported by a Bicameral Commission composed of an equal number of deputies and senators. That commission should recommend approving or rejecting the extension, taking into account the sufficiency of the measures taken and the effective use of the powers it confers.

- Legislative oversight of the executive

- Legislative oversight of the executive

### Article 36

1. The courts of justice may not characterize the grounds or factual circumstances invoked by the authority to decree states of emergency, without prejudice to the provisions of Article 30. However, with respect to particular measures that affect constitutional rights, there shall always be a guarantee of recourse to the judicial authorities through the appropriate remedies.
2. The decree of the President of the Republic and the administrative acts of the Chief of National Defense issued pursuant to the declaration of a constitutional state of exception must expressly indicate the rights to be restricted or suspended.
3. Any requisitions made shall give rise to compensation in accordance with the law. Limitations imposed on the right to property shall also entitle the right to compensation when they result in the deprivation of any of its essential attributes or faculties and thereby cause damage.

- Right to amparo
- Ultra-vires administrative actions

- Right to own property

## Constitutional Duties

### Article 37

1. All people must respect each other and behave fraternally and in solidarity. They must also honor the republican tradition, defend and preserve democracy, and faithfully and loyally observe the Constitution and the law.
2. In the same way, all people should contribute to preserving Chile's environmental, cultural and historical heritage.
3. It is the duty of all the inhabitants of the Republic to protect the environment, considering future generations, and to prevent environmental damage. In the

- Duty to obey the constitution
- Reference to fraternity/solidarity

- Protection of environment
- Right to culture

- Protection of environment

event that it occurs, they shall be responsible for the damage they cause, contributing to its reparation in accordance with the law.

- Duty to pay taxes
- Compulsory voting

- Rights of children
- Rights or duties of parents

- State support for the elderly
- State support for children
- Rights of children
- Right to found a family
- Human dignity
- Rights or duties of parents

- All citizens who exercise public functions have the duty to faithfully and honestly carry out their duties, complying with the principle of probity in all their actions. Fighting corruption is a duty of all the inhabitants of the Republic.
- The inhabitants of the Republic must comply with public charges, contribute to the maintenance of public expenditure through the payment of taxes in accordance with their economic capacity, and vote in elections and plebiscites, all in accordance with the Constitution and the law. They must also defend peace and use peaceful methods of political action.
- The inhabitants of the Republic have the duty to assist, feed, educate and protect their children. For their part, they have the duty to respect their fathers, mothers and elders and to assist, feed and help them when they need it, under conditions of reciprocity.
- Every person, institution or group must ensure respect for the dignity of children and the elderly. The family has a duty of care to all its members. The State shall provide support and accompaniment mechanisms for motherhood and child-rearing.
- It is the duty of the State and individuals to promote the protection of animals and their welfare, as well as to promote their respect through education in accordance with the law.

## CHAPTER III POLITICAL REPRESENTATION AND PARTICIPATION

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- Referenda
- Claim of universal suffrage

### Article 38

- People have the right to participate in matters of public interest, through the election of representatives, plebiscites and participation mechanisms established by the Constitution.
- It is the duty of the organs of the State to respect and promote the exercise of this right, tending to encourage broad citizen deliberation in the terms established in this Constitution.

- Compulsory voting
- Secret ballot
- General guarantee of equality

### Article 39

- In popular votes and plebiscites, suffrage shall be personal, egalitarian, secret, informed and compulsory. The electoral law shall establish the procedure, the competent body and the penalties to be applied for failure to comply with this duty. In primary elections called pursuant to the provisions of Article 44, paragraph 9, suffrage shall be voluntary.
- A popular vote may only be called for the elections and plebiscites expressly provided for in this Constitution.

### Article 40

- Electoral commission

- Electoral commission

- There shall be a public electoral system. An electoral law shall determine its organization and functioning, and shall regulate the manner in which popular votes and plebiscites shall be conducted within Chile and abroad, in all matters not provided for in this Constitution.
- This law shall also provide for an electoral registration system under the direction of the Electoral Service, to which those who meet the requirements established by this Constitution shall be incorporated, by the sole operation of the law.

- Campaign financing
  - Regulation of political parties
3. The electoral law shall regulate electoral propaganda and shall also establish a system of financing, transparency, limitation and control of electoral spending.
  4. Independents may participate in the presentation of candidacies and in electoral processes in accordance with this Constitution and the electoral law.
  5. The Armed Forces, Carabineros [Police] of Chile and the Gendarmerie of Chile shall be responsible for safeguarding public order during elections and plebiscites in the manner prescribed by law.

## Political Parties

- Regulation of political parties

### Article 41

1. Political parties are autonomous, voluntary associations organized democratically, endowed with legal personhood under public law, made up of natural persons who share the same ideological and political principles. Their purpose is to contribute to the functioning and strengthening of the democratic system, to represent groups in society and to exert influence in the conduct of the State, in order to achieve the common good and the public interest.
2. Political parties express political pluralism, mediate between the people and the State, and participate in the formation and expression of the will of the people. They are a fundamental instrument for democratic political participation and for channeling citizen participation through the mechanisms established by this Constitution and the law. They contribute to the integration of national representation, to the respect, guarantee and promotion of the human rights recognized in the Constitution and in the international treaties ratified and in force in Chile.

- International law

### Article 42

All citizens shall have the right to associate freely in political parties, without prejudice to the exceptions established by this Constitution and the law.

- Right to form political parties
- Regulation of political parties

### Article 43

1. Political pluralism is guaranteed by the Constitution. Political parties shall be free to define and amend their declarations of principles, programmes and agreements; to put forward candidates in elections and, in general, to carry out their own activities in accordance with the law.
2. Political parties, movements or other forms of organization whose objectives, acts or conduct do not respect the basic principles of the democratic regime, as well as those that use, advocate or incite violence, shall be declared unconstitutional. It shall be the responsibility of the Constitutional Court to hear and judge these matters.
3. Political parties shall adopt management and supervision mechanisms to prevent breaches of probity and transparency, in accordance with institutional law.

- Regulation of political parties
- Right to form political parties

- Restrictions on political parties
- Prohibited political parties

- Regulation of political parties

- Regulation of political parties

### Article 44

1. The institutional law shall determine the requirements for the formation and dissolution of a political party and other rules for it to conduct its activities and shall indicate the rules to which financing shall be subject for its ordinary operation and for electoral campaigns. Their income may only be of national origin and they may only receive private financing, from natural persons, and public financing authorized by the aforementioned institutional law. Their accounts must be public.
2. The bylaws of political parties shall contain rules that ensure effective internal democracy and shall be subject to the standards of transparency, probity and accountability established by law.
3. The law shall provide for mechanisms to ensure balanced participation between women and men in the composition of its collegiate bodies.

- Campaign financing

- Equality regardless of gender

- Campaign financing
- Electoral commission
- Electoral commission
- Electoral court powers

4. Legally constituted parties must have regulations on party discipline, with specific sanctions associated with non-compliance with such regulations.
5. Political parties shall be able to access funding when they are constituted and comply with the rules that regulate their functioning and internal organization.
6. The general register of members of a political party shall be administered by the Electoral Service and shall be reserved, except for its respective members.
7. Their internal elections, concerning its national collegiate intermediary body and supreme tribunal, shall be supervised by the Electoral Service and certified by the Election Certification Court, while those of its national executive body shall also be administered by the Electoral Service and certified by the Election Certification Court, in the manner indicated by the respective electoral law. In the event that the national executive body is indirectly elected through another organ of the party, the elections of the latter shall be those administered by the Electoral Service.
8. The sanctioning power of political parties is vested in their supreme tribunal and regional tribunals. Its application shall be carried out with the guarantees of a fair and reasonable procedure. The final judgment of the Supreme Court that has ordered or confirmed the application of a sanction of expulsion or suspension of a member shall be appealable before the Election Certification Court and shall only take effect once it is enforceable.
9. An electoral law shall establish a system of primary elections that may be used by political parties for the nomination of candidates for popularly elected positions determined by law, the results of which shall be binding on these groups, except for the exceptions established by law. Those who are not elected in the primary elections may not be candidates, in that election, for the respective office.

- Electoral court powers

## Participation Mechanisms

### Article 45

The institutional law of the National Congress shall establish mechanisms for citizen participation in the process of forming the law, enabling a repository that gathers the information generated by virtue of these, to guide the parliamentary debate.

- Legislative initiatives by citizens

### Article 46

1. A group of one hundred people qualified to vote shall be able to register a citizens' initiative on the Electoral Service platform. In order for the initiative to be discussed in the National Congress, it must, in any case, gather support equivalent to four percent of the last electoral roll and not more than six percent of that list. In any case, citizens' initiatives to amend the Constitution, to repeal a law, or to those matters that correspond to the exclusive initiative of the President of the Republic and international treaties will not be admissible.
2. The Electoral Service shall have a technological and expeditious system to register citizen initiatives of law. These must be presented in writing, containing the main or fundamental ideas that motivate them and the articles proposed. There shall be a period of one hundred and eighty days for the proposal to be known by the citizens and gather the support required in clause 1.
3. Once the support referred to in this article has been obtained, the Electoral Service shall forward the initiative to the National Congress, so that it may begin its processing in accordance with the procedure for the formation of the law. The provisions of Articles 87 and 172 shall apply to the processing of these initiatives. If the period referred to in the previous paragraph has elapsed without having gathered the required support, the Electoral Service shall archive the initiative.

### Article 47

1. The law shall guarantee the participation of individuals in the public management of the organs of the State Administration, establishing favorable conditions for their effective exercise. It shall also establish mechanisms for them to participate in their oversight and control.

- Right to information

2. The law shall provide for public hearings or consultations in the processes of drafting general regulations at the various levels of the State Administration, as well as the necessary mechanisms to compile and systematize the data and information generated in the aforementioned hearings or consultations.

- Subsidiary unit government
- Municipal government

## Article 48

1. The law shall establish forums for citizen deliberation that will collaborate in the resolution of a specific matter of public debate, whether national, regional or communal in scope, previously defined by the corresponding authority in each case. These forums shall be of a consultative nature and may make recommendations on matters expressly submitted to them.
2. There shall be an impartial collegiate body whose function shall be to convene the deliberative forum at the request of the competent authority and to ensure the correct application of this procedure.
3. The deliberation forum shall be chosen by a random selection mechanism among the citizens, who may accept or reject the call to participate. The random integration of the forum should ensure a representative, diverse and pluralistic participation of the population.

- Municipal government
- Subsidiary unit government
- Referenda

## Article 49

1. The regional governor or the mayor, as appropriate, with the agreement or at the request of two-thirds of the regional councilors or local councilors in office, respectively, or a group of persons qualified to vote representing eight per cent of the regional or communal electoral roll, respectively, may submit to a plebiscite those matters of municipal or regional competence. as appropriate, expressly indicated in the institutional law. What is approved in these plebiscites by an absolute majority of the votes validly cast shall be binding on the regional or communal authorities, provided that it meets the corresponding quorum and other requirements established by law.
2. The institutional law shall regulate the timing and manner of the convocation of regional and local plebiscites, the time at which they may be held, the requirements for citizens to sponsor an initiative, and the voting and counting mechanisms.
3. In no case may the resolution of these plebiscites modify what is established in the regional or municipal budgets or affect other regions or communes.

- Subsidiary unit government
- Municipal government
- Referenda

## Article 50

1. The regional governor or mayor, at the request of the Regional Council or the Municipal Council, as appropriate, shall consult the citizens of his or her region or commune on their budgetary priorities. This consultation shall not be binding.
2. The law shall determine the opportunities and manner in which such consultations may be convened, which shall be held at least once for each regional or municipal mandate.

# CHAPTER IV NATIONAL CONGRESS

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- Structure of legislative chamber(s)

## Article 51

1. The National Congress is composed of two branches: the Chamber of Deputies and the Senate. Both concur in the formation of laws in accordance with this Constitution and have the other powers it establishes.
2. The law may establish mechanisms to promote the political participation of indigenous peoples in the National Congress.

- Indigenous right to representation

# Composition of the Chamber of Deputies and Senate

- First chamber selection
- Size of first chamber
- Electoral districts
- Term length for first chamber
- First chamber representation quotas

## Article 52

1. The Chamber of Deputies is made up of members elected by direct vote by electoral districts. The respective electoral law shall determine the electoral districts and the manner of their election.
2. The Chamber of Deputies shall be renewed in its entirety every four years.
3. The distribution of seats among the districts shall tend towards equitable representation according to the population of the electoral territory.

## Article 53

- Second chamber selection
- Size of second chamber
- Electoral districts
- Term length of second chamber
- Minimum age for first chamber
- Minimum age for second chamber
- Eligibility for first chamber
- Eligibility for second chamber

1. The Senate is composed of members elected by direct vote by senatorial constituencies, in consideration of the regions of the country, each of which shall constitute at least one constituency. The respective electoral law shall determine the number of senators, the senatorial districts and the manner of their election.
2. Senators shall hold office for eight years and shall be renewed in halves every four years, in the manner determined by the respective electoral law.

## Article 54

To be elected as a deputy or senator, it is necessary to be a citizen with the right to vote, to be twenty-one and thirty-five years of age on the day of the election, respectively, to have completed secondary education or equivalent and to have resided in the region to which the corresponding electoral territory belongs for a period of not less than two years, counted backward from Election Day.

## Article 55

- Scheduling of elections
- Term limits for first chamber
- Term limits of second chamber
- Replacement of legislators
- Replacement of legislators
- Replacement of legislators
- Replacement of legislators
- Replacement of legislators

1. It shall be understood that deputies and senators have, by the sole operation of the law, their residence in the corresponding region, while they are in office.
2. The elections of deputies and senators shall be held in conjunction with the first ballot to elect the President of the Republic.
3. Deputies may be successively re-elected to office for up to two terms; Senators may be successively re-elected to office for up to one term. For these purposes, it shall be understood that deputies and senators have held office for a period when they have completed more than half of their mandate. However, in no case shall they be counted as successive periods, for the application of this rule, when the office of deputy or senator has been exercised in a non-consecutive manner.
4. Vacancies for deputies and senators shall be filled by the citizen chosen by the political party to which the parliamentarian who created the vacancy belonged at the time of being elected.
5. Parliamentarians elected as independents shall not be replaced.
6. Parliamentarians elected as independents who have run in association with a political party shall be replaced by the citizen chosen by the party that declared their candidacy.
7. In order to fill the vacancies referred to in clauses 4 and 6, the respective political parties shall follow the procedures established in their bylaws, which shall include mechanisms for consultation with the internal bodies determined by them.
8. The replacement must meet the requirements to be elected deputy or senator, as the case may be. However, a deputy may be nominated to occupy the position of a senator, in which case the rules of the preceding clauses must be applied to fill the vacancy left by the deputy, who upon assuming his or her new position shall cease to hold the one he or she held.
9. The new deputy or senator shall exercise his or her functions for the term of office of the person who created the vacancy, which shall not be considered for the limit established in clause 3.
10. In no case shall supplementary elections be held.

## Article 56

- Electoral commission
- Size of first chamber
- Regulation of political parties

1. The declaration of lists composed only of independent candidates shall not be allowed.
2. It shall be the responsibility of the Board of Directors of the Electoral Service to update, every ten years, the allocation of the seats of deputies among the established districts, in accordance with the procedure and within the deadlines established in the electoral law.
3. The Chamber of Deputies shall be composed of members elected in multi-member districts. In each of these districts, between two and six seats shall be elected, according to a system previously established by the electoral law.
4. Only political parties that reach at least five percent of the votes validly cast, at the national level, in the election of the members of the respective Chamber of Deputies, shall have the right to participate in the allocation of seats in that Chamber. This rule shall not apply to a party that has enough seats to add up to at least eight parliamentarians in the National Congress, between those eventually elected in that parliamentary election and the senators who continue in office until the next election. The votes obtained by the political parties that do not obtain seats, in accordance with the above rules, shall be allocated to the parties of the pact that do meet the requirements to be part of the Chamber of Deputies, in proportion to the number of votes obtained by them in the respective electoral district.
5. Independents who are part of a party list shall be subject to the rules of the previous clause.
6. The calculation of the percentages indicated shall be made according to the general count carried out by the Election Certification Court.

## Exclusive Powers of the Chamber of Deputies

- First chamber reserved policy areas

### Article 57

The Chamber of Deputies has the exclusive powers to:

- Legislative oversight of the executive

- a. Exercise the oversight authority. To this end, the Chamber may:
  1. Adopt resolutions or offer observations, with the vote of the majority of the deputies present, which shall be transmitted in writing to the President of the Republic, who shall give a reasoned response through the corresponding Minister of State, within a period of thirty days from the receipt of such communication.

Notwithstanding the foregoing, any deputy may request, with the favorable vote of one third of the deputies present, certain background information from the President of the Republic and from the organs of the State Administration determined by the institutional law of the National Congress, who shall respond with justification through the corresponding Minister of State, within the same period indicated in the preceding clause.

In no case shall agreements, observations or requests for background information affect the political responsibility of the Ministers of State.

2. To summon a Minister of State, at the request of at least one third of the Deputies in office, for the purpose of asking him or her questions in relation to matters relating to the exercise of his or her office. However, the same Minister may not be summoned for this purpose more than three times within a calendar year, without the prior agreement of the absolute majority of the Deputies in office.

The Minister's attendance shall be obligatory and he or she shall respond to the questions and queries that give rise to his or her summons.

3. To set up special commissions of inquiry at the request of at least two-fifths of the deputies in office, for the purpose of gathering information on

- a. 3. certain acts of the Government. If such a request is not approved by the Chamber of Deputies, it may not be renewed until six months have elapsed. Once this period has elapsed, the application may be submitted again, to the extent that there is new information that justifies it.

The operation of a special commission of inquiry may not be extended for more than sixty days, which may be extended for a further thirty days. Once that period has expired, it shall prepare its final report within fifteen days of the last session. At the request of one-third of its members, they may issue subpoenas and request background information. Ministers of State, other authorities and officials of the State Administration, the staff of State enterprises or those in which the State has a majority shareholding, and those who have exercised such functions in the last year, who are summoned by these commissions, shall be obliged to appear and to provide the background and information requested of them, except for those that are classified in accordance with the law. If they fail to appear, they may be sanctioned by the Office of the Comptroller General of the Republic, in accordance with the law.

However, the persons referred to in the preceding paragraph may not be summoned more than three times to the same special commission of inquiry, without the prior agreement of the absolute majority of its members.

The institutional law of the National Congress shall regulate the functioning and powers of the special investigative commissions and the manner in which the rights of the persons summoned or mentioned therein are to be protected.

- b. To declare whether or not the accusations made by not less than fifteen nor more than twenty of its members are admissible against the following persons:

- Head of state removal

1. President of the Republic, for acts of his or her administration that have seriously compromised the honor or security of the Nation, or openly violated the Constitution or the laws. Such an indictment may be brought while the President is in office and within six months of his or her expiry in office. During this last time, he or she shall not be able to leave the country without the agreement of the Chamber of Deputies.

- Cabinet removal

2. Ministers of State, for having seriously compromised the honor or security of the Nation, for violating the Constitution or the laws or for having left them unexecuted.

- Supreme/ordinary court judge removal

3. Judges of the superior courts of justice and of the Comptroller General of the Republic, for notable dereliction of duty. Judges may not, under any circumstances, be impeached on the merits of the decisions they render.

- Electoral court removal

4. Generals or admirals of institutions belonging to the Armed Forces, for having seriously compromised the honor or security of the Nation.

5. Regional governors, representatives of the President of the Republic in the regions and provinces and of the authority exercised by the government in the special territories referred to in article 141, for infringement of the Constitution.

The indictment shall be processed in accordance with the institutional law related to the National Congress.

A majority of the Deputies in office shall vote to declare the accusation admissible. In no case shall the party order proceed on this vote.

Only the charges referred to in clauses (2), (3), (4) and (5) may be brought while the person concerned is in office or within three months of the expiry of his or her term of office. Once such an accusation has been filed, the person concerned may not leave the country without the permission of the Chamber of Deputies and may not do so in any case if the accusation has already been approved by the Chamber. In such cases, the



- b. 5. accused shall be suspended from office from the moment the Chamber declares the indictment admissible. The suspension shall cease if the Senate dismisses the impeachment or if it fails to act within thirty days. In the case of Ministers of State, it shall be a prerequisite for the filing of the constitutional accusation to have exercised the power referred to in clause a(2) of this article.

The person affected may appoint a lawyer to represent him or her at all stages of the constitutional accusation, and may attend and intervene in the respective chamber and commission sessions.

## Exclusive Powers of the Senate

- Second chamber reserved policy areas

### Article 58

#### 1. The Senate has the exclusive powers to:

- Head of state removal
- Supreme/ordinary court judge removal
- Cabinet removal
- Constitutional court removal

##### a. To take cognizance of the accusations brought by the Chamber of Deputies in accordance with the preceding article.

1. The Senate shall decide as a jury and shall confine itself to declaring whether or not the accused is guilty of the crime, infraction or abuse of power with which he or she is charged. Only those who attend all the sessions in which the accusation is reviewed may participate in this decision.
2. The commission of deputies that is appointed to formalize and continue the accusation in the Senate must be composed of three of the deputies who made the accusation.
3. The guilty plea must be pronounced by two-thirds of the senators in office in the case of an accusation against the President of the Republic, and by four-sevenths of the senators in office in all other cases. In no case shall the party order proceed on this vote.
4. Due to the guilty plea the accused is removed from office, and may not perform any public function, whether elected by the people or not, for a term of five years.
5. The official found guilty shall be tried in accordance with the law by the competent court, both for the purpose of applying the penalty prescribed for the offense, if any, and for the enforcement of civil liability for damages caused to the State or to individuals.
6. Officials impeached by the Chamber of Deputies and convicted by the Senate can only be pardoned by the National Congress.

- Ultra-vires administrative actions

##### b. To decide whether or not to admit the legal actions that any person intends to initiate against a Minister of State, due to the damages that he or she may have suffered unjustly as a result of the latter's act in the performance of his office.

##### c. To take cognizance of disputes of jurisdiction that arise between the political or administrative authorities and the superior courts of justice.

##### d. Grant the rehabilitation of citizenship in the case of clause 2 of Article 20, as well as that of clause 2 of Article 15.

- Legislative oversight of the executive

##### e. To give or withhold its consent to the acts of the President of the Republic or to the appointments of the authorities and officials proposed by him or her, in the cases and in accordance with the quorum required by the Constitution or the law. If the Senate does not pronounce itself within thirty days after the request for urgency by the President of the Republic, the matter shall be put to the vote by the sole ministry of the Constitution in the nearest chamber session. The institutional law of the National Congress shall provide for hearings and other mechanisms that favor public scrutiny of the merit of the nominee.

- Legislative oversight of the executive

##### f. To grant its agreement so that the President of the Republic may be absent from the country for more than thirty days or from the day indicated in clause 1 of Article 92.

