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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

CHILE

"POLITICAL CONSTITUTION OF THE REPUBLIC OF CHILE CONSTITUTIONAL COUNCIL'S DRAFT"

TEXT ADOPTED BY THE CONSTITUTIONAL COUNCIL

CHAPTER I

FOUNDATIONS OF THE CONSTITUTIONAL ORDER

Article 1

1. Human dignity is inviolable and the foundation of law and justice. Persons are born free and equal in dignity and rights. Their respect and guarantee is the first duty of the political community and its legal form of organisation.

2. The family is the fundamental nucleus of society. It is the duty of the State and society to protect and strengthen families.

3. Groups which freely arise among individuals shall enjoy adequate autonomy to fulfil their specific purposes which are not contrary to the Constitution. The State shall respect the effects of this recognition.

Article 2

1. The State of Chile is social and democratic under the rule of law, which recognises fundamental rights and freedoms, constitutional duties, and promotes the progressive development of social rights, subject to the principle of fiscal responsibility and through state and private institutions.

2. The State shall serve individuals and society and its purpose is to promote the common good, to which end it shall create and contribute to creating the social conditions that will enable each and every member of the national community to achieve the greatest possible spiritual and material fulfilment, with full respect for the rights and guarantees established in this Constitution.

Article 3

1. The State of Chile adopts for its government the democratic republic, with separation of powers and presidential regime. Sovereignty resides in the People of Chile, a single and indivisible Nation, and is exercised by them through periodic elections, plebiscites and the authorities established by this Constitution. No sector of the people, person, institution or group may claim to exercise it.

2. The law shall promote the equal access of women and men to electoral mandates and popularly elected positions, as well as their equal participation in the different spheres of national life. The state shall guarantee the exercise of women's political participation.

Article 4

1. The Constitution, as the supreme rule of the legal system, establishes as a limit to the exercise of sovereignty respect for the essential rights that emanate from human nature, recognised by this Constitution, as well as by the international treaties ratified by Chile and which are in force. It is the duty of the organs of the State to respect, protect and guarantee such rights.

2. The rules of domestic law shall be interpreted in a manner compatible with the Constitution, taking into account the provisions relating to rights and freedoms of the human rights treaties ratified by Chile and in force. A distinction shall be made between the provisions of these treaties and other international instruments which may assist States in understanding and applying them, but which are not legally binding.

3. The law shall determine the form and procedure for complying with judgments handed down by international tribunals whose jurisdiction Chile has recognised.

Article 5

The State of Chile is unitary and decentralised. It shall promote national, regional and local development, ensuring coordination between the different levels. The State Administration shall be functionally and territorially decentralised or deconcentrated, as the case may be.

Article 6

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

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

Article 7

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

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

3. Infringement of this rule shall give rise to the responsibilities and penalties determined by law.

Article 8

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

2. No magistracy, no person or group of persons may, even under the pretext of extraordinary circumstances, arrogate to themselves any authority or rights other than those expressly conferred upon them by the Constitution or by law.

3. Any act in contravention of this article is null and void and shall give rise to the responsibilities and sanctions established by law.

Article 9

1. The exercise of public functions obliges their holders to strictly comply with the principles of probity, transparency and accountability in all their actions and to observe impeccable conduct and an honest, ethical and loyal performance of the function or office, with the common good taking precedence.

2. State bodies shall be governed by the principle of transparency and access to information, which ensures effective, timely and permanent access to public information. The acts and resolutions of state bodies, as well as the grounds and procedures they use, are public. However, only a law with a qualified *quorum* may establish the confidentiality or secrecy of such acts or resolutions, when publicity would affect the due fulfilment of the functions of such bodies, the rights of individuals, the security of the Nation or the national interest.

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

4. Corruption, in whatever form, is contrary to the common good and its eradication is an obligation of the organs of the state.

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

6. The President of the Republic, Ministers of State, Members of Parliament, judges and other authorities and officials specified by law shall make a public declaration of interests and assets. In qualified situations, the law may require them to submit a mandate for the administration of assets and the disposal of all or part of them.

7. The law shall create a collegiate and technical body, with legal personality and its own assets, called the National Public Integrity Agency, responsible for preventing corruption, promoting probity and coordinating the work of state entities dealing with matters of public integrity. An institutional law shall determine the composition, organisation, functions and powers of this body.

Article 10

1. These are fundamental duties or obligations of the State:

a) Guarantee the security of the population, promote the harmonious and supportive integration of its inhabitants and their participation in national life.

b) To safeguard and maintain social peace and public order. The use of violence as a method of political action is contrary to the Constitution and democracy.

(c) to protect the life, liberty and property of persons.

2. It is a fundamental obligation of the state and the political community to work for social peace. Constitutional order presupposes the use of peaceful methods of political action.

Article 11

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

Article 12

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

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

Article 13

The Constitution recognises and ensures the best interests of children, which includes the conditions for them to grow and develop in their family. A child means every human being under eighteen years of age. The State recognises the family, i.e. parents or guardians, as the case may be, as having priority in determining the best interests of their children or wards, ensuring their maximum possible spiritual and material well-being. Children shall be especially protected against any kind of exploitation, mistreatment, abuse, neglect and/or trafficking of children, all in accordance with the law.

Article 14

The Constitution recognises the value of care for the development of life in the family and society. It will also promote the reconciliation of family and work life, and the implementation of mechanisms to support and accompany motherhood.

Article 15

1. Terrorism, in any of its forms, is contrary to human rights and to the security of the Nation. A law with a qualified *quorum* shall determine terrorist conducts and their penalties.

2. Those responsible for these offences shall not be eligible for any pardon and shall be perpetually and irrevocably disqualified from holding public office or positions, whether or not they are popularly elected, or as rector or director of an educational establishment, or from exercising teaching functions therein; from operating a media outlet or being a director or administrator thereof, or from performing functions related to the broadcasting or dissemination of opinions or information therein. Nor may they be leaders of political organisations or organisations related to education or of a neighbourhood, professional, business, business, trade union, student or trade union nature in general. The foregoing is without prejudice to other disqualifications established by law.

3. The offences referred to in paragraph 1 shall always be considered ordinary and non-political for all legal purposes.

4. Once a final conviction has been handed down for an act classified as terrorist conduct, the groups to which the perpetrators, accomplices or accessories to such acts belonged, and which carried them out or were responsible for them, shall be declared unconstitutional by the Constitutional Court at the request of the victim or any other person. The law shall regulate the effects of such declaration.

5. The State shall give special recognition to victims of terrorism. Victims of offences which the courts of law classify as terrorist conduct shall be entitled to compensation from the State for any damage suffered as a result of such acts. The amount of compensation shall be judicially determined in a brief and substantiated process in the competent civil court of the victim's domicile, in which the evidence shall be assessed in good conscience.

CHAPTER II

FUNDAMENTAL RIGHTS AND FREEDOMS, CONSTITUTIONAL GUARANTEES AND DUTIES

Fundamental Rights and Freedoms

Article 16. The Constitution secures to all persons:

1. The right to life. The law protects the life of the unborn. The death penalty is prohibited.

2. The right to physical and mental integrity. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Scientific and technological development shall be carried out in the service of human beings and with respect for human dignity, life, and physical and mental integrity.

3. The right to equality before the law and non-discrimination. Non-discrimination means that neither the law nor the authority may establish arbitrary differences. Men and women are equal before the law. In Chile there is no privileged person or group. In Chile there are no slaves and whoever sets foot on its territory is free.

In order for this right to be realised, the State shall take appropriate measures and reasonable accommodation as may be necessary, with respect for the other rights recognised by this Constitution.

4. The right to personal liberty and security of person. Consequently:

(a) Everyone has the right to reside and stay in any part of the Republic, to move from one place to another and to enter and leave its territory, provided that the rules laid down by law are observed.

(b) The law shall regulate the entry, stay, residence and exit of foreigners from the national territory. Foreigners who enter the national territory clandestinely or through unauthorised passages shall be expelled as soon as possible or returned to their country of origin, transit or residence, except in cases of refuge or asylum expressly provided for in international treaties ratified by Chile and currently in force. In turn, foreigners who commit a crime or simple offence within the national territory and are sentenced to effective imprisonment, must serve the prison sentence in their country of origin, where appropriate, and if they serve the sentence in our country, they will be immediately expelled. The law shall determine the process of expulsion or return. Any person, institution or group that organises, finances or executes for profit the illegal entry of persons into the territory of the Republic shall incur the sanctions determined by law.

(c) No one shall be deprived of his personal liberty, nor shall it be restricted, except in the cases and in the manner determined by the Constitution and the law.

(d) No one may be arrested or detained except by order of a public officer expressly authorised by law and after being served with such order in a lawful manner. However, anyone caught in flagrante delicto may be arrested for the sole purpose of being brought before the competent judge within twenty-four hours.

The person shall be informed immediately and comprehensibly of his rights and the reasons for the deprivation of his liberty. If the authority arrests or detains any person, it shall, within forty-eight hours, notify the competent judge, placing the person concerned at his disposal.

The judge may, by a well-founded resolution, extend this period by up to five days, and by up to ten days in the case of an investigation into acts classified by law as terrorist conduct.

(e) No person may be arrested or detained, remanded in custody or imprisoned, except at his home or in public places intended for that purpose, in accordance with the law. The official in charge of these places may not receive him without recording the act ordering it and his admission, which must be recorded in a public register. The person deprived of liberty may not be denied access to the official in charge of the place of detention and to his lawyer. The official is obliged, whenever the arrested or detained person so requests, to transmit the copy of the arrest warrant to the competent judge, or to request that he be given such a copy, or to give himself a certificate of the person's detention, if this requirement was omitted at the time of his arrest.

(f) Juveniles under eighteen years of age deprived of their liberty shall be separated from adults and shall be placed in a regime appropriate to their age.

(g) The accused shall be released unless detention or pre-trial detention is considered by the judge to be necessary for the investigations or for the safety of the offended party or society. The law shall establish the requirements and modalities for decreeing it.

An appeal against a decision on the release of a person charged with the offences referred to in Article 15 shall be heard by the appropriate High Court, composed exclusively of full members. The decision approving or granting it shall require unanimous agreement. While the accused is at liberty, he shall always be subject to the supervision measures provided for by law.

(h) Persons sentenced to a custodial sentence may apply to the competent court for the substitution of that sentence by total home confinement, provided that the existence of a terminal illness is established in accordance with the law and that the sentenced person does not represent a present danger to society.

5. Equal protection of the law in the exercise of their rights.

6. Access to justice, so that their rights are effectively protected. This includes information and the necessary means to exercise them; the existence of legal and judicial services, alternative dispute resolution mechanisms, and the adoption of the necessary measures to enable their realisation.

Everyone has the right to legal defence in the manner prescribed by law. It is the duty of the State to provide legal assistance free of charge to any person who cannot obtain it for himself, in the manner established by law. No authority or individual may impede, restrict or disturb the due intervention of counsel if it has been requested. In the case of members of the Armed Forces and the Public Order and Security Forces, this right shall be governed, in administrative and disciplinary matters, by the relevant rules of their respective statutes.

The State shall, in accordance with the law, provide criminal defence for those accused of acts that may constitute a crime, misdemeanour or petty offence and who lack legal defence.

The law shall indicate the cases in which and the manner in which natural persons who are victims of crimes shall be provided with free legal advice and defence, for the purpose of bringing criminal action when appropriate, especially in cases of terrorism, drug trafficking, corruption, organised crime and human trafficking. In order to comply with this obligation, the State will have a Victims' Ombudsman's Office.

7. The right to due process. This includes:

(a) The right to be heard and tried by a competent, independent, impartial tribunal established by law before the occurrence of the facts. No one shall be tried by special commissions.

(b) A process with safeguards to enable rational and fair proceedings, procedures and decisions. Guarantees of a rational and fair procedure and investigation shall be established by law.

(c) Any judgment of a body exercising jurisdiction shall be reasoned and based on a prior, lawful and timely process. It shall be rendered within a reasonable time, with the right to enforcement and respect for res judicata.

8. Minimum penal guarantees:

(a) No law may establish penalties or security measures unless the conduct to be punished is precisely and expressly described therein.

(b) No law may establish disproportionate or inadequately determined penalties or security measures.

(c) No offence shall be punishable by any penalty other than that prescribed by a law in force prior to the commission of the offence, unless a new law favours the offender.

(d) Everyone has the right to a fair and reasonable investigation according to law and to be presumed innocent until a final conviction has been obtained. Criminal responsibility may not be presumed by law.

(e) If the law in force at the time of the trial or execution of the criminal sentence is more favourable, it shall apply to acts committed prior to its entry into force.

(f) No one may be subjected to new criminal proceedings or convicted of the same offence for which he or she has been finally acquitted or convicted in accordance with the law.

(g) Any investigative or procedural action that deprives, restricts or disrupts the exercise of constitutionally guaranteed rights requires prior judicial authorisation.

(h) No person may be compelled to testify against himself or to acknowledge his responsibility. Nor may his or her ascendants, descendants, spouse, civil partner and other persons who, according to the cases and circumstances, are specified by law, be compelled to testify against him or her.

(i) In criminal proceedings, the assistance of a defence counsel provided by the State is indispensable if one is not appointed at the time established by law.

(j) The penalty of confiscation of property may not be imposed, without prejudice to confiscation in cases provided for by law.

(k) Loss of pension rights may not be applied as a penalty.

(l) An institutional law shall establish the courts responsible for the enforcement of penalties and security measures, which shall exercise jurisdictional functions in such matters, jurisdictional control of the disciplinary power of the prison authorities, protection of the rights and benefits of inmates in prisons and other matters specified by law.

9. The right to dignified and helpful treatment by the bodies of the State Administration, as well as by its authorities and officials. They shall facilitate the exercise of their rights and the fulfilment of their obligations, on the presumption that they act in good faith.

a) Decisions emanating from the Administration shall be duly grounded and challengeable both administratively and judicially in accordance with the provisions of the Constitution and the law.

b) Administrative sanctioning powers are only exercised through a prior, rational and fair process, legally processed, for conduct determined in its essential core by law, and whose commission was avoidable for the alleged offender. Administrative sanctions are subject to the principles of legality, non-retroactivity to the detriment, proportionality and necessity.

10. The right to respect and protection of their honour and that of their family.

11. The right to respect for and protection of their private life and that of their family.

The home and other private premises are inviolable. Entry and search or any search may only be carried out with prior judicial warrant in specific cases and in the manner determined by law, without prejudice to the situation of flagrante delicto.

Private communications and documents are also inviolable. Interception, seizure, opening, search or inspection may only be carried out with a prior court order issued in the specific cases and in the manner determined by law.

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

13. The right to freedom of thought, conscience and religion. This right includes the freedom of everyone to adopt the religion or belief of his choice, to live according to it, to transmit it, and to individual and institutional conscientious objection. Its exercise, due respect and protection shall be guaranteed.

a) Parents and, where appropriate, guardians have the right to educate their children or wards and to choose their religious, spiritual and moral education in accordance with their own convictions. Families have the right to institute educational projects and educational communities have the right to preserve the integrity and identity of their respective project in accordance with their moral and religious convictions.

b) Religious freedom includes, in its essential core, the free exercise and expression of worship, the freedom to profess, maintain and change religion or belief, the freedom to manifest, disseminate and teach religion or belief, the celebration of rites and practices, all in public and in private, individually and in community with others, insofar as they are not contrary to morals, decency or public order.

(c) Religious denominations may erect and maintain temples and their outbuildings. Those intended exclusively for the service of worship shall be exempt from any kind of taxation. Churches, denominations and all religious institutions shall enjoy adequate autonomy in their internal organisation and for their own purposes, and cooperation agreements may be concluded with them.

d) Any attack on churches and their premises is contrary to religious freedom.

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

(a) The State may not deprive, restrict, interfere with or threaten freedom of expression by direct or indirect means that impede the communication and circulation of ideas and opinions. In no case may it establish ideas or opinions as unique or official, nor may it sanction the

expression of ideas or opinions contrary to those expressed by the State, its agencies, authorities or officials.

(b) Any person offended or unjustly alluded to by any means of social communication has the right to have his statement or rectification disseminated free of charge, under the conditions determined by law, by the means of social communication in which the information was broadcast, without prejudice to any liabilities that may arise.

(c) Everyone has the right to establish, edit and maintain mass media, whatever their platform, under the conditions established by law. The State and other persons or entities determined by law may establish, operate and maintain television stations.

d) In no case may the law establish a state monopoly over the media.

e) There shall be a National Television Council, autonomous and with legal personality, responsible for ensuring the proper functioning of this medium of communication. An institutional law shall determine the organisation and other functions and powers of this council.

f) The law shall regulate a rating system for the exhibition of film production.

15. The right to access, seek, request, receive in a timely manner, as well as to disseminate public information from any State body, with no other limitation than the grounds for secrecy or confidentiality established in this Constitution.

An autonomous and specialised body shall be competent to promote and supervise the exercise of this right, performing such other functions as may be determined by an institutional law.

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

17. The right to associate without prior permission.

Associations contrary to morality, public order and the security of the State are prohibited.

The personnel of the Armed Forces and Public Order and Security may not belong to political parties, trade union organisations or to institutions, groups or bodies determined by law as being incompatible with their constitutional function.

Membership shall always be voluntary. No one may be compelled to belong to an association.

In order to enjoy legal personality, associations must be constituted in accordance with the law.

The right to associate includes the right to form, organise and maintain associations, to determine their identity and protect their integrity, to determine their purpose, their ideology, their officers, members and internal statutes in order to pursue their aims.

No one may be compelled to belong to professional bodies. Professional bodies constituted in accordance with the law shall be empowered to hear complaints about the ethical conduct of their members. Appeals against their decisions may be lodged with the respective Court of Appeal. Non-member professionals shall be tried by the competent courts in accordance with the law.

Social groups and their leaders who misuse the autonomy granted to them by the Constitution by unduly intervening in activities unrelated to their specific purposes shall be punished in accordance with the law.

Senior leadership positions in trade union organisations are incompatible with senior national and regional leadership positions in political parties.

18. The right to submit petitions to the authority, through digital or other means, on any matter of public or private interest, without limitation other than to proceed in respectful and expedient terms, and the right to receive a response from the authority, within a reasonable time, as determined by law.

19. Admission to all public functions and jobs, with no other requirements than those imposed by the Constitution and the law.

20. The right to live in a safe environment. It is the duty of the state to ensure effective protection of individuals against crime, especially terrorism and organised criminal violence.

21. The right to live in an environment free of pollution, which allows for sustainability and development.

a) It is the duty of the State to ensure that this right is not affected and to protect the preservation of nature and its biodiversity.

(b) The law may establish specific restrictions on the exercise of certain rights or freedoms in order to protect the environment.

22. The right to the protection of health in its physical and mental dimensions.

a) The State shall protect free, universal, equal and timely access to actions for the promotion, protection, recovery and care of health, disease prevention and rehabilitation of the person, at all stages of life. It shall also be responsible for the coordination and control of such actions, and may consider the social and environmental determinants of health, in accordance with the law.

(b) It is the primary duty of the State to guarantee to all persons the provision of health care, through State and private institutions, in the manner and under the conditions determined by law, which may establish compulsory contributions. Each person shall have the right to choose the health system he/she wishes to join, be it state or private.

(c) The law shall establish a universal health plan, without discrimination based on age, sex or medical pre-existence, which shall be offered by state and private institutions.

d) The State shall support and coordinate a network of health facilities, in accordance with basic and uniform standards of quality and timeliness.

e) The State shall promote physical activity and sport in order to improve people's health and quality of life.

23. The right to education.

(a) Education aims at the full development of the individual in the different stages of his or her life, in the context of a free and democratic society.

(b) Families, through their parents or, where appropriate, legal guardians, have the preferential right and duty to educate their children or wards, to choose the type of education and their educational establishment, and to determine their best interests as a matter of priority. It shall be the duty of the State to provide special protection for the exercise of this right.

(c) The State has the duty to strengthen education at all levels and to encourage its continuous improvement, through promotion, regulation and oversight.

d) It is the duty of the State to promote nursery education, for which it will finance and coordinate a free system starting at the lower nursery level, aimed at ensuring access to this and its higher levels. The second transition level is compulsory and is a prerequisite for entry to basic education.

e) Basic and secondary education are compulsory, and the State must guarantee funding per student, in order to ensure access to them for the entire population, through state and private establishments. In the case of secondary education, it shall be compulsory until the student reaches the age of twenty-one.

f) Public resources shall be allocated to state and private institutions according to criteria of reasonableness, quality and non-arbitrary discrimination. In no case shall such allocation condition academic freedom.

g) The law shall provide for mechanisms to ensure that there is no arbitrary discrimination in the access and funding of students to higher education.

(h) The State shall ensure the financing of education for persons with special educational needs, in accordance with the law.

(i) The State shall support and coordinate a pluralist network of quality educational establishments at all levels of education. In this network, as well as in the educational establishments of which it is composed, the State shall respect and protect the preferential duties and rights of families guaranteed in this Constitution, through parents or legal guardians.

j) The State shall provide public, pluralist and quality education through its own establishments at all levels. The State shall guarantee the financing of its pre-school, elementary and secondary education establishments. In any case, the law may provide funding for its higher education institutions.

k) It is the duty of the family and the community to contribute to the development and improvement of education. Likewise, it shall be the duty of the State to ensure the quality of education at all levels and to foster civic education, stimulate scientific and technological research, artistic creation and the protection and enhancement of the Nation's cultural heritage.

(l) It is the duty of the State and of every educational community to promote the professional development and respect of teachers and education assistants.

24. Freedom of education.

(a) Freedom of education includes the right of individuals to open, organise and maintain educational establishments, as well as to create and develop educational projects and ideals, subject only to the limitations imposed by morality, public order and the security of the country.

(b) Freedom of education exists to guarantee to families, through parents or legal guardians, as the case may be, the preferential right and duty to educate their children or wards; to choose the type of education; and to teach them themselves or to choose for them the educational establishment which they consider to be in accordance with their moral or religious convictions. It also guarantees everyone the right to choose the educational establishment of his or her choice.

(c) State and officially recognised education shall not be directed towards the propagation of party political tendencies.

(d) The authorities of educational institutions at all levels shall ensure respect within the educational community, adopting the necessary measures to prevent or punish acts that seriously affect order or coexistence. The law shall contemplate the powers and attributions necessary for the exercise of this duty, as well as the responsibilities for non-compliance.

(e) The State shall ensure continuity of educational service in its educational establishments.

f) The State recognises the autonomy and diversity of educational projects at all levels of education.

g) Educational establishments shall be free to determine their curricular content in accordance with the identity and integrity of their project. Notwithstanding the above, the State shall establish minimum content for kindergarten, primary and secondary education, which shall not imply the use of more than half of the teaching hours at the time of teaching, in order to guarantee educational autonomy and diversity. However, the State shall draw up a programme with minimum content that includes the use of the entire school day, to which educational establishments shall be free to adhere, partially or totally, to.

(h) A law with a qualified *quorum* shall establish the minimum requirements to be demanded at each level of basic and secondary education and shall indicate the objective standards, of general application, which enable the State to ensure their fulfilment. These requirements shall be reasonable and shall refer only to essential knowledge compatible with the plurality of educational projects. Likewise, this law shall establish the requirements for the official recognition of educational establishments at all levels.

(i) The State shall promote the diversity of educational projects at local and regional level.

25. The right to culture.

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

b) The State recognises the role that this right plays in the fulfilment of the individual and in the development of the community, promoting it through collaboration between the State and civil society.

c) The State shall promote the harmonious relationship and respect for all manifestations of culture. It shall also promote cultural activity through different funding mechanisms, taking into account local and regional diversity, and guaranteeing due plurality of visions.

26. The right to decent work, free choice and free employment.

a) The right to decent work consists of access to fair working conditions, occupational safety and health, as well as fair pay, rest and digital disconnection, with full respect for the fundamental rights of the worker in the framework of the employment relationship. The law shall establish the conditions for the exercise of this right.

(b) The law shall promote the reconciliation of personal, family and working life in the exercise of the right to decent work.

(c) Any arbitrary discrimination not based on personal capacity or suitability is prohibited, without prejudice to the fact that the law may require Chilean nationality or age limits in

certain cases. Likewise, arbitrary discrimination in the matter of remuneration for work of equal value and with the same employer, especially between men and women, is prohibited, in accordance with the law.

(d) No kind of work is prohibited, except child labour and work declared by law to be contrary to morals, safety, public health or the interests of the nation.

e) No law or provision of public authority may require membership of any organisation or entity as a requirement for carrying out a particular activity or work, or disaffiliation in order to remain in such activity or work. The law shall determine the professions that require a university degree or diploma and the conditions that must be fulfilled in order to practise them.

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

(a) The right to organise includes the right of workers to form and join trade union organisations of their own choosing and to exercise in such organisations adequate autonomy for the fulfilment of their specific aims in the cases and in the forms prescribed by law.

(b) No one may be compelled to join or resign from a trade union organisation. Workers shall enjoy adequate protection against acts of anti-union discrimination in relation to their employment.

(c) Collective bargaining with the enterprise in which they work is a right of workers, except in cases where the law expressly does not permit bargaining. The law shall establish the modalities of collective bargaining and the appropriate procedures for achieving a just and peaceful solution. The law shall specify the cases in which collective bargaining must be submitted to compulsory arbitration, which shall be the responsibility of special tribunals of experts, the organisation and powers of which shall be established therein.

(d) Strike action may not be taken by civil servants of the State or of municipalities. Nor may persons working in corporations or enterprises, whatever their nature, purpose or function, which provide services of public utility or whose paralysis would cause serious damage to health, to the supply of the population, or to the economy or security of the country, do so. The law shall establish the procedures for determining the corporations or enterprises whose workers shall be subject to the prohibition of this subparagraph.

(e) Trade union organisations shall enjoy legal personality by the mere fact of registering their statutes and articles of association in accordance with the law.

28. The right to social security.

a) The State guarantees access to basic and uniform benefits, established by law, whether provided through public or private institutions, protecting persons against the contingencies of old age, disability, death, illness, pregnancy, maternity, paternity, unemployment, accidents and occupational diseases, without prejudice to the establishment of other contingencies or circumstances established by law. The law may establish compulsory contributions.

b) Each person shall have ownership of his or her old-age pension contributions and the savings generated by them, and shall have the right to freely choose the institution, state or private, that manages and invests them. In no case may they be expropriated or appropriated by the State through any mechanism whatsoever.

(c) The State shall regulate and supervise the proper exercise of the right to social security in accordance with the law.

