

DRAFT

POLITICAL CONSTITUTION OF THE
REPUBLIC OF CHILE

(July 2022)

*We, the people of Chile, composed of diverse nations,
freely granted ourselves this Constitution, which has
been agreed upon through a participatory, parity-based
and democratic process.*

CHAPTER I
GENERAL PRINCIPLES AND PROVISIONS

Article 1

1. Chile is a social and democratic State, governed by the rule of law. It is plurinational, intercultural, regional and ecological.
2. It is constituted as a republic of solidarity. Its democracy is inclusive and based on parity. It recognizes as intrinsic and absolute values the dignity, freedom and substantive equality of human beings and their indissoluble relationship with nature.
3. The protection and guarantee of individual and collective human rights are the foundation of the State and guide all its activity. The State has the duty to create the necessary conditions, and provide the goods and services, to ensure that the people have equal enjoyment of rights and are integrated into political, economic, social and cultural life for their full development.

Article 2

1. Sovereignty resides in the people of Chile, composed of various nations. It is exercised democratically, directly and representatively, limited by the respect of human rights as derived from human dignity.
2. No individual or sector of the people may claim to exercise it.

Article 3

Chile, in its geographic, natural, historical and cultural diversity, is a unique and indivisible territory.

Article 4

People are born and remain free, interdependent and with equal dignity and rights.

Article 5

1. Chile recognizes the coexistence of diverse peoples and nations within the framework of State unity.
2. The pre-existing Indigenous peoples and nations are the Mapuche, the Aymara, the Rapa Nui, the Lickan Antay, the Quechua, the Colla, the Diaguita, the Chango, the Kawésqar, the Yaghan, the Selk'nam and others that may be recognized as the law provides.
3. The State has the duty to respect, promote, protect and guarantee the exercise of their self-determination, the collective and individual rights that they

hold, and their effective participation in the exercise and distribution of power. They shall be politically represented in popularly elected bodies at the communal, regional and national levels, as well as in the structure of the State, its bodies and institutions.

Article 6

1. The State promotes a society in which women, men and gender-diverse and transgender persons participate in conditions of substantive equality, recognizing that their effective representation is a principle and minimum condition for the full and substantive exercise of democracy and citizenship.
2. All collegial bodies of the State, autonomous constitutional bodies, superior and executive bodies of the government, and boards of directors of publicly and semi-publicly owned companies must have equal representation that ensures that at least 50 per cent of their members are women.
3. The State shall promote parity integration in its other institutions and in all public and private spaces and shall adopt measures to ensure the representation of gender-diverse persons through the mechanisms established by law.
4. State powers and bodies shall adopt the necessary measures to adapt and promote legislation, institutions, regulatory frameworks and service provision designed to achieve gender equality and parity. They must mainstream gender in their institutional design, fiscal and budgetary policy and the performance of their functions.

Article 7

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

Article 8

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

Article 9

The State is secular. Freedom of religion and spiritual beliefs is respected and guaranteed in Chile. No religion or belief is official, without prejudice to its recognition and free exercise, which has no other limitation than that provided by this Constitution and the law.

Article 10

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

Article 11

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

Article 12

1. The State is multilingual. Its official language is Spanish. Indigenous languages are official in their territories and in areas with high population density of each Indigenous people and nation. The State promotes the knowledge, revitalization, appreciation and respect of Indigenous languages.
2. Chilean Sign Language is recognized as the natural and official language of deaf persons, and their linguistic rights are recognized in all areas of social life.

Article 13

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

Article 14

1. Chile's international relations, as an expression of its sovereignty, are based on respect for international law and the principles of self-determination of peoples, non-intervention in matters within the domestic jurisdiction of States, multilateralism, solidarity, cooperation, political autonomy and legal equality among States.

2. Equally, it is committed to promoting and respecting democracy; recognizing and protecting human rights, inclusion, gender equality, social justice, respect for nature, peace, coexistence and peaceful conflict resolution; and recognizing, respecting and promoting the rights of Indigenous and tribal peoples and nations in accordance with international human rights law.
3. Chile declares Latin America and the Caribbean as a priority area for its international relations. It is committed to maintaining the region as a zone of peace, free from violence. Chile promotes regional, political, social, cultural, economic and productive integration among the States and facilitates cross-border contact and cooperation among Indigenous peoples.

Article 15

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

Article 16

1. The State is based on the principle of constitutional supremacy and respect for human rights. The precepts of this Constitution are binding on every person, group, authority or institution.
2. State bodies and their holders and members, with prior regular investiture, shall act in accordance with the Constitution and the corresponding regulations enacted, within the limits and competencies established therein.
3. No judicial authority, person or group of persons, whether civilian or military, may attribute to themselves any authority, competence or rights other than those expressly conferred upon them by the Constitution and the law, even on the pretext of extraordinary circumstances.
4. Any act in contravention of this article is null and void and shall give rise to the liabilities and sanctions established by law. The invalidity action shall be exercised within the terms and conditions established by this Constitution and the law.