- Head of state removal

##### g. To declare, by two-thirds of the senators in office, the incapacity of the President of the Republic or of the President-elect when a physical or mental impairment disqualifies him or her from exercising his or her functions; and to declare in the same way, when the President of the Republic resigns from office, whether or not the reasons for the

- g. resignation are well-founded and, consequently, to admit or reject it. The Senate will have ten days to decide.
  - h. To give its opinion to the President of the Republic in cases where the latter requests it.
2. The Senate, its commissions and other bodies, including parliamentary committees, if any, may not oversee the acts of the Government or the entities that depend on it, nor may they adopt agreements that imply oversight.

- Legislative oversight of the executive
- Legislative committees

## Exclusive Powers of the National Congress

### Article 59

The National Congress has the exclusive powers to:

- a. To approve or reject international treaties submitted to it by the President of the Republic prior to their ratification. The approval of a treaty shall be submitted, as appropriate, to the formalities of a law and shall require the quorum necessary for the approval of treaties in accordance with the matters regulated therein.

1. The President of the Republic shall inform the Congress of the content and scope of the treaty, as well as of any reservations which he or she intends to confirm or formulate. In the statement of his or her rationale, he or she shall indicate the effects that the provisions of the treaty could have on the national legal system and the specific mention of those he or she considers self-executing.

2. The Congress may suggest the formulation of reservations and interpretative declarations to an international treaty, in the course of the process of its adoption, provided that they proceed in accordance with the provisions of the treaty itself or of the general rules of international law.

3. The measures adopted by the President of the Republic or the agreements entered into for the fulfillment of a treaty in force shall not require new approval by Congress, unless they are matters pertaining to law. Treaties concluded by the President of the Republic in the exercise of his or her regulatory power shall not require the approval of the Congress, which in any case shall be informed to the Congress.

4. The agreement of the Congress shall be necessary for the withdrawal, denunciation or termination by mutual agreement of a treaty which it has approved and for the withdrawal of a reservation which the Congress has taken into consideration at the time of its adoption. The decision of Congress must be pronounced within sixty days from the receipt of the official letter requesting the pertinent agreement. Otherwise, the withdrawal, denunciation or termination of the respective treaty or reservation shall be deemed to have been approved.

5. The withdrawal, denunciation or termination by mutual agreement of treaties that have not been approved by the Congress shall be reported to the Congress within fifteen days from the exercise of the power.

6. Once the denunciation, withdrawal or termination by mutual agreement produces its effects in accordance with the provisions of the international treaty, it shall cease to have effect in the Chilean legal order.

7. In accordance with the provisions of the law, due publicity must be given to facts relating to the international treaty, such as its entry into force, the formulation and withdrawal of reservations, interpretative declarations, objections to and withdrawal of a reservation, denunciation of the treaty, withdrawal, suspension, termination and nullity of the same. This obligation shall apply both to treaties approved by Congress and to those that do not require such approval.

8. The provisions of a treaty may be repealed, modified or suspended only in the manner provided for in the treaties themselves or in accordance with

- International law
- Treaty ratification

- Customary international law

- Customary international law

- a. 8. the general rules of international law.
- 9. In the same agreement approving a treaty, the Congress may authorize the President of the Republic to enact, during the term of the treaty, the provisions with the force of law that he or she deems necessary for its full compliance, in which case the provisions of Article 75 shall apply.
- 10. The President of the Republic shall inform the Congress of the agreements or alternative solutions to disputes reached in international bodies when they involve legal changes.

- International organizations

In cases where the State is the subject of a demand or complaint before international organizations for alleged violations of international treaties approved by the National Congress in accordance with this article, and in respect of which the President of the Republic intends to conclude or agree to an alternative agreement or solution, it must be reported to both Chambers of Congress, before its conclusion, for their information. However, the President of the Republic may not compromise or agree to carry out actions or adopt measures that exceed the powers granted to him or her by the Constitution.

- Emergency provisions

- b. To decide, when appropriate, on states of constitutional exception, in the manner prescribed by this Constitution.

## Functioning of the National Congress

### Article 60

- Length of legislative sessions

1. The National Congress shall be installed and begin its session in the manner determined by its institutional law.
2. In any case, it shall always be understood as convoked by the right to take cognizance of the declaration of the states of constitutional exception.
3. The institutional law of the National Congress shall regulate the processing of constitutional accusations, the classification of emergencies and everything related to the internal processing of the law.

- Emergency provisions
- Joint meetings of legislative chambers
- Emergency provisions
- Cabinet removal
- Head of state removal
- Constitutional court removal
- Supreme/ordinary court judge removal

### Article 61

- Quorum for legislative sessions

1. The Chamber of Deputies and the Senate may not enter into session or adopt resolutions without the concurrence of one third of their members in office.
2. Each of the Chambers shall establish in its own rules of procedure the closure of the debate by a simple majority.

- Quorum for legislative sessions

### Article 62

- Leader of first chamber
- Leader of second chamber

1. During the month of July of each year, the President of the Senate and the President of the Chamber of Deputies shall give a public address to the country, in a session of the Plenary Congress, on the activities carried out by the Corporations over which they preside.
2. The rules of procedure of each Chamber shall determine the contents of such an address and shall regulate the manner in which this obligation is to be fulfilled.

- Legislative oversight of the executive

### Article 63

The Ministers of State, approved by the Chamber of Deputies or the Senate, must meet with, at the beginning of the legislature, the respective commission to present the legislative agenda of their portfolio for the year.

### Article 64

1. The work of the National Congress shall receive technical and independent support from the Library of Congress and the Parliamentary Office of Public Finance and Regulatory Impact, as services shared by the two branches.

2. The Congressional Office for Public Finance and Regulatory Impact shall be responsible for analyzing the financial and regulatory impact of draft legislation, as well as analyzing the Budget Law. In no case may the performance of this task imply the exercise of executive functions or affect the powers of the President of the Republic, or perform acts of oversight.

## Article 65

There shall be an Ethics Control Council that may apply sanctions to parliamentarians in case of non-compliance with their duties. The institutional law of the National Congress shall regulate the composition of this Council, which may not be composed of authorities or officials of the National Congress, regardless of their form of appointment, nor of the exclusive trust of the President of the Republic, as well as reprehensible conduct, sanctions, procedures to apply them, and other related matters.

## Parliamentary Bylaws

### Article 66

1. The following may not be candidates for deputies or senators:
  - a. Ministers of State, Undersecretaries, representatives of the President of the Republic in the regions and provinces, and regional ministerial secretaries.
  - b. Regional governors, mayors, regional councilors and local councilors.
  - c. Members of the Board of the Central Bank.
  - d. Judges of the superior courts of justice and Judges of the ordinary and special Courts.
  - e. Members of the Constitutional Court, the Election Certification Court and the regional electoral tribunals.
  - f. The Comptroller General of the Republic.
  - g. Natural persons and managers or administrators of legal entities that enter into or guarantee contracts with the State.
  - h. The National Prosecutor, the Supraterritorial Prosecutor, the Regional Prosecutors and the Deputy Prosecutors of the Public Prosecutor's Office.
  - i. The Commanders-in-Chief of the Army, Navy and Air Force, the General Director of the Carabineros [Police] of Chile, the Director General of the Chilean Investigations Police and officers belonging to the Armed Forces and the Forces of Order and Public Security.
  - j. The members of the Board of Directors of the Council for Transparency.
  - k. The members of the Board of Directors of the Electoral Service.
  - l. People who hold a managerial position in a trade union.
2. The disqualifications established in this article shall be applicable to those who have held the aforementioned qualities or positions within the six months immediately preceding the election. However, the persons referred to in clauses (g) and (l) shall not meet these conditions at the time of registering their candidacy and, in the case of those indicated in clauses (f), (h), (i) and (k), the period of disqualification shall be the two years immediately preceding the election.
3. If the persons listed in this article are not elected in the election, they may not return to the same office or be appointed to positions similar to those they held until one year after the election. Persons who hold a managerial position in a guild or neighborhood association must relinquish such functions from the time of the registration of their candidacies until the day of the election.

### Article 67

1. The positions of deputies and senators are incompatible with each other and with any employment or commission remunerated with funds from the Treasury, municipalities, regional governments, autonomous fiscal entities, semi-fiscal entities, or state-owned enterprises or those in which the Treasury is involved through capital contributions, and with any other function or commission of the same nature. Exceptions are made for teaching posts and functions or commissions of the same nature in higher, secondary and special education.

- Outside professions of legislators
- Eligibility for first chamber
- Eligibility for second chamber

- Eligibility for cabinet

- Central bank

- Restrictions on the armed forces

- Outside professions of legislators
- Eligibility for first chamber
- Eligibility for second chamber

2. Additionally, the positions of deputies and senators are incompatible with the functions of directors or councilors, even when they are honorary, in autonomous fiscal entities, semi-fiscal entities or in state-owned enterprises, or in which the State has a stake by capital contribution and in management positions of a union or neighborhood nature.
3. By the mere fact of its proclamation by the Election Certification Court, the deputy or senator shall cease to hold any other incompatible position, employment or commission that he or she holds.

- Eligibility for first chamber
- Eligibility for second chamber
- Outside professions of legislators

## Article 68

1. No deputy or senator, from the moment of his or her proclamation by the Election Certification Court, may be appointed to any of the posts, functions or commissions referred to in the preceding article.
2. This provision does not apply in the event of foreign war; nor does it apply to the positions of President of the Republic, Minister of State and diplomatic agent; but only the positions conferred during a state of war are compatible with the functions of deputy or senator.

- Removal of individual legislators

## Article 69

1. A deputy or senator who is absent from the country for more than thirty days without the permission of the Chamber to which he or she belongs or, in recess of the same, of its President, shall cease to hold office.
2. A deputy or senator who, during his or her term of office, enters into or secures contracts with the State, or who acts as a procurer or agent in particular administrative matters, in the provision of public employment, departments, functions or commissions of a similar nature, shall cease to hold office. The same penalty shall be incurred by anyone who agrees to be a director of a bank or of a corporation, or holds positions of similar importance in these activities.
3. The disqualification referred to in the preceding clause shall take place whether the deputy or senator acts on his or her own behalf or through an intermediary person, natural or legal, or through a partnership of persons of which he or she is a member.
4. A deputy or senator who acts or intervenes in any way, by himself or on behalf of another natural or legal person, exercising jurisdictional actions of any nature, unless he or she has been directly affected or offended or the relatives determined by law have been affected, shall cease to hold office. Anyone who exercises any influence on the administrative or judicial authorities in favor of or on behalf of the employer or workers in labor negotiations or disputes, whether in the public or private sector, or who intervenes in them before any of the parties, shall also cease to hold office. The same penalty shall be applied to any parliamentarian who acts or intervenes in student activities, whatever the branch of education, with the aim of undermining their normal development.
5. Additionally, a deputy or senator who, by word or in writing, incites the disturbance of public order or promotes the change of the institutional legal order by violent means, or who seriously compromises the security or honor of the Nation, shall also cease to hold office.
6. Any person who loses the position of deputy or senator for any of the reasons indicated above may not opt for any public position or employment, whether or not elected by the people, for a period of two years.
7. A deputy or senator who has seriously infringed the rules on transparency, limits and control of electoral spending shall cease to hold office from the date declared by a final judgment of the Election Certification Court, at the request of the Board of Directors of the Electoral Service. An electoral law will identify cases where there is a serious offense. Furthermore, the deputy or senator who loses office may not opt for any public function or employment for a period of three years, nor may he or she be a candidate for popularly elected office in the two elections immediately following his or her removal.
8. Moreover, any deputy or senator who, during his or her term of office, loses any general eligibility requirement or incurs in any of the grounds for incapacity referred to in this Constitution shall also cease to hold office, without prejudice to the exception provided for ministers of state.
9. Deputies and senators may resign from their positions when they are affected by a serious illness that prevents them from performing them and is so allowed by

the Election Certification Court.

10. A deputy or senator who resigns from the political party that declared his or her candidacy shall cease to hold office.
11. A deputy-elect or senator who, from the day of his or her election, incurs in the cause stated in the preceding clause, shall be prevented from taking the oath.
12. The hearing and resolution of these grounds for cessation shall be the responsibility of the Election Certification Court.

- Immunity of legislators
- Legislative committees

## Article 70

1. Deputies and senators are inviolable only for the opinions they express and the votes they cast in the performance of their duties, in chamber or commission sessions.
2. No deputy or senator, from the day of his or her election or from his or her oath, as the case may be, may be accused or deprived of his or her liberty, except in the case of being caught in the act of committing a crime, if the Court of Appeals of the respective jurisdiction, in plenary session, does not previously authorize the accusation declaring that there are grounds for the introduction of a case. An appeal may be lodged with the Supreme Court against the decisions of the courts to this end.
3. In the event that a deputy or senator is arrested for being caught in the act of committing a crime, he or she shall be immediately placed at the disposal of the respective Court of Appeals, with the corresponding summary information. The Court shall then proceed in accordance with the provisions of the preceding clause.
4. From the moment when it is declared, by final resolution, that there is cause to initiate legal proceedings, the accused deputy or senator is suspended from office and subject to the competent judge.

- Compensation of legislators
- Attendance by legislators

## Article 71

Parliamentarians shall receive as the only allowance for their parliamentary work that is determined by the commission referred to in Article 107, which in no case shall exceed that received by a Minister of State. For its calculation, the proper use of public resources and its proportion with the remuneration of other similar public officials or popular representation shall be considered. Unjustified absences from sessions shall be deducted from this allowance, in accordance with the respective institutional law.

## Article 72

Deputies and senators shall observe impeccable parliamentary conduct, of mutual respect, and have an honest and loyal performance of their duties, with the general interest taking precedence over the individual.

- Structure of legislative chamber(s)

## Article 73

1. The institutional law of the National Congress shall establish the bases of an organization by benches in each Chamber, the rights and obligations of the parliamentarians who compose them, as well as the consequences of renouncing them.
2. Parliamentarians elected as independents and who have not been nominated in association with a political party must join a caucus in accordance with the rules of procedure of the Chamber they are part of.
3. This law shall also establish special rules of probity, transparency, participatory public accounting, and accountability that will be applied to parliamentarians.

## Matters of Law

### Article 74

The following are only matters of law:

- a. Those that are subject to codification, whether civil, commercial, procedural, criminal or other.
  - b. The basic matters relating to the labor, union, pension and social security legal regime.
  - c. Those that the Constitution requires to be regulated by law.
  - d. The others that the Constitution designates as laws of exclusive initiative of the President of the Republic.
  - e. Those that establish or modify the political and administrative division of the country.
  - f. Those granting general pardons and amnesties and those establishing the general rules according to which the power of the President of the Republic to grant particular pardons and pardons must be exercised. Laws granting general pardons and amnesties shall always require a qualified quorum. However, this quorum shall be two-thirds of the deputies and senators in office in the case of offenses referred to in subsection c) of clause 1 of Article 20.
  - g. Those that establish the bases of the procedures that govern the acts of the State Administration.
  - h. Those that authorize the State, its agencies, regional governments and municipalities to contract loans, which must be used to finance specific projects. The law must indicate the sources of resources from which the debt is to be serviced. However, a law of qualified quorum will be required to authorize the contracting of those loans whose maturity exceeds the term of the respective presidential term. The provisions of this paragraph shall not apply to the Central Bank.
  - i. Those that authorize the execution of any kind of operations that may directly or indirectly compromise the credit or financial responsibility of the State, its agencies, regional governments and municipalities. This provision shall not apply to the Central Bank.
  - j. Those that establish the rules according to which State enterprises and those in which the State has a stake may contract loans, which in no case may be made with the State, its agencies or enterprises.
  - k. Those that indicate the value, type and denomination of the coins and the system of weights and measures.
  - l. Those established by the rules on the disposal of State or municipal property and on its lease or concession.
  - m. Those designating the city in which the President of the Republic must reside, the National Congress must hold its sessions, and the Supreme Court and the Constitutional Court must function.
  - n. Those that modify the shape or characteristics of national emblems.
  - ñ. Those that regulate public honors to great servants.
  - o. Those that establish the air, sea and land forces that must remain standing in times of peace or war, and the rules to allow the entry of foreign troops into the territory of the Republic as well as the departure of national troops from it.
  - p. Those authorizing the declaration of war, at the proposal of the President of the Republic.
  - q. Those that regulate the operation of lotteries, racetracks and gambling in general.
  - r. Those that limit or restrict the fundamental rights and freedoms established in this Constitution.
- Power to pardon
  - Subsidiary unit government
  - Municipal government
  - Municipal government
  - National capital
  - National flag
  - National anthem
  - Power to declare/approve war

- s. Any other rule of a general and mandatory nature that establishes the essential bases of a legal system.

- Head of state decree power

## Article 75

1. The President of the Republic may request authorization from the National Congress to issue provisions with the force of law for a period not exceeding one year on matters that fall within the domain of the law.
2. This authorization may not extend to nationality, citizenship, elections, plebiscites, or to matters that are directly linked to fundamental rights and freedoms or that must be the subject of institutional laws or a qualified quorum.
3. The authorization may not include powers that affect the organization, powers, and regime of officials of the Judiciary, the National Congress, the Constitutional Court, the Central Bank, the Public Prosecutor's Office, or the Office of the Comptroller General of the Republic.
4. The law granting the aforementioned authorization shall indicate the precise matters on which the delegation shall fall and may establish or determine the limitations, restrictions and formalities deemed appropriate.
5. In addition, the President of the Republic, within the first three months after taking office, may issue provisions with the force of law modifying the number and denomination of ministries and the jurisdiction of their public services. In no case may it imply a reduction in the number of civil servants, an impairment of their rights or remuneration, a change in their direct hierarchical dependence, an increase in public spending, or an increase in the number of ministries established by law.
6. The Office of the Comptroller General of the Republic shall be responsible for taking account of these decrees with the force of law, and shall reject them when they exceed or contravene the aforementioned authorization.
7. Decrees with the force of law shall be subject to the same rules governing the law, as regards their publication, validity and effects.
8. Without prejudice to the provisions of the preceding clauses, the President of the Republic is authorized to establish the consolidated, coordinated and systematized text of the laws when it is convenient to improve their execution. In the exercise of this power, he or she may make such changes as may be necessary, without, in any case, altering the true meaning or scope of the laws.

## Formation of Law

- Initiation of general legislation
- Division of labor between chambers

## Article 76

1. Laws may originate in the Chamber of Deputies or in the Senate, by message addressed by the President of the Republic or by motion of any of its members. Motions may not be signed by more than ten deputies or more than five senators.
2. The messages from the President of the Republic shall be signed by the respective Minister and may also be signed by no more than ten deputies or five senators.
3. The President of the Republic may submit to the consideration of the respective commissions of both Chambers the core ideas of a message that has not yet been submitted for consideration. The commissions shall prepare a joint report which shall make recommendations within sixty days and after a period of public hearings.
4. Laws on taxes of any nature, on the budgets of the State Administration and on recruitment, can only originate in the Chamber of Deputies. Laws on amnesty, on general pardons, on regional and local administration and government, on municipalities, and on political and administrative division can only originate in the Senate.
5. Bills whose purpose is codification shall be reviewed by a bicameral commission and voted on in the chambers of the Chambers in accordance with the procedure established by the institutional law of the National Congress.

- Legislative committees

- First chamber reserved policy areas
- Second chamber reserved policy areas
- Power to pardon
- Subsidiary unit government
- Municipal government

- Standing committees

- Initiation of general legislation



## Article 77

- Legislative oversight of the executive
- Legislative committees

1. The institutional law of the National Congress shall determine the information that must be accompanied at the time of the entry of the messages and motions, which, in any case, must include a regulatory impact report and a fiscal expenditure report, when appropriate.
2. Unless otherwise unanimously agreed by the respective commission or Chamber, the Minister in charge must attend the session of the respective commission in which the study of a sponsored message or motion on a matter corresponding to his or her ministry is initiated, as well as the session of the chamber when said bill is on the table to be voted on. In the event of failure to appear, the sanction established in the institutional law of the National Congress shall be applied.
3. The institutional laws of constitutionally autonomous bodies may only be amended after prior consultation. The law regulating the jurisdiction of the courts may be amended only after prior hearing of the Supreme Court. In the case of laws relating to the appointment and training of judges, as well as the management and administration of the judiciary, the respective body must be heard beforehand. Moreover, only the institutional laws of regional governments and municipalities, and those laws that establish or modify the political and administrative division of the country, may be amended after prior consultation with a representative of the Council of Governors or the Councils of Mayors, as appropriate.
4. The bodies whose opinion is requested in accordance with the preceding clause shall make a decision within thirty days of receipt of the official letter requesting the pertinent opinion. If the President of the Republic has indicated that the project under consideration is urgent, this circumstance shall be communicated to the body. In this case, the body must respond to the consultation within the period implied by the respective urgency. If the body does not respond to the consultation within the aforementioned deadlines, the procedure shall be considered completed.

- Head of state powers

## Article 78

- Budget bills

- Tax bills

- Finance bills
- Subsidiary unit government
- Municipal government

1. The President of the Republic shall have exclusive initiative for bills relating to the alteration of the political or administrative division of the country, or to the financial or budgetary administration of the State, including amendments to the Budget Law, and to the matters referred to in subsections (l) and (o) of Article 74.
2. The President of the Republic shall also have the exclusive initiative to:
  - a. To impose, abolish, reduce or remit taxes and other public charges of any kind or nature, to establish exemptions or modify existing ones, and to determine their form, proportionality or progression.
  - b. Create new public services or paid jobs, whether fiscal, semi-fiscal, self-employed or state-owned; abolish them and determine their functions or powers.
  - c. To contract loans or enter into any other type of operation that may compromise the credit or financial responsibility of the State, semi-fiscal or autonomous entities, regional governments or municipalities, and to forgive, reduce or modify obligations, interest or other financial charges of any nature established in favor of the Treasury or the aforementioned agencies or entities.
  - d. To establish, modify, grant or increase salaries, retirements, pensions, allowances, rents and any other type of emoluments, loans or benefits to personnel in service or in retirement and to the beneficiaries of allowances, as the case may be, of the State Administration and other bodies and entities mentioned above, with the exception of the positions indicated in Article 107, as well as to establish public holidays, fix the minimum wages of workers in the private sector, obligatorily increase their salaries and other economic benefits or alter the bases that serve to determine them; this is without prejudice to the provisions of the following clauses.
  - e. Establish or amend social security rules or those affecting social security, both in the public and private sectors.
  - f. That which establishes the modalities and procedures of collective bargaining.

- Finance bills
- Head of state powers

- Balanced budget
- Budget bills

- Approval or veto of general legislation
- Organic laws
- Supermajority required for legislation
- Constitutional interpretation

- Balanced budget
- Budget bills

- Division of labor between chambers
- Head of state powers

3. The National Congress may only accept, reduce or reject the services, jobs, emoluments, loans, benefits, expenses and other initiatives on the subject proposed by the President of the Republic.
4. Motions and proposals that deal with matters of exclusive initiative of the President of the Republic shall be declared inadmissible by the executive officers of the respective Chamber or by the chairman of the commission, as appropriate. The declaration of admissibility may be amended by the favorable votes of a majority of the members in office of the chamber or of the respective commission. The declaration of inadmissibility, meanwhile, may be amended with the favorable votes of four-sevenths of the members in office of the chamber or of the respective commission. The foregoing is without prejudice to the powers of the Constitutional Court to hear the matter.
5. Congress may not, in the processing of the Budget Bill or in any other initiative, approve any new expenditure charged to the funds of the Nation without indicating, at the same time, the sources of resources necessary to meet such expenditure.