(d) Laws regulating the exercise of this right shall have a qualified *quorum.*

29. The right to adequate housing.

a) The State shall promote, through state and private institutions, actions aimed at the progressive fulfilment of this right, with preference given to access to home ownership, in accordance with the law.

b) The State shall adopt measures aimed at generating equitable access to basic services, goods and public spaces, safe and sustainable mobility, connectivity and road safety.

(c) The property used as the principal residence of the owner and his family shall be exempt from all property taxes and land taxes. The law shall determine the manner in which this right is to be enforced.

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

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

31. The equal and equivalent distribution of taxes determined in proportion to income or in the progression or form fixed by law and the equal distribution and proportionality of other legal public burdens.

a) In no case may the law establish taxes which, individually or jointly considered, in respect of the same person, are disproportionate, confiscatory in scope, unfair or retroactive.

b) Expenses that are objectively necessary and customary for the life and care of the person or families shall be considered in the determination of taxes. The law shall establish the manner in which this right is to be enforced.

c) The taxes collected, whatever their nature, shall be paid into the patrimony of the Nation and may not be earmarked for a specific purpose.

d) However, the law may authorise that certain taxes may be earmarked for national defence purposes. Likewise, the law may authorise that certain taxes levied on activities or goods that have a clear regional or local identification may be applied, within the frameworks established by the same law, by the regional or communal authorities for the financing of development and investment works.

e) The State shall compensate for discriminatory, disproportionate, confiscatory or retroactive public interest charges.

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

(a) A law having a qualified *quorum* may authorise the State and its agencies to engage in or participate in entrepreneurial activities. Such activities shall be subject to the ordinary law applicable to private persons, subject to such exceptions as may be provided for by that law for justified reasons.

b) In no case may state companies and state enterprises regulate, supervise or oversee the economic activities included in their line of business or purpose.

c) It is the duty of the State to promote and defend free competition.

d) It is the duty of the State to promote entrepreneurship and innovation in productive activities, considering environmental protection, sustainability and development.

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

Only by virtue of a law with a qualified *quorum*, and provided that it does not entail such discrimination, may certain direct or indirect benefits be authorised in favour of a sector, activity or geographical area, or establish special taxes affecting one or the other. In the case of exemptions or indirect benefits, the estimate of their cost shall be included annually in the Budget Law.

34. Freedom to acquire ownership of all kinds of property, except that which nature has made common to all persons or which must belong to the Nation as a whole and which the law so declares. The foregoing is without prejudice to the provisions of other precepts of this Constitution.

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

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

a) Only the law may establish the manner of acquiring, using, enjoying and disposing of property and the limitations and obligations deriving from its social function. This includes everything required by the general interests and security of the Nation, public utility and health, and the conservation of the environmental heritage.

(b) No one may, in any case, be deprived of his property, of the asset on which it rests or of any of the essential attributes or powers of ownership, except by virtue of a general or special law authorising expropriation for reasons of public utility or national interest, as defined by the legislature. The expropriated party may challenge the legality of the act of expropriation before the ordinary courts and shall always be entitled to compensation for the pecuniary damage actually caused, which shall be fixed by mutual agreement or in a judgment handed down in accordance with the law by the said courts. In the absence of agreement, the compensation shall be paid in cash.

(c) Physical possession of the expropriated property shall be taken upon payment of the total compensation, which, failing agreement, shall be determined provisionally by experts in the manner prescribed by law. In the event of a complaint as to whether the expropriation is justified, the judge may, on the merits of the evidence invoked, order the suspension of the taking of possession.

d) The law shall establish a procedure for compensating damages derived from limitations or obligations imposed on the right to property, when they entail discriminatory or disproportionate deprivation or affectation of any of its essential attributes or faculties. Likewise, it shall establish a procedure to enforce the State's patrimonial liability for acts of the legislator.

(e) The State has absolute, exclusive, inalienable and imprescriptible dominion over all mines, including covaderas, metalliferous sands, salt flats, coal and hydrocarbon deposits and other fossil substances, with the exception of surface clays, notwithstanding the ownership of natural or legal persons over the land in the bowels of which they are located. Surface lands shall be subject to such obligations and limitations as may be prescribed by law to facilitate the exploration, exploitation and beneficiation of such mines.

f) The law shall determine which of the substances referred to in the preceding paragraph, with the exception of liquid or gaseous hydrocarbons, may be the subject of exploration or exploitation concessions. Such concessions shall always be constituted by judicial decision and shall have the duration, confer the rights and impose the obligations specified by law, which must have a qualified *quorum*. The mining concession obliges the owner to develop

the activity necessary to satisfy the public interest that justifies its granting. Its protection regime shall be established by said law, it shall aim directly or indirectly at obtaining the fulfilment of this obligation and shall contemplate grounds for forfeiture in the event of non-compliance or simple extinction of ownership of the concession. In any case, such grounds and their effects must be established at the time the concession is granted.

g) It shall be the exclusive competence of the ordinary courts of justice to declare the extinction of such concessions. Disputes arising with respect to the lapse or extinction of ownership of the concession shall be resolved by them and, in the event of lapse, the affected party may request the courts to declare the subsistence of its right.

(i) The holder's title to his mining concession is protected by the constitutional guarantee referred to in this subparagraph.

h) The exploration, exploitation or benefit of deposits containing substances not subject to concession may be carried out directly by the State or by its companies, or by means of administrative concessions or special operating contracts duly tendered, with the requirements and under the conditions established by the President of the Republic, in each case, by supreme decree. This rule shall also apply to deposits of any kind existing in maritime waters under national jurisdiction and to those located, in whole or in part, in areas which, in accordance with the law, are determined to be of importance for the security of the country. The President of the Republic may terminate, at any time, without cause and with the corresponding compensation, administrative concessions or operating contracts relating to operations located in areas declared to be of importance for the security of the country.

j) Waters, in any of their states and in natural sources or state works for the development of the resource, are national assets for public use. Consequently, their dominion and use belong to the Nation as a whole. Without prejudice to the foregoing, water development rights may be constituted or recognised, which confer on their holder the use and enjoyment of water, and allow him to dispose of, transmit and transfer such rights, in accordance with the law.

36. The right of authors to their works and intellectual property.

a) The State recognises the author's right over his intellectual, artistic and scientific creations, which includes the ownership of the works and other rights, such as paternity, publishing and integrity of the work, all in accordance with and for the period of time established by law, which shall not be less than the life of the owner and the related rights that the law ensures.

(b) Industrial property shall also be guaranteed in patents, trademarks, models, industrial designs, new plant varieties and other similar creations as determined by law, for the period of time established by law.

(c) The provisions of paragraph 35 above on the right of ownership shall apply to the ownership of intellectual and artistic creations and industrial property.

37. As consumers, access to goods and services in a free, informed and safe manner. The law shall regulate the rights and duties of consumers and suppliers, as well as the guarantees and procedures to enforce them.

It is the duty of the state and its institutions to protect consumers from abusive practices and to guarantee the exercise of their rights, individually or collectively, by promoting education, health and safety in the consumption of goods or services.

Nationality and Citizenship

Article 17

1. They are Chilean:

(a) Those born in the territory of Chile, with the exception of the children of foreigners who are in Chile in the service of their Government, and of the children of transient foreigners, all of whom, however, may opt for Chilean nationality.

b) The children of a Chilean father or mother born in foreign territory. However, it shall be required that one of their first or second degree lineal ascendants has acquired Chilean nationality by virtue of the provisions of subparagraphs (a), (c) or (d).

(c) those who have obtained a letter of naturalisation in accordance with the law.

(d) those who obtain special grace of naturalisation by law.

2. The law shall regulate the procedures for opting for Chilean nationality, the granting, refusal and cancellation of letters of nationalisation and the formation of a register of all these acts.

3. However, those born according to the exceptional situation of subparagraph a) of paragraph 1 shall always be Chilean when, by virtue of the provisions of the said rule, they become stateless.

Article 18

1. Chilean nationality is lost:

a) By voluntary renunciation declared before the competent Chilean authority. This renunciation shall only produce effects if the person has previously been naturalised in a foreign country.

(b) By supreme decree, in the case of service during a foreign war for enemies of Chile or its allies.

(c) by cancellation of the letter of naturalisation.

(d) by revocation of the naturalisation granted by grace, in the cases and according to the procedure established by law.

2. Those who have lost their Chilean nationality for any of the reasons established in this Article may only be reinstated by law. The loss of nationality shall have no effect in respect of a person who thereby becomes stateless and for as long as this circumstance lasts.

Article 19

1. Citizens are Chileans who have reached the age of eighteen and have not been sentenced to afflictive punishment.

2. Citizenship confers the right to vote, to stand for elected office and other rights conferred by the Constitution or by law.

3. Citizens with the right to vote who are outside the country may vote from abroad in presidential primary elections, elections of the President of the Republic and national plebiscites.

4. In the case of Chileans referred to in Article 17(b) and (d), the exercise of the rights conferred by citizenship shall be subject to the condition that they have been resident in Chile for more than one year.

Article 20

1. Citizenship is lost:

a) For loss of Chilean nationality.

(b) on conviction to an afflictive sentence.

c) For conviction for crimes that the law classifies as terrorist conduct and those related to drug trafficking, trafficking in persons, as well as those committed by authorities or public officials in the exercise of their functions, and which have also been punishable by affliction.

2. Those who have lost their citizenship on the grounds indicated in subparagraph b) shall regain it in accordance with the law once their criminal liability has been extinguished. Those who have lost citizenship on the grounds set out in subparagraph c) may apply to the Senate for reinstatement once they have served their sentence.

Article 21

1. Foreigners who have been resident in Chile for more than five years, who have permanent residence in force and who meet the requirements established by this Constitution, may exercise the right to vote in the cases and in the manner determined by law.

2. Those nationalised in accordance with Article 17(c) shall be eligible for elected public office only after five years of being in possession of their letters of nationalisation.

Article 22

The right to stand for elected office is suspended only if the person is charged with an offence punishable by imprisonment.

Guarantees of Rights and Freedoms

Article 23

1. Only the law may regulate, limit or supplement the exercise of fundamental rights.

2. The rights enshrined in this Constitution shall be subject only to such limits as are reasonable and can be justified in a democratic society.

3. In no case may a fundamental right be affected in its essence, nor may conditions, taxes or requirements be imposed that impede its free exercise.

Article 24

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

a) Progressive development to achieve the realisation of these rights.

b) Ensuring an adequate level of protection for each right.

(c) Non-arbitrary discrimination.

(d) The duty to remove difficulties that impede the realisation of these rights.

e) The use of the maximum available resources in a fiscally responsible manner.

f) Satisfaction through state and private institutions, as appropriate.

Article 25

The appropriate measures for the realisation of the rights indicated in the preceding Article shall be determined by law and the regulations based thereon. In the application and interpretation of the provisions of this article, the courts may not define or design public policies that realise the rights individualised in the preceding article.

Article 26

1. Anyone who, as a result of illegal or arbitrary acts or omissions, suffers deprivation, disturbance or threat to the legitimate exercise of the rights and guarantees recognised in section 16 of this Constitution, with the exclusion of the benefits provided for in the following subsection, may bring an action, either by himself or by anyone on his behalf, before the respective Court of Appeal, which shall immediately adopt such measures as it deems necessary to re-establish the rule of law. In the case of the right to live in a healthy, sustainable and pollution-free environment, this action shall proceed when this is affected by an illegal act or omission attributable to a specific authority or person.

2. In the case of social benefits linked to the exercise of the rights to health, housing, water and sanitation, social security and education established in article 16 of this Constitution, anyone who, as a result of illegal acts or omissions, suffers deprivation, disturbance or threat to the legitimate exercise of benefits expressly regulated by law may bring the matter before the respective Court of Appeal, which shall order the fulfilment of the benefit, ensuring due protection for the affected party.

3. A law shall regulate the procedure for these actions, the processing of which shall be brief and concentrated, and shall be given preference for hearing and ruling.

4. The court may, before deciding the action, take any urgent interim measures.

5. Without prejudice to the provisions of the preceding paragraph, in the event that the Court rejects the action on the grounds that the matter is not of a prudential nature, it shall indicate the procedure that in law corresponds and that allows for the resolution of the matter.

6. The decision may be appealed before the Supreme Court, which shall hear and resolve the appeal, and may decide to group appeals of the same nature.

Article 27

1. Any person who is arrested, detained or imprisoned in contravention of the provisions of this Constitution or the laws may apply to the appropriate Court of Appeal on his own behalf or on behalf of anyone else. The said Court may order that the person concerned be brought before it and, if it is established that the deprivation of liberty has been or has become unlawful, shall order his release or shall immediately take such steps as it deems necessary to re-establish the rule of law and ensure due protection for the person concerned.

2. The same action may be brought in respect of a judicially established precautionary measure or custodial sentence, when in the execution of this, his constitutional rights are violated. In this case, the court may go to the place where the person is being detained and order the necessary measures to re-establish his rights.

3. Likewise, this action may be brought on behalf of any person who unlawfully suffers any other deprivation, disturbance or threat to his right to personal liberty and individual security on the part of an authority or private individual. In such cases, the respective magistrate shall order the measures indicated in the preceding paragraphs that he deems appropriate to re-establish the rule of law and ensure the due protection of the affected party.

4. The decision may be appealed to the Supreme Court, which shall hear and determine the appeal.

5. The law shall establish an abbreviated and concentrated amparo procedure for the hearing and resolution of this action, which shall enjoy preference for its hearing and ruling.

Article 28

The person affected by an act of an administrative authority that deprives him of his Chilean nationality or denies it to him, may appeal, by himself or by anyone on his behalf, within a period of thirty days, to the Supreme Court, which shall hear the case as a jury and in full court. The sole lodging of the appeal shall suspend the effects of the act appealed against.

Article 29

1. Once a final dismissal or acquittal has been ordered, anyone who has suffered deprivation or restriction of liberty or has been convicted in any instance by a decision that the Supreme Court declares to be manifestly erroneous or arbitrary shall be entitled to compensation from the State for the pecuniary and non-pecuniary damages that he has suffered. The compensation shall be determined judicially in a brief and summary proceeding in which the evidence shall be assessed conscientiously.

2. The State shall be liable for administrative conduct which, in the course of judicial proceedings, results in the maladministration of justice leading to damage.

States of Emergency

Article 30

1. The exercise of the rights and guarantees that the Constitution ensures to all persons may only be affected under the following situations of exception: external or internal war, serious internal commotion, emergency and public calamity, when they seriously affect the normal functioning of the institutions of the State.

2. Only the exercise of the rights and guarantees expressly provided for in the following Articles may be restricted or suspended.

Article 31

1. A state of assembly, in the event of external war, and a state of siege, in the event of internal war, serious internal commotion or serious terrorist threat, shall be declared by the President of the Republic, with the agreement of the National Congress. The declaration shall determine the areas affected by the corresponding state of emergency.

2. The National Congress, within a period of five days from the date on which the President of the Republic submits the declaration of a state of assembly or siege for its consideration, shall decide whether to accept or reject the proposal, without being able to introduce modifications to it. If the Congress fails to pronounce within the said period, it shall be deemed to approve the President's proposal.

3. However, the President of the Republic may apply a state of assembly or siege immediately while the National Congress is deciding on the declaration, but in the latter state he may only restrict the exercise of the right of assembly. Measures adopted by the President of the Republic pending the convening of the National Congress may be subject to review by the courts of justice, without the provisions of Article 36(1) being applicable in the meantime.

4. The state of assembly shall remain in force for as long as the situation of external war lasts, unless the President of the Republic orders its suspension beforehand.

5. The state of siege shall be in force for fifteen days from its declaration. The President of the Republic may request its extension, which shall require the assent of the National Congress. In the event of a third extension or those that succeed it, the affirmative vote of the absolute majority of the Deputies and Senators in office shall be required.

6. By declaration of a state of assembly, the President of the Republic shall be empowered to suspend or restrict personal liberty, the right of assembly and freedom of labour. He may also restrict the exercise of the right of association, intercept, open or search documents and all kinds of communications, order requisitions of property and establish limitations on the exercise of the right to property.

7. By the declaration of a state of siege, the President of the Republic may restrict freedom of movement and arrest persons in their own dwellings or in places determined by law which are not prisons and are not intended for the detention or imprisonment of common criminals. He may also suspend or restrict the exercise of the right of assembly.

Article 32

1. In the event of a public calamity, a state of disaster shall be declared by the President of the Republic, who shall determine the area affected by the disaster.

2. The National Congress may annul the declaration one hundred and eighty days after it has been made, if the reasons for which it was made have completely ceased to exist. However, in his first declaration, the President of the Republic may only declare a state of disaster for a period of more than one year with the agreement of the National Congress. Likewise, the President of the Republic may request any extension period, which shall also require the agreement of Congress.

3. The National Congress, within a period of five days from the date on which the President of the Republic submits the declaration of a state of catastrophe, shall pronounce itself by accepting or rejecting the proposal, without being able to introduce modifications. The aforementioned agreement shall be processed in the manner provided for in subsection 2 of article 31.

4. Once a state of disaster has been declared, the respective zones shall be under the immediate dependence of the Chief of National Defence designated by the President of the Republic. This

authority shall assume the direction and supervigilance of those zones with the powers and duties established by law.

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

Article 33

1. A state of emergency shall be declared by the President of the Republic in the event of a serious disturbance of public order or serious damage to internal security, determining the areas affected by such circumstances. The state of emergency may not be extended for more than fifteen days, without prejudice to the possibility of the President of the Republic extending it for an equal period. However, for successive extensions, the President shall always require the agreement of the National Congress. The aforementioned agreement shall be processed in the manner provided for in subsection 2 of article 31.

2. Once a state of emergency has been declared, the respective zones shall be placed under the immediate control of the Chief of National Defence appointed by the President of the Republic. This authority shall assume the direction and oversight of those zones with the powers and duties established by law.

3. By declaring a state of emergency, the President of the Republic may restrict freedom of movement and assembly.

Article 34

In states of constitutional emergency, the respective national defence headquarters shall act in accordance with the law with the civilian authorities.

Article 35

1. A law with a qualified *quorum* shall regulate states of emergency, as well as their declaration and the application of the legal and administrative measures to be adopted under them. This law shall consider what is strictly necessary for the prompt restoration of constitutional normality and may not affect the powers and functioning of the constitutional bodies or the rights and immunities of their respective holders.

2. The President of the Republic shall report to the National Congress on the measures adopted by virtue of the declaration of constitutional states of emergency. The respective institutional law shall regulate the manner in which this duty shall be fulfilled.

3. Under no circumstances may measures adopted during a state of emergency be extended beyond the duration of the state of emergency.

4. The request for the renewal of states of emergency shall be reported by a Bicameral Commission composed of an equal number of deputies and senators. This commission shall recommend approval or rejection of the extension, taking into consideration the sufficiency of the measures adopted and the effective use of the powers granted.

Article 36

1. The courts of justice may not qualify the grounds or the factual circumstances invoked by the authority to decree states of emergency, without prejudice to the provisions of Article 30. However, with respect to particular measures that affect constitutional rights, there shall always be the guarantee of recourse to the judicial authorities through the appropriate remedies.

2. The decree of the President of the Republic and the administrative acts of the Chief of National Defence issued by virtue of the declaration of a state of constitutional emergency shall expressly indicate the rights that are restricted or suspended.

3. Requisitions shall give rise to compensation in accordance with the law. Limitations imposed on the right to property shall also give rise to compensation when they entail the deprivation of any of its essential attributes or powers and damage is thereby caused.

Constitutional Duties

Article 37

1. All people must respect one another and behave in a spirit of brotherhood and solidarity. They must also honour the republican tradition, defend and preserve democracy, and faithfully and loyally observe the Constitution and the law.

2. Likewise, all people must contribute to the preservation of Chile's environmental, cultural and historical heritage.

3. It is the duty of all inhabitants of the Republic to protect the environment, considering future generations, and to prevent the generation of environmental damage. Should such damage occur, they shall be responsible for the damage they cause, contributing to its reparation in accordance with the law.

4. Every inhabitant of the Republic owes respect to Chile and its national emblems. Chileans have the duty to honour the homeland.

5. All citizens who exercise public functions have the duty to perform their duties faithfully and honestly, complying with the principle of probity in all their actions. Fighting corruption is a duty of all the inhabitants of the Republic.

6. The inhabitants of the Republic must comply with public charges, contribute to the support of public expenditure by paying taxes in accordance with their economic capacity, and vote in elections and plebiscites, all in accordance with the Constitution and the law. They must also defend peace and use peaceful methods of political action.

7. The inhabitants of the Republic have the duty to assist, nourish, educate and protect their children. They, for their part, have the duty to respect their fathers, mothers and ascendants and to assist, nourish and help them when they are in need, on the basis of reciprocity.

8. Every person, institution or group should ensure respect for the dignity of children and the elderly. The family has a duty of care for all its members. The State must create the necessary conditions for care to be provided in an appropriate manner and in accordance with the needs of both the caregiver and the person being cared for.

9. It is the duty of the State and of individuals to promote the protection of animals and their welfare and to promote their respect through education in accordance with the law.

Article 38

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

CHAPTER III

POLITICAL REPRESENTATION AND PARTICIPATION

Article 39

1. People have the right to participate in matters of public interest, through the election of representatives, plebiscites and participation mechanisms established by the Constitution.

2. It is the duty of the organs of the State to respect and promote the exercise of this right, tending to favour broad citizen deliberation under the terms established in this Constitution.

Article 40

1. In popular votes and plebiscites, suffrage shall be personal, equal, secret, informed and compulsory. The electoral law shall establish the procedure, the competent body and the penalties to be applied for failure to comply with this duty. In primary elections called by virtue of the provisions of article 45, paragraph 9, suffrage shall be voluntary.

2. A popular vote may be held only for elections and plebiscites expressly provided for in this Constitution.

Article 41

There shall be a public electoral system. An electoral law shall determine its organisation and operation, shall regulate the manner in which popular votes and plebiscites shall be held within Chile and abroad, in all matters not provided for in this Constitution.

2. The said law shall also provide for a system of electoral registration under the direction of the Electoral Service, into which those who fulfil the requirements established by this Constitution shall be incorporated by the sole authority of the law.

3. The electoral law shall regulate electoral propaganda and shall also establish a system of financing, transparency, limits and control of electoral expenditure.

4. Independents may participate in candidacy and electoral processes in accordance with this Constitution and electoral law.

5. The protection of public order during elections and plebiscites shall be the responsibility of the Armed Forces, the Carabineros de Chile and the Gendarmería de Chile in the manner established by law.

Political Parties

Article 42

1. Political parties are democratically organised, autonomous and voluntary associations, endowed with legal personality under public law, made up of natural persons who share the same ideological and political principles. Their purpose is to contribute to the functioning and strengthening of the democratic system, to represent groups in society, and to exert influence on the conduct of the state, in order to achieve the common good and the public interest.

2. Political parties express political pluralism, are mediators between the people and the State and participate in the formation and expression of the will of the people. They are a fundamental instrument for democratic political participation and for channelling citizen participation through the

mechanisms established by this Constitution and the law. They contribute to the integration of national representation, to the respect, guarantee and promotion of the human rights recognised in the Constitution and in the international treaties ratified and in force in Chile.

Article 43

All citizens shall have the right to associate freely in political parties, subject to the exceptions established by this Constitution and the law.

Article 44

1. The Constitution guarantees political pluralism. Political parties shall be free to define and modify their declarations of principles, programmes and agreements; to put forward candidates in elections and, in general, to carry out their own activities in accordance with the law, in accordance with the provisions of Article 80 of this Constitution.

2. Political parties, movements or other forms of organisation whose objectives, acts or conduct do not respect the basic principles of the democratic regime, as well as those which make use of, advocate or incite violence, shall be declared unconstitutional. The Constitutional Court shall be responsible for hearing and judging these matters.

3. Political parties shall adopt governance and oversight mechanisms to prevent breaches of probity and transparency, in accordance with institutional law.

Article 45

1. The institutional law shall determine the requirements for forming and dissolving a political party and other rules for carrying out its activities and shall indicate the rules to which financing for its ordinary functioning, as well as during elections, shall be subject. Its income may only be of national origin and it may only receive the contributions authorised by the aforementioned institutional law. Its accounts must be public.

2. The statutes of political parties shall include rules to ensure effective internal democracy and shall be subject to the standards of transparency, probity and accountability established by law.

3. The law shall provide for mechanisms to ensure a balanced participation of women and men in the composition of its collegiate bodies.

4. Legally constituted parties shall have rules on party discipline, with specific sanctions for non-compliance.

5. Political parties shall be eligible for funding when they are constituted and comply with the rules governing their functioning and internal organisation.

6. The general register of members of a political party shall be administered by the Electoral Service and shall be reserved, except for its respective members.

7. Its internal elections, as regards its national collegiate intermediate body and supreme court, shall be supervised by the Electoral Service and qualified by the Election Qualifying Tribunal, while those of its national executive body shall also be administered by the Electoral Service and qualified by the Election Qualifying Tribunal, in the manner stipulated by the respective electoral law. In the event that the national executive body is indirectly elected through another party body, the elections of the latter shall be administered by the Electoral Service.

8. The sanctioning power of political parties is vested in their supreme court and regional courts. It shall be applied with the guarantees of a fair and rational procedure. The final judgment of the supreme court that has ordered or confirmed the expulsion of a member of the political party shall

be subject to appeal before the electoral justice system and shall only take effect once it is enforceable.

9. An electoral law shall establish a system of primary elections which may be used by political parties for the nomination of candidates for such popularly elected offices as may be determined by law, the results of which shall be binding on these parties, subject to such exceptions as may be provided for by law. Those who are not elected in the primary elections may not be candidates, in that election, for the respective office.

Participation Mechanisms

Article 46

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

Article 47

1. A group of one hundred persons eligible to vote may register a citizens' initiative for a law on the platform of the Electoral Service. In order for the initiative to be discussed in the National Congress, it must, in any case, gather support equivalent to four per cent of the last electoral roll and no more than six per cent of that roll. If the purpose of the citizens' initiative is the total or partial repeal of a law in force, it must be submitted to the Electoral Service within sixty days of the publication of the law to be repealed. In any case, citizens' initiatives to reform the Constitution shall not be admissible, nor shall they be admissible in respect of those matters that correspond to the exclusive initiative of the President of the Republic or to international treaties.

2. The Electoral Service shall have a technological and expeditious system, from which there shall be a period of one hundred and eighty days for the proposal to be known by the citizens and to gather the support required in the first clause. In the case of a citizens' initiative to repeal a law in whole or in part, it must gather support within sixty days of its registration with the Electoral Service. In any case, the initiatives must be presented in writing, contain the main or fundamental ideas that motivate them and the proposed articles.

