

PROPOSAL

# Political Constitution of the Republic of Chile

Translated from the Original Spanish





*We, the people of Chile, made up of diverse nations, freely grant ourselves this Constitution, agreed upon in a participatory, equal [paritario] and democratic process.*



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# CHAPTER I. PRINCIPLES AND GENERAL PROVISIONS

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## Article 1.

1. Chile is a social and democratic state under the rule of law. It is plurinational, intercultural, regional and ecological.
2. It is constituted as a solidarity republic. Its democracy is inclusive and egalitarian. It recognizes as intrinsic and inalienable values the dignity, freedom, substantive equality of human beings and their indissoluble relationship with nature.
3. The protection and guarantee of individual and collective human rights are the foundation of the State and guide all its activities. It is the duty of the State to generate the necessary conditions and provide the goods and services to ensure the equal enjoyment of rights and the integration of persons in the political, economic, social and cultural life for their full development.

## Article 2.

1. Sovereignty resides in the people of Chile, made up of diverse nations. It is exercised democratically, directly and representatively, recognizing as a limit the human rights as attributes derived from human dignity.
2. No individual or sector of the people may claim to exercise it.

## Article 3.

Chile, in its geographical, natural, historical and cultural diversity, forms a unique and indivisible territory.

## Article 4.

Persons are born and remain free, interdependent and equal in dignity and rights.



## **Article 5.**

1. Chile recognizes the coexistence of diverse peoples and nations within the framework of the unity of the State.
2. Pre-existing Indigenous peoples and nations include the Mapuche, Aymara, Rapanui, Lickanantay, Quechua, Colla, Diaguita, Chango, Kawésqar, Yagán, Selk'nam and others that may be recognized in the manner established by law.
3. It is the State's duty to respect, promote, protect and guarantee the exercise of self-determination, collective and individual self-determination, the collective and individual rights of which they are holders, and their effective participation in the exercise and distribution of power, incorporating their political representation in popularly elected bodies at the communal, regional and national levels, as well as in the structure of the State, its bodies and institutions.

## **Article 6.**

1. The State promotes a society where women, men, sexual and gender diversities and dissidences participate in conditions of substantive equality, recognizing that their effective representation is a principle and minimum condition for the full and substantive exercise of democracy and citizenship.
2. All the collegiate bodies of the State, the autonomous constitutional bodies, the superior and directive bodies of the Administration, as well as the boards of directors of public and semi-public companies, shall have a gender equal composition that ensures that at least fifty percent of their members are women.
3. The State shall promote gender parity integration in its other institutions and in all public and private spaces and shall adopt measures for the representation of persons of diverse genders through the mechanisms established by law.
4. The powers and bodies of the State shall adopt the necessary measures to adapt and promote legislation, institutions, regulatory frameworks and the provision of services, in order to achieve gender equality and parity. They shall incorporate the gender perspective transversally in their institutional design, fiscal and budgetary policy, and in the exercise of their functions.

## **Article 7.**

Chile is made up of autonomous territorial entities and special territories, within a framework of equity and solidarity, preserving the unity and integrity of the State. The State shall promote cooperation, harmonious integration and adequate and fair development among the various territorial entities.



## **Article 8.**

Individuals and peoples are interdependent with nature and form an inseparable whole. The State recognizes and promotes good living as a relationship of harmonious balance between people, nature and the organization of society.

## **Article 9.**

The State is secular. In Chile, freedom of religion and spiritual beliefs are respected and guaranteed. No religion or belief is official, without prejudice to its recognition and free exercise, which is not recognition and free exercise, which has no other limitation than the provisions of this Constitution and the law.

## **Article 10.**

The State recognizes and protects families in their diverse forms, expressions and ways of life, without restricting them to exclusively filial or consanguineous ties, and guarantees them a dignified life.

## **Article 11.**

The State recognizes and promotes intercultural, horizontal and transversal dialogue among the diverse cosmovisions of the peoples and nations that coexist in the country, with reciprocal dignity and respect. The exercise of public functions must guarantee institutional mechanisms and the promotion of public policies that favor the recognition and understanding of ethnic and cultural diversity, overcoming existing asymmetries in the access, distribution and exercise of power, as well as in all areas of life in society.

## **Article 12.**

1. The State is plurilingual. Its official language is Spanish. Indigenous languages are official in their territories and in areas of high population density of each Indigenous people and nation. The State promotes their knowledge, revitalization, appreciation and respect.

2. Chilean Sign Language is recognized as the natural and official language of deaf people, as well as their linguistic rights in all areas of social life.



## **Article 13.**

1. The national emblems of Chile are the flag, the coat of arms and the national anthem.
2. The State recognizes the symbols and emblems of Indigenous peoples and nations.

## **Article 14.**

1. Chile's international relations, as an expression of its sovereignty, are based on respect for international law and the principles of self-determination of peoples, non intervention in matters within the domestic jurisdiction of States, multilateralism, solidarity, cooperation, political autonomy and legal equality among States.
2. Likewise, it is committed to the promotion and respect for democracy, the recognition and protection of human rights, inclusion, gender equality, social justice, respect for nature, peace, coexistence and peaceful conflict resolution, and the recognition, respect and promotion of the rights of Indigenous and tribal peoples and nations in accordance with international human rights law.
3. Chile declares Latin America and the Caribbean as a priority area in its international relations. It is committed to maintaining the region as a zone of peace and free of violence; it promotes regional, political, social, cultural, economic and productive integration among the States, and facilitates cross-border contact and cooperation among Indigenous peoples.

## **Article 15.**

1. The rights and obligations established in international human rights treaties ratified and in force in Chile, the general principles of international human rights law and customary international law on the same subject are an integral part of this Constitution and enjoy constitutional rank.
2. The State must prevent, investigate, punish and fully redress human rights violations.

## **Article 16.**

1. The State is founded on the principles of constitutional supremacy and respect for human rights. The precepts of this Constitution are binding on every person, group, authority or institution.
2. The organs of the State and their holders and members act after being regularly invested and submit their actions to the Constitution and the rules issued pursuant



thereto, within the limits and competencies established therein.

3. No magistracy, person or group of persons, civilian or military, may attribute to themselves any authority, competence or rights other than those expressly conferred upon them by the Constitution and the laws, not even under the pretext of extraordinary circumstances.

4. Any act in contravention of this Article is null and void and shall give rise to the liabilities and penalties established by law. The nullity action shall be exercised within the terms and conditions established by this Constitution and the law.



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# CHAPTER II. FUNDAMENTAL RIGHTS AND GUARANTEES

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## Article 17.

1. Fundamental rights are inherent to the human person, universal, inalienable, indivisible and interdependent.
2. The full exercise of these rights is essential for the dignified life of individuals and peoples, democracy, peace and the balance of nature.

## Article 18.

1. Natural persons are holders of fundamental rights. Rights may be exercised and demanded individually or collectively.
2. Indigenous peoples and nations are holders of fundamental collective rights.
3. Nature is the holder of the rights recognized in this Constitution that are applicable to it.

## Article 19.

1. The State must respect, promote, protect and guarantee the full exercise and satisfaction of fundamental rights, without discrimination, as well as adopt the necessary measures to eliminate all obstacles that hinder their realization.
2. For their protection, individuals enjoy effective, timely, relevant and universal guarantees.
3. Every person, institution, association or group shall respect fundamental rights, in accordance with the Constitution and the law.

## Article 20.

1. The State must adopt all necessary measures to progressively achieve the full satisfaction of fundamental rights. None of them may have a regressive character that diminishes, impairs or unjustifiably prevents their exercise.





2. The financing of state benefits linked to the exercise of fundamental rights shall be progressive.

## **Article 21.**

1. Everyone has the right to life and personal integrity. This includes physical, psychosocial, sexual and emotional integrity.

2. No person may be sentenced to death or executed, subjected to torture, or subjected to cruel, inhuman or degrading treatment or punishment.

## **Article 22.**

No person shall be subjected to enforced disappearance. Every victim has the right to be sought and the State shall provide all necessary means to do so.

## **Article 23.**

No person residing in Chile who meets the requirements established in this Constitution and the laws may be exiled, exiled, relegated or subjected to forced displacement. forced displacement.

## **Article 24.**

1. The victims and the community have the right to the clarification and knowledge of the truth regarding serious human rights violations, especially when they constitute crimes against humanity, war crimes, genocide or territorial dispossession.

2. Enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment, war crimes, crimes against humanity, genocide and the crime of aggression are imprescriptible and non amnestiable.

3. The State has the obligation to prevent, investigate, punish and prevent impunity. Such crimes must be investigated ex officio, with due diligence, seriousness, promptness, independence and impartiality. The investigation of these facts shall not be subject to any impediment.

4. Victims of human rights violations are entitled to full reparation.

5. The State guarantees the right to memory and its relationship with guarantees of non repetition and the rights to truth, justice and comprehensive reparation. It is the duty of the State to preserve memory and guarantee access to archives and documents, in their different media and contents. Sites of memory and memorials are



subject to special protection, and their preservation and sustainability is ensured.

## **Article 25.**

1. Everyone has the right to equality, which includes substantive equality, equality before the law and non-discrimination. It is the duty of the State to ensure equality of treatment and opportunities. In Chile there is no privileged person or group. All forms of slavery are prohibited.

2. The State guarantees substantive equality for all persons, as a guarantee of the recognition, enjoyment and exercise of fundamental rights, with full respect for diversity, social inclusion and integration.

3. The State ensures gender equality for women, girls, sexual and gender diversities and dissidences, both in the public and private spheres.

4. Any form of discrimination is prohibited, especially when it is based on one or more grounds such as nationality or statelessness, age, sex, sexual characteristics, sexual or affective orientation, gender identity and expression, bodily diversity, religion or belief, race, belonging to an Indigenous or tribal people and nation, political or other opinions, social class, rurality, migratory or refugee status, disability, mental or physical health condition, marital status, affiliation or social condition, and any other that has the purpose or result of nullifying or impairing human dignity, the enjoyment and exercise of rights.

5. The State shall adopt all necessary measures, including reasonable accommodations, to correct and overcome the disadvantage or subjugation of a person or group. The law shall determine the measures for the prevention, prohibition, punishment and reparation of all forms of discrimination, in the public and private spheres, as well as the mechanisms to guarantee substantive equality. The State must give special consideration to cases in which more than one category, condition or motive converge with respect to a person.

## **Article 26.**

1. Children and young people are entitled to the rights established in this Constitution and in the international human rights treaties ratified and in force in Chile.

2. The State has the priority duty to promote, respect and guarantee the rights of children and adolescents, safeguarding their best interests, their progressive autonomy, their integral development and their right to be heard and to participate and influence in all matters that affect them, to the degree that corresponds to their level of development in family, community and social life.



3. Children and adolescents have the right to live in family and environmental conditions that allow their full and harmonious development of their personality. The State must ensure that they are not separated from their families except as a temporary measure and last resort to safeguard their best interests, in which case family foster care will be prioritized over residential care, and the necessary measures must be adopted to ensure their well-being and safeguard the exercise of their rights.

4. Likewise, they have the right to protection against all forms of violence, mistreatment, abuse, exploitation, harassment and neglect. The eradication of violence against children is of the highest priority for the State and, to this end, it will design strategies and actions to address situations that imply an undermining of their personal integrity, whether the violence comes from families, the State or third parties.

5. The law will establish a comprehensive protection system to guarantee the rights of children and adolescents, through which it will establish specific responsibilities of the powers and organs of the State, their duty to work in an intersectoral and coordinated manner to ensure the prevention of violence against them and the promotion and effective protection of their rights. The State will ensure through this system that, when rights are threatened or violated, there are mechanisms for their restitution, sanction and reparation.

## **Article 27.**

1. All women, girls, adolescents and persons of sexual and gender diversities and dissidences have the right to a life free of gender-based violence in all its manifestations, both in the public and private violence in all its manifestations, both in the public and private spheres, whether it comes from private individuals, institutions or agents of the State.

2. The State shall adopt the necessary measures to eradicate all types of gender-based violence and the sociocultural patterns that make it possible, acting with due diligence to prevent, investigate and punish it, as well as to provide care, protection and comprehensive reparation to the victims, especially considering the situations of vulnerability in which they may find themselves.

## **Article 28.**

1. Persons with disabilities are entitled to the rights established in this Constitution and in the international human rights treaties ratified and in force in Chile.

2. All persons with disabilities have the right to the enjoyment and exercise of their legal capacity, with support and safeguards as appropriate; to universal accessibility, social inclusion, labor insertion, political, economic, social and cultural participation.



3. The law shall establish a national system through which policies and programs aimed at meeting their work, education, housing, health and care needs shall be developed, coordinated and implemented. The law shall ensure that the elaboration, implementation and monitoring of such policies and programs shall include the active and binding participation of persons with disabilities and their representative organizations.

4. The law shall determine the means necessary to identify and remove physical, social, cultural, attitudinal, communication and other barriers to facilitate the exercise of the rights of persons with disabilities.

5. The State guarantees the linguistic rights and cultural identities of persons with disabilities, which include the right to express themselves and communicate through their languages and access to mechanisms, media and alternative forms of communication. It also guarantees the linguistic autonomy of deaf people in all areas of life.

## **Article 29.**

The State recognizes neurodiversity and guarantees neurodivergent persons their right to an autonomous life, to freely develop their personality and identity, to exercise their legal capacity and the rights recognized in this Constitution and the international human rights treaties and instruments ratified and in force in Chile.

## **Article 30.**

1. Any person subjected to any form of deprivation of liberty may not suffer limitations of rights other than those strictly necessary for the execution of the sentence.

2. The State must ensure dignified treatment with full respect for their human rights and those of their visitors.

3. Women and pregnant people have the right, before, during and after childbirth, to have access to the health services they require, to breastfeed and to have a direct and permanent link with their daughter or son, taking into consideration the best interests of children and adolescents.

4. No person deprived of liberty may be subjected to torture or other cruel, inhuman or degrading treatment or forced labor. Likewise, they may not be subjected to isolation or solitary confinement as a disciplinary sanction.



## **Article 31.**

1. Persons deprived of liberty have the right to petition the penitentiary authority and the penalty enforcement court for the protection of their rights and to receive a timely response.
2. They also have the right to maintain personal, direct and regular communication and contact with their support networks and always with the persons in charge of their legal counsel.

## **Article 32.**

1. Every person deprived of liberty has the right to social insertion and integration. It is the duty of the State to guarantee a penitentiary system oriented to this end.
2. The State will create agencies that, with civilian and technical personnel, will guarantee the insertion and integration of persons deprived of liberty in the penitentiary and post penitentiary system. The security and administration of these facilities will be regulated by law.

## **Article 33.**

1. The elderly are entitled to the rights established in this Constitution and in the international human rights treaties ratified and in force in Chile.
2. They also have the right to age with dignity; to obtain sufficient social security benefits for a dignified life; to accessibility to the physical, social, economic, cultural and digital environment; to political and social participation; to a life free of age-based abuse; to autonomy and independence; and to the full exercise of their legal capacity with the appropriate support and safeguards.

## **Article 34.**

Indigenous peoples and nations and their members, by virtue of their self determination, have the right to the full exercise of their collective and individual rights. In particular, they have the right to autonomy; to self-government; to their own culture; to their identity and worldview; to their heritage; to their language; to the recognition and protection of their lands, territories and resources, in their material and immaterial dimensions, and to the special bond they maintain with them; to cooperation and integration; to the recognition of their own or traditional institutions, jurisdictions and authorities; and to participate fully, if they so desire, in the political, economic, social and cultural life of the State.



## **Article 35.**

1. Every person has the right to education. Education is a primary and unavoidable duty of the State.
2. Education is a process of training and lifelong learning, indispensable for the exercise of other rights and for the country's scientific, technological, economic and cultural activity.
3. Its goals are the construction of the common good, social justice, respect for human rights and nature, ecological awareness, democratic coexistence among peoples, prevention of violence and discrimination, as well as the acquisition of knowledge, critical thinking, creative capacity and the integral development of people, considering their cognitive, physical, social and emotional dimensions.
4. Education is governed by the principles of cooperation, non-discrimination, inclusion, justice, participation, solidarity, interculturality, gender focus, pluralism and other principles enshrined in this Constitution. It has a non-sexist character and is developed in a contextualized manner, considering territorial, cultural and linguistic relevance.
5. Education is oriented towards quality, understood as the fulfillment of its purposes and principles.
6. The law shall establish the way these purposes and principles shall be materialized, under conditions of equity, in the educational institutions and in the teaching processes.
7. Education is universally accessible at all levels and compulsory from elementary through high school.

## **Article 36.**

1. The National Education System is made up of preschool, elementary, middle and higher education establishments and institutions, created or recognized by the State.

It is articulated under the principle of collaboration and is centered on the learning experience of students.

2. The State is responsible for coordinating, regulating, improving and supervising the system. The law will determine the requirements for the official recognition of these establishments and institutions.
3. The establishments and institutions that comprise it are subject to the common



regime established by law, are democratic in nature, may not discriminate in their access, are governed by the purposes and principles of this law and are prohibited from any form of profit making.

4. The National Education System promotes the diversity of artistic, ecological, cultural and philosophical knowledge that coexist in the country.

5. The Constitution recognizes the autonomy of Indigenous peoples and nations to develop their own establishments and institutions in accordance with their customs and culture, respecting the purposes and principles of education, and within the frameworks of the National Education System established by law.

6. The State will provide additional opportunities and support for people with disabilities and those at risk of exclusion.

7. Public education constitutes the strategic axis of the National Education System; its expansion and strengthening is a primary duty of the State, for which purpose it shall articulate, manage and finance a Public Education System of a secular and free nature, composed of state establishments and institutions of all levels and educational modalities.

8. The State must finance this system in a permanent, direct, relevant and sufficient manner through basal contributions, in order to fully and equitably comply with the purposes and principles of education.

## **Article 37.**

1. The Higher Education System will be made up of universities, professional institutes, technical training centers, academies created or recognized by the State, and training schools of the police and armed forces. These institutions will consider the communal, regional and national needs. All forms of profit are prohibited.

2. Higher education institutions have the mission to teach, produce and socialize knowledge. The Constitution protects academic freedom, research and the free discussion of ideas of academics in universities created or recognized by the State.

3. State institutions of higher education are part of the Public Education System, and their financing will be subject to the provisions of this Constitution and must guarantee full compliance with their functions of teaching, research and collaboration with society.

4. In each region there shall be at least one state university and one state institution of higher technical and professional education. These will be related in a coordinated and preferential manner with territorial entities and public services with regional presence, according to local needs.





5. The State shall ensure access to higher education for all persons who meet the requirements established by law. The admission, permanence and promotion of those who study in higher education shall be governed by the principles of equity and inclusion, with particular attention to historically excluded and special protection groups, prohibiting any type of discrimination.

6. Higher education studies leading to degrees and initial academic degrees shall be free of charge in public institutions and in those private institutions determined by law.

### **Article 38.**

It is the duty of the State to promote the right to lifelong education through multiple training opportunities, within and outside the National Education System, fostering diverse spaces for development and comprehensive learning for all people.

### **Article 39.**

The State guarantees environmental education that strengthens the preservation, conservation and care required with respect to the environment and nature, and that allows the formation of ecological awareness.

### **Article 40.**

Every person has the right to receive comprehensive sex education that promotes the full and free enjoyment of sexuality; sex-affective responsibility; autonomy, self-care and consent; recognition of the diverse identities and expressions of gender and sexuality; that eradicates gender stereotypes; and that prevents gender and sexual violence.

### **Article 41.**

1. Freedom of education is guaranteed, and it is the duty of the State to respect it.
2. This includes the freedom of mothers, fathers, guardians and legal guardians to choose the type of education of the people in their care, respecting the best interests and progressive autonomy of children and adolescents.
3. Teachers and educators are entitled to academic freedom in the exercise of their functions, within the framework of the purposes and principles of education.





## **Article 42.**

The members of the educational communities have the right to participate in the definitions of the educational project and in the decisions of each establishment, as well as in the design, implementation and evaluation of local and national educational policy. The law shall specify the conditions, bodies and procedures that ensure their binding participation.

## **Article 43.**

1. The Constitution recognizes the fundamental role of teachers and values and encourages the contribution of educators, education assistants and traditional educators. As a whole, they are key agents in guaranteeing the right to education.
2. The State guarantees the development of the pedagogical and educational work of those who work in establishments and institutions that receive public funds. This guarantee includes initial and continuous training, their reflective and collaborative exercise and pedagogical research, in coherence with the principles and purposes of education. It also protects stability in the exercise of their functions, ensuring optimal working conditions and safeguarding their professional autonomy.
3. Workers in kindergarten, elementary and secondary education who work in establishments that receive resources from the State shall enjoy the same rights provided for by law.

## **Article 44.**

1. Everyone has the right to integral health and well-being, including its physical and mental dimensions.
2. Indigenous peoples and nations have the right to their own traditional medicines, to maintain their health practices and to conserve the natural components that sustain them.
3. The State must provide the necessary conditions to achieve the highest possible level of health, considering in all its decisions the impact of social and environmental determinants on the health of the population.
4. The State is exclusively responsible for the steering role of the health system, including the regulation, supervision and oversight of public and private institutions.
5. The National Health System is universal, public and integrated. It is governed by the



principles of equity, solidarity, interculturality and territorial relevance, deconcentration, efficiency, quality, timeliness, gender focus, progressiveness and non-discrimination.

6. It also recognizes, protects and integrates the practices and knowledge of Indigenous peoples and nations, as well as those who teach them, in accordance with this Constitution and the law.

7. The National Health System may be composed by public and private providers. The law shall determine the requirements and procedures for private providers to be integrated into this System.

8. It is the duty of the State to ensure the strengthening and development of public health institutions.

9. The National Health System is financed through the general revenues of the nation. In addition, the law may establish mandatory contributions to be paid by employers, workers and employees for the sole purpose of contributing jointly and severally to the financing of this system. The law shall determine the public body in charge of the administration of all the funds of this system.

10. The National Health System incorporates promotion, prevention, diagnosis, treatment, habilitation, rehabilitation and inclusion actions. Primary health care is the basis of this system and the participation of communities in health policies and the conditions for their effective exercise are promoted.

11. The State will generate mental health policies and programs aimed at community based care and prevention and will progressively increase their funding.

## **Article 45.**

1. Everyone has the right to social security, based on the principles of universality, solidarity, integrality, unity, equality, sufficiency, participation, sustainability and opportunity.

2. The law shall establish a public social security system to provide protection in the event of illness, old age, disability, survival, maternity and paternity, unemployment, occupational accidents and diseases, and other social contingencies of lack or reduction of means of subsistence or ability to work. In particular, it will ensure the coverage of benefits to those who perform domestic and care work.

3. The State defines the social security policy. This shall be financed by workers, employers and employees, through mandatory contributions and general revenues of the nation. The resources used to finance social security may not be used for purposes other



than the payment of the benefits established by the system.

4. Labor unions and employers' organizations have the right to participate in the management of the social security system, in the forms established by law.

## **Article 46.**

1. Everyone has the right to work and free choice of employment. The State guarantees decent work and its protection. This includes the right to equitable working conditions, to health and safety at work, to rest, to the enjoyment of free time, to digital disconnection, to the guarantee of indemnity and to full respect for fundamental rights in the context of work.

2. Workers have the right to equitable, fair and sufficient remuneration to ensure their livelihood and that of their families. They also have the right to equal pay for work of equal value.

3. Any labor discrimination, arbitrary dismissal and any distinction that is not based on labor competencies or personal suitability is prohibited.

4. The State will generate public policies that enable the reconciliation of work, family and community life, and care work.

5. The State guarantees respect for the reproductive rights of workers, eliminating risks that affect reproductive health and safeguarding maternity and paternity rights.

6. In rural and agricultural areas, the State guarantees fair and dignified conditions for seasonal work, safeguarding the exercise of labor and social security rights.

7. The social function of labor is recognized. An autonomous body must supervise and ensure the effective protection of workers and trade union organizations.

8. All forms of labor precariousness, as well as forced, humiliating or degrading work, are prohibited.

## **Article 47.**

1. Workers in both the public and private sectors have the right to freedom of association. This includes the right to unionize, to bargain collectively and to strike.

2. Trade unions are the exclusive holders of the right to collective bargaining, as the sole representatives of workers to the employer(s).

3. The right to unionize includes the right to form the trade union organizations that



they deem convenient, at any level, national and international, to affiliate and disaffiliate from them, to establish their own rules, to draw up their own purposes and to carry out their activity without the intervention of third parties.

4. Trade union organizations enjoy legal personhood by the mere fact of registering their bylaws in the manner prescribed by law.

5. The right to collective bargaining is guaranteed. It is up to the workers to choose the level at which such bargaining will take place, including branch, sectorial and territorial bargaining. The only limitations to the matters subject to negotiation will be those concerning the inalienable minimums established by law in favor of workers.

6. The Constitution guarantees the right to strike of workers and trade union organizations. Trade union organizations shall decide the scope of interests to be defended through it, which may not be limited by law.

7. The law may not prohibit strikes. It may only limit it exceptionally in order to attend essential services whose paralysis may affect the life, health or safety of the population.

8. Members of the Police and the Armed Forces may not unionize or exercise the right to strike.

## **Article 48.**

Workers, through their union organizations, have the right to participate in company decisions. The law shall regulate the mechanisms through which this right shall be exercised.