### Article 79

1. The statutory laws that interpret constitutional precepts shall require, for their approval, modification or repeal, the same quorum that is required to approve a constitutional amendment.
2. The statutory laws to which the Constitution confers the character of electoral law or develops the public electoral system, or the electoral systems applicable to elected positions, shall require for their approval, modification, or repeal the assent of four-sevenths of the deputies and senators in office.
3. The statutory laws to which the Constitution confers the character of institutional law or qualified quorum shall be approved, modified or repealed by a majority of the deputies and senators in office.
4. The rest of the statutory laws shall require a majority of the members present of each Chamber, or such majorities as may be applicable in accordance with Articles 81 and following.

### Article 80

1. The Budget Law bill shall be submitted by the President of the Republic to the National Congress no later than September 30 of each year, and if Congress does not dispatch it within sixty days from its submission, the bill presented by the President of the Republic shall take effect.
2. The National Congress may not increase or decrease the estimate of revenues; it may only reduce the expenditures contained in the Budget Bill, except for those established by permanent law.
3. The Budget Law bill may amend permanent laws only when such modifications come from the message or guidelines presented by the President of the Republic during their processing, and provided that they affect the manner of executing the expenditures established by the law itself or contain scope or limitations in the use of public resources.
4. The President of the Republic shall be exclusively responsible for estimating the performance of the resources consulted in the Budget Law and of the new resources established by any other legislative initiative, following a report from the respective technical bodies.
5. If the source of resources granted by the National Congress is insufficient to finance any new expenditure that is approved, the President of the Republic, when promulgating the law, after a favorable report from the service or institution through which the new revenue is collected, countersigned by the Office of the Comptroller General of the Republic, shall reduce all expenditures proportionately, whatever its nature.

### Article 81

A bill which is generally rejected in the Chamber of origin may not be renewed until one year has elapsed. However, the President of the Republic, in the case of legislation of his or her own initiative, may request that the message be passed to the other Chamber and, if the latter approves it by two-thirds of its members present, it shall return to the

Chamber of origin and shall only be considered rejected if this Chambers rejects it with the vote of two-thirds of its members present.

- Division of labor between chambers

## Article 82

1. Any bill may be subject to additions or corrections according to corresponding procedures, both in the Chamber of Deputies and in the Senate, but in no case will those that are not directly related to the main or fundamental ideas of the project be accepted.
2. The President of the Republic may delegate to one or more ministers, jointly, the power to make these additions or corrections for a given project, which must be signed by order of the President of the Republic.
3. Once a bill has been approved in the Chamber of origin, it shall immediately go to the other Chamber for discussion.

- Head of state powers

## Article 83

1. The bill that is rejected in its entirety by the revising Chamber shall be considered by a mixed commission of an equal number of deputies and senators, which will propose the form and manner of resolving the complications. The draft of the joint commission shall return to the Chamber of origin and, in order to be approved by both that Chamber and the revising Chamber, a majority of the members present in each of them shall be required, unless a different quorum is established for approval in accordance with this Constitution.
2. If the joint commission does not come to an agreement, or if the Chamber of origin rejects the draft of that commission, the President of the Republic may request that the Chamber of Representatives decide whether to insist on a two-thirds vote of its members present on the bill approved at the first stage. Once the insistence is agreed upon, the bill shall pass for the second time to the Chamber that rejected it, and it shall only be deemed rejected if two thirds of its present members concur.

- Division of labor between chambers
- Joint meetings of legislative chambers
- Legislative committees

## Article 84

1. The bill that has been added to or amended by the revising Chamber shall return to the Chamber of origin, and in this Chamber the additions and amendments shall be deemed approved with the corresponding quorum.
2. If the additions or amendments are rejected, a joint commission shall be formed and shall proceed in the same manner as indicated in the preceding article. In the event that the joint commission does not reach an agreement to resolve the differences between the two chambers, or if either of the chambers rejects the proposal of the joint commission, the President of the Republic may request the Chamber of origin to reconsider the bill approved in the second stage by the revising body. If the Chamber of origin rejects the additions or modifications by two-thirds of its members present, there shall be no law in that part or in whole; but, if there is a majority in favor of rejection of less than two-thirds, the bill shall pass to the revising Chamber, and shall be deemed approved with the assent of two-thirds of the members present of the latter.

- Legislative committees
- Division of labor between chambers
- Joint meetings of legislative chambers

## Article 85

Once a bill has been approved by both Chambers, it shall be submitted to the President of the Republic, and its authors shall be indicated, whether it corresponds to an international treaty or to a constitutional reform, or whether it contains matters of his or her exclusive initiative. The President, if he or she also approves it, shall cause the bill to be enacted into law.

- Approval or veto of general legislation
- Head of state powers
- Treaty ratification

## Article 86

1. If the President of the Republic does not approve of the bill, he or she shall return it to the Chamber of origin with the appropriate observations, within a period of thirty days.
2. In no case shall additive observations that are not directly related to the main or fundamental ideas of the project be admitted, unless they have been considered

- Approval or veto of general legislation
- Division of labor between chambers

in the respective message. Eliminary and substitute observations are always admissible.

- Veto override procedure
- Head of state powers

3. The Chambers must approve the observations and, if they do so, the bill enters into force and shall be returned to the President of the Republic for promulgation.
4. If both Chambers reject all or some of the observations and insist by two-thirds of their members present on all or part of the bill approved by them, it shall be returned to the President of the Republic for promulgation.
5. However, the quorums referred to in Article 79 shall be respected where appropriate.

## Article 87

1. The President of the Republic may make clear the urgency of a bill, in one or all of its procedures and, in such case, the respective Chamber shall discuss the bill and pronounce its decision within the deadlines established by the institutional law of the National Congress, which in no case may exceed sixty days.
2. The calculation of the deadline shall be made, at the proposal of the President of the Republic, by the Chamber in which the bill is filed, in accordance with the institutional law of the National Congress.
3. However, either Chamber may agree that the deadline for the urgency period of a bill is suspended if two or more bills with urgency are pending before the commission responsible for reporting on them.
4. Failure to comply with the urgency shall result in the sanctions, including monetary penalties, established by law, which shall fall on the presidents of the commission or corporation that should have put the project under discussion or vote, as appropriate.

- Head of state powers
- Legislative oversight of the executive
- Approval or veto of general legislation

## Article 88

On June 1 of each year, the President of the Republic shall inform the country of up to three bills that will compose the priority legislative agenda, which must be put to a vote and complete legislative processing within a maximum period of one year from the date on which said agenda is reported. Their form of processing and the deadlines for each procedure shall be agreed by the presidents of the Chambers and the commissions that correspond to each project. In the event of non-compliance with the agreed deadlines for dispatch from the commissions, by the sole ministry of the Constitution, the bill shall be put to the vote in the corresponding chamber in its most recent version, without the chance to hear or vote on any other.

- Approval or veto of general legislation

## Article 89

1. If the President of the Republic does not return the bill within thirty days from the date of its submission, it shall be deemed that he or she approves it and it shall be promulgated into law.
2. The enactment must always be made within a period of ten days from the appropriate date. The promulgating decree may be signed by one or more of the parliamentarians who sponsored the message or motion.
3. Publication of the law shall be made within five working days following the date on which the promulgation decree is fully processed.
4. Once the law has been published, no court may hear actions or appeals based on possible procedural defects that arose during the processing of the bill.

# CHAPTER V GOVERNMENT AND STATE ADMINISTRATION

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## President of the Republic

## Article 90

- Name/structure of executive(s)
- Head of state powers
- Legislative oversight of the executive
- Joint meetings of legislative chambers

1. The government and administration of the State are vested in the President of the Republic, who is the Head of State and the Head of Government.
2. His or her authority extends to all matters relating to the preservation of public order within the Republic and the external security of the Republic, in accordance with the Constitution and the laws.
3. On June 1 of each year, the President of the Republic shall address the country on the administrative and political state of the Nation before the full Congress.

## Article 91

- Eligibility for head of state
- Minimum age of head of state
- Head of state term limits
- Head of state term length
- Legislative oversight of the executive
- Legislative oversight of the executive
- Head of state selection
- Scheduling of elections

1. To be elected President of the Republic, one must have Chilean nationality in accordance with the provisions of subsections (a) or (b) of clause 1 of Article 17, be at least thirty-five years of age and possess the other qualifications necessary to be a citizen with the right to vote, in accordance with this Constitution.
2. The President of the Republic shall hold office for a term of four years and may not be re-elected for the period immediately following. However, a person may only hold office as President of the Republic up to two times.
3. The President of the Republic may not leave the national territory for more than thirty days or from the day indicated in clause 1 of the following article, without the agreement of the Senate.
4. In any case, the President of the Republic shall inform the Senate in due time of his or her decision to be absent from the territory and the reasons justifying it.

## Article 92

- Scheduling of elections
- Head of state selection

1. The President of the Republic shall be elected by direct vote and by an absolute majority of the votes validly cast. The election shall be held together with the election of parliamentarians, in the manner determined by the corresponding law, on the third Sunday of November of the year preceding the year in which the incumbent is to cease holding office.
2. If more than two candidates are nominated for the election of the President of the Republic and none of them obtains more than half of the votes validly cast, a second ballot shall be held between the candidates who have obtained the two highest majorities and the candidate obtaining the highest number of votes shall be elected. This new vote shall be held, in the manner prescribed by law, on the fourth Sunday after the first one has been conducted.
3. For the purposes of the provisions of the two preceding clauses, blank and invalid votes shall be considered as not cast.

## Article 93

- Head of state selection

1. In the event of the death of one or both of the candidates referred to in clause 2 of the preceding article, the President of the Republic shall call a new election within a period of ten days from the date of death. The election shall be held ninety days after the convocation if that day falls on Sunday. If this is not the case, it shall be held on the Sunday immediately thereafter.
2. If the term of office of the President of the Republic expires before the date of inauguration of the President elected in accordance with the preceding clause, the rule contained in Article 95 shall apply.

## Article 94

- Electoral court powers
- Joint meetings of legislative chambers

1. The certification process for the presidential election must be completed within fifteen days in the case of the first round or within thirty days in the case of the second round.
2. The Electoral Certification Tribunal shall immediately notify the President of the Senate and the President of the Chamber of Deputies of the proclamation of the President-elect that he or she has made.
3. The full Congress, meeting in public session on the day on which the Acting President is to cease to hold office and with the members who attend, shall

recognize the resolution by virtue of which the Election Certification Court proclaims the President-elect.

- Oaths to abide by constitution

4. In the same act, the President-elect shall take an oath or promise before the President of the Senate to faithfully execute the office of President of the Republic, to preserve the independence of the Nation, to observe and ensure that the Constitution and the laws are observed, and shall immediately assume his or her functions.

- Head of state replacement
- Deputy executive

## Article 95

- Leader of first chamber
- Leader of second chamber

1. If the President-elect is prevented from taking office, the President of the Senate shall assume the title of Vice-President of the Republic in the meantime; in his or her absence, the President of the Chamber of Deputies, and in his or her absence, the President of the Supreme Court.
2. However, if the President-elect is prevented from taking office absolutely or indefinitely, the Vice-President, within ten days following the resolution of the Senate adopted in accordance with subsection g) of clause 1 of Article 58, shall call a new presidential election to be held ninety days after the convocation, if that day falls on a Sunday. If this is not the case, it shall be held on the Sunday immediately thereafter. The President of the Republic thus elected shall assume his or her functions ten days after the certification of the election and shall remain in office until the day on which the elected person who was unable to take office, and whose impediment would have led to the new election, would have had to leave office.

- Head of state replacement
- Deputy executive

## Article 96

If, due to temporary impairment, whether due to illness, absence from the territory or any other serious reason, the President of the Republic is unable to exercise his or her office, he or her shall be replaced, with the title of Vice-President of the Republic, by the respective Minister according to the legal order of precedence. In the absence of such a Minister, the replacement shall fall on the Minister who follows in the order of precedence and, in the absence of all of them, he or she shall be successively replaced by the President of the Senate, the President of the Chamber of Deputies and the President of the Supreme Court.

- Head of state replacement

## Article 97

- Joint meetings of legislative chambers

1. In the event of a vacancy in the office of President of the Republic, the replacement shall take place according to the circumstances of the preceding article, and a successor shall be elected in accordance with the rules of the following clauses.
2. If the vacancy occurs less than two years before the next presidential election, the President shall be elected by Congress, by an absolute majority of the senators and deputies in office. The election by Congress shall be done within ten days from the date of the vacancy and the elected person shall assume office within thirty days thereafter.
3. If the vacancy occurs two years or more before the next presidential election, the Vice President referred to in the preceding article, within the first ten days of his term of office, shall call the citizens to a presidential election for one hundred and twenty days after the call, if that day falls on a Sunday. If this is not the case, it shall be held on the Sunday immediately thereafter. The elected President shall take office on the tenth day after his or her proclamation.
4. The President elected in accordance with any of the preceding clauses shall remain in office until the end of the term remaining from the person who is replaced, he or she may not run as a candidate in the next presidential election, and the provisions of clause 2 of Article 91 shall apply to him or her.

- Head of state replacement

## Article 98

1. The President of the Republic shall cease to hold office on the same day as the end of his or her term and shall be succeeded by the newly elected President.
2. A person who has held this office for the full term shall immediately and fully assume the official distinction of former President of the Republic.

3. By virtue of this status, the provisions of Articles 70 (2), (3) and (4) and 71 shall apply to him or her.
4. Such distinction shall not be assumed by the citizen who comes to occupy the office of President of the Republic due to a vacancy thereof or who has been found guilty in an impeachment trial against him.
5. A former President of the Republic who assumes a function remunerated with public funds shall, as long as he or she performs it, cease to receive the allowance, retaining, in any case, immunity. Exceptions are made for teaching posts and functions or commissions of the same nature in higher, secondary and special education.

- Head of state replacement
- Head of state powers
- Deputy executive

## Article 99

The President appointed by Congress or, as the case may be, the Vice-President of the Republic shall have all the powers conferred by this Constitution on the President of the Republic.

- Head of state powers

## Article 100

The President of the Republic has the following special powers:

- International organizations
- Legislative committees
- Ordinary court selection
- Supreme court selection
- Constitutional court selection
- Attorney general
- Selection of active-duty commanders
- Selection of active-duty commanders
- Cabinet selection
- Cabinet removal
- Extraordinary legislative sessions
- Head of state decree power
- Referenda
- Emergency provisions

- a. To appoint ambassadors, heads of diplomatic missions, and representatives to international organizations. These officials, for the duration of such appointment, shall have the exclusive confidence of the President of the Republic and shall remain in their posts for as long as they have the confidence.
- b. To nominate the judges and prosecutors of the Supreme Court and the Courts of Appeals, and the career judges, in accordance with the procedure set forth in clause 2 of Article 162 of this Constitution.
- c. To nominate the members of the Constitutional Court, the National Prosecutor, and the Comptroller General of the Republic, in accordance with the provisions of this Constitution.
- d. To appoint and remove the commanders-in-chief of the Army, Navy, and Air Force in accordance with Article 116, and to provide for the appointments, promotions, and retirements of officers of the Armed Forces in the manner indicated in Article 115.
- e. To appoint and remove the Director General of the Carabineros [Police] of Chile and the Director General of the Investigations Police of Chile and to order the appointments, promotions and retirements of Carabineros [Police] and police officers in the manner indicated in Article 120.
- f. To appoint and remove at will the Ministers of State, the Undersecretaries, their representative in each of the regions and provinces, and the officials designated by law as being of their exclusive confidence, and to fill other civil posts in accordance with the law. The removal of other officials shall be carried out in accordance with the provisions determined by the law.
- g. To assist in the formation of laws in accordance with the Constitution, to sanction and promulgate them.
- h. Request, stating the reasons, that any of the branches of the National Congress be summoned to session. In such a case, the meeting should be held as soon as possible.
- i. To issue, after delegation of powers by Congress, decrees with the force of law on the matters indicated in the Constitution.
- j. To call for plebiscites in the cases established in this Constitution.
- k. To declare states of constitutional exception in the cases and forms indicated in this Constitution.

- Head of state decree power

**l.** To issue the regulations, decrees and instructions that he or she deems appropriate for the implementation of the laws.

**m.** To grant pensions, retirements, widows' pensions and grace pensions, in accordance with the laws.

- Treaty ratification
- Foreign affairs representative
- International law
- International organizations
- Legislative oversight of the executive
- Public or private sessions

**n.** To conduct political relations with other nations and international organizations, and carry out negotiations; to conclude, sign, and ratify such treaties as it deems convenient for the interests of the country, which shall be submitted to the approval of the Congress in accordance with the provisions of Article 59, also requiring, and in any case, the approval of the Congress to denounce, withdraw, or terminate by mutual agreement an international treaty that has already been approved by the Congress. Discussions and deliberations on these items may be declared reserved or secret if the President of the Republic so demands.

- Designation of commander in chief

**ñ.** To dispose of the air, sea and land forces, organize and distribute them in accordance with the needs of the security of the Nation.

- Designation of commander in chief

**o.** Lead national defense and assume, in the event of war, the supreme command of the Armed Forces.

- Power to declare/approve war
- Legislative oversight of the executive
- Head of state decree power
- Emergency provisions

**p.** To declare war, with prior authorization by law.

**q.** To tend to the collection of public revenues and to decree their investment in accordance with the law. The President of the Republic, with the signature of all the Ministers of State, may decree payments not authorized by law to meet urgent needs arising from public calamities, external aggression, internal commotion, serious damage or danger to the security of the Nation, or the exhaustion of resources destined to maintain services that cannot be paralyzed without serious damage to the country. The total amount of the transfers made for these purposes may not exceed two per cent of the amount of expenditures authorized by the Budget Law annually. Employees may be hired under this same law, but the respective item may not be increased or decreased through transfers. Ministers of State or officials who authorize or process expenditures that contravene the provisions of this paragraph shall be jointly and severally liable for their reimbursement, and guilty of the crime of embezzlement of public funds.

- Emergency provisions
- Head of state decree power

**r.** To provide, by means of a well-founded supreme decree signed by the Ministers in charge of Public Security and National Defense, that the Armed Forces shall take charge of the protection of the country's critical infrastructure when there is a serious or imminent danger to it, determining that which must be protected, in accordance with the provisions of this Constitution. The protection shall take effect from the date of the publication of the decree.

## Ministers of State

- Establishment of cabinet/ministers
- Name/structure of executive(s)

### Article 101

1. Ministers of State are the direct and immediate collaborators of the President of the Republic in the government and administration of the State.
2. The law shall determine the number and organization of the ministries, as well as the order of precedence of the titular ministers. The foregoing is without prejudice to the provisions of clause 5 of Article 75.

### Article 102

- Eligibility for cabinet

1. To be appointed Minister, it is necessary to be Chilean, to be at least twenty-one years of age, and to meet the general requirements for entry into the State Administration.
2. In cases of the absence, impairment or resignation of a Minister, or when for some other reason the office becomes vacant, he or she shall be replaced in the manner established by law.



- Powers of cabinet
- Head of state decree power

## Article 103

1. The regulations, decrees and instructions of the President of the Republic must be signed by the respective Minister and shall not be obeyed without this essential requirement.
2. Decrees and instructions may be issued with the sole signature of the respective Minister, by order of the President of the Republic, in accordance with the rules established for that purpose by law.

- Cabinet removal

## Article 104

Ministers shall be individually liable for the acts they sign and jointly for those which they sign or agree to with the other ministers.

- Powers of cabinet

## Article 105

1. Ministers may attend the sessions of the Chamber of Deputies or the Senate, and take part in their debates, with the ability to speak, but without the right to vote. During the vote, however, they may redress the concepts expressed by any deputy or senator when justifying their vote.
2. Notwithstanding the foregoing, the ministers must personally attend the special sessions convened by the Chamber of Deputies or the Senate to inform themselves about matters that, belonging to the scope of powers of the corresponding Secretaries of State, they agree to manage, and to the others established by the Constitution.

- Legislative oversight of the executive

- Eligibility for cabinet

## Article 106

1. The office of Minister of State is incompatible with any other office, employment or commission paid using public or private funds. Exceptions are made for teaching positions as provided by law. By the mere fact of accepting the appointment, the Minister shall cease to hold the incompatible office, employment, function or commission that he or she holds.
2. During the exercise of their duties, Ministers shall be prohibited from entering into or guaranteeing contracts with the State, from acting as lawyers or agents in any kind of lawsuit or as a solicitor or agent in particular administrative matters, from being a director of banks or of a public limited company, and from holding positions of similar importance in these activities.

## Article 107

1. The remuneration of the President of the Republic, senators and deputies, regional governors and other officials of exclusive trust determined by law shall be fixed by a commission whose composition and powers shall be determined by an institutional law. Its members shall be appointed by the President of the Republic with the agreement of three-fifths of the senators in office.
2. The decisions of the commission shall be public, shall be based on technical background and shall establish a remuneration that guarantees remuneration appropriate to the responsibility of the position and the independence to carry out its functions and powers.

## General Bases of State Administration

- Type of government envisioned

## Article 108

1. The State Administration is at the service of individuals and society and shall aim to promote the common good, meeting public needs in accordance with the Constitution and the law. Furthermore, it shall provide or guarantee, where appropriate, the provision of public services on a continuous, timely and permanent basis, ensuring the quality of the service at all times.
2. The organs of the State Administration shall strive for the efficiency and coherence of the rules they issue within the framework of their powers, and shall

2. promote the modernization of their processes and organization through new tools and technologies that guarantee universal access to services.
3. The law shall establish appropriate mechanisms to ensure that transfers to private entities are carried out, as a general rule, following a public tender and in accordance with technical and objective suitability criteria, and without undermining their specific purposes. It shall also regulate accountability mechanisms and sanctions in the event of non-compliance.
4. The law shall incorporate at all levels of State administration models of organization, administration and supervision that make it possible to prevent unlawful conduct.

- Type of government envisioned

## Article 109

1. An institutional law shall establish the general bases of the State Administration.
2. The basic structure of each agency shall be determined by law.
3. The heads of service of State agencies may always establish the internal organization of their services and determine the names and functions that correspond to each of the units established for the performance of the functions assigned by law, in compliance with the Constitution.