3. Once the support referred to in this article has been obtained, the Electoral Service shall send the initiative to the National Congress, so that it may begin its processing in accordance with the procedure for the formation of the law. The provisions of article 88 shall be applicable to the processing of these initiatives. Once the period referred to in the previous paragraph has elapsed without the required support having been gathered, the Electoral Service shall shelve the initiative.

4. An initiative which has been rejected in general in the House of origin may not be reintroduced until one year has elapsed.

5. The National Congress shall report to the public every six months on the initiatives presented and their status.

Article 48

1. The law shall guarantee people's participation in public management and in the oversight of the bodies of the State Administration, establishing favourable conditions for its effective exercise.

2. The law shall provide for public hearings or consultations in the process of drafting general regulations at the various levels of state administration, as well as the necessary mechanisms for compiling and systematising the data and information generated in such hearings or consultations.

Article 49

1. The law shall establish citizen deliberation forums that will collaborate in the resolution of a specific matter of public debate, whether national, regional or communal in scope, previously defined by the corresponding authority in each case. The deliberative forums shall be of a consultative nature and shall have the duty to deliberate and make recommendations on matters expressly submitted to them in accordance with the law.

2. The law shall define the creation of an impartial collegiate body whose function shall be to convene the deliberative forum at the request of the competent authority and to ensure the correct application of this deliberative procedure. To this end, it may compile the information necessary for the deliberation of the citizens' forum, convene debates and dialogues, among other activities required for the correct development of deliberative democracy procedures.

3. The law shall regulate that the deliberative forum shall be chosen by a random selection mechanism among citizens, who may accept or reject the call to participate. In the case of regional or communal matters, the consultative forum shall be made up of citizens registered in the corresponding region or commune, respectively. The random composition of the forum shall guarantee a representative, diverse and pluralistic participation of the population. The law shall also regulate the cases and matters in which the formation of this deliberative forum shall be obligatory and the *quorum* necessary for its constitution and valid operation. This citizens' forum shall be accountable to the public for its conclusions and recommendations.

Article 50

1. The regional governor or the mayor, as the case may be, with the agreement or at the request of two-thirds of the regional councillors or councillors in office, or a group of persons entitled to vote representing eight per cent of the regional or communal electoral roll, respectively, may submit to plebiscite those matters of municipal or regional competence, as the case may be, expressly indicated in the institutional law. What is approved in these plebiscites by an absolute majority of the validly cast votes shall be binding for the regional or communal authorities, provided that it meets the corresponding *quorum* and other requirements established by law.

2. The institutional law shall regulate the timing and form of the convocation of regional and local plebiscites, the time when they may be held, the requirements for citizens to sponsor an initiative and the mechanisms for voting and scrutiny.

3. In no case may the resolutions of these plebiscites modify what is established in the regional or municipal budgets or affect other regions or communes.

Article 51

1. The regional governor or mayor shall consult the citizens of his region or commune on his budgetary priorities. This consultation shall be non-binding.

2. The law shall determine the opportunities and form of convening such consultations, which shall be held at least once per regional or municipal mandate.

CHAPTER IV

NATIONAL CONGRESS

Article 52

1. The National Congress is composed of two branches: the Chamber of Deputies and Deputies and the Senate. Both concur in the formation of laws in accordance with this Constitution and have the other powers established therein.

2. The law may establish mechanisms to promote the political participation of indigenous peoples in the National Congress.

Composition of the Chamber of Deputies and the Senate

Article 53

1. The Chamber of Deputies and Deputies shall consist of members elected by direct vote by electoral districts. The respective electoral law shall determine the electoral districts and the manner of their election.

2. The Chamber of Deputies shall be renewed in its entirety every four years.

3. The distribution of seats among districts shall aim at equitable representation on the basis of population.

Article 54

1. The Senate shall consist of members elected by direct ballot by senatorial constituencies, taking into consideration the regions of the country, each of which shall constitute at least one constituency. The respective electoral law shall determine the number of senators, the senatorial districts and the manner of their election.

2. Senators shall hold office for a term of eight years and shall be renewed in halves every four years, in the manner determined by the respective electoral law.

Article 55

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

Article 56

1. Deputies and Senators shall be deemed to have, by operation of law alone, their residence in the region concerned while they are in office.

2. The elections of Deputies and Senators shall be held in conjunction with the first ballot for the election of the President of the Republic.

3. Deputies may be successively re-elected to office for up to two terms; Senators may be successively re-elected to office for up to one term. For these purposes, Deputies and Senators shall be deemed to have held office for a term when they have served more than half of their term. However, in no case shall successive periods be counted as successive periods for the application of this rule when the office of Deputy or Senator has been held non-consecutively.

4. Vacancies of deputies and senators shall be filled by the citizen indicated by the political party to which the parliamentarian who created the vacancy at the time of election belonged.

5. Parliamentarians elected as independents shall not be replaced.

6. Parliamentarians elected as independents who have stood for election in association with a political party shall be replaced by the citizen indicated by the party that declared their candidacy.

7. In order to fill the vacancies referred to in paragraphs 4 and 6, the respective political parties shall follow the procedures established in their statutes, which shall include the mechanisms for consulting the internal bodies that they determine.

8. The replacement shall meet the requirements for election as a deputy or senator, as the case may be. However, a deputy may be nominated to fill the seat of a senator, in which case the rules of the preceding paragraphs shall apply to fill the vacancy left by the deputy, who, on assuming his or her new office, shall cease to hold the office he or she was holding.

9. The new deputy or senator shall serve for the remainder of the term of office of the person who created the vacancy, which shall not be taken into account for the limit established in paragraph 3.

10. In no case shall supplementary elections be held.

Article 57

1. Lists consisting solely of independent candidates shall not be declared admissible.

2. The Board of Directors of the Electoral Service shall be responsible for updating, every ten years, the allocation of deputy seats among the established districts, in accordance with the procedure and within the deadlines established in the electoral law.

3. The Chamber of Deputies shall be composed of members elected in multi-member districts. Between two and six seats shall be elected in each of these districts, according to a system previously established by electoral law.

4. Only political parties that obtain at least five per cent of the votes validly cast at the national level in the election of members of the respective Chamber of Deputies shall be entitled to participate in the allocation of seats in that Chamber. This rule shall not apply to a party that has enough seats to win at least eight members of the National Congress, between those eventually elected in that parliamentary election and the senators who remain in office until the next election. The votes obtained by the political parties that do not obtain seats, in accordance with the above rules, shall be allocated to the parties of the pact that do meet the requirements for membership of the Chamber of Deputies and Deputies, in proportion to the number of votes obtained by them in the respective electoral district.

5. For independents on a party list, the rules of the preceding paragraphs shall apply.

6. The calculation of the percentages indicated shall be made according to the general count carried out by the Tribunal Calificador de Elecciones.

Exclusive powers of the Chamber of Deputies and Deputies

Article 58

These are exclusive powers of the Chamber of Deputies:

a) Exercise the power of audit. To this end, the Chamber may:

1) Adopt resolutions or suggest observations, with the vote of the majority of the deputies present, which shall be transmitted in writing to the President of the Republic, who shall give a reasoned response through the corresponding Minister of State, within thirty days of receiving said communication. The law shall determine the penalties for failure to comply with this obligation.

Without prejudice to the foregoing, any Member of Parliament may, with the favourable vote of one third of the Members present, request certain information from the President of the Republic and from the bodies of the State Administration determined by the institutional law of the National Congress, who shall reply with a reasoned reply through the appropriate Minister of State, within the same period of time as indicated in the previous paragraph.

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

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

The Minister's attendance shall be compulsory and he/she shall be required to answer the questions and queries on the basis of which he/she is summoned.

(3) To set up special investigative committees at the request of at least two fifths of the Deputies in office, for the purpose of gathering information on certain acts of the Government. If such a request is not approved by the House, it may not be renewed until after six months. After this period has elapsed, the request may be resubmitted if there is new information to justify it.

A special committee of inquiry may not operate for more than ninety days, which may be extended for a further thirty days. On expiry of that period, it shall draw up its final report within fifteen days of the last meeting. At the request of one third of its members, it may issue summonses and request background information. Ministers of State, other authorities and officials of the State Administration, the personnel of State companies or those in which the State has a majority shareholding, and those who have exercised such functions in the last year, who are summoned by these commissions, shall be obliged to appear and provide the background information and information requested of them, except for that which is of a reserved nature in accordance with the law. Should they fail to appear, they may be sanctioned by the Office of the Comptroller General of the Republic, in accordance with the law.

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

The institutional law of the National Congress shall regulate the functioning and attributions of the special investigative commissions and the manner of protecting the rights of the persons cited or mentioned in them.

(b) to decide whether or not charges have been brought against the following persons by not less than fifteen nor more than twenty of its members:

1) Of the President of the Republic, for acts of his administration that have seriously compromised the honour or security of the Nation, or openly infringed the Constitution or the laws. This charge may be brought while the President is in office and within six months of the expiry of his term of office. During the latter period, he may not leave the country without the consent of the House.

2) Ministers of State, for having seriously compromised the honour or security of the Nation, for having violated the Constitution or the laws or for having left them unenforced.

(3) Judges of the High Courts of Justice and the Comptroller General of the Republic, for notable neglect of their duties. In no case may magistrates be impeached on the merits of the rulings they issue.

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

5) Of the regional governors, representatives of the President of the Republic in the regions and provinces and of the authority exercising government in the special territories referred to in Article 144 for infringement of the Constitution or the laws.

The accusation shall be processed in accordance with the institutional law relating to the National Congress.

The vote of a majority of the Members in office shall be required for the indictment to be declared admissible. In no case shall a party order be given on such a vote.

Only the charges referred to in (2), (3), (4) and (5) may be brought while the person concerned is in office or within three months of the expiry of his or her term of office. Once such an indictment has been filed, the person concerned may not leave the country without the permission of the House and may not do so in any case if the indictment has already been approved by the House. The accused shall, in such cases, be suspended from office from the moment the impeachment is declared by the House. The suspension shall cease if the Senate dismisses the indictment or if it fails to take a decision within thirty days thereafter. In the case of Ministers of State, it shall be a prerequisite for the filing of a constitutional impeachment to have exercised the power referred to in number 2) of subparagraph a) of this Article.

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

Exclusive powers of the Senate

Article 59

1. The Senate shall have exclusive powers:

a) To hear accusations brought by the Chamber of Deputies in accordance with the previous article.

(1) The Senate shall decide as a jury and shall confine itself to finding whether or not the accused is guilty of the crime, offence or abuse of power with which he is charged. Only those who attend all sittings at which the indictment is reviewed shall be eligible to participate in this decision.

(2) The committee of deputies that is appointed to formalise and pursue the indictment in the Senate shall be composed of three of the deputies who brought the indictment.

(3) The declaration of guilt shall be pronounced by two-thirds of the Senators in office in the case of an accusation against the President of the Republic, and by four-sevenths of the Senators in office in other cases. In no case shall a party order be given on this vote.

(4) Upon conviction, the accused shall be removed from office and shall be barred from holding any public office, whether elected or not, for a term of five years.

(5) The official found guilty shall be tried in accordance with the law by the competent court, both for the application of the penalty prescribed for the offence, if any, and for the enforcement of civil liability for damages caused to the State or to private persons.

6) Officials indicted by the Chamber of Deputies and Deputies and convicted by the Senate can only be pardoned by the National Congress.

b) Decide whether or not to admit legal actions that any person may seek to bring against any Minister of State for damages that he or she may have unjustly suffered as a result of his or her actions in the performance of his or her duties.

c) To hear disputes of jurisdiction arising between the political or administrative authorities and the higher courts of justice.

(d) grant rehabilitation of citizenship in the case of Article 20(2).

(e) To give or withhold its consent to the acts of the President of the Republic or to the appointments of the authorities and officials proposed by him, in the cases and in accordance with the *quorum* required by the Constitution or the law. If the Senate does not make a decision within thirty days of the President of the Republic requesting the urgency of the matter, the matter shall be put to the vote, by the sole power of the Constitution, at the nearest chamber session. The institutional law of the National Congress shall provide for hearings and other mechanisms that favour public scrutiny of the nominee's merit.

f) To give its consent for the President of the Republic to be absent from the country for more than thirty days or from the day referred to in Article 93(1).

g) To declare, by a two-thirds majority of the Senators in office, the disqualification of the President of the Republic or the President-elect when a physical or mental impediment prevents him from exercising his functions; and to declare likewise, when the President of the Republic resigns from his office, whether or not the reasons for his resignation are well-founded. In this case, the President shall be deemed to have ceased to hold office as soon as he expresses his resignation and by the sole merit of his resignation.

(h) to give its opinion to the President of the Republic in cases where the President of the Republic so requests.

2. The Senate, its committees and its other bodies, including Parliamentary committees, if any, may not oversee the acts of the Government or its subordinate bodies, nor adopt resolutions involving oversight.

Exclusive powers of the National Congress

Article 60

These are powers of the National Congress:

a) Approve or reject international treaties submitted to it by the President of the Republic prior to their ratification. The approval of a treaty shall be subject, as appropriate, to the formalities of a law and shall require the *quorum* necessary for the approval of treaties in accordance with the matters they regulate.

(1) The President of the Republic shall inform the Congress of the content and scope of the treaty and of the reservations which he intends to confirm or formulate to it. In the statement of his reasons he shall indicate the effects which the norms of the treaty may have on the national legal order and the specific mention of those which he considers to be self-executing.

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

(3) The measures which the President of the Republic adopts or the agreements which he concludes for the implementation of a treaty in force shall not require new approval by Congress, unless they relate to matters that are proper to law. Treaties concluded by the President of the Republic in the exercise of his regulatory power shall not require the approval of Congress, but shall in any case be reported to Congress.

(4) The consent of the Congress shall be required for the withdrawal, denunciation or termination by common consent of a treaty which it has approved and for the withdrawal of a reservation taken into consideration by the Congress at the time of its

approval. The Congress shall take its decision within thirty days of receipt of the letter requesting its consent. Otherwise, the withdrawal, denunciation or termination of the treaty or reservation in question shall be deemed to have been approved.

(5) Withdrawal, denunciation or termination by common consent of treaties which have not been approved by the Congress shall be reported to the Congress within fifteen days of the exercise of the power.

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

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

(8) The provisions of a treaty may be derogated from, modified or suspended only in the manner provided for in the treaties themselves or in accordance with the general rules of international law.

(9) In the same agreement approving a treaty, Congress may authorise the President of the Republic to issue, during the period of validity of the treaty, such provisions having the force of law as he deems necessary for its full implementation, in which case the provisions of Article 76 shall apply.

10) The President of the Republic shall inform Congress of agreements or alternative solutions to disputes reached in international bodies when these involve legal changes.

In cases in which the State is the subject of a lawsuit or complaint before international bodies for alleged violations of international treaties approved by the National Congress in accordance with this Article, and in respect of which the President of the Republic intends to enter into or agree to an agreement or alternative solution, both Houses shall be informed before its conclusion, for their knowledge. However, the President of the Republic may not compromise or agree to take actions or adopt measures that exceed the powers granted to him by the Constitution.

(b) to pronounce, where appropriate, on states of constitutional emergency, in the manner prescribed by this Constitution.

Functioning of the National Congress

Article 61

1. The National Congress shall be installed and shall begin its session in the manner determined by its institutional law.

2. In any case, it shall always be understood to be convened as of right to deal with the declaration of states of constitutional emergency.

3. The institutional law of the National Congress shall regulate the processing of constitutional accusations, the qualification of urgencies and everything related to the internal processing of the law.

Article 62

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

2. Each House shall provide in its Rules of Procedure for the closure of the debate by a simple majority.

Article 63

1. During the month of July of each year, the President of the Senate and the President of the Chamber of Deputies shall give a public account to the country, in a session of the Plenary Congress, of the activities carried out by the Corporations over which they preside.

2. The rules of procedure of each House shall determine the contents of such an account and shall regulate the manner in which this obligation is to be fulfilled.

Article 64

Ministers of State, as agreed by the Chamber of Deputies and Deputies or the Senate, shall appear before the respective committee at the beginning of the legislature to present the legislative agenda of their portfolio for the year.

Article 65

There will be a technical parliamentary advisory office for the analysis of the financial and regulatory impact of draft legislation.

Article 66

There shall be a Council of Ethical Control that may apply sanctions to parliamentarians in the event of non-compliance with their duties. The institutional law of the National Congress shall regulate the composition of this council, which may not be composed of authorities or officials of the National Congress, regardless of their form of contract, or of the exclusive confidence of the President of the Republic; as well as reprehensible conduct, sanctions, procedures for applying them and other related matters.

Parliamentary Statute

Article 67

1. They may not be candidates for deputies or senators:

a) Ministers of State, representatives of the President of the Republic in the regions and provinces, undersecretaries and regional ministerial secretaries.

b) Regional governors, mayors, regional councillors and councillors.

(c) the members of the Council of the Central Bank.

(d) Judges of the High Courts of Justice and judges of the ordinary and special courts.

e) The members of the Constitutional Court, the Election Qualifying Court and the regional electoral tribunals.

f) The Comptroller General of the Republic.

g) Natural persons and managers or administrators of legal persons who enter into or guarantee contracts with the State.

(h) The National Prosecutor, the Supra-territorial Prosecutor and the Prosecutor for Internal Affairs, the regional prosecutors and the deputy prosecutors of the Public Prosecutor's Office.

i) The Commanders-in-Chief of the Army, the Navy and the Air Force, the General Director of the Carabineros, the General Director of the Investigative Police and the officers belonging to the Armed Forces and the Public Order and Security Forces.

j) The members of the Board of Directors of the Transparency Council.

k) The members of the Board of Directors of the Electoral Service.

l) Persons holding a managerial position of a trade union nature.

2. The disqualifications established in this article shall be applicable to those who have held the aforementioned qualities or positions within the six months immediately prior to the election. However, the persons mentioned in paragraphs g) and l) shall not be required to meet these conditions at the time of registering their candidacy, and in the case of those mentioned in paragraphs h) and i) the term of disqualification shall be two years immediately preceding the election.

3. If the persons listed in this article are not elected in the election, they may not return to the same position or be appointed to positions similar to those they held until one year after the election. Persons holding an executive office of a trade union or neighbourhood nature shall suspend such functions from the time of registration of their candidacies until the day of the election.

Article 68

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

2. Likewise, the offices of deputies and senators are incompatible with the functions of directors or advisors, even if they are *ad honorem*, in autonomous fiscal entities, semi-fiscal entities or in state enterprises, or in those in which the State has a capital participation, and in management positions of a trade union or neighbourhood nature.

3. By the sole fact of his or her proclamation by the Tribunal Calificador de Elecciones, the deputy or senator shall cease to hold any other incompatible office, employment or commission that he or she may hold.

Article 69

1. No deputy or senator, from the moment of his or her proclamation by the Election Qualifying Tribunal, may be appointed to any of the jobs, functions or commissions referred to in the previous article.

2. This provision does not apply in the event of foreign war; nor does it apply to the offices of President of the Republic, Minister of State and diplomatic agent; but only offices conferred in a state of war are compatible with the functions of Deputy or Senator.

Article 70

1. Any Member or Senator who is absent from the country for more than thirty days without the permission of the House to which he belongs or, during its recess, of its President, shall cease to hold office.

2. Any Member of Parliament or Senator who, during his or her term of office, enters into or secures contracts with the State, or who acts as procurator or agent in private administrative transactions, in the provision of public employment, advisory services, functions or commissions of a similar nature, shall cease to hold office. The same penalty shall be incurred by anyone who accepts to be a director of a bank or of a public limited company, or to hold positions of similar importance in these activities.

3. The disqualification referred to in the preceding paragraph shall apply whether the Deputy or Senator acts alone or through an intermediary, natural or legal person, or through a partnership of which he or she is a member.

4. Any Member of Parliament or Senator who acts or intervenes in any way, on his or her own behalf or on behalf of another natural or legal person, in legal proceedings of any kind, shall cease to hold office, unless he or she has been directly affected or offended or has been a relative as determined by law. Anyone who exercises any influence before the administrative or judicial authorities in favour of or on behalf of the employer or workers in negotiations or labour disputes, whether in the public or private sector, or who intervenes in them before any of the parties, shall also cease to exercise any influence before the administrative or judicial authorities. The same penalty shall apply to any Member of Parliament who acts or intervenes in student activities, whatever the branch of education, with the aim of undermining their normal development.

5. Any Member of Parliament or Senator who, either orally or in writing, incites a breach of public order or promotes a change in the institutional legal order by violent means, or who seriously

jeopardises the honour, public safety or security of the Nation, shall also be relieved of his or her duties.

6. Whoever loses the office of deputy or senator for any of the above-mentioned reasons shall not be eligible for any public function or employment, whether or not it is popularly elected, for a period of two years.

7. A deputy or senator who has seriously infringed the rules on transparency, limits and control of electoral expenditure shall cease to hold office from the date on which this is declared by a final judgment of the Tribunal Calificador de Elecciones, at the request of the Consejo Directivo del Servicio Electoral (Board of Directors of the Electoral Service). An electoral law shall indicate the cases in which a serious infringement exists. Likewise, a deputy or senator who loses office shall not be eligible for any public function or employment for a term of three years, nor may he or she be a candidate for popularly elected office in the two electoral acts immediately following his or her cessation.

8. A Deputy or Senator shall also cease to hold office if, during his or her term of office, he or she loses any of the general eligibility requirements or incurs any of the grounds for disqualification referred to in this Constitution, without prejudice to the exception provided for Ministers of State.

9. Deputies and Senators may resign from their offices when they are affected by a serious illness that prevents them from performing their duties and the Tribunal Calificador de Elecciones so determines.

10. A deputy or senator who resigns from the political party which declared his or her candidacy shall cease to hold office.

11. A deputy or senator-elect who, from the day of his or her election, is guilty of any of the offences referred to in the preceding paragraph shall be disqualified from taking the oath of office.

12. The Tribunal Calificador de Elecciones shall be responsible for hearing and resolving these grounds for cessation.

Article 71

1. Deputies and Senators shall be inviolable only for the opinions they express and the votes they cast in the performance of their duties, in chamber or committee meetings.

2. No Deputy or Senator, from the day of his election or from the day of his swearing in, as the case may be, may be charged or deprived of his liberty, except in the case of flagrante delicto, unless the Court of Appeal of the respective jurisdiction, sitting in plenary session, previously authorises the indictment by declaring that a case has been brought. An appeal may be lodged with the Supreme Court against the decisions of the courts in this respect.

3. If a Member of Parliament or Senator is arrested in flagrante delicto, he or she shall be immediately brought before the respective Court of Appeal, with the corresponding summary information. The Court shall then proceed in accordance with the provisions of the preceding paragraph.

4. As soon as a final decision declares that a case has been brought, the accused Member or Senator shall be suspended from his or her office and shall be subject to the competent judge.

Article 72

Parliamentarians shall receive as their sole allowance for their parliamentary work the allowance determined by the committee referred to in article 108, which shall in no case exceed that received by a Minister of State. In determining this allowance, consideration shall be given to the proper use of public resources and its proportionality with the remuneration of other similar public offices or

offices of popular representation. Unjustified absences from meetings shall be deducted from this allowance, in accordance with the respective institutional law.

Article 73

Deputies and Senators shall observe impeccable parliamentary conduct, mutual respect, and honest and loyal performance of their duties, with the general interest prevailing over the private interest.

Article 74

1. The institutional law of the National Congress shall establish the basis for an organisation of benches in each House, the rights and obligations of the parliamentarians who are members of them, as well as the consequences of resigning from them.

2. Parliamentarians elected as independents and who have not stood for election as members of a political party shall join a caucus in accordance with the rules of procedure of the House of which they are a member.

3. This law shall also establish the special standards of probity, transparency, participatory public accountability and accountability that shall apply to parliamentarians.

Subjects of law

Article 75

They are only matters of law:

a) Those which are subject to codification, whether civil, commercial, procedural, criminal or other.

(b) basic matters relating to labour, trade union, social security and social security law.

(c) those which the Constitution requires to be regulated by law.

d) Other laws that the Constitution designates as laws of exclusive initiative of the President of the Republic.

e) Those establishing or modifying the political and administrative division of the country.

f) Those granting general pardons and amnesties and those establishing the general rules under which the power of the President of the Republic to grant special pardons and pensions of grace must be exercised. Laws granting general pardons and amnesties shall always require a qualified *quorum.* However, this *quorum* shall be two thirds of the deputies and senators in office in the case of the offences referred to in Article 20(1)(c).

g) Those which establish the bases for the procedures governing the acts of the State Administration.

h) Those authorising the State, its agencies, regional governments and municipalities to contract loans, which must be intended to finance specific projects. The law shall indicate the sources of resources to be used to service the debt. However, a law with a qualified *quorum shall be* required to authorise the contracting of those loans whose maturity exceeds the term of the respective presidential term. The provisions of this subparagraph shall not apply to the Central Bank.

i) Those authorising the conclusion of any kind of operations that may directly or indirectly compromise the credit or financial responsibility of the State, its agencies, regional governments and municipalities. This provision shall not apply to the Central Bank.

j) Those establishing the rules under which State enterprises and enterprises in which the State has a shareholding may contract loans, which may in no case be made to the State, its agencies or enterprises.

(k) those indicating the value, type and denomination of coins and the system of weights and measures.

(l) those laying down rules on the disposal of State or municipal property and on the lease or concession thereof.

(m) Those which determine the city in which the President of the Republic shall reside, in which the National Congress shall hold its sessions and in which the Supreme Court and the Constitutional Court shall function.

(n) those which alter the form or characteristics of national emblems.

ñ) Those regulating public honours for great servants.

(o) Those fixing the air, sea and land forces to be maintained on foot in time of peace or war, and the rules for permitting the entry of foreign troops into the territory of the Republic as well as the departure of national troops from it.

p) Those authorising the declaration of war, on the proposal of the President of the Republic.

q) Those regulating the operation of lotteries, racetracks and betting in general.

r) Those which limit, regulate, complement or restrict the fundamental rights and freedoms established in this Constitution.

(s) any other rule of a general and binding nature which lays down the essential foundations of a legal order.

Article 76

1. The President of the Republic may request authorisation from the National Congress to issue provisions having the force of law for a period not exceeding one year on matters falling within the domain of the law.

2. This authorisation may not extend to nationality, citizenship, elections, plebiscites or referendums, nor to matters which are directly linked to fundamental rights and freedoms or which must be the subject of institutional laws or qualified *quorum.*

3. The authorisation may not include powers affecting the organisation, powers and status of the officials of the Judiciary, the National Congress, the Constitutional Court, the Central Bank, the Public Prosecutor's Office or the Office of the Comptroller General of the Republic.