CHAPTER II FUNDAMENTAL RIGHTS AND GUARANTEES

Article 17

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

Article 18

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

Article 19

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

Article 20

1. The State must adopt all necessary measures to progressively achieve the full realization of fundamental rights. No measure may have a regressive character that diminishes, impairs or unjustifiably prevents the exercise of fundamental rights.
2. The funding of State benefits linked to the exercise of fundamental rights shall be progressive.

Article 21

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

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

Article 22

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

Article 23

No person who resides in Chile and who meets the requirements established in this Constitution and the law may be expelled, exiled, banished or subjected to forced displacement.

Article 24

1. Victims and the community have the right to clarification and disclosure of the truth regarding serious human rights violations, especially when these violations constitute crimes against humanity, war crimes, genocide or territorial dispossession.
2. Enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment, war crimes, crimes against humanity, genocide and the crime of aggression are not subject to statutes of limitations or amnesties.
3. The State is obligated to prevent, investigate, sanction and prevent impunity. Such crimes must be investigated ex officio, with due diligence, seriousness, promptness, independence and impartiality. The investigation of such incidents shall not be impeded in any way.
4. Victims of human rights violations are entitled to full reparation.
5. The State guarantees the right to memory and its relationship with guarantees of non-repetition and the rights to truth, justice and full reparation. The State has the duty to preserve memory and guarantee access to archives and documents in their different media and contents. Sites of memory and memorials are subject to special protection and their preservation and sustainability are ensured.

Article 25

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

2. The State guarantees substantive equality for all persons, as a guarantee of the recognition, enjoyment and exercise of fundamental rights, with full respect for diversity, social inclusion and integration.
3. The State ensures gender equality for women, girls and gender-diverse and transgender persons, both in the public and private spheres.
4. Any form of discrimination is prohibited, especially discrimination based on one or more grounds such as nationality or statelessness, age, sex, sexual characteristics, sexual or emotional orientation, gender identity and expression, physical diversity, religion or belief, race, belonging to an Indigenous or tribal people and nation, political or other opinions, social class, rurality, migratory or refugee status, disability, mental or physical health condition, marital status, affiliation or social status, or any other grounds that have the purpose or effect of nullifying or impairing human dignity and the enjoyment and exercise of rights.
5. The State shall adopt all measures necessary, including reasonable accommodation, to correct and overcome the disadvantage or subjugation of a person or group. The law shall determine the actions for the prevention, prohibition, sanction and reparation of all forms of discrimination in the public and private spheres, as well as the mechanisms to guarantee substantive equality. The State must give special consideration to cases in which more than one category, condition or motive converge with respect to a person.

Article 26

1. Children and adolescents are holders of the rights established in this Constitution and in the international human rights treaties that Chile has ratified and that are in force.
2. The State has the priority duty to promote, respect and guarantee the rights of children and adolescents, safeguarding their best interests, their progressive autonomy, their comprehensive development and their right to be heard and to participate in and influence all matters that affect them, in accordance with their level of development in family, community and social life.
3. Children and adolescents have the right to live in family and environmental conditions that allow for the full and harmonious development of their personality. The State must ensure that they are not separated from their families, except as a temporary measure and last resort to protect their best interests. In such cases, family placement shall be prioritized over residential care, and the necessary measures adopted to ensure their welfare and safeguard the exercise of their rights.
4. They also have the right to protection against all forms of violence, mistreatment, abuse, exploitation, harassment and neglect. The eradication of

violence against children is of the highest priority for the State and, to this end, it shall design strategies and actions to address situations that undermine their personal integrity, whether the violence is perpetrated by families, the State or third parties.

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

Article 27

1. All women, girls, female adolescents and gender-diverse and transgender persons have the right to a life free from gender-based violence in all its forms, both in the public and private spheres, whether it is perpetrated by private individuals or State institutions or officials.
2. The State shall adopt the necessary measures to eradicate all types of gender-based violence and the sociocultural patterns that enable it, acting with due diligence to prevent, investigate and punish it. It shall also provide care, protection and full reparation to survivors, especially considering the vulnerable situations they may experience.

Article 28

1. Persons with disabilities are holders of the rights established in this Constitution and in the international human rights treaties that Chile has ratified and that are in force.
2. Every person with a disability has the right to enjoy and exercise their legal capacity with supports and safeguards, as appropriate; to universal accessibility; to social inclusion; to labour integration; and to political, economic, social and cultural participation.
3. The law shall establish a national system through which policies and programmes shall be developed, coordinated and implemented to meet their needs for work, education, housing, health and care. The law shall ensure that persons with disabilities and their representative organizations actively participate in the development, implementation and monitoring of such policies and programmes.

4. The law shall determine the means necessary to identify and remove physical, social, cultural, attitudinal, communication and other barriers to help persons with disabilities exercise their rights.
5. The State guarantees the linguistic rights and cultural identities of persons with disabilities, including their right to express themselves and communicate through their languages and to access mechanisms, media and alternative forms of communication. It also guarantees the linguistic autonomy of deaf persons in all areas of life.