- Civil service recruitment

## Article 110

1. The institutional law shall establish a general regime for public service and employment, of a professional and technical nature, which shall regulate the appointment, hiring, development, promotion and termination of these functions.
2. This regime shall be applicable to all public functions and employment of ministries, regional and provincial representations, regional governments and municipalities, and to centralized and decentralized public services created for the performance of administrative functions.
3. This regime shall be founded on common bases that shall include a public selection system, with free, competitive, inclusive, non-discriminatory, transparent, impartial and agile access, which privileges the merit and suitability of the applicants, observing objective and predetermined criteria.
4. The regime shall include the rules on stability in the position or employment in accordance with the performance, the rights and duties of the officials, the continuous improvement of its members, the performance evaluation procedure based on objective criteria and in relation to the service provided to the people, and the processes of mobility within and between the agencies and institutions referred to in clause 2.
5. The law shall include the rules on termination of functions and the power of dismissal on certain grounds, as well as the corresponding system of insurance or compensation for years of service that shall be applicable in the cases determined by the law.
6. The law shall establish exceptions to this regime in the case of those who exercise government functions in the central administration and those who exceptionally hold positions of exclusive trust, qualified as such by this Constitution or the law. It shall also establish the authority to which their appointment shall correspond and the requirements for being appointed therein. Their cessation shall occur for the reasons indicated by the Constitution and the law.
7. There shall be a national, technical and decentralized body, with legal personhood and its own assets, whose purpose shall be the coordination, supervision and improvement of the functions of the personnel in the services of the civil administration of the State and shall be in charge of the management of a system of senior public management. An institutional law shall regulate the organization and other functions and powers of the aforementioned body.

- General guarantee of equality

- Ultra-vires administrative actions

## Article 111

1. Any person whose rights or interests are harmed by the State Administration may file a legal claim.
2. Any person who has suffered damage as a result of the lack of service or other grounds of imputation against the State Administration bodies, including regional governments and municipalities, shall be entitled to compensation, without prejudice to the liabilities that may affect the official who caused the damage.

- Municipal government
- Subsidiary unit government

## Article 112

1. The Council for the Evaluation of Laws and Public Policies is a legally autonomous body, with its own assets, of a technical nature, whose organization, functions and powers shall be determined by an institutional law.
2. The purpose of the Council shall be to evaluate laws and public policies on the basis of the objectives pursued by them.
3. The Council shall also prepare, with the frequency determined by law, a legislative and public policy evaluation plan with the collaboration of the President of the Republic and the National Congress. The plan, its methodology and conclusions shall be public and shall be made available to the President of the Republic, the National Congress and the corresponding institutions of State Administration.
4. In order to guarantee the quality and effectiveness of laws and public policies, the Council may propose to the President of the Republic, and to the corresponding institutions, the modification or repeal of legal and regulatory rules and the modification or cessation of such programs as it deems appropriate.
5. The management and senior administration of the Council shall be in charge of a Board of Directors. It shall consist of five members, appointed by the President of the Republic with the prior agreement of the Senate adopted by three-fifths of its members in office.

## General Provisions

- Emergency provisions

### Article 113

1. For the purposes of the provisions of subsection (r) of Article 100, critical infrastructure includes all facilities, physical systems or essential services of public utility, as well as those whose impact causes serious damage to the health or supply of the population, to essential economic activity, to the environment or to the security of the country. This concept is understood as the infrastructure essential for the generation, transmission, transport, production, storage and distribution of basic services and inputs for the population, such as energy, gas, water or telecommunications; that relating to road, air, land, sea, port or rail connections, and that corresponding to services of public utility, such as health care or health care systems. A law shall regulate the obligations to which public bodies and private entities in charge of the country's critical infrastructure shall be subject, as well as the specific criteria for its identification.
2. The President of the Republic, through a supreme decree, shall appoint a general officer of the Armed Forces who shall have command of the Armed Forces and of the Forces of Order and Public Security arranged for the protection of critical infrastructure in the areas specified in said act. The chiefs designated to command the forces shall be responsible for safeguarding public order in these areas, in accordance with the instructions established by the ministry in charge of public security in the supreme decree.
3. The exercise of this power shall not imply the suspension, restriction or limitation of the rights and guarantees enshrined in this Constitution or in international human rights treaties ratified by Chile and in force. Notwithstanding the foregoing, the effects may only be framed in the exercise of the powers to safeguard public order and shall emanate from the powers that the law grants to the forces to execute the measure, proceeding exclusively within the territorial limits regarding the protection of critical infrastructure that are established, subject to the procedures established in the laws in force and in the rules of the use of force that are established for the purpose of the performance of this duty.
4. This measure shall be extended for a maximum period of ninety days, without prejudice to the fact that it may be extended for the same period with the agreement of the National Congress, as long as the serious or imminent danger that gave rise to its exercise persists. The President of the Republic shall inform the National Congress, at the end of each term, of the measures adopted and of the effects or consequences of the execution of this power.
5. The above-mentioned power may also be used for the protection of the country's border areas, in accordance with the instructions contained in the supreme decree issued by the President of the Republic.

- Head of state decree power
- Selection of active-duty commanders

- Legislative oversight of the executive

## CHAPTER VI

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- Restrictions on the armed forces

### Article 114

1. The Armed Forces consist solely and exclusively of the Army, Navy and Air Force and report to the Ministry in charge of National Defense. They are intended for the defense of sovereignty, the security of the Nation and territorial integrity, in accordance with the Constitution and the law. The President of the Republic is responsible for conducting national defense and assuming, in the event of war, the supreme command of the Armed Forces.
2. In addition, the Armed Forces collaborate during national emergencies and disasters, in the protection of the country's borders and in international cooperation in peace operations in accordance with international law, in accordance with the Constitution and the law.
3. The Armed Forces, as armed corps, are professional, hierarchical, disciplined institutions that are inherently obedient and non-deliberative.
4. Personnel in the Armed Forces may not belong to political parties, trade union bodies, or institutions, organizations or groups whose principles or objectives are contrary to or incompatible with the provisions of the preceding clauses or with the functions entrusted to the Armed Forces by the Constitution and the laws of the Republic. They shall also not be able to go on strike, bargain collectively and run for elected office.
5. Institutional law shall establish the basic rules for the organization of the Armed Forces, their enlistment, their leadership, command, succession of command, appointments, promotions and retirements, professional career, seniority, their provision and budgets.

- Restrictions on the armed forces

### Article 115

1. Enlistment into the Armed Forces may only be done through their own schools, with the exception of the professional ranks and civilian employees determined by law.
2. The appointments, promotions and retirements of officers of the Armed Forces shall be carried out by supreme decree, in accordance with the institutional law.

- Designation of commander in chief
- Selection of active-duty commanders
- Head of state decree power

### Article 116

1. The President of the Republic shall appoint the Commanders-in-Chief of the Army, Navy and Air Force. They shall be appointed by the him or her from among the five most senior general officers who meet the qualifications required by the respective institutional bylaws for such positions; they shall hold office for four years and may not be appointed for another term.
2. The President of the Republic, by means of a reasoned supreme decree, may recall the commanders-in-chief of the Army, Navy and Air Force, as the case may be, before the end of their respective terms.

## CHAPTER VII. PUBLIC SAFETY

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## Law Enforcement and Public Safety

- Restrictions on the armed forces

### Article 117

1. Law Enforcement and Public Safety are made up solely and exclusively of the Carabineros [Police] of Chile and the Investigations Police of Chile and report directly to the ministry in charge of Public Safety. They are designed to give effect to the law, guarantee and maintain public order and internal public security, cooperate in emergency situations and national disasters, in accordance with the provisions of the Constitution and laws.
2. They are professional, hierarchical, disciplined institutions that are inherently obedient and non-deliberative.
3. Personnel who make up Law Enforcement and Public Safety may not belong to political parties, trade union bodies, or institutions, organizations or groups whose principles or objectives are opposed to or incompatible with the provisions of the preceding clauses or with the functions entrusted to the Law Enforcement and Public Safety by the Constitution and the laws of the Republic. They shall also not be able to go on strike, bargain collectively and run for elected office.
4. The corresponding institutional laws shall establish the basic rules for the organization of Law Enforcement and Public Safety, their enlistment, their headquarters, command, succession of command, appointments, promotions and retirements, professional career, seniority, their provision and budgets.

### Article 118

Enlistment in the Carabineros [Police] of Chile and the Investigations Police of Chile may only be done through their own schools, with the exception of the professional ranks and civilian employees determined by law.

## Carabineros [Police] of Chile and Investigations Police of Chile

### Article 119

1. The Carabineros [Police] of Chile, as an armed corps, is a technical and professional police institution, of a military nature, whose purpose is to guarantee and maintain public order and internal public security throughout the territory of the Republic, and to carry out the other functions entrusted to it by the Constitution and the law.
2. The Investigations Police of Chile is a professional, technical and scientific police institution. Its actions shall be aimed at the specialized investigation of all crimes, especially those complex and related to organized crime and cybercrimes; it must also control the entry and exit of persons into the national territory, supervise the stay of foreigners therein and carry out other functions entrusted to it by law.

- Selection of active-duty commanders
- Head of government decree power

### Article 120

1. The Director General of the Carabineros [Police] of Chile shall be appointed by the President of the Republic from among the five most senior general officers who meet the qualifications determined by law; he or she shall hold office for four years and may not be appointed for another term.
2. The Director General of the Investigations Police of Chile shall be appointed by the President of the Republic from among the eight most senior police officers who meet the qualifications determined by law; he or she shall hold office for six years and may not be appointed for a further term.
3. The President of the Republic, by means of a well-founded supreme decree, may recall the General Director of the Carabineros [Police] of Chile and the Director General of the Investigations Police of Chile, as the case may be, before completing their respective terms.
4. The appointments, promotions and retirements of officers of the Carabineros [Police] of Chile and the Investigations Police of Chile shall be made by supreme

4. decree, in accordance with institutional law.

## Gendarmerie of Chile

### Article 121

1. The Gendarmerie of Chile is a public service whose purpose is to assist, monitor and contribute to the social reintegration of persons who, by resolution of the competent authorities, are arrested or deprived of their liberty, to ensure the internal security of the country's penal establishments and to perform the other functions assigned to it by law.
2. It shall depend on the ministry that establishes the institutional law.

## General Provisions

### Article 122

1. The State has a non-delegable monopoly on the use of force, which shall be exercised through Law Enforcement and Public Safety, in accordance with this Constitution and the laws. The foregoing is without prejudice to the functions that correspond to the Gendarmerie of Chile, in accordance with the law.
2. The law shall determine the framework for the use of force that may be used in the exercise of the functions of the institutions authorized by the law.
3. No person, group or organization may possess or have weapons or other similar items specified by the law of qualified quorum without authorization granted in accordance with the law. This law shall determine the ministry or the organs under its supervision which shall exercise the supervision and control of weapons. It shall also establish the public bodies responsible for monitoring compliance with the rules relating to such control.

### Article 123

It shall be up to the law to determine the conduct or circumstances in which the rational use of force is exempt from criminal responsibility. Special consideration shall be given to the protection of persons and their property, to prevent the commission of a crime or to ensure the fulfillment of a duty, in the terms established by law.

### Article 124

Law Enforcement and Public Safety, without prejudice to their own functions and powers, must collaborate with the municipalities when they develop, directly or with other organs of the State Administration, functions of prevention, support and collaboration in the field of citizen security at the communal level, in accordance with the law.

### Article 125

The Armed Forces and Law Enforcement and Public Safety are subject to the probity and transparency controls provided for by the Constitution and the laws. They are also subject to the control and supervision of the Office of the Comptroller General of the Republic in accordance with the law.

## CHAPTER VIII. REGIONAL AND LOCAL GOVERNMENT ADMINISTRATION

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- Type of government envisioned

- Right to bear arms

- Right to bear arms

- Municipal government

- Restrictions on the armed forces

- Type of government envisioned
- Subsidiary unit government
- Municipal government

## Article 126

- Reference to fraternity/solidarity

1. The territory of the Republic is organized into regions, provinces, communes and special territories.
2. This organization shall seek to achieve the harmonious integration, sustainability and development of the country, and shall observe the principles of solidarity and territorial equity, territorial relevance, preferential settlement, coordination and associativity, fiscal responsibility, fiscal sustainability and prohibition of tutelage, without prejudice to the duty of the State to guarantee the continuity of services, as well as to dictate national guidelines from the central level, in accordance with the provisions of this Constitution.
3. Additionally, this organization shall follow objective and predefined criteria in the transfer and allocation of public resources to regional and local governments, which must also be justified.
4. Regional governments and local governments or municipalities have the necessary powers to fully comply with their purposes in the terms established by the Constitution and the law, for which they enjoy legal personhood and their own assets, and must collaborate harmoniously for the fulfillment of their purposes. The provinces constitute an administrative division of the territory, whose authorities perform only administrative functions of internal government.
5. The creation, suppression, delimitation and naming of regions, provinces and communes, as well as the establishment of the capitals of the regions and provinces, shall be the subject of an institutional law, which shall establish objective criteria, based on historical, social, geographical and cultural antecedents, and contemplate forms of citizen participation. This law shall be the exclusive initiative of the President of the Republic.
6. However, regions are created, eliminated, merged, divided or delimited according to the physical and environmental characteristics of their territory, their population and social, historical and cultural identity, their capacity to sustain economic and productive processes, and their conditions for providing adequate public and private services to their inhabitants. For the realization of such regional criteria, it is recognized that the provinces and communes within a region are complementary to each other.
7. In each region, two or more communes may constitute a metropolitan area in accordance with the requirements and criteria determined by institutional law. This law shall determine the authority in charge of the administration of metropolitan areas, their powers and form of coordination with the regional government and the composite municipalities.
8. Two or more regions, with territorial continuity, may constitute macro-zones in accordance with the requirements and criteria determined by an institutional law. This law shall determine the authority in charge of the administration of this macro-zone, its attributions and form of coordination with the central and regional government.

- Reference to fraternity/solidarity

## Article 127

1. The State shall promote harmonious integration, sustainability and development among the various regional and local levels. The law shall establish mechanisms of solidarity, equity and coordination among them, taking into account the circumstances that account for the special characteristics of some areas of the national territory.
2. The State recognizes the heterogeneity of its territory and of its various regions and communes. It is the duty of the State to consider these territorial realities in the design and implementation of public policies and in the transfer of competencies and resources.

- Citizenship of indigenous groups

3. The law shall establish mechanisms to respect and promote the rights of indigenous peoples recognized in this Constitution, in the regions and communes and, especially, in those with a significant presence of population belonging to them.

- Subsidiary unit government
- Municipal government

## Article 128

1. The law shall prioritize that public functions be based at the local level over the regional level, and based on the latter, in turn, over the national level, provided that such establishment implies a more efficient and effective exercise of functions. The foregoing is without prejudice to those powers that the Constitution itself or the laws reserve to the national government.

2. In order to effectively comply with the provisions of the preceding clause, the State must progressively strengthen the capacities of regional and local governments.

- Municipal government
- Subsidiary unit government

## Article 129

1. State agencies and institutions, at their various levels of government, must act in a coordinated and collaborative manner to achieve their ends, promoting cooperation and avoiding duplication or interference in their functions. Public services under the national government must be coordinated with the regional governments and the respective municipalities, in accordance with the law.

2. Regional governments and municipalities shall be heard in the preparation of plans, programmes and projects at the national level, when they are directly related to matters within the scope of their competences and which are to be implemented in their respective territory, without prejudice to other mechanisms of participation established by law.

3. The institutional law shall establish frameworks for partnership and cooperation between municipalities and regional governments for the purposes common to them and between these entities and public services.

4. The Council of Governors is a body for participation and coordination between the regional governors and the President of the Republic, which the latter must attend at least twice a year.

5. The Council of Mayors is a consultative and representative body of all the communes of the respective region, which must be attended at least twice a year by the respective regional governor, and must address the issues that are common to them, and in which effective coordination between the different bodies with a regional presence shall be promoted, fostering effective cooperation among local governments.

6. The functioning of these councils shall be regulated by institutional law.

- Subsidiary unit government
- Municipal government

## Article 130

1. The institutional law shall establish the form and manner in which powers shall be transferred to regional governments and municipalities, as well as the grounds that enable the national level to exercise them subsidiarily. All those functions that are not expressly handed over, either by the Constitution or the law, to the sphere of competence of regional governments and municipalities shall fall within the power of the national government.

2. Competencies may be transferred temporarily or permanently. Powers definitively transferred to a regional government or municipality may not be revoked, subject to legal exceptions.

3. Regional and local governments may request the President of the Republic to transfer powers, in accordance with the procedure established by institutional



## 3. law.

- Subsidiary unit government

## Regional Government

### Article 131

- Claim of universal suffrage

1. The governance and administration of each region is vested in the regional government, consisting of the regional governor and the Regional Council, the number of members of which shall be established by law. These authorities shall be elected in the region by universal suffrage, in accordance with the Constitution and the electoral law.
2. The regional government is a legal entity under public law and with its own assets, whose purpose is the economic, social and cultural development of the region, and it has the administrative and financial autonomy determined by law for the exercise of its powers.

### Article 132

- Municipal government

1. The functions of regional governments include the promotion of development, investments and connectivity in their respective regions, the provision of public services under their jurisdiction, the orientation of the territorial development of the region, the promotion of participation and productive activities, tourism, infrastructure, housing and others determined by the Constitution and institutional law.
2. In order to fulfill their function, regional governments have regulatory, financial, supervisory, coordination and complementary powers with municipal actions.
3. The law may provide for the establishment of an advisory council to collaborate with the regional government for the development of a strategic planning tool and, to this end, to prepare an annual technical report on the state of the region's economy and its potential. Said law shall regulate its organization, operation and other matters pertaining to this council.

### Article 133

1. Institutional law may authorize regional governments and public enterprises to associate with natural or legal persons in order to promote non-profit activities and initiatives that contribute to regional development. The entities that are constituted for this purpose shall be subject to the common rules applicable to individuals and to the laws that ensure transparency, probity and the proper use of public resources.
2. Regional governments, in order to fulfill their functions, may establish the organs or units that the respective institutional law allows. This power shall be exercised within the limits and requirements that, at the exclusive initiative of the President of the Republic, are determined by the institutional law on regional governments.
3. Regional governments are overseen by their own internal control bodies and by the bodies that have such powers mandated by the Constitution and the laws, and are subject to the control and supervision of the Office of the Comptroller General of the Republic in accordance with the law. The internal control bodies of regional governments and municipalities shall be subject to the criteria for action determined by the Office of the Comptroller General of the Republic.

### Article 134

- Claim of universal suffrage

1. The regional governor shall be the executive body of the regional government, and shall preside over the Regional Council and exercise the functions and powers determined by institutional law, in coordination with the other public bodies and services created for the performance of the administrative function. It shall also be responsible for coordinating, supervising and auditing public services that depend on or are related to the regional government.
2. The regional governor shall be elected by universal suffrage by direct vote. The person who obtains the majority of the votes validly cast shall be elected, provided that such majority is equivalent to at least forty per cent of the votes

2. validly cast, in accordance with the provisions of the electoral law. Otherwise, a second ballot shall be held which shall be limited to the candidates who have obtained the two highest relative majorities, and the candidate who obtains the highest number of votes, as determined by the respective electoral law, shall be elected.
3. For the purposes of the provisions of the two preceding clauses, blank and invalid votes shall be considered as not cast. The governor shall hold office for a term of four years.

## Article 135

1. The Regional Council shall be a collegiate body of a normative, representative, decision-making and supervisory nature, whose functions and powers shall be determined by the Constitution and institutional law.
2. The Regional Council shall be responsible for supervising the exercise of the powers of the regional government, in accordance with the powers determined by institutional law.
3. It shall be the responsibility of the Regional Council to approve the draft budget of the respective region, in accordance with the resources allocated to it in the Budget Law, its own resources and those from other sources of income in accordance with the Constitution.
4. The Regional Council shall be composed of councilors elected by universal suffrage in direct vote, who shall hold office for four years in accordance with the respective electoral law.
5. Members representing the constituencies and districts of the respective region may attend the sessions of the Regional Council and take part in its debates, without the right to vote.
6. Annually, the Regional Council shall receive the senators of the region to report on the processing of laws of regional interest. The institutional law shall establish mechanisms for coordination and permanent information between the regional government and the senators of the region.

- First chamber reserved policy areas
- Second chamber reserved policy areas
- Second chamber reserved policy areas
- Municipal government

## Local Government

### Article 136

1. The government and local administration of each commune or group of communes determined by law resides in a municipality, also called local government, which shall consist of the mayor and the municipal council.
2. Municipalities are autonomous corporations of public law, with legal personhood and their own assets, they have autonomy in the exercise of their powers and their purpose is to meet the needs of the local community, and to ensure its participation in the economic, social and cultural development of the commune.

### Article 137

1. Municipalities have, in order to carry out their functions, regulatory, financial and auditing powers; and powers of coordination and complementarity with the actions of the regional and national government.
2. Among their functions, municipalities shall exercise the provision of public services under their supervision and territorial planning, in harmony with national and regional development policies and plans, and others determined by the Constitution and the law.
3. Municipalities, in order to carry out their functions, may create or eliminate jobs and fix salaries, as well as establish the bodies or units permitted by the respective institutional law. These powers shall be exercised within the limits and requirements that, at the exclusive initiative of the President of the Republic, are determined by the institutional law on municipalities.
4. Local governments are audited by their own internal control bodies and by the bodies that have such powers mandated by the Constitution and the laws. In addition, they are subject to the control and supervision of the Office of the Comptroller General of the Republic in accordance with the law.
5. Municipalities may associate with each other in accordance with the respective institutional law, and such associations may enjoy legal personhood under private

- Reference to art

5. law. Furthermore, they may establish or integrate non-profit corporations or foundations under private law whose purpose is the promotion and dissemination of art, culture and sports, or the promotion of works of communal and productive development. Municipal participation in these activities shall be governed by its institutional law. The entities that are constituted for this purpose shall also be subject to the laws that ensure transparency, probity, the proper use of public resources and the control of the Office of the Comptroller General of the Republic.
6. Local governments may establish, in accordance with the respective institutional law, territories known as neighborhood units within the communes or groupings of communes, in order to promote sustainable, balanced development and an adequate channeling of citizen participation.

### Article 138

1. The mayor is the highest authority and executive organ of the local government. He or she is responsible for presiding over the Municipal Council and exercising the functions and powers determined by institutional law.
2. Mayors shall be elected by universal suffrage by direct vote, in accordance with the rules established in the Constitution and the respective electoral law. They shall hold office for a term of four years.
3. Mayors, in the cases and forms determined by institutional law, may appoint delegates for the exercise of their powers in one or more localities.

- Claim of universal suffrage

### Article 139

1. The Municipal Council is a collegiate body of a normative, decision-making and supervisory nature, whose functions are to collaborate in the government and administration of the commune, to supervise municipal management, to make effective the participation of the local community and those entrusted to it by the Constitution and the laws.
2. Institutional law shall determine the matters of mandatory consultation by the mayor to the council and those in which the agreement of the council shall necessarily be required. In any case, such agreement shall be necessary for the approval of the communal development plan, the municipal budget and the investment projects of the commune.
3. Institutional law must establish mechanisms that ensure adequate autonomy for the Municipal Council in the exercise of its role of oversight of municipal management and the work of the mayor.

### Article 140

1. The Municipal Council shall be composed of councilors elected by universal suffrage in direct vote, in accordance with the rules established in the Constitution and the electoral law. Its members shall serve for four years.
2. Institutional law shall establish the rules on the organization and operation of the Municipal Council, the number of councilors who shall comprise it, and the causes of inability, incompatibility, replacement, cessation and vacancy of the position of councilor.