4. The law granting such authorisation shall specify the precise matters to be delegated and may establish or determine such limitations, restrictions and formalities as may be deemed appropriate.

5. Likewise, the President of the Republic may, within the first three months after taking office, issue provisions with the force of law modifying the number and denomination of ministries and the dependence of their public services. In no case may this entail a reduction in the number of civil servants, a reduction in their rights or remuneration, a change in their direct hierarchical dependence, an increase in public expenditure, or an increase in the number of ministries established by law.

6. The Office of the Comptroller General of the Republic shall be responsible for taking cognizance of these decrees with force of law, and shall reject them when they exceed or contravene the aforementioned authorisation.

7. Decrees having the force of law shall be subject, as regards their publication, validity and effects, to the same rules as those governing the law.

8. Without prejudice to the provisions of the preceding paragraphs, the President of the Republic is authorised to establish the consolidated, coordinated and systematised text of the laws when it is appropriate for their better execution. In the exercise of this power, he may make such changes in form as may be necessary without altering, in any case, its true meaning and scope.

Law formation

Article 77

1. Laws may originate in the Chamber of Deputies and Deputies or in the Senate, by message from the President of the Republic or by motion of any of its members. Motions may not be signed by more than ten Deputies nor by more than five Senators.

2. Messages from the President of the Republic shall be signed by the Minister concerned and may also be signed by no more than ten Deputies or five Senators.

3. The President of the Republic may submit for consideration by the respective committees of both Houses the main ideas of a message that has not yet been processed. The committees shall draw up a joint report which shall make recommendations within sixty days and after a period of public hearings.

4. Laws on taxes of any nature whatsoever, on the budgets of the State Administration and on conscription may originate only in the Chamber of Deputies. Laws on amnesty, on general pardons, on regional and local government and administration, municipalities and on the political and administrative division may originate only in the Senate.

Article 78

1. The institutional law of the National Congress shall determine the information that must accompany the entry of messages and motions, which, in any case, must include a regulatory impact report and a fiscal expenditure report, when appropriate.

2. Unless otherwise unanimously agreed by the respective committee or Chamber, the Minister in charge shall attend the session of the respective committee in which the study of a message or sponsored motion on a matter corresponding to his or her ministry is initiated, as well as the session of the chamber when such a bill is on the table to be voted on. In the event of non-appearance, the sanction established in the institutional law of the National Congress shall be applied.

3. The institutional laws of the Constitutional Court, the Public Prosecutor's Office, the Electoral Service, the Election Qualifying Court, the Office of the Comptroller General of the Republic and the Central Bank may only be amended with prior hearing of the respective constitutionally autonomous body. The law regulating the jurisdictional function of the courts may only be amended after prior hearing of the Supreme Court. In the case of laws relating to the appointment, disciplinary function, training of judges, as well as the management and administration of the Judiciary, the respective autonomous body must be heard beforehand.

4. The bodies whose opinion is requested in accordance with the preceding paragraph shall issue their opinion within thirty days of receipt of the letter requesting the relevant opinion. If the President of the Republic has requested that the project consulted be submitted as a matter of urgency, the

body shall be informed of this circumstance. In such a case, the body shall be obliged to respond to the consultation within the time limit implied by the urgency of the matter. If the body does not respond to the consultation within the aforementioned time limits, the procedure shall be deemed to have been completed.

5. Likewise, the institutional laws of the regional governments and of the municipalities, and those laws establishing or modifying the political and administrative division of the country, may only be amended after prior consultation with the Council of Governors or the Council of Mayors, as the case may be, within the period and under the conditions defined in the preceding paragraph.

Article 79

1. The President of the Republic shall be exclusively responsible for initiating bills relating to the alteration of the political or administrative division of the country, or to the financial or budgetary administration of the State, including amendments to the Budget Law, and to the matters referred to in sub-paragraphs l) and o) of Article 75.

2. The President of the Republic shall also have the exclusive right of initiative:

a) Impose, abolish, reduce or remit taxes and other public charges of any kind or nature, establish exemptions or modify existing ones, and determine their form, proportionality or progression.

b) To create new public services or paid jobs, whether public, semi-public, autonomous or State enterprises. The approval of regulations creating new public services shall require, for their approval, a qualified *quorum*; to abolish them and to determine their functions or attributions.

c) To contract loans or enter into any other type of operation that may compromise the credit or financial responsibility of the State, semi-fiscal, autonomous, regional governments or municipalities, and to cancel, reduce or modify obligations, interest or other financial charges of any nature established in favour of the Treasury or the aforementioned bodies or entities.

d) To fix, modify, grant or increase remunerations, retirements, pensions, annuities, annuities and any other kind of emoluments, loans or benefits to serving or retired personnel and to the beneficiaries of annuities, as the case may be, of the State Administration and other bodies and entities mentioned above, with the exception of the positions indicated in Article 108, as well as to establish holidays, fix the minimum remunerations of private sector workers, compulsorily increase their remunerations and other economic benefits or alter the bases on which they are determined; all without prejudice to the provisions of the following paragraphs.

(e) Establish or amend rules on or affecting social security in both the public and private sectors.

(f) The one that establishes the modalities and procedures for collective bargaining**.**

3. The National Congress may only accept, diminish or reject the services, jobs, emoluments, loans, benefits, expenses and other initiatives on the matter proposed by the President of the Republic.

4. Motions and indications that deal with matters of exclusive initiative of the President of the Republic shall be declared inadmissible by the Presiding Officers of the respective Chamber or by the person chairing the committee, as the case may be. The declaration of admissibility or inadmissibility may be amended only with the favourable votes of four-sevenths of the members in office of the respective Chamber or committee, without prejudice to the powers of the Constitutional Court to hear the matter.

5. Congress may not, in the processing of the Budget Bill or in any other initiative, approve any new expenditure from the funds of the Nation without indicating, at the same time, the sources of resources necessary to meet such expenditure.

Article 80

1. Legislation interpreting constitutional precepts shall require, for their adoption, amendment or repeal, the same *quorum* as is required for the adoption of a constitutional amendment.

2. The legal regulations to which the Constitution confers the character of electoral law or which develop the public electoral system, or the electoral systems applicable to popularly elected offices, shall require for their approval, modification or repeal the affirmative vote of four-sevenths of the deputies and senators in office.

3. Legislation to which the Constitution confers the status of institutional law or qualified *quorum shall be* adopted, amended or repealed by a majority of the Deputies and Senators in office.

4. Other legislation shall require a majority of the members of each House present, or such majorities as may be applicable in accordance with Article 82 et seq.

Article 81

1. The draft Budget Law shall be submitted by the President of the Republic to the National Congress not later than 15 September of each year; and if Congress fails to dispatch it within sixty days of its submission, the draft submitted by the President of the Republic shall be in force.

2. The National Congress may neither increase nor decrease the estimate of revenue; it may only reduce the expenditure contained in the draft Budget Law, except for that established by permanent law.

3. The Budget Law may amend permanent laws only when such amendments come from the message or indications presented by the President of the Republic during its processing, and only when they affect the manner of executing the expenditure established by the law itself or contain scopes or limitations on the use of public resources.

4. The estimation of the yield of the resources consulted in the Budget Law and of the new resources established by any other legislative initiative shall be the exclusive responsibility of the President of the Republic, following a report by the respective technical bodies.

5. If the source of resources granted by the National Congress is insufficient to finance any new expenditure approved, the President of the Republic, on promulgating the law, shall, following a favourable report from the service or institution through which the new revenue is collected, endorsed by the Office of the Comptroller General of the Republic, proportionately reduce all expenditure, whatever its nature.

Article 82

A bill which has been rejected in general in the House of origin may only be renewed after one year. However, the President of the Republic may, in the case of a bill of his own initiative, request that the message be passed to the other House and, if the latter approves it in general by a two-thirds majority of its members present, it shall be returned to the House of origin and shall not be deemed to have been rejected unless that House rejects it by a two-thirds majority of its members present.

Article 83

1. Any bill may be subject to additions or corrections in the appropriate proceedings, both in the Chamber of Deputies and in the Senate; but in no case shall those not directly related to the main or fundamental ideas of the bill be admitted.

2. The President of the Republic may delegate to one or more Ministers jointly the power to make such additions or corrections to a particular draft, which shall be signed by order of the President of the Republic.

3. Once a bill has been passed in the House of origin, it shall immediately pass to the other House for discussion.

Article 84

1. A draft which is rejected in its entirety by the revising House shall be considered by a joint committee of an equal number of Deputies and Senators, which shall propose the form and manner of resolving the difficulties. The draft of the joint committee shall return to the House of origin, and a majority of the members present in each House shall be required for its adoption, unless a different *quorum* for its adoption is established in accordance with this Constitution.

2. If the joint committee fails to reach agreement, or if the House of origin rejects the bill of that committee, the President of the Republic may request that House to decide whether to insist, by two-thirds of its members present, on the bill it approved in the first reading. Once the insistence has been agreed, the bill shall pass a second time to the House that rejected it, and it shall only be deemed to be rejected if two-thirds of its members present are present.

Article 85

1. A Bill which has been added to or amended by the revising House shall be referred back to the House of its origin, and the additions and amendments shall be deemed to have been adopted by that House with the *quorum* required.

2. If the additions or amendments are rejected, a joint committee shall be formed and shall proceed in the same manner as indicated in the preceding Article. In the event that no agreement is reached in the joint committee to resolve the differences between the two Houses, or if either House rejects the proposal of the joint committee, the President of the Republic may request the House of origin to reconsider the bill approved in the second reading by the revising House. If the House of origin rejects the additions or modifications by two-thirds of its members present, there shall be no law in that part or in its entirety; but if there is a majority for rejection of less than two-thirds, the Bill shall pass to the revising House, and shall be deemed to have been passed with the assent of two-thirds of the members present in the latter House.

Article <u>86</u>

Once a bill has been approved by both Houses, it shall be sent to the President of the Republic, indicating its authors, whether it corresponds to an international treaty or to a constitutional reform, or whether it contains matters of his exclusive initiative. If the President also approves it, he shall enact it into law.

Article 87

1. If the President of the Republic disapproves the draft, he shall return it to the House of origin with appropriate observations within thirty days.

2. In no case shall supplementary or substitute observations on motions which do not directly relate to the main or fundamental ideas of the draft be admissible, unless they have been considered in the respective draft. Suppressive and substitute motions shall always be admissible.

3. The Houses shall approve the observations and, if they do so, the bill shall have the force of law and shall be returned to the President of the Republic for promulgation.

4. If the two Houses reject all or some of the observations and insist by two thirds of their members present on all or part of the draft approved by them, it shall be returned to the President of the Republic for promulgation.

5. However, where appropriate, the *quorum* specified in Article 80 shall be observed.

Article 88

1. The President of the Republic may declare the urgency of a bill, in one or all of its procedures and, in such a case, the House concerned shall discuss the bill and give its opinion within the time limits established by the institutional law of the National Congress, which in no case may exceed sixty days.

2. The determination of the time limit shall be made, at the proposal of the President of the Republic, by the Chamber in which the draft law is submitted, in accordance with the institutional law of the National Congress. If the House concerned does not make a decision at the session at which the urgency was reported, the proposal of the President of the Republic shall govern.

3. However, either House may decide that the period of urgency of a bill shall be suspended while two or more urgent bills are pending before the committee which is to report on it.

4. Failure to comply with the urgency will generate the sanctions established by law, which will fall on the committee or corporation chairpersons who should have put the bill to discussion or vote, as appropriate.

Article 89

On 1 June of each year, the President of the Republic shall inform the country of up to three bills that will form part of the priority legislative agenda, which must be put to the vote and complete their legislative processing within a maximum period of one year from the date the priority agenda is informed. The way in which they are processed and the deadlines for each procedure shall be agreed upon by the Presidents of the Chambers and of the committees corresponding to each bill. In the event of non-compliance with the deadlines agreed for its dispatch by the committees, the bill shall be put to the vote in the corresponding chamber in its latest version, without it being possible for the chamber to hear or vote on any other bill.

Article 90

1. If the President of the Republic does not return the draft within thirty days from the date of its referral, it shall be deemed to have been approved and shall be promulgated into law.

2. The promulgation shall always take place within ten days of the promulgation becoming effective. The promulgating decree may be signed by one or more of the Members of Parliament who signed the message or motion.

3. Publication shall be made within five working days of the date on which the promulgating decree is fully processed.

4. Once the law has been published, no court may hear actions or appeals based on any formal defects that may have arisen during the processing of the draft law.

CHAPTER V

GOVERNMENT AND STATE ADMINISTRATION

President of the Republic

Article 91

1. The government and administration of the State shall be vested in the President of the Republic, who is the Head of State and Head of Government.

2. Its authority extends to all matters relating to the preservation of public order within and external security of the Republic, in accordance with the Constitution and the laws.

3. On 1 June of each year, the President of the Republic shall give an account of the administrative and political state of the Nation before the Plenary Congress.

Article 92

1. In order to be elected President of the Republic, it is necessary to be a Chilean national according to the provisions of Article 17(1)(a) or (b), to be thirty-five years of age and to possess the other qualifications necessary to be a citizen with the right to vote, in accordance with this Constitution.

2. The President of the Republic shall hold office for a term of four years and shall not be eligible for re-election for the immediately following term. However, a person may hold the office of President of the Republic only twice.

3. The President of the Republic may not leave the national territory for more than thirty days, nor from the day referred to in paragraph 1 of the following Article, without the consent of the Senate.

4. In any case, the President of the Republic shall inform the Senate in good time of his decision to be absent from the territory and of the reasons justifying it.

Article 93

1. The President of the Republic shall be elected by direct vote and by an absolute majority of the votes validly cast. The election shall be held together with the election of Members of Parliament, in the manner determined by the respective law, on the third Sunday in November of the year preceding that in which the incumbent is due to leave office.

2. If more than two candidates stand for election as President of the Republic and none of them obtains more than half of the votes validly cast, a second ballot shall be held between the candidates who have obtained the two highest majorities, and the candidate who obtains the highest number of votes shall be elected. This new ballot shall be held, in the manner determined by law, on the fourth Sunday after the first ballot.

3. For the purposes of the provisions of the two preceding paragraphs, blank and invalid votes shall be considered as not having been cast.

Article 94

1. In the event of the death of one or both of the candidates referred to in paragraph 2 of the preceding Article, the President of the Republic shall call a new election within ten days of the date of death. The election shall be held ninety days after the convocation if that day falls on a Sunday. Otherwise, it shall be held on the Sunday immediately following.

2. If the term of office of the incumbent President of the Republic expires before the date of the inauguration of the President to be elected in accordance with the preceding paragraph, the rule contained in Article 96 shall apply as appropriate.

Article 95

1. The qualification process of the presidential election shall be completed within fifteen days in the case of the first ballot or within thirty days in the case of the second ballot.

2. The Tribunal Calificador de Elecciones shall immediately inform the President of the Senate and the President of the Chamber of Deputies of its proclamation of the President-elect.

3. The Plenary Congress, meeting in public session on the day on which the incumbent President is due to leave office and with the members in attendance, shall take cognizance of the resolution by which the Election Qualifying Tribunal proclaims the President-elect.

4. At the same time, the President-elect shall take an oath or promise before the President of the Senate to faithfully perform the duties of President of the Republic, to preserve the independence of the Nation, to uphold the Constitution and the laws, and shall immediately assume his duties.

Article 96

1. If the President-elect is unable to take office, the President of the Senate shall, in the meantime, assume the title of Vice-President of the Republic; in the absence of the latter, the President of the Chamber of Deputies, and in the absence of the former, the President of the Supreme Court.

2. However, if the impediment of the President-elect is absolute or is to last indefinitely, the Vice-President shall, within ten days following the resolution of the Senate adopted in accordance with Article 59(g), call a new Presidential election to be held ninety days after the convocation if that day falls on a Sunday. If this is not the case, it shall be held on the Sunday immediately following. The President of the Republic thus elected shall take office ten days after the qualification of the election and shall remain in office until the day on which it would have been incumbent upon the President-elect who was unable to take office and whose impediment had led to the new election.

Article 97

If the President of the Republic is temporarily unable to exercise his office due to illness, absence from the territory or other serious reason, he shall be deputised, with the title of Vice-President of the Republic, by the incumbent Minister who corresponds to him in accordance with the order of legal precedence. In the absence of the latter, the incumbent Minister who follows in that order of precedence shall deputise, and in the absence of all of them, the President of the Senate, the President of the Chamber of Deputies and Deputies and the President of the Supreme Court shall successively deputise.

Article 98

1. In the event of vacancy in the office of President of the Republic, the office shall be subrogated as in the situations described in the preceding Article, and a successor shall be elected in accordance with the rules set out in the following paragraphs.

2. If the vacancy occurs less than two years before the next Presidential election, the President shall be elected by the Plenary Congress, by an absolute majority of the Senators and Deputies in office. The election by Congress shall be made within ten days of the date of vacancy and the President elected shall take office within thirty days thereafter.

3. If the vacancy occurs two years or more before the next Presidential election, the Vice-President referred to in the previous Article shall, within the first ten days of his term of office, call a Presidential election for one hundred and twenty days after the date of the call, if that day falls on a Sunday. If this is not the case, the election shall be held on the Sunday immediately following. The President who is elected shall take office on the tenth day after his proclamation.

4. The President elected in accordance with any of the preceding paragraphs shall remain in office for the remainder of the term of office of the person being replaced and may not stand as a candidate in the next presidential election, and the provisions of Article 92(2) shall apply to him/her.

Article 99

1. The President of the Republic shall cease to hold office on the day on which his term of office expires and shall be succeeded by the newly elected President.

2. The person who has held this office for the full term of office shall immediately and by right assume the official dignity of former President of the Republic.

3. By virtue of this capacity, the provisions of Article 71(2), (3) and (4) and Article 72 shall apply to him.

4. It shall not apply to a citizen who becomes President of the Republic as a result of a vacancy in the office of President of the Republic, nor to anyone who has been found guilty in an impeachment trial against him.

5. The former President of the Republic who assumes any function remunerated with public funds shall cease to receive the per diem allowance for as long as he/she performs it, maintaining, in any case, the privilege. Exceptions are made for teaching posts and functions or commissions of the same nature in higher, secondary and special education.

Article 100

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

Article 101

These are special powers of the President of the Republic:

a) Appoint ambassadors, heads of diplomatic missions and representatives to international organisations. These officials, for the duration of their appointment, shall enjoy the exclusive confidence of the President of the Republic and shall remain in their posts for as long as they hold such confidence.

In the case of ambassadors, once appointed and before beginning their service abroad, they shall appear, upon summons, before the Senate Foreign Relations Committee in order to make a presentation on matters related to the exercise of their office.

If the ambassador is not summoned by the commission within a maximum of thirty days prior to the start of the service abroad, the ambassador may dispense with attendance.

b) Appointing the judicial magistrates and prosecutors of the Supreme Court and the Courts of Appeal, and the judges with legal standing, in accordance with the procedure laid down in Article 164(2) of this Constitution.

c) Appoint the members of the Constitutional Court, the National Public Prosecutor and the Comptroller General of the Republic, in accordance with the provisions of this Constitution.

d) Appoint and remove the Commanders-in-Chief of the Army, Navy and Air Force in accordance with Article 118, and provide for the appointments, promotions and retirements of officers of the Armed Forces in the manner provided for in Article 117.

e) Appoint and remove the Director General of the Carabineros de Chile and the Director General of the Investigative Police of Chile, and make appointments, promotions and retirements of Carabineros and police officers in the manner provided for in Article 124.

f) Appoint and remove at will the Ministers of State, the Under-Secretaries, his representative in each of the regions and provinces, and the officials designated by law as having his exclusive confidence, and to fill other civilian posts in accordance with the law. The removal of other officials shall be carried out in accordance with the provisions determined therein.

(g) To concur in the formation of laws in accordance with the Constitution, to sanction them and to promulgate them.

(h) request, stating the reasons, that any of the branches of the National Congress be summoned to a session. In such a case, the session shall be held as soon as possible.

i) To issue, after delegation of powers by Congress, decrees with the force of law on the matters specified in the Constitution.

j) To call referendums and plebiscites in the cases established in this Constitution.

k) Declare states of constitutional emergency in the cases and in the forms specified in this Constitution.

l) Issue such regulations, decrees and instructions as it deems appropriate for the implementation of the laws.

m) To grant retirements, pensions, pensions and pensions of grace, in accordance with the law.

n) Conduct political relations with other nations and international organisations, and conduct negotiations; conclude, sign and ratify such treaties as it deems advisable for the interests of the country, which shall be submitted to Congress for approval in accordance with the provisions of Article 60, requiring also, and in any case, the approval of Congress to denounce, withdraw from or terminate by common consent an international treaty which has already been approved by Congress. Discussions and deliberations on these matters may be declared reserved or secret if the President of the Republic so requires.

ñ) To dispose of, organise and distribute air, sea and land forces in accordance with the needs of the security of the Nation.

o) To conduct national defence and, in the event of war, to assume the supreme command of the Armed Forces.

(p) declare war, subject to authorisation by law.

q) To oversee the collection of public revenues and to decree their investment in accordance with the law. The President of the Republic, with the signature of all the Ministers of State, may decree payments not authorised by law, to meet urgent needs arising from public calamities, external aggression, internal commotion, serious damage or danger to the security of the Nation or the exhaustion of resources intended to maintain services that cannot be paralysed without serious harm to the country. The total of the appropriations to be drawn for these purposes may not exceed annually two per cent of the amount of expenditure authorised by the Budget Act. Employees may be hired under this same law, but the respective item may not be increased or decreased by means of transfers. Ministers of State or officials who authorise or authorise expenditure in contravention of the provisions of this subparagraph shall be jointly and severally and personally liable for their reimbursement, and shall be guilty of the offence of misappropriation of public funds.

r) To provide, by means of a substantiated supreme decree, signed by the ministers in charge of Public Security and National Defence, that the Armed Forces shall take charge of the protection of the critical infrastructure of the country when there is serious or imminent danger

to it, determining the infrastructure to be protected, in accordance with the provisions of this Constitution. The protection shall come into force from the date of its publication.

Ministers of State

Article 102

1. The Ministers of State are the direct and immediate collaborators of the President of the Republic in the government and administration of the State.

2. The law shall determine the number and organisation of the ministries, as well as the order of precedence of the incumbent ministers. The foregoing is without prejudice to the provisions of Article 76(5).

Article 103

1. To be appointed Minister, a person must be a Chilean national, be at least twenty-one years of age and meet the general requirements for entry into the Public Administration.

2. In the event of the absence, impediment or resignation of a Minister, or when the office of a Minister is otherwise vacant, he shall be replaced in such manner as may be prescribed by law.

Article 104

1. Regulations, decrees and instructions of the President of the Republic shall be signed by the respective Minister and shall not be obeyed without this essential requirement.

2. Decrees and instructions may be issued under the sole signature of the respective Minister, by order of the President of the Republic, in accordance with the rules established by law for this purpose.

Article 105

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

Article 106

1. Ministers may attend meetings of the Chamber of Deputies or of the Senate and take part in their debates, with preferential right to speak, but without the right to vote. During the vote, they may, however, correct the views expressed by any Deputy or Senator in support of their vote.

2. Without prejudice to the foregoing, Ministers shall attend in person the special sessions called by the Chamber of Deputies and Deputies and the Senate to report on matters which, falling within the scope of the powers of the corresponding Secretaries of State, they agree to discuss, and such other matters as may be established by the Constitution.

Article 107

1. The office of Minister of State is incompatible with any other office, employment or commission paid from public or private funds. Exceptions are made for teaching posts as provided for by law. On accepting appointment, the Minister shall cease to hold any incompatible office, employment, function or commission.

2. During their term of office, Ministers shall be prohibited from entering into or guaranteeing contracts with the State, from acting as advocates or agents in any kind of legal proceedings or as

solicitors or agents in private administrative matters, from being directors of banks or of any public limited company and from holding positions of similar importance in these activities.

Article 108

1. The remuneration of the President of the Republic, Senators and Deputies, regional governors and other officials of exclusive trust as determined by law, shall be set by a commission whose composition and powers shall be determined by an institutional law. Its members shall be appointed by the President of the Republic with the agreement of three fifths of the Senators in office.

2. The resolutions of the commission shall be public, shall be based on technical background and shall provide for a remuneration that ensures a remuneration appropriate to the responsibility of the office and the independence to fulfil its functions and powers.

General Bases of the State Administration

Article 109

1. The State Administration is at the service of people and society.

2. By virtue of the powers conferred upon him by law, the President of the Republic shall be responsible for the government and administration of the State. The Government shall also be responsible for defining and approving public policies, plans, programmes and actions which, in accordance with the Constitution and the law, fall within its competence. The Government is composed of ministers, under-secretaries, representatives of the President in the regions and provinces, ambassadors and those appointed to hold positions of exclusive trust, qualified as such by this Constitution or by law, in view of the nature of their functions.

3. For its part, the State Administration shall be responsible for executing and controlling the public policies, plans, programmes and actions defined by the Government. It shall also provide or guarantee, as the case may be, the continuous and permanent provision of public services, acting impartially and objectively, and ensuring at all times the quality of the service, promoting efficiency and effectiveness in the use of public resources.

4. Its bodies shall be composed of public officials appointed to hold a job or position remunerated with State resources, including those who hold positions of public management, in national, regional and local administration, who for all purposes shall exercise administrative functions.

5. The purpose of both the Government and the State Administration shall be to promote the common good by attending to public needs, through the exercise of the powers conferred on it by the Constitution and the law.

6. The organs of the State Administration shall observe the principles established by the Constitution and the law by acting in a timely, collaborative and coordinated manner, based on the applicable scientific and technical evidence, with the available resources. In addition, they shall strive for regulatory efficiency and coherence in the regulatory norms they issue within the framework of their attributions.

7. State administration bodies should progressively incorporate digital platforms in their internal management and service provision that guarantee predefined service levels, interoperability, security and privacy of data through adequate governance that improves their standardisation, use, flow and exchange to better meet people's needs, and should establish preferably digital procedures.

8. Likewise, the institutional law should incorporate at all levels of state administration, including the regional and local level, models of organisation, administration and supervision to anticipate and prevent illicit conduct.

9. The law should establish appropriate mechanisms to ensure that current transfers to legal persons governed by private law are made, as a general rule, after a public tender and in accordance with technical and objective criteria. It shall also establish the eligibility requirements for receiving such allocations, accountability mechanisms and sanctions in case of non-compliance.