## **Article 49.**

1. The State recognizes that domestic and care work is socially necessary and indispensable for the sustainability of life and the development of society. They constitute an economic activity that contributes to national accounts and should be considered in the formulation and implementation of public policies.

2. The State promotes social and gender co-responsibility and will implement mechanisms for the redistribution of domestic and care work, ensuring that they do not represent a disadvantage for those who perform it.

## **Article 50.**

1. Everyone has the right to care. This includes the right to care, to be cared for and to



care for oneself from birth to death. The State is obliged to provide the means to guarantee that care is dignified and carried out under conditions of equality and co responsibility.

2. The State guarantees this right through a Comprehensive Care System, norms and public policies that promote personal autonomy and incorporate human rights, gender and intersectional approaches. The System has a state, equal, solidarity and universal character, with cultural relevance. Its financing will be progressive, sufficient and permanent.

3. This System will pay special attention to infants, children and adolescents, the elderly, people with disabilities, people in a situation of dependency and people with serious or terminal illnesses. It will also ensure that the rights of caregivers are safeguarded.

## **Article 51.**

1. Everyone has the right to decent and adequate housing, which allows the free development of a personal, family and community life.

2. The State shall take the necessary measures to ensure their universal and timely enjoyment, contemplating, at least, habitability, sufficient space and equipment, domestic and community, for the production and reproduction of life, availability of services, affordability, accessibility, appropriate location, security of tenure and cultural relevance of housing, in accordance with the law.

3. The State may participate in the design, construction, rehabilitation, conservation and innovation of housing. It shall give particular consideration in the design of housing policies to persons with low economic income or belonging to special protection groups.

4. The State guarantees the creation of shelters in cases of gender violence and other forms of violation of rights, as determined by law.

5. The State guarantees the availability of land necessary for the provision of decent and adequate housing. It administers an Integrated Public Land System with powers of prioritization of use, management and disposal of public land for purposes of social interest, and acquisition of private land, in accordance with the law. It will also establish mechanisms to prevent land and housing speculation that is detrimental to the public interest, in accordance with the law.

## **Article 52.**

1. The right to the city and territory is a collective right aimed at the common good



and is based on the full exercise of human rights in the territory, on its democratic management and on the social and ecological function of property.

2. By virtue of this, everyone has the right to inhabit, produce, enjoy and participate in cities and human settlements free of violence and in conditions appropriate for a life of dignity.

3. It is the duty of the State to order, plan and manage territories, cities and human settlements; as well as to establish rules for land use and transformation, in accordance with the general interest, territorial equity, sustainability and universal accessibility.

4. The State guarantees protection and equitable access to basic services, goods and public spaces; safe and sustainable mobility; connectivity and road safety. It also promotes socio-spatial integration and participates in the added value generated by its urban planning or regulatory actions.

5. The State guarantees community participation in territorial planning processes and housing policies. It also promotes and supports community habitat management.

## **Article 53.**

1. All people have the right to live in safe and violence-free environments. It is the duty of the State to protect the exercise of this right in an equitable manner, through a policy of violence and crime prevention that will especially consider the material, environmental and social conditions, together with the community strengthening of the territories.

2. Crime prevention actions will be carried out by the public agencies established by law, in a coordinated manner and with respect for human rights.

## **Article 54.**

1. It is the duty of the State to ensure food sovereignty and security. To this end, it shall promote the production, distribution and consumption of food that guarantees the right to healthy and adequate food, fair trade and ecologically responsible food systems.

2. The State promotes ecologically sustainable agricultural production.

3. It recognizes, promotes and supports peasant and Indigenous agriculture, harvesting and artisanal fishing, as fundamental activities for food production.



4. It also promotes the country's culinary and gastronomic heritage.

## **Article 55.**

The State guarantees the right of peasants and Indigenous peoples and nations to the free use and exchange of traditional seeds.

## **Article 56.**

1. Everyone has the right to adequate, healthy, sufficient, nutritionally complete and culturally relevant food. This right includes the guarantee of special food for those who require it for health reasons.
2. The State continuously and permanently guarantees the availability of and access to food that satisfies this right, especially in geographically isolated areas.

## **Article 57.**

1. Everyone has the human right to water and sufficient, healthy, acceptable, affordable and accessible sanitation. It is the duty of the State to guarantee it for current and future generations.
2. The State ensures the satisfaction of this right by meeting the needs of people in their different contexts.

## **Article 58.**

The Constitution recognizes Indigenous peoples and nations the traditional use of waters located in Indigenous territories or Indigenous territorial autonomies. It is the duty of the State to guarantee their protection, integrity and supply.

## **Article 59.**

1. Everyone has the right to a minimum amount of affordable and safe energy.
2. The State guarantees equitable and non-discriminatory access to energy that allows people to meet their needs, ensuring the continuity of energy services.
3. It also regulates and promotes a distributed, decentralized and diversified energy matrix, based on renewable and low-impact energies.





4. Energy infrastructure is in the public interest.
5. The State promotes and protects cooperative energy companies and self-consumption.

## **Article 60.**

1. Everyone has the right to sport, physical activity and bodily practices. The State guarantees its exercise in its different dimensions and disciplines, whether recreational, educational, competitive or high performance. In order to achieve these objectives, differentiated policies may be considered.
2. The State recognizes the social function of sport, as it allows collective participation, associativity, integration and social insertion, as well as the maintenance and improvement of health. The law will ensure the involvement of individuals and communities in the practice of sports. Children and adolescents will enjoy the same guarantee in educational establishments. Likewise, it will guarantee the participation of the former in the management of the different sports institutions.
3. The law shall regulate and establish the principles applicable to public or private institutions whose purpose is the management of professional sports as a social, cultural and economic activity, and shall guarantee the democracy and binding participation of their organizations.

## **Article 61.**

1. Every person has sexual and reproductive rights. These include, among others, the right to make free, autonomous and informed decisions about one's own body, the exercise of sexuality, reproduction, pleasure and contraception.
2. The State guarantees its exercise without discrimination, with a focus on gender, inclusion and cultural relevance; as well as access to information, education, health, and the services and benefits required for this purpose, ensuring all women and persons with the capacity to bear children the conditions for a pregnancy, a voluntary interruption of pregnancy, a voluntary and protected childbirth and maternity. Likewise, it guarantees its exercise free of violence and interference by third parties, whether individuals or institutions.
3. The law shall regulate the exercise of these rights.
4. The State recognizes and guarantees the right of individuals to benefit from scientific progress in order to freely, autonomously and non-discriminatorily exercise these rights.





## **Article 62.**

Every person has the right to personal autonomy, to the free development of their personality, identity and life projects.

## **Article 63.**

Slavery, forced labor, servitude and human trafficking in any form are prohibited. The State shall adopt a policy of prevention, sanctioning and eradication of such practices. Likewise, it shall guarantee the protection, full restoration of rights, remediation and social reintegration of the victims.

## **Article 64.**

1. Every person has the right to the free development and full recognition of their identity, in all its dimensions and manifestations, including sexual characteristics, gender identities and expressions, name and sex-affective orientations.
2. The State guarantees their exercise through laws, affirmative actions and procedures.

## **Article 65.**

1. Indigenous peoples and nations and their members have the right to cultural identity and integrity, and to the recognition and respect for their own worldviews, ways of life and institutions.
2. Forced assimilation and destruction of their cultures is prohibited.

## **Article 66.**

Indigenous peoples and nations have the right to be consulted prior to the adoption of administrative and legislative measures affecting them. The State guarantees the means for their effective participation, through their representative institutions, in a prior and free manner, by means of appropriate, informed and good faith procedures.

## **Article 67.**

1. Everyone has the right to freedom of thought, conscience, religion and worldview. This right includes the freedom to profess and change religion or belief and its free exercise in the public or private sphere, through worship, observance of rites,



spiritual practices and teaching.

2. It also includes the power to erect temples, outbuildings and places of worship; to maintain, protect and access sacred and spiritually significant places; and to rescue and preserve objects of worship or of sacred significance.
3. The State recognizes spirituality as an essential element of the human being.
4. Religious and spiritual groups may be organized as juridical persons, are prohibited from any form of profit and their assets must be managed in a transparent manner in accordance with the law, respecting the rights, duties and principles established by this Constitution.

## **Article 68.**

1. Everyone has the right to a dignified death.
2. The Constitution ensures the right of individuals to make free and informed decisions about their care and treatment at the end of life.
3. The State guarantees access to palliative care to all persons with advanced, progressive and life-limiting chronic diseases, especially to vulnerable groups and those at social risk.
4. The law shall regulate the conditions to guarantee the exercise of this right, including access to information and adequate accompaniment.

## **Article 69.**

Every person has the right to freedom of movement and liberty of movement, to reside, stay and travel anywhere in the national territory, as well as to enter and leave it. The law shall regulate the exercise of this right.

## **Article 70.**

1. Everyone has the right to personal, family and community privacy. No person or authority may affect, restrict or impede its exercise, except in the cases and forms determined by law.
2. Private premises are inviolable. Entry, search or search and seizure may only be carried out with a prior court order, except in cases of flagrante delicto as established by law.



3. All documentation and private communications are inviolable, including their metadata. Interception, seizure, opening, search or inspection may only be carried out with a prior court order.

## **Article 71.**

1. Every person has the right to seek and receive asylum and refuge. A law shall regulate the procedure for requesting and recognizing refugee status, as well as the specific guarantees and protections to be established in favor of asylum seekers or refugees.

2. No asylum seeker or refugee shall be forcibly returned to the State where he or she is at risk of persecution, serious human rights violations, or where their life or freedom may be threatened.

## **Article 72.**

1. Every person has the right to associate without prior permission.

2. This includes the protection of the autonomy of associations for the fulfillment of their specific purposes and the establishment of their internal regulations, organization and other defining elements.

3. To enjoy legal personhood, associations must be incorporated in accordance with the law.

4. The law may impose specific restrictions on the exercise of this right with respect to the police and the Armed Forces.

## **Article 73.**

1. The State recognizes the social, economic and productive function of cooperatives and encourages their development, in accordance with the principle of mutual aid.

2. Cooperatives may form federations, confederations or other forms of organization. The law shall regulate their creation and operation, guaranteeing their autonomy, and shall preserve, by means of the corresponding instruments, their nature and purposes.

## **Article 74.**

Professional associations are national and autonomous public law corporations that



collaborate with the purposes and responsibilities of the State. Their tasks are to ensure the ethical practice of their members, promote credibility and officially represent the profession before the State and others established by law.

## **Article 75.**

1. Everyone has the right to assemble and demonstrate peacefully in private and public places without prior permission.
2. Meetings in places of public access may only be restricted in accordance with the law.

## **Article 76.**

1. Everyone has the right to file petitions, submissions or complaints with any State authority.
2. The law shall regulate the deadlines and the way the authority must respond to the request, as well as the way in which the principle of multilingualism shall be guaranteed in the exercise of this right.

## **Article 77.**

Every person has the right to access, seek, request, receive and disseminate public information from any State body or entities that provide public utility services, in the manner and under the conditions established by law.

## **Article 78.**

1. Every person, whether natural or juridical, has the right of ownership in all its species and over all kinds of property, except those which nature has made common to all persons and those which the Constitution or the law declares inappropriate.
2. The law shall determine the manner of acquiring property, its content, limits and duties, in accordance with its social and ecological function.
3. No person may be deprived of his property except by virtue of a law authorizing expropriation for reasons of public utility or general interest declared by the legislature.
4. The owner is always entitled to be compensated for the fair price of the expropriated property.



5. Payment must be made prior to taking physical possession of the expropriated property and the expropriated person may always challenge the legality of the expropriation act, as well as the amount and method of payment before the courts as determined by law.

6. Whatever the cause invoked to carry out the expropriation, it must always be duly grounded.

## **Article 79.**

1. Every person, natural or legal, is free to undertake and develop economic activities. Its exercise must be compatible with the rights enshrined in this Constitution and the protection of nature.

2. The content and limits of this right shall be determined by the laws regulating its exercise, which shall promote the development of smaller companies and ensure consumer protection.

## **Article 80.**

1. Every person has the right, as a consumer or user, to free choice, to truthful information, to not be discriminated against, to safety, to the protection of their health and the environment, to redress and adequate compensation, and to education for responsible consumption.

2. The State shall protect the exercise of these rights by means of effective procedures and a body with interpretative, supervisory, sanctioning and other powers granted by law.

## **Article 81.**

1. Every person, natural or juridical, has the right to freedom of expression and opinion, in any form and by any means, which includes the freedom to seek, receive and impart information and ideas of all kinds.

2. There shall be no prior censorship, but only the subsequent liabilities determined by law.

## **Article 82.**

1. Everyone has the right to produce information and to participate equitably in social communication. The right to establish and maintain communication and



information media is recognized.

2. The State shall respect freedom of the press and promote media pluralism and diversity of information.
3. Any person offended or unjustly alluded to by a means of communication and information has the right to have their clarification or rectification disseminated free of charge by the same means in which it was issued. The law shall regulate the exercise of this right, with respect for freedom of expression.

## **Article 83.**

The State encourages the creation of communication and information media and their development at the regional, local and community levels, and prevents the concentration of ownership of these. In no case may a state monopoly be established over them. The law shall be responsible for safeguarding this precept.

## **Article 84.**

1. There shall be public communication and information media, in different technological supports, that respond to the informational, educational, cultural and entertainment needs of the various groups of the population.
2. These media shall be pluralistic, decentralized and coordinated among themselves. Likewise, they shall be independent from the Government and shall have public financing for their operation. The law shall regulate their organization and the composition of their boards of directors, which shall be guided by technical and suitability criteria.

## **Article 85.**

1. Everyone has the right to universal access to digital connectivity and information and communication technologies.
2. The State guarantees free, equitable and decentralized access, with adequate and effective conditions of quality and speed, to basic communication services.
3. It is the duty of the State to promote and participate in the development of telecommunications, connectivity services and information and communication technologies. The law shall regulate the way the State shall fulfill this duty.
4. The State has the obligation to overcome the gaps in access, use and participation in the digital space, and in its devices and infrastructures.



5. The State guarantees compliance with the principle of net neutrality. The obligations, conditions and limits in this matter shall be determined by law.
6. Telecommunications infrastructures are of public interest, regardless of their ownership regime.
7. The law shall be responsible for determining the use and exploitation of the radio electric spectrum.

## **Article 86.**

1. Every person has the right to informational self-determination and to the protection of personal data. This right includes the right to know, decide and control the use of the data concerning them, to access, be informed and oppose its processing, and to obtain its rectification, cancellation and portability; without prejudice to other rights established by law.
2. The processing of personal data may only be carried out in the cases established by law, subject to the principles of legality, loyalty, quality, transparency, security, purpose limitation and data minimization.

## **Article 87.**

Everyone has the right to the protection and promotion of computer security. The State and individuals must adopt the appropriate and necessary measures to ensure the integrity, confidentiality, availability and resilience of the information contained in the computer systems they manage, except in cases expressly provided for by law.

## **Article 88.**

1. Everyone has the right to participate in a digital space free of violence. The State will develop actions of prevention, promotion, reparation and guarantee of this right, granting special protection to women, children, adolescents and sexual and gender diversities and dissidences.
2. The obligations, conditions and limits in this matter shall be determined by law.

## **Article 89.**

Everyone has the right to digital education, to the development of knowledge, thought and technological language, as well as to enjoy its benefits. The State ensures



that everyone can exercise their rights in digital spaces, for which it will create public policies and finance free plans and programs for this purpose.

## **Article 90.**

Everyone has the right to leisure, rest and free time.

## **Article 91.**

1. Every person and community has the right to participate freely in cultural and artistic life and to enjoy its diverse expressions, goods, services and institutions. They have the right to the freedom to create and disseminate cultures and the arts, as well as to enjoy their benefits.

2. It also has the right to cultural identity and to know and be educated in diverse cultures.

3. Likewise, it has the right to use public spaces to develop cultural and artistic expressions and manifestations, with no limitations other than those established by law.

4. The State promotes, fosters and guarantees the harmonious interrelation and respect for all symbolic, cultural and patrimonial expressions, whether tangible or intangible, and the access, development and dissemination of cultures, arts and knowledge, taking into account cultural diversity in all its manifestations and contributions, under the principles of collaboration and interculturality.

5. In addition, it must generate instances for society to contribute to the development of cultural and artistic creativity, in its most diverse expressions.

6. The State promotes the conditions for the free development of the cultural identity of communities and individuals, as well as their cultural processes.

## **Article 92.**

The Constitution recognizes the cultural rights of Chile's Afro-descendant tribal people, and ensures their exercise, development, promotion, conservation and protection.

## **Article 93.**

The State promotes access to books and the enjoyment of reading through plans,





public policies and programs. It will also encourage the creation and strengthening of public and community libraries.

## **Article 94.**

1. The Constitution ensures to all persons the protection of copyright on their intellectual, scientific and artistic works. These include the moral and patrimonial rights over them, in accordance with and for the time specified by law, which shall not be less than the life of the author.
2. The protection of performers' rights over their performances is ensured in accordance with the law.

## **Article 95.**

1. Everyone has the right to freely participate in the creation, development, conservation and innovation of the various knowledge systems and the transfer of their applications, as well as to enjoy their benefits.
2. The State recognizes and encourages the development of diverse knowledge systems in the country, considering their different cultural, social and territorial contexts. Likewise, it promotes its equitable and open access, which includes the exchange and communication of knowledge to society in the broadest possible way.
3. The State recognizes the right of Indigenous peoples and nations to preserve, revitalize, develop and transmit traditional knowledge and ancestral knowledge and must, together with them, adopt effective measures to guarantee its exercise.

## **Article 96.**

1. The Constitution guarantees freedom of research.
2. It is the duty of the State to stimulate, promote and strengthen the development of scientific and technological research in all areas of knowledge, thus contributing to the socio-cultural enrichment of the country and the improvement of the living conditions of its inhabitants.
3. The State will generate, in an independent and decentralized manner, the conditions for the development of transdisciplinary scientific research in matters relevant to safeguarding the quality of life of the population and the ecosystemic balance. In addition, it will carry out permanent monitoring of environmental and sanitary risks that affect the health of the country's communities and ecosystems.



4. The law shall determine the creation and coordination of entities that fulfill the objectives established in this Article, their collaboration with public and private research centers with territorial relevance, their characteristics and operation.

## **Article 97.**

Sciences and technologies, their applications and research processes must be developed according to the bioethical principles of solidarity, cooperation, responsibility and with full respect for human dignity, animal sentience, the rights of nature and other rights established in this Constitution and in international human rights treaties ratified and in force in Chile.

## **Article 98.**

1. The National Bioethics Council is an independent, technical, consultative, pluralistic and transdisciplinary body whose functions include advising government on bioethical issues that may affect human and animal life, nature and biodiversity recommending the enactment, modification and suppression of rules that regulate such matters.

2. The law shall regulate the composition, functions, organization and other aspects of this body.

## **Article 99.**

Every person and people have the right to communicate in their own language and to use it in any place. No person or group shall be discriminated against for linguistic reasons.

## **Article 100.**

The State recognizes and protects natural and cultural, tangible and intangible heritages, and guarantees their conservation, revitalization, enhancement, safeguarding and transmission to future generations, regardless of the legal status and ownership of such assets. It also promotes their dissemination and education.

## **Article 101.**

1. The State, in conjunction with Indigenous peoples and nations, shall adopt positive measures for the recovery, revitalization and strengthening of the Indigenous cultural heritage.



2. It also recognizes the linguistic heritage constituted by the different Indigenous languages of the national territory, which are subject to revitalization and protection, especially those that are vulnerable.

3. Indigenous peoples and nations have the right to obtain the repatriation of their cultural objects and human remains. The State shall adopt effective mechanisms for their restitution and repatriation. In turn, it guarantees access to their heritage, including objects of their culture, human remains and culturally significant sites for their development.

## **Article 102.**

1. The State recognizes and guarantees the right of Indigenous peoples and nations to their lands, territories and resources.

2. The ownership of Indigenous lands enjoys special protection. The State shall establish effective legal instruments for their cadaster, regularization, demarcation, titling, reparation and restitution.

3. Restitution constitutes a preferential mechanism of reparation, of public utility and general interest.

4. According to the Constitution and the law, Indigenous peoples and nations have the right to use the resources they have traditionally used or occupied, which are found in their territories and are indispensable for their collective existence.

## **Article 103.**

1. Nature has the right for its existence, regeneration, maintenance and restoration of its functions and dynamic equilibrium, including natural cycles, ecosystems and biodiversity to be respected and protected.

2. The State must guarantee and promote the rights of nature.

## **Article 104.**

Everyone has the right to a healthy and ecologically balanced environment.

## **Article 105.**

Everyone has the right to clean air throughout their life cycle.



## **Article 106.**

The law may establish restrictions on the exercise of certain rights to protect the environment and nature.

## **Article 107.**

1. Everyone has the right to responsible and universal access to mountains, riverbanks, sea, beaches, lakes, lagoons and wetlands.
2. The exercise of this right, the obligations of neighboring landowners, the applicable liability regime and access to other natural areas will be established by law.

## **Article 108.**

1. Every person has the right to full access to justice and to request from the courts of justice the effective protection of their rights and legitimate interests, in a timely and effective manner in accordance with the principles and standards recognized in the Constitution and the laws.
2. It is the duty of the State to remove social, cultural and economic obstacles that prevent or limit the possibility of recourse to the courts for the protection and exercise of their rights.
3. The courts must provide adequate attention to those who file petitions or consultations with them, always treating them with dignity and respect, in accordance with the law.
4. The State ensures the right to free and full legal advice, by lawyers authorized to practice law, to all persons who cannot obtain it for themselves, in the cases and in the manner established by the Constitution and the law.
5. It is the duty of the State to provide specialized legal assistance for the protection of the best interests of children and adolescents, especially when they have been subject to protection measures, and it must also endeavor to create all the necessary conditions to safeguard their rights.
6. The State must guarantee that the bodies involved in the process respect and promote the right to access justice with an intercultural perspective.
7. Individuals have the right to specialized legal assistance, interpreters, intercultural facilitators and consultative expertise when they require it and are unable to provide it for themselves.



8. The State guarantees access to environmental justice.

## **Article 109.**

1. Every person has the right to a reasonable and fair trial in which the guarantees set forth in this Constitution, in the law and in the international treaties ratified and in force in Chile are safeguarded.
2. Such proceedings shall be conducted before a competent, independent and impartial tribunal previously established by law.
3. Everyone has the right to be heard and tried on equal terms and within a reasonable time.
4. Sentences shall be well-founded, ensuring an adequate and effective remedy before the court determined by law.
5. Every person has the right to legal defense and no authority or individual may prevent, restrict or disturb the due intervention of counsel.
6. In proceedings involving children and adolescents, their identity must be safeguarded.
7. The principles of probity and transparency shall be applicable to all persons exercising jurisdiction in the country. The law shall establish the corresponding responsibilities in case of infringement of this provision.
8. The Constitution ensures the necessary assistance and procedural adjustments appropriate to the age or disability of persons, as appropriate, to enable their due participation in the process.
9. Judicial proceedings shall be established by law.

## **Article 110.**

1. No person may be arbitrarily deprived of their liberty, nor may their liberty be restricted, except in the cases and in the manner determined by the Constitution and the law.
2. No person may be arrested or detained except by court order, unless caught in flagrante delicto.
3. The arrested or detained person must be brought before the competent court within a maximum of twenty-four hours. They must be informed immediately and comprehensibly of their rights and the reasons for the deprivation of their liberty.



They shall have the right to communicate with their lawyer or whoever they deem appropriate.

4. No person may be arrested or detained, remanded in custody or imprisoned, except at home or in public places intended for this purpose. Their admission must be recorded in a public register.

5. Detention for debts is prohibited, except in case of non-fulfillment of food maintenance obligations.

## **Article 111.**

Every person is entitled to the following minimum criminal procedural safeguards:

a) That any investigative or procedural action that deprives, restricts or disturbs the exercise of the rights guaranteed by the Constitution requires prior judicial authorization.

b) To know the background of the investigation against them, except for the exceptions established by law.

c) That they are presumed innocent until a final conviction has been handed down against them.

d) That criminal liability is not presumed as a matter of law.

e) To be informed, without delay and in detail, of their rights and the cause of the investigation against them.

f) To remain silent and not to be forced to testify against themselves or acknowledge their responsibility. Their ascendants, descendants, spouse, civil partner and other persons specified by law may not be compelled to testify against the accused.

g) That their freedom be the general rule. Personal precautionary measures are exceptional, temporary and proportional, and the law must regulate the cases and requirements.

h) Not to be subjected to a new proceeding, investigation or criminal prosecution for the same act for which they have been convicted, acquitted or definitively dismissed by an enforceable judgment.

i) To be sanctioned proportionally to the infringement committed.

j) That the penalty of confiscation of property is not imposed, without prejudice to confiscation in the cases established by law.



- k) That the loss of pension rights is not to be imposed as a penalty.
- l) That the detention or internment of an adolescent is used only exceptionally and for the shortest appropriate period and in accordance with the provisions of this Constitution, the law and international human rights treaties ratified and in force in Chile.