- Claim of universal suffrage

## Special and Strategic Territories for the Development of the Country

### Article 141

1. Special territories are those corresponding to Rapa Nui and the Juan Fernández Archipelago. The government and administration of these territories shall be governed by the special bylaws established by the respective institutional laws.
2. The rights to reside, remain, and move to and from any place in the Republic, guaranteed in this Constitution, shall be exercised in said special territories in the manner determined by the laws regulating their exercise.

## Article 142

A law of qualified quorum may designate a region or part of it as a strategic territory for the development of the country, based on its geopolitical importance, low population density, scarce connectivity and natural resources, for the purposes of authorizing certain direct or indirect economic benefits, or tax incentives. In the case of indirect benefits, the estimate of the cost of these benefits must be included annually in the Budget Law.

## Chilean Antarctic Territory

### Article 143

In the Chilean Antarctic Territory, the powers of the organs of the State of Chile are exercised in accordance with the respective laws and regulations and the international treaties ratified by Chile and in force.

## Deconcentration of State Administration

- Name/structure of executive(s)

### Article 144

1. There shall be natural and immediate representatives of the President of the Republic in the various regions and provinces, within the territory of his or her jurisdiction, who shall be appointed and removed by him or her and shall exercise their functions in accordance with the laws and the orders and instructions of the President of the Republic in the region and province, respectively. The representative of the President of the Republic in the region shall coordinate, supervise and audit the public bodies created by law for the performance of administrative functions that depend on or are related to the President of the Republic through a ministry. The powers of these representatives shall be determined by an institutional law.
2. Notwithstanding the foregoing, the law may establish other forms of functional or territorial deconcentration.

- Subsidiary unit government
- Municipal government

## Fiscal Decentralization

### Article 145

- Reference to fraternity/solidarity
- General guarantee of equality

1. The State promotes connectivity and harmonious, equitable and supportive development among Chile's regions and communes. To this end, measures must be adopted to reduce the economic and social imbalances that exist between them, ensuring that all individuals and communities have access to the same level and quality of public services, especially public infrastructure, regardless of where they live.
2. There shall be mechanisms, instruments and funds to ensure inter-territorial economic compensation in fiscal transfers to regional and local governments. The law shall include, but is not limited to, the following mechanisms:
  - a. Basal funding for regional, municipal and special territories. To this end, the existence of strategic territories for the development of the country must be considered.
  - b. Solidarity based on territorial equity.
  - c. Compensation for negative externalities, intended for regions and communes that suffer environmental or social consequences as a result of the development of certain activities.

- Budget bills

### Article 146

The Budget Law should ensure, progressively, that a significant part of public expenditure is executed through regional and local governments, in accordance with the responsibilities that each level of government must assume for the proper fulfillment of

its responsibilities, and for this purpose it must set annual goals for its effective compliance.

### Article 147

- Spending bills
- General guarantee of equality

1. Any creation, expansion or transfer of powers to regional and local governments must include technical assistance, personnel and sufficient and timely financing for their proper exercise, avoiding duplication of functions and bearing in mind the principle of fiscal responsibility.
2. Transfers and allocations of resources shall be made on the basis of objective and predefined criteria. However, the law may establish special transfers for reasons of isolation or emergency, which in no case may establish discrimination or arbitrary differences between the different regions and communes of the country.

### Article 148

1. Regional and local governments may borrow loans in accordance with Article 78. The borrowing must be authorized by virtue of a law of qualified quorum, which must also establish the requirements, restrictions and limits for such contracting.
2. The law of qualified quorum authorizing the contracting of loans must consider at least the following elements:
  - a. Mechanisms to ensure that the debt is fully and duly serviced by the debtor.
  - b. Maximum debt limits as a percentage of the annual budget of the respective region or commune.
  - c. The obligation to maintain an up-to-date risk classification.
3. Under no circumstances may regional and local governments:
  - a. Contract loans during election periods.
  - b. Finance current expenditures using loan funds.
  - c. Establish guarantees or sureties from the Treasury for such loans.

- Constitutional court powers

### Article 149

The Constitutional Court shall decide, in accordance with this Constitution, any competence disputes that may arise between national, regional, provincial and communal authorities.

- Subsidiary unit government
- Municipal government

## General Provisions

### Article 150

1. The regulatory power of regional and local governments shall always be of infralegal rank, and its application shall be in the respective territory, within the scope of their competences.
2. The regional governments may issue such regulations as they deem appropriate for the proper execution of their powers, subject to the provisions of Article 100 (I).

- Scheduling of elections

### Article 151

The elections of mayors, municipal councilors, governors and regional councilors shall be held jointly, every four years, in the last week of October of the year preceding the presidential and congressional elections.

### Article 152

1. To be elected regional governor, regional councilor, mayor or local councilor and to be appointed representative of the President of the Republic in the region or province, it shall be necessary to be a citizen with the right to vote, to meet the other appropriate requirements indicated by the electoral law, in the first cases, and institutional requirements with respect to the representatives of the

1. President of the Republic in the region or province, and reside in the region for at least the last two years preceding their appointment or election.
2. No regional governor or representative of the President of the Republic in the regions or provinces, as the case may be, may be accused or deprived of his or her liberty, except in the case of being caught in the act of committing a crime, if the Court of Appeal of the respective jurisdiction, in full, does not previously authorize the accusation by declaring that there are grounds for prosecution. This decision may be appealed to the Supreme Court.
3. If a regional governor or a representative of the President of the Republic in the region or province is arrested for having been caught in the act of committing a crime, he or she shall be immediately placed at the disposal of the respective Court of Appeals, with the corresponding summary information. The Court shall then proceed in accordance with the provisions of the preceding clause.
4. From the moment it is declared, by a final resolution, that there are grounds for prosecution, the regional governor or the representative of the President of the Republic of the region or province, as the case may be, shall be suspended from office and subject to the competent judge.

### Article 153

1. The respective institutional laws shall establish the grounds for inability, incompatibility, cessation, replacement and vacancy in the positions of regional governor, mayor, regional councilor and municipal councilor.
2. Notwithstanding the foregoing, the aforementioned authorities who have seriously infringed the rules on transparency, limits and control of electoral expenditure shall cease to hold office from the date so declared by the Election Certification Court by a final judgment, at the request of the Board of Directors of the Electoral Service. An electoral law shall identify cases where there is a serious offense.
3. Additionally, whoever loses the position of regional governor, mayor, regional councilor or municipal councilor, in accordance with the provisions of the preceding clause, may not opt for any public function or employment for a period of three years, nor may he be a candidate for popularly elected office in the two electoral acts immediately following his or her cessation.

### Article 154

1. Regional governors may only be re-elected to their posts successively once. Regional councilors may be successively re-elected to office up to two times. In the case of mayors and municipal councilors, they may be successively re-elected to their positions up to two times in each commune.
2. In no case shall having held the position in a non-consecutive manner be counted as successive periods for the purposes of the application of this rule.
3. For the purpose of determining the limit on the re-election of regional governors, regional councilors, mayors and municipal councilors, they shall be deemed to have held office for a term when they have completed more than half of their term of office.

## CHAPTER IX. THE JUDICIARY

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### Article 155

1. The jurisdictional function of hearing and resolving cases, causes and conflicts of legal relevance and enforcing the judgment lies exclusively in the independent and impartial courts established by law.
2. No organ of the State, any authority or special commission may in any case hear pending cases, review the grounds or content of judicial decisions or reopen proceedings that have been concluded.

- Prohibition of double jeopardy
- Judicial independence

- Duty to obey the constitution
  - Constitutionality of legislation
  - Right to speedy trial
  - Right to information
3. Once intervention has been requested in a legal manner and in matters within its competence, the courts may not excuse themselves from exercising their authority, not even for lack of a law that resolves the dispute or matter submitted to their decision.
  4. In order to enforce their decisions and to practice or have practiced the acts of instructions established by law, the courts that make up the Judiciary may issue direct orders to the security forces or exercise the appropriate means of action at their disposal. The other courts shall do so in the manner determined by law. The requested authority must comply with the court order without further formalities and may not qualify its basis or timeliness, or the justice or legality of the decision to be enforced.
  5. Judges shall be subject to the Constitution and the law, and they may not, in any case, exercise the powers of other public authorities.
  6. The courts of justice may not, in any case, cease to apply a legal norm on grounds of unconstitutionality, without a ruling of inapplicability by the Constitutional Court that has so resolved the issue.
  7. The proper administration of justice includes the issuance of judicial decisions and the orders necessary for their execution, within a reasonable time.
  8. The use of arbitration, mediation and other alternative means of dispute resolution shall be encouraged. These procedures shall be applied in accordance with the law.
  9. The courts of justice and the organs that make up the judiciary must observe the principles of probity, transparency and accountability. They shall also have the means to ensure public access to their proceedings. Exceptions to such publicity shall be established by institutional law.
  10. Judicial rulings are binding only with respect to the parties and intervening parties and in the cases in which they are currently pronounced, without prejudice to the exceptional cases expressly determined by law. The extension of the binding effects of judgments to persons other than the parties or intervening parties shall be unenforceable.

## Article 156

The following are the principles of the role of judges:

- Judicial independence
  - General guarantee of equality
  - Ultra-vires administrative actions
  - Supreme/ordinary court judge removal
  - Supreme court term length
- a. Independence. Judges shall decide the cases before them without regard to internal or external influences or pressures.
  - b. Impartiality. Judges shall exercise their functions with fairness, resolving the cases before them without bias, prejudice or discrimination of any kind with respect to the parties involved.
  - c. Responsibility. Judges are personally liable in their judicial proceedings for the crimes of bribery, failure to comply with the laws governing the procedure in substantive matters, denial and distorted administration of justice and, in general, for any prevarication they incur in the performance of their functions and in other cases expressly determined by law. The law may establish the manner in which judges are to be held criminally liable, and the organization and procedure for the prosecution of offenses committed by them.
  - d. Sanctity. Magistrates of the superior courts of Justice, Judicial Prosecutors and career judges shall not be arrested without an order of the competent court, except in the cases of a flagrant crime or a simple offense, and only to be put immediately under the disposition of the court that must hear the case in accordance with the law.
  - e. Irremovability. Judges shall remain in office during good behavior.

## Article 157

- Supreme/ordinary court judge removal
  - Mandatory retirement age for judges
1. An institutional law shall determine the organization and powers of the courts necessary for the prompt and complete administration of justice throughout the territory of the Republic. The same law shall specify the requirements to be observed respectively by judges and judicial prosecutors and the number of years that persons appointed as justices of the Court, career judges or judicial prosecutors must have practiced the profession of lawyer.
  2. Judges shall cease to hold office when they attain the age of seventy-five; or by resignation or subsequent legal incapacity or in the event of being deposed from their posts, by a legally sentenced cause. The rule relating to age shall not apply to the Chief Justice of the Supreme Court, who shall continue in office until the end of his or her term. However, a justice of the Supreme Court who has completed twenty years in office shall cease to hold office. The judges of the lower courts and special courts shall hold their respective tenure for such time as may be determined by law.
  3. The institutional law regarding the organization and powers of the courts, as well as the procedural laws regulating a system of prosecution, may set different dates for their entry into force in the various regions of the national territory.
  4. Additionally, a law shall also establish a contentious-administrative proceeding to be heard by the courts established by law.

## Article 158

Institutional law may provide jurisdiction throughout the national territory to criminal courts to try cases for which the investigation falls within the competence of the prosecutor's office referred to in Article 183, and other matters entrusted to it by law.

- Supreme court powers

## Article 159

- Constitutional interpretation
  - Supreme court selection
1. The highest judicial organ of the Judiciary shall be the Supreme Court, which shall be composed of twenty-one justices. The Supreme Court shall represent the courts of justice vis-à-vis the other branches of government.
  2. It shall be the responsibility of the Supreme Court to ensure the uniform interpretation and application of the legal order, to guarantee the effective enforcement of constitutional rights and guarantees in matters within its competence, as well as the other powers established by this Constitution and the law, in all the courts of the Nation. Exceptions to this rule include the Constitutional Court, the Election Certification Court and the regional electoral courts.
  3. The superior courts of justice may issue orders to impart general instructions to ensure the most expeditious and effective functioning of the administration of justice. In no case may the accorded orders refer to matters of law.
  4. The law shall establish the existence of substitute justices to sit in the chambers or the plenary of the superior court of justice in the absence of their regular justices, as well as for the other judicial functions determined by the law. Alternate justices may include lawyers who are not involved in the administration of justice. Those who assume these tasks must be full-time officials of the Judiciary. Exceptions are made for teaching posts and functions or commissions of the same nature in higher, secondary and special education.

## Article 160

1. For the governance of the Judiciary, there shall be bodies with legal autonomy responsible for the appointment of its members; training and improvement of



1. judges and civil servants; as well as the management and administration of the Judiciary. These three bodies shall function separately and in a coordinated manner.
2. An institutional law shall regulate the powers, organization and functioning of the bodies that exercise judicial governance, as well as the rights, duties and grounds for dismissal of their members.
3. The members of the governing bodies of the organs shall hold office for four years and may be re-elected once. The members of the appointing body may not be re-elected, and these judges shall serve for two years.

- Supreme court powers

## Article 161

The Supreme Court, through its Chief Justice, shall ensure the proper functioning and coordination with the members of the judicial prosecutor's office and the bodies responsible for judicial governance, respecting their due autonomy, in accordance with institutional law.

- Supreme court selection
- Ordinary court selection
- Establishment of judicial council

## Article 162

1. There shall be an organ whose function shall be to designate or nominate, as the case may be, the justices and judicial prosecutors of the Supreme Court, the Courts of Appeal, the career judges, the assistants of the administration of justice and such other persons as may be established by law. Appointments and nominations shall be based on objective factors, especially professional ability, merit, probity and experience.
2. The justices and judicial prosecutors of the Supreme Court shall be nominated by the President of the Republic, who shall choose them from a list of five persons who, in each case, shall be proposed by the body referred to in clause 1 and with the agreement of the Senate. The respective resolutions shall be adopted by three-fifths of its members in office, in a session specially convened for this purpose. If the Senate does not approve the proposal of the President of the Republic, the organ established in clause 1 must complete the list by proposing a new name to replace the rejected one, repeating the procedure until a nomination is approved.
3. Five of the members of the Supreme Court must be lawyers outside the administration of justice, have at least fifteen years of experience, have distinguished themselves in professional or university activity, and meet the other requirements established by the respective institutional law.
4. The organ referred to in clause 1 shall form the corresponding list in accordance with the merits of the candidates evaluated through a public background check, whether the position corresponds to a member from the Judiciary or a vacancy that must be filled with lawyers from outside the administration of justice.
5. It shall be the responsibility of the same organ to authorize the transfer and exchange of judges and judicial officials.
6. The body responsible for judicial appointments shall periodically carry out a performance review, in the manner established by law. The results of these processes and the main considerations for pursuing them shall be made public.
7. Appointments and nominations shall be made following a public and transparent contest, in the manner established by institutional law.
8. The organ referred to in this Article shall consist of:
  - a. A person appointed by the President of the Republic, following a public contest.
  - b. Two persons appointed by the Senate, following a public competition, by a single vote and by three-fifths of its members in office. The Senate shall

- Eligibility for supreme court judges

8.
  - b. act within sixty days from the close of the competition or, if this period has elapsed, at the nearest session of the chamber to be held.
  - c. Four judges appointed in accordance with the provisions of Article 167, who may not exercise judicial functions while in office.

Persons appointed under clauses (a) and (b) shall demonstrate an outstanding judicial, professional or academic record, and upstanding and impeccable conduct.

9. The members of the nomination body shall be full-time and shall always act with due diligence, objectivity, probity and independence. In the case of judges, upon completion of their term of office, they shall be reinstated in the manner determined by law.
10. The nominations agreed upon by this body shall be formalized by the President of the Republic by decree.
11. The law shall provide for the disqualifications for nomination, appointment, or promotion as an auxiliary to the administration of justice. However, the spouses, civil partners, ascendants, descendants, or collaterals relatives up to the third degree of consanguinity and second of affinity, inclusive, of the President of the Republic, ministers of State, undersecretaries, senators, deputies, the National Prosecutor, the justices of the Court and justices of the Constitutional Court may not be nominated, appointed or promoted in this capacity. This inability shall be extended for two years from the cessation of functions of the respective authority. In the case of notaries, conservators and archivists, the age limit provided for in clause 2 of Article 157 shall apply.

## Article 163

1. A body with legal personhood shall perform the function of administering and managing the human, physical, financial and technological resources of the Judiciary. It shall be headed by a Board of Directors.
2. The operational autonomy established in clause 1 shall be subject to the supervision established by institutional law, which may determine various modalities of internal and external audits.
3. The Board of Directors shall be composed of:
  - a. A justice of the Supreme Court, appointed by its plenary, who shall preside over the Board.
  - b. A judge of the Courts of Appeal, elected by its members.
  - c. Three judges appointed in accordance with Article 167.
  - d. Four professional advisors, with experience in administration and management of resources in the public or private sector, elected by public competition in the manner determined by law.
  - e. A member of the administrative body of the Judiciary, elected by its members, with the right to speak only.
4. The Board of Directors shall appoint an executive director from a list of three candidates drawn up by public competition in the manner determined by law.

## Article 164

The persons referred to in clause 8 of Article 162 and in clause 3 of Article 163 must declare their interests and assets publicly in accordance with the law, and shall be subject to the rules on probity in public office and the prevention of conflicts of interest, and to those regulating lobbying and actions that represent private interests before authorities and officials.

## Article 165

1. The function of the Judicial Prosecutor of the Supreme Court and the Judicial Prosecutors of the Courts of Appeal shall be to ensure the proper conduct of judges, officials of the Judiciary, assistants to the administration of justice and other persons determined by law.
2. Judicial prosecutors shall carry out investigations into disciplinary offenses and offenses against the probity of the persons referred to in the preceding clause and shall file charges if appropriate.
3. It shall be the responsibility of a Court of Conduct, specially composed of three judges, to hear and resolve such accusations, drawn on each occasion from among the persons indicated in clause 1 (d) of Article 167. Such judicial decisions may only be appealed for annulment before a new Court of Conduct, constituted in the same way by judges other than those who issued the appealed decision.
4. Judicial prosecutors shall under no circumstances exercise judicial functions.
5. The institutional law shall establish the procedure to be followed by prosecutors, as well as the manner in which the Court of Conduct will be established to resolve their accusations, ensuring that the actions of judges and prosecutors guarantee access to justice and due process. In any case, disciplinary proceedings shall not be initiated for decisions contained in judicial decisions issued in jurisdictional matters.

- Ordinary court selection

## Article 166

1. A body with legal personhood shall have the purpose of training candidates for the positions of judges, judicial prosecutors and justices of the Courts of Appeals; The training must consider the participation of accredited universities, in the manner established by institutional law.
2. The senior management of this body shall be in charge of a Board of Directors, composed of:
  - a. A justice of the Supreme Court, appointed by its plenary, who shall preside over the body.
  - b. A representative of the President of the Republic.
  - c. A judge of the Court of Appeals, elected by his or her peers.
  - d. Three judges, appointed in accordance with Article 167.
  - e. A president of one of the country's bar associations, elected by the presidents of all of them.
  - f. Two professors from the law schools of the country's accredited universities, elected by the deans of the faculties as required by law.

- Ordinary court selection

## Article 167

1. To periodically appoint the judges referred to in clause 8 (c) of Article 162; Article 163, clause 3 (c); Article 165 (3) and Article 166 (2) (d), the following procedure shall be followed:
  - a. The organ responsible for the administration and management of the Judiciary shall, when appropriate, draw up a list made up of judges sitting on the country's Court, which shall only include those who hold the post with a seniority of no less than ten years and who have not been sanctioned during that period.

1.
  - b. In order to comply with the appointments referred to in this subsection, the notary of the Supreme Court shall proceed to carry out the corresponding draws in the manner determined by institutional law.
  - c. Once the judges have been determined in the manner indicated in clauses (a) and (b), three judges shall be chosen by draw from among the others, who shall serve as alternates for those designated as members of the respective autonomous bodies, one of whom shall be assigned to each of the board of directors established in Articles 162, 163 and 166. They shall carry out their work in the manner established by the respective law.
  - d. Judges who are not chosen in accordance with the preceding clauses shall make up the list of judges referred to in clause 3 of Article 165.
2. The law shall determine the procedures, the timing and the judicial authorities that will carry out this task.

## CHAPTER X. CONSTITUTIONAL COURT

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- Establishment of constitutional court

### Article 168

1. The Constitutional Court is an autonomous judicial organ, whose function is to ensure the supremacy of the Constitution.
2. An institutional law shall regulate its organization, operation and procedures, in accordance with the provisions of this chapter. It shall also establish the staffing, the regime of remunerations and the bylaws of its personnel.

- Constitutional court selection

### Article 169

1. The Constitutional Court shall be composed of eleven members who shall be appointed as follows:
  - a. The Supreme Court, after a public background check, shall draw up a duly founded shortlist, in a session specially convened for that purpose and in a single vote.
  - b. The President of the Republic, upon receipt of the shortlist proposed by the Supreme Court, shall have thirty days to draw up and submit to the Senate a list of two candidates.
  - c. The Senate, after a public background hearing, shall have a period of thirty days to choose the candidate of the proposed binomial, by three-fifths of its members in office. If the Senate does not act within this period, the matter shall be put to the vote by the sole ministry of the Constitution at the nearest chamber session.
  - d. In the event that none of the candidates meets the quorum in the Senate, within thirty days the Supreme Court shall produce a shortlist with two new names, initiating a new process.
  - e. If, for the second time, no candidate meets the quorum in the Senate, the Supreme Court shall proceed to draw a lottery among the four candidates who have been proposed in pairs by the President of the Republic.
2. The appointment process must begin ninety days before the incumbent to be replaced ceases to hold office.
3. The members of the Constitutional Court shall hold office for eleven years and shall be renewed partially at the rate of one each year. They shall be irremovable

- Constitutional court term limits
- Constitutional court removal
- Constitutional court term length

3. and may not be re-elected, except for those who have been re-elected as a replacement and have held office for a period of less than five years.
4. The Constitutional Court shall have two alternate members, who may replace the incumbents and integrate the plenary or any of the chambers only in the event that the respective quorum is not reached for the session. Alternates must meet the same requirements to be appointed as a member of the Constitutional Court. The respective institutional law shall regulate the appointment procedure, their tenure and the other elements of their bylaws.

- Eligibility for const court judges

## Article 170

1. Members of the Constitutional Court shall have held a law degree for at least fifteen years, shall have recognized and proven professional or academic expertise and adequacy in the scope of their functions, may not have any impairment that disqualifies them from holding the office of judge and must possess the other qualifications necessary to be a citizen with the right to vote.
2. They shall be subject to the provisions of Articles 67 and 68 and Article 156 (d), and shall not be able to exercise the profession of lawyer, including judgeship, or any of the acts established in clauses 2 and 3 of Article 69.
3. They shall cease to hold office when they reach the age of seventy-five.
4. In the event that a member of the Constitutional Court ceases to hold office, he or she shall be replaced in accordance with the preceding article and for the time remaining to complete the term of office of the person being replaced.
5. The institutional law shall determine the rules of implications and recusals of the members and alternates of the Constitutional Court.