Article 110

1. An institutional law shall establish the general bases of the State Administration.

2. The basic structure of each agency shall be determined by law. However, the heads of State agencies may, in compliance with the provisions of the Constitution and the law, establish the internal organisation of the respective agency and determine the names and functions corresponding to the units of which it is composed.

3. The heads of service of State bodies may always establish the internal organisation of their services and determine the names and functions corresponding to each of the units established for the fulfilment of the functions assigned by law, respecting the Constitution.

Article <u>111</u>

1. The institutional law shall establish a single general system for the appointment, hiring, promotion and termination of functions of civil servants in the State Administration, based on a public selection system, with free and equal access, competitive, inclusive, free of any arbitrary discrimination, transparent, impartial, agile, that favours the merit of the applicants, and the speciality and suitability for the position, observing objective and predetermined criteria.

2. The law shall establish the principles of a technical and professional nature of this single regime, the rules on stability in office or employment, the rights and duties of civil servants, the performance evaluation procedure, based on objective criteria, which shall identify achievements, results, performance gaps and opportunities for improvement in the competencies and aptitudes demonstrated for the exercise of a function or position, the power to terminate the employment of public servants and the corresponding system of insurance or compensation for years of service, the continuous improvement of its members, their civil service career, the processes of mobility within and between the bodies of the State Administration, and shall guarantee the continuity of the public service.

3. The systems for selection, entry, promotion and dismissal in public functions and jobs provided for in the general system, with the exceptions indicated, shall be geared to the proper performance of the public service and shall respect the technical and professional nature of these functions and jobs.

4. The institutional law establishing the single general regime shall contain a special regulation for government officials and officials of exclusive confidence of the President of the Republic that shall establish their exceptional status, the types of positions that correspond to this modality, the fact that they are freely appointed by the President and the senior heads of service, the maximum percentage they shall represent of the total number of civil servants in the State Administration, and the fact that they shall remain in their positions until they lose the confidence of the appointing authority, until they resign or until the end of the period in which said authority is exercising its functions.

5. There shall be a technical and autonomous body, with legal personality and its own assets, called the Civil Service. In the performance of its functions, it shall be responsible for the management of the Senior Public Management System, and for the coordination, supervision and improvement of the functions of the personnel of the State Administration, as well as for the relevant appointments through public competitions, in accordance with institutional law, and respecting the principles governing public employment.

Article 112

1. Any person whose rights or interests are harmed by the State Administration may bring a legal action.

2. Any person who has suffered damage as a result of the lack of service or other imputable acts of the bodies of the State Administration, including regional governments and municipalities, shall be entitled to compensation, without prejudice to the responsibilities that may affect the civil servant who caused the damage.

Article 113

1. The Council for the Evaluation of Laws and Public Policies is a legally autonomous body, with its own assets, of a technical nature, whose organisation, functions and powers shall be determined by an institutional law.

2. The purpose of the Council shall be to evaluate laws and public policies on the basis of the objectives pursued by them.

3. It shall also draw up, with the periodicity determined by law, a legislative and public policy evaluation plan with the collaboration of the President of the Republic and the National Congress. The plan, its methodology and conclusions shall be public and shall be made available to the President of the Republic, the National Congress and the relevant institutions of the State Administration.

4. In order to guarantee the quality and effectiveness of laws and public policies, the Council may propose to the President of the Republic, and to the corresponding institutions, the modification or repeal of legal and regulatory precepts and the modification or termination of programmes it deems appropriate.

5. The Council shall be managed and administered from the top down by a Steering Committee. This shall be made up of five members, appointed by the President of the Republic following a resolution of the Senate adopted by three fifths of its members in office.

General provisions

Article 114

1. For the purposes of the provisions of paragraph r) of article 101, critical infrastructure comprises the set of installations, physical systems or services that are essential and of public utility, as well as those whose affectation would cause serious damage to the health or supply of the population, to essential economic activity, to the environment or to the security of the country. This concept is understood as the infrastructure essential for the generation, transmission, transport, production, storage and distribution of services and basic inputs for the population, such as energy, gas, water or telecommunications; that relating to road, air, land, maritime, port or railway connections, and that corresponding to public utility services, such as health or health care systems. A law will regulate the obligations to which public bodies and private entities in charge of the country's critical infrastructure will be subject, as well as the specific criteria for their identification.

2. The President of the Republic, by means of a supreme decree, shall designate a general officer of the Armed Forces who shall have command of the Armed Forces and of the Forces of Order and Public Security arranged for the protection of critical infrastructure in the areas specified in said act. The chiefs designated to command the forces shall be responsible for safeguarding public order in such areas, in accordance with the instructions established by the ministry in charge of Public Security in the supreme decree.

3. The exercise of this power shall not imply the suspension, restriction or limitation of the rights and guarantees enshrined in this Constitution or in international human rights treaties ratified by Chile and which are in force. Without prejudice to the foregoing, the effects may only be framed within the exercise of the powers to safeguard public order and shall emanate from the powers granted by law to the forces to execute the measure, proceeding exclusively within the territorial limits of protection of the critical infrastructure that are established, subject to the procedures established in the law in force and in the rules for the use of force that are established for this purpose for the fulfilment of the duty.

4. This measure shall be extended for a maximum period of ninety days, without prejudice to its extension for equal periods with the agreement of the National Congress, for as long as the serious or imminent danger that gave rise to its exercise persists. The President of the Republic shall report to the National Congress, at the end of each period, on the measures adopted and the effects or consequences of the execution of this power.

5. The aforementioned power may also be used to safeguard areas of the country's border zones, in accordance with the instructions contained in the supreme decree issued by the President of the Republic.

Article 115

The Chilean Fire Brigade is a national institution whose purpose is to attend to emergencies caused by nature or man, in coordination with other competent public bodies.

CHAPTER VI

NATIONAL DEFENCE

Article 116

1. The Armed Forces consist solely and exclusively of the Army, the Navy and the Air Force and report to the Ministry in charge of National Defence. They shall be responsible for the defence of sovereignty, the security of the Nation and territorial integrity, in accordance with the Constitution and the law. The President of the Republic is in charge of leading the national defence and assuming, in case of war, the supreme command of the Armed Forces.

2. In addition, they collaborate in emergency situations and national disasters, in security tasks and territorial interests, in situations of civil protection, in contributing to national development, in international cooperation in peace operations in accordance with international law and in support of the State's foreign policy, in accordance with the Constitution and the law.

3. The Armed Forces, as armed bodies, are professional, hierarchical, disciplined and essentially obedient and non-deliberative institutions.

4. Its members in active service and the personnel of the Armed Forces may not belong to political parties, join political, trade union or trade union organisations, go on strike, or run for elected office.

5. The institutional law shall establish the basic rules for the organisation of the Armed Forces, their incorporation into the ranks, their command, command, succession of command, appointments, promotions and retirements, professional careers, seniority, their pension plan and budgets.

Article 117

1. Entry into the ranks and staffs of the Armed Forces may only be made through their own schools, with the exception of professional ranks and civilian employees as determined by law.

2. Appointments, promotions and retirements of officers of the Armed Forces shall be made by supreme decree, in accordance with institutional law.

Article 118

1. The President of the Republic shall appoint the Commanders-in-Chief of the Army, Navy and Air Force. They shall be appointed by him from among the five most senior general officers who meet the qualifications required for such posts by the respective institutional statutes; they shall hold office for four years and may not be appointed for a further term.

2. The President of the Republic, by means of a substantiated supreme decree, and informing the Chamber of Deputies and Deputies and the Senate, may recall the Commanders-in-Chief of the Army, the Navy and the Air Force, as the case may be, before completing their respective terms of office.

General Provisions

Article 119

The actions of military personnel, whether in the course of military service or in the performance of their duties, shall be heard by the military courts. In no case or circumstance may civilians involved in such acts be tried by military courts.

Article 120

The Armed Forces and the Public Order and Security Forces are subject to the probity and transparency controls provided for in the Constitution and the law. Likewise, they are subject to the control and supervision of the Office of the Comptroller General of the Republic in accordance with the law.

CHAPTER VII

OF PUBLIC SECURITY

Law Enforcement and Public Security Forces

Article 121

1. The Forces of Order and Public Security consist solely and exclusively of the Carabineros de Chile and the Investigative Police of Chile and report directly to the ministry in charge of Public Security. They are intended to give effect to the law, guarantee and maintain public order and internal public security, collaborate in emergency situations and national disasters, in accordance with the provisions of the Constitution and the law.

2. They are professional, hierarchical, disciplined and essentially obedient and non-deliberative institutions.

3. Its members in active service and the personnel of the Public Order and Security Forces may not belong to political parties, join political, trade union or trade union organisations, go on strike, or run for elected office.

4. The corresponding institutional laws shall establish the basic rules for the organisation of the Public Order and Security Forces, their incorporation into the ranks and staffs, their headquarters, command, succession of command, appointments, promotions and retirements, professional careers, seniority, their forecasts and budgets.

Article 122

Incorporation into the ranks and staffs of the Carabineros de Chile and the Investigative Police of Chile may only be done through their own schools, with the exception of the professional ranks and civilian employees as determined by law.

Carabineros de Chile and the Chilean Investigative Police (Policía de Investigaciones de Chile)

Article 123

The Carabineros de Chile, as an armed force, is a technical police institution, of a military nature, whose purpose is to guarantee and maintain public order and internal public security throughout the territory of the Republic, and to fulfil the other functions entrusted to it by the Constitution and the law.

2. The Investigative Police of Chile is a professional, technical and scientific police institution. Its actions shall be oriented towards the specialised investigation of all crimes, especially those complex and related to organised crime and cybercrime; it shall also control the entry and exit of persons to and from the national territory, control the stay of foreigners in the country and carry out other functions entrusted to it by law.

Article 124

1. The General Director of the Carabineros de Chile shall be appointed by the President of the Republic from among the five most senior general officers who meet the qualifications determined by law; he shall serve for four years and may not be appointed for a further term.

2. The Director General of the Investigative Police of Chile shall be appointed by the President of the Republic from among the eight most senior police officers who meet the qualifications determined by law; he shall serve for six years and may not be appointed for a further term.

3. The President of the Republic, by means of a substantiated supreme decree, and informing the Chamber of Deputies and the Senate, may call for the retirement of the Director General of the Carabineros and the Director General of the Investigative Police, as the case may be, before completing their respective terms of office.

4. The appointments, promotions and retirements of the officers of the Carabineros de Chile and the Investigative Police of Chile shall be made by supreme decree, in accordance with institutional law.

Gendarmerie of Chile

Article 125

Gendarmería de Chile is a public service whose purpose is to care for, monitor and contribute to the social reintegration of persons who, by decision of the competent authorities, are detained or deprived of their liberty, to ensure the internal security of the country's penal establishments and to fulfil the other functions assigned to it by law.

2. It will depend on the ministry established by institutional law.

General provisions

Article 126

1. The State has a non-delegable monopoly on the use of force, which shall be exercised through the Armed Forces and the Forces of Law and Order and Public Security, in accordance with this Constitution and the law.

2. The law shall determine the framework for the use of force that may be used in the exercise of the functions of the institutions authorised by it.

3. No person, group or organisation may possess or hold arms or other similar items specified by a qualified *quorum* law without authorisation granted in accordance with that law. This law shall determine the ministry or bodies under its authority which shall exercise oversight and control over weapons. It shall also establish the public bodies responsible for overseeing compliance with the rules relating to such control.

Article 127

It shall be for the law to determine the conduct or circumstances in which the rational use of force exempts from criminal responsibility. Special consideration shall be given to the protection of persons and their property, preventing the commission of a crime or ensuring the performance of a duty, under the terms established by law.

Article 128

The Public Order and Security Forces, without prejudice to their own functions and attributions, shall collaborate with the municipalities when they develop, directly or with other bodies of the State Administration, functions of prevention, support and collaboration in the area of citizen security at the communal level, in accordance with the law.

CAPÍTULO VIII

REGIONAL AND LOCAL GOVERNMENT AND ADMINISTRATION

Article 129

1. The territory of the Republic is organised into regions, provinces, communes and special territories.

2. This organisation shall aim at the harmonious integration, sustainability and development of the country, and shall preferably observe the principles of solidarity and territorial equity, territorial relevance, preferential location, coordination and associativity, fiscal responsibility, fiscal sustainability and prohibition of trusteeship, without prejudice to the State's duty to guarantee the continuity of services, as well as to dictate national guidelines from the central level, in accordance with the provisions of this Constitution.

3. The regional governments and local governments or municipalities have the necessary powers to fully comply with their purposes under the terms established by the Constitution and the law, for which purpose they enjoy legal personality and their own assets, and must collaborate harmoniously to achieve their purposes. The provinces constitute an administrative division of the territory, the authorities of which perform only administrative functions of internal government.

4. The creation, suppression, delimitation and naming of regions, provinces and communes, as well as the establishment of the capitals of regions and provinces, shall be the subject of an institutional law, which shall establish objective criteria, based on historical, social, geographical and cultural backgrounds, and shall provide for forms of citizen participation. This law shall be the exclusive initiative of the President of the Republic.

5. However, regions are created, suppressed, merged, divided or delimited on the basis of the physical and environmental characteristics of their territory, their population and social, historical and cultural identity, their capacity to sustain economic and productive processes, and their conditions to provide an adequate supply of public and private services to their inhabitants. For the realisation of such regional criteria, it is recognised that the provinces and communes within a region are complementary to each other.

6. In each region, two or more communes may constitute a metropolitan area in accordance with the requirements and criteria determined by the institutional law. This shall determine the authority in charge of the administration of metropolitan areas, its attributions and the form of coordination with the regional government and the municipalities that make it up.

7. Two or more regions, with territorial continuity, may constitute macro-areas in accordance with the requirements and criteria to be determined by an institutional law. This law shall determine the authority in charge of the administration of such macro-zone, its attributions and the form of coordination with the central and regional government.

Article 130

1. The State shall promote harmonious integration, sustainability and development between the various regional and local levels. The law shall establish mechanisms of solidarity, equity and coordination among them, taking into account the circumstances that account for the special characteristics of some areas of the national territory.

2. The State recognises the heterogeneity of its territory and of its various regions and communes. It is the duty of the state to consider these territorial realities in the design and implementation of public policies and in the transfer of powers and resources.

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

Article 131

The law shall prioritise the allocation of public functions to the level at which they are exercised most efficiently and effectively, giving priority to the local level over the regional level, and the latter, in turn, over the national level, without prejudice to those competencies that the Constitution itself or the laws reserve for the national government.

Article 132

1. The agencies and institutions of the State, at its various levels of government, shall act in a coordinated and collaborative manner to achieve their purposes, fostering cooperation and avoiding duplication or interference in their functions. Public services under the national government shall coordinate with the respective regional governments and municipalities, in accordance with the law.

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

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

4. The institutional law shall regulate the Council of Governors, its functioning and, in particular, the instances of participation and forms of coordination with the President of the Republic, and shall provide for participation at least twice a year in this Council.

5. The Council of Mayors is a consultative and representative body for all municipalities in the respective region. It shall address their problems, promote effective coordination between the various bodies with a regional presence and encourage effective cooperation between local governments.

6. Institutional law shall regulate the functioning of these councils.

Article 133

1. The institutional law shall establish the form and manner in which competences shall be transferred to the regional governments and municipalities, as well as the grounds that enable the national level to exercise them in subsidy. The national level shall be responsible for all those functions that are not expressly assigned, either by the Constitution or by law, to the sphere of competence of regional governments and municipalities.

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

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

Regional Government

Article 134

1. The administration of each region is vested in the regional government, consisting of the regional governor and the Regional Council, the number of members of which shall be established by law. These authorities shall be elected in the region by universal suffrage, in accordance with the Constitution and the electoral law.

2. The regional government is a legal person under public law with its own assets, whose purpose is the economic, social and cultural development of the region, and which has the administrative and financial autonomy determined by law for the exercise of its functions.

Article 135

1. The functions of the regional governments include the promotion of development, investment and connectivity in their respective regions, the provision of public services under their jurisdiction, guiding the territorial development of the region, promoting participation and productive activities, tourism, infrastructure, housing and any other functions determined by the Constitution and institutional law.

2. In order to fulfil their role, regional governments have regulatory, financial, supervisory, coordinating and complementary powers with municipal action.

3. The law may provide for the establishment of an advisory council to collaborate with the regional government in the development of a strategic planning tool and, to this end, shall prepare an annual technical report on the state of the region's economy and its potential. This law shall regulate its organisation, functioning and other matters pertaining to this council.

Article 136

1. Institutional law may authorise regional governments and public enterprises to associate with natural or legal persons in order to promote non-profit activities and initiatives that contribute to regional development. The entities constituted for this purpose shall be subject to the common rules applicable to private individuals and to the laws that ensure transparency, probity and the proper use of public resources.

2. The regional governments, for the fulfilment of their functions, may establish such bodies or units as may be permitted by the respective institutional law. This power shall be exercised within the limits and requirements which, at the exclusive initiative of the President of the Republic, shall be determined by the institutional law on regional governments.

3. Regional governments are audited by their own internal control bodies and by the bodies that have such powers by mandate of the Constitution and the laws, and are subject to the control and supervision of the Office of the Comptroller General of the Republic in accordance with the law.

Article 137

1. The regional governor shall be the executive body of the regional government, and shall be responsible for presiding over the Regional Council and exercising the functions and powers determined by institutional law, in coordination with the other public bodies and services created for the performance of the administrative function. It shall also be responsible for the coordination, supervision and oversight of the public services that depend on or are related to the regional government.

2. The Regional Governor shall be elected by universal suffrage by direct ballot. He shall be elected whoever obtains a majority of the votes validly cast, provided that such majority is equivalent to at least forty per cent of the votes validly cast, in accordance with the provisions of the electoral law. Otherwise, a second ballot shall be held, which shall be restricted to the candidates who have obtained the two highest relative majorities, and the candidate who obtains the largest number of votes shall be elected, as determined by the respective electoral law.

3. For the purposes of the provisions of the two preceding paragraphs, blank and invalid votes shall be considered as not having been cast. The Governor shall hold office for a term of four years.

Article 138

1. The Regional Council shall be a collegiate body of a normative, representative, resolutive and supervisory nature, whose functions and powers shall be determined by the Constitution and institutional law.

2. The Regional Council shall be responsible for overseeing the exercise of the powers and acts of the regional government, in accordance with the powers determined by institutional law.

3. The Regional Council shall be responsible for approving the draft budget of the respective Region, in accordance with the resources allocated to it in the Budget Act, its own resources and those deriving from other sources of revenue in accordance with the Constitution.

4. The Regional Council shall be composed of councillors elected by direct universal suffrage, who shall hold office for a term of four years in accordance with the respective electoral law.

5. Members of Parliament representing the constituencies and districts of the respective region may attend meetings of the Regional Council and take part in its debates, without the right to vote.

6. Annually, the Regional Council will receive senators from the region to report on the passage of laws of regional interest. The institutional law shall establish mechanisms for permanent coordination and information between the regional government and the senators of the region.

Local Government

Article 139

1. The local administration of each commune or grouping of communes determined by law resides in a municipality, also called local government, which shall consist of the Mayor and the Municipal Council.

2. The municipalities are autonomous corporations under public law, with legal personality and their own assets. They are autonomous in the exercise of their powers and their purpose is to satisfy the needs of the local community and to ensure its participation in the economic, social and cultural development of the commune.

Article 140

1. The municipalities have, for the fulfilment of their functions, regulatory, financial and supervisory powers, and powers of coordination and complementarity with the action of the regional and national government.

2. Among their functions, they shall exercise the provision of the public services for which they are responsible and territorial planning, in harmony with national and regional development policies and plans, and such other functions as are determined by the Constitution and the law.

3. The municipalities, for the fulfilment of their functions, may create or abolish jobs and set salaries, as well as establish such bodies or units as the respective institutional law permits. These powers shall be exercised within the limits and requirements determined by the institutional law on municipalities, at the exclusive initiative of the President of the Republic.

4. Local governments are audited by their own internal control bodies and by the bodies mandated to do so by the Constitution and the law, and are subject to the control and supervision of the Office of the Comptroller General of the Republic in accordance with the law.

5. The municipalities may associate among themselves in accordance with the respective institutional law, and such associations may have legal personality under private law. Likewise, they may constitute or integrate non-profit corporations or foundations under private law whose purpose is the promotion and dissemination of art, culture and sport, or the promotion of community and productive development works. Municipal participation in them shall be governed by their institutional law. The entities constituted for this purpose shall also be subject to the laws that ensure transparency, probity, the proper use of public resources and the control of the Office of the Comptroller General of the Republic.

6. Local governments may establish within the scope of communes or groups of communes, in accordance with the respective institutional law, territories known as neighbourhood units, with the aim of promoting sustainable, balanced development and an adequate channelling of citizen participation.

Article 141

1. The mayor is the highest authority and executive body of local government. He or she is responsible for presiding over the Municipal Council and exercising the functions and powers determined by institutional law.

2. Mayors shall be elected by universal suffrage in direct voting, in accordance with the rules laid down in the Constitution and the respective electoral law. They shall hold office for a term of four years.

3. The mayors may, in the cases and in the manner determined by institutional law, appoint delegates to exercise their powers in one or more localities.

Article 142

1. The Municipal Council is a collegiate body of a normative, resolutive and supervisory nature, whose functions are to collaborate in the government and administration of the commune, to supervise municipal management, to make the participation of the local community effective and those entrusted to it by the Constitution and the law.

2. The institutional law shall determine the matters on which consultation by the mayor or mayoress with the council is mandatory and those on which the council's agreement is necessarily required. In any case, such agreement shall be necessary for the approval of the communal development plan, the municipal budget and the commune's investment projects.

3. The institutional law must establish mechanisms that ensure adequate autonomy for the Municipal Council in the exercise of its role of oversight of municipal management and the work of the mayor.

Article 143

1. The Municipal Council shall be composed of councillors elected by universal suffrage in direct voting, in accordance with the rules established in the Constitution and in the electoral law. Its members shall hold office for a term of four years.

2. The institutional law shall establish the rules on the organisation and functioning of the Municipal Council, the number of councillors who shall comprise it, and the grounds for disqualification, incompatibility, subrogation, cessation and vacancy of the office of councillor.

Special and strategic territories for the country's development

Article 144

1. The territories corresponding to Rapa Nui and the Juan Fernández Archipelago are special territories. The government and administration of these territories shall be governed by the special statutes established by the respective institutional laws.

2. The rights to reside, stay and move to and from any part of the Republic, as guaranteed in this Constitution, shall be exercised in such special territories in the manner determined by the laws regulating their exercise.

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

Chilean Antarctic Territory

Article 145

In the Chilean Antarctic Territory, government and administration are exercised in accordance with the respective laws and regulations and the international treaties ratified by Chile and in force.

Deconcentration of State Administration

Article 146

1. There shall be natural and immediate representatives of the President of the Republic in the various regions and provinces, within the territory under his jurisdiction, who shall be appointed and removed by him and shall exercise their functions in accordance with the laws and the orders and instructions of the President of the Republic in the region and province, respectively. The representative of the President of the Republic in the region shall exercise coordination, oversight and supervision of the public bodies created by law for the performance of administrative functions that depend on or relate to the President of the Republic through a ministry. The powers of these representatives shall be determined by an institutional law.

2. Without prejudice to the foregoing, other forms of functional or territorial deconcentration may be established by law.

Fiscal Decentralisation

Article 147

1. The State promotes connectivity and harmonious, equitable and supportive development between the regions and communes of Chile. To this end, measures shall be adopted to reduce the existing economic and social imbalances between them, ensuring that all persons and communities have access to the same level and quality of public services, especially in public infrastructure, regardless of where they live.

2. There shall be mechanisms, instruments and funds to ensure inter-territorial economic compensation in fiscal transfers to regional and local governments. The law shall contemplate, among others, the following mechanisms:

a) Basal funding for regional and municipal entities and special territories. This should take into account the existence of strategic territories for the country's development.

b) Solidarity based on territorial equity.

c) Compensation for negative externalities, intended for regions and municipalities that suffer environmental or social consequences as a result of the development of certain activities.

Article 148

The Budget Law should progressively encourage a significant part of public spending to be executed through regional and local governments, in accordance with the responsibilities that each level of government must assume for the adequate fulfilment of its responsibilities, setting annual targets for their effective fulfilment.

Article 149

1. Any creation, extension or transfer of powers to regional and local governments shall provide for technical assistance, personnel and sufficient and timely funding for their proper exercise, avoiding duplication of functions and bearing in mind the principle of fiscal responsibility.

2. Transfers and allocations of resources shall be made on the basis of objective and predefined criteria. However, the law may establish special transfers for reasons of isolation or emergency, which in no case may establish arbitrary discrimination or differences between the different regions and communes of the country.

Article 150

Regional and local governments may contract loans in accordance with Article 79. A law with a qualified *quorum* shall authorise such loans and shall establish their requirements and limits. The resources obtained in this way must be destined to finance specific projects and under no circumstances may they be used to finance current expenditure.

Article 151

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

General provisions

Article 152

1. The regulatory power of regional and local governments shall always be of infra-legal rank and its application shall be in the respective territory, within the scope of their competences.

2. The regional governments may issue such regulations as they deem appropriate for the proper execution of their powers, subject to the provisions of Article 101 (l).

Article 153

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

Article 154

1. To be elected regional governor, regional councillor, mayor or councillor and to be appointed representative of the President of the Republic in the region or province, it shall be necessary to be a citizen with the right to vote, to meet the other eligibility requirements established by electoral law in the former cases and by institutional law in the case of representatives of the President of the Republic in the region or province, and to have resided in the region for at least the last two years prior to their appointment or election.

2. No regional governor or representative of the President of the Republic in the region or province, as the case may be, may be charged or deprived of his liberty, except in the case of flagrante delicto, unless the Court of Appeal of the respective jurisdiction, sitting in plenary session, previously authorises the indictment by declaring the case to be admissible. This decision may be appealed before the Supreme Court.

3. If a regional governor or a representative of the President of the Republic in the region or province is arrested for having committed an offence in flagrante delicto, he shall be immediately brought before the respective Court of Appeal, with the corresponding summary information. The Court shall then proceed in accordance with the provisions of the preceding subsection.

4. As soon as a final decision declares that a case has been brought, the regional governor or the representative of the President of the Republic of the region or province, as the case may be, shall be suspended from his office and shall be subject to the competent judge.

Article 155

1. The respective institutional laws shall establish the grounds for disqualification, incompatibility, cessation, subrogation and vacancy in the offices of regional governor, mayor, regional councillor and councillor.