Article 29

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

Article 30

1. Every person subject to any form of deprivation of liberty may not suffer rights limitations other than those strictly necessary for the enforcement of their sentence.
2. The State must ensure dignified treatment, with full respect of the human rights of persons deprived of liberty and their visitors.
3. Women and persons who are pregnant have the right, before, during and after childbirth, to access the health services they require, to nurse their child and to have direct and permanent contact with their child, taking into consideration the best interests of children and adolescents.
4. No person deprived of liberty shall be subjected to torture or other cruel, inhuman or degrading treatment or forced labour. Equally, they may not be subjected to isolation or solitary confinement as a disciplinary sanction.

Article 31

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

Article 32

1. Every person deprived of liberty has the right to social inclusion and integration. The State has the duty to provide a penitentiary system geared towards this purpose.
2. The State shall create agencies that, with civilian and technical staff, shall guarantee the inclusion and integration of persons deprived of liberty in prisons and after their release. The security and administration of these facilities shall be regulated by law.

Article 33

1. Older persons are holders of the rights established in this Constitution and in the international human rights treaties that Chile has ratified and that are in force.
2. They also have the right to age with dignity; to obtain sufficient social security benefits for a dignified life; to be able to access physical, social, economic, cultural and digital environments; to political and social participation; to a life free from age-based abuse; to autonomy and independence; and to the full exercise of their legal capacity with the appropriate support and safeguards.

Article 34

Indigenous peoples and nations and their members, by virtue of their self-determination, are entitled to the full exercise of their collective and individual rights. In particular, they have the right to autonomy; self-governance; their own culture, identity, world view, heritage and language; recognition and protection of their lands, territories and resources in their tangible and intangible forms as well as the special link they maintain with these; cooperation and integration; recognition of their own or traditional institutions, jurisdictions and authorities; and to participate fully, if they so desire, in the political, economic, social and cultural life of the State.

Article 35

1. Every person has the right to education. Education is a primary and inescapable duty of the State.
2. Education is a process of training and lifelong learning. It is indispensable for the exercise of other rights and for the country's scientific, technological, economic and cultural activity.
3. It aims to build the common good, social justice, respect for human rights and nature, ecological awareness, democratic coexistence among peoples, prevention of violence and discrimination, as well as the acquisition of

knowledge, critical thinking, creative capacity and the comprehensive development of people, considering their cognitive, physical, social and emotional dimensions.

4. Education is governed by the principles of cooperation, non-discrimination, inclusion, justice, participation, solidarity, interculturality, a gender-based approach, pluralism and other principles enshrined in this Constitution. It is non-sexist and is developed in a context-specific manner, considering territorial, cultural and linguistic relevance.
5. Education is geared towards quality, understood as the fulfilment of its purposes and principles.
6. The law shall establish how these purposes and principles shall be equitably implemented in educational institutions and teaching processes.
7. Education is universally accessible at all levels and compulsory from primary school through to secondary school.

Article 36

1. The national education system is composed of preschool, primary, secondary and higher education establishments and institutions created or recognized by the State. It is based on the principle of collaboration and is centred on the students' learning experience.
2. The State coordinates, regulates, improves and oversees the system. The law shall determine the requirements for the official recognition of these establishments and institutions.
3. Establishments and the institutions that comprise them are subject to the common system established by law, are democratic in nature, may not discriminate in their admissions, are governed by the purposes and principles of this law and are prohibited from any form of profit.
4. The national education system promotes the diversity of artistic, ecological, cultural and philosophical knowledge that coexists in the country.
5. The Constitution recognizes the autonomy of Indigenous peoples and nations to develop their own establishments and institutions in accordance with their customs and culture, respecting the purposes and principles of education, and within the frameworks of the national education system established by law.
6. The State shall provide additional opportunities and support for persons with disabilities and those at risk of exclusion.
7. Public education is the strategic priority of the national education system; the State has the primary duty to expand and strengthen it.

To this end, it shall coordinate, manage and fund a secular and free public education system, composed of State establishments and institutions of all educational levels and forms.

8. The State must permanently and directly provide this system with relevant and sufficient funds through basal contributions, so that the purposes and principles of education are fully and equitably fulfilled.

Article 37

1. The higher education system shall consist of universities, vocational institutes, technical training centres, academies created or recognized by the State and police and military training schools. These institutions shall consider community, regional and national needs. They are prohibited from making any form of profit.
2. The mission of higher education institutions is to teach, produce and disseminate knowledge. The Constitution protects academic freedom, research and the free discussion of the ideas of academics in universities created or recognized by the State.
3. State higher education institutions are part of the public education system and their funding shall be subject to the provisions of this Constitution; it must guarantee full compliance with their functions of teaching, research and collaboration with society.
4. In each region there shall be at least one State university and one State institution of higher technical and vocational education. These shall have coordinated links with and give preference to territorial entities and public services present in the region, according to local needs.
5. The State shall ensure access to higher education for all persons who meet the requirements established by law. The principles of equity and inclusion shall govern the admission, retention and promotion of higher education students, with particular attention given to historically excluded groups and groups in need of special protection. Any form of discrimination is prohibited.
6. Higher education studies leading to undergraduate academic titles and degrees shall be free of charge in public institutions and in private institutions determined by law.