- Constitutional court term length

- Constitutional court powers

## Article 171

1. The Constitutional Court shall function as a plenary session or divided into two chambers. In the first case, the quorum to hold a session shall be at least nine members and in the second, four. The Constitutional Court shall adopt its decisions by a simple majority of its members, except in cases where the Constitution requires a different quorum.
2. The Constitutional Court, sitting in plenary session, shall make a final decision on the powers indicated in clauses (a), (c), (d), (e), (f), (g), (h), (i), (l) and (n) of the following article. For the exercise of its other powers, it may function in plenary or in chamber, in accordance with the provisions of the respective institutional law.
3. Whoever presides over the Constitutional Court shall not have a casting vote and shall exercise the powers established by the respective institutional law. In addition, in the absence of any of its members, he or she shall have the power to form part of any of the chambers.

- Constitutional court powers

## Article 172

The Constitutional Court has the following powers:

- Constitutionality of legislation
- Legal status of treaties

- a. To resolve, by three-fifths of its members in office, questions of constitutionality that arise during the processing of bills and international treaties submitted to Congress for approval.

The Constitutional Court shall hear the matter at the request of the President of the Republic, from either Chamber of Congress, by agreement of the majority of its members in office or of one third of its members, and the request may only be formulated within ten days of the dispatch of the bill, and even if it has already been published. With respect to international treaties, the request may in no case be formulated after the fifth day of the dispatch of the communication

a. informing the approval of the treaty by the National Congress. In the event that the President of the Republic submits observations in accordance with Article 86, the processing of the request shall be suspended. The contested part of the bill may not be published if the request is submitted before it, except in the case of the Budget Bill or the bill relating to the declaration of war proposed by the President of the Republic.

- Constitutionality of legislation
- Municipal government
- Subsidiary unit government

b. To resolve, by three-fifths of its members, questions of constitutionality that arise during the processing of bills relating to the creation, extension or transfer of powers to regional and local governments in accordance with article 147 of this Constitution. The Court shall hear the case at the request of a majority of the Board of Governors or of the Board of Mayors, in accordance with the procedure set forth in subsection (a) of this Article.

- Constitutional interpretation
- Legal status of treaties
- Constitutionality of legislation

c. To resolve, by a majority of the members in office, questions of procedural or jurisdictional violations established in the Constitution or in the institutional law of the National Congress and that arise during the processing of bills, constitutional reforms, and international treaties submitted to Congress for approval.

The Constitutional Court shall hear the case at the request of the President of the Republic, of either of the Chambers on Congress by agreement of the majority of its members in office or of one third of its members, provided that it is formulated within sixty days from the date on which the alleged defect became known and before the promulgation of the law or the dispatch of the communication informing the approval of the treaty by the National Congress and, in no case, after the fifth day of the dispatch of the bill or of the aforementioned communication.

The contested part of the bill may not be promulgated or published, as the case may be, until the defect has been remedied, except in the case of the Budget Bill or the bill relating to the declaration of war proposed by the President of the Republic.

- Constitutionality of legislation

d. To decide, by a majority of its members in office, whether a particular motion or guidelines for a bill is the exclusive initiative of the President of the Republic. The question may be raised by the President of the Republic or by one third of the deputies or senators in office, provided that it is formulated before the bill is dispatched. The Constitutional Court shall hear the matter on the sole merit of the information sent by the respective Chamber and without any form of trial. The judgment must be pronounced within five days of the sending of the background information, without, in the meantime, suspending the processing of the bill. This request must be filed within thirty days from the date on which the motion or guideline is reported to the respective chamber, as appropriate.

- Constitutionality of legislation

e. To resolve, by the majority of its members in office, the inapplicability of a legal norm whose application in a pending proceeding before an ordinary or special court is contrary to the Constitution.

It shall be up to any of the chambers of the Constitutional Court to declare, without further appeal, the admissibility of the matter provided that it verifies the existence of a pending action before the ordinary or special court, that the application of the contested legal provision may be decisive in the resolution of a case and that the challenge is reasonably founded. This same chamber shall be responsible for resolving the suspension of the procedure in which the action of inapplicability for unconstitutionality has originated. With regard to the suspension, the judge of the pending proceedings and the parties shall always have the right to be heard at any stage of the inapplicability process. The Court shall accept the action if, in the specific circumstances of the case, there is a defect of unconstitutionality that can be remedied by a declaration of inapplicability.

The matter may be referred to the Constitutional Court by either party or by the judge hearing the case. In the event that the question is raised by the parties, the judge in charge of the proceedings may report on the decisive application of the legal precept, which in any case shall not prevent its processing and admissibility.

- f. To decide, by three-quarters of its members in office, on the unconstitutionality of a legal norm declared inapplicable in accordance with the preceding clause. There shall be public action to request the Constitutional Court to declare it unconstitutional, without prejudice to the power of the latter to declare it *ex officio*. The Constitutional Court shall only be able to accept this action if all possible applications of the challenged provision are unconstitutional.
- g. To resolve questions arising from the constitutionality of a decree with the force of law represented by the Office of the Comptroller General of the Republic in accordance with Article 75. The question may be raised by the President of the Republic within ten days of the objection. It may also be promoted by any of the Chambers or by a third of its members, within a period of thirty days from the publication of the respective decree with the force of law that is challenged as unconstitutional, notwithstanding the fact that it has been approved.
- h. To resolve complaints in the event that the President of the Republic does not promulgate a law when he or she should do so or promulgates a text different from that which corresponds constitutionally. The matter may be put forth by either Chamber of Congress or by a quarter of its members, within thirty days following the publication of the challenged text or within sixty days following the date on which the President of the Republic should have promulgated the law. If the Constitutional Court upholds the complaint, it shall enact in its ruling the law that has not been enacted or it shall rectify the incorrect enactment.
- i. To rule on the constitutionality of a decree or resolution of the President of the Republic that the Office of the Comptroller General of the Republic has objected because he or she considers it unconstitutional, when requested by the President in accordance with clause 4 of Article 195.
- j. To rule on the defects of constitutionality of supreme decrees. The Constitutional Court may hear the matter at the request of either Chamber of Congress, or of one third of the members in office. The request must be submitted within thirty days of the publication or notification of the contested text. A person affected by a supreme decree may challenge it only through the appropriate constitutional and legal actions.
- k. To rule on questions of the constitutionality of judicial self-regulations. The Constitutional Court may hear the matter at the request of the President of the Republic, of either Chamber of Congress or of ten of its members. Additionally, any person who is a party to a trial or proceeding pending before an ordinary or special court, or from the first action of the criminal proceedings, may request the Constitutional Court when it is proven, in the specific circumstances of the case, that the exercise of his or her fundamental rights has been affected by the provisions of the respective procedural rule, which can be remedied only by a declaration of inapplicability of the contested provision.
- l. To resolve the questions that arise on the constitutionality of the call for a plebiscite, without prejudice to the powers that correspond to the Election Certification Court. The matter may be put forth at the request of the Senate or the Chamber of Deputies, within ten days from the date of publication of the decree that sets the day of the plebiscitary consultation. The Constitutional Court shall establish in its resolution the final text of the plebiscitary consultation, when appropriate. If, at the time of the delivery of the judgment, there are less than thirty days left before the plebiscite, the Constitutional Court shall set a new date between thirty and sixty days following the judgment.
- m. To decide on the constitutional or legal disqualifications that affect a person to be appointed Minister of State, to remain in that position or to simultaneously perform other functions. There shall be public action to require the Constitutional Court to exercise this power.
- n. To declare the unconstitutionality of political parties, movements or other forms of organization whose objectives, acts or conduct do not respect the basic principles of the democratic regime, as well as those that make use of, advocate or incite violence, or that carry out or claim responsibility for carrying out

- Referenda

- Regulation of political parties

- n. terrorist acts or conduct. The Constitutional Court shall be able to assess the facts in conscience.
- ñ. To resolve jurisdiction disputes that may arise between national, regional, provincial and communal authorities. The question may be presented by any of the authorities in conflict.
- o. To resolve conflicts of jurisdiction that may arise between the political or administrative authorities and the courts of justice, which do not correspond to the Senate. The matter may be presented by any of the conflicting authorities or courts.

- Constitutionality of legislation

## Article 173

1. The decisions of the Constitutional Court do not allow reservations, but only votes against. No action or appeal shall be allowed against them, without prejudice to the fact that the Constitutional Court itself may, in accordance with its institutional law, rectify any errors of fact in which it may have committed.
2. The provisions of the draft legislation or decree having the force of law that the Constitutional Court declares unconstitutional may not become law. In the case of subsection (a) of Article 172, the provisions of the bill whose defects have not been amended in accordance with that subsection may not become law.
3. In the case of subsection (k) of Article 172, the contested supreme decree shall be null and void, with the sole merit of the judgment of the Constitutional Court accepting the claim. However, the provision declared unconstitutional in accordance with the provisions of clauses g), h) and l) of Article 172 shall be deemed repealed as of the publication in the Official Gazette of the judgment accepting the claim, which shall not have retroactive effect. These judgments must be published within three days of their delivery.
4. The judgment upholding or rejecting the inapplicability of a legal norm or of the disposition of a procedural rule shall be binding on the court in whose management it is to produce effects and shall be expressly considered on the grounds of its decision.
5. If the question of constitutionality is accepted in accordance with Article 172 (a), the Constitutional Court shall refer the case to the National Congress so that it may rectify the defect within a period of sixty days, for which purpose a joint commission shall be formed to propose the form and manner of remedying it in accordance with the procedure set forth in article 83, clause 1. If this period has elapsed without the defect having been remedied, the judgment shall be published in the Official Gazette, at which time the legal norm declared unconstitutional shall be understood to be repealed.
6. If the matter is accepted in accordance with Article 172 (d), the Constitutional Court shall refer the case to the respective chamber so that the defect may be remedied. If the project has already been dispatched, a joint commission shall be formed to propose the form and manner of remedying it, in accordance with the procedure of clause 2 of Article 84.
7. The judgment accepting the action in accordance with subsection g) of Article 172 shall be referred to the National Congress, which may, within a period of ninety days, re-legislate to remedy the defect of declared unconstitutionality. Once this period has elapsed, the judgment shall be published in the Official Gazette, at which time the legal norm declared unconstitutional shall be understood to be repealed. The modification or substitution of the legal provision shall not preclude the possibility of accepting another respective question of unconstitutionality.
8. To improve functioning, the Constitutional Court may also request from any power, public body or authority, organization and movement or political party, as appropriate, the information it deems appropriate, and these actors shall be obliged to provide it in a timely manner.



# CHAPTER XI. NATIONAL SERVICE FOR ACCESS TO JUSTICE AND THE OFFICE OF THE OMBUDSMAN FOR VICTIMS

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- Protection of victim's rights

## Article 174

1. The National Service for Access to Justice and the Office of the Ombudsman for Victims is a body with legal personhood, functionally decentralized and territorially devolved. It shall liaise with the President of the Republic through the ministry responsible for relations with the judiciary.
2. Its purpose shall be to guarantee the right of access to justice. In its operation, it shall seek to make people aware of their rights, as well as the means to exercise them.
3. The service shall have the following functions:
  - a. Provide guidance, advice and legal representation to people who need it.
  - b. Provide comprehensive psychological and social support, especially to victims of crime.
  - c. Promote the use of alternative means of conflict resolution.
4. The law shall determine the cases in which these services shall be provided free of charge.

- Protection of victim's rights

## Article 175

1. The senior management of the service shall be vested in a National Director. The law shall determine the manner of appointment and other aspects relating to the organization and operation of the service, as well as the scope of its powers and coordination with other organs of the State Administration and public services.
2. There shall be a High Council which shall ensure the proper functioning of the service and shall advise the National Director on matters within its jurisdiction. The law shall determine its composition, form of appointment, organization, functioning and powers. This Council shall propose to the President of the Republic a National Plan for Access to Justice.
3. The acts of the Service shall be governed by the principles of probity, transparency, publicity, speed and accountability.

- Protection of victim's rights

## Article 176

1. The service shall have an Office of the Ombudsman for Victims, the purpose of which shall be to ensure that natural persons who are victims of crime are properly assisted. To this end, the Office of the Ombudsman shall:
  - a. Provide guidance, advice and legal representation to victims of crimes, especially in relation to the criminal prosecution of crimes and the filing of actions aimed at obtaining reparation for the damage caused.
  - b. Provide guidance, counseling, and psychological and social support.
  - c. Provide specialized and comprehensive care, avoiding revictimization.

1. d. Develop plans, policies, and programs aimed at ensuring the timely and adequate exercise of the rights and guarantees of victims.
2. 2. The Office of the Ombudsman shall have specialized units responsible for the defense of victims of crime in accordance with the law.

- Attorney general

## CHAPTER XII. PUBLIC PROSECUTOR'S OFFICE

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- Protection of victim's rights

### Article 177

1. The Public Prosecutor's Office is an autonomous, hierarchical body that shall exclusively direct the investigation of acts constituting a crime, those that determine punishable involvement, those that make it possible to aggravate or mitigate criminal responsibility and those that prove the innocence of the accused and, where appropriate, shall exercise public criminal action in the manner provided for by law. It shall also be responsible for taking measures to protect victims and witnesses. In no case may it exercise judicial functions and in all its actions it must adhere in an unrestricted manner to the requirements of due process, the principle of objectivity and the fundamental guarantees of the accused, victims and witnesses.
2. The Public Prosecutor's Office, on behalf of society, shall carry out public criminal proceedings in the manner provided for by law and shall always act with objectivity and independence, free from any undue influence, respecting the public interest and with high standards of integrity.
3. The victim of the crime and other persons determined by law may also bring criminal proceedings.
4. The Public Prosecutor's Office may issue direct orders to Law Enforcement and Public Safety during the investigation. The requested authority must comply with such orders without further formalities and may not qualify their basis, timeliness, justice or legality, except when prior judicial authorization is required, in cases where the law so provides. However, actions that deprive the accused or third parties of the exercise of the rights guaranteed by this Constitution, or restrict or disturb them, shall require prior judicial approval.
5. The exercise of public criminal proceedings and the conduct of investigations into the facts constituting the offense, those that determine punishable involvement, those that make it possible to aggravate or mitigate criminal responsibility and those that prove the innocence of the accused in cases that are before the military courts, and the adoption of measures to protect the victims and witnesses of such acts shall be the responsibility, in accordance with the provisions of the Code of Military Justice and the respective laws, of the organs and persons determined by that Code and those laws.

### Article 178

1. The Public Prosecutor's Office shall be organized into a National Prosecutor's Office, which shall direct its work through a Supraterritorial Prosecutor's Office, regional prosecutors' offices, and these through local prosecutors' offices.
2. There shall be an Inter-Institutional Coordination Council and a General Council of the Public Prosecutor's Office.

## Article 179

1. An institutional law shall determine the organization and powers of the Public Prosecutor's Office and the grounds for the dismissal and removal of deputy prosecutors, in matters not contemplated in the Constitution. Persons who are appointed as prosecutors may not be prevented from holding the office of judge.
2. The National Prosecutor, the Supraterritorial Prosecutor and the Regional Prosecutors shall cease to hold office at the end of their term of office.
3. Persons holding any of the positions referred to in the preceding subsection and deputy prosecutors shall cease to hold office when they reach seventy-five years of age, upon conviction of a crime or simple offense or for such other grounds as may be established by law.
4. The institutional law regulating the Public Prosecutor's Office shall establish the degree of independence, autonomy and responsibility that prosecutors shall have in the exercise of their functions. The law shall take into account the hierarchical structure of the Public Prosecutor's Office as provided for in this Constitution.

## Article 180

1. Active members of the judiciary may not run for the posts of National Prosecutor, Supraterritorial Prosecutor, Regional Prosecutors or Deputy Prosecutors.
2. Those who exercise any of the functions indicated in the previous clause may not run for elected office in the following two years after the end of their position.

## Article 181

1. The National Public Prosecutor is the highest authority of the Public Prosecutor's Office, to which the Supraterritorial Prosecutor, the regional prosecutors and, through them, the deputy prosecutors report hierarchically and directly. The National Prosecutor shall have the directive, correctional and economic supervision of the Public Prosecutor's Office, in accordance with the institutional law that regulates this organ.
2. The National Prosecutor shall be appointed on the proposal of the President of the Republic, with the agreement of the Senate adopted by three-fifths of its members in office, in a session specially convened for that purpose. The President shall make the proposal on the basis of a shortlist drawn up by the Supreme Court, which shall be drawn up after public hearings on a shortlist of ten candidates determined by a public competition system regulated by institutional law. If the Senate does not approve the proposal of the President of the Republic, the Supreme Court shall refill the list by voting among the remaining candidates. If the President's proposal is again rejected in the Senate, the procedure shall be repeated successively. The shortlist drawn up by the Supreme Court shall be formed in a single vote in which each member of the plenary of the Supreme Court shall have the right to vote for three people, meaning those who receive the most votes are elected. In the case of a tie, the outcome shall be settled by a lottery.
3. In the event of the resignation of any of the candidates included in the shortlist, the Supreme Court shall propose, among those on the list tabled through the public competition system determined by law, a new name to replace the one that has resigned.
4. The process of electing the National Prosecutor shall begin ninety days before the office becomes vacant.
5. The National Prosecutor must have held a law degree for at least fifteen years, meet the requirements of experience and training appropriate for the position, not have any of the disabilities, incompatibilities and prohibitions established in

5. the institutional law and possess the other qualities necessary to be a citizen with the right to vote. He or she shall hold office for eight years and may not be reappointed.
6. The National Prosecutor may justifiably order the temporary assignment of prosecutors and officials of the Public Prosecutor's Office to another position of equal or higher hierarchy in the manner indicated by the respective institutional law.

## Article 182

1. Within the structure of the National Prosecutor's Office, there shall be an internal affairs unit responsible for investigating disciplinary offenses and acts constituting crimes committed by prosecutors and officials of the Public Prosecutor's Office.
2. Institutional law shall regulate its organization and functioning, as well as the bylaws of its members, for the independent exercise of their functions.

## Article 183

1. There shall be a Supraterritorial Prosecutor's Office, with jurisdiction at the national level, which shall be responsible for exercising the functions and powers of the Public Prosecutor's Office in cases of organized crime and crimes of high complexity. The organization of the Supraterritorial Prosecutor's Office and the offenses it pursues shall be determined by the National Prosecutor, in accordance with institutional law, after having previously heard the Inter-institutional Coordination Council.
2. In the exercise of its powers, the Supraterritorial Prosecutor's Office shall act in coordination with the regional prosecutors' offices. Disputes of jurisdiction arising between the latter and the Supraterritorial Prosecutor's Office shall be resolved by the National Prosecutor.
3. The office shall be headed by a Supraterritorial Prosecutor who shall hold office for eight years and may not be appointed for a new period once he or she has ceased to hold office, which does not preclude him or her from being appointed to another position in the Public Prosecutor's Office.
4. The appointment and disqualification of the Supraterritorial Prosecutor shall be governed by the rules established for regional prosecutors. However, he or she shall remain in office for as long as he or she has the confidence of the National Prosecutor, except as expressly provided by the Constitution and the law.

## Article 184

1. There shall be a regional prosecutor in each of the regions into which the country is administratively divided, unless the population or geographical extent of the region makes it necessary to appoint more than one. The institutional law shall determine the organization, operation and details of the powers of the regional prosecutors' offices.
2. The regional prosecutors shall be appointed by the National Prosecutor, on the basis of a shortlist drawn up through a system of public tender regulated by institutional law.
3. Regional prosecutors must have held a law degree for at least fifteen years, have the appropriate experience and training requirements for the position and possess the other qualifications necessary to be a citizen with the right to vote; they shall hold office for eight years and may not be appointed as regional prosecutors again, which does not preclude them from being appointed to another position in the Public Prosecutor's Office.

## Article 185

1. There shall be deputy prosecutors appointed by the National Prosecutor, on the basis of a shortlist drawn up by the Supraterritorial Prosecutor or the Regional Prosecutor, as appropriate, which shall be formed through a system of public tender, in accordance with institutional law. They must have held a law degree for at least five years and possess the other qualifications necessary to be a citizen with the right to vote.
2. The deputy prosecutors shall be part of the local prosecutors' offices, through which the regional prosecutors' offices shall organize their work.

## Article 186

1. There shall be an Inter-Institutional Coordination Council chaired by the National Prosecutor, whose function shall be to advise and collaborate with the Public Prosecutor's Office in the performance of its functions.
2. It shall be composed of:
  - a. The Minister in charge of public security or his or her designee.
  - b. The Minister in charge of relations with the Judiciary or his or her designee.
  - c. The Minister in charge of promoting public policies relating to women or his or her designee.
  - d. The Director General of the Carabineros [Police] of Chile.
  - e. The Director General of the Investigations Police of Chile.
  - f. The National Director of the Gendarmerie of Chile.
  - g. The Director of the Service in charge of the application and supervision of internal revenues.
  - h. A representative of the agency in charge of the maritime police function.
  - i. A representative of the agency in charge of preventing the laundering of assets from organized crime.
3. Institutional law shall establish its functioning and the mechanisms for inter-institutional coordination.

## Article 187

There shall be a General Council of the Public Prosecutor's Office, composed of the Supraterritorial Prosecutor and the regional prosecutors, which shall be chaired by the National Prosecutor and whose powers shall be established by the institutional law regulating the Public Prosecutor's Office.

- Supreme court powers

## Article 188

1. The National Prosecutor, the Supraterritorial Prosecutor and the regional prosecutors may only be removed by the Supreme Court, at the request of the President of the Republic, the Chamber of Deputies, or ten of its members, in the event of unjustified failure to comply with the duties of their office, undue interference in the conduct of investigations, and incapacity or misconduct that is incompatible with the proper performance of their duties and obligations. The Supreme Court shall hear the matter in a plenary session specially convened for

1. that purpose, and in order to approve the removal it must gather the agreeing vote of the majority of its members in office.
2. The removal of regional prosecutors may be requested by the National Prosecutor.

## Article 189

The National Prosecutor, the Supraterritorial Prosecutor, the Regional Prosecutors and the Deputy Prosecutors may not be apprehended without a warrant from the competent court, except in the case of a flagrant crime or a simple offense, and only in order to be immediately placed at the disposal of the court which is to hear the case in accordance with the law.