## **Article 112.**

1. No person may be convicted of any act or omission which, at the time it occurred, did not constitute a crime under the law in force at the time.
2. No crime shall be punishable by any penalty other than that prescribed by a law that entered into force prior to its commission, unless a new law favors the accused.
3. No law may establish penalties without the conduct to be punished being clearly and precisely described therein.
4. The provisions of this Article shall also apply to security measures.

## **Article 113.**

1. A decentralized technical body, called Integral Service of Access to Justice, will be responsible for providing quality legal advice, defense and representation to individuals, as well as professional psychological and social support in appropriate cases.
2. The law will determine the organization, areas of attention, composition and staffing of the Integral Service of Access to Justice, considering a territorially decentralized deployment.

# **Nationality and Citizenship**

## **Article 114.**

1. They are Chilean men and women, who:
  - a) Are born in the territory of Chile. Exceptions are the daughters and sons of foreigners who are in Chile in the service of their government, who, however, may opt for Chilean nationality, in accordance with the Constitution and the laws.



- b) Are the children of a Chilean father or mother born in foreign territory.
- c) Obtain a letter of nationalization in accordance with the law.
- d) Obtain special grace of nationalization by law.

2. The renunciation of a previous nationality will not be required to obtain the Chilean nationalization letter.

3. Any person may demand that in any official identification document, in addition to the Chilean nationality, his belonging to any of the Indigenous peoples and nations of the country be stated.

4. The law shall establish measures for the recovery of Chilean nationality in favor of those who lost it or had to renounce it as a consequence of exile, their daughters and sons.

## **Article 115.**

1. Every person has the right to nationality in the manner and under the conditions set forth in this Article. The law may create more favorable procedures for the nationalization of stateless persons.

2. Chilean nationality confers the unconditional right to reside in Chilean territory and to return to it. It also grants the right to diplomatic protection by the State of Chile and the other rights that the Constitution and the laws link to the nationality status.

## **Article 116.**

1. Chilean nationality is only lost for the following reasons, and only if the person does not thereby become stateless:

- a) Voluntary resignation manifested before a competent Chilean authority.
- b) Cancellation of the naturalization letter, unless it has been obtained by false declaration or fraud. The latter will not be applicable to children and adolescents.
- c) Revocation by law of the nationalization granted by grace.

2. In the case of letter a), nationality may be recovered by letter of naturalization. In the remaining cases, it may only be by law.





## **Article 117.**

1. Persons who have Chilean nationality are citizens of Chile. Those who lose their nationality will also lose their citizenship.
2. Likewise, foreigners who have been living in Chile for at least five years shall be citizens. In this case, citizenship will be lost if this ceases to be the case.
3. The State shall promote the active and progressive exercise, through the different mechanisms of participation, of the rights derived from citizenship, especially in favor of children, adolescents, persons deprived of liberty, persons with disabilities, the elderly and persons whose personal circumstances or capacities diminish their possibilities of exercising them.

## **Article 118.**

1. Chilean citizens abroad are part of the country's political community.
2. The right to vote in national elections, presidential, parliamentary, plebiscites and consultations, in accordance with this Constitution and the laws, is guaranteed.
3. In case of humanitarian crises and other situations determined by law, the State shall ensure family reunification and voluntary return to the national territory.

## **Constitutional Actions**

### **Article 119.**

1. Any person who, by reason of an act or omission, suffers a threat, disturbance or deprivation in the legitimate exercise of his fundamental rights, may bring himself or anyone on his behalf before the court of first instance determined by law, which shall immediately take all steps it deems necessary to restore the rule of law. This action may be brought if the violation persists. The action shall be processed summarily and in preference to any other case before the court.
2. This precautionary action shall be applicable when the affected person has no other action, remedy or procedural means to claim his right, except in those cases in which, due to its urgency and seriousness, it may cause them imminent or irreparable serious damage.
3. When accepting or rejecting the action, the corresponding legal procedure must be indicated, which will allow the resolution of the matter.



4. The competent court may at any time during the proceedings, either ex officio or at the request of a party, order any provisional measure it deems necessary, and may lift or set aside such measures when it deems it appropriate.
5. This action may not be brought against judicial decisions, except with respect to those persons who have not intervened in the respective process and who are affected by its results.
6. The appeal against the final judgment will be heard by the respective appellate court. Exceptionally, this appeal will be heard by the Supreme Court if there are contradictory interpretations of the subject matter of the action in two or more final judgments issued by courts of appeals. If it is considered in the examination of admissibility that there is no such contradiction, it will be ordered to be sent together with its background to the corresponding court of appeals so that, if it deems it admissible, it may be heard and resolved.
7. This action shall also proceed when an administrative act or resolution deprives or denies Chilean nationality. The filing of the action will suspend the effects of the act or resolution appealed.
8. In the case of the rights of nature and environmental rights, this action may be brought either by the Office of Ombudsman for Nature or by any person or group.
9. In the case of the rights of Indigenous and tribal peoples, this action may be brought by the representative institutions of the Indigenous peoples, their members or the Office of the Ombudsman.

## **Article 120.**

1. Any person who is arrested, detained or imprisoned in violation of the provisions of this Constitution or the laws may, by himself or by any person on his behalf, appear, without formalities, before the magistrate designated by law, so that the latter may immediately adopt such measures as may be necessary to reestablish the rule of law and ensure due protection of the person affected, and may even order their immediate release.
2. This magistracy may order the individual to be brought before it and its decree shall be precisely obeyed by all those in charge of prisons or places of detention. On being informed of the antecedents, it shall decree his immediate release or shall have the legal defects repaired or shall place the individual at the disposal of the competent court, proceeding in all cases briefly and summarily, and correcting these defects itself or informing the appropriate person so that they may be corrected. Without prejudice to the foregoing, the court shall exhaust all measures conducive to determine the existence and conditions of the person deprived of liberty.



3. This action shall also proceed with respect to any person who unlawfully suffers a deprivation, disturbance or threat to his right to personal liberty, freedom of movement or individual security, and in such case, all appropriate measures must be taken to reestablish the rule of law and ensure the due protection of the affected person.

## **Article 121.**

1. Any person who is acquitted, finally acquitted or not convicted shall be compensated for each day they have been deprived of liberty. The daily amount of compensation shall be fixed by law and its payment shall be made through a simple and expeditious procedure.

2. Compensation will not proceed when the deprivation of liberty has been decreed for a reason based on the defendant's actual conduct.

## **Article 122.**

1. Any person who has been convicted by a judgment rendered with unjustified error or lack of judicial service shall have the right to be indemnified for all damages that the process and the conviction have caused them.

2. If all or part of the damage derives from the deprivation of liberty, the compensation, which can always be demanded according to the previous Article, will be imputed to the present indemnity. The same indemnity shall apply for administrative actions or decisions derived from the judicial operation that, with lack of service, generate damage.

## **Office of the Ombudsman**

### **Article 123.**

1. An autonomous body, with legal personhood and its own assets, called the Office of the Ombudsman, shall have the function of promoting and protecting the human rights guaranteed in this Constitution, in the international human rights treaties ratified and in force in Chile, as well as those arising from the general principles of law and the peremptory norms recognized by international law, against the acts or omissions of the organs of the State Administration and of the private entities that exercise activities of public service or utility, in the manner established by law.

2. The Office of the Ombudsman shall operate in a decentralized manner in regional



Ombudsman's offices, as established by law. The law shall determine the powers, organization, operation and procedures of the Office of the Ombudsman.

## **Article 124.**

1. The Office of the Ombudsman shall have the following powers:

- a) To oversee State bodies and private entities that perform public service or utility activities, in the fulfillment of their obligations to human rights.
- b) To formulate recommendations on matters within its competence.
- c) To follow up and monitor the recommendations made by international human rights organizations and the judgments issued against the State of Chile by international human rights tribunals.
- d) To process and follow up on complaints about human rights violations and refer if necessary.
- e) To deduct actions and remedies that this Constitution and the laws establish, when patterns of human rights violations are identified.
- f) To bring constitutional and legal actions before the courts of justice with respect to acts that are crimes of genocide, crimes against humanity or war crimes, torture, forced disappearance of persons, trafficking in persons and others established by law.
- g) To have custody of and preserve the records gathered by truth, justice, reparation and guarantees of non-repetition commissions.
- h) To recommend the presentation of bills on matters within its competence
- i) To promote human rights training and education.
- j) Any other duties entrusted to it by the Constitution and the law.

2. All bodies shall cooperate with the requirements of the Office of the Ombudsman, being able to access the necessary information and to establish themselves in the offices of the bodies under audit, in accordance with the law.

3. During states of constitutional exception, the Office of the Ombudsman shall fully exercise its powers.



## **Article 125.**

1. The Office of the Ombudsman shall be headed by an Ombudsman, who shall be appointed by the majority of the members of the Congress of Deputies and the Chamber of Regions, in joint session, from a list of three candidates drawn up by social and human rights organizations, in the manner determined by law.
2. The persons proposed by the organizations must meet the requirements of proven suitability and track record in the defense of human rights.
3. The head of the Office of the Ombudsman shall hold office for six years, without re-election. At the end of his term of office and during the following eighteen months, they shall not be eligible for any popularly elected office or any other position of exclusive trust of any authority.
4. They shall enjoy non-removability in their office and shall be inviolable in the exercise of their powers. They shall cease to hold office upon completion of their term, conviction for a crime or simple offense, resignation, illness incompatible with the exercise of their office and removal. They may be removed by the Supreme Court for notable dereliction of duty, in the manner established by law.
5. There shall be a Council of the Office of the Ombudsman, whose composition, operation and powers shall be determined by law.

## **Article 126.**

1. There shall be an autonomous body, with legal personhood and its own assets, called the Ombudsman for the Rights of Children, whose purpose shall be to promote and protect the rights of children and adolescents and to ensure their best interests. The above, in accordance with this Constitution, the Convention on the Rights of the Child, other international treaties ratified and in force in Chile and national legislation.
2. The law shall determine the organization, functions and powers of the Office of the Ombudsman for the Rights of Children.



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# CHAPTER III. NATURE AND ENVIRONMENT

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## **Article 127.**

1. Nature has rights. The State and society have the duty to protect and respect them.
2. The State must adopt an ecologically responsible administration and promote environmental and scientific education through permanent training and learning processes.

## **Article 128.**

1. The principles for the protection of nature and the environment are, at least, those of progressivity, precaution, prevention, environmental justice, intergenerational solidarity, responsibility and fair climate action.
2. Whoever damages the environment has the duty to repair it, without prejudice to the corresponding administrative, criminal and civil sanctions in accordance with the Constitution and the laws.

## **Article 129.**

1. It is the duty of the State to adopt actions for prevention, adaptation and mitigation of risks, vulnerabilities and effects caused by the climate and ecological crisis.
2. The State must promote dialogue, cooperation and international solidarity to adapt, mitigate and confront the climate and ecological crisis and protect nature.

## **Article 130.**

The State protects biodiversity, and must preserve, conserve and restore the habitat of wild native species in adequate quantity and distribution to sustain the viability of their populations and ensure the conditions for their survival and non-extinction.



## **Article 131.**

1. Animals are subjects of special protection. The State shall protect them, recognizing their sentience and their right to live a life free from mistreatment.
2. The State and its bodies shall promote education based on empathy and respect for animals.

## **Article 132.**

The State, through a unique, holistic and technical national system of protected areas, must guarantee the preservation, restoration and conservation of natural spaces. It must also monitor and maintain updated information on the attributes of these areas and guarantee the participation of local communities and territorial entities.

## **Article 133.**

It is the duty of the State to regulate and promote waste management, reduction and recovery.

## **Natural Commons**

### **Article 134.**

1. The natural commons are elements or components of nature over which the State has a special duty of custody in order to ensure the rights of nature and the interest of present and future generations.
2. Natural commons are the territorial sea and its seabed; beaches; waters, glaciers and wetlands; geothermal fields; air and atmosphere; high mountains, protected areas and native forests; subsoil, and others declared by the Constitution and the law.
3. Among these goods, water is non-appropriable in all its states, air, territorial sea and beaches, those recognized by international law and those declared as such by the Constitution or laws.
4. In the case of natural common goods that are non-appropriable, the State must preserve, conserve and, if necessary, restore them. It must also administer them in a democratic, supportive, participatory and equitable manner. With respect to those natural common goods that are in the private domain, the duty of custody of the State



implies the power to regulate their use and enjoyment, with the purposes established in the first paragraph.

5. The State may grant administrative authorizations for the use of non-appropriable natural commons, in accordance with the law, on a temporary basis, subject to causes of expiration, extinction and revocation, with specific conservation obligations, justified in the public interest, the protection of nature and collective benefit. These authorizations, whether individual or collective, do not generate property rights.

6. Any person may demand compliance with the constitutional duties of custody of the natural commons. The law shall determine the procedure and requirements for this action.

## **Article 135.**

1. The State must promote measures to conserve the atmosphere and the night sky, according to territorial needs.

2. It is the duty of the State to contribute to and cooperate internationally in space research for peaceful and scientific purposes.

## **Article 136.**

The State, as custodian of wetlands, native forests and soils, will ensure the integrity of these ecosystems, their functions, processes and water connectivity.

## **Article 137.**

The State guarantees the protection of glaciers and the glacial environment, including frozen soils and their ecosystem functions.

## **Article 138.**

The State shall protect the ecological and social function of the land.

## **Article 139.**

1. Chile is an oceanic country that recognizes the existence of the maritime territory as a legal category that, like the territory, must have specific regulations, that incorporates its own characteristics in the social, cultural, environmental and economic spheres.





2. It is the duty of the State to conserve, preserve and care for continental, insular and Antarctic marine and coastal ecosystems, promoting the various vocations and uses associated with them, and ensuring, in any case, their preservation, conservation and ecological restoration.

3. A law will establish the administrative division of the maritime territory, its spatial planning, integrated management and the basic principles that should inform the legal bodies that materialize its institutionalization, through a differentiated, autonomous and decentralized treatment, as appropriate, on the basis of territorial equity and justice.

## **Water Statute**

### **Article 140.**

1. Water is essential for life and the exercise of human and natural rights. The State must protect water, in all its states and phases, and its hydrological cycle.
2. The exercise of the human right to water, sanitation and the balance of ecosystems shall always prevail. Other uses shall be determined by law.

### **Article 141.**

The State shall promote and protect community management of drinking water and sanitation, especially in rural and extreme areas and territories, in accordance with the law.

### **Article 142.**

The State shall ensure the reasonable use of water. Authorizations for the use of water shall be granted by the National Water Agency, of a non-commercial nature, granted on the basis of the effective availability of water, and shall bind the holder to the use that justifies their granting.

### **Article 143.**

1. The State shall ensure a participatory and decentralized water governance system through integrated watershed management. The river basin shall be the minimum management unit.
2. The basin councils shall be responsible for water administration, without prejudice



to the oversight and other powers of the National Water Agency and the competencies assigned to other institutions.

3. The law shall regulate the attributions, operation and composition of the councils. These must be integrated, at least, by the holders of water use authorizations, the civil society and territorial entities with presence in the respective basin, ensuring that no actor can achieve control on its own.

4. The councils may coordinate and associate when appropriate. In those cases where a council is not constituted, the administration will be determined by the National Water Agency.

## **Article 144.**

1. The National Water Agency is an autonomous body, with legal personhood and its own assets, which operates in a decentralized manner and is responsible for ensuring the sustainable use of water for present and future generations, access to the human right to water and sanitation, and the conservation and preservation of its associated ecosystems. To this end, it oversees gathering information, coordinating, directing and supervising the actions of the State bodies with competencies in water matters and of individuals, as appropriate.

2. The National Water Agency has the following attributions:

a) To lead and coordinate with the agencies with competence in water matters.

b) To ensure compliance with the National Water Policy established by the respective authority.

c) To grant, revise, modify, expire or revoke water use authorizations.

d) To implement and monitor the instruments of management and environmental protection in water matters.

e) To coordinate and develop a unified public information system.

f) To promote the constitution of basin councils. It will assist them in carrying out integrated management, participatory governance and planning of interventions in the bodies of water and ecosystems associated with the respective basin or basins.

g) To monitor the responsible and sustainable use of water.

h) To impose the corresponding administrative sanctions, which may be claimed before the courts of justice.



- i) To determine the quality of sanitary services.
- j) The others established by law.

3. The law shall regulate the organization, designation, structure, operation and other functions and powers of the National Water Agency.

## **Mineral Statute**

### **Article 145.**

1. The State has absolute, exclusive, inalienable and imprescriptible dominion over all mines and mineral substances, metallic, non-metallic, and deposits of fossil substances and hydrocarbons existing in the national territory, with the exception of surface clays, without prejudice to the ownership of the land on which they are located.
2. The exploration, exploitation and use of these substances shall be subject to a regulation that considers their finite, non-renewable nature, intergenerational public interest and environmental protection.

### **Article 146.**

Glaciers, protected areas, those established by law for reasons of hydrographic protection and others declared by law, are excluded from all mining activities.

### **Article 147.**

1. The State must establish a policy for mining activity and its productive chain, which will consider, at least, environmental and social protection, innovation and the generation of added value.
2. The State must regulate the impacts and synergic effects generated in the different stages of the mining activity, including its productive chain, closure or stoppage, in the manner established by law. It is the obligation of whoever carries out the mining activity to allocate resources to repair the damages caused, the environmental liabilities and mitigate its harmful effects in the territories where it is developed, in accordance with the law. The law will specify the way in which this obligation will apply to small-scale mining and pirquineros.
3. The State shall adopt the necessary measures to protect small-scale mining and



pyre mining, promote them and facilitate access to and use of tools, technologies and resources for the traditional and sustainable exercise of the activity.

## **Office of the Ombudsman of Nature**

### **Article 148.**

1. An autonomous body, with legal personhood and its own assets, called the Office of the Ombudsman of Nature, shall have as its function the promotion and protection of the rights of nature and environmental rights guaranteed in this Constitution, in international environmental treaties ratified and in force in Chile, against acts or omissions of the organs of the State Administration and private entities.
2. The Office of the Ombudsman of Nature shall be deconcentrated into regional ombudsman's offices. The law shall determine the attributions, organization, operation and procedures of the Office of the Ombudsman of Nature.

### **Article 149.**

The Office of the Ombudsman of Nature shall have the following attributions:

- a) To supervise State agencies and private entities in the fulfillment of their obligations regarding environmental rights and the rights of nature.
- b) To formulate recommendations on matters within its competence.
- c) To process and follow up on complaints about violations of environmental rights and to derive in its case.
- d) To deduct constitutional and legal actions, when environmental and nature rights are violated.
- e) To promote training and education in environmental and natural rights.
- f) Any others entrusted by the Constitution and the law.

### **Article 150.**

The direction of the Office of the Ombudsman of Nature will oversee a defender of nature, who will be appointed in a joint session of the Congress of Deputies and the Chamber of Regions, by the majority of its members in office from a list of three



candidates prepared by the environmental organizations of the civil society, in the manner determined by law.



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# CHAPTER IV. DEMOCRATIC PARTICIPATION

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## Article 151.

1. In Chile, democracy is exercised in a direct, participatory, communitarian and representative manner.
2. It is the duty of the State to promote and guarantee the adoption of measures for the effective participation of all of society in the political process and the full exercise of democracy.
3. Organized political activity contributes to the expression of the popular will and its operation shall respect the principles of autonomy, probity, financial transparency and internal democracy.

Participation and Democratic Representation

## Article 152.

1. Citizens have the right to participate in an advocacy or binding manner in matters of public interest. It is the duty of the State to give adequate publicity to the mechanisms of democracy, tending to favor a broad deliberation of the people, in accordance with this Constitution and the laws.
2. The public authorities shall facilitate the participation of the people in the political, economic, cultural and social life of the country. It shall be the duty of each organ of the State to have mechanisms to promote and ensure citizen participation and deliberation in the management of public affairs, including digital media.
3. The law shall regulate the use of digital tools in the implementation of the participation mechanisms established in this Constitution and which are different from suffrage, seeking that their use promotes the highest possible participation in such processes, as well as the widest possible information, transparency, security and accessibility of the process for all persons without distinction.

## Article 153.

1. The State shall guarantee to all citizens, without discrimination of any kind, the full



exercise of participatory democracy, through mechanisms of direct democracy.

2. It shall be the responsibility of the State, in its different spheres and functions, to guarantee the democratic participation and political influence of all persons, especially historically excluded and specially protected groups.
3. The State must guarantee the inclusion of these groups in public policies and in the law-making process, through mechanisms of popular participation and political deliberation, ensuring affirmative measures that enable their effective participation.
4. The law shall establish the affirmative measures necessary to guarantee the political participation and representation of persons with disabilities.

## **Article 154.**

1. It is the duty of the State to guarantee environmental democracy. The right to informed participation in environmental matters is recognized. The mechanisms of participation will be determined by law.
2. All persons have the right to access environmental information in the possession or custody of the State. Private parties must deliver environmental information related to their activity, under the terms established by law.

## **Article 155.**

The regional statute shall consider mechanisms of direct or semi-direct democracy that ensure incidental or binding participation of the population, as appropriate. Likewise, it will consider, at least, the implementation of popular initiatives of local norms at regional and municipal levels, of a binding nature, as well as incidental citizen consultations. The budgetary planning of the different territorial entities will always incorporate elements of incidental participation of the population.

## **Article 156.**

Matters within the jurisdiction of regional and local governments may be submitted to referendum in accordance with the provisions of the law and the respective regional statute. A law shall establish the minimum requirements for requesting or calling them, the time when they may be held, the mechanisms for voting and scrutiny, and the cases and conditions under which their results shall be binding.



## **Article 157.**

1. A group of persons eligible to vote, equivalent to three percent of the last electoral roll, may present a popular initiative for its legislative processing.
2. There will be a period of one hundred and eighty days from its registration before the Electoral Service for the proposal to be known by the citizenship and to gather the required sponsorships. In case of gathering the required support, the Electoral Service will forward the proposal to the Congress, so that it may begin the process of law formation. The popular initiatives will enter the legislative agenda with the urgency determined by law. The legislature will report every six months on the progress of the processing of these initiatives.
3. The popular initiative may not refer to taxes, to the budgetary administration of the State or limit fundamental rights.

## **Article 158.**

1. A group of persons qualified to vote, equivalent to five percent of the last electoral roll, may present an initiative for the total or partial repeal of one or more laws enacted under this Constitution to be voted on by national referendum.
2. Initiatives on matters related to taxes or budgetary administration of the State shall not be admissible.

## **Article 159.**

The Congress of Deputies, the Chamber of Regions and the representative bodies at regional and communal level shall hold public hearings in the opportunities and forms provided by law, in which individuals and civil society may make known proposals and arguments.

# **Suffrage and the Electoral System**

## **Article 160.**

1. Suffrage is universal, equal, free, direct, personal and secret. It is compulsory for those who have reached eighteen years of age, and voluntary for people of sixteen and seventeen years of age and for Chilean men and women living abroad. Its exercise constitutes a right and a civic duty.





2. No authority or body may impede the exercise of this right and must in turn provide all the necessary means so that the persons entitled to vote may exercise it.
3. The safeguarding of public security during the popular vote shall be the responsibility of the institutions indicated by law.
4. Chilean nationals abroad may vote in plebiscites and national consultations, presidential elections and elections of deputies. For this purpose, a special foreign district shall be constituted.
5. Foreigners residing in Chile for at least five years may exercise this right in the cases and forms determined by the Constitution and the law.
6. The law shall establish the conditions to ensure the exercise of this right.

## **Article 161.**

1. For popular elections, the law shall create an electoral system in accordance with the principles of substantive equality, gender parity, gender alternating lists and the others contemplated in this Constitution and the laws. Said system shall guarantee that the collegiate bodies shall have a gender parity composition and shall promote gender parity in candidacies for unipersonal positions. Likewise, it shall ensure that electoral lists are always headed by a woman.
2. There shall be a public electoral registry to which those who meet the requirements established by this Constitution shall be incorporated by the sole authority of the law. The law shall determine its organization and operation.

## **Article 162.**

1. In the collegiate bodies of popular representation at the national, regional and communal levels, reserved seats are established for Indigenous peoples and nations when appropriate and in proportion to their population within the respective electoral territory. Their requirements, form of nomination, number and updating mechanisms shall be determined by law.
2. Only those who belong to such peoples and nations and who are part of a special registry called Indigenous Electoral Registry will be able to vote for these seats. Said registry shall be prepared and administered by the Electoral Service based on the records kept by the state bodies, those held by the Indigenous peoples and nations on their members and the applications of citizens who self-identify as such, under the terms indicated by law.



3. A registry of the Chilean Afro-descendant tribal people shall be created under the same rules of the present article.

## **Article 163.**

1. Legally recognized political organizations shall implement gender parity in their leadership positions, ensuring substantive equality in their organizational and electoral dimensions and promoting the full political participation of women. At the same time, they shall allocate electoral financing proportional to the number of such candidacies.
2. The State and political organizations shall take the necessary measures to eradicate gender violence in order to ensure that all persons fully exercise their political rights.
3. The law will arbitrate the means to encourage the participation of persons of sexual and gender diversities and dissidences in electoral processes.