Article 38

The State has the duty to promote the right to lifelong education through multiple training opportunities, both within and outside the national education system,

fostering diverse spaces for development and comprehensive learning for all people.

Article 39

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

Article 40

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

Article 41

1. Freedom of education is guaranteed and it is the duty of the State to respect it.
2. This includes the freedom of mothers, fathers, carers and legal guardians to choose the type of education of those in their care, respecting the best interests and the progressive autonomy of children and adolescents.
3. Teachers and educators have the right to academic freedom in the performance of their duties, within the framework of the purposes and principles of education.

Article 42

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

Article 43

1. The Constitution recognizes the fundamental role of teachers, and values and encourages the contribution of educators, education assistants and traditional educators. Together, they are key agents in guaranteeing the right to education.
2. The State guarantees the development of the pedagogical and educational endeavour of those who work in establishments and institutions that receive public funds. This guarantee includes initial and continuing training, its

reflective and collaborative implementation, and pedagogical research, as consistent with the principles and purposes of education. It also protects stability in the performance of their duties by ensuring optimal working conditions and safeguarding their professional autonomy.

3. Workers in preschool, primary and secondary education establishments that receive State funding shall enjoy the same rights provided for by law.

Article 44

1. Every person has the right to integral health and well-being, including its physical and mental aspects.
2. Indigenous peoples and nations have the right to their own traditional medicines, to maintain their health practices and to conserve the natural components that sustain these practices.
3. The State must provide the conditions needed to achieve the highest possible level of health, considering the impact of social and environmental determinants on the health of the population in all its decisions.
4. The State has exclusive stewardship of the health system, including the regulation, supervision and oversight of public and private institutions.
5. The national health system is universal, public and integrated. It is governed by the principles of equity, solidarity, interculturality, territorial relevance, decentralization, efficiency, quality, timeliness, a gender-based approach, progressiveness and non-discrimination.
6. It also recognizes, protects and integrates the practices and knowledge of Indigenous peoples and nations, and those who teach these practices and knowledge, in accordance with this Constitution and the law.
7. The national health system may be made up of public and private providers. The law shall determine the requirements and procedures for private providers to join this system.
8. The State has the duty to ensure that public health institutions are strengthened and developed.
9. The national health system is funded through general national revenues. In addition, the law may establish mandatory contributions for employers and workers for the sole purpose of contributing to the funding of this system on the basis of solidarity. The law shall determine the public body responsible for administering all the funds of this system.

10. The national health system incorporates actions for promotion, prevention, diagnosis, treatment, habilitation, rehabilitation and inclusion. Primary care is the basis of this system and communities are encouraged to participate in health policies and the conditions for their effective implementation.
11. The State shall develop mental health policies and programmes aimed at community-based care and prevention and shall progressively increase their funding.

Article 45

1. Every person has the right to social security, based on the principles of universality, solidarity, comprehensiveness, unity, equality, sufficiency, participation, sustainability and opportunity.
2. The law shall establish a public social security system to provide protection in the event of illness, old age, disability, survival, maternity and paternity, unemployment, occupational accidents and diseases, and other social contingencies for the lack or reduction of livelihoods or ability to work. In particular, it shall ensure benefit coverage for those who perform domestic and care work.
3. The State sets out the social security policy. It shall be funded by workers and employers through mandatory contributions and general national revenues. The resources used to fund social security may not be used for purposes other than the payment of the benefits established by the system.
4. Labour unions and employers' organizations have the right to participate in the management of the social security system, in the manner set out by law.

Article 46

1. Every person has the right to work and to free choice of employment. The State guarantees decent work and its protection. This includes the right to fair working conditions, health and safety at work, rest, enjoyment of free time, digital disconnection, the guarantee of compensation and to full respect for fundamental rights in the context of work.
2. Workers have the right to equitable, fair and sufficient remuneration to ensure their livelihood and that of their families. They are also entitled to equal pay for work of equal value.

3. Any labour discrimination, arbitrary dismissal and any distinction that is not based on labour competencies or personal suitability is prohibited.
4. The State shall develop public policies that enable work, family and community life, and care work to be reconciled.
5. The State guarantees respect for workers' reproductive rights, eliminating risks that affect reproductive health and safeguarding maternity and paternity rights.
6. In rural and agricultural areas, the State guarantees fair and decent conditions for seasonal work, safeguarding the exercise of labour and social security rights.
7. The social function of work is recognized. An autonomous body must supervise and ensure the effective protection of workers and trade unions.
8. All forms of precarious labour, as well as forced, humiliating or degrading work, are prohibited.