# CHAPTER XIII. ELECTORAL JUSTICE AND ELECTORAL SERVICE

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- Electoral court powers

## Article 190

1. A special tribunal, which shall be called the Election Certification Court, shall have the function of keeping a reliable record of the expression of the popular will expressed by suffrage in the elections and plebiscites established by this Constitution. It shall have the directive, correctional and economic superintendence of all the regional electoral tribunals, and shall ensure the timeliness and speed of electoral justice.
2. This tribunal shall have the following powers:
  - a. To take cognizance of the general scrutiny and certification of the elections of the President of the Republic, senators, deputies and regional governors.
  - b. To resolve the claims and requests for rectification resulting from the elections of the President of the Republic, senators, deputies and regional governors.
  - c. To proclaim the President of the Republic, senators, deputies and regional governors who are elected, communicating the proclamation of the President-elect of the Republic to the President of the Senate and the President of the Chamber of Deputies; the proclamation of the elected deputies and senators to the President of the Senate and the President of the Chamber of Deputies, respectively; and that of the regional governors elected to the representative of the President of the Republic in the corresponding region and province, to the Regional Governor and to the respective Regional Council.
  - d. To rule on the disqualifications, incompatibilities and grounds for cessation of office of parliamentarians in accordance with the provisions of Article 69 of this Constitution.
  - e. To certify the incapacity invoked by deputies and senators, relating to the resignation of their positions when they are affected by a serious illness that prevents them from performing their functions.
  - f. To hear and resolve complaints against final judgments handed down by the supreme tribunal of political parties, when the decision is to suspend or expel a party member in accordance with article 44, clause 8, of this Constitution.

2.
  - g. To hear and resolve complaints against resolutions resulting in the expulsion of a deputy or senator from a political party.
  - h. To hear and resolve complaints against resolutions of the Supreme Court that certify the internal elections of political parties, in the cases and forms determined by law.
  - i. To declare removal from the office of regional governor, mayor, regional councilor and councilor at the request of the Board of Directors of the Electoral Service for the infraction indicated in clause 2 of Article 153 of this Constitution.
  - j. To hear and certify plebiscites, without prejudice to the powers of the Constitutional Court in this matter.
  - k. To exercise such other powers as may be determined by law.

- Electoral court selection
- Eligibility for electoral court judges

3. It shall be composed of five members appointed as follows:
  - a. Four justices of the Supreme Court, appointed by the same, by lottery, in the manner and opportunity determined by the respective institutional law.
  - b. A citizen who has held the office of President or Vice-President of the Chamber of Deputies or of the Senate for a period of not less than three hundred and sixty-five days, appointed by the Supreme Court in the manner indicated in clause a) above, from among all those who meet the qualifications indicated. The institutional law shall determine the corresponding remuneration for the exercise of this function.

- Eligibility for electoral court judges

4. The appointment referred to in subsection b) of the preceding clause may not be made by those who are parliamentarians, candidates for popularly elected office, ministers of state, or leaders of political parties.

5. In the event of the temporary absence of one of the members of the Election Certification Court, the position shall be filled by his or her respective alternate. If the incumbent is absent and is a member of the Supreme Court, he or she shall be replaced by another justice drawn for that purpose. In the act of drawing the lottery for the appointment of the titular justice, the alternate justice shall also be appointed.

- Electoral court removal
- Electoral court term length
- Electoral court term limits

6. The members of this tribunal shall hold office for four years. They shall, however, cease to hold office when they reach the age of seventy-five and the provisions of Articles 67 and 68 of this Constitution shall apply to them.

7. The Election Certification Court shall sit as a jury in the assessment of the facts and shall rule in accordance with the law.

8. An institutional law shall regulate the organization and operation of the Election Certification Court.

- Electoral court powers

## Article 191

1. There shall be regional electoral tribunals responsible for taking cognizance of the general scrutiny and certification of the elections entrusted to them by law, as well as for resolving the complaints to which they give rise and for proclaiming the elected candidates. Furthermore, they shall be responsible for taking cognizance of the certification of the elections of a union nature and those that take place in those intermediate groups that the law indicates. Its final judgments and other resolutions determined by law shall be subject to appeal to the Election Certification Court.

2. These tribunals shall consist of a Justice and two members who perform or have performed the function of alternate Justice of the respective Court of Appeals,

2. appointed by the latter by lottery, in the manner and opportunity determined by institutional law.
3. The term of office of the members of this tribunal shall be six years. However, they shall cease to hold office when they reach seventy-five years of age and shall have the disabilities and incompatibilities determined by law.
4. These tribunals shall sit as juries in the assessment of the facts and shall pass judgment in accordance with the law.
5. Institutional law shall determine the other powers of these tribunals and regulate their organization and functioning.

- Electoral commission

## Article 192

1. An autonomous body, with legal personhood and its own assets, called the Electoral Service, shall manage the administration, supervision and auditing of elections and plebiscites; compliance with rules on transparency, limits and control of electoral spending; of the rules on political parties, and the other functions indicated by an institutional law.
2. The senior management of the Electoral Service shall be vested in a Board of Directors, which shall exclusively exercise the powers entrusted to it by the Constitution and the laws. This Council shall be composed of five councilors appointed by the President of the Republic, subject to the agreement of the Senate adopted by three-fifths of its members in office. The directors shall hold office for ten years, may not be appointed for a new term and shall be renewed partially every two years.
3. Councilors may only be removed by the Supreme Court, at the request of the President of the Republic or of one third of the members in office of the Senate, for serious infringement of the Constitution or the laws, incapacity, misconduct or manifest negligence in the exercise of their functions. The Supreme Court shall hear the matter in plenary session, specially convened for that purpose, and in order to agree to the removal it must gather the agreement of the majority of its members in office.
4. The organization and powers of the Electoral Service shall be established by an institutional law. This law shall regulate:
  - a. The administration of the general register of members of political parties and the supervision of their internal elections in the cases and forms determined by law.
  - b. The registration by the Electoral Service of citizen initiatives of law, together with the provision of the sponsorship system for them and their respective submission to the National Congress.
  - c. The request by the Board of Directors of the Electoral Service for the dismissal of senators and deputies for the infraction indicated in clause 7 of Article 69 and clause 2 of Article 153 of this Constitution.
  - d. Its form of deconcentration, the recruitment, remuneration, and bylaws of its staff.
5. The electoral law shall provide for the system of electoral registration referred to in Article 40, clause 2, of this Constitution, under the conditions indicated therein. The processing of electoral data shall be regulated by law.
6. The resolutions, opinions and final administrative acts of the Electoral Service that affect the rights of voters, candidates or political parties may be appealed before the electoral courts, in accordance with the law.



## CHAPTER XIV. COMPTROLLER GENERAL OF THE REPUBLIC

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### Article 193

1. An autonomous body, known as the Office of the Comptroller General of the Republic, shall exercise control over the legality of the acts of the State Administration and of the regional and local administration, as well as probity in the exercise of the administrative function.
2. The functions of the Office of the Comptroller General of the Republic are:
  - a. To control the legality of the acts of the State Administration, having power to take account of decrees and resolutions, and issue opinions.
  - b. To supervise and audit the legality of the income, expenditure and investment of public funds of the State, regional and local administration, and of other public bodies and services determined by law.

The Office of the Comptroller shall supervise private companies with respect to the use of public funds, in the cases and forms determined by institutional law.
  - c. To advise the financial management and issue accounting regulations for the State Administration.
  - d. Examine and formulate objections to the accounts, in accordance with the law.
3. The Office of the Comptroller General of the Republic shall exercise its powers in each of the regions of the country, in accordance with the provisions of the institutional law. The main function of the regional comptroller's offices is to control the regional and local administration of the State. In the same way, the Comptroller's Office shall ensure the creation of institutional spaces that allow the participation of citizens in the knowledge of the measures that are adopted.
4. The acts of the Office of the Comptroller General of the Republic shall be governed by the principles of probity, transparency, publicity, speed and accountability. The Comptroller General shall render an annual report to the Chamber of Deputies, in the manner determined by institutional law.
5. An institutional law shall regulate its organization, functioning and powers, and shall determine its powers at the regional and local levels, in accordance with the provisions of this chapter.

### Article 194

1. The Office of the Comptroller General shall be headed by a Comptroller General of the Republic. He or she shall be appointed by the President of the Republic with the consent of the Senate adopted by three-fifths of its members in office. He or she shall hold office for a period of eight years, may not be appointed for the following period and shall be irremovable. However, he or she shall cease to hold office when he or she reaches the age of seventy-five. The appointment process must begin ninety days before the incumbent ceases to hold office.
2. The Comptroller General must have held a law degree for at least fifteen years and have recognized and proven professional or academic competence and adequacy in the scope of his or her duties, as well as possess the other qualities necessary to be a citizen with the right to vote.

## Article 195

1. The Comptroller General shall take account of the decrees and resolutions which, in accordance with the law and by means of a resolution issued by the Comptroller General of the Republic, must be processed by the Office of the Comptroller General of the Republic or shall represent the illegality of which they may suffer.

The acts of regional and local governments shall be subject to review in accordance with the law and by a resolution issued by the Comptroller.

2. The Comptroller General shall give effect to decrees and resolutions when, despite his or her refusal to approve them due to illegality, the President of the Republic insists on the signature of all his or her ministers, in which case he or she must send a complete copy of the respective decrees to the Chamber of Deputies. In no case shall the Comptroller process the decrees of expenditures that exceed the limit indicated in the Constitution and shall send a full copy of the records to the same Chamber.

3. He or she shall also be responsible for recording decrees with the force of law, and shall refuse to approve them when they exceed or contravene the respective delegatory law or are contrary to the Constitution.

4. If the refusal takes place with respect to a decree having the force of law, a decree promulgating a law or a constitutional amendment because it departs from the approved text, or a decree or resolution because it is contrary to the Constitution, the President of the Republic shall not have the power to insist. If it does not comply with the assessment of the Office of the Comptroller General of the Republic, the President may submit the case to the Constitutional Court within ten days, so that it may resolve the dispute.

5. Any decree or resolution approving disbursements or compromising in any way the liability of the State, if the expenditure is not authorized by the Budget Law or by special laws, shall not be recorded.

6. The Comptroller General shall interpret, in a mandatory and binding manner for the Administration, the administrative legislation on matters related to the operation of the public agencies and services subject to his supervision. The law shall determine the basis of due process for issuing opinions and reports. The actions of the Comptroller General shall be judicially challengeable through constitutional and legal actions.

7. The Office of the Comptroller General of the Republic, when performing legality control or audits, may not evaluate the merit or appropriateness of political or administrative decisions.

## Article 196

There shall be a Court of Auditors that shall judge the objections to the accounts made by the Office of the Comptroller General of the Republic. Its organization, powers and procedure are matters of institutional law.

## Article 197

The State Treasuries may not make any payment except by virtue of a decree or resolution issued by a competent authority, which expresses the law or the part of the budget that authorizes such expenditure. Payments shall also be made in accordance with the chronological order established therein and after the document ordering payment has been endorsed by the budget.

• Central bank

## CHAPTER XV. CENTRAL BANK

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### Article 198

The Central Bank is an autonomous body, with its own assets, of a technical nature, whose composition, organization, functions and powers shall be determined by an institutional law.

### Article 199

1. The purpose of the Central Bank shall be to ensure price stability and the normal functioning of internal and external payments.
2. To this end, the Central Bank may regulate the amount of money and credit in circulation, execute international credit and exchange operations, and issue general rules on monetary, credit, financial and international exchange matters.
3. The Central Bank shall exercise its functions and powers in such a way as to safeguard compliance with the objectives referred to in clause 1, without prejudice to the fact that it may also consider the effects of monetary policy on economic activity and employment.

### Article 200

1. The Central Bank may only carry out operations with financial institutions, whether public or private. In no way may it grant its guarantee to them, or acquire documents issued by the State, its agencies or companies.
2. Notwithstanding the foregoing, in exceptional and transitory situations, in which the preservation of the normal functioning of internal and external payments so requires, the Central Bank, by means of a reasoned resolution adopted with the favorable vote of at least four directors, may buy for a certain period and sell, on the open secondary market, debt instruments issued by the Treasury, in accordance with the provisions of the institutional law.
3. No public expenditure or loan may be financed by direct or indirect credits from the Central Bank.
4. The Central Bank may not adopt any agreement that means, directly or indirectly, establishing different or discriminatory rules or requirements in relation to persons, institutions or entities that carry out operations of the same nature.

### Article 201

1. The management and senior administration of the Bank shall be the responsibility of the Board of the Central Bank, which shall exercise the powers and perform the functions established by the Constitution and its institutional law.
2. The Board, in adopting its decisions, must bear in mind the general thrust of the Government's economic policy.

### Article 202

1. The Board shall consist of five directors, appointed by the President of the Republic, by means of a supreme decree issued through the Ministry of Finance,

1. following the agreement of the Senate adopted by three-fifths of its members in office.
2. The members of the Board shall hold office for ten years, and may be appointed for further periods and shall be renewed for partial terms, at the rate of one every two years.
3. The Chairman of the Board, who shall also be the Chairman of the Bank, shall be appointed by the President of the Republic from among the members of the Board and shall hold this office for five years or the shorter time remaining as a Director, and may be appointed for further periods.

- Head of state powers

## Article 203

1. The President of the Republic may dismiss a member of the Board of Directors and of the Bank, at the well-founded request of at least three of its members, on the grounds of non-compliance with the policies adopted or the rules issued by the Board.
2. Once the request has been received, the President of the Republic may accept or reject it. If it is accepted, the prior consent of three-fifths of the members of the Senate shall be required to proceed with the impeachment.

- Head of state powers

## Article 204

1. The President of the Republic may remove any or all of the members of the Board for just cause and with the prior consent of the Senate, granted by three-fifths of its members in office.
2. The removal may only be based on actions of the director that imply a serious and manifest breach of the objectives of the institution, of public probity, or that he or she has incurred in any of the prohibitions or incompatibilities established in the Constitution or in the institutional law and provided that such actions have been the main and direct cause of significant damage to the country's economy.

## Article 205

1. The Central Bank is governed by the principle of transparency in the exercise of public functions, in accordance with the provisions of its institutional law.
2. The Central Bank shall report annually to the President of the Republic and to the Senate in the manner determined by institutional law. Furthermore, it must adopt transparency standards and report periodically on the execution of the policies under its jurisdiction, the measures and general rules it adopts in the exercise of its functions and powers, and the other matters that are requested of it, in accordance with the law.

- Protection of environment

# CHAPTER XVI. ENVIRONMENTAL PROTECTION, SUSTAINABILITY AND DEVELOPMENT

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## Article 206

Environmental protection, sustainability and development are aimed at the full exercise of people's rights, as well as the care of nature and its biodiversity, considering current and future generations.

## Article 207

1. It is the duty of the State and the people to protect the environment and promote sustainability.
2. Environmental protection includes the conservation of environmental heritage and the preservation of nature and its biodiversity, in accordance with the law.
3. Sustainability implies that economic development requires the sustained and equitable improvement of people's quality of life, based on appropriate measures of conservation and protection of the environment, so as not to compromise the expectations of future generations.
4. In these tasks, the State shall promote public-private collaboration.

## Article 208

The Constitution guarantees the right of access to justice, information and citizen participation in environmental matters, in accordance with the law.

## Article 209

The State shall promote environmental education, in accordance with the law.

## Article 210

It is the duty of the State to promote an energy policy compatible with the protection of the environment, sustainability and development, as well as waste management, in accordance with the law.

## Article 211

- Reference to fraternity/solidarity

The State shall promote the harmonious, supportive and sustainable development of the national territory.

## Article 212

The State shall implement mitigation and adaptation measures in a timely, rational and fair manner in view of the effects of climate change. It shall also promote international cooperation to achieve these objectives.

## Article 213

1. The State shall have administrative and jurisdictional institutions in environmental matters, which shall be of a technical nature, as appropriate, and established by law. Their actions shall be objective and timely, and their decisions shall also be well-founded.
2. Environmental assessment procedures shall be technical and participatory in nature, shall use uniform criteria, requirements, procedures and conditions, and shall result in timely and contestable decisions in accordance with the law.

- Constitution amendment procedure

# CHAPTER XVII. CONSTITUTIONAL CHANGE PROCEDURES

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## Article 214

1. Draft amendments to the Constitution may be initiated by message from the President of the Republic or by motion of any member of the National Congress, subject to the maximum number of signatures established in Article 76.
2. In order to be approved in each chamber, the amendment project shall need the assent of three-fifths of the deputies and senators in office.
3. In matters not provided for in this chapter, the rules on draft legislation shall be applicable to the processing of constitutional reform bills, and the quorum indicated in the preceding clause must always be respected.

## Article 215

1. The draft approved by both Houses shall go to the President of the Republic.
2. If the President of the Republic rejects entirely a draft amendment approved by both Chambers of Congress and the latter insist on its entirety by three-fifths of the members in office of each Chamber, the President of the Republic must promulgate such amendment, unless he or she consults the citizenry by plebiscite.
3. If the President of the Republic partially objects to a draft amendment approved by both Chambers, the objections shall be deemed to have been approved with the assent of three-fifths of the members in office of each Chamber and shall be returned to the President of the Republic for promulgation.
4. In the event that the Chambers do not approve all or some of the observations of the President of the Republic, there shall be no constitutional amendment on the points of disagreement, unless both Chambers insist by two-thirds of their members in office on the part of the amendment approved by them. In the latter case, the part of the amendment that has been insisted upon for enactment shall be returned to the President of the Republic, unless the President consults the citizenry to decide by means of a plebiscite on the issues in disagreement.
5. A plebiscite shall also be admissible when, without having reached the quorum of the insistence indicated in the preceding clause, the Chambers that are formed after the next congressional election insist with three-fifths of deputies and senators in office voting in favor and the President of the Republic decides not to promulgate the part of the amendment that has been the object of insistence.
6. The institutional law relating to the National Congress shall regulate all other matters regarding the vetoing of constitutional amendments and their processing.

• Referenda

• Referenda

## Article 216

1. The call for a plebiscite shall be made within thirty days following the day on which both Chambers insist on the amendment approved by them, and shall be ordered by means of a supreme decree that shall fix the date of the vote, which shall be held one hundred and twenty days after the publication of said decree if that day falls on a Sunday. If this is not the case, the vote shall be held on the Sunday immediately thereafter. If this period has elapsed without the President

1. of the Republic calling for a plebiscite, the amendment approved by the National Congress shall be promulgated.
2. The convocation decree shall contain, as appropriate, the amendment approved by both Chambers and vetoed in its entirety by the President of the Republic, or the issues of the amendment on which Congress has insisted, in accordance with the provisions of clauses 4 and 5 of the preceding article. In the latter case, each of the issues in disagreement must be voted on separately in the plebiscite.
3. The Election Certification Court shall inform the President of the Republic of the result of the plebiscite and shall specify the text of the amendment approved by the citizens, which shall be promulgated as a constitutional amendment within five days of such communication.
4. Once the amendment has been promulgated and from the date of its entry into force, its provisions shall form part of the Constitution and shall be deemed to have been incorporated into the Constitution.

- Transitional provisions

## TRANSITORY PROVISIONS

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### First

This Constitution shall enter into force from the date of its publication in the Official Gazette, which must be done within ten days of its promulgation. As of this date, Supreme Decree No. 100 of 2005, which establishes the consolidated, coordinated and systematized text of the Political Constitution of the Republic of Chile, its subsequent constitutional reforms and its interpretative laws, shall be repealed, without prejudice to the rules contained in these transitional provisions.

- Constitutionality of legislation

### Second

1. All regulations in force on the date of publication of this Constitution shall remain in force as long as they are not repealed, modified or replaced, or as long as they are not declared contrary to the Constitution by the Constitutional Court, in the appropriate cases and in accordance with the provisions of this Constitution.
2. It shall be understood that the laws currently in force referring to matters that, in accordance with this Constitution, must be the subject of institutional laws or special quorum, comply with the requirements established by this Constitution and shall continue to be applied to the extent that they are not contrary to it, until the corresponding legal bodies are enacted.

### Third

Persons who have served as members of the Constitutional Court, the Expert Commission or the Technical Committee on Admissibility, in accordance with Constitutional Reform Law No. 21,533, may not be candidates for the next elections for President of the Republic, deputy, senator, regional governor, regional councilor, mayor and councilor. Likewise, they may not be candidates for any other popularly elected office in the first election corresponding to each office created by virtue of this Constitution.

- Head of state powers

### Fourth

The President of the Republic shall send, within a period of three years from the entry into force of this Constitution, legislation regulating the matter referred to in clause 3 of Article 3. Until such a law is enacted, judgments handed down by international tribunals against the State of Chile, whose jurisdiction it has recognized, as well as agreements or

alternative dispute resolutions, shall continue to be enforced by the national authorities in the manner provided for and in accordance with their competences.

- Head of state powers

## Fifth

Within one year of the entry into force of this Constitution, the President of the Republic shall submit to the National Congress a bill to create the National Anti-Corruption Agency referred to in clause 6 of Article 8.

- Head of state powers
- Terrorism

## Sixth

The President of the Republic shall submit, within a period of one year from the entry into force of this Constitution, a bill to bring Law No. 18,314, which determines terrorist conduct and establishes its penalty, into line with the standards of human rights and efficiency in criminal prosecution established by the Constitution.

## Seventh

The body referred to in clause 15 of Article 16 is the one regulated by Law No. 20,285, on access to public information, which, for these purposes, is deemed to meet the requirement of having been approved by an institutional law.

- Head of state powers
- Freedom of association

## Eighth

The President of the Republic, within a period of five years from the entry into force of this Constitution, shall send a bill to regulate the matter contained in clause 17 of Article 16 therein. Until this law enters into force, the claim shall be heard by the respective Court of Appeals, in accordance with the agreed order that shall be issued for that purpose.

- Right to health care

## Ninth

The law regulating the health plan referred to in subsection c) of clause 22 of Article 16 shall be sent to the National Congress before the first day of the fourth year since the entry into force of this Constitution.

- Compulsory education

## Tenth

By virtue of the provisions of Article 16, clause 23 (d) of this Constitution, the obligatory nature of the second transitional level and the duty of the State to finance a free system from the lower middle level, aimed at ensuring access to the latter and its higher levels, shall gradually come into force, in the manner provided by law.

- Ownership of natural resources

## Eleventh

Large-scale copper mining and the enterprises considered as such, nationalized by virtue of the provisions of the seventeenth transitory provision of the Political Constitution of 1925, ratified by the third transitory provision of the Political Constitution of 1980, the text of which was consolidated, coordinated and systematized by Supreme Decree No. 100 of 2005, shall continue to be governed by the constitutional provisions in force on the date of promulgation of this Constitution.

- Ownership of natural resources

## Twelfth

The rights to use water constituted, recognized or regularized in accordance with the law shall be governed by the legal norms in force at the time of the promulgation of this Constitution.



## Thirteenth

Notwithstanding the provisions of Article 16, clause 28, and the second transitory provision of this Constitution, the provisions currently in force on social security matters shall be deemed to be in conformity with the Constitution and shall continue to apply as long as they are not expressly amended or repealed by law.

- Head of state powers

## Fourteenth

1. Within a period of six months from the entry into force of this Constitution, the President of the Republic shall send to the National Congress a bill providing for the exceptions to the exemption referred to in the second paragraph of subsection (c) of clause 29 of Article 16.
2. The exemption established in subsection (c) of clause 29 of Article 16 shall be applied by law by the tax administration and progressively, with respect to the annual land tax to be paid, as of January 1, 2026, at a rate of twenty percent per year until its full implementation.
3. Within a period of one year from the entry into force of this Constitution, the President of the Republic shall send to the National Congress a bill that shall include mechanisms to compensate for the decrease in municipal revenues that may eventually be generated, according to the plan indicated in the preceding clause.