## **Article 164.**

1. An autonomous body, with legal personhood and its own assets, called the Electoral Service, is responsible for the administration, oversight and supervision of the electoral and plebiscite processes; compliance with the rules on transparency, limits and control of electoral spending; the rules on political organizations; the rules on mechanisms of direct democracy and citizen participation, as well as other functions established by the Constitution and the law.
2. The Directorate of the Electoral Service corresponds to a board of directors that shall exclusively exercise the powers entrusted to it by the Constitution and the laws.
3. This council is composed of five council members appointed by the President of the Republic, with the agreement of the Congress of Deputies and the Chamber of Regions, in joint session and by the majority of its members in office. They shall hold office for eight years, shall not be eligible for reelection and shall be renewed every four years.
4. The council members may only be removed by the Supreme Court at the request of the President of the Republic, of the absolute majority of the members in office of the Congress of Deputies or of the Chamber of Regions, for serious violation of the Constitution or the laws, supervening legal incapacity, misconduct or manifest negligence in the exercise of their functions. The Court shall hear the matter in a plenary session specially convened for this purpose and, to agree on the removal, it must have the affirmative vote of the majority of its members.
5. Regarding participatory democracy and the mechanisms enshrined in this



Constitution, it is the function of the Electoral Service to promote information, education and citizen or electoral participation in relation to such processes, in collaboration with other state agencies and civil society. It shall also oversee the implementation and proper execution of these mechanisms.



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# CHAPTER V. GOOD GOVERNANCE AND PUBLIC SERVICE

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## Article 165.

1. The exercise of public functions obliges its holders to comply with the principles of probity, transparency, and accountability in all their actions. It is also governed by the principles of efficiency, effectiveness, responsibility, publicity, good faith, interculturality, gender focus, inclusion, non-discrimination, and sustainability.
2. Public service should be provided with territorial, cultural, and linguistic relevance.

## Article 166.

1. The principle of probity consists of observing responsible and unimpeachable conduct as an official, performing the corresponding function or position in a loyal, honest, objective, and impartial manner, without incurring in discrimination of any kind, with the general interest prevailing over the private interest.
2. The elected authorities and other authorities, officials and civil servants determined by law, shall declare their interests and assets publicly. The law shall regulate the cases and conditions under which they shall delegate to third parties the administration of those assets and obligations that involve a conflict of interest in the exercise of public office. It may also consider other appropriate measures to resolve them.

## Article 167.

1. The Constitution ensures to all persons the transparency of public information by facilitating its access in an understandable and timely manner, periodically, proactively, legibly and in open formats, within the terms and conditions established by law. The principle of transparency requires State bodies to make public information available to any person who requires it and to ensure its timely delivery and accessibility.



2. Information prepared with public budget and all other information in the possession or custody of the State, whatever its format, support, date of creation, origin, origin, classification, or processing, is public.
3. Every institution that performs a public function or administers public resources must comply with the principle of transparency.
4. Only the law may establish the confidentiality or secrecy of such information, for reasons of State security or national interest, protection of the rights of individuals, personal data or when its disclosure would affect the due fulfillment of the functions of the respective institution, in accordance with its purposes.

## **Article 168.**

The organs of the State and those who exercise a public function must render an account and assume responsibility in the exercise of their office, in the manner and under the conditions established by law. The State shall promote the active participation of individuals and civil society in overseeing compliance with this duty.

## **Article 169.**

1. The Council for Transparency is an autonomous, specialized, and objective body with legal personhood and its own assets, responsible for promoting transparency in the civil service, overseeing compliance with the rules on transparency and disclosure of information of State bodies and guaranteeing the right of access to public information.
2. The law shall regulate its composition, organization, operation, and powers.

## **Article 170.**

1. Corruption is contrary to the common good and undermines the democratic system.
2. It is the duty of the State to promote integrity in public service and to eradicate corruption in all its forms, both in the public and private sectors. In compliance with the above, it shall adopt effective measures for its study, prevention, investigation, prosecution and sanction, prevention, investigation, prosecution, and punishment.
3. The competent bodies shall coordinate their actions through the corresponding instances and mechanisms for the fulfillment of these purposes, and pursue the application of the corresponding administrative, civil, and criminal sanctions, in the manner determined by law.



## **Article 171.**

The State assures all persons due protection, confidentiality and indemnity when reporting infractions in the exercise of public functions, especially breaches of probity, transparency, and acts of corruption.

## **Article 172.**

Persons convicted of crimes against humanity, sexual crimes and domestic violence, those related to corruption such as tax fraud, money laundering, bribery, bribery, embezzlement of public funds and others established by law shall not be eligible for public office or popular election. The terms and periods of these disqualifications shall be determined by law.

## **Article 173.**

With respect to the high authorities of the State, the law will establish greater requirements and standards of responsibility for compliance with the principles of probity, transparency and accountability.

## **Article 174.**

A commission shall fix the remunerations of the popularly elected authorities, as well as of those who serve in their exclusive trust. Remunerations shall be fixed every four years, at least eighteen months prior to the end of a presidential term. The agreements of the commission shall be public, shall be based on technical background and shall guarantee a remuneration adequate to the responsibility of the position. A law shall establish the integration, operation and attributions of this commission.

## **Article 175.**

1. The purpose of public administration is to satisfy the needs of individuals and communities. In its organization and operation, it is subject to the principles of legality, speed, objectivity, participation, control, hierarchy, good treatment, and other principles set forth in the Constitution and the law.
2. The bodies of the Administration shall execute public policies, plans and programs, and shall provide or guarantee, as the case may be, the rendering of public services on a continuous and permanent basis.
3. The law shall establish the basic organization of the public administration, and may



confer upon its organs, among others, regulatory, supervisory, investigative, interpretative and sanctioning powers. In no case do these powers imply the exercise of jurisdiction.

4. Each authority and headquarters, within the scope of its competence, may issue rules, resolutions and instructions for the better and more efficient performance of its functions.

5. Any person whose rights have been violated by the public administration may file a complaint before the administrative and jurisdictional instances established by this Constitution and the law.

## **Article 176.**

1. It is the duty of the State to provide universal and quality public services, which shall be sufficiently financed.

2. The State will plan and coordinate in an intersectoral manner the provision, delivery and coverage of these services, under the principles of generality, uniformity, regularity and territorial relevance.

## **Article 177.**

1. The public administration carries out its own and usual functions through public servants.

2. The positions that this Constitution or the law qualify as positions of exclusive trust, in view of the nature of their functions, are part of the Government and shall have the regime of entry, performance and termination established by law.

3. Persons who have the status of spouse, civil partner or relatives up to the fourth degree of consanguinity and second degree of affinity, inclusive, with respect to the authorities and the executive officers of the State agency to which they are applying, may not be appointed in the public administration. Exceptions are made for appointments made in application of the regulations in force on entry or promotion by merit in career positions.

## **Article 178.**

1. The State shall define mechanisms for the modernization of its processes and organization, shall adapt its operation to the social, environmental and cultural conditions of each locality, shall use advances in science, technology, knowledge and innovation to promote the optimization and continuous improvement in the



provision of public goods and services, and shall allocate the necessary resources for these purposes. It will also promote participation and efficient management in accordance with the needs of people and communities.

2. An agency will be in charge of preparing plans to promote the modernization of the State Administration, monitor their implementation, prepare periodic diagnoses on the

operation of public services and other functions, as established by law. It will have an advisory council whose composition will consider, among others, the users and officials of public services and territorial entities.

## **Article 179.**

1. The Civil Service is composed of civil servants who, under the direction of the Government, regional governments or municipalities, carry out the functions of the Public Administration. Positions of exclusive trust are excluded from the civil service.

2. Admission to these functions shall be carried out through an open, transparent, impartial and agile system that favors merit, specialty and suitability for the position, observing objective and predetermined criteria.

3. The development, performance evaluation and termination of these functions shall respect their technical and professional nature. The law shall regulate the bases of the civil service career, allowing the mobility of civil servants within the entire public administration and civil service training, considering the territorial and cultural relevance of the place where the service is provided. It shall also establish a system for the education, training and improvement of civil servants.

## **Article 180.**

1. The Civil Service Directorate is an autonomous body, with legal personhood and its own assets, in charge of strengthening the civil service and the selection procedures for positions in the public administration and other entities established by the Constitution and the law, safeguarding the principles of transparency, objectivity, non-discrimination and merit. Its attributions shall not affect the competencies that, in the area of management, correspond to the authorities and heads of public services. The law shall regulate its organization and other attributions.

2. This Directorate will regulate the selection processes of candidates for positions in the Senior Public Management System, or those that must be selected with their participation, and will conduct the competitions to fill senior management positions in the services, through a Senior Public Management Council.





## **Article 181.**

1. The fire department of Chile is an institution belonging to the civil protection system, whose purpose is to attend to emergencies caused by nature or human beings, without prejudice to the specific competence of other public and/or private organizations.
2. The State must provide financial coverage to cover all its operational expenses, training and equipment, as well as medical coverage to its personnel for accidents or illnesses contracted in the line of duty.
3. The fire department of Chile shall be subject in all their actions to the principles of probity, transparency and accountability.

## **Article 182.**

1. The State participates in the economy to fulfill its constitutional purposes, in accordance with the economic principles and objectives of solidarity, economic pluralism, productive diversification, and social and solidarity economy. In the exercise of its powers, it regulates, supervises, promotes and develops economic activities, in accordance with the provisions of this Constitution and the law.
2. The Constitution recognizes the State's initiative to develop economic activities, through the various forms of ownership, management and organization authorized by law.
3. Public enterprises shall be created by law, shall be governed by the legal regime determined therein and shall be subject to the rules on probity and accountability.
4. The State will promote innovation, local markets, short circuits and the circular economy.
5. The State must prevent and sanction market abuses. Collusion practices between companies and abuses of dominant position, as well as business concentrations that affect the efficient, fair and loyal functioning of the markets will be understood as conduct contrary to the social interest. The law will establish the penalties for those responsible.

## **Article 183.**

1. Public finances shall be conducted in accordance with the principles of sustainability and fiscal responsibility, which shall guide the actions of the State in all its institutions and at all levels.



2. The State shall use its resources in a reasonable, optimal, effective and efficient manner, for the benefit of the people and in accordance with the objectives imposed by the Constitution and the laws.

3. Without prejudice to the different types of liability that may arise from non-compliance with financial obligations, the law must establish mechanisms for effective redress of the public patrimony.

## **Article 184.**

1. It is the duty of the State, within the scope of its financial competencies, to establish a permanent policy of sustainable development in harmony with nature.

2. To have resources for the care and repair of ecosystems, the law may establish taxes on activities that affect the environment. Likewise, the law may establish taxes on the use of natural common goods, national goods of public use or fiscal goods. When such activities are territorially circumscribed, the law must distribute resources to the corresponding territorial entity.

## **Article 185.**

1. All persons and entities shall contribute to the support of public expenditures through the payment of taxes, fees and contributions authorized by law. The tax system is based on the principles of equality, progressiveness, solidarity and material justice, which, in no case, shall have a confiscatory scope. One of its objectives shall be the reduction of inequalities and poverty.

2. The exercise of the taxing power admits the creation of taxes that respond to purposes other than tax collection, taking into consideration limits such as necessity, reasonableness and transparency.

3. Taxes collected, whatever their nature, shall be paid into the fiscal coffers or to territorial entities as appropriate under the Constitution. As an exception, the law may create taxes in favor of territorial entities that are levied on activities or goods with a clear identification with the territories.

4. Territorial entities may only establish taxes and contributions within their territory in accordance with a framework law that shall establish the taxable event.

5. Annually, the competent authority shall publish, in accordance with the law, the income subject to taxes and the national, regional and communal tax burdens, as well as the tax benefits, subsidies, grants or bonuses for the promotion of business activity, including natural and legal persons. The cost of these tax benefits must also be estimated annually in the Budget Law and published.



6. Plebiscite and referendum shall not be applicable in tax matters.

## **Article 186.**

The State will establish a national port policy, guided by the principles of efficiency in the use of the coastal area; environmental responsibility, with special emphasis on the care of nature and natural common goods; public participation in the resources generated by the activity; linkage with the territory and the communities in which the port facilities are located; recognition of the port professional career as a high-risk job; and collaboration between facilities and port infrastructure to ensure the timely supply of communities.



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# CHAPTER VI. REGIONAL, STATE, AND TERRITORIAL ORGANIZATION

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## **Article 187.**

1. The State is territorially organized into autonomous territorial entities and special territories.
2. Autonomous territorial entities are autonomous communes, autonomous regions and Indigenous territorial autonomies. They are endowed with political, administrative and financial autonomy for the realization of their purposes and interests. They have legal personhood under public law, their own patrimony and the powers and competencies necessary to govern themselves in the general interest of the republic, in accordance with the Constitution and the law, with the limits of human rights and the rights of nature.
3. The creation, modification, delimitation and suppression of territorial entities must consider objective criteria based on historical, geographical, social, cultural, ecosystemic and economic background, guaranteeing the popular, democratic and binding participation of their inhabitants.
4. In no case shall the exercise of autonomy infringe upon the unique and indivisible character of the State of Chile, nor shall it permit territorial secession.

## **Article 188.**

1. The territorial entities coordinate and associate in relations of solidarity, cooperation, reciprocity and mutual support, avoiding duplication of functions, in accordance with the mechanisms established by law.
2. Two or more territorial entities, with or without territorial continuity, may enter into agreements and form territorial associations for the purpose of achieving common objectives, promoting social cohesion, improving the provision of public services, increasing efficiency and effectiveness in the exercise of their competencies and enhancing sustainable and balanced social, cultural and economic development.
3. The central administration will promote and support cooperation and associativity



with and among territorial entities.

4. The law shall establish the general bases for the creation and operation of these associations, in accordance with the respective regional regulations.

5. The associations of territorial entities shall in no case alter the territorial organization of the State.

## **Article 189.**

1. The Constitution guarantees equitable treatment and harmonious and supportive development among the various territorial entities, both urban and rural. It shall tend to the general interest and effective integration and may not establish arbitrary differences among them.

2. The State ensures horizontal equity for all persons in access to public goods and services, employment and all State benefits, regardless of their place of residence in the territory, establishing, if necessary, affirmative actions in favor of special protection groups.

## **Article 190.**

Territorial entities and their bodies must act in coordination in compliance with the principles of plurinationality and interculturality; respect and protect the diverse ways of conceiving and organizing the world, of relating to nature; and guarantee the rights of self-determination and autonomy of Indigenous peoples and nations.

## **Participation in the territorial entities in the regional State.**

### **Article 191.**

1. Territorial entities guarantee the right of their inhabitants to participate, individually or collectively, in public decisions, including the formulation, execution, evaluation, oversight and democratic control of the public function, in accordance with the Constitution and the law.

2. Indigenous peoples and nations shall be consulted and shall grant free, prior and informed consent in those matters or issues that affect their rights recognized in this Constitution.



## **Article 192**

Territorial entities shall promote, foster and guarantee the mechanisms for participation in public policies, plans and programs implemented at each territorial level, in the cases indicated by this Constitution, the law and the regional statutes.

## **Article 193.**

1. It is the duty of territorial entities, within the scope of their competencies, to establish a permanent policy of territorial equity, sustainable development and harmony with nature.
2. Territorial entities shall consider for their social, political, administrative, cultural, territorial and economic planning the principles of budgetary sufficiency, inclusion and interculturality, criteria of socio-spatial integration, gender, socio-ecosystemic, human rights and other approaches established by this Constitution.

## **Article 194.**

The principle of non-trusteeship applies between territorial entities. No territorial entity may exercise tutelage over another, without prejudice to the application of the principles of coordination, associativity, solidarity, and conflicts of competence that may arise.

## **Article 195.**

1. The central administration may transfer to territorial entities the competencies determined by law, without prejudice to those indicated in this Constitution. This transfer shall always consider the personnel and financial resources necessary and sufficient for its adequate execution. The law shall establish the procedure, as well as its evaluation and control mechanisms.
2. The State must also generate differentiated public policies. The law will establish the criteria and requirements for the application of these differences, as well as the solidarity and equity mechanisms that compensate for the inequalities between the different territorial levels.

## **Article 196.**

1. The competencies shall be assigned prioritizing the local entity over the regional and the latter over the national, without prejudice to those competencies that the Constitution itself or the laws reserve to each of the territorial entities.



2. When the general interest so requires, the central or regional administration body may temporarily replace the regional or local entity in the exercise of powers that cannot be assumed by the latter.

## **Article 197.**

1. The State, through the central administration, regional and local governments, has the duty to organize and plan the territory. For this, they will use management units that consider the hydrographic basins.

2. The purpose of this duty will be to ensure an adequate location of settlements and productive activities, allowing for responsible management of ecosystems and human activities, with criteria of equity and territorial justice for intergenerational well-being.

3. Land management and ecological planning plans will prioritize the protection of the upper parts of watersheds, glaciers, natural aquifer recharge zones, and ecosystems. They may define environmental or cultural protection areas and create buffer zones for them. They will also contemplate the impacts that land uses cause on the availability and quality of water.

4. The management and planning of the territories shall be binding in the matters determined by law. They will be executed in a coordinated and integrated manner, focused on the general interest and with processes of popular participation in their different stages.

## **Article 198.**

The State is the guarantor of the country's connectivity in coordination with regional governments. Regional connectivity will be promoted with special attention to isolated, rural and difficult to access territories.

## **Article 199.**

The communes and autonomous regions located in border areas may link with the neighboring territorial entities of the neighboring country, through their respective authorities, to establish cooperation and integration programs, aimed at promoting community development, the provision of public services and environmental conservation, under the terms established by this Constitution and the law.



## **Article 200.**

The election of the representatives by popular vote of the territorial entities shall be carried out ensuring territorial representativeness, territorial belonging and the respective residency.

## **Autonomous Commune**

### **Article 201.**

1. The autonomous commune is the basic political and territorial entity of the regional State, endowed with legal personhood under public law and its own assets, which enjoys autonomy for the fulfillment of its purposes and the exercise of its powers, in accordance with the provisions of the Constitution and the law.
2. The law shall classify the communes into different types, which shall be considered by the organs of the State for the establishment of differentiated administrative and economic-fiscal regimes, the implementation of policies, plans and programs considering the diverse local realities, and especially for the transfer of competences and resources. The establishment of communal types shall consider, at least, demographic, economic, cultural, geographic, socio-environmental, urban and rural criteria.

### **Article 202.**

The autonomous commune has the powers and competences of self-government to satisfy the needs of the local community. These are essential competences of the autonomous commune:

- a) Exercise functions of government and administration within the commune and within the scope of its competences.
- b) The dictation of general and obligatory norms in matters of communal character, in accordance with the Constitution and the laws.
- c) The creation, provision, organization and administration of municipal public services within the scope of its functions, in accordance with the Constitution and the law.
- d) The sustainable and integral development of the commune.
- e) The protection of the communal ecosystems and the rights of nature.





- f) To exercise the pertinent actions to protect nature and its rights recognized by this Constitution and the law.
- g) The execution of the mechanisms and actions of environmental protection in the form determined by the Constitution, the law, the instruments of environmental management and related norms.
- h) The conservation, custody and safeguarding of the cultural and natural heritages.
- i) The promotion and protection of cultures, arts and cultural and natural heritages, as well as artistic research and training in their territories.
- j) To guarantee popular participation and the strengthening of democracy.
- k) To develop, with the regional and central level, activities and services in the areas of education, health, housing, tourism, recreation, sports and others established by law.
- l) The construction of works demanded by local progress within the framework of its attributions.
- m) The strategic development of the commune through the communal development plan.
- n) The planning of the territory by means of the communal regulatory plan agreed upon in a participatory manner with the community of its respective territory.
- ñ) The promotion of productive activities.
- o) The promotion of local commerce.
- p) The promotion of the reintegration and reinsertion of street people who require it, through the planning, coordination and execution of programs to that effect.
- q) To manage disaster risk reduction.
- r) The development of cleanliness and ornateness of the commune.
- s) The promotion of public safety.
- t) Other competencies determined by the Constitution and the law. The laws shall recognize the existing differences between the different types of communes and municipalities, ensuring equity, inclusion and territorial cohesion.



## **Article 203.**

1. To guarantee the respect, protection and progressive realization of economic and social rights under equal conditions, the autonomous communes may temporarily entrust one or more competencies to the respective autonomous region or the central administration, as established by law.
2. At the request of the mayor with the agreement of the municipal council, the autonomous region or the central administration, when the general interest so requires, may temporarily replace the autonomous commune in the exercise of the powers that cannot be assumed by the latter.

## **Article 204.**

The mayor, with the approval of the municipal council, may establish delegations for the exercise of the powers of the autonomous commune in the cases and forms determined by law.

## **Article 205.**

The government of the autonomous commune resides in the municipality, which will be constituted by the mayor and the municipal council, with the participation of the community living in its territory.

## **Article 206.**

1. The mayor is the highest executive authority of the communal government, integrates and presides over the municipal council and represents the commune judicially and extrajudicially.
2. They shall hold office for a term of four years and may be reelected consecutively only once for the following term. For these purposes, it shall be understood that the mayor has held office for a term when they have served more than half of their term.

## **Article 207.**

1. The municipal council is the collegiate body of popular and neighborhood representation, endowed with normative, resolutive and supervisory functions. It shall be composed of the number of persons in proportion to the population of the commune, in accordance with the Constitution and the law.

The law shall establish a regime of disqualifications and incompatibilities.



2. The members of the municipal council shall serve for a term of four years and may be reelected consecutively only once for the following term. For these purposes, it shall be understood that they have held office for a period when they have served more than half of their term of office
3. Councilmen and councilwomen shall be provided with the conditions and resources necessary for the efficient and proper performance of their duties.
4. The agreement of the council shall be necessary for the approval of the communal development plan, the municipal budget and the respective investment projects, and others determined by law
5. The agreement of the Council shall also be necessary for the approval of the communal regulatory plan.

## **Article 208.**

Each commune will have a communal statute prepared and approved by the municipal council. Without prejudice to the general minimums provided by law for all communes, the communal statute establishes the administrative organization and functioning of the communal bodies, the mechanisms of neighborhood democracy and the rules for the elaboration of communal ordinances.

## **Article 209.**

1. The communal social assembly has the purpose of promoting popular and citizen participation in public affairs. It will be of a consultative, incidental and representative character of the organizations of the commune.
2. Its integration, organization, operation and attributions shall be established by law and complemented by the regional statute.

## **Article 210.**

1. The communes shall establish territories called neighborhood units. Within the neighborhood unit a neighborhood council shall be constituted, representative of the persons residing therein, which shall have legal personhood and shall be non-profit, and whose purpose shall be to make effective the popular participation in the communal management and in the development of the community. In communes with rural populations, a communal union of neighborhood councils of rural character may also be constituted.
2. The law shall provide for the manner of determining the territory of the



neighborhood units, the procedure for the constitution of the neighborhood boards and communal unions and their attributions.

## **Article 211.**

1. The council of mayors is a consultative and representative body of all the communes of the autonomous region. It shall be coordinated by whomever its members determine by a majority of its members in office.
2. It shall meet and address the problems of the autonomous region, promote effective coordination among the various bodies with a regional presence, and foster effective cooperation among the communal governments.

## **Article 212.**

1. The central administration of the State guarantees the municipality sufficient financing and resources for the fair and equitable development of each commune.
2. Likewise, it must observe as a basic principle for the communal government, the search for a harmonious and equitable territorial development, tending that all people have access to equal level and quality of municipal public services, without distinction of the place where they live.

## **Article 213.**

1. The autonomous communes may associate with each other on a permanent or temporary basis. They shall have legal personhood under private law and shall be governed by the regulations pertaining to such sector.
2. Notwithstanding the provisions of the preceding paragraph, the associations shall be subject to the control of the Comptroller General of the Republic and shall comply with the regulations of administrative probity and transparency in the exercise of the function they perform.

## **Article 214.**

The autonomous communes, to fulfill their functions and exercise their powers, may create or participate in companies, either individually or in association with other public or private entities, prior authorization by general or special law. The municipal public enterprises shall have legal personhood and their own assets and shall be governed in accordance with the provisions of the Constitution and the law.



## **Article 215.**

1. The creation, division or merger of autonomous communes or the modification of their boundaries or denomination shall be determined by law, respecting in all cases objective criteria, as provided in the Constitution.
2. A law shall regulate the transitory administration of the communes that are created; the procedure for the installation of the new municipalities, the transfer of municipal personnel and services, and the necessary safeguards to ensure the use and disposition of the assets located in the territories of the new communes.

## **Article 216.**

1. The municipalities have the duty to promote and guarantee citizen participation of the local community in management, in the construction of local development policies and in territorial planning, as well as in the cases indicated by this Constitution, the law and regional or communal statutes.
2. These will provide the mechanisms, spaces, resources, digital literacy, training and civic education and all that is necessary to realize such participation, which will be consultative, incidental and, where appropriate, binding in accordance with the respective legislation.

## **Article 217.**

The municipalities may establish their staffing levels and the bodies or units of their internal structure, in accordance with the law, considering the civil service career and its proper financing.

## **Province**

### **Article 218.**

The province is a territorial division established for administrative purposes and is composed of a grouping of autonomous communes.



# Autonomous Region

## Article 219.

The autonomous region is the political and territorial entity endowed with legal personhood under public law and its own assets that enjoys autonomy for the development of regional interests, the management of its economic resources and the exercise of legislative, regulatory, executive and supervisory powers through its bodies within the scope of its competencies, in accordance with the provisions of the Constitution and the law.