Article 47

1. Workers in both the public and private sectors have the right to freedom of association. This includes the right to unionize, to collective bargaining and to strike.
2. Trade unions are the exclusive holders of the right to collective bargaining as the sole representatives of workers before their employer(s).
3. The right to unionize includes the right to form trade unions as workers' deem convenient, at any level, national and international, to affiliate and disaffiliate from them, to establish their own rules, to draw up their own purposes, and to carry out their activity without the intervention of third parties.
4. Trade unions enjoy legal personality merely by registering their statutes in the manner prescribed by law.
5. The right to collective bargaining is assured. Workers shall choose the level at which such bargaining shall take place, including branch, sectoral and regional bargaining. The only limitations to matters subject to bargaining shall be those concerning the minimum absolute rights in favour of workers and established by law.
6. The Constitution guarantees workers and trade unions the right to strike. Trade unions shall decide the scope of interests to be defended through strike action,

which may not be limited by law.

7. The law may not prohibit strike action. It may only limit it exceptionally to provide essential services, the suspension of which may affect the life, health or safety of the population.
8. Members of the police and military may not unionize or exercise the right to strike.

Article 48

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

Article 49

1. The State recognizes that domestic and care work are socially necessary and indispensable for the sustainability of life and the development of society. They constitute an economic activity that contributes to the national accounts and must be considered in the development and implementation of public policies.
2. The State promotes social and gender co-responsibility and shall implement mechanisms for the redistribution of domestic and care work, ensuring that they do not represent a disadvantage for those who perform them.

Article 50

1. Every person has the right to care. This includes the right to care, to be cared for and to care for oneself from birth to death. The State is obliged to provide the means to guarantee that care is dignified and carried out under conditions of equality and co-responsibility.
2. The State guarantees this right through a comprehensive care system, norms and public policies that promote individual autonomy and incorporate human rights, gender and intersectional approaches. The system is based on statehood, parity, solidarity and universality, and is culturally relevant. It shall be progressively, sufficiently and permanently funded.
3. This system shall pay special attention to infants, children and adolescents; older persons; persons with disabilities; persons in a situation of dependency; and persons with serious or terminal illnesses. It shall also ensure that the rights of caregivers are safeguarded.

Article 51

1. Every person has the right to decent and adequate housing, which allows personal, family and community life to be freely developed.
2. The State shall take the necessary actions to ensure the universal and timely enjoyment of this right, as a minimum providing for habitability, sufficient domestic and community space and facilities for the production and reproduction of life, the availability of services, affordability, accessibility, appropriate location, security of tenure and the cultural relevance of housing, in accordance with the law.
3. The State may participate in the design, construction, renovation, conservation and innovation of housing. In the design of housing policies, it shall give particular consideration to people with low incomes or who belong to groups in need of special protection.
4. The State guarantees the creation of shelters for cases of gender-based violence and other rights violations, as determined by law.
5. The State guarantees that the necessary land shall be made available to provide decent and adequate housing. It administers an integrated public land system, with powers to prioritize land use, manage and dispose of public land in the social interest, and acquire private land, in accordance with the law. It shall also establish mechanisms to prevent land and housing speculation that is detrimental to the public interest, in accordance with the law.

Article 52

1. The right to the city and to territory is a collective right, aimed at the common good and based on the full exercise of human rights in the territory, on democratic management and on the social and ecological function of property.
2. Therefore, every person has the right to inhabit, produce, enjoy and participate in cities and human settlements, free from violence and in conditions appropriate for a dignified life.
3. The State has the duty to order, plan and manage territories, cities and human settlements, as well as to establish rules for land use and transformation, in accordance with the general interest, territorial equity, sustainability and universal accessibility.
4. The State guarantees protection and equitable access to basic services, goods and public spaces; safe and sustainable mobility; and connectivity and road safety. It also promotes socio-spatial integration and participates in the added value created by its urban planning or regulatory actions.

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

Article 53

1. The right to live in safe environments, free from violence. The State has a duty to protect the equitable exercise of this right through a policy of violence and crime prevention that shall especially consider the material, environmental and social conditions, and community strengthening in the territories.
2. Actions to prevent, prosecute and sanction crimes, as well as to socially reintegrate convicted persons, shall be carried out by the public agencies indicated in this Constitution and the law, in a coordinated manner and with unrestricted respect for human rights.

Article 54

1. The State has a duty to ensure food sovereignty and security. To this end, it shall promote the production, distribution and consumption of food that guarantees the right to healthy and adequate food, fair trade and ecologically responsible food systems.
2. The State promotes ecologically sustainable agricultural production.
3. It recognizes, promotes and supports smallholder and Indigenous agriculture and artisanal harvesting and fishing as fundamental activities for food production.
4. It also promotes the country's culinary and gastronomic heritage.

Article 55

The State guarantees farmers and Indigenous peoples and nations the right to freely use and exchange traditional seeds.

Article 56

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

Article 57

1. Every person has the human right to water and to sufficient, safe, acceptable, affordable and accessible sanitation. The State has the duty to guarantee this right for current and future generations.
2. The State ensures that this right is fulfilled by meeting the needs of people in their different contexts.