- Head of state powers

## Fifteenth

1. Within a period of two years from the entry into force of this Constitution, the President of the Republic shall send a bill to the National Congress to create the procedures described in subsection e) of clause 31 of Article 16.
2. Until the law referred to in the preceding clause enters into force, the hearing and resolution of these matters shall be submitted to the ordinary courts of justice and shall be processed in accordance with the ordinary procedure provided for in the current Second Book of the Code of Civil Procedure.

- Head of state powers
- Conditions for revoking citizenship

## Sixteenth

The President of the Republic, within a period of five years from the entry into force of this Constitution, shall send a bill to establish the cases and the procedure for the revocation of the naturalization granted by grace provided for in subsection d) of clause 1 of Article 18.

- Head of state powers
- Right to amparo

## Seventeenth

The President of the Republic, within a period of two years from the entry into force of this Constitution, shall send one or more bills to regulate the procedures for the action for protection and the action for amparo. As long as the regulations that regulate them do not come into force, the agreed upon orders issued by the Supreme Court for that purpose shall apply.

- Head of state powers
- Emergency provisions

## Eighteenth

The President of the Republic, within a period of eighteen months from the entry into force of this Constitution, shall send an institutional bill that adapts Law No. 18,415, Constitutional Organic Law on states of emergency. As long as the corresponding legal body is not issued, the current regulations shall continue to be applied, insofar as they are not contrary to the Constitution.

- Electoral court powers
- Regulation of political parties

## Nineteenth

If the statutory laws referring to political parties and the Election Certification Court are not appropriate to the new constitutional regime, the procedure for processing appeals against sanctioning decisions of the supreme courts of political parties shall be regulated by one or more agreed orders issued by the Election Certification Court, which shall ensure, in any case, a rational and fair process.

- Regulation of political parties
- Restrictions on political parties

## Twentieth

1. As long as the grounds established in clause 2 of Article 56 of decree with force of law No. 4, of 2017, of the Ministry of the General Secretariat of the Presidency, which establishes the consolidated, coordinated and systematized text of Law No. 18,603, constitutional organic law of Political Parties, are not modified, it shall not be applied, it being understood that political parties shall also be dissolved for not reaching two point five percent of the votes validly issued in the last election of deputies. The Election Certification Court shall communicate the count to the Electoral Service, which shall determine compliance with the required minimum. The aforementioned counting shall be declaratory in nature.
2. For the purposes of the foregoing, the provisions of the second clause of Article 56 and the second clause of Article 57 of the aforementioned legal body shall be applicable.

- Compulsory voting

## Twenty-first

1. The provisions relating to penalties for non-voting and the procedure for their application, provided for in Laws No. 21,200, No. 21,448 and No. 21,533, shall remain in force.
2. As long as there is no law in accordance with Article 39, the provisions of Law No. 21,533 referring to the matters indicated in the preceding clause shall be deemed applicable.

- Regulation of political parties
- Restrictions on political parties

## Twenty-second

1. From the entry into force of this Constitution, and until the elections of deputies that shall take place in 2025, the affiliation of a number of citizens with the right to vote equivalent to at least zero point three percent of the electorate that voted in the last election of deputies in each of the regions where it is being constituted shall be required for the formation of new political parties. After the aforementioned election in 2025, the affiliation of a number of citizens with the right to vote equivalent to at least zero point eighteen percent of the electorate that has voted in the election of deputies in each of the regions where it is being constituted shall be required. The calculation of the percentages indicated shall be made according to the general count carried out by the Election Certification Court.
2. The number of members to be gathered in accordance with the provisions of the preceding clause shall be in eight of the regions into which the country is politically and administratively divided, or in at least three geographically contiguous regions. Once this has been done, the Director of the Electoral Service shall be requested to proceed with the registration of the party in the registry of political parties.

## Twenty-third

Within one year of the entry into force of this Constitution, the National Congress shall create a repository that gathers the information generated by virtue of the mechanisms

of popular participation to guide the congressional debate.

## Twenty-fourth

The legal reform that adapts the institutional law of the National Congress for the creation of the Congressional Office of Public Finance and Regulatory Impact, according to the new constitutional regime, shall be presented within one year of the entry into force of this Constitution.

## Twenty-fifth

Without prejudice to the provisions of Decree with force of law No. 2, of 2017, of the Ministry of the General Secretariat of the Presidency, which establishes the consolidated, coordinated and systematized text of Law No. 18,700, constitutional organic law on Popular Votes and Counting, the power of the Board of Directors of the Electoral Service referred to in Article 189 of the aforementioned legal body shall be exercised in the month of April 2024, using the last official census carried out.

- Restrictions on political parties
- Regulation of political parties

## Twenty-sixth

1. Exceptionally, in order to gain congressional representation in the Chamber of Deputies in the first electoral process held since the entry into force of this Constitution, political parties must obtain at least four per cent of the votes validly cast at the national level or have sufficient seats to add up to at least four representatives in the National Congress, between those eventually elected in that congressional election and the senators who continue in office until the next election.
2. Alternatively, two or more political parties competing on the same list or electoral pact that, individually, have not reached the threshold set forth in clause 4 of article 56, may merge to access the allocation of seats in the Chamber of Deputies if the sum of the votes validly cast at the national level for each of the aforementioned political parties is sufficient to reach the percentage required in the aforementioned Article 56.
3. Political parties that have competed on the same list or electoral pact but have not individually reached the threshold referred to in Article 56 may also have access to the allocation of seats referred to above, to the extent that they merge with the political party of the same list or electoral pact that has reached it.
4. In any case, the provisions of the preceding paragraphs shall only apply to the first election of deputies that takes place after the entry into force of this Constitution. The merger referred to in the preceding paragraphs must, in any case, be carried out within fifteen days after the date of the aforementioned election of deputies.

- Regulation of political parties
- Restrictions on political parties
- Campaign financing

## Twenty-seventh

From the entry into force of this Constitution and to be effective in the election of deputies in 2025 and in successive elections of the same nature, the reimbursement of public resources that is appropriate, once the electoral process is completed and the accounts referred to by law have been rendered, to the candidates who belong to legally constituted political parties and those independent candidates who are in pact or sub-pacts with them, shall proceed only if such political parties have obtained at least one percent of the votes validly cast at the national level in the respective election of deputies, and to the extent that the other corresponding demands, limits and legal requirements are satisfied.

## Twenty-eighth

In the case of notaries, conservators and judicial archivists, the provisions of clause 11 of Article 162 shall come into force two years from the date of entry into force of this Constitution.

- Electoral commission

## Twenty-ninth

1. Within eighteen months of the entry into force of the Constitution, the Board of Directors of the Electoral Service shall prepare a proposal for the demarcation of districts on the basis of criteria of population density, equality of vote and respect for the political and administrative division of the country into communes, provinces and regions, which may not be divided or altered when dividing or demarcating districts.
2. The proposal of the Electoral Service shall be submitted to the consideration of the National Congress, through a bill, which must be processed by a bicameral commission and concluded by the legislature beginning on March 11, 2026. If, after eighteen months from the beginning of said legislature, the proposal for district demarcation of the Electoral Service is not dispatched by the National Congress, the original proposal of the Board of Directors of the Electoral Service for the election of deputies for the year 2029 and thereafter for elections of the same nature shall apply.

- Electoral commission

## Thirtieth

The proposal for the demarcation of districts to be made by the Board of Directors of the Electoral Service referred to in the previous transitory provision must consider that the Chamber of Deputies is made up of a total of 138 deputies.

- Electoral court powers
- Regulation of political parties

## Thirty-first

From the entry into force of this Constitution, independent candidacies for deputies or senators outside of a pact shall require the sponsorship of a number of citizens equal to or greater than one percent of those who have voted in the electoral district or in the senatorial district, depending on whether they are candidacies for deputies or senators, respectively, in the previous periodic election of deputies, according to the general counting carried out by the Election Certification Court.

- First chamber representation quotas
- Second chamber representation quotas
- Equality regardless of gender

## Thirty-second

Within one year of the entry into force of this Constitution, an electoral bill shall be submitted to the National Congress, by message or motion, which shall provide a mechanism for its integration, in accordance with the following rules:

- a. The mechanism shall correct the distribution and preliminary allocation of seats, in elections of deputies and senators, when either sex exceeds sixty percent of those elected in the respective acts.
- b. Preliminary allocations of candidates of the overrepresented sex shall yield in favor of candidates of the underrepresented sex, until the proportion of the preceding clause is achieved.
- c. The mechanism shall operate first with respect to the candidates of the overrepresented sex who have received the least votes in the electoral pact or list with the least votes. The law shall endeavor to prevent reassignment from the candidates who have been preliminarily elected on the electoral lists or pacts with the highest number of votes.

- d. The validity of the mechanism referred to in this article shall cease after the two congressional elections following the entry into force of the electoral law referred to in this article, or, if, before the aforementioned period in the same congressional election, if its application has not been mediated, the proportion indicated in subsection a) is achieved in their respective electoral results.

### Thirty-third

The adjustments to the regulations of the Chamber of Deputies and the Senate, which must be made to comply with the provisions of this Constitution, shall be made within one year of the publication of this Constitution.

### Thirty-fourth

1. The law on the new public employment regime provided for in Article 110 of this Constitution shall be submitted to the National Congress within a maximum period of two years from the entry into force of this Constitution. This law shall apply to the new hires and promotions of public officials referred to in this law and which are carried out in the State Administration.
2. In any case, the law must safeguard the rights of civil servants who, on the date of its entry into force, are permanent employees, without prejudice to establishing that these civil servants may voluntarily join the new public employment regime, in which case such civil servants shall be governed by the rules of the new public employment regime and provide that vacancies that occur in these positions, After the entry into force of this law, they must be filled out in accordance with the rules of the new public employment regime.
3. Likewise, the law shall regulate the transition to the new public employment regime of public officials who, on the date of its entry into force, are subject to the current contract regime, as well as those subject to the fee-based contracting regime, in accordance with this Constitution.

### Thirty-fifth

Until the law referred to in Article 122, clause 2, is enacted, the regulatory provisions relating to the matter shall continue to apply.

- Head of state powers
- Restrictions on entry or exit

### Thirty-sixth

Within five years following the entry into force of this Constitution, the President of the Republic shall introduce a bill that shall create a Border Police that shall be responsible for the control, patrol and protection of the national land borders in the manner determined by institutional law. This police force shall coordinate with the public bodies involved in border control in order to achieve its objectives, without prejudice to the powers of the Air Force and the Maritime Authority with respect to the air and sea border.

### Thirty-seventh

As long as Law No. 19.175, on the Constitutional Organization of Regional Government and Administration, the consolidated, coordinated and systematized text of which was established by Decree No. 1-19.175 of 2005 of the Ministry of the Interior, is not brought into line with the new constitutional regime, it shall be understood that the representatives of the President of the Republic in the various regions and provinces established in Article 144, are, respectively, the authorities of Chapters I and II of Title I of the aforementioned decree having the force of law.

- Head of state powers

## Thirty-eighth

Within a period of no more than eighteen months from the entry into force of the constitutional text, the President of the Republic must send to the National Congress the bills that allow the transfer of the powers of clause 1 of Article 132 on the promotion of productive activities, tourism, housing and infrastructure.

- Head of state powers

## Thirty-ninth

Within two years following the entry into force of this Constitution, the President of the Republic shall present the bills regulating the special bylaws of government and administration of Rapa Nui and the Juan Fernández Archipelago. Prior to the entry of the first of these, a process of indigenous participation and consultation with the Rapa Nui people must be carried out, in accordance with the current legal framework.

## Fortieth

The draft institutional law regulating the body referred to in Article 162 shall be submitted by the President of the Republic to the National Congress within eighteen months of the publication of the Constitution. Until this law comes into force, these appointments shall be made in accordance with the regulations in force.

## Forty-first

The draft institutional law that shall regulate the body referred to in Article 163 must be submitted by the President of the Republic to the National Congress within a period of one year from the publication of the Constitution. Until this law enters into force, these functions shall be exercised by the Administrative Corporation of the Judiciary, in accordance with Title XIV of Law No. 7,421, which establishes the Organic Code of Courts.

- Head of state powers

## Forty-second

The institutional bill referred to in Article 165 must be submitted by the President of the Republic to the National Congress within one year of the publication of the Constitution. As long as this law does not come into force, these functions shall be exercised in accordance with the regulations in force.

- Head of state powers

## Forty-third

The draft institutional law regulating the body referred to in Article 166 must be submitted by the President of the Republic to the National Congress within one year of the publication of the Constitution. Until this law enters into force, these functions shall be exercised by the Judicial Academy, regulated by Law No. 19,346.

- Head of state powers
- Constitutional court selection

## Forty-fourth

The draft law regulating the manner and timing of the composition of the courts of justice by alternate justices must be submitted by the President of the Republic to the National Congress within a period of one year from the publication of the Constitution. Until this law comes into force, the composition of these courts shall be determined by lawyers who are members, in accordance with the regulations in force. Similarly, until the law referred to in Article 165, clause 5, enters into force, judicial prosecutors may exercise jurisdictional functions and be members of such courts.

- Head of state powers

## Forty-fifth

The draft law regulating the contentious-administrative process referred to in clause 4 of Article 157 must be submitted by the President of the Republic to the National Congress within a period of one year from the publication of the Constitution.

## Forty-sixth

The disciplinary system established in article 165 shall operate only for proceedings whose execution begins after the entry into force of the law referred to in that provision.

## Forty-seventh

Until the law establishing the procedure to be followed for the public competition system indicated in Articles 162 and 163 is enacted, it shall be carried out by the Council of Senior Public Management in accordance with the provisions of Title VI of Law No. 19,882.

- Constitutional court selection

## Forty-eighth

The norm relating to the term of office of the Justices of the Supreme Court shall not apply to those who are in office on the date of the entry into force of this Constitution.

## Forty-ninth

- Constitutional court removal

1. At the time of the entry into force of this Constitution, the members of the Constitutional Court who are regularly vested in their functions shall remain in office for the remainder of their duties in accordance with the second and third clauses of Article 92 of Supreme Decree No. 100 of 2005, which establishes the consolidated, coordinated and systematized text of the Political Constitution of the Republic of Chile. If any of them ceases to hold office early, he or she shall be replaced in accordance with the procedure established in this Constitution and his term shall last for the remainder of his predecessor, and he may be re-elected. The same rule shall apply to alternate justices.

- Constitutional court selection
- Constitutional court term length
- Constitutional court removal

2. For the first composition of the Constitutional Court, in accordance with article 169, the following rules shall be followed:

a. In 2024, the two members who shall leave in January, or who would have been appointed to replace them before this Constitution came into force, must be replaced. One shall serve for nine years and the other for ten years, as determined by a lottery conducted by the Senate. In the same year, the member who leaves office in September shall be replaced, and another member must also be appointed. These members shall serve for eleven and twelve years, respectively, as determined by a lottery conducted by the Senate. All of them shall be appointed in accordance with the provisions of Article 169.

b. In 2027, the two members who shall leave their positions shall have to be replaced. One of them shall hold office for ten years, as determined by a lottery conducted by the Senate.

c. In 2030, the member who leaves office must be replaced in accordance with the provisions of Article 169. The new justice shall serve for nine years.

d. In 2031, the two members who shall leave their positions shall have to be replaced. One shall serve for nine years and the other for ten years, as determined by a lottery conducted by the Senate.

2. e. In 2032, the two members who shall leave their positions shall have to be replaced. One of them shall hold office for ten years, as determined by a lottery conducted by the Senate.
3. The Constitutional Court may never have more than eleven members.

- Constitutional court powers

## Fiftieth

The proceedings currently before the Constitutional Court shall continue and shall be resolved in accordance with the provisions of Supreme Decree No. 100 of 2005, which establishes the consolidated, coordinated and systematized text of the Political Constitution of the Republic of Chile, and Decree No. 5, which has the force of law. of 2010, of the Ministry of the General Secretariat of the Presidency, which establishes the consolidated, coordinated and systematized text of Law No. 17,997, constitutional organic law of the Constitutional Court. In all other matters relating to the organization, functioning, procedures and personnel of the Constitutional Court, the aforementioned law shall continue to be in force until the entry into force of its institutional law, insofar as it is not incompatible with the provisions of this Constitution.

## Fifty-first

When the Constitution or the law requires a proportional share of the members or votes of a body in order for it to be able to exercise its functions or powers, resolve or adopt agreements, and the solution of the fraction results in a decimal part, the following rule shall apply:

- a. When the decimal point is less than zero point five, it shall be understood that it corresponds to the immediately lower whole number; and
- b. When the decimal part is equal to or greater than zero point five, it shall be understood that it corresponds to the whole number immediately above.

- Head of state powers
- Protection of victim's rights

## Fifty-second

Within a period of one year from the entry into force of this Constitution, the President of the Republic shall submit to the National Congress a bill to create the National Service for Access to Justice and the Office of the Ombudsman for Victims, bringing together in this single service all the State programs that incorporate legal advice and defense of victims, as well as psychological and social support.

## Fifty-third

- Head of state powers
- Attorney general
- Protection from ex post facto laws

1. Within a period of one year from the entry into force of this Constitution, the President of the Republic shall send to the National Congress a bill to adapt Law No. 19,640, which establishes the constitutional organic law of the Public Prosecutor's Office, to what this text establishes, considering the implementation of the Supraterritorial Prosecutor's Office and the Inter-institutional Coordination Council.
2. The constitutional provisions on the Public Prosecutor's Office, those specific to its respective institutional law and amending the Code of Criminal Procedure or the Organic Code of Courts, for the implementation of the Supraterritorial Prosecutor's Office, shall apply exclusively to acts whose execution begins after the entry into force of such provisions.

## Fifty-fourth

As long as the National Congress does not enact the law that regulates the procedure to be followed for the public competition system indicated in clause 2 of Article 181 and paragraph 2 of Article 184, it shall be carried out by the Council of Senior Public



Management in accordance with the procedure indicated in Title VI of Law No. 19,882. On the other hand, the procedure to be followed for the public competition system indicated in paragraph 1 of article 185 shall be governed by the regulations in force at the entry into force of this Constitution.

- International law

## Fifty-fifth

The State of Chile recognizes the jurisdiction of the International Criminal Court, in accordance with the Rome Statute and its amendments, ratified by Chile. By making this recognition, Chile reaffirms its preferential power to exercise its criminal jurisdiction in relation to the jurisdiction of the International Criminal Court, which shall therefore be subsidiary to the former, under the terms provided for in the Rome Statute. The jurisdiction of the International Criminal Court may be exercised only in respect of crimes within its jurisdiction whose execution begins after the entry into force of the Rome Statute in Chile.

- Head of state powers
- Attorney general

## Fifty-sixth

Within a period of one year from the entry into force of this Constitution, the President of the Republic shall send to the National Congress a bill to amend Law No. 19,640, which establishes the constitutional organic law of the Public Prosecutor's Office, considering the temporary assignment of the officials referred to in clause 6 of Article 181 of this Constitution.

- Electoral court powers

## Fifty-seventh

The persons who currently serve as members of the Board of Directors of the Electoral Service, the Election Certification Court and the regional electoral tribunals shall continue in their functions in accordance with articles 94 bis, 95 and 96 of Supreme Decree No. 100 of 2005, which establishes the consolidated, coordinated and systematized text of the Political Constitution of the Republic of Chile and shall cease to hold office at the end of the term for which they were appointed.

- Electoral court powers
- Head of state powers

## Fifty-eighth

1. From the entry into force of this Political Constitution, the President of the Republic shall send to the National Congress a bill to adapt Law No. 18,460, the constitutional organic law of the Election Certification Court. As long as it does not enter into force, the member of the Election Certification Court appointed in accordance with subsection b) of clause 3 of Article 190 shall receive a remuneration equivalent to ten monthly tax units per session held, with a maximum of eighty monthly tax units during the month.
2. In addition, as of the entry into force of this Political Constitution, the President of the Republic shall send to the National Congress a bill to adapt Law No. 18,593, the constitutional organization of the Regional Electoral Tribunals. Until it enters into force, the two members of the regional electoral tribunals appointed in accordance with paragraph 2 of Article 191 shall receive a remuneration equivalent to seven monthly tax units per session held, with a maximum of forty-nine tax units during the month.

## Fifty-ninth

1. If, on the date of entry into force of this Constitution, an incumbent Comptroller General of the Republic is in office, he or she shall remain in office until the end of the period for which he or she was appointed or until he or she ceases to hold office.
2. In the event that, at the entry into force of this Constitution, the office of Comptroller General of the Republic becomes vacant, the rules established in

2. Article 194 shall apply to his or her appointment. Such appointment shall be made within ninety days of the entry into force of this Constitution.

- Head of state powers
- Establishment of tax courts

## Sixtieth

1. Within one year of the entry into force of this Constitution, the President of the Republic shall submit the bills necessary to establish the Court of Auditors created in Article 196.

2. As of the entry into force of this Constitution, the authorities and officials serving in the Court of Auditors of first instance referred to in Article 107 of Law No. 10,336, the consolidated, coordinated and systematized text of which was established by Supreme Decree No. 2,421 of 1964 of the Ministry of Finance, they shall continue to exercise their competence until the Court of Auditors established by Article 196 becomes operational.

3. Appeals against judgments of first instance handed down in a court of auditors shall continue to be heard and decided by the Court of Auditors of second instance, without prejudice to the recourse regime that may be provided for by the law established by the Court of Auditors. However, appeals against judgments of first instance in audits shall be heard by the Court of Appeals of Santiago as of the entry into force of this Constitution. For all legal and constitutional purposes, it shall be understood that the Court of Appeals of Santiago shall be the successor of the Court of Auditors of second instance, once the latter has resolved the last pending appeal, at which time the Court of Auditors of second instance shall be understood to be abolished.

- Right to appeal judicial decisions
- Head of state powers
- Municipal government

- Head of state powers
- Municipal government
- Subsidiary unit government

## Sixty-first

Within a period of one year from the entry into force of this Constitution, the President of the Republic shall send a bill to the National Congress in which he or she adapts Law No. 18,695, Constitutional Organization of Municipalities, whose consolidated, coordinated and systematized text was established by Decree with the force of law No. 1. of 2006, of the Ministry of the Interior, and Law No. 10.336, the consolidated, coordinated and systematized text of which was established by Supreme Decree No. 2.421 of 1964 of the Ministry of Finance, and which in turn adapts Law No. 19.175 on Regional Government and Administration, the consolidated, coordinated and systematized text of which was established by Decree with the force of law No. 1, of 2005, of the Ministry of the Interior, to the provisions of article 195 of this Constitution. This law must determine the limits of expenses that shall be subject to the procedure of approval [by the Comptroller].

- Head of state powers
- Protection of environment

## Sixty-second

Within two years of the entry into force of this Constitution, the President of the Republic shall submit a bill to the National Congress to bring environmental procedures and institutions into line with the demands and requirements set forth in Chapter XVI.

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