2. Without prejudice to the foregoing, the aforementioned authorities who have seriously infringed the rules on transparency, limits and control of electoral expenditure shall be removed from their posts, from the date on which this is declared by a final judgement of the Tribunal Calificador de Elecciones, at the request of the Consejo Directivo del Servicio Electoral (Board of Directors of the Electoral Service). An electoral law shall indicate the cases in which a serious infringement exists.

3. Likewise, whoever loses the office of regional governor, mayor, regional councillor or councillor, in accordance with the provisions of the preceding paragraph, shall not be eligible for any public function or employment for a term of three years, nor may he or she be a candidate for popularly elected office in the two electoral events immediately following his or her cessation.

Article 156

1. Regional governors may only be re-elected successively for one term in office. Regional councillors, mayors and councillors may be re-elected successively in their posts up to two times. However, the above rule shall not apply in the event of standing as a candidate in a commune or region other than that in which they held office.

2. In no case shall non-consecutive terms of office be counted as successive periods for the application of this rule.

3. In order to determine the limit for the re-election of regional governors, regional councillors, mayors and councillors, they shall be considered to have held office for a term when they have served more than half of their mandate.

CHAPTER IX

THE JUDICIARY

Article 157

1. The jurisdictional function of hearing and resolving matters, cases and conflicts of legal relevance and enforcing what has been judged is a power that lies exclusively with the courts established by law.

2. In order to enforce their decisions and carry out or cause to be carried out the acts of investigation determined by law, the ordinary courts of justice and the special courts that make up the Judiciary may issue direct orders to the public forces or exercise the appropriate means of action at their disposal. The other courts shall do so in the manner determined by law. The requested authority shall comply with the injunction without further formality and may not qualify its basis or timeliness, nor the justice or legality of the resolution to be enforced.

3. Judges shall be subject to the Constitution and the law and may not in any case exercise the powers of other public authorities.

4. The courts of justice may not, in any case, disapply a legal provision on the grounds of unconstitutionality without a ruling of the Constitutional Court on the grounds of inapplicability.

5. The use of arbitration, mediation and other means of alternative dispute resolution shall be encouraged. These procedures shall be applied in accordance with the law.

6. The courts of justice and the legally autonomous bodies of the judiciary shall observe the principles of probity, transparency and accountability. They shall also have the means to ensure public access to judicial proceedings. The institutional law shall establish the exceptions to such publicity.

Article 158

They are the foundations of the jurisdictional function:

(a) Independence. Judges shall decide the matters before them without regard to internal or external influence or pressure. No State organ, authority or special commission may in any case hear pending cases, review the grounds or content of judicial decisions or reopen concluded proceedings.

(b) Impartiality. Judges shall exercise their functions with impartiality, resolving the matters before them without bias, prejudice or discrimination of any kind with respect to the intervening parties.

c) Inexcusability. The courts may not be excused from exercising their authority, even in the absence of a law resolving the dispute or matter submitted to their decision, if they are called upon to do so in a lawful manner and in matters within their jurisdiction.

d) Responsibility. Judges are personally liable in their jurisdictional actions for the crimes of bribery, non-compliance in substantive matters with the laws governing procedure, denial and distorted administration of justice and, in general, for any prevarication in which they incur in the performance of their duties and in other cases expressly determined by law. The law may establish the manner of

enforcing the criminal liability of judges, and the organisation and procedure for the trial of offences committed by them.

e) Inviolability. The magistrates of the High Courts of Justice, the judicial prosecutors and the learned judges may not be apprehended without a warrant from the competent court, except in the case of a crime or simple offence in flagrante delicto and only in order to immediately bring them before the court that must hear the case in accordance with the law.

(f) Immovability. Judges shall remain in office during their good behaviour; but judges of the lower courts and special courts shall hold their respective judgeships for the time determined by law. Judges shall also cease to hold office on reaching the age of seventy-five years, or by resignation or legal incapacity, or in the event of being removed from office for a legally established cause. The age rule shall not apply to the President of the Supreme Court, who shall continue in office until the end of his term of office. However, the Minister of the Supreme Court who has completed twenty years in office shall cease to hold office.

g) Consistency. When sentencing, judges shall promote legal certainty, for which purpose they shall observe consistency with the essential legal grounds contained in similar judgments that are enforceable.

h) Relative effect. Court judgments are binding only on the parties and intervening parties, and in the cases in which they are currently pronounced, without prejudice to the cases of exception that the law expressly determines. The extension of the binding effects of judgments to persons other than the parties or intervening parties shall be unenforceable.

(i) Expeditiousness. The proper administration of justice includes the issuance within a reasonable time of the orders necessary for the prompt and expeditious execution of judicial decisions, without excessive delays and time limits.

Article 159

1. An institutional law shall determine the organisation and powers of such courts as may be necessary for the prompt and efficient administration of justice throughout the territory of the Republic. The same law shall specify the requirements to be met by judges and judicial prosecutors respectively and the number of years that persons who are appointed as court ministers, learned judges or judicial prosecutors must have practised the legal profession.

2. The institutional law relating to the organisation and powers of the courts, as well as the procedural laws regulating a system of prosecution, may set different dates for their entry into force in the various regions of the national territory.

3. A law shall also establish an administrative litigation process to be heard by the courts established by law.

Article 160

The institutional law may grant jurisdiction throughout the national territory to criminal courts to try cases whose investigation falls within the jurisdiction of the Public Prosecutor's Office referred to in Article 184, and other matters entrusted to it by law.

Article 161

1. The highest judicial body of the Judiciary shall be the Supreme Court, which shall be composed of twenty-one justices. The Supreme Court shall represent the courts of justice vis-à-vis the other branches of government.

2. The Supreme Court shall be responsible for ensuring the uniform interpretation and application of the legal system, guaranteeing the effective enforcement of constitutional rights and guarantees in matters within its jurisdiction, as well as the other powers established by this Constitution and the law, in all the courts of the Nation. Exceptions to this rule are the Constitutional Court, the Election Qualifying Court and the regional electoral courts.

3. The High Courts of Justice may issue orders in order to issue general instructions aimed at ensuring the most expeditious and efficient functioning of the administration of justice. In no case may such orders relate to matters proper to the law.

4. The law shall establish the existence of substitute justices to sit in the chambers or plenary of the High Courts of Justice in the absence of their regular justices, as well as for such other judicial functions as may be determined by law. The substitute ministers may include lawyers who are not involved in the administration of justice. Those who assume these duties must be full-time officials of the Judiciary.

Article 162

1. For the governance of the judiciary there shall be legally autonomous bodies responsible for the appointment of its members; the training and further training of judges and officials; and the management and administration of the judiciary. These three bodies shall function separately and in a coordinated manner.

2. An institutional law shall regulate, in each case, the powers, organisation, functioning and other attributes of the respective bodies exercising judicial governance.

3. The members of the governing bodies of the organs shall serve for four years and shall be eligible for re-election once, except for the body in charge of judicial appointments, which shall not be eligible for re-election, and whose judicial members shall serve for two years.

Article 163

1. The President of the Supreme Court shall periodically convene a coordination meeting of the members of the judicial prosecutor's office and the bodies responsible for the governance of the judiciary. At this meeting, efforts shall be made to facilitate joint work and the development of their activities, while respecting their respective independence.

2. An institutional law shall regulate this coordination, determining who the participants will be and the frequency of their meetings.

Article 164

1. There shall be a body whose function shall be to designate or nominate, as the case may be, the judicial ministers and prosecutors of the Supreme Court, the Courts of Appeal, the judges of the Bar,

the assistants in the administration of justice and such other persons as may be established by law. Appointments and nominations shall be based on objective factors, especially professional ability, merit, probity and experience.

2. The ministers and judicial prosecutors of the Supreme Court shall be appointed by the President of the Republic, who shall choose them from a list of five persons who, in each case, shall be proposed by the body referred to in subsection 1 and with the agreement of the Senate. The Senate shall adopt the respective resolutions by a three-fifths majority of its members in office, in a session specially convened for this purpose. If the Senate does not approve the proposal of the President of the Republic, the body established in subsection 1 shall complete the list by proposing a new name to replace the rejected one, repeating the procedure until an appointment is approved.

3. Five of the members of the Supreme Court must be lawyers from outside the administration of justice, have at least fifteen years of professional experience, have distinguished themselves in professional or university activity and meet the other requirements established by the respective institutional law.

4. The body referred to in paragraph 1 shall draw up the corresponding list, taking into account the merits of the candidates evaluated by means of a public background competition, whether the position corresponds to a member of the Judiciary or is a vacancy to be filled with lawyers from outside the administration of justice.

5. The same body shall be responsible for authorising transfers and exchanges of judges and judicial officials.

6. The judicial appointing body shall periodically conduct performance appraisals in the manner prescribed by law. The results of these processes and the main considerations in arriving at them shall be made public.

7. Appointments and nominations shall be made after a public and transparent competition, in the manner established by institutional law.

8. The body referred to in this Article shall be composed of:

a) A person appointed by the President of the Republic, after a public competition.

b) Two persons appointed by the Senate after a public competition.

(c) Four judges appointed in accordance with Article 168, who may not exercise judicial functions during their term of office.

Persons appointed under subparagraphs (a) and (b) must have an outstanding judicial, professional or academic record, and be of high moral character and irreproachable conduct.

9. The members of the appointing body shall be full-time and shall always act with due diligence, objectivity, probity and independence. They shall declare their interests and assets in the manner determined by law, and shall be subject to the legal rules on probity in public office and the prevention of conflicts of interest, and those regulating *lobbying* and representations of private interests before the authorities and civil servants. In the case of judges, once they have completed their term of office, they shall return to their functions in the manner determined by law.

10. Appointments made by this body shall be formalised by the President of the Republic by decree.

11. Persons who are spouses, partners, ascendants, descendants, collateral relatives up to the third degree of consanguinity and second degree of affinity of the President of the Republic, Ministers of State, Under-Secretaries, Senators, Deputies, National Public Prosecutor, Court Ministers and Constitutional Court Ministers may not be appointed, promoted or designated to new positions in

the secondary ranks of the Judiciary. This disqualification shall be extended for two years after the respective authority ceases to hold office.

Article 165

1. A body with legal personality shall have the function of administering and managing the human, physical, financial and technological resources of the Judiciary. It shall be headed by a Board of Directors.

2. The operational autonomy established in paragraph 1 shall be subject to the principles of probity and transparency, and to the audit of the expenditure incurred, by the Office of the Comptroller General of the Republic, in the manner established by institutional law, which may determine other forms of internal and external audits and audits.

3. The Board of Trustees shall be composed of:

a) A minister of the Supreme Court, appointed by its plenary session, who shall preside over it.

b) A Minister of the Court of Appeal, elected by its members.

(c) two judges appointed in accordance with Article 168.

d) Four professional advisors, with experience in infrastructure, technology, administration and resource management in the public or private sector, chosen by public competition in a manner to be determined by law.

e) One member of the administrative branch of the Judiciary, elected by its members.

The members of this Council shall declare their interests and assets publicly in accordance with the law, and shall be subject to the rules on probity in public office and the prevention of conflicts of interest, and to those regulating *lobbying* and representations of private interests to the authorities and civil servants.

4. The Board of Trustees shall appoint an Executive Director from a list of three candidates drawn up by public competition in a manner to be determined by law.

Article 166

1. The Judicial Prosecutor of the Supreme Court and the Judicial Prosecutors of the Courts of Appeal shall be responsible for ensuring the proper conduct of judges, officials of the Judiciary, those assisting in the administration of justice and other persons as may be determined by law.

2. Judicial prosecutors shall conduct investigations into disciplinary offences and breaches of probity of the persons referred to in the previous paragraph and shall bring charges if appropriate.

3. These accusations shall be heard and decided by a Conduct Tribunal, specially composed of three judges, drawn by lot on each occasion from among the persons indicated in Article 168(1)(d). An appeal for annulment may only be lodged against such judicial decisions before a new Conduct Tribunal, composed in the same way of judges other than those who handed down the decision appealed against.

4. In no case shall the public prosecutors exercise judicial functions.

5. The institutional law shall establish the procedure to be observed by prosecutors, as well as the form of the establishment of the Conduct Tribunal that will resolve their accusations, ensuring that the actions of judges and prosecutors guarantee access to justice and due process. In any case,

disciplinary proceedings shall not be opened for decisions contained in judicial resolutions issued in jurisdictional matters.

Article 167

1. The purpose of a body endowed with legal personality shall be the training of applicants for the posts of judges, judicial prosecutors and ministers of the Courts of Appeal and the further training of all members of the Judiciary. The training and further training of judges shall include the active participation of the law faculties of accredited universities in the provision of courses and academic programmes, in the manner established by institutional law.

2. It shall be governed from the top by a Governing Board, composed of:

a) A minister of the Supreme Court, appointed by its plenary session, who shall preside over it.

b) A representative of the President of the Republic.

c) A Minister of the Court of Appeal, elected by his peers.

(d) three judges, appointed in accordance with Article 168.

e) A president of one of the country's bar associations, elected by the presidents of all of them.

f) Two professors from the faculties of law of the country's accredited universities, chosen by the deans of the faculties as required by law.

Article 168

1. The following procedure shall be followed for the periodic appointment of the judges referred to in Articles 164(8)(c), 165(3)(c), 166(3) and 167(2)(d):

(a) The body responsible for the administration and management of the judiciary shall draw up, where appropriate, a list of judges sitting in the country's courts, which shall include only those who have held office for not less than ten years and who have not been sanctioned during that period.

b) In order to carry out the appointments referred to in this subsection, the Minister of Faith of the Supreme Court shall proceed to draw lots in the manner determined by institutional law.

c) Once the judges have been drawn by lot in the manner indicated in paragraphs a) and b) above, three judges shall be chosen by lot from among the others, who shall serve as alternates to those appointed as full members of the respective autonomous bodies, distributed one in each of the boards of directors established in Articles 164, 165 and 167.

d) Judges who are not selected to perform the duties indicated in the previous paragraphs shall form the list of judges referred to in Article 166(3).

2. The law shall determine the procedures, the timing and the judicial authorities that shall perform this task.

CHAPTER X

CONSTITUTIONAL COURT

Article 169

1. The Constitutional Court is an autonomous and specialised judicial body whose function is to guarantee the supremacy of the Constitution.

2. An institutional law shall regulate its organisation, functioning and procedures, in accordance with the provisions of this Chapter. It shall also determine the establishment plan, the remuneration system and the status of its staff.

Article 170

1. The Constitutional Court shall consist of eleven members who shall be appointed as follows:

(a) The Supreme Court, after a public competition, shall draw up a list of candidates, duly substantiated, in a session specially convened for that purpose and in a single ballot.

b) The President of the Republic, upon receipt of the list proposed by the Supreme Court, shall have thirty days to draw up and submit to the Senate a list of two candidates.

c) The Senate, after a public background hearing, shall have a period of thirty days to choose the candidate from the proposed pair, by three fifths of its members in office.

d) In the event that none of the candidates in the Senate meets the aforementioned *quorum*, the Supreme Court shall, within thirty days, complete the list with two new names, thus initiating a new process.

(e) If for the second time no candidate meets the *quorum* in the Senate, the Supreme Court shall proceed to draw lots among the four candidates who have been proposed in pairs by the President of the Republic.

2. The appointment process shall be initiated ninety days before the incumbent to be replaced leaves office.

3. The members of the Constitutional Court shall hold office for eleven years and shall be renewed by halves at the rate of one member per year. They shall be irremovable and shall not be eligible for re-election, except for a replacement who has held office for a period of less than five years.

4. The Constitutional Court shall have two substitute members, who may replace the full members and sit in the plenary or any of the chambers only in the event that the respective quorum is not reached. The alternates shall meet the same requirements to be appointed as members of the Constitutional Court. The respective institutional law shall regulate the appointment procedure, its duration and the other elements of its statute.

Article 171

1. Members of the Constitutional Court must have at least fifteen years of legal training and must have recognised and proven professional or academic competence and suitability in the field of their functions, may not have any impediment that disqualifies them from holding the office of judge and must possess the other qualifications necessary to be a citizen with the right to vote.

2. They shall be subject to the rules of Articles 68, 69 and 158 (f) and may not practise the profession of lawyer, including the judiciary, or any of the acts set out in Article 70 (2) and (3).

3. However, they shall cease to hold office on reaching the age of seventy-five years.

4. If a member of the Constitutional Court ceases to hold office, he shall be replaced in accordance with the preceding Article and for the remainder of the term of office of the person being replaced.

5. The institutional law shall determine the rules of implication and recusal of the titular and substitute members of the Constitutional Court.

Article 172

1. The Constitutional Court shall sit as a full Court or divided into two chambers. In the first case, the *quorum* for a meeting shall be at least nine members and in the second case, four members. The Constitutional Court shall adopt its decisions by a simple majority of its members, except in cases where the Constitution requires a different *quorum.*

2. The Constitutional Court in plenary session shall rule definitively on the powers indicated in paragraphs a), b), c), d), e), f), g), h), k) and n) of the following article. For the exercise of its other powers, it may operate in plenary session or in chambers in accordance with the provisions of the respective institutional law.

3. The person presiding over the Constitutional Court shall not have a casting vote and shall exercise the powers set out in the respective institutional law. Likewise, in the absence of any of its members, he/she shall have the power to sit in any of the chambers.

Article 173

These are powers of the Constitutional Court:

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

The Constitutional Court shall hear the matter at the request of the President of the Republic, of either House, by agreement of the majority of its members in office or of one third of its members, and may only be seised within ten days after the bill has been dispatched, and even if it has already been published. In the event that the President of the Republic submits observations in accordance with Article 87, the processing of the request shall be suspended. The contested part of the bill may not be published if the petition is submitted before the bill is published, except in the case of the draft budget law or the bill on the declaration of war proposed by the President of the Republic.

b) To resolve, by a majority of the members in office, questions of procedural or competence infringements established in the Constitution or in the institutional law of the National Congress and which arise during the processing of bills, constitutional reform bills and international treaties submitted to Congress for approval.

The Constitutional Court shall hear the matter at the request of the President of the Republic, of either of the Houses by agreement of the majority of its members in office or of one third of its members, provided that it is formulated before the promulgation of the law or the sending of the communication informing of the approval of the treaty by the National Congress and, in any case, after the fifth day of the dispatch of the bill or of the aforementioned communication.

If the question is upheld, the Constitutional Court shall refer the matter to the House concerned in order to rectify the defect. If the bill has already been dispatched, a joint committee shall be set up to propose the form and manner of remedying it, in accordance with the procedure set out in Article 85(2).

The contested part of the bill may not be promulgated or published, as the case may be, until the defect has been remedied, except in the case of the draft budget law or the bill on the declaration of war proposed by the President of the Republic.

c) To decide, by a majority of its members in office, whether a specific motion or indication to a bill is the exclusive initiative of the President of the Republic. The question may be raised by the President of the Republic or by one third of the Deputies or Senators in office, provided that it is formulated before the bill is passed. The Constitutional Court shall hear the matter on the sole merit of the background information sent by the respective Chamber and without the form of a trial. The judgement shall be pronounced within five days of the dispatch of the background information, without, in the meantime, suspending the processing of the bill.

d) Resolve, by a majority of its members in office, the inapplicability of a legal provision whose application in a case pending before an ordinary or special court is contrary to the Constitution.

Any of the chambers of the Constitutional Court shall be responsible for declaring, without further appeal, the admissibility of the matter, provided that it verifies the existence of an action pending before the ordinary or special court, that the application of the legal precept challenged may be decisive in the resolution of the case and that the challenge is reasonably founded. The Court will accept the action if, in the specific circumstances of the case, there is a flaw of unconstitutionality that can be remedied by a declaration of inapplicability. Once the application has been accepted, the suspension of the proceedings in which the action of inapplicability on grounds of unconstitutionality has arisen shall be ordered. Once the suspension has been ordered, the judge of the pending proceedings, as well as the other parties, shall always have the power to be heard at any stage of the inapplicability proceedings in order to revoke the suspension.

The question may be raised before the Constitutional Court by either of the parties or by the judge hearing the case. In the event that the question is raised by the parties, the judge hearing the case may report on the decisive application of the legal precept, which in any case shall not prevent it from being admitted and admissible.

e) Resolve, by three quarters of its members in office, on the unconstitutionality of a legal precept declared inapplicable in accordance with the previous paragraph. There shall be a public action to request the Constitutional Court to declare the unconstitutionality, without prejudice to the Court's power to declare it ex officio. The Constitutional Court may only accept this action if all the possible applications of the precept in question are unconstitutional.

f) Resolving questions that arise on the constitutionality of a decree with force of law represented by the Office of the Comptroller General of the Republic in accordance with Article 76. The question may be raised by the President of the Republic within ten days of the representation. It may also be brought by either House or by one third of its members within thirty days of the publication of the decree having the force of law which is challenged as unconstitutional, notwithstanding the fact that it has been taken on record.

g) Resolving complaints in the event that the President of the Republic fails to promulgate a law when he should do so or promulgates a text other than that which constitutionally corresponds to it. The matter may be brought by either of the Houses or by a quarter of their members within thirty days of the publication of the contested text or within sixty days of the date on which the President of the Republic should have promulgated the law. If the Constitutional Court upholds the complaint, it shall enact the law that has not been enacted or shall rectify the incorrect enactment in its ruling.

h) To rule on the constitutionality of a decree or resolution of the President of the Republic that the Office of the Comptroller General of the Republic has represented as unconstitutional, when requested to do so by the President in accordance with Article 196, paragraph 4.

i) To rule on defects in the constitutionality of supreme decrees. The Constitutional Court may hear the matter at the request of either of the Houses, or of one third of the members in office. The petition must be filed within thirty days of the publication or notification of the contested text. Those persons affected by supreme decrees may assert their rights judicially through the corresponding constitutional and legal actions.

j) To rule on questions of constitutionality of agreed orders. The Constitutional Court may hear the matter at the request of the President of the Republic, of any of the Houses or of ten of its members. Likewise, the Constitutional Court may be petitioned by any person who is a party to a trial or proceeding pending before an ordinary or special court, or from the first action in criminal proceedings, when it is established, in the specific circumstances of the case, that the exercise of their fundamental rights has been affected by the provisions of the respective agreed order, which can only be remedied by a declaration of inapplicability of the provision being challenged.

k) To resolve questions of constitutionality arising in relation to the calling of a plebiscite, without prejudice to the powers of the Tribunal Calificador de Elecciones. The question may be brought at the request of the Senate or of the Chamber of Deputies within ten days of the date of publication of the decree setting the date of the plebiscite. The Constitutional Court shall establish in its ruling the definitive text of the plebiscite consultation, where this is appropriate. If, at the time of the ruling, less than thirty days remain before the plebiscite is to be held, the Constitutional Court shall set a new date in the ruling, between thirty and sixty days following the ruling.

~~l) To rule on the constitutionality of the referendum initiative under the terms of Article 48(2).~~[1]

m) To rule on constitutional or legal disqualifications affecting a person to be appointed Minister of State, to remain in that office or to simultaneously perform other functions. There shall be a public action to require the Constitutional Court to exercise this power.

n) Declare unconstitutional political parties, movements or other forms of organisation whose objectives, acts or conduct do not respect the basic principles of the democratic regime, as well as those that make use of, advocate or incite violence, carry out or claim to carry out terrorist acts or conduct. The Constitutional Court may make a conscientious assessment of the facts.

In the event that the criminal justice system determines in its sentence that the person convicted of one or more of the acts referred to in the previous paragraph belongs to an organisation that claims to have carried out such acts, it shall send the background to the Constitutional Court ex officio, so that it may declare the unconstitutionality of the group to which they belong, without any form of trial.

ñ) To resolve conflicts of competence that may arise between national, regional, provincial and communal authorities. The matter may be brought by any of the authorities in conflict.

o) To resolve conflicts of competence arising between the political or administrative authorities and the courts of justice, which do not fall within the competence of the Senate. The matter may be brought by any of the authorities or courts in conflict.

Article 174

[1] It is suggested that this paragraph be deleted as, although it was voted in favour in plenary, it refers to a rule in the Preliminary Draft (Article 48) that was previously deleted by the Political System Commission, a deletion that was ratified by the plenary of the Constitutional Council.

1. Decisions of the Constitutional Court shall be subject only to dissenting votes. No action or appeal may be brought against them, without prejudice to the right of the Constitutional Court itself, in accordance with its institutional law, to rectify any errors of fact which it may have committed.

2. Provisions declared unconstitutional by the Constitutional Court may not become law in the bill whose defects have not been amended in accordance with Article 173(a), or in a decree with the force of law, as the case may be.

3. In the case of subparagraph i) of article 173, the supreme decree challenged shall be null and void as of right, with the sole merit of the ruling of the Constitutional Court upholding the claim. However, the provision declared unconstitutional in accordance with the provisions of subparagraphs e), f) and j) of article 173 shall be deemed to have been repealed upon publication in the Official Gazette of the judgment upholding the claim, which shall not have retroactive effect. These judgements shall be published within three days of their pronouncement.

4. A judgment upholding or rejecting the inapplicability of a legal provision or of the provision of an order shall be binding on the court in whose administration it is to have effect and must be expressly stated in the grounds of its decision.

5. If the question of constitutionality is accepted in accordance with paragraph a) of Article 173, the Constitutional Court shall send the background to the National Congress so that it may rectify the defect within a period of sixty days, for which purpose a joint commission shall be formed to propose the form and manner of rectifying it in accordance with the procedure of paragraph 1 of Article 84. Once this period has elapsed without the defect having been rectified, the judgement shall be published in the Official Gazette, at which time the legal precept declared unconstitutional shall be deemed repealed.

6. The judgment upholding the action in accordance with paragraph e) of Article 173 shall be sent to the National Congress, which may, within a period of ninety days, re-legislate in order to remedy the defect of unconstitutionality declared. Once this period has elapsed, the judgement shall be published in the Official Gazette, at which time the legal provision declared unconstitutional shall be deemed to have been repealed. The amendment or replacement of the legal provision shall not prevent another question of unconstitutionality from being raised in respect of it.

7. For its better functioning, it may also request from any power, public body or authority, organisation and movement or political party, as the case may be, such background information as it deems appropriate, and they shall be obliged to provide it in a timely manner.

CHAPTER XI

NATIONAL SERVICE FOR ACCESS TO JUSTICE AND VICTIMS' ADVOCACY

Article 175

1. The National Service for Access to Justice and Victims' Advocacy is a body endowed with legal personality, functionally decentralised and territorially deconcentrated. It shall relate to the President of the Republic through the ministry responsible for relations with the judiciary.