Article 58

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

Article 59

1. Every person has the right to a minimum amount of affordable and safe energy.
2. The State guarantees equitable and non-discriminatory access to energy that allows people to meet their needs, ensuring the continuity of energy services.
3. It also regulates and promotes a distributed, decentralized and diversified energy matrix, based on renewable energies with low environmental impact.
4. Energy infrastructure is in the public interest.
5. The State promotes and protects cooperative energy companies and production for own consumption.

Article 60

1. Every person has the right to sport, physical activity and exercise. The State guarantees the exercise of this right in its different dimensions and disciplines, whether recreational, educational, competitive or high performance. To achieve these objectives, differentiated policies may be considered.
2. The State recognizes the social function of sport, as it allows collective participation, association, integration and social inclusion, as well as the maintenance and improvement of health. The law shall ensure that individuals and communities are involved in the practice of sports. Children and adolescents shall enjoy the same guarantee in educational establishments. The law shall also guarantee their participation in the management of the different sports institutions.

3. The law shall regulate and establish the principles applicable to public or private institutions responsible for managing professional sports as a social, cultural and economic activity, and shall guarantee the democracy and binding participation of their organizations.

Article 61

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

Article 62

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

Article 63

Slavery, forced labour, servitude and human trafficking in any form are prohibited. The State shall adopt a policy to prevent, sanction and eradicate such practices. It shall also guarantee the protection, full restoration of rights, remediation and social reintegration of survivors.

Article 64

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

Article 65

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

Article 66

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

Article 67

1. Every person has the right to freedom of thought, conscience, religion and world view. This right includes the freedom to profess and change one's religion or beliefs, and exercise it freely in the public or private sphere through worship, observance of rites, spiritual practices and teaching.
2. It also includes the right to erect temples, outbuildings and places of worship; to maintain, protect and access sacred and spiritually significant sites; and to rescue and preserve objects of worship or of sacred significance.
3. The State recognizes spirituality as an essential element of human beings.
4. Religious and spiritual groups may be organized as legal persons, are prohibited from making any kind of profit, and their assets must be managed transparently and in accordance with the law, respecting the rights, duties and principles established by this Constitution.

Article 68

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

Article 69

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

Article 70

1. Every person has the right to personal, family and community privacy. No person or authority may affect, restrict or impede the exercise of this right, except in the cases and in the manner determined by law.
2. Private premises are inviolable. Entry, inspection or search may only be carried out with a prior court order, except in cases of flagrante delicto as established by law.
3. All private documentation and communications are inviolable, including their metadata. Interception, seizure, opening, inspection or search may only be carried out with a prior court order.

Article 71

1. Every person has the right to seek and receive asylum and refuge. A law shall regulate the procedure for requesting and recognizing refugee status, as well as the specific guarantees and protections to be established in favour of asylum seekers or refugees.
2. No asylum seeker or refugee shall be forcibly returned to a State where they are at risk of persecution, serious human rights violations, or where their life or freedom could be threatened.

Article 72

1. Every person has the right to freedom of association without prior permission.
2. This includes the protection of the autonomy of associations to fulfil their specific purposes and establish their internal regulations, organization and other defining elements.
3. To enjoy legal personality, associations must be established in accordance with the law.
4. The law may impose specific restrictions on the exercise of this right with respect to the police and the military.

Article 73

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

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

Article 74

Professional associations are national and autonomous public law corporations that cooperate with the goals and responsibilities of the State. Their duties are to ensure the ethical practice of their members, promote professional credibility and officially represent the profession before the State and others established by law.

Article 75

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

Article 76

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

Article 77

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

Article 78

1. Every natural or legal person has the right of ownership of all kinds over all kinds of property, except those which nature has made common to all persons and those which the Constitution or the law declares inappropriate.
2. The law shall determine the manner of acquiring property, its content, limits and duties, in accordance with its social and ecological function.
3. No person may be deprived of their property except in accordance with a law authorizing expropriation for reasons of public utility or general interest declared by the legislator.

4. The owner is always entitled to be compensated for the fair price of the expropriated property.
5. Payment must be made prior to taking physical possession of the expropriated property and the expropriated person may always challenge the legality of the act of expropriation as well as the amount and method of payment, before the courts as determined by law.
6. Any cause invoked to carry out the expropriation must always be duly founded.

Article 79

1. The State recognizes and guarantees, in accordance with the Constitution, the right of Indigenous peoples and nations to their lands, territories and resources.
2. The ownership of Indigenous lands enjoys special protection. The State shall establish effective legal instruments for their registry, regularization, demarcation, titling, reparation and restitution.
3. Restitution constitutes a preferential mechanism of reparation, public utility and general interest.
4. In accordance with the Constitution and the law, Indigenous peoples and nations have the right to use the resources they have traditionally used or occupied, which are found in their territories and are indispensable to their collective existence.