## Article 220.

These are competencies of the autonomous region:

- a) The organization of the Regional Government, in accordance with the Constitution and its Statute.
- b) The political-administrative and financial organization of the autonomous region.
- c) Coordinate and delegate the constitutional competencies shared with other territorial entities.
- d) Regional policy on housing, urban planning, health, transportation and education in coordination with national policies, plans and programs, respecting the universality of the rights guaranteed by this Constitution.
- e) The creation of regional public enterprises by the competent organs of the autonomous region, in accordance with the procedures regulated by law.
- f) Autonomously exercising the administration and coordination of all public services under its jurisdiction.
- g) The conservation, preservation, protection and restoration of nature, ecological balance and the rational use of water and other natural elements of its territory.
- h) The regulation and administration of the forests, reserves and parks of the protected wild areas and any other fiscal property that is considered necessary for the care of the ecosystemic services that are granted to the communities, in the scope of its competences.
- i) Planning, land-use planning and integrated watershed management.



- j) To establish a permanent policy of sustainable and harmonious development with nature.
- k) Approve, through processes of citizen participation, the environmental decontamination plans of the autonomous region.
- l) Promote popular participation in matters of regional interest.
- m) The development of research, technology and science.
- n) The promotion and protection of cultures, arts, historical, archeological, linguistic and architectural intangible heritage; and artistic training in its territory.
- ñ) Executing public works of interest in the territory of the autonomous region. o) The planning and implementation of physical and digital connectivity. p) The promotion and encouragement of sports, leisure and recreation.
- q) The promotion and management of tourism in the territorial scope of the autonomous region, in coordination with the autonomous commune.
- r) The promotion of the social, productive and economic development of the autonomous region, in coordination with national policies, plans and programs.
- s) Establish contributions and taxes within its territory, prior authorization by law.
- t) Participate in international cooperation actions, within the frameworks established by treaties and agreements in force.
- u) Any other powers determined by the Constitution and the law.

## **Article 221.**

1. The powers not expressly conferred on the autonomous region correspond to the central administration, without prejudice to the transfer of powers regulated by the Constitution and the law.
2. The powers of the autonomous region may be exercised concurrently and in coordination with other State bodies.

## **Article 222.**

The institutional organization of the autonomous regions is composed of the regional government and the regional assembly.



## **Article 223.**

1. The regional government is the executive body of the autonomous region.
2. A regional governor heads the regional government, exercises the functions of government, administration, and represents the region judicially and extrajudicially.
3. The head of the regional government represents the autonomous region before the national authorities with coordination and intermediation functions between the central government and the region, and before the international authorities, within the framework of the national policy on international relations.
4. In the respective election, the person obtaining the majority of the votes validly cast shall be elected. If no person obtains at least forty percent of the votes, a second ballot shall be held between those who have obtained the two highest majorities. The person obtaining the majority of the votes validly cast shall be elected.
5. The head of the regional government shall hold office for a term of four years and may be reelected consecutively only once for the following term. In this case, the office shall be considered to have been held for a period when more than half of the term of office has been served.

## **Article 224.**

The following are essential powers of the regional governments:

- a) To exercise regulatory powers in all matters within the scope of its competencies, in accordance with the Constitution, the law and the regional statute.
- b) To organize, administer, supervise and oversee the public services of the autonomous region and coordinate with the government with respect to those of a national nature that operate in the region.
- c) To propose to the regional assembly the creation of regional public companies or participation in regional companies for the management of services within its competence, as provided for in the Constitution, the law and the regional statute.
- d) To prepare and submit to the regional assembly the regional land use plan and urban development plans for metropolitan areas, in accordance with the regional statute and the law.
- e) To submit to the regional assembly the integrated watershed management plans agreed upon in the respective watershed councils, in accordance with the law.






- f) To convene regional referendums and plebiscites as provided for in the Constitution, the regional statute and the law.
- g) To establish crisis management systems among the bodies that have a seat in the autonomous region, which include, at least, their preparation, prevention, administration and management.
- h) To prepare and present to the regional assembly the regional development plan, in accordance with the regional statute.
- i) To enter into acts and contracts in which it has an interest.
- j) To adopt and implement public policies that encourage and promote the social, productive, economic and cultural development of the autonomous region, especially in areas of competence of the autonomous region.
- k) To promote innovation, competitiveness and investment in the respective autonomous region.
- l) To prepare and submit to the regional assembly the draft regional budget, in accordance with this Constitution and the regional statute.
- m) To administer and execute the budgetary planning on the allocation and use of the regional budget.
- n) To exercise its own fiscal powers in accordance with the Constitution and the law.
- ñ) To enter into and execute agreements with the governments of other autonomous regions for the purpose of implementing interregional public programs and policies, as well as any other form of territorial association.
- o) To enter into and execute international cooperation actions, within the frameworks established by the treaties and agreements that the country may enter into for such purpose and in accordance with the procedures regulated by law.
- p) The other powers set forth in the Constitution, the law and the regional statute.

## **Article 225.**

1. The regional assembly is the collegiate body of regional representation that is endowed with normative, resolute and supervisory power
2. A law shall determine the general requirements for access to the office of regional assemblyman and their number in proportion to the regional population.



3. Those who hold the office of regional assemblyman shall hold office for a term of four years and may be reelected consecutively only once for the immediately following term. In this case, they shall be considered to have held office for a term when they have served more than half of their term.

## **Article 226.**

The attributions of the regional assembly are:

- a) To issue its internal operating regulations.
- b) To dictate the regional norms that make applicable the laws of regional agreement.
- c) To initiate in matters of regional interest the legislative process before the Chamber of Regions.
- d) To request to the Congress of Deputies the transfer of legislative power in matters of interest to the autonomous region.
- e) To exercise the regulatory power in conjunction with the head of the regional government in matters within its competence and to issue the regulations for the execution of the law when it so entrusts.
- f) To administer its own assets and patrimony.
- g) To approve, reject or modify the investment of the resources of the solidarity funds that are created, and other public resources provided by law.
- h) To supervise the acts of the regional government in accordance with the procedure established in the regional statute.
- i) To oversee the acts of the regional administration, for which purpose it may request information from authorities or chiefs who perform their functions in the autonomous region, summon public officials
- j) To request the regional governor to render an account of their participation in the Council of Governors.
- k) To approve, reject or propose modifications to the integrated watershed management plan.
- l) To pronounce jointly with the competent bodies with respect to the environmental evaluation procedures.



- m) To approve, modify or reject the regional budget, the regional development plan and land use plans.
- n) To pronounce on the call for regional consultations or plebiscites.
- ñ) To approve, upon proposal of the regional governor and prior ratification by the Chamber of Regions, the creation of regional public enterprises or participation in regional enterprises.
- o) Any other powers determined by the Constitution and the law.

## **Article 227.**

1. The administrative organization and internal functioning of each autonomous region shall be established in a statute.
2. The regional statute must respect the fundamental rights and the principles of the social and democratic rule of law recognized in the Constitution.

## **Article 228.**

1. The draft regional statute shall be prepared and proposed by the head of the regional government to the respective regional assembly for deliberation and agreement, which shall be approved by the majority in office.
2. The process of elaboration and reform of this shall guarantee the popular, democratic and binding participation of the inhabitants of the respective autonomous region.

## **Article 229.**

1. The regional social council is responsible for promoting popular participation in regional public affairs of a participatory and consultative nature. Its integration and competencies shall be determined by law.
2. The head of the regional government and the heads of the regional public services shall report to the regional social council at least once a year on the budget execution and the development of projects under the terms prescribed by the regional statute. budget execution and the development of projects under the terms prescribed by the regional statute.



## **Article 230.**

1. The Council of Governorates, presided over by the President of the Republic and made up of the governors of each region, will coordinate relations between the central administration and territorial entities, ensuring the balanced social and economic well-being of the republic as a whole.
2. The powers of the Board of Governors are as follows:
  - a) To coordinate, complement and collaborate in the execution of public policies in the regions.
  - b) To conduct economic and budgetary coordination between the central administration and the autonomous regions.
  - c) To discuss joint actions of a strategic nature, which affect the national and regional spheres of competence, as well as to ensure respect for the autonomy of the territorial entities.
  - d) To watch over the correct application of the principles of equity, solidarity and territorial justice, and of the mechanisms of inter-territorial economic compensation, in accordance with the Constitution and the law.
  - e) To convene sectoral meetings between territorial entities.
  - f) To agree on the creation of commissions or working groups for the study of matters of common interest.
  - g) Any others established by the Constitution and the law.

## **Article 231.**

1. The autonomous region may establish its staffing levels and the bodies or units of its internal structure in accordance with the law, considering the civil service career and its due financing.
2. These powers shall be exercised by whoever presides over the governorate, subject to the agreement of the regional assembly.

## **Article 232.**

The law shall determine the public services, institutions or enterprises of the State, which by virtue of their supervisory purposes, or for reasons of efficiency and general



interest, shall maintain a centralized or decentralized organization throughout the territory of the Republic.

## **Article 233.**

1. The autonomous regions have the authority to coordinate with those representing the ministries and public services with a presence in the autonomous region.
2. The regional government may request the central government to transfer the competencies of ministries and public services. In turn, the municipalities may request the regional government to transfer competencies.
3. The exercise of these powers is intended to guarantee the respect, protection and progressive realization of social and economic rights under equal conditions in the different territorial entities.
4. The central administration will have temporary subrogation powers when territorial entities are unable to efficiently fulfill their mandates.
5. The law shall regulate the procedure and the exercise of these powers.

## **Indigenous Territorial Autonomy**

### **Article 234.**

1. Indigenous territorial autonomy is the territorial entity endowed with legal personhood under public law and its own patrimony, where Indigenous peoples and nations exercise autonomy rights in coordination with other territorial entities. It is the duty of the State to recognize, promote and guarantee Indigenous territorial autonomies for the fulfillment of their purposes.
2. The law, through a process of participation and prior consultation, shall create a timely, efficient and transparent procedure for the constitution of Indigenous territorial autonomies. Such procedure shall be initiated at the request of the Indigenous peoples and nations concerned, through their representative authorities.

### **Article 235.**

The law shall establish the exclusive competencies of the Indigenous territorial autonomies and those shared with other territorial entities. The Indigenous territorial autonomies shall have the necessary competencies and financing for the



adequate exercise of the right of self-determination of Indigenous peoples and Indigenous nations.

## Special Territories

### Article 236.

1. Rapa Nui and the Juan Fernández Archipelago are special territories, which are governed by their respective statutes.
2. By virtue of the geographic, climatic, environmental, economic, social and cultural particularities of a given territorial entity or part thereof, the law may create special territories.
3. In the special territories, the law may establish differentiated economic and administrative regimes, as well as their duration, taking into consideration the specific characteristics of these entities.

### Article 237.

1. The law shall create and regulate the administration of a Fund for Special Territories, the resources of which shall be destined exclusively to the purposes for which they were created.
2. Likewise, the central administration and the autonomous territorial entities must allocate their own resources to finance the respective special territories.

### Article 238.

In the special territory of Rapa Nui, the State guarantees the right to self-determination and autonomy of the Polynesian Rapanui nation people, ensuring the means to finance and promote their development, protection and welfare by virtue of the Agreement of Wills signed in 1888, by which it is incorporated into Chile. The Rapanui people are recognized as having collective ownership of the rights to the territory except for the individual land rights of its members. An autonomy statute will regulate the Rapa Nui territory.

### Article 239.

The Juan Fernández Archipelago is a special territory made up of the islands of Robinson Crusoe, Alejandro Selkirk, Santa Clara, San Félix and San Ambrosio, and



the maritime territory adjacent to them. The government and administration of this territory will be governed by the special statutes established by law.

## **Article 240.**

The Chilean Antarctic territory, including its maritime spaces, is a special territory and border zone in which Chile respectively exercises sovereignty and sovereign rights, with full respect for the treaties ratified and in force. The State shall conserve, protect and care for Antarctica, through a policy based on knowledge and oriented toward scientific research, international collaboration and peace.

## **Rural Areas**

### **Article 241.**

1. The State promotes the integral development of rural territories and recognizes rurality as a territorial expression where the ways of life and production are developed around the direct relationship of people and communities with the land, water and sea.
2. It will also facilitate the participation of rural communities at the local and regional levels in the design and implementation of public programs and policies that affect or concern them.

### **Article 242.**

The State shall adopt the necessary measures to prevent violence and overcome the inequalities faced by rural women and girls, promoting the implementation of public policies that guarantee the equal enjoyment of the rights enshrined in the Constitution.

### **Article 243.**

The State promotes local markets, free fairs and short marketing and exchange circuits for rural goods and products.



# Fiscal Autonomy

## Article 244.

1. The financial activity of territorial entities shall be coordinated among them, the State and the competent authorities, which shall cooperate and collaborate with each other and avoid duplication and interference of functions, ensuring at all times the satisfaction of the general interest.
2. The foregoing shall also apply with respect to all competencies or powers attributed to territorial entities.

## Article 245.

1. The autonomous territorial entities have financial autonomy in their revenues and expenditures for the fulfillment of their competencies, which must conform to the principles of sufficiency, coordination, budgetary balance, solidarity and inter-territorial compensation, sustainability, responsibility and economic efficiency.
2. The Budget Law should progressively encourage a significant part of public spending to be executed through subnational governments, in accordance with the responsibilities that each level of government must assume.
3. The duty and power to ensure macroeconomic and fiscal stability will be centralized.

## Article 246.

1. The financial autonomy of territorial entities implies the power to order and manage their public finances within the framework of the Constitution and the laws, for the benefit of their inhabitants, under the criteria of financial responsibility and sustainability.
2. Financial sufficiency will be determined under objective criteria such as correspondence between competencies and resources necessary for its fulfillment, budgetary balance, coordination, no arbitrary discrimination between territorial entities, equality in social benefits, harmonious development of the territories, unity, objectivity, reasonableness, opportunity and transparency.

## Article 247.

Territorial entities shall have the following sources of income:





- a) The resources allocated by the Budget Law.
- b) Taxes in favor of a territorial entity.
- c) The distribution of taxes established in the Budget Law.
- d) Fees and contributions.
- e) The distribution of solidarity funds.
- f) Inter-territorial fiscal transfers.
- g) The administration and use of its patrimony.
- h) Donations, inheritances and legacies received in accordance with the law.
- i) Others determined by the Constitution and the law.

## **Article 248.**

1. Tax revenues generated by taxes are distributed between the central administration and territorial entities in the manner established in the Budget Law.
2. The law shall define the body in charge of compiling and systematizing the information necessary to propose to the Legislative Branch the formulas for the distribution of tax revenues, fiscal compensation among territorial entities and the resources to be included in the various funds. For these purposes, the participation and representation of territorial entities shall be considered.
3. During the budget legislative process, the competent body will suggest a formula for the distribution of tax revenues, which will consider the distribution criteria established by law.

## **Article 249.**

1. The administration and the territorial entities must contribute to correcting the inequalities that exist between them.
2. The law shall establish compensation funds for territorial entities with a lower fiscal capacity. The competent body, based on objective criteria, will suggest to the legislator the resources to be integrated into these funds.
3. The law will establish a contingency and macroeconomic stabilization fund to guarantee the resources of territorial entities in the event of fluctuations in ordinary



revenues.

4. By virtue of inter-territorial solidarity, the central administration must make unconditional direct transfers to territorial entities with fiscal revenues lower than half of their weighted average.

5. The autonomous regions and communes that have revenues above the weighted average of fiscal revenues shall transfer resources to those equivalent regions and communes with revenues below the average. The competent body shall suggest a formula to the legislator for such transfers.

## **Article 250.**

Regional and local governments may issue debt in accordance with the provisions of a general or special law, which shall establish at least the following regulations:

- a) The prohibition to use funds raised through debt issuance or borrowings to finance current expenses.
- b) Mechanisms to ensure that the debt is fully and duly serviced by the debtor.
- c) The prohibition of the establishment of guarantees or sureties of the Treasury.
- d) The establishment of maximum indebtedness limits as a percentage of the annual budget of the respective regional and municipal government and the obligation to maintain an updated risk classification.
- e) Restrictions during electoral periods.
- f) These resources may not be used for remuneration or current expenses.



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# CHAPTER VII. LEGISLATIVE POWER

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## **Article 251.**

The legislative branch is composed of the Congress of Deputies and the Chamber of Regions.

## **Congress of Deputies**


### **Article 252.**

1. The Congress of Deputies is a deliberative, gender parity and plurinational body that represents the people. It participates in the formation of laws and exercises the other powers conferred by the Constitution.
2. The Congress is composed of not less than one hundred and fifty-five members elected by direct vote by electoral districts. A law of regional agreement shall determine the number of members, the electoral districts and the manner of their election, in accordance with the criterion of proportionality.
3. The reserved seats in the Congress of Deputies for Indigenous peoples and nations will be elected in a single national district. Their number is defined in proportion to the Indigenous population in relation to the total population of the country. They must be added to the total number of members of Congress. The law shall regulate the requirements, procedures and distribution of the reserved seats.

### **Article 253.**

These are exclusive powers of the Congress of Deputies:

- a) To supervise the acts of the Government. To exercise this power, it may:
  - 1) Adopt agreements or suggest observations, which shall be transmitted in writing to the President of the Republic, who within thirty days from the communication, shall give a reasoned response through the appropriate Minister of State.



2) Request, with the sponsorship of a quarter of its members, background information from the President of the Republic, on the content or grounds of the acts of the Government, who shall give a well-founded answer through the appropriate Minister of State within thirty days of the communication.

In no case shall these acts affect the political responsibility of the Ministers of State.

3) Create special investigative commissions at the request of at least two fifths of its members in office, for the purpose of gathering information regarding certain acts of the Government. The investigative commissions, at the request of one third of their members, may issue subpoenas and request background information. Any person summoned by these commissions shall be obliged to appear and to provide the background and information requested. However, the same investigative committee may not summon the same person more than three times without the prior agreement of the majority of its members.

b) Declare, when the Chairman or the President resigns from office, whether or not the reasons for the resignation are well founded and, consequently, to admit or reject the resignation.

c) Declare whether the accusations made by not less than ten nor more than twenty of its members against:


1) The President or the President of the Republic, for acts of his administration that have seriously compromised the honor or security of the State or openly infringed the Constitution or the laws. This accusation may be filed while the President is in office and within six months following the expiration of their term of office. During the latter period, they may not leave the Republic without the consent of the Congress of Deputies.

2) Ministers of State, for having seriously compromised the honor or security of the State, for infringing the Constitution or the laws or for having left these without execution, and for the crimes of treason, extortion, embezzlement of public funds and bribery.

3) Judges of the Courts of Appeals and the Supreme Court and the Comptroller General of the Republic, for notable neglect of their duties.

4) The generals or admirals of the institutions belonging to the Armed Forces, the director general of the Carabineros de Chile and the director general of the Investigative Police of Chile, for having seriously compromised the honor or security of the State.

5) The regional governors, for violation of the Constitution and for the crimes



of treason, sedition, embezzlement of public funds and extortion.

The accusation shall be processed in accordance with the law regulating the matter.

The accusations referred to in numbers 2), 3), 4) and 5) may be filed while the person concerned is in office or within three months after the expiration in office. Once the accusation has been filed, they may not leave the country without the permission of

The accusations referred to in numbers 2), 3), 4) and 5) may be filed while the person concerned is in office or within three months after the expiration in office. Once the accusation has been filed, they may not leave the country without the permission of the Congress of Deputies and may not do so in any case if the accusation has already been approved by it.

The impeachment of the President of the Republic or of a regional governor shall require the vote of the majority of the deputies in office. The person accused shall not be suspended from their functions.

In other cases, the vote of the majority of the Deputies present shall be required, and the accused person shall be suspended from their functions from the moment the Congress of Deputies declares the accusation to be admissible. The suspension shall cease if the Chamber of the Regions rejects the accusation or if it fails to take a decision within thirty days thereafter.

d) To grant its consent so that the President of the Republic may be absent from the country for more than thirty days or as from the third Sunday of November of the year prior to that in which the incumbent is to leave office.

e) Periodically supervise the execution of the budget allocated to defense, as well as the implementation of the national defense policy and the military policy.

f) The others established by the Constitution.

## **Chamber of the Regions**

### **Article 254.**

1. The Chamber of Regions is a deliberative, gender equal and plurinational body of regional representation in charge of assisting in the formation of laws of regional agreement and exercising the other powers entrusted by this Constitution.

2. Its members are called regional representatives and are elected by popular vote, together with the communal and regional authorities, three years after the presidential



and congressional elections.

3. The law shall determine the number of regional representatives to be elected per region, which shall be the same for each region and in no case less than three, ensuring that the final integration of the body respects the principle of gender parity. Likewise, the law shall regulate the integration of the reserved seats in the Chamber of Regions.

4. The law shall specify their special rights and obligations, which, in any case, shall include the obligation to render an account periodically before the regional assembly they represent. They may also be specially summoned for this purpose.

5. The Chamber of Regions may not supervise the acts of the Government or the institutions that depend on it.

## **Article 255.**

1. The Chamber of Regions is exclusively responsible for hearing accusations brought by the Congress of Deputies.

2. The Chamber of Regions will decide as a jury and will limit itself to declaring whether the accused person is guilty or not.

3. The declaration of guilt shall be pronounced by two thirds of its members in office when it is an accusation against the President of the Republic or the President of the Republic or a regional governor. In other cases, by the majority of the incumbent regional representatives.

4. The person found guilty is removed from office and may not hold any other office of exclusive trust of the President for the remainder of their term of office or run for the popularly elected office from which he or she was removed in the next election, as the case may be.

5. The official found guilty shall be tried in accordance with the law by the competent court, both for the application of the penalty for the crime, if any, and to enforce civil liability for damages caused to the State or to private parties.

## **Provisions Common to the Legislative Branch**

### **Article 256.**

1. The Congress of Deputies and the Chamber of Regions may not enter into session or adopt resolutions without the concurrence of one third of its members in office. They



make their decisions by the majority of their members present, unless this Constitution provides for a different quorum.

2. The law shall establish their rules of organization, operation and processing, which may be supplemented by the operating regulations issued by these bodies.

## **Article 257.**

1. To be elected deputy or regional representative, a person must be a citizen with the right to vote, have reached eighteen years of age on the day of the election and have resided in the corresponding territory for a period of not less than two years in the case of deputies, and four years in the case of regional representatives, counted backwards from the day of the election.

2. It shall be understood that they have their residence in the corresponding territory while they hold office.

## **Article 258.**

1. They cannot run for the Congress of Deputies or the Chamber of Regions:

a) The person holding the office of President of the Republic or whoever substitutes them in the exercise of the office of President at the time of the election.

b) The Ministers of State and the Undersecretaries.

c) Popularly elected regional and communal authorities.

d) The members of the Board of Directors of the Central Bank.

e) Counselors of the Board of Directors of the Electoral Service.

f) Those who hold senior or executive positions in autonomous bodies.

g) Those who exercise jurisdiction in the Justice Systems.

h) Members of the Constitutional Court.

i) Members of the Electoral tribunal and the regional electoral tribunals.

j) The Comptroller General of the Republic.

k) Those who hold the positions of national prosecutor, regional prosecutors or



deputy prosecutors of the Public Prosecutor's Office.

l) Officers on active duty in the police force.

m) Natural persons or administrators of legal entities that enter into or guarantee contracts with the State.

n) Military men and women on active duty.

2. The disqualifications established in this Article shall be applicable to those who have held the aforementioned qualities or positions within the year immediately prior to the election, except for the persons mentioned in letter m), who shall not meet those conditions at the time of registering their candidacy, and those indicated in letters k), l) and n), for whom the term of the disqualification shall be the two years immediately prior to the election.

## **Article 259.**

1. The offices of deputy and regional representative are incompatible with each other, with other representative offices and with any employment, function, commission or office of a public or private nature.

2. By the sole fact of their proclamation by the Electoral Committee, they shall cease to hold any other incompatible office, employment, function or commission that they hold.

## **Article 260.**

1. Deputies and regional representatives are inviolable for the opinions they express and the votes they cast in the performance of their duties.

2. From the day of their election or investiture, they may not be charged or deprived of their liberty, except in cases of flagrante delicto, if the court of appeals of the respective jurisdiction, in plenary session, does not previously declare the formation of a case. An appeal may be made to the Supreme Court against the decisions of these courts.

3. In case they are arrested for flagrante delicto, they shall be immediately placed at the disposal of the respective court of appeals, with the corresponding summary information. The Court shall proceed in accordance with the provisions of the preceding paragraph.

4. As soon as a final decision declares that a case has been filed, they shall be suspended from office and shall be subject to the competent judge.





## **Article 261.**

1. The deputy or regional representative shall cease to hold office:
  - a) Who is absent from the country for more than thirty days without permission of the respective body or, in recess thereof, of its Chairs.
  - b) Who, during their term of office, enters into or guarantees contracts with the State, or acts as attorney or agent in private administrative proceedings, in the provision of public employment, advisory services, functions or commissions of a similar nature. This disqualification shall apply whether the deputy or regional representative acts on their own behalf or through an intermediary, whether natural or juridical.
  - c) Who, during their term of office, acts as a lawyer or attorney or representative in any kind of lawsuit, who exercises any influence before the administrative or judicial authorities in favor of or on behalf of the employer or the workers in negotiations or conflicts.
  - d) Who has seriously infringed the rules on transparency, limits and control of electoral expenditure, from the date declared by final judgment of the Election Qualifying Tribunal, at the request of the Board of Directors of the Electoral Service. A law shall indicate the cases in which a serious infraction exists.
  - e) Who, during his term of office, loses any general eligibility requirement, or incurs in any of the grounds for ineligibility set forth in this chapter.
2. The deputies and regional representatives may resign from their positions when they are affected by a serious illness, duly accredited, that prevents them from performing their duties, and this is so qualified by the Election Qualifying Tribunal.
3. In the event of vacancy of a deputy or a regional representative, the law shall determine the manner of their replacement. Their replacement must meet the requirements established by this Constitution to be elected to the respective position and shall be subject to the same disqualifications and incompatibilities. The gender parity composition of the body shall be ensured at all events.