2. The purpose of this service shall be to guarantee access to justice in accordance with the rights, guarantees of access to justice and equality before the law enshrined in this Constitution. In its operation, it shall endeavour to make persons aware of their rights and the means of exercising them, promoting the use of arbitration, mediation and other alternative means of conflict resolution.

3. This service shall have the following responsibilities:

a) To provide legal guidance, advice and representation to persons who require it.

b) To provide comprehensive psychological and social support to victims of crime.

c) Inform on matters of access to justice and defence of victims of crime, collaborating with the authorities that require it for this purpose.

(d) such others as may be determined by law.

4. The institutional law shall establish the conditions under which legal guidance, advice and representation shall be provided. The law shall also determine the cases in which its services shall be provided free of charge, in addition to determining the mechanisms of control and responsibility of the officials of this service.

Article 176

1. The senior management of the service shall be vested in a National Director. The law shall determine the manner of his or her appointment and other aspects relating to the organisation and operation of the service, as well as the scope of his or her powers and coordination with other bodies of the State Administration and public services.

2. There shall be a High Council which shall ensure the proper functioning of the service and advise the National Director on matters within its competence. The institutional law of the service shall determine its composition, form of appointment, organisation, functioning and powers. This council shall propose to the President of the Republic a National Plan for Access to Justice and, in general, public policies in this area.

3. The acts of the National Access to Justice Service shall be governed by the principles of probity, transparency, publicity, speed and accountability.

Article 177

1. There shall be a Victims' Ombudsman's Office as a decentralised body of the National Service for Access to Justice. Its purpose shall be to ensure that natural persons who are victims of crime have access to advice on how to deal with the consequences of such crimes. To this end, the Ombudsman's Office shall:

a) To provide guidance, advice and legal representation to victims of crime, especially in relation to the criminal prosecution of crimes and in the filing of actions aimed at obtaining reparation for the harm caused.

b) Provide guidance, counselling and psychological and social accompaniment.

c) Seek to provide specialised and comprehensive care, avoiding re-victimisation.

d) Develop plans, policies and programmes aimed at ensuring the timely and adequate exercise of the rights and guarantees of victims.

2. The Defensoría shall have a specialised unit in charge of the defence of victims of crimes investigated by the Supra-territorial Public Prosecutor's Office.

3. The institutional law regulating the National Service for Access to Justice shall determine the other competencies of the Office of the Ombudsman for Victims, as well as the conditions under which advice, guidance and representation shall be provided. It shall also determine the cases in which its services shall be provided free of charge.

CAPÍTULO XII

PUBLIC MINISTRY

Article 178

1. The Public Prosecutor's Office is an autonomous, hierarchical body, which shall exclusively direct the investigation of the facts constituting a crime, those that determine punishable participation, those that allow for aggravating or mitigating criminal liability and those that prove the innocence of the accused and, where appropriate, shall exercise public criminal prosecution in the manner provided for by law. It shall also be responsible for taking measures to protect victims and witnesses. In no case may it exercise jurisdictional functions, and in all its actions it must follow unrestricted adherence to the requirements of due process, the principle of objectivity and the fundamental guarantees of the accused, victims and witnesses.

2. The Public Prosecutor's Office, representing society, shall exercise public criminal prosecution in the manner provided by law and shall always act objectively and independently, free from any undue influence, respecting the public interest and with high standards of integrity.

3. The offended party and other persons determined by law may also bring criminal proceedings.

4. The Public Prosecutor's Office may issue direct orders to the Law Enforcement and Security Forces during the investigation. The requested authority shall comply with such orders without further formality and may not qualify their basis, timeliness, justice or legality, except by requiring the production of prior judicial authorisation, in cases where the law so provides. However, any action that deprives the accused or third parties of the exercise of the rights guaranteed by this Constitution, or restricts or disturbs them, shall require prior judicial approval.

5. The exercise of public criminal prosecution and the conduct of investigations into the facts that constitute the offence, those that determine punishable participation, those that aggravate or mitigate criminal responsibility and those that prove the innocence of the accused in cases brought before the military courts, as well as the adoption of measures to protect the victims and witnesses of such acts, shall be the responsibility, in accordance with the provisions of the Code of Military Justice and the respective laws, of the bodies and persons determined by that Code and those laws.

Article 179

1. The Public Prosecutor's Office will be organised into a National Prosecutor's Office which will direct its work through a Supra-territorial Prosecutor's Office, Regional Prosecutor's Offices and these through local Prosecutor's Offices.

2. There shall be an Inter-institutional Coordination Council and a General Council of the Public Prosecutor's Office.

Article 180

1. An institutional law shall determine the organisation and powers of the Public Prosecutor's Office and the grounds for the dismissal and removal of deputy prosecutors, where not provided for in the Constitution. Persons appointed as prosecutors may not have any impediment that would disqualify them from holding the office of judge.

2. The National Prosecutor, the Supra-territorial Prosecutor and the Regional Prosecutors shall cease to hold office after the end of their term of office.

3. Persons holding any of the positions referred to in the preceding paragraph and deputy prosecutors shall cease to hold office upon reaching the age of seventy-five years, upon conviction for a felony or misdemeanour, or on such other grounds as may be established by law.

4. The institutional law regulating the Public Prosecutor's Office shall establish the degree of independence, autonomy and the responsibility that prosecutors shall have in the exercise of their functions. The law shall consider the hierarchical structure of the Public Prosecutor's Office provided for in this Constitution.

Article 181

1. Active members of the Judiciary shall not be eligible to apply for the posts of National Prosecutor, Supra-territorial Prosecutor, Regional Prosecutors or Deputy Prosecutors.

2. Those who exercise any of the functions mentioned in the previous paragraph may not run for elected office within two years of the end of their term of office.

Article 182

1. The National Public Prosecutor is the highest authority of the Public Prosecutor's Office, to whom the supra-territorial public prosecutor, the regional public prosecutors and, through them, the deputy public prosecutors report directly and hierarchically. The National Public Prosecutor shall have directive, correctional and economic superintendence of the Public Prosecutor's Office, in accordance with the institutional law that regulates this body.

2. The National Public Prosecutor shall be appointed on the proposal of the President of the Republic, with the agreement of the Senate adopted by three fifths of its members in office, in a session specially convened for this purpose. The President shall make the proposal on the basis of a list drawn up by the Supreme Court, which shall be drawn up after public hearings on a list of ten candidates determined by a public competition system regulated by institutional law. If the Senate does not approve the proposal of the President of the Republic, the Supreme Court shall again complete the list by voting among the remaining candidates. If the President's proposal is again rejected by the Senate, the procedure shall be repeated successively. The list drawn up by the Supreme Court shall be formed in a single ballot in which each member of the full Supreme Court shall be entitled to vote for three persons, with the first five majorities being elected. In the event of a tie, it shall be decided by drawing lots.

3. In the event of the resignation of any of the candidates included in the list, the Supreme Court shall propose a new name to replace the resigned candidate from the list submitted through the public competition system determined by law.

4. The election process for the National Prosecutor shall begin ninety days before the office becomes vacant.

5. The National Public Prosecutor must have at least fifteen years of law degree, meet the experience and training requirements appropriate to the position, not have any of the incapacities, incompatibilities and prohibitions established in institutional law, and possess the other qualities necessary to be a citizen with the right to vote. He or she shall serve for a term of eight years and may not be reappointed to the post.

6. The National Public Prosecutor may order the temporary assignment of prosecutors and officials of the Public Prosecutor's Office to another position of equal or higher rank in the manner indicated by the respective institutional law.

Article 183

1. Within the structure of the National Public Prosecutor's Office there shall be an internal affairs unit responsible for the investigation of disciplinary offences and offences committed by prosecutors and officials of the Public Prosecutor's Office.

2. The institutional law shall regulate its organisation and functioning, as well as the status of its members, for the independent exercise of their functions.

Article 184

1. There shall be a Supra-territorial Public Prosecutor's Office, with national jurisdiction, which shall be responsible for exercising the functions and powers of the Public Prosecutor's Office in organised crime and highly complex offences. The organisation of the Supra-territorial Public Prosecutor's Office and the crimes it prosecutes shall be determined by the National Public Prosecutor, in accordance with institutional law, having previously heard the Inter-institutional Coordination Council.

2. In exercising its powers, the Supra-territorial Public Prosecutor's Office shall act in coordination with the regional public prosecutor's offices. Any jurisdictional disputes between the latter and the Supra-territorial Public Prosecutor's Office shall be resolved by the National Prosecutor.

3. It shall be headed by a Supra-territorial Prosecutor who shall serve for eight years and, once he or she has left office, may not be appointed for a new term, although he or she may be appointed to another position in the Public Prosecutor's Office.

4. The appointment and disqualifications of the Supra-territorial Prosecutor shall be governed by the rules established for regional prosecutors.

Article 185

1. There shall be a regional prosecutor in each of the regions into which the country is administratively divided, unless the population or geographical extension of the region makes it necessary to appoint more than one. The institutional law shall determine the organisation, functioning and detailed powers of the latter.

2. Regional prosecutors shall be appointed by the National Prosecutor, on the basis of a shortlist of three candidates drawn up by means of a public competition system regulated by institutional law.

3. Regional prosecutors shall have at least ten years of law degree, meet the requirements of experience and training appropriate to the position and possess the other qualities necessary to be a citizen with the right to vote; they shall serve for eight years and may not be reappointed as regional prosecutors, which does not preclude their appointment to another position in the Public Prosecutor's Office.

Article 186

1. There shall be deputy prosecutors who shall be appointed by the National Prosecutor, on the proposal of a shortlist of three candidates drawn up by the Supra-territorial Prosecutor or the Regional Prosecutor, as appropriate, which shall be drawn up following a public competition, in accordance with institutional law. They shall have held a law degree for at least five years and possess the other qualifications required to be a citizen with the right to vote.

2. Deputy prosecutors shall form local prosecutor's offices, through which the regional prosecutor's offices shall organise their work.

Article 187

1. There shall be an Inter-institutional Coordination Council chaired by the National Public Prosecutor, whose function shall be to collaborate with the Public Prosecutor's Office in coordinating the actions of the bodies involved in the investigation of acts constituting a crime.

2. It shall be composed of:

(a) The Minister in charge of public security or his or her designate.

(b) The Minister in charge of relations with the judiciary or his or her designate.

(c) The Minister in charge of promoting public policies related to women or his or her designate.

d) The General Director of Carabineros de Chile.

(e) The Director-General of the Investigative Police of Chile.

f) The National Director of Gendarmería de Chile.

(g) The Director of the Internal Revenue Service.

(h) A representative of the agency in charge of the maritime police function.

i) A representative of the body in charge of preventing the laundering of proceeds of organised crime.

3. The institutional law shall establish its functioning and the inter-institutional coordination mechanisms.

Article 188

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

Article 189

1. The National Prosecutor, the Supra-territorial Prosecutor and the regional prosecutors may only be removed by the Supreme Court, at the request of the President of the Republic, the Chamber of Deputies, or ten of its members, in the event of unjustified failure to perform the duties of their office, undue interference in the conduct of investigations, and incapacity or misconduct that is incompatible with the proper performance of their duties and obligations. The Supreme Court shall hear the matter in a plenary session specially convened for this purpose and, in order to agree on the removal, it shall require the affirmative vote of the majority of its members in office.

2. The removal of the Supra-territorial Prosecutor and the Regional Prosecutors may be requested by the National Prosecutor.

Article 190

The National Public Prosecutor, the Supra-territorial Public Prosecutor, the Regional Public Prosecutors and the Deputy Public Prosecutors may not be apprehended without a warrant from the competent court, except in the case of a flagrant felony or misdemeanour and only in order to immediately bring them before the court that must hear the case in accordance with the law.

CHAPTER XIII

ELECTORAL JUSTICE AND ELECTORAL SERVICE

Article 191

1. A special court, to be called the Tribunal Calificador de Elecciones, shall have the function of keeping a reliable record of the expression of the will of the people as manifested by suffrage in the elections, referendums and plebiscites established by this Constitution. It shall have the directive, correctional and economic superintendence of all the regional electoral tribunals, and shall ensure the timeliness and speed of electoral justice.

2. This court shall have the following powers:

a) To hear the general scrutiny and qualification of the elections of the President of the Republic, senators, deputies and regional governors.

b) To decide on complaints and requests for rectification arising from the elections of the President of the Republic, senators, deputies and regional governors.

c) To proclaim the President of the Republic, senators, deputies and regional governors who are elected, communicating the proclamation of the President of the Republic-elect to the President of the Senate and the President of the Chamber of Deputies and Deputies; the proclamation of the deputies and senators-elect to the President of the Senate and the President of the Chamber of Deputies and Deputies, respectively; and that of the regional governors-elect to the representative of the President of the Republic in the corresponding region and province, to the regional governor and to the respective Regional Council.

d) To rule on the disqualifications, incompatibilities and grounds for removal from office of parliamentarians in accordance with the provisions of Article 70 of this Constitution.

e) To qualify the inability invoked by deputies and senators to resign from office when they are affected by a serious illness that prevents them from holding office.

f) To hear and decide on the appeal against the final judgement issued by the supreme court of political parties, when it decides on the suspension and expulsion of a militant in accordance with article 45, paragraph 8 of this Constitution.

g) To hear and decide on the complaint against the resolution that determines the expulsion of a deputy or senator from a political party.

h) To hear and resolve complaints against the decision of the Supreme Court that qualifies the internal elections of political parties, in the cases and forms determined by law.

i) To declare the cessation of the office of regional governor, mayor, regional councillor and councillor at the request of the Board of Directors of the Electoral Service for the offence referred to in paragraph 2 of Article 155 of this Constitution.

j) To hear and qualify referendums and plebiscites, without prejudice to the powers of the Constitutional Court in this area.

k) Exercise such other powers as may be determined by law.

3. It shall consist of five members appointed as follows:

a) Four ministers of the Supreme Court, appointed by the latter, by drawing lots, in the manner and at the time determined by the respective institutional law.

b) A citizen who has held the office of President or Vice-President of the Chamber of Deputies or of the Senate for a period of not less than three hundred and sixty-five days, appointed by the Supreme Court in the manner indicated in paragraph a) above, from among all those who meet the aforementioned qualifications. The institutional law shall determine the corresponding remuneration for the exercise of this function.

4. The appointments referred to in subparagraph b) of the preceding paragraph may not be made by parliamentarians, candidates for elected office, ministers of state, or leaders of political parties.

5. In the event of the temporary absence of one of the members of the Tribunal Calificador de Elecciones, the position shall be filled by his or her respective deputy. If the absence falls on the incumbent, and he/she is a member of the Supreme Court, he/she shall be succeeded by another minister drawn by lot for this purpose. In the act of drawing lots for the appointment of the incumbent minister, the substitute minister shall also be appointed.

6. The term of office of the members of this Court shall be four years. However, they shall cease to hold office on reaching the age of seventy-five years and the provisions of Articles 68 and 69 of this Constitution shall apply to them.

7. The Tribunal Calificador de Elecciones shall sit as a jury in the assessment of the facts and shall rule in accordance with the law.

8. An institutional law shall regulate the organisation and functioning of the Tribunal Calificador de Elecciones.

Article 192

1. There shall be regional electoral tribunals responsible for the general scrutiny and assessment of the elections entrusted to them by law, as well as for deciding on any complaints that may arise and proclaiming the candidates elected. They shall also be responsible for the qualification of elections of a trade union nature and those taking place in such intermediate groups as may be specified by law. Their final rulings and other resolutions determined by law may be appealed before the Tribunal Calificador de Elecciones.

2. These tribunals shall be composed of a Minister and two members who hold or have held the office of substitute Minister of the respective Court of Appeal, appointed by the Court of Appeal by drawing lots, in the manner and at the time determined by institutional law.

3. The members of this court shall hold office for a term of six years. However, they shall cease to hold office on reaching the age of seventy-five years and shall be subject to such disqualifications and incompatibilities as may be determined by law.

4. These courts shall sit as a jury in the assessment of the facts and shall give judgment according to law.

5. The institutional law shall determine the other powers of these courts and shall regulate their organisation and operation.

Article 193

1. An autonomous body, with legal personality and its own assets, called the Electoral Service, shall be responsible for the administration, oversight and supervision of elections, referendums and plebiscites; compliance with the rules on transparency, limits and control of electoral spending; the rules on political parties, and other functions as established by an institutional law.

2. The top management of the Electoral Service shall be vested in a Board of Directors, which shall exercise exclusively the powers entrusted to it by the Constitution and the law. This Council shall be made up of five councillors appointed by the President of the Republic, following a resolution of the Senate adopted by three fifths of its members in office. The Councillors shall hold office for ten years, may not be appointed for a further term, and shall be renewed every two years.

3. Councillors may only be removed by the Supreme Court, at the request of the President of the Republic or of one third of the serving members of the Senate, for serious infringement of the Constitution or the laws, incapacity, misconduct or manifest negligence in the exercise of their functions. The Supreme Court shall hear the matter in a plenary session, specially convened for this purpose, and in order to decide on the removal, it must obtain the affirmative vote of the majority of its members in office.

4. The organisation and powers of the Electoral Service shall be established by an institutional law. This law shall regulate:

a) The administration of the general register of members of political parties and the supervision of their internal elections in the cases and forms determined by law.

b) The registration by the Electoral Service of citizens' bills, together with the provision of a system for their sponsorship and their respective referral to the National Congress.

c) The request by the Board of Directors of the Electoral Service to remove Senators and Deputies from office for the offence referred to in Articles 70(7) and 155(2) of this Constitution.

(d) their form of deconcentration, the establishment plan, remuneration and staff regulations laid down by institutional law.

5. The electoral law shall provide for the electoral registration system referred to in Article 41(2) of this Constitution, under the conditions indicated therein. The processing of electoral data shall be regulated by law.

6. Resolutions, rulings and final administrative acts of the Electoral Service that affect the rights of voters, candidates or political parties may be challenged before the electoral justice system, in accordance with the law.

CHAPTER XIV

COMPTROLLER GENERAL OF THE REPUBLIC

Article 194

1. An autonomous body, called the Office of the Comptroller General of the Republic, shall exercise control over the legality of the acts of the State Administration and of regional and local administration, as well as over probity in the exercise of the administrative function.

2. The functions of the Office of the Comptroller General of the Republic are as follows:

a) To control the legality of the acts of the Administration, being able to take account of decrees and resolutions, and to issue opinions.

b) To audit and audit the legality of the income, expenditure and investment of public funds, of the State, regional and local administration, and of the other public bodies and services determined by law.

Where appropriate, the Comptroller may audit private parties only with respect to the receipt of public funds for a specific purpose, and for the sole purpose of determining whether that purpose has been fulfilled.

c) Reporting on financial management and issuing the accounting regulations of the administration.

(d) to examine and make observations on the accounts, in accordance with the law.

3. The Office of the Comptroller General of the Republic shall exercise its powers in each of the regions of the country, in accordance with the provisions of the institutional law. The main function of the regional comptrollers' offices is the control of the regional and local administration of the state.

4. The acts of the Office of the Comptroller General of the Republic shall be governed by the principles of probity, transparency, publicity, speed and accountability. The Comptroller General shall render an annual account to the National Congress in the manner determined by law.

5. An institutional law shall regulate its organisation, functioning and other competences and shall determine its powers at regional and local level, in accordance with the provisions of this Chapter.

Article 195

1. The Office of the Comptroller General shall be headed by a Comptroller General of the Republic. He shall be appointed by the President of the Republic with the agreement of the Senate adopted by three fifths of its members in office. He shall hold office for a term of eight years, shall not be eligible for reappointment and shall be irremovable. However, he shall cease to hold office on reaching the age of seventy-five. The appointment process must be initiated ninety days before the incumbent leaves office.

2. The Comptroller General shall have at least fifteen years of law degree and shall have recognised and proven professional or academic competence and suitability in the field of his or her functions, as well as possessing the other qualifications required to be a citizen with the right to vote.

Article 196

1. The Comptroller General shall take cognizance of the decrees and resolutions which, in accordance with the law and by a resolution issued by him, must be processed by the Office of the Comptroller General of the Republic or shall represent the illegality of any such decrees or resolutions.

2. The Comptroller General shall act on decrees and resolutions when, despite his representation of illegality, the President of the Republic insists on the signature of all his ministers, in which case he shall send a complete copy of the respective decrees to the Chamber of Deputies. In no case shall the President of the Republic proceed with expenditure decrees that exceed the limit indicated in the Constitution, and he shall send a full copy of the background to the same Chamber.

3. It shall also be responsible for taking account of decrees with the force of law, and shall represent them when they exceed or contravene the respective delegating law or are contrary to the Constitution.

4. If the representation is made in respect of a decree having the force of law, a decree promulgating a law or a constitutional reform for departing from the approved text, or a decree or resolution for being contrary to the Constitution, the President of the Republic shall not have the power to insist. If he is not satisfied with the representation of the Office of the Comptroller General of the Republic, he may refer the matter to the Constitutional Court within a period of ten days, so that it may settle the dispute.

5. No decree or resolution approving disbursements or in any way pecuniarily committing the responsibility of the State shall be taken into account if the expenditure is not authorised by the Budget Law or by special laws.

6. The Comptroller General shall interpret administrative legislation on matters relating to the functioning of the administrative bodies and public services subject to his or her control in a manner that is mandatory and binding on the administration. The law shall ensure that the procedure for issuing opinions is transparent, guaranteeing the due involvement of interested parties.

7. All acts of the Office of the Comptroller shall be subject to legal challenge through constitutional and legal actions.

8. In the exercise of its powers, the Office of the Comptroller General of the Republic may not pronounce on the merits or advisability of the decisions of the subjects subject to its control, nor may it pronounce on matters brought before the courts of justice.

9. The acts of regional and local governments with general effects, and those which entail public expenditure, shall be subject to the taking of evidence, in accordance with the law.

10. The Comptroller's Office, within the scope of its competence, shall establish the criteria for action by the internal control bodies of the municipalities.

Article 197

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

Article 198

No payment may be made by the State Treasury except by virtue of a decree or resolution issued by the competent authority, specifying the law or the part of the budget authorising the expenditure. Payments shall also be made in accordance with the chronological order established therein and after budgetary countersignature of the document ordering the payment.

CHAPTER XV

CENTRAL BANK

Article 199

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

Article 200

1. The purpose of the Central Bank shall be to ensure the stability of the currency and the normal functioning of internal and external payments.

2. For these purposes, the Central Bank may regulate the quantity of money and credit in circulation, carry out credit and international exchange operations and issue general rules on monetary, credit, financial and international exchange matters.

Article 201

1. The Central Bank may only enter into transactions with financial institutions, whether public or private. It may in no way grant them its guarantee, nor may it acquire documents issued by the State, its agencies or enterprises.

2. No public expenditure or loans may be financed by direct or indirect credits from the Central Bank.

3. The Central Bank may not adopt any agreement that directly or indirectly means establishing different or discriminatory rules or requirements in relation to persons, institutions or entities carrying out operations of the same nature.

Article 202

1. The senior management and administration of the Bank shall be vested in the Council of the Central Bank, which shall exercise the powers and perform the functions laid down in the Constitution and its institutional law.

2. In taking its decisions, the Council shall have regard to the broad economic policy guidelines of the Government.

Article 203

1. The Council shall be made up of five councillors, appointed by the President of the Republic, by means of a supreme decree issued through the Ministry of Finance, following a resolution of the Senate adopted by three-fifths of its members in office.

2. The members of the Council shall hold office for a term of ten years and may be appointed for further terms, and shall be renewed by halves, one every two years.

3. The Chairman of the Board, who shall also be Chairman of the Bank, shall be appointed by the President of the Republic from among the members of the Board and shall hold office for a term of five years or such shorter period as remains to him/her as a director, and may be appointed for further terms.

Article 204

1. The President of the Republic may remove the director acting as Chairman of the Board and of the Bank, at the substantiated request of at least three of its members, on the grounds of non-compliance with the policies adopted or the rules laid down by the Board.

2. Upon receipt of the request, the President of the Republic may accept or reject it. If he accepts it, he shall require the prior consent of three fifths of the members of the Senate in office in order to proceed with the removal of the President of the Republic.

Article 205

1. The President of the Republic may remove any or all of the members of the Council for just cause and with the prior consent of the Senate, granted by three fifths of its members in office.

2. Removal may only be based on actions of the director that imply a serious and manifest breach of the objectives of the institution, of public probity, or that have incurred in any of the prohibitions or incompatibilities established in the Constitution or in the institutional law, and provided that such actions have been the main and direct cause of significant damage to the country's economy.

Article 206

1. The Central Bank is governed by the principle of transparency in the exercise of its public function, in accordance with the provisions of its institutional law.

2. The Central Bank shall render an annual account to the President of the Republic and to the National Congress in the manner determined by law. It shall also adopt rules of transparency and report periodically on the implementation of the policies for which it is responsible, the general measures and rules it adopts in the exercise of its functions and powers, and such other matters as may be requested of it, in accordance with the law.

CAPÍTULO XVI

ENVIRONMENTAL PROTECTION, SUSTAINABILITY AND DEVELOPMENT

Article 207

Environmental protection, sustainability and development are oriented towards the full exercise of people's rights, as well as the care of nature and its biodiversity, taking into account current and future generations.

Article 208

1. It is the duty of the state and the people to protect the environment and promote sustainability.

2. The protection of the environment includes the conservation of the environmental heritage and the preservation of nature and its biodiversity, in accordance with the law.

3. Sustainability assumes that economic development requires the sustained and equitable improvement of people's quality of life, based on appropriate environmental conservation and protection measures, so as not to compromise the expectations of future generations.

4. In these tasks, the State shall promote public-private partnerships.

Article 209

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

Article 210

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

Article 211

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

Article 212

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

Article 213

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

Article 214

1. The State shall have administrative and jurisdictional institutions in environmental matters, which shall be of a technical nature, as appropriate, and established by law. Their actions shall be objective and timely and their decisions shall be well founded.

2. Environmental assessment procedures shall be technical and participatory in nature, shall employ uniform criteria, requirements, procedures and conditions, and shall result in timely and challengeable decisions in accordance with the law.

CHAPTER XVII

CONSTITUTIONAL CHANGE PROCEDURES

Article 215

1. Draft amendments to the Constitution may be initiated by a message from the President of the Republic or by a motion from any of the members of the National Congress, with the maximum limit of signatures established in Article 77.

2. The reform bill shall require the assent of three-fifths of the Deputies and Senators in office in each House in order to be approved.

3. In matters not provided for in this Chapter, the rules on the formation of the law shall be applicable to the processing of constitutional reform projects, and the *quorum* indicated in the previous paragraph shall always be respected.