Article 80

1. Every natural or legal person is free to undertake and develop economic activities. Their exercise must be compatible with the rights enshrined in this Constitution and the protection of nature.
2. The content and limits of this right shall be determined by the laws regulating its exercise, which must promote the development of smaller companies and ensure consumer protection.

Article 81

1. Every person, as a consumer or user, has the right to free choice, truthful information, non-discrimination, safety, protection of their health and the environment, adequate redress and compensation, and education for responsible consumption.
2. The State shall protect the exercise of these rights through effective procedures and a body with interpretative, supervisory, sanctioning and other powers granted by law.

Article 82

1. Every natural or legal person has the right to freedom of expression and opinion, in any form and by any means. This includes the freedom to seek, receive and share information and ideas of all kinds.
2. There shall be no prior censorship, only the subsequent liabilities determined by law.

Article 83

1. Every person has the right to produce information and to participate equitably in social communication. The right to establish and maintain communication and information media is recognized.
2. The State shall respect freedom of the press and promote media pluralism and diversity of information.
3. Any person offended or unjustly alluded to by a communication and information medium has the right to have the clarification or rectification disseminated free of charge by the medium in question. The law shall regulate the exercise of this right, with respect for freedom of expression.

Article 84

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

Article 85

1. There shall be public communication and information media, in different technological formats, that respond to the informational, educational, cultural and entertainment needs of the various groups of the population.
2. These media shall be pluralistic, decentralized and coordinated among themselves. They shall also enjoy independence from the government and receive public funding for their operation. The law shall regulate their organization and the composition of their boards, which shall be directed by technical and suitability criteria.

Article 86

1. Every person has the right to universal access to digital connectivity, and information and communication technologies.

2. The State guarantees free, equitable and decentralized access to basic communication services with adequate and effective quality and speed.
3. The State has the duty to promote and participate in the development of telecommunications, connectivity services, and information and communication technologies. The law shall regulate the manner in which the State fulfils this duty.
4. The State has the obligation to overcome gaps in access, use and participation in the digital space and in digital devices and infrastructures.
5. The State guarantees enforcement of the principle of net neutrality. The obligations, conditions and limits in this matter shall be determined by law.
6. Telecommunications infrastructure is of public interest, regardless of its ownership structure.
7. The law shall be responsible for determining the use and exploitation of the radio spectrum.

Article 87

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

Article 88

Every person has the right to the protection and promotion of information security. The State and private parties shall adopt the appropriate and necessary measures to guarantee the integrity, confidentiality, availability and resilience of the information contained in the computer systems they manage, except in the cases expressly indicated by law.

Article 89

1. Every person has the right to participate in a digital space free from violence. The State shall develop actions to prevent, promote and guarantee this right and make reparations, providing special protection to women, children, adolescents,

and gender-diverse and transgender persons.

2. The obligations, conditions and limits in this matter shall be determined by law.

Article 90

Every person has the right to digital education; the development of technological knowledge, thought and language; and to enjoy the benefits of these. The State guarantees that every person can exercise their rights in digital spaces, and shall create public policies and fund free plans and programmes for this purpose.

Article 91

Every person has the right to leisure, rest and enjoyment of their free time.

Article 92

1. Every person and community has the right to participate freely in cultural and artistic life and to enjoy its diverse expressions, goods, services and institutions. They have the right to the freedom to create and disseminate cultures and the arts, as well as to enjoy their benefits.
2. They also have the right to cultural identity, and to know and be educated about diverse cultures.
3. Likewise, they have the right to use public spaces for cultural and artistic expressions and manifestations, with no limitations other than those established by law.
4. The State promotes, fosters and guarantees the harmonious interrelation of, and respect for, all tangible or intangible symbolic, cultural and heritage expressions, and the access, development and dissemination of cultures, arts and knowledge, taking into account cultural diversity in all its manifestations and contributions, under the principles of collaboration and interculturality.
5. In addition, it must create bodies for society to contribute to the development of cultural and artistic creativity, in its most diverse expressions.
6. The State promotes the conditions for the free development of community and individual cultural identity and cultural processes.

Article 93

The Constitution recognizes the cultural rights of the Afrodescendant people of Chile and ensures the exercise, development, promotion, conservation and protection of these rights.

Article 94

The State promotes access to books and the enjoyment of reading through plans, public policies and programmes. It shall also encourage the creation and strengthening of public and community libraries.

Article 95

1. The Constitution guarantees all persons the protection of the copyright of their intellectual, scientific and artistic works. This includes the moral and proprietary rights over them, in accordance with and for the time specified by law, which shall be no less than the life of the author.
2. The protection of performers' rights over their performances is ensured in accordance with the law.

Article 96

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

Article 97

1. The Constitution guarantees freedom of research.
2. The State has a duty to stimulate, promote and strengthen the development of scientific and technological research in all areas of knowledge, thus contributing to the sociocultural enrichment of the country and improving the living conditions of its inhabitants.