## **Article 262.**

Deputies and regional representatives are renewed in their entirety every four years and may be reelected successively in office for up to one term. For these purposes, it shall be understood that they have been in office for a period when they have served more than half of their term of office.



# Joint Sessions of the Congress of Deputies and the Chamber of the Regions

## Article 263.

The Congress of Deputies and the Chamber of Regions will meet in joint session to:

- a) Inaugurate the legislative year.
- b) Take the oath or promise of the President-elect at the moment of taking office.
- c) Receive the annual public account of the President.
- d) Elect the President in the event of vacancy, if the next election is less than two years away.
- e) Authorize or extend states of constitutional exception as appropriate.
- f) Decide on the appointments that may be required under this Constitution, guaranteeing a strict scrutiny of the suitability of the candidates for the corresponding position.
- g) Other cases established in this Constitution.

## The Law

### Article 264.

Only by virtue of a law it is possible to:

- a) Create, modify and suppress taxes of any kind or nature and the tax benefits applicable thereto, determine their progression, exemptions and proportionality, without prejudice to the exceptions established in this Constitution.
- b) Authorize the contracting of loans and other operations that may compromise the credit and financial responsibility of the State, its agencies and municipalities, without prejudice to what is established with respect to territorial entities and what is set forth in the following letter. This provision shall not apply to the Central Bank.
- c) Establish the conditions and rules under which universities and State enterprises and



those in which the State has a shareholding may contract loans, which in no case may be made with the State, its agencies and enterprises.

- d) Establish the rules on the alienation of State, regional government or municipal property and on its leasing, titles for its use or exploitation and concession.
- e) Regulate the capabilities of national defense, allow the entry of foreign troops into the territory of the republic and authorize the departure of national troops outside of it.
- f) Establish or modify the political or administrative division of the country.
- g) Establish the value, type and denomination of coins and the system of weights and measures.
- h) Grant general pardons and amnesties, which shall not proceed in the case of war crimes and crimes against humanity.
- i) Establish the system for determining the remuneration of the President of the Republic and the ministers of State, of the deputies, of the governors and of the regional representatives.
- j) Designate the city where the President of the Republic shall reside, where the Congress of the Republic shall hold its sessions, and where the Congress of the Republic shall meet.
- k) Authorize the declaration of war, on the proposal of the President of the Republic.
- l) Establish the bases for the procedures governing the acts of the public administration.
- m) Establish the creation and modification of public services and public jobs, whether fiscal, autonomous or State enterprises, and to determine their functions and powers.
- n) Establish the legal regime applicable to labor, union, strike and collective bargaining in its various manifestations, social security and social security matters.
- ñ) Create lotteries and bets.
- o) Regulate those matters that the Constitution indicates as laws of necessary presidential concurrence.
- p) Regulate such other matters as the Constitution requires to be established by law.

## **Article 265.**

1. The President of the Republic may request authorization from the Congress of



Deputies to issue decrees with the force of law for a period not exceeding one year.

2. This delegation may not extend to fundamental rights, nationality, citizenship, elections and plebiscites, nor to the organization, attributions and regime of the officials of the National Justice System, the Congress of Deputies, the Chamber of Regions, the Constitutional Court or the Office of the Comptroller General of the Republic.
3. The delegating law shall indicate the precise matters to be delegated and may establish such limitations and formalities as may be deemed appropriate.
4. Without prejudice to the provisions of the preceding paragraphs, the President of the Republic shall be authorized to establish the consolidated, coordinated and systematized text of the laws when it is convenient for their better execution. In the exercise of this power, he may introduce such changes of form as may be indispensable, without altering, in any case, its true meaning and scope.
5. The Office of the Comptroller General of the Republic shall be responsible for taking cognizance of these decrees with force of law and shall reject them when they exceed or contravene the aforementioned authorization.
6. The decrees with force of law shall be subject, as to their publication, effectiveness and effects, to the same rules that apply to the law.
7. The law delegating powers corresponding to regional agreement laws is a regional agreement law.

## **Article 266.**

These are laws of necessary presidential concurrence:

- a) Those that directly involve expenditures to the State.
- b) Laws related to the budgetary administration of the State, including amendments to the Budget Law.
- c) Those that alter the political or administrative division of the country.
- d) Those imposing, suppressing, reducing or condoning taxes of any kind or nature, establishing exemptions or modifying existing ones and determining their form, proportionality or progression.
- e) Those that contract or authorize to contract loans or enter into any other type of operations that may compromise the patrimonial responsibility of the State, of the autonomous bodies and condone, reduce or modify obligations, interests or other financial charges of any nature established in favor of the Treasury or of the referred



agencies or entities, without prejudice to the provisions of letter c) of Article 263.

f) To regulate the capabilities of the national defense, to allow the entry of foreign troops into the territory of the Republic and to authorize the departure of national troops out of it.

## **Article 267.**

1. Necessary presidential concurrence laws may originate from a message or a motion.
2. The motion must be sponsored by not less than one-fourth and not more than one third of the deputies or, as the case may be, of the regional representatives in office, and must state that it is a bill of necessary concurrence of the Presidency.
3. These motions must be accompanied by a technical-financial report from the Budget Secretariat, including an estimate of expenses and the source of financing.
4. These laws may only be approved if the President of the Republic provides their sponsorship during the processing of the bill. They may sponsor it at any time up to fifteen days after it has been sent for a general vote by the respective committee, and in any case, before this. Once this term has elapsed without the corresponding sponsorship, the bill shall be deemed to have been rejected and its processing may not be insisted upon.
5. The person holding the Presidency of the Republic may always withdraw their sponsorship. In such cases, the processing of the bill may not continue.

## **Article 268.**

1. They are only laws of regional agreement:
  - a) Those that reform the Constitution.
  - b) Those regulating the organization, attributions and operation of the Justice Systems, the Legislative Branch and the autonomous constitutional bodies.
  - c) Those regulating states of constitutional exception.
  - d) Those that create, modify or suppress taxes or exemptions and determine their progression and proportionality.
  - e) Those that directly incur expenses to the State, the execution of which corresponds to territorial entities.



- f) Those that implement the right to health, the right to education and the right to housing.
- g) The Budget Law.
- h) Those approving regional statutes.
- i) Those regulating the election, designation, competencies, attributions and procedures of the organs and authorities of territorial entities.
- j) Those establishing or altering the political-administrative division of the country.
- k) Those that establish the mechanisms of fiscal and budgetary distribution and other mechanisms of economic compensation among the different territorial entities.
- l) Those that authorize the execution of operations that compromise the patrimonial responsibility of territorial entities.
- m) Those authorizing territorial entities to create public enterprises.
- n) Those delegating legislative powers to the autonomous regions in accordance with the Constitution.
- ñ) Those regulating territorial and urban planning and its execution.
- o) Those regulating the protection of the environment.
- p) Those regulating popular votes and results.
- q) Those regulating political organizations.
- r) Others that this Constitution qualifies as regional agreements.

2. If a conflict of competence arises between the Chamber of Regions and the Congress of Deputies as to whether one or more matters provided for in this Article should be reviewed by the Chamber of Regions, the Chamber of Regions shall approve its competence by a majority of its members and the Congress shall ratify it by a majority. In case the Congress rejects the review approved by the Chamber of Regions, the Chamber of Regions may appeal to the Constitutional Court by majority vote.



## Legislative Procedure

### Article 269.

1. Laws may be initiated by a message from the President of the Republic or by a motion of not less than ten percent nor more than fifteen percent of deputies or regional representatives. Additionally, they may have their origin in popular initiative or indigenous initiative.
2. One or more regional assemblies may submit initiatives to the Chamber of Regions on matters of regional interest. If the latter sponsors them, they shall be introduced as an ordinary motion in Congress.
3. All bills, regardless of the form of their initiative, will begin their processing in the Congress of Deputies.
4. Any bill may be subject to additions or corrections in the appropriate proceedings, both in the Congress of Deputies and in the Chamber of Regions, if the latter intervenes in accordance with the provisions of this Constitution. In no case shall they be admitted if they are not directly related to the main or fundamental ideas of the project.

### Article 270.

1. Laws must be approved, modified or repealed by a majority of the members present in the Congress of Deputies at the time of voting.
2. In the case of a regional agreement law, the Presidency of Congress will send the approved bill to the Chamber of Regions to continue with its processing.
3. Once the bill has been processed by the Congress of Deputies, it will be sent to the President of the Republic for its promulgation or return.

### Article 271.

Laws referring to the organization, functioning and procedures of the Legislative Branch and the Justice Systems; to electoral and plebiscite processes; to the regulation of constitutional states of exception; to the regulation of political organizations; and those regulating the Office of the Comptroller General of the Republic, the Office of the Ombudsman, the Office of the Ombudsman of Nature, the Electoral Service, the Constitutional Court and the Central Bank must be approved by the favorable vote of the majority of the members in office of the Congress of Deputies and the Chamber of Regions.





## **Article 272.**

1. Once the Chamber of Regions has received a regional agreement bill approved by the Congress of Deputies, the Chamber of Regions will pronounce itself, approving or rejecting it. If it approves it, the bill will be sent to Congress to be sent to the President of the Republic for enactment into law. If it rejects it, it will process it and propose to Congress the amendments it deems pertinent.
2. If Congress rejects one or more of these amendments or observations, a joint committee will be convened to propose new amendments to resolve the discrepancy. These amendments will be voted by the House and then by the Congress. If all of them are approved, the bill will be sent for enactment.
3. The joint commission shall be composed of an equal number of deputies and regional representatives. The law shall establish the mechanism for appointing the members of the commission and shall establish the term within which it must report. If it does not issue its report within the term, it shall be understood that the joint commission maintains the observations originally formulated by the House and rejected by the Congress, and the provisions of the preceding paragraph shall apply.

## **Article 273.**

1. In the session following its dispatch by the Congress of Deputies and Deputies and with the favorable vote of the majority, the Chamber of Regions may request to take cognizance of a bill that is not of regional agreement.
2. The House will have sixty days from the receipt of the bill to formulate amendments and send them to Congress. Congress may approve them or insist on the original bill with the favorable vote of the majority. If the House does not submit its report within the aforementioned term, the bill will be ready to be sent to Congress.

## **Article 274.**

1. If the President of the Republic approves the bill passed by the Congress of Deputies, it shall be enacted into law.

Otherwise, it shall return it within thirty days with the observations it deems pertinent or communicating its total rejection of the project.

2. In no case shall observations that are not directly related to the main or fundamental ideas of the project be admitted, unless they have been considered in the respective message.





3. Partial observations may be approved by majority vote. With the same quorum, the Congress may insist on the original bill.
4. If the President totally rejects the bill, the Congress must reject it, unless insisted upon by three-fifths of its members in office.
5. If the President of the Republic does not return the bill within thirty days from the date of its referral, it shall be deemed to have approved it and it shall be enacted into law. The promulgation must always be made within ten days, counted from the date it is appropriate. The publication shall be made within five working days following the date on which the promulgating decree is fully processed.
6. A bill that is rejected in general by the Congress of Deputies may only be renewed after one year.

## **Article 275.**

1. The law regulating the operation of the Congress of Deputies shall establish the mechanisms to determine the order in which bills shall be heard, distinguishing between simple urgency, extreme urgency and immediate discussion.
2. The law shall specify the cases in which the urgency shall be established by the President of the Republic and by the Congress of Deputies. The law shall specify the cases and conditions of popular urgency.
3. Only the President of the Republic shall have the power to determine the immediate discussion of a bill.

## **Article 276.**

1. The Chamber of the Regions shall hear proposals for regional statutes adopted by a regional assembly, for the creation of regional corporations by one or more regional assemblies in accordance with the provisions of the Constitution, and for the delegation of legislative powers by such assemblies.
2. Upon receipt of a proposal, the House may approve the bill or make such amendments as it deems necessary. If the amendments are accepted by the respective regional assembly, the bill will be sent to the Congress of Deputies for processing as a regional agreement law.

The Congress and the House shall have a period of six months to take cognizance of a regional statute.



3. The delegations may not extend to areas of necessary presidential concurrence; to nationality, citizenship and elections; to areas that are subject to general codification, nor to the organization, attributions and regime of the national bodies or of the Justice Systems.
4. The law delegating powers shall indicate the precise matters to be delegated and may establish such limitations, restrictions and formalities as may be deemed appropriate.
5. The Office of the Comptroller General of the Republic shall take note of the regional laws issued pursuant to this Article and shall reject them when they exceed or contravene the aforementioned authorization.

## **Article 277.**

1. The Budget Bill Project must be submitted by the President of the Republic at least three months prior to the date on which it is to become effective.
2. If the bill is not passed within ninety days of its submission, the bill initially submitted by the President shall govern.
3. The bill shall begin its processing in a special budget committee composed of an equal number of deputies and regional representatives. The special commission may neither increase nor decrease the estimated revenues, but may reduce the expenditures contained in the Budget Bill, except for those established by permanent law.
4. Once the bill has been approved by the special budget committee, it will be sent to the Congress of Deputies to be processed as a regional agreement law.
5. The estimation of the yield of the resources consulted by the Budget Law and of the new ones established by any other initiative, shall correspond to whoever exercises the Presidency of the Republic, after a report from the respective technical agencies, without prejudice to the attributions of the Budget Secretariat of the Congress and the Chamber of Deputies.
6. No new expenditure charged to the public treasury may be approved without indicating, at the same time, the sources of resources necessary to meet such expenditure. The Budget Law may not create taxes or tax benefits.
7. If the source of resources granted by the Congress of Deputies is insufficient to finance any new expenditure approved, whoever holds the Presidency of the Republic, upon promulgation of the law, after a favorable report from the service or institution through which the new income is collected, countersigned by the Comptroller General of the Republic, shall proportionally reduce all expenditures, whatever their nature may be.



8. In the processing of the Budget Law, as well as regional and communal budgets, popular participation must be guaranteed.

## **Article 278.**

1. The Congress of Deputies and the Chamber of Regions shall have a Technical Unit administratively dependent on the Congress.
2. Its Legislative Secretariat shall be responsible for advising on the legal aspects of the laws they process. It may also issue reports on areas of legislation that have fallen into disuse or present technical problems.
3. Its Budget Secretariat will be in charge of studying the budgetary and fiscal impact of the bills and advising the deputies and regional representatives during the processing of the Budget Law.



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# CHAPTER VII. EXECUTIVE POWER

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## Article 279.

1. The government and administration of the State are vested in the President of the Republic, who is the head of State and head of government.
2. On July 5 of each year, they shall report to the country on the administrative and political state of the republic before the Congress of Deputies and the Chamber of Regions, in joint session.

## Article 280.

1. In order to be elected President of the Republic, a person must be a Chilean national and be thirty years of age or older on the day of the election.
2. Likewise, they must have effectively resided in the national territory for the four years prior to the election. This requirement shall not be demanded when the absence from the country is due to the person, his spouse or civil partner fulfilling a diplomatic mission, working in international organizations or when there are other circumstances that justify it. Such circumstances shall be qualified by the Election Qualifying Tribunal
3. When registering the candidacy, a program must be submitted, in accordance with the law.

## Article 281.

1. The President shall be elected by universal and direct suffrage, by an absolute majority of the votes validly cast. The election shall be held on the third Sunday of November of the year preceding the year in which the incumbent is due to leave office.
2. If more than two candidacies are presented for election and none of them obtains more than half of the votes validly cast, a second ballot shall be held between the candidacies that have obtained the two highest majorities. This ballot shall be held on the fourth Sunday after the first ballot. The candidate who obtains the quorum established in the preceding paragraph shall be elected. In the event of a second ballot, the candidates may make modifications to their program up to one week prior to the second ballot.



3. The day of the presidential election will be a holiday that cannot be renounced.
4. In the event of the death of one or both persons referred to in the second subsection, the person holding the office of President of the Republic shall call for a new election within ten days from the date of death. The election shall be held ninety days after the convocation if that day corresponds to a Sunday. Otherwise, it shall be held on the following Sunday.

## **Article 282.**


1. The qualification process for the election of the President shall be concluded within fifteen days following the first ballot and within thirty days following the second ballot.
2. The Elections Qualifying Tribunal shall immediately inform the Congress of Deputies and the Chamber of Regions of the proclamation of the President-elect.
3. The Congress of Deputies and the Chamber of Regions, meeting in joint session on the day on which the person in office is to leave office, and with the members in attendance, shall take cognizance of the resolution of the Election Qualifying Tribunal proclaiming the person who has been elected.
4. In the same act, the President-elect shall take a promise or oath to faithfully perform their office, to preserve the independence of the Republic, to keep and uphold the Constitution and the laws, and shall immediately assume their duties.

## **Article 283.**

1. If the President-elect is unable to take office, the person presiding over the Congress of Deputies, the Chamber of Regions or the Supreme Court, in that order, shall assume, provisionally and with the title of Vice-President or Vice-President of the Republic.
2. If the impediment is absolute or lasts indefinitely, the Vice President, within ten days following the agreement of the Congress of Deputies, shall call for a new presidential election to be held ninety days later if that day falls on a Sunday, or on the Sunday immediately following, in accordance with the general rules. The person thus elected shall take office at the time specified by law and shall remain in office for the remainder of the term already begun.

## **Article 284.**

1. The President shall serve for a term of four years, after which they shall be eligible for immediate or subsequent re-election only once.



2. If they are running for immediate reelection, from the day of the registration of their candidacy, they may not execute expenses that are not of mere administration nor carry out public activities that entail propaganda for their campaign for reelection. The Office of the Comptroller General of the Republic shall issue an instruction regulating the situations described in this Article.

## **Article 285.**

When, due to illness, absence from the territory of the Republic or any other serious reason, the President of the Republic is unable to exercise their office, they shall be substituted, with the title of Vice-President of the Republic, by the corresponding Minister of State, according to the order of legal precedence.

## **Article 286.**

1. The following are definitive impediments to the exercise of the office of President of the Republic and cause its vacancy: death; serious illness, duly accredited, that makes it impossible to hold office for the remainder of the term, and so qualified by the Tribunal Qualifier of Elections; resignation accepted by the Congress of Deputies, and dismissal by constitutional accusation, in accordance with the rules established in this Constitution.
2. In the event of definitive impediment, the Minister of State indicated in the preceding Article shall take over as deputy, and the following paragraphs shall apply.
3. If the vacancy occurs less than two years before the next presidential election, the President shall be elected by the Congress of Deputies and the Chamber of Regions, in a joint session. The appointment shall be made within ten days from the date of the vacancy and whoever is elected shall take office within thirty days thereafter. For purposes of re-election, this presidential term shall be considered as a full term.
4. If the vacancy occurs two years or more before the next presidential election, the Vice President, within the first ten days of their subrogation, shall call a presidential election for one hundred and twenty days after the call, if that day falls on a Sunday, or the following Sunday, in accordance with the general rules. Whoever is elected shall assume his office on the tenth day after his proclamation, and until the completion of the term remaining to the person being replaced.
5. The Vice-President or the Vice-President substituting them and the President appointed in accordance with the provisions of the preceding paragraph shall have all the powers conferred by this Constitution on the President of the Republic.



## **Article 287.**

These are attributions of the President of the Republic:

- a) To comply with and enforce the Constitution, the laws and international treaties, in accordance with its competencies and powers.
- b) To direct the State Administration.
- c) To appoint and remove the ministers of State, the undersecretaries and other officials as appropriate, in accordance with the Constitution and the law. These positions are of their exclusive confidence, and they shall remain in their posts as long as they have their confidence.
- d) To conduct foreign relations, sign and ratify international treaties, conventions or agreements, appoint and remove ambassadors and heads of diplomatic missions.
- e) To declare states of constitutional exception in the cases and forms indicated in the Constitution and the law.
- f) To concur in the formation of laws and to promulgate them, in accordance with the provisions of the Constitution.
- g) To issue decrees with the force of law, prior delegation of the Congress of Deputies, in accordance with the provisions of the Constitution.
- h) To exercise the regulatory power in accordance with the Constitution and the law.
- i) To permanently exercise the supreme command of the Armed Forces, to dispose, organize and distribute them for their joint development and employment.
- j) To appoint and remove the Chief of the Joint Chiefs of Staff, the commanders-in-chief of the Armed Forces, and provide for the appointments, promotions and retirements of the officers of the Armed Forces.
- k) To conduct public security and appoint and remove the members of the police high command.
- l) To appoint the Comptroller General in accordance with the provisions of the Constitution.
- m) To participate in the appointments of other authorities in accordance with the provisions of the Constitution.
- n) To grant special pardons, except for war crimes and crimes against humanity.



- ñ) To oversee the collection of public revenues and 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, foreign aggression, internal commotion, serious damage or danger to the security of the country or the exhaustion of resources destined to maintain services that cannot be paralyzed without serious damage to the country. The total of the transfers made for these purposes may not exceed annually two percent (2%) of the amount of the expenditures authorized by the Budget Law. Employees may be hired under this same law, but the respective item may not be increased or decreased by means of transfers. The Ministers of State or officials who authorize or give effect to expenditures that contravene the provisions of this numeral shall be jointly and severally and personally liable for their reimbursement, and guilty of the crime of misappropriation of public funds.
- o) To call referendums, plebiscites and consultations in the cases provided for in this Constitution.
- p) To present annually the draft Budget Law.
- q) To request, stating the reasons, that the Congress of Deputies or the Chamber of Regions be summoned to a special session. In such a case, the session shall be held as soon as possible.
- r) The others established in the Constitution and the law.

## **Article 288.**

1. The President of the Republic has the power to issue such regulations, decrees and instructions as he deems necessary for the execution of the laws.
2. Likewise, it may exercise regulatory power in all matters not reserved exclusively to the law. When rules of legal and regulatory rank are applicable, the law shall prevail in case of contradiction.
3. The President shall report monthly to Congress on the regulations, decrees and instructions issued pursuant to the preceding paragraph.

## **Article 289.**

1. The President of the Republic is empowered to negotiate, conclude, sign and ratify international treaties.
2. In those cases, in which international treaties refer to matters of law, they must be approved by the Legislative Branch. Those entered into pursuant to a law shall not





require such approval.

3. The Legislative Branch shall be informed of the conclusion of international treaties that do not require its approval.

4. The process of approval of an international treaty shall be subject, as appropriate to the procedures of a regional agreement law.

5. The President of the Republic shall send the draft to the Congress of Deputies and shall report on the negotiation process, the content and scope of the treaty, as well as the reservations they intend to confirm or formulate.

6. Once received, the Congress of Deputies may suggest the formulation of reservations and interpretative declarations to an international treaty, in the course of its approval procedure, provided that they are in accordance with the provisions of the treaty itself or with the general rules of international law.

7. Once the treaty has been approved by the Congress of Deputies, it will be forwarded to the Chamber of Regions for processing.

8. The measures adopted by the Executive Branch or the agreements it enters into to comply with a treaty in force shall not require new approval by the Legislative Branch, unless they are matters of law.

9. The agreement approving a treaty may authorize the President of the Republic, during the term of the treaty, to dictate the provisions with force of law that they deem necessary for its full compliance, except in the case of fundamental rights, nationality, citizenship, elections and plebiscites.

10. The agreement of the Legislative Branch shall be required for the withdrawal or denunciation of a treaty it has approved and for the withdrawal of a reservation it considered when approving it. The law shall establish the time limit for its pronouncement.

11. Facts relating to the international treaty, including its negotiations, its entry into force, the formulation and withdrawal of reservations, interpretative declarations, objections to a reservation and its withdrawal, denunciation or withdrawal from the treaty, suspension, termination and invalidity, shall be made public in accordance with the general rules.

12. When negotiating international investment or similar treaties or instruments, the President of the Republic shall ensure that the dispute resolution bodies are impartial, independent and preferably permanent.

13. Those who live in the territory, or Chileans who are abroad, and have reached sixteen



years of age, shall have the initiative to request the President of the Republic to sign international human rights treaties in accordance with the requirements established by law, which shall define the term within which the President must respond to such request.

## **Article 290.**

1. The Ministers of State are direct and immediate collaborators of the President of the Republic in the government and administration of the State.
2. They are responsible for the management of their respective portfolios, for the acts they sign and jointly and severally for those they sign or agree with the heads of other ministries.
3. The law shall determine the number and organization of the ministries, as well as the order of precedence of the incumbent ministers.
4. The President of the Republic may entrust one or more ministers to coordinate the work of the Secretaries of State and the Government's relations with the Congress of Deputies and the Chamber of Regions.

## **Article 291.**

1. In order to be appointed Minister of State, it is necessary to be a citizen with the right to vote and to meet the general requirements for entry into the public administration.
2. They shall be substituted or replaced in case of absence, impediment, resignation or when the office becomes vacant for any other cause, in accordance with the provisions of the law.