Article 216

1. The draft approved by both Houses shall be submitted to the President of the Republic.

2. If the President of the Republic totally rejects a reform bill approved by both Houses and the Houses insist on its totality by three fifths of the members in office in each House, the President of the Republic shall promulgate the said bill, unless he consults the citizens by means of a referendum.

3. If the President of the Republic partially observes a reform bill approved by both Houses, the observations shall be deemed to have been approved by the affirmative vote of three fifths of the members in office in each House, and it shall be returned to the President of the Republic for promulgation.

4. In the event of the Houses not approving all or some of the observations of the President of the Republic, there shall be no constitutional reform on the points of disagreement, unless both Houses insist by two-thirds of their members in office on the part of the draft approved by them. In the latter case, the part of the draft which has been insisted upon shall be returned to the President of the Republic for promulgation, unless the President consults the citizens for their opinion by means of a referendum on the points of disagreement.

5. The referendum shall also be admissible when, without having reached the *quorum of* the insistence referred to in the previous subsection, the Houses that are formed after the following Parliamentary election insist with three fifths of the Deputies and Senators in office and the President of the Republic decides not to promulgate the part of the bill that has been the object of the insistence.

6. The institutional law relating to the National Congress shall otherwise regulate the vetoes of draft reforms and their processing.

Article 217

1. The referendum shall be called within thirty days following the day on which both Houses insist on the draft approved by them, and shall be ordered by supreme decree fixing the date of the vote, which shall be held one hundred and twenty days after the publication of the said decree if that day falls on a Sunday. If this is not the case, it shall be held on the Sunday immediately following. Once this period has elapsed without the President of the Republic calling a referendum, the bill approved by the National Congress shall be promulgated.

2. The decree of convocation shall contain, as appropriate, the draft approved by both Houses and totally vetoed by the President of the Republic, or the questions of the draft on which Congress has insisted, as provided for in paragraphs 4 and 5 of the preceding article. In the latter case, each of the issues in disagreement shall be voted on separately in the referendum.

3. The Tribunal Calificador de Elecciones shall communicate the result of the referendum to the President of the Republic and shall specify the text of the project approved by the citizens, which shall be promulgated as a constitutional reform within five days of such communication.

4. Once the draft has been promulgated and from the date of its entry into force, its provisions shall form part of the Constitution and shall be deemed to be incorporated therein.

Constitutional replacement procedure

Article 218

1. A procedure to replace the Constitution may only be initiated on the proposal of the President of the Republic and with the agreement of two-thirds of the members in office of the Chamber of Deputies and Deputies and of the Senate.

2. Such an agreement may only be approved if it also contains the following essential matters:

a) The institutional and fundamental bases to be contained in the proposal for a new Constitution.

b) The manner of election of a technical commission, which will draw up a draft proposal for a new Constitution, the basic rules and maximum timeframe for its operation and the mechanisms for citizen participation to be considered in the process.

(c) the procedure to be followed by the technical commission in drawing up the preliminary draft and the *quorum* required for the adoption of its rules, which may in no case be less than three fifths of its members.

3. The agreement may not be adopted in the year of the presidential election or in time of war.

4. The preliminary draft prepared by the technical commission referred to in paragraph 2 of this Article shall be submitted to the Chamber of Deputies and Deputies and then to the Senate, which shall submit it, as appropriate, to the procedures of a bill. The rules of the preliminary draft must be approved by two-thirds of the members in office in each Chamber.

5. In the event that the Chamber of Deputies and Deputies and the Senate approve the proposal, the bill thus dispatched shall not be enacted and shall await the next renewal of the Chamber of Deputies and Deputies. At the first session held by the Chamber of Deputies and the Senate, they shall each deliberate and vote on the text that has been approved, without being subject to any modification whatsoever. Only if it is ratified by two-thirds of the members in office of each branch of the new Congress shall it be communicated to the President of the Republic, who shall call a national constitutional plebiscite within three days of such communication, by means of an exempt supreme decree, in order that the electorate may express its opinion on the proposal.

6. Constitutional amendments modifying this article must be approved by two thirds of the deputies and senators in office.

Article 219

The referendums referred to in this Constitution shall be subject to the rules on plebiscites laid down by law.

TRANSITIONAL ARRANGEMENTS

First

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

Second

1. All legislation in force at the date of publication of this Constitution shall remain in force until it is repealed, amended or replaced, or until it is declared contrary to the Constitution by the Constitutional Court, in appropriate cases and in accordance with the provisions of this Constitution.

2. Constitutional organic laws which are in force on the date on which this Constitution comes into force shall remain in that capacity under the denomination of institutional laws, unless they are expressly amended, replaced or repealed.

Third

Persons who have served as members of the Constitutional Council, the Expert Commission or the Technical Committee on Admissibility, in accordance with constitutional reform law No. 21.533, may not be candidates in the next elections for President of the Republic, deputy, senator, regional governor, regional councillor, mayor and councillor. Likewise, they may not be candidates for any other popularly elected office in the first election corresponding to each office created by virtue of this Constitution.

Fourth

The President of the Republic shall submit, within one year of the entry into force of this Constitution, a draft law to adapt Law No. 18.314, which determines terrorist conduct and establishes its penalties, to the standards of human rights and effectiveness in criminal prosecution set by this law.

Quinta

The body referred to in paragraph 15 of Article 16 is the one regulated by Law No. 20.285, on access to public information, which, for these purposes, is understood to meet the requirement of having been approved by an institutional law.

Sixth

The President of the Republic shall, within a period of five years from the entry into force of this Constitution, submit a draft law to regulate the matter contained in section 16, subsection 17 thereof. Until such time as said law enters into force, the complaint shall be heard by the respective Court of Appeal, in accordance with the agreed order to be issued for that purpose.

Seventh

The law regulating the health plan referred to in Article 16 (22) (c) shall enter into force on the first day of the fourth year after the entry into force of this Constitution.

Eighth

By virtue of the provisions of article 16, paragraph 23 (d) of this Constitution, the compulsory second level of transition and the duty of the State to finance a free system starting at the lower secondary level, aimed at ensuring access to this and its higher levels, shall enter into force gradually, in the manner established by law.

Ninth

Large copper mining and the companies considered as such, nationalised by virtue of the provisions of the seventeenth transitory provision of the Political Constitution of 1925, ratified by the third transitory provision of the Political Constitution of 1980, whose consolidated, coordinated and systematised text was established by Supreme Decree No. 100 of 2005, shall continue to be governed by the constitutional rules in force on the date of promulgation of this Constitution.

Tenth

Water development rights established, recognised or regularised in accordance with the law shall be governed by the legal provisions in force at the time of the promulgation of this Constitution.

Eleventh

Notwithstanding the provisions of article 16, paragraph 28, and the second transitional provision of this Constitution, the rules currently in force on pension matters shall be deemed to be in conformity with the Constitution and shall continue to apply until they are expressly amended or repealed by law.

Twelfth

1. The tax exemption provided for in article 16, paragraph 29, subparagraph c), shall enter into force in its entirety on the first day of the sixth year after the entry into force of this Constitution. Within this period, the President of the Republic may send a bill to the National Congress to regulate its gradual implementation.

2. Likewise, within the aforementioned period, the President of the Republic shall send a bill to the National Congress establishing mechanisms to compensate for the reduction in municipal revenues generated as a result of the guarantee described in the preceding paragraph. Notwithstanding the aforementioned exemption, properties subject to the surcharge of article 7 bis of Law No. 17,235 on Land Tax, the consolidated, coordinated, systematised and updated text of which was established by Decree with the force of law No. 1 of 1998 of the Ministry of Finance, shall continue to pay the contributions or land tax, in addition to the aforementioned surcharge. In these cases, the law may establish exceptions according to the economic capacity of the taxpayers.

Thirteenth

1. Within twenty-four months of the entry into force of this Constitution, the President of the Republic shall send a draft law to the National Congress to create the procedures to give effect to the rights of the owner of the domain described in Article 16(31)(e) and Article 16(35)(d).

2. Until such time as the law referred to in the preceding paragraph enters into force, the hearing and resolution of these matters shall be subject to the ordinary courts of justice and shall be processed in

accordance with the ordinary procedure provided for in the current Second Book of the Code of Civil Procedure.

Fourteenth

The President of the Republic shall, within five years of the entry into force of this Constitution, submit a draft law to establish the cases and procedure for the revocation of the nationalisation granted by grace provided for in Article 18(1)(d).

Fifteenth

The President of the Republic shall, within a period of two years from the entry into force of this Constitution, submit one or more bills to regulate the procedures for the action for protection and the action for amparo. Until such time as the legislation regulating them enters into force, the orders issued by the Supreme Court for this purpose shall apply.

Sixteenth

The President of the Republic shall, within a period of eighteen months from the entry into force of this Constitution, submit a draft institutional law amending Law No. 18.415, the constitutional law on states of emergency. Until such time as the corresponding legal body is passed, the current regulations shall continue to apply, insofar as they are not contrary to the Constitution.

Seventeenth

Until such time as the legal provisions relating to political parties and the Election Qualifying Tribunal are adapted to the new constitutional regime, the procedure for the processing of appeals against decisions of the supreme courts of the political parties shall be regulated by one or more decrees issued by the Election Qualifying Tribunal, which shall ensure, in any case, a rational and fair process.

Eighteenth

1. As long as the grounds established in number 2 of article 56 of Decree with force of law No. 4 of 2017, of the Ministry General Secretariat of the Presidency, which establishes the consolidated, coordinated and systematised text of Law No. 18,603, Constitutional Organic Law on Political Parties, is not amended, it shall not be applied, it being understood that political parties shall also be dissolved for not reaching two point five per cent of the validly issued suffrages in the last election of deputies. The Tribunal Calificador de Elecciones shall communicate the scrutiny to the Electoral Service, which shall determine compliance with the minimum required. The aforementioned scrutiny shall be declaratory in nature.

2. For the purposes of the foregoing, the provisions of the second paragraph of Article 56 and the second paragraph of Article 57 of the aforementioned body of law shall be applicable.

Nineteenth

1. The provisions on penalties for non-payment and the procedure for their application, provided for in Laws Nos. 21.200, 21.448 and 21.533, shall remain in force.

2. Until such time as there is no law in accordance with Article 40, the provisions of Law No. 21.533 referring to the matters referred to in the preceding paragraph shall be understood to be applicable.

Twentieth

1. From the entry into force of this Constitution until the elections of Deputies to be held in 2025, the formation of new political parties shall require the affiliation of a number of citizens with the right to vote equivalent to at least zero point three per cent of the electorate that voted in the last election of Deputies in each of the regions where it is being formed. After the aforementioned election in the year 2025, the affiliation of a number of citizens with the right to vote equivalent to at least zero point eighteen percent of the electorate that voted in the election of deputies in each of the regions where it is being constituted shall be required. The calculation of the percentages indicated shall be made according to the general scrutiny carried out by the Tribunal Calificador de Elecciones.

2. The number of members to be gathered in accordance with the provisions of the previous paragraph must be in eight of the regions into which the country is divided politically and administratively or in a minimum of three geographically contiguous regions. Once this has been done, the Director of the Electoral Service shall be requested to proceed to register the party in the register of political parties.

Twenty-first

Within one year of the entry into force of this Constitution, the National Congress shall create a repository of information generated through the mechanisms of popular participation to guide parliamentary debate.

Twenty-second

Within one year of the entry into force of this Constitution, a bill to create the parliamentary advisory office referred to in article 65 shall be submitted to the National Congress by means of a message or motion.

Twenty-third

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

Twenty-fourth

1. Exceptionally, in order to gain access to parliamentary representation in the Chamber of Deputies and Deputies in the first election held since the entry into force of this Constitution, political parties must obtain at least four percent of the votes validly cast at the national level or have enough seats to add at least four parliamentarians in the National Congress, among those eventually elected in that parliamentary election and the senators who continue in office until the next election.

2. Alternatively, two or more political parties competing on the same list or electoral pact which, individually, have not reached the threshold stipulated in Article 57(4), may merge to gain access to

the allocation of seats in the Chamber of Deputies if the sum of the votes validly cast at national level by each of the political parties concerned is sufficient to reach the percentage required in the aforementioned Article 57.

3. Political parties which, having contested on the same list or electoral pact, have not individually reached the threshold referred to in article 57, may also be eligible for the allocation of seats referred to above, provided that they merge with the political party on the same list or electoral pact that has reached the threshold.

4. In any event, the provisions of the preceding paragraphs shall apply only to the first election of Deputies following the entry into force of this Constitution. The merger referred to in the preceding subparagraphs shall in any event take place within fifteen days of the date of the election of the aforementioned election of Deputies.

Twenty-fifth

As of the entry into force of this Constitution and to be effective in the election of deputies in the year 2025 and in successive elections of the same nature, the reimbursement of public resources, once the electoral process has been completed and the accounts referred to by law have been rendered, shall proceed only if such political parties have obtained at least one percent of the votes validly cast, to candidates belonging to legally constituted political parties and independent candidates in pacts or sub-pacts with them, shall only proceed if such political parties have obtained at least one per cent of the votes validly cast at the national level in the respective election of deputies, and insofar as the other corresponding legal demands, limits and requirements are met.

Twenty-sixth

1. Within eighteen months of the entry into force of the Constitution, the Board of Directors of the Electoral Service shall draw up a proposal for the demarcation of districts on the basis of criteria of population density, equality of the vote, and respect for the political and administrative division of the country into communes, provinces and regions, which may not be divided or altered by dividing or demarcating districts.

2. The proposal of the Electoral Service shall be submitted to the National Congress for consideration by means of a bill, which shall be processed by a bicameral commission and concluded by the legislature beginning on 11 March 2026. If, at the end of eighteen months from the beginning of the said legislature, the Electoral Service's proposal for district demarcation is not passed by the National Congress, the original proposal of the Electoral Service's Board of Directors shall apply for the election of deputies in 2029 and thereafter for elections of the same nature.

Twenty-seventh

The proposal for the demarcation of districts to be made by the Board of Directors of the Electoral Service referred to in the previous transitional provision shall take into account that the Chamber of Deputies shall be composed of a total of 138 deputies.

Twenty-eighth

From the entry into force of this Constitution, independent candidacies for deputies or senators outside the pact shall require the sponsorship of a number of citizens equal to or greater than one per cent of those who voted in the electoral district or senatorial constituency, depending on whether they are candidacies for deputies or senators, respectively, in the previous periodic election of deputies according to the general scrutiny carried out by the Tribunal Calificador de Elecciones (Electoral Qualifying Tribunal).

Twenty-ninth

Amendments to the rules of procedure of the Chamber of Deputies and the Senate, which are necessary to comply with the provisions of this Constitution, shall be made within one year of the publication of this Constitution.

Thirtieth

1. The law on the new public employment regime provided for in article 111 of this Constitution shall be submitted to the National Congress within a maximum period of two years from the entry into force of this Constitution. This law shall be applicable to new appointments and promotions of civil servants referred to therein and made in the State Administration.

2. In any case, the law shall safeguard the rights of civil servants who, on the date of its entry into force, are on the payroll, without prejudice to establishing that such civil servants may voluntarily join the new public employment regime, in which case such civil servants shall be governed by the rules of the latter, and providing that vacancies occurring in such positions after the entry into force of the said law shall be filled in accordance with the rules of the new public employment regime.

3. The law shall also regulate the transition to the new public employment regime for public servants who, on the date of its entry into force, are subject to the current contract regime, as well as for those subject to the fee contract regime, in accordance with this Constitution.

Thirty-first

Until such time as the law referred to in Article 126(2) is enacted, the relevant regulatory provisions shall continue to apply.

Thirty-second

Within a period of five years following the entry into force of this Constitution, the President of the Republic shall submit a bill creating a Border Police which shall be responsible for the control, patrolling and safeguarding of the national land borders in the manner determined by institutional law. Said police shall coordinate with the public bodies related to border control for its objectives, without prejudice to the powers of the Air Force and the Maritime Authority, with respect to the air and maritime border.

Thirty-third

Until Law No. 19.175, Constitutional Organic Law on Regional Government and Administration, whose consolidated, coordinated and systematised text was established by Decree with force of law No. 1-19.175 of 2005 of the Ministry of the Interior, is adapted to the new constitutional regime, it shall be understood that the representatives of the President of the Republic in the various regions and provinces established in Article 147 are respectively the authorities of Chapters I and II of Title I of the aforementioned Decree with force of law.

Thirty-fourth

Within two years of the entry into force of this Constitution, the President of the Republic shall submit draft laws regulating the special statutes for the government and administration of Rapa Nui and the Juan Fernández Archipelago. Prior to the introduction of the first of these, a process of indigenous participation and consultation with the Rapa Nui people shall be carried out, in accordance with the legal framework in force.

Thirty-fifth

The draft institutional law regulating the body referred to in Article 164 shall be submitted by the President of the Republic to the National Congress within eighteen months of the publication of the Constitution. Pending the entry into force of this law, these appointments shall be made in accordance with the regulations in force.

Thirty-sixth

The draft institutional law regulating the body referred to in Article 165 shall be submitted by the President of the Republic to the National Congress within twelve months of the publication of the Constitution. Pending the entry into force of this law, these functions shall be exercised by the Administrative Corporation of the Judiciary, in accordance with Title XIV of Law No. 7.421, which establishes the Organic Code of the Courts.

Thirty-seventh

The draft institutional law referred to in Article 166 shall be submitted by the President of the Republic to the National Congress within twelve months of the publication of the Constitution. Pending the entry into force of this law, these functions shall be exercised in accordance with the regulations in force.

Thirty-eighth

The draft institutional law regulating the body referred to in Article 167 shall be submitted by the President of the Republic to the National Congress within twelve months of the publication of the Constitution. Pending the entry into force of this law, these functions shall be exercised by the Judicial Academy, regulated by law No. 19.346.

Thirty-ninth

The draft law regulating the form and timing of the composition of the High Courts of Justice by substitute judges shall be submitted by the President of the Republic to the National Congress within twelve months of the publication of the Constitution. Until such time as this law enters into force, the composition of these courts shall be made up of lawyers, in accordance with the regulations in force. Similarly, until such time as the law referred to in paragraph 5 of article 166 enters into force, judicial prosecutors may exercise jurisdictional functions and sit on these tribunals.

Fortieth

The draft law regulating the administrative litigation process referred to in paragraph 3 of Article 159 shall be submitted by the President of the Republic to the National Congress within twelve months of the publication of the Constitution.

Forty-first

The disciplinary system established in Article 166 shall only apply to proceedings the commencement of which takes place after the entry into force of the law referred to in that provision.

Forty-second

Until the law establishing the procedure to be followed for the public competition system referred to in Articles 164 and 165 is enacted, it shall be conducted by the High Public Management Council in accordance with the provisions of Title VI of Law No. 19.882.

Forty-third

The rule relating to the term of office of Supreme Court justices contained in article 158, paragraph f), shall not apply to those who are in office at the date of the entry into force of this Constitution.

Forty-fourth

Upon the entry into force of this Constitution, the members of the Constitutional Court who are regularly invested in their functions shall remain in office for the term of office remaining to them in accordance with the second and third paragraphs of article 92 of Supreme Decree No. 100, which establishes the consolidated, coordinated and systematised text of the Political Constitution of the Republic of Chile. Should any of them leave office early, they shall be replaced in accordance with the procedure established in this Constitution and their term of office shall last for the remainder of their predecessor's term, and they may be re-elected. The same rule shall apply to substitute ministers.

2. For the first composition of the Constitutional Court, in accordance with Article 170, the following rules shall apply:

(a) In January 2024, the two members who will leave office shall be replaced. One shall serve for nine years and the other for ten years, as determined by a drawing of lots by the Senate. In September of the same year, the member who leaves office in that month shall be replaced and another member shall be appointed, in both cases as provided for in Article 170. These members shall serve for eleven and twelve years respectively, as determined by the drawing of lots by the Senate.

(b) In 2027, the two members who will leave office shall be replaced. One of them shall serve for ten years, as determined by a drawing of lots by the Senate.

(c) In 2030, the member who ceases to hold office in accordance with Article 170 shall be replaced. The new minister shall serve for nine years.

(d) In 2031, the two retiring members shall be replaced. One shall serve for nine years and the other for ten years, as determined by a drawing of lots by the Senate.

(e) In 2032, the two retiring members shall be replaced. One of them shall serve for ten years, as determined by a drawing of lots by the Senate.

3. The Constitutional Court may never have more than eleven members.

Forty-fifth

Proceedings currently before the Constitutional Court shall continue to be processed until they are fully disposed of, in accordance with the regulations established in Chapter VIII of Supreme Decree No. 100, which establishes the consolidated, coordinated and systematised text of the Political Constitution of the Republic of Chile and Decree with force of law No. 5, of 2010, of the Ministry General Secretariat of the Presidency, which establishes the consolidated, coordinated and systematised text of Law No. 17.997, Constitutional Organic Law of the Constitutional Court. The aforementioned law shall remain in force, with regard to the organisation, functioning, procedures and personnel regime of the Constitutional Court, until the entry into force of its institutional law, in all that is not incompatible with the provisions of this Constitution.

Forty-sixth

Where the Constitution or the law requires a proportional share of the members or votes of a body to enable it to exercise its functions or powers, to take decisions or to pass resolutions, and the solution of the fraction results in a decimal part, the following rule shall apply:

(a) When the decimal part is less than zero point five, it shall be taken to be the next lower whole number; and

b) When the decimal part is equal to or greater than zero point five, it shall be understood as corresponding to the next higher whole number.

Forty-seventh

Within one year of the entry into force of this Constitution, the President of the Republic shall send to the National Congress a bill to create the National Service for Access to Justice and Victims' Advocacy, bringing together in this single service all state programmes that incorporate legal advice and advocacy for victims, as well as psychological and social support.

Forty-eighth

1. Within one year of the entry into force of this Constitution, the President of the Republic shall send the National Congress a bill to adapt Law No. 19.640, which establishes the constitutional organic law of the Public Prosecutor's Office, to the provisions of this text, considering the implementation of the Supra-territorial Public Prosecutor's Office and the Inter-institutional Coordination Council.

2. The constitutional regulations on the Public Prosecutor's Office, those specific to its respective institutional law and those that modify the Code of Criminal Procedure or the Organic Code of Courts, for the implementation of the Supra-territorial Public Prosecutor's Office, shall apply exclusively to facts whose execution begins after the entry into force of such provisions.

Forty-ninth

Until the National Congress passes the law regulating the procedure to be followed for the public competition system indicated in subsection 2 of Article 182 and subsection 2 of Article 185, this shall be carried out by the High Public Management Council in accordance with the procedure indicated in Title VI of Law No. 19.882. For its part, the procedure to be followed for the public competition system indicated in section 1 of article 186, subsection 1, shall be governed by the regulations in force on the entry into force of this Constitution.

Fiftieth

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

Fifty-first

Within one year of the entry into force of this Constitution, the President of the Republic shall send the National Congress a bill to adapt Law Nº19.640, which establishes the constitutional organic law of the Public Prosecutor's Office, considering the temporary assignment of the officials referred to in Article 182(6) of this Constitution.

Fifty-second

The persons currently serving as members of the Board of Directors of the Electoral Service, the Election Qualifying Tribunal and the regional electoral tribunals shall continue in their functions in accordance with articles 94 bis, 95 and 96 of Supreme Decree No. 100, which establishes the consolidated, coordinated and systematised text of the Political Constitution of the Republic of Chile, and shall leave their posts at the end of the period for which they were appointed.

Fifty-third

1. As soon as this Constitution comes into force, the President of the Republic shall send to the National Congress a bill to adapt Law No. 18,460, the constitutional organisation law of the Election Qualifying Tribunal. Until this comes into force, the member of the Election Qualifying Tribunal appointed in accordance with article 191, paragraph 3, subparagraph b), shall receive a remuneration equivalent to ten tax units per month for each session held, with a ceiling of eighty tax units per month during the month.

2. Likewise, as soon as this Political Constitution comes into force, the President of the Republic shall send to the National Congress a bill to adapt Law No. 18,593, the constitutional organisation of the Regional Electoral Courts. Pending the entry into force of this law, the two members of the regional electoral tribunals appointed in accordance with clause 2 of article 192 shall receive a remuneration equivalent to seven tax units per month per session held, with a ceiling of forty-nine tax units during the month.

Fifty-fourth

1. If at the date of entry into force of this Constitution an incumbent Comptroller General of the Republic is in office, he or she shall remain in office until the end of the term for which he or she was appointed or until he or she ceases to hold office.

2. If, on the entry into force of this Constitution, the post of Comptroller General of the Republic should be vacant, the rules laid down in Article 195 shall apply to his or her appointment. Such appointment shall be made within ninety days of the entry into force of this Constitution.

Fifty-fifth

1. Within one year of the entry into force of this Constitution, the President of the Republic shall submit the draft laws necessary to establish the Court of Audit set up under Article 197.

2. As from the entry into force of this Constitution, the authorities and officials serving in the Court of Auditors of first instance referred to in Article 107 of Law No. 10.336, the consolidated, coordinated and systematised text of which was established by Supreme Decree No. 2.421 of 1964 of the Ministry of Finance, shall continue to exercise their jurisdiction until the Court of Auditors created in Article 197 is operational.

3. Appeals lodged against judgments of first instance handed down in a trial of accounts shall continue to be heard and decided by the Court of Auditors of second instance, without prejudice to the system of appeals that may be established by law by the Court of Auditors. However, appeals which, as from the entry into force of this Constitution, are brought against judgements of first instance in trials of accounts shall be heard by the Court of Appeal of Santiago. For all legal and constitutional purposes, it shall be understood that the Court of Appeal of Santiago shall be the successor to the Court of Audit of second instance, once the latter has ruled on the last pending appeal, at which time the Court of Audit of second instance shall be deemed to have been abolished.

Fifty-sixth

Within one year of the entry into force of this Constitution, the President of the Republic shall send a bill to the National Congress to amend Law No. 18.695, Constitutional Organic Law on Municipalities, the consolidated, coordinated and systematised text of which was established by Decree with force of law No. 1, 2006, of the Ministry of the Interior, and Law No. 10.336, the consolidated, coordinated and systematised text of which was established by Supreme Decree No. 2.421 of 1964 of the Ministry of Finance, and which in turn adapts Law No. 19.175 on Regional Government and Administration, the consolidated, coordinated and systematised text of which was established by Decree with force of law No. 1 of 2005 of the Ministry of the Interior, to the provisions of article 196.

Fifty-seventh

Within twenty-four months of the entry into force of this Constitution, the President of the Republic shall submit a bill to the National Congress to adapt environmental procedures and institutions to the demands and requirements established in Chapter XVI.