3. The State shall generate, in an independent and decentralized manner, the conditions for the development of transdisciplinary scientific research in matters relevant to safeguarding the population's quality of life and the ecosystem balance. In addition, it shall carry out permanent monitoring of environmental and health risks affecting the health of the country's communities and ecosystems.
4. The law shall determine the creation and coordination of entities that fulfil the objectives established in this article, their coordination with public and private research centres in the relevant territories, and their characteristics and operation.

Article 98

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

Article 99

1. The National Bioethics Council is an independent, technical, consultative, pluralistic and transdisciplinary body whose functions shall include advising State agencies on bioethical issues that may affect human and animal life, nature, and biodiversity; and recommending the enactment, modification and abolition of regulations on such matters.
2. The law shall regulate the composition, functions, organization and other aspects of this body.

Article 100

Every person and people has the right to communicate in their own language and to use it in any place. No person or group shall be discriminated against based on language.

Article 101

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

Article 102

1. The State, together with Indigenous peoples and nations, shall adopt positive actions to recover, revitalize and strengthen Indigenous cultural heritage.
2. It also recognizes the linguistic heritage comprising the different Indigenous languages in the national territory, which are subject to revitalization and protection, especially those that are vulnerable.
3. Indigenous peoples and nations have the right to repatriation of their cultural objects and human remains. The State shall adopt effective mechanisms for their restitution and repatriation. It also guarantees access to their heritage, including cultural objects, human remains and culturally significant sites for their development.

Article 103

1. Nature has the right to be respected, protected, regenerated, maintained and have its functions and dynamic balance restored, including natural cycles, ecosystems and biodiversity.
2. The State must guarantee and promote nature's rights.

Article 104

Every person has the right to a healthy and ecologically balanced environment.

Article 105

Every person has the right to clean air throughout their life cycle.

Article 106

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

Article 107

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

Article 108

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

Article 109

1. Every person has the right to a reasonable and fair trial, in which the guarantees set out by this Constitution, the law and the international treaties ratified and in force in Chile are safeguarded.
2. Such trials shall be conducted before a competent, independent and impartial court previously established by law.
3. Every person has the right to be heard and tried on equal terms and within a reasonable time.
4. Rulings shall be well-founded, ensuring an adequate and effective remedy before the court determined by law.

5. Every person has the right to legal defence and no authority or individual may prevent, restrict or disturb the due intervention of legal counsel.
6. In proceedings involving children and adolescents, their identity must be safeguarded.
7. The principles of probity and transparency shall be applicable to all persons exercising jurisdiction in the country. The law shall establish the corresponding responsibilities in the event of infringement of this provision.
8. The Constitution ensures the necessary assistance and procedural adjustments appropriate to age or disability, as applicable, to enable their proper participation in the process.
9. Judicial procedures shall be established by law.

Article 110

1. No person may be arbitrarily deprived of their liberty, nor have their liberty restricted, except in the cases and in the manner determined by the Constitution and the law.
2. No person may be arrested or detained except by court order unless caught in flagrante delicto.
3. The person arrested or detained must be brought before the competent court within no more than 24 hours. They must be informed of their rights and the reasons for their deprivation of liberty immediately and clearly. They shall have the right to communicate with their lawyer or whoever they deem appropriate.
4. No person may be arrested or detained, or held in preventive arrest or prison, in places other than their home or public premises established for that purpose. Their admission must be recorded in a public register.
5. Detention due to debt is prohibited, except in cases of non-fulfilment of maintenance duties.

Article 111

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

- a) Any investigative or procedural action that deprives, restricts or disturbs the exercise of the rights guaranteed by the Constitution requires prior judicial authorization.
- b) To know the background of the investigation against them, except for the exceptions established by law.

- c) To be presumed innocent until they are found guilty.
- d) Criminal liability is not presumed as a matter of law.
- e) To be informed, without delay and in detail, of their rights and the cause of the investigation against them.
- f) To remain silent and not be compelled to testify against oneself or acknowledge responsibility. The relatives, spouse or civil partner of the accused and other persons specified by law cannot be forced to testify against the accused.
- g) Freedom is the general rule. Individual precautionary measures are exceptional, temporary and proportionate, and the law must regulate the cases in which they may be applied and the requirements.
- h) Not to be subjected to a new procedure, investigation or criminal prosecution for an act for which they have been convicted, acquitted or definitively dismissed by an enforceable judgment.
- i) Sanctions shall be proportionate to the infringement committed.
- j) The penalty of confiscation of property shall not be imposed, without prejudice to confiscation in the cases established by law.
- k) The loss of pension rights shall not be imposed as a penalty.
- l) The detention or internment of adolescents shall only be imposed exceptionally and for the shortest appropriate period of time, in accordance with the provisions of this Constitution, the law and the international human rights treaties that have been ratified and are in force in Chile.

Article 112

1. No person shall be convicted for any act or omission that, when it occurred, did not constitute a crime under the law in force at the time.
2. No crime shall be punishable by any penalty other than that prescribed by a law that entered into force before the crime was committed unless a new law favours the accused.
3. No law may establish penalties unless the conduct to be penalized is clearly and precisely described therein.
4. The provisions of this article shall also apply to security