## **Article 292.**

1. The regulations and decrees of the President of the Republic must be signed by the corresponding Minister of State and shall not be obeyed without this requirement.
2. Decrees and instructions may be issued with the sole signature of the respective Minister of State, by order of the President of the Republic, as established by law.

## **Article 293.**

1. Ministers may attend the sessions of the Congress of Deputies and Deputies and of the Chamber of Regions and take part in their debates, with preference to speak.



2. Notwithstanding the foregoing, they shall personally and compulsorily attend the special sessions called by the Congress or the House of Representatives to be informed on matters that, belonging to the scope of attributions of the corresponding Secretaries of State, they agree to deal with.

## **Article 294.**

The appointment of the representatives of the ministries and public services present in the autonomous region shall be the decision of the Presidency of the Republic.

## **Article 295.**

1. The State has the non-delegable monopoly of the legitimate use of force, which it exercises through the competent institutions, in accordance with this Constitution, the laws and with respect for human rights.
2. The law shall regulate the use of force and weapons that may be used in the exercise of the functions of the institutions authorized by this Constitution.
3. No person, group or organization may possess, have or carry arms or other similar elements, except in the cases indicated by law, which shall establish the requirements, authorizations and controls for the use, carrying and possession of arms.

## **Article 296.**

1. The President of the Republic is in charge of public security through the corresponding ministry.
2. The disposition, organization and criteria for the distribution of the police will be established in the National Public Security Policy. The law shall regulate the validity, scope and mechanisms for the elaboration and approval of such policy, which shall include a gender and intercultural perspective and full respect for international law and fundamental rights.

## **Article 297.**

1. The police are part of the ministry in charge of public security and are centralized, non military police institutions with jurisdiction over the entire territory of Chile, and are designed to guarantee public security, give effectiveness to the law and safeguard fundamental rights, within the framework of their competencies.
2. The police must incorporate a gender perspective in the performance of their duties



and promote gender parity in decision-making spaces. In the use of force, they must act in accordance with the principles of legality, necessity, precaution, proportionality, non-discrimination and accountability, with respect for international law and the fundamental rights guaranteed in this Constitution.

3. They are professional, hierarchical, disciplined, obedient and non-deliberative institutions.
4. The police and its members shall be subject to probity and transparency controls in the manner and under the conditions determined by the Constitution and the law. Their members may not belong to political parties, join political, trade union or labor union organizations, exercise the right to strike or run for elected office.
5. Admission and training in the police force shall be free and non-discriminatory, in a manner established by law. Police education and training shall be based on respect for human rights.

## **Article 298.**

1. The President of the Republic oversees the national defense and is the supreme commander of the Armed Forces. They shall exercise command through the ministry in charge of national defense.
2. The disposition, organization and distribution criteria of the Armed Forces shall be established in the National Defense Policy and the Military Policy. The law shall regulate the validity, scope and mechanisms for the elaboration and approval of such policies, which shall incorporate the principles of international cooperation, gender equality and interculturalism and full respect for international law and fundamental rights.

## **Article 299.**

1. The Armed Forces are composed solely and exclusively of the Army, the Navy and the Air Force. They depend on the ministry in charge of national defense and are institutions aimed at safeguarding the sovereignty, independence and territorial integrity of the Republic in the face of external aggressions, as established in the United Nations Charter. They collaborate with international peace and security, in accordance with the National Defense Policy.
2. They must incorporate a gender perspective in the performance of their functions, promote gender parity in decision-making spaces and act with respect for international law and the fundamental rights guaranteed in the Constitution.
3. They are professional, hierarchical, disciplined, obedient and non-deliberative institutions.



4. Military institutions and their members are subject to probity and transparency controls. They may not belong to political parties; associate in political, union or trade union organizations; exercise the right to strike or run for elected office.

5. Entry and training in the Armed Forces shall be free and non-discriminatory, in the manner established by law. Military education is based on respect for human rights.

6. The law shall regulate the organization of the defense, its institutional framework, its structure and joint employment, its headquarters, its command and the military career.

## **Article 300.**

1. The exercise of the rights and guarantees guaranteed by the Constitution to all persons may only be suspended or limited in the following situations of exception: international armed conflict, internal armed conflict as established by international law, or public calamity. Only those rights and guarantees expressly indicated in the Constitution may be restricted or suspended.

2. The declaration and renewal of states of constitutional exception shall respect the principles of proportionality and necessity, and shall be limited, with respect to their duration, extension and means employed, to what is strictly necessary for the most expeditious restoration of constitutional normality.

## **Article 301.**

1. A state of assembly, in case of international armed conflict, and a state of siege, in case of internal armed conflict, shall be declared by the President of the Republic with the authorization of the Congress of Deputies and the Chamber of Regions, in joint session. The declaration shall determine the areas affected by the corresponding state of emergency.

2. The Congress of Deputies and the Chamber of Regions, in joint session, within twenty four hours from the moment the President of the Republic submits the declaration of a state of assembly or siege for its consideration, shall decide by a majority of its members to accept or reject the proposal. The request and subsequent declaration shall specify the grounds justifying the extreme necessity of the declaration, and the Congress and the House may only introduce modifications with respect to its territorial extension. If the Congress and the House do not pronounce themselves within said term, they shall be summoned by the sole ministry of the Constitution to special daily sessions, until they pronounce themselves on the declaration.

3. However, the President of the Republic, in circumstances of unpostponable necessity, and only with the signature of all their ministers, may immediately apply a state of assembly or siege, while the Congress of Deputies and the Chamber of Regions decide on



the declaration. In this case, only the exercise of the right of assembly may be restricted.

4. By the declaration of a state of assembly, the President of the Republic shall be empowered to restrict personal freedom, the right of assembly, freedom of work, the exercise of the right of association, and to 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.

5. The declaration of a state of siege may not be extended for more than fifteen days, without prejudice to the President of the Republic requesting its extension, which shall require the approval of four-sevenths of the deputies and regional representatives in office for the first extension, three-fifths for the second and two-thirds for the third and subsequent extensions.

6. By declaring a state of siege, the President of the Republic may restrict freedom of movement and the right of association. The President may also suspend or restrict the exercise of the right of assembly.

7. The state of assembly shall remain in force for as long as the situation of international armed conflict continues, unless the President of the Republic decides to terminate it earlier or the Congress of Deputies and the Chamber of Regions withdraw their authorization.

## **Article 302.**

1. The state of catastrophe, in case of public calamity, shall be declared by the President of the Republic. The declaration shall establish the scope of application and the term of duration, which may not exceed thirty days. Only with the agreement of the Congress of Deputies may it be extended beyond this term. The referred agreement shall be processed in the manner set forth in the second paragraph of the preceding Article.

2. The President of the Republic shall be obliged to inform the Congress of Deputies of the measures adopted.

3. Once a state of catastrophe has been declared, the respective zones shall be under the immediate dependence of the head of the state of emergency, who shall be a civil authority appointed by the President of the Republic. This authority will assume the direction and supervision of those zones with the attributions and duties indicated by law.

4. The President of the Republic may request the extension of the state of catastrophe, which shall require the approval, in joint session, of the majority of the members in office of the Congress of Deputies and the Chamber of Regions.



5. By declaring a state of disaster, the President of the Republic may restrict freedom of movement and the right of assembly. He or she may also order requisitions of property, establish limitations on the exercise of the right to property and adopt all extraordinary legal and administrative measures necessary for the prompt restoration of normality in the affected area.

## **Article 303.**

1. The acts of the President of the Republic or of the head of a state of emergency based on the declaration of a state of constitutional emergency shall expressly state the constitutional rights that they suspend or restrict.
2. The decree of declaration shall specifically indicate the measures to be adopted by reason of the exception, which shall be proportional to the purposes established in the declaration of exception and shall not excessively limit or totally impede the legitimate exercise of any right established in this Constitution. States of constitutional exception shall allow the President or the President of the Republic to exercise powers and competencies ordinarily reserved to the regional or communal level when the reestablishment of normality so requires.
3. All declarations of a state of constitutional exception shall be founded and shall specify the rights to be suspended, as well as their territorial and temporal extension.
4. The Armed Forces and police shall strictly comply with the orders of the head of the state of emergency in charge.
5. The measures adopted during states of exception may not, under any circumstances, be extended beyond their duration.

## **Article 304.**

1. The law shall regulate states of exception, their declaration and the application of the legal and administrative measures that may be adopted under them, in all matters not regulated by this Constitution. Said law may not affect the competencies and functioning of the constitutional organs, nor the rights and immunities of their respective holders.
2. Likewise, this law shall regulate the manner in which the President of the Republic and the authorities entrusted by them shall render a detailed, truthful and timely account to the Congress of Deputies of the measures adopted and the plans for overcoming the state of emergency, as well as of the serious events that may have arisen on the occasion of the state of constitutional emergency. Failure to comply with this duty of accountability shall be considered a violation of the Constitution.





## **Article 305.**

1. Once the state of emergency has been declared, an Oversight Commission shall be set up under the Congress of Deputies, with a gender equal and plurinational composition, made up of deputies, regional representatives and representatives of the Office of the Ombudsman, in the manner established by law. This body shall oversee the measures adopted under the state of emergency, for which purpose it shall issue periodic reports containing an analysis of such measures, their proportionality and the observance of human rights, and shall have such other powers as are entrusted to it by law.
2. State bodies must cooperate and provide all the background information required by the Commission for the performance of its functions. In the event that it becomes aware of violations of the provisions of this Constitution or the law, it must file the pertinent complaints, which shall be referred to and heard by the competent bodies. The law shall regulate its composition and operation.

## **Article 306.**

The measures adopted in exercise of the powers conferred in states of constitutional exception may be subject to review by the courts of justice both in their merit and in their form. The requisitions made shall give rise to compensation in accordance with the law.





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# CHAPTER IX. SYSTEMS OF JUSTICE

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## Article 307.

1. Jurisdiction is a public function exercised on behalf of the people and consists of knowing and judging, through due process, conflicts of legal relevance and enforcing what is resolved, in accordance with the Constitution and the laws, as well as the international treaties and instruments on human rights to which Chile is a party.
2. It is exercised exclusively by the courts of justice and the authorities of the Indigenous peoples and nations recognized by the Constitution or laws enacted pursuant thereto.
3. The exercise of jurisdiction must ensure the protection and promotion of human and natural rights, the democratic system and the principle of legality.

## Article 308.

The courts of justice are structured according to the principle of jurisdictional unity as the basis of their organization and operation, being subject to the same legal status and principles.

## Article 309.

1. The State recognizes the legal systems of Indigenous peoples and nations which, by virtue of their right to self-determination, coexist on an equal footing with the National Justice System. These shall respect the fundamental rights established by this Constitution and the international treaties and instruments on human rights to which Chile is a party.
2. The law shall determine the mechanisms for coordination, cooperation and resolution of conflicts of competence between Indigenous legal systems and state entities.

## Article 310.

1. Judges are independent of each other and of any other power or authority and must act and rule impartially. In their decisions they are subject only to the rule of law.



2. In the National Justice System, the jurisdictional function is exercised exclusively by the courts established in the Constitution and the law. No other State body, person or group of persons may exercise the jurisdictional function, hear pending cases, modify the grounds or content of judicial decisions or reopen concluded proceedings.
3. Judges may not perform administrative or legislative functions or any other function or employment, except for academic activities under the terms established by law. Likewise, they may not be members of political parties.

## **Article 311.**

1. The jurisdictional function must be exercised under an intersectional approach, guaranteeing substantive equality and compliance with international human rights obligations in this area.
2. This duty extends to all jurisdictional and auxiliary organs and officials of the National Justice System, throughout the course of the process and in all the actions they carry out.

## **Article 312.**

1. The jurisdictional function shall be governed by the principles of gender parity and gender perspective. All bodies and persons involved in the jurisdictional function must guarantee substantive equality.
2. The State guarantees that appointments in the National Justice System respect the principle of gender parity in all organs of the jurisdiction, including the designation of presidencies.
3. The courts, regardless of their jurisdiction, must rule with a gender perspective.
4. Justice systems must adopt all measures to prevent, punish and eradicate violence against women, sexual and gender diversities and dissidences, in all its manifestations and spheres.

## **Article 313.**

Judges may not be indicted or deprived of their liberty, except in the case of flagrante delicto, if the corresponding court of appeals does not declare one or more chapters of the respective indictment admissible. The resolution that pronounces on the complaint of chapters may be appealed before the Supreme Court. Once the resolution that accepts the complaint has become final, the criminal proceeding shall continue in accordance with the general rules and the judge shall be suspended from the exercise of their functions.



## **Article 314.**

Judges are irremovable. They may not be suspended, transferred or removed except in accordance with the grounds and procedures established by the Constitution and the law.

## **Article 315.**

Judges are personally liable for the crimes of bribery, non-compliance in substantial matters of the laws governing the procedure and, in general, for any prevarication, denial or distorted administration of justice. The law shall determine the cases and the manner of enforcing this liability.

## **Article 316.**

Judges cease to hold office upon reaching seventy years of age, by resignation, by finding a supervening legal incapacity or by removal.

## **Article 317.**

1. Once their intervention has been requested in the legal form and on matters within their competence, the courts may not be excused from exercising their function within a reasonable time, even in the absence of an express legal rule resolving the matter submitted to their decision.
2. The exercise of jurisdiction is non-delegable.

## **Article 318.**

1. In order to enforce the resolutions and practice or put into practice the actions determined by law, the courts of justice may issue orders or direct instructions to the public force, which must comply with the orders in a prompt and expeditious manner, without being able to qualify their basis, timeliness or legality.
2. Judgments issued against the State of Chile by international human rights tribunals whose jurisdiction has been recognized by the State shall be enforced by the courts of justice in accordance with the procedure established by law, even if they contravene a final judgment issued by the latter.



## **Article 319.**

1. Judgments must always be grounded and drafted in clear and inclusive language. The law may establish exceptions to the duty of substantiation of judicial decisions.
2. All stages of the proceedings and judicial decisions are public. Exceptionally, the law may establish their reserve or secrecy in qualified cases.

## **Article 320.**

1. Access to the jurisdictional function shall be free of charge, without prejudice to the legal proceedings and procedural sanctions established by law.
2. Arbitral justice shall always be voluntary. The law may not establish compulsory arbitration.

## **Article 321.**

The jurisdictional function is based on the guiding principles of open justice, which is manifested in transparency, participation and collaboration, in order to guarantee the rule of law, promote social peace and strengthen democracy.

## **Article 322.**

1. The jurisdictional function is defined in its structure, integration and procedures according to the principles of plurinationality, legal pluralism and interculturality.
2. When dealing with Indigenous persons, the courts and their officials must adopt an intercultural perspective in the treatment and resolution of matters within their competence, taking due consideration of the customs, traditions, protocols and normative systems of the Indigenous peoples, in accordance with the international human rights treaties and instruments to which Chile is a party.

## **Article 323.**

1. It is the duty of the State to promote and implement collaborative conflict resolution mechanisms that guarantee active participation and dialogue.
2. Only the law may determine the requirements and effects of alternative dispute resolution mechanisms.



## **Article 324.**

1. Persons exercising jurisdiction in unipersonal or collegiate bodies are called judges. There shall be no hierarchy among those who exercise jurisdiction, and they shall only be differentiated by the function they perform. Likewise, they shall not receive any honorary treatment.
2. Only the law may establish the positions of judges. The Supreme Court and the courts of appeals may only be composed of persons who have the status of regular, interim, substitute or replaced judges.
3. The staffing and internal administrative organization of the courts shall be established by law.

## **Article 325.**

The National Justice System shall enjoy financial autonomy. Annually, the necessary funds for its adequate functioning shall be allocated in the Budget Law.

## **Article 326.**

The courts shall comply with the principles of proximity and itinerancy. In order to guarantee access to justice and effective jurisdictional protection, they may operate in localities located outside their seat, always within the territory of their jurisdiction.

## **Article 327.**

The National Justice System is composed of the neighborhood justice system, the courts of instance, the courts of appeals and the Supreme Court.

## **Article 328.**

1. The Supreme Court is a collegiate body with jurisdiction throughout the country whose function is to ensure the correct application of the law and to standardize its interpretation, as well as other powers established by this Constitution and the law.
2. It shall be composed of twenty-one judges and shall operate in plenary or specialized chambers.
3. Its judges shall hold office for a maximum of fourteen years, without the possibility of reelection.



4. The presidency of the Supreme Court shall be exercised by a person elected by their peers. They shall serve for two years without the possibility of holding the office again. Whoever holds the office of President may not be a member of any of the chambers.

## **Article 329.**

The Supreme Court shall hear and resolve the challenges filed against the decisions of the Indigenous jurisdiction, in a specialized chamber and assisted by a technical counsel composed of experts in their own culture and law, in the manner established by law.

## **Article 330.**

1. The courts of appeals are collegiate bodies with jurisdiction over a region or part of it. Their main function is to resolve challenges to rulings issued by the courts of first instance, as well as other powers established by the Constitution and the law.
2. They will operate in plenary or in preferential specialized rooms.
3. The presidency of each court of appeals shall be exercised by a person elected by his peers. He shall serve for two years.

## **Article 331.**

1. Courts of instance are civil, criminal, family, labor, common or mixed jurisdiction, administrative, environmental, neighborhood, penalty enforcement and other courts established by the Constitution and the law.
2. The organization, attributions, competence and number of judges that make up these courts are determined by law.

## **Article 332.**

1. The administrative courts hear and resolve actions brought against the State Administration or promoted by it and other matters established by law.
2. The law shall establish a unified, simple and expeditious procedure for its knowledge and resolution.
3. There will be at least one administrative court in each region of the country, which may operate in specialized chambers.
4. Matters within the jurisdiction of these courts may not be submitted to arbitration.



## **Article 333.**

1. The environmental courts will hear and rule on the legality of administrative acts in environmental matters, the action for the protection of the rights of nature and environmental rights, the reparation for environmental damage and other matters established by the Constitution and the law.
2. There will be at least one environmental court in each region of the country.
3. The law shall regulate the integration, competence and other aspects necessary for its proper functioning.
4. Actions to challenge the legality of administrative acts pronounced on environmental matters and the request for precautionary measures may be filed directly before the environmental courts, without the prior exhaustion of administrative remedies being required.

## **Article 334.**

1. Neighborhood justice is composed of neighborhood courts and neighborhood justice centers.
2. In each commune of the country that is the seat of a municipality there shall be at least one neighborhood court that shall exercise the jurisdictional function with respect to all those legal controversies that arise at the communal level that do not fall under the jurisdiction of another court and other matters entrusted to it by law, in accordance with a brief, oral, simple and expeditious procedure.

## **Article 335.**

1. Neighborhood justice centers are bodies responsible for promoting the resolution of neighborhood and small disputes within a community determined by law, based on social dialogue, peace and the participation of the parties involved, with priority being given to their installation in rural areas and places far from urban areas.
2. The neighborhood justice centers must orient and inform the public on legal matters, making the necessary referrals, as well as performing the other functions entrusted to them by law.
3. The organization, attributions, matters and procedures corresponding to the neighborhood justice centers shall be governed by the respective law.



## **Article 336.**

1. The courts for the execution of sentences shall ensure the fundamental rights of persons sentenced or subject to security measures, as recognized in this Constitution and in international human rights treaties and instruments, seeking their integration and social insertion.
2. They will exercise jurisdictional functions in matters of enforcement of sentences and security measures, jurisdictional control of the disciplinary power of the prison authorities, protection of the rights and benefits of inmates in penitentiary establishments and other matters established by law.

## **Article 337.**

1. The system of enforcement of criminal sanctions and security measures shall be organized based on respect for human rights and shall have as its objectives the enforcement of the sentence and the integration and social insertion of the person serving a judicial sentence.
2. It is the duty of the State, in its special position of guarantor vis-à-vis persons deprived of liberty, to ensure the protection and effective exercise of their fundamental rights enshrined in this Constitution and in international human rights treaties and instruments.

## **Article 338.**

1. Only the State may execute the enforcement of sentences and measures of deprivation of liberty, through public institutions specially established for these purposes. This function may not be performed by private persons.
2. For the insertion, integration and reparation of persons deprived of liberty, penitentiary establishments must have spaces for study, work, sports, arts and culture.
3. In the case of women, pregnant women and nursing mothers, the State will adopt the necessary measures, such as infrastructure and equipment, in closed, open and post penitentiary control regimes.

## **Article 339.**

1. The Elections Qualifying Tribunal shall oversee the general scrutiny and qualification of the elections of the authorities elected by popular vote at the national level, shall resolve any claims that may arise and shall proclaim those elected.






2. In addition, it shall hear and resolve administrative claims filed against acts of the Electoral Service and decisions issued by supreme courts or equivalent bodies of political organizations.
3. It shall also hear and decide on the disqualifications, incompatibilities and grounds for removal from office of deputies of Congress or regional representatives. Likewise, it shall qualify the resignation of these when they are affected by a serious illness, duly accredited, which prevents them from holding office.
4. This Court shall also hear national plebiscites and shall have such other powers as may be determined by law.
5. The Tribunal shall evaluate the evidence in accordance with the rules of sound judgment.
6. It shall be composed of five judges, appointed by the Council of Justice, who shall apply in the manner and at the time determined by the respective law. They shall serve for six years.
7. A law shall regulate the organization and operation of the Elections Qualifying Tribunal, its staff, remunerations and personnel statute.

## **Article 340.**

1. The regional electoral tribunals oversee the general scrutiny and qualification of the elections at the regional, communal and civil society organizations and other organizations recognized by this Constitution or by law, as well as of resolving any claims that may arise and proclaiming the candidates elected.
2. They shall also hear regional and communal plebiscites, without prejudice to the other powers determined by law.
3. Their resolutions shall be subject to appeal and their knowledge shall correspond to the Election Tribunal in the manner determined by law. Likewise, they shall be responsible for the qualification of elections of a union nature and those taking place in those organizations indicated by law.
4. The regional electoral tribunals shall be composed of three judges, appointed by the Council of Justice who shall apply in the manner and opportunity determined by the respective law. They shall serve for six years.
5. These courts shall evaluate the evidence in accordance with the rules of sound judgment.



6. A law shall regulate the organization and operation of the regional electoral tribunals, their staffing, remuneration and statute of personnel.

## **Article 341.**

The administrative management and the directive and corrective superintendence of the Election Tribunal and of the regional electoral tribunals shall correspond to the Council of Justice.

## **Council of Justice**

### **Article 342.**

1. The Council of Justice is an autonomous, technical, gender equal and plurinational body, with legal personhood and its own assets, whose purpose is to strengthen judicial independence. It oversees appointments, governance, management, training and discipline in the National Justice System.

2. In exercising its powers, it must consider the principles of non-discrimination, inclusion, gender parity, territorial equity and plurinationality.

### **Article 343.**

The attributions of the Council of Justice are as follows:

a) To appoint, after a public competition and by reasoned resolution, all judges and officials of the National Justice System.

b) To adopt disciplinary measures against judges and officials of the National Justice System, including their removal, in accordance with the provisions of this Constitution and the law.

c) To carry out a comprehensive review of the management of all the courts of the National Justice System, at least every five years, which shall include public hearings to determine their proper functioning, as provided in the Constitution and the law. This review, in no case, shall include judicial resolutions.

d) To periodically evaluate and qualify the performance of judges and officials of the National Justice System.

e) To decide on promotions, transfers, exchanges and termination of functions of



members of the National Justice System.

f) To define the budgetary needs, execute and manage the resources for the adequate functioning of the National Justice System.

g) To pronounce itself on any legal modification in the organization and attributions of the National Justice System. The Congress of Deputies shall inform the Council, which shall respond within thirty days of receipt.

h) To propose the creation, modification or suppression of courts to the competent authority.

i) To ensure the qualification, training and continuous improvement of those who make up the National Justice System. For these purposes, the Judicial Academy shall be subject to the direction of the Council.

j) To ensure the initial training and ongoing training of all officials and auxiliary staff of the administration of justice, to eliminate gender stereotypes and ensure the incorporation of the gender approach, the intersectional approach and human rights.

k) To issue instructions regarding the organization and administrative management of the courts. These instructions may be national, regional or local in scope.

l) Any other duties assigned by this Constitution and the law.

## **Article 344.**

1. The Council of Justice is composed of seventeen members, as follows:

a) Eight regular judges elected by their peers.

b) Two officials or professionals of the National Justice System elected by their peers.

c) Two members elected by the Indigenous peoples and nations in the manner determined by the Constitution and the law. They shall be persons of proven suitability for the exercise of the position and who have distinguished themselves in the public or social function.

d) Five elected by the Congress of Deputies and the Chamber of Regions in joint session, after determining the corresponding shortlists by public competition, in charge of the High Public Management Council. They shall be professionals with at least ten years of the corresponding degree, who have excelled in professional, academic or public service activities.



2. They shall hold office for six years and shall not be eligible for reelection and shall be renewed every three years in accordance with the provisions of the law.
3. Its members shall be elected according to criteria of gender parity, plurinationality and territorial equity.

## **Article 345.**

1. The Council of Justice may operate in plenary sessions or in commissions. In both cases, it shall make its decisions by the majority of its members in office.
2. The Council shall be organized in a decentralized manner. The law shall determine the organization, operation and election procedures of the Council's members and shall establish the staff, the remuneration system and the statute of its personnel.

## **Article 346.**


1. Members of the Council may not exercise any other function or employment, whether remunerated or not, with the exclusion of academic activities. The law may establish other incompatibilities in the exercise of the office.
2. Those mentioned in letters a) and b) of the article on the composition of the Board shall be suspended from the exercise of their functions for the duration of their duties.
3. They may not compete for appointment to judicial positions until one year has elapsed since they ceased to hold office.

## **Article 347.**

1. The members of the Council shall cease to hold office at the end of their term of office, upon reaching seventy years of age, by removal, resignation, supervening physical or mental incapacity or conviction for a punishable felony.
2. Both resignation and supervening incapacity must be accepted or confirmed, as the case may be, by the Council.
3. The removal process shall be determined by law, respecting all due process guarantees.

## **Article 348.**

1. The Council shall make appointments through public competitions regulated by law, which shall include public hearings.



2. In order to become a judge within the National Justice System, it is required to have passed the qualification course of the Judicial Academy for the exercise of the jurisdictional function; to have three years of practice as a lawyer in the case of courts of first instance; five years in the case of the courts of appeals, and twenty years in the case of the Supreme Court, and the other requirements established by the Constitution and the law.

## **Article 349.**

1. Disciplinary proceedings shall be heard and decided by a committee composed of five members of the Council, to be chosen by lot, and may be reviewed by the full Board at the request of the person concerned.
2. The resolution of the Council terminating the procedure may be challenged before the Constitutional Court.
3. Decisions adopted pursuant to the preceding paragraphs may not be reviewed or challenged before other bodies of the National Justice System.



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# CHAPTER X. AUTONOMOUS CONSTITUTIONAL BODIES

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## **Article 350.**

All autonomous bodies are governed by the principle of gender parity. The implementation of affirmative implementation of affirmative action measures, ensuring that at least fifty percent of their members are women.

## **Office of the Comptroller General of the Republic**

### **Article 351.**

1. The Comptroller General of the Republic is a technical, autonomous body, with legal personhood and its own assets, responsible for ensuring compliance with the principle of probity in public service, exercising control of the constitutionality and legality of the acts of the State Administration, including regional and communal governments and other entities, agencies and services determined by law.
2. It is in charge of controlling and auditing the receipt, investment and expenditure of public funds.
3. In the exercise of his functions, he may not evaluate the merit or convenience of political or administrative decisions.
4. The law shall establish the organization, operation, plant, procedures and other attributions of the Office of the Comptroller General of the Republic.

### **Article 352.**

1. In the exercise of the control of constitutionality and legality, the Office of the Comptroller General shall take cognizance of the decrees, resolutions and other administrative acts or represent their illegality. It shall act on them when the President of the Republic insists with the signature of all their ministers and shall send a copy of the respective decrees to the Congress of Deputies.
2. In no case shall it act on decrees of expenditures that exceed the limit set forth in the



Constitution or the law, and it shall send a complete copy of the background to the Congress of Deputies.

3. In the case of representation on grounds of unconstitutionality, insistence will not be admissible, and the Comptroller's Office's decision will be subject to appeal before the Constitutional Court.

4. In addition, it shall be responsible for taking note of the decrees with force of law and shall represent them when they exceed or contravene the respective delegating law.

5. With respect to decrees, resolutions and other administrative acts of territorial entities which, in accordance with the law, must be processed by the Comptroller's Office, the respective regional comptroller's office shall be responsible for taking cognizance of them. The background information to be sent, as the case may be, shall be sent to the corresponding regional assembly.

## **Article 353.**

1. The Office of the Comptroller General of the Republic is headed by a Comptroller General, who shall be appointed by the President of the Republic, with the agreement of the Congress of Deputies and the Chamber of Regions in joint session, by the majority of its members in office.

2. The Comptroller General shall hold office for a term of eight years, without the possibility of reelection.

3. A Council of the Comptroller's Office, the composition and operation of which shall be determined by law, shall annually approve the program for the control and audit of public services, determining services or programs which, in its judgment, must necessarily be included in the aforementioned program.

4. Opinions modifying the administrative jurisprudence of the Comptroller's Office shall be referred to the Council.

## **Article 354.**

1. The Office of the Comptroller General of the Republic may issue mandatory rulings to any authority, official or worker of any organ of the State Administration, of the regions and of the communes, including the directors of public companies or companies in which the State has a shareholding.

2. The organs of the State Administration, regional and communal governments, autonomous organs, public enterprises, companies in which the State has a shareholding, legal entities that dispose of fiscal resources or administer public property



and others defined by law shall be subject to the control and audits of the Office of the Comptroller General of the Republic. The law shall regulate the exercise of these supervisory and auditing powers.

## **Article 355.**

1. The Office of the Comptroller General of the Republic shall operate in a decentralized manner in each of the regions of the country through regional comptrollers' offices.
2. Each regional comptroller's office will be headed by a regional comptroller appointed by the Comptroller General of the Republic.
3. In the exercise of their functions, they shall maintain unity of action in order to apply a uniform criterion throughout the country.
4. The law shall determine the other powers of the regional comptrollers' offices and shall regulate their organization and operation.
5. The regional comptrollers control the legality of the financial activity of the territorial entities, the management and results of the administration of public resources.

## **Article 356.**

State treasuries may not make any payment except by virtue of a decree or resolution issued by a competent authority, expressing the law or the part of the budget authorizing such expenditure. Payments shall also be made considering the chronological order established therein and after budgetary countersignature of the document ordering the payment.

## **Central Bank**

### **Article 357.**

1. The Central Bank is an autonomous body with legal personhood and its own assets, of a technical nature, responsible for formulating and conducting monetary policy.
2. The law shall regulate its organization, attributions and control systems, as well as the determination of coordination instances between the Bank and the Government.





## **Article 358.**

1. In order to contribute to the welfare of the population, the Central Bank is particularly responsible for ensuring price stability and the normal functioning of internal and external payments.
2. In order to fulfill its purpose, the Central Bank shall consider financial stability, exchange rate volatility, employment protection, care for the environment and natural heritage, and the principles set forth in the Constitution and the law.
3. In making its decisions, the Bank shall bear in mind the general orientation of the Government's economic policy.

## **Article 359.**

The Central Bank is responsible for regulating the amount of money and credit in circulation, the execution of credit and international exchange operations, and the power to dictate norms in monetary, credit, financial and international exchange matters, as well as other matters established by law.

## **Article 360.**

1. The Central Bank may only carry out transactions with financial institutions, whether public or private. In no way may it grant them its guarantee, nor acquire documents issued by the State, its organs or companies.
2. No public expenditure or loan may be financed with direct or indirect credits from the Central Bank.
3. 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 may purchase for a determined period and sell in the open secondary market, debt instruments issued by the Treasury, in accordance with the law.

## **Article 361.**

The Central Bank shall render periodic accounts to the Congress of Deputies and Chamber of Regions in joint session, on the execution of the policies under its charge, the general measures and rules adopted in the exercise of its functions and powers and other matters requested, by means of reports or other mechanisms determined by law.



## **Article 362.**

1. The senior management and administration of the Central Bank shall be in charge of a Board, which shall be responsible for performing the functions and exercising the powers set forth in the Constitution and the law.
2. The Board shall be composed of seven council members appointed by the President of the Republic, with the agreement of the Congress of Deputies and the Chamber of Regions in joint session, by the majority of its members in office.
3. They shall hold office for a term of ten years, not subject to reelection, and shall be renewed in accordance with the law.
4. The directors of the Central Bank must be professionals of proven suitability and experience in matters related to the competencies of the institution. The law shall determine their requirements, responsibilities, disqualifications and incompatibilities.
5. The Chairperson of the Board, who shall also be the Chairperson of the Central Bank, shall be appointed by the President of the Republic from among the members of the Board, and shall serve for a term of five years or the lesser time remaining as a director, and may be reelected for a new term.

## **Article 363.**

1. The members of the Board may be removed from office by resolution of the majority of the members of the full Supreme Court, upon request of the majority of the members of the Board, of the President of the Republic or by the majority of deputies or regional representatives in office, in accordance with the procedure established by law.
2. Removal may only be based on the grounds that the director has committed serious acts against public probity, or has incurred in any of the prohibitions or incompatibilities established in the Constitution or the law, or has concurred with their vote in decisions that seriously affect the achievement of the purpose of the Central Bank.
3. The person removed from office may not be reappointed as a director, nor may they be an officer of the Central Bank or render services to it, without prejudice to any other sanctions established by law.

## **Article 364.**

1. Those who in the twelve months prior to their appointment have participated in the ownership or served as director, manager or chief executive of a banking company, fund management company or any other company that provides financial intermediation



services may not be members of the Board, without prejudice to the other disqualifications established by law.

2. Once they cease to hold office, those who have been members of the Board shall have the same disqualification for a period of twelve months.

## **Office of the Public Prosecutor**

### **Article 365.**

1. The Office of the Public Prosecutor is an autonomous and hierarchical body, whose function is to exclusively direct the investigation of the facts that could constitute a crime, those that determine the punishable participation and those that prove the innocence of the accused. It exercises the public criminal action on behalf of society, as provided by law.

2. In these functions, it must ensure respect for and promotion of human rights, also considering the interests of the victims, for whom it must adopt all necessary measures to protect them, as well as witnesses.

3. The exclusive power of certain administrative bodies to file complaints and lawsuits does not prevent the Office of the Public Prosecutor from investigating and exercising public criminal action in the case of crimes against probity, public property or harming collective legal interests.

4. In no case may it exercise jurisdictional functions.

5. The victim of the crime and other persons determined by law may also bring criminal action.

6. The Office of the Public Prosecutor may issue direct orders to the Public Order and Security Forces for the exercise of their functions, in which case it may also participate both in the setting of goals and objectives and in the evaluation of the fulfillment of all of them. The requested police authority shall comply with such orders without further formality and may not qualify their basis, timeliness, justice or legality, except to require the exhibition, unless it is verbal, of the judicial authorization.

7. Actions that threaten, deprive or disturb the accused or third parties of the exercise of the rights guaranteed by this Constitution shall always require prior and reasoned judicial authorization.



## **Article 366.**

1. A law shall determine the organization and powers of the Office of the Public Prosecutor and shall establish the qualifications and requirements to be met by those who serve as prosecutors and the grounds for their removal.
2. The superior authorities of the Office of the Public Prosecutor must always give reasons for orders and instructions to prosecutors that may affect an investigation or the exercise of criminal action.
3. Prosecutors and officials shall have a promotion and advancement system that guarantees a career that allows for the promotion of technical excellence and the accumulation of experience in the functions they perform. They shall cease to hold office upon reaching the age of seventy.

## **Article 367.**

1. There shall be a regional prosecutor's office in each region of the country, notwithstanding that the law may establish more than one per region.
2. Those who serve as regional prosecutors must have served as deputy prosecutors for five or more years, must not have served as regional prosecutors, must have passed specialized training courses and must possess the other qualifications established by law.
3. They shall hold office for four years and, upon completion of their term, may return to the position they held in the Office of the Public Prosecutor. They may not be reelected or run again for the position of regional prosecutor.

## **Article 368.**

1. The senior management of the Office of the Public Prosecutor is vested in the National Prosecutor, who will serve for six years, without reelection.
2. They shall be appointed in a joint session of the Congress of Deputies and the Chamber of Regions, by the majority of its members in office, from a list of three candidates proposed by the President of the Republic, who shall have the technical assistance of the Council of the High Public Management, in accordance with the procedure determined by law.
3. They must have at least fifteen years of law degree, be a citizen with the right to vote and have proven competencies for the position.



4. It shall be the responsibility of the National Prosecutor:

- a) To preside over the Committee of the Office of the Public Prosecutor and direct its ordinary and extraordinary sessions.
- b) To represent the institution before the other organs of the State.
- c) To promote the execution of the criminal prosecution policy set by the Committee of the Office of the Public Prosecutor in the country.
- d) To determine the policy of professional management of the officials of the Office of the Public Prosecutor.
- e) To appoint regional prosecutors from a shortlist of three candidates drawn up by the respective regional assembly.
- f) To appoint deputy prosecutors, from a list of three candidates drawn up by the Committee of the Office of the Public Prosecutor.
- g) Any other powers established by the Constitution and the law.

## **Article 369.**

1. There will be a Committee of the Office of the Public Prosecutor, composed of regional prosecutors and the national prosecutor, who will preside over it.
2. The Committee shall establish the criminal prosecution policy and the criteria for the fulfillment of its objectives, ensuring transparency, objectivity, the interests of society and respect for human rights.
3. The attributions of the Committee of the Office of the Public Prosecutor are the following:
  - a) To advise the National Prosecutor in the direction of the agency, ensuring compliance with its objectives.
  - b) To permanently evaluate and qualify the performance of the prosecutors and officials of the Office of the Public Prosecutor.
  - c) To exercise disciplinary authority over the officials of the Office of the Public Prosecutor, in accordance with the law.
  - d) To appoint the National Executive Director.
  - e) To propose to the National Prosecutor the shortlists for the appointment of



deputy prosecutors.

f) Any other powers established by the Constitution and the law.

## **Article 370.**

There shall be deputy prosecutors of the Office of the Public Prosecutor, who shall exercise their function in the specific cases assigned to them, in accordance with the provisions of the Constitution and the law.

## **Article 371.**

Those who serve as national prosecutor and those who serve as regional prosecutors shall render an annual public account of their performance. In the first case, the account shall be rendered before the Congress of Deputies and the Chamber of Regions, in a joint session, and in the second case, before the respective regional assembly.

## **Article 372.**

1. The National Prosecutor and the regional prosecutors shall be removed by the Supreme Court, at the request of the President of the Republic, the Congress of Deputies, or ten of its members, for incapacity, serious lack of probity or manifest negligence in the exercise of their functions. The Court shall hear the matter in a plenary session specially convened for this purpose. In order to agree on the removal, it must have the affirmative vote of the majority of its members in office.
2. The removal of regional prosecutors may also be requested by the national prosecutor.

Office of the Public Defender

## **Article 373.**

1. The Office of the Public Defender is an autonomous body, with legal personhood and its own assets, whose function is to provide criminal defense to those accused of acts that may constitute a crime, simple offense or misdemeanor, which must be heard by the courts with criminal jurisdiction, from the first action of the investigation against them until the complete execution of the sentence imposed, and who lack legal defense.
2. The Office of the Public Defender may, in cases in which it intervenes, appear before international human rights organizations.
3. The law will determine the organization and attributions of the Office of the Public



Defender and must guarantee its external independence.

## **Article 374.**

1. The function of public criminal defense will be exercised by public criminal defenders.
2. The legal defense services provided by the Office of the Public Defender may not be tendered or delegated to private attorneys, without prejudice to the exceptional contracting that may be carried out in the cases and manner established by law.

Article 375.

1. The top management of the Office of the Public Defender will be exercised by the National Public Defender, who will hold office for six years, without reelection.
2. They shall be appointed in a joint session of the Congress of Deputies and the Chamber of Regions, by the majority of its members in office, from a list of three candidates proposed by the President of the Republic, in accordance with the procedure and requirements established by law.

## **National Data Protection Agency**

### **Article 376.**

There shall be an autonomous body called the National Data Protection Agency, which shall ensure the promotion and protection of personal data, with powers to regulate, investigate, supervise and sanction public and private entities, which shall have the powers, composition and functions determined by law.

## **Constitutional Court**

### **Article 377.**

The Constitutional Court is an autonomous, technical and professional body, responsible for exercising constitutional justice with the purpose of guaranteeing the supremacy of the Constitution, in accordance with the principles of deference to the legislative body, presumption of constitutionality of the law and the search for an interpretation in accordance with the Constitution. Its decisions are based solely on legal grounds.





## **Article 378.**

1. The Constitutional Court shall be composed of eleven members, one of whom shall preside. He shall be elected by his peers and shall serve for two years.
2. The judges of the Constitutional Court serve for a term of nine years, are not eligible for reelection and are renewed every three years in the manner established by law.
3. Their appointment is made based on technical criteria and professional merit as follows:
  - a) Four members elected in a joint session of the Congress of Deputies and the Chamber of Regions, by the majority of its members in office.
  - b) Three members elected by the President of the Republic.
  - c) Four members elected by the Council of Justice based on public competitions. In the event of having been appointed judges of the National Justice System, they shall be suspended from their original judicial positions until their functions in the Constitutional Court are extended.
4. Applicants for the position of judge of the Constitutional Court must be attorneys with more than fifteen years of professional practice, with recognized and proven professional or academic competence and suitability, preferably from different legal specializations.
5. A law shall determine the organization, functioning and procedures and shall establish the staff, the remuneration system and the statute of the personnel of the Constitutional Court.

## **Article 379.**

The members of the Constitutional Court are independent from any other power and enjoy non-removability. They cease to hold office upon completion of their term, due to supervening legal incapacity, resignation, conviction, removal, illness incompatible with the exercise of their duties, or any other cause established by law.

## **Article 380.**

1. The position of judge of the Constitutional Court is a full-time position.
2. Those who have served in popularly elected positions, those who have held the position of Minister of State or other positions of exclusive trust of the Government,





during the two years prior to their appointment, may not be judges of the Constitutional Court. Likewise, the members of the Constitutional Court shall have the disqualifications and incompatibilities contemplated for judges of the National Justice System.

3. At the end of their term of office, and during the following eighteen months, they may not run for any popularly elected office or any other position of exclusive trust of any public authority.

4. The law shall determine the other incompatibilities and disqualifications for the performance of this office.

## **Article 381.**

1. The Constitutional Court shall have the following powers:

a) To hear and rule on the inapplicability of a legal precept whose effects are contrary to the Constitution.

The court hearing a pending proceeding, *ex officio* or upon request of a party, may raise a question of constitutionality with respect to a legal precept that is decisive for the resolution of such matter. The pronouncement of the judge in this matter shall not disqualify them from continuing to hear the specific case. This request shall not proceed if the matter is before the Supreme Court. The Constitutional Court shall decide the question of inapplicability by a majority of its members.

b) To hear and decide on the unconstitutionality of a legal precept.

If there are two or more declarations of inapplicability of a legal precept pursuant to letter a) of this Article, there shall be a public action to request the Court to declare it unconstitutional, without prejudice to the power of the Court to declare it *ex officio*. This declaration of unconstitutionality shall be made with the affirmative vote of three fifths of the sitting members of the Constitutional Court.

Likewise, the Constitutional Court may declare the unconstitutionality of a legal precept previously declared inapplicable pursuant to letter a) of this Article, at the request of the President of the Republic, of one third of the members of the Congress of Deputies or the Chamber of Regions, of a regional governor, or of at least one half of the members of a regional assembly. This unconstitutionality shall be declared by a quorum of four fifths of its members in office.

c) To hear and rule on the unconstitutionality of one or more precepts of regional statutes of Indigenous territorial autonomies and of any other territorial entity.



The question may be raised by the President of the Republic or by one third of the members of the Chamber of Regions.

d) To hear and resolve complaints in the event that the President of the Republic does not promulgate a law when they should do so or promulgates a text different from that which constitutionally corresponds. It shall have the same attribution with respect to the promulgation of regional regulations.

These may be filed by any of the bodies of the legislative branch or by a quarter of its members in office, 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 Court accepts the claim, it will promulgate in its sentence the law that has not been promulgated or will rectify the incorrect promulgation.

e) To hear and 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 represented as unconstitutional, when requested by the President of the Republic.

f) To hear and rule on the constitutionality of the regulations and decrees of the President of the Republic, issued in exercise of the regulatory power in those matters that are not of law.

The Court may hear the matter at the request of the Congress of Deputies or the Chamber of Regions, or one third of its members, within thirty days following the publication or notification of the challenged text.

g) To resolve conflicts of competence or attributions arising between State organs, between territorial entities, or between these with any other State organ, at the request of any of the aforementioned.

h) To resolve conflicts of competence that arise between political or administrative authorities and the courts of justice.

i) To resolve conflicts of competence between the Congress of Deputies and the Chamber of Regions, or between the latter and the President of the Republic.

j) Any others provided for in this Constitution.

2. In the case of the conflicts of jurisdiction referred to in letters h) and i), they may be brought by any of the authorities or courts in conflict.

3. Otherwise, the procedure, quorum and standing to exercise each power shall be determined by law.



## **Article 382.**

1. The judgments of the Constitutional Court shall be adopted, in chambers or in plenary session, by the majority of its members, without prejudice to the exceptions established by the Constitution or the law.
2. The Constitutional Court may only accept the unconstitutionality or inapplicability of a precept when it is not possible to interpret it in such a way as to avoid unconstitutional effects.
3. Once a legal precept has been declared inapplicable, it may not be applied in the judicial proceeding in which the question of constitutionality arose.
4. The sentence declaring the unconstitutionality of a precept will cause its invalidation, excluding it from the legal system as from the day following the publication of the sentence in the Diario Oficial. It is binding, mandatory for any institution, person or group, and there is no recourse against.



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# CHAPTER XI. REFORM AND REPLACEMENT OF THE CONSTITUTION

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## Constitutional Reform

### Article 383.

1. Constitutional reform projects may be initiated by presidential message, motion of deputies or regional representatives, by popular initiative or Indigenous initiative.
2. For its approval, the reform project will require the affirmative vote of four sevenths of the members in office of the Congress of Deputies and Deputies and of the Chamber of Regions.
3. Constitutional reform projects initiated by citizens must be sponsored in accordance with the terms set forth in the Constitution.
4. Any constitutional reform project must expressly state how a rule of the Constitution is added, modified, replaced or repealed.
5. In all matters not provided for in this chapter, the provisions that regulate the procedure for the formation of the law shall be applicable to the processing of constitutional reform projects, and the quorum indicated in this Article shall always be respected.

### Article 384.

1. The President of the Republic shall call for a ratifying referendum in the case of constitutional reform projects approved by the Congress of Deputies and the Chamber of Regions, which substantially alter the political regime and the presidential term; the design of the Congress of Deputies or the Chamber of Regions and the duration of its members; the form of the Regional State; the fundamental principles and rights; and the chapter on reform and replacement of the Constitution.
2. If the constitutional reform project is approved by two thirds of the deputies and



regional representatives in office, it will not be submitted to a ratifying referendum.

3. The referendum shall be held in the manner established by the Constitution and the law.

4. Once the constitutional reform bill has been approved by the Congress of Deputies and the Chamber of Regions, the Congress shall send it to the President of the Republic who, within thirty calendar days, shall submit it to a ratifying referendum.

5. The constitutional reform approved by the Congress of Deputies and Deputies and the Chamber of Regions shall be deemed ratified if it reaches the majority of the votes validly cast in the referendum.

6. It is the duty of the State to give adequate publicity to the reform proposal to be submitted to referendum, in accordance with the Constitution and the law.

## **Article 385.**

1. A minimum equivalent to ten percent of the citizenship corresponding to the last electoral roll may present a proposal for constitutional reform to be voted by national referendum in conjunction with the next election.

2. There will be a period of 180 days from its registration for the proposal to be known by the public and to be able to gather the required sponsorships.

3. The proposed constitutional amendment shall be deemed approved if it reaches the majority in the respective vote.

4. It is the duty of the Legislative Branch and of the corresponding organs of the State to give adequate publicity to the reform proposal or proposals to be submitted to referendum.

## **Procedure for Drafting a New Constitution**

### **Article 386.**

1. The total replacement of the Constitution can only take place through a Constituent Assembly convened by means of a referendum.

2. The constituent referendum may be called by popular initiative. A group of persons entitled to vote must sponsor the call with, at least, signatures corresponding to twenty five percent of the electoral roll established for the last election.



3. It shall also be incumbent upon the President of the Republic, by means of a decree, to call the referendum, which must be approved, in joint session, by the Congress of Deputies and the Chamber of Regions, by three-fifths of its members in office.
4. Likewise, the call shall correspond to the Congress of Deputies and the Chamber of Regions, in joint session, by means of a law approved by two thirds of its members in office.
5. The convocation for the installation of the Constituent Assembly shall be approved if in the referendum it is favorably voted by the majority of the votes validly cast.

## **Article 387.**

1. The Constituent Assembly shall have as its sole function the drafting of a proposal for a new Constitution. It shall be composed on an equal basis and with territorial equity, with equal participation of independents and members of political parties and with seats reserved for Indigenous peoples and nations.
2. A law shall regulate its composition; the election system; its duration, which shall not be less than eighteen months; its minimum organization; the mechanisms of popular participation and Indigenous consultation of the process, and other general aspects that allow its installation and regular operation.
3. Once the proposal for a new Constitution has been drafted and delivered to the competent authority, the Constituent Assembly shall be dissolved as of right.

## **Article 388.**

1. Once the proposal for a new Constitution has been submitted, a referendum must be called for its approval or rejection. In order for the proposal to be approved, it must obtain the favorable vote of more than half of the votes validly cast.
2. If the proposed new Constitution is approved in the plebiscite, it shall be promulgated and published.

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# About us

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The Progressive International launched in May 2020 with a mission to unite, organize and mobilize the world's progressive forces.

Since then, it has grown to include over a hundred organizations representing millions of people on all inhabited continents — and organized campaigns and actions involving millions more.

## **WEBSITE**

[progressive.international](https://progressive.international)

## **ORIGINAL**

[PROPUESTA | CONSTITUCIÓN  
POLÍTICA DE LA REPÚBLICA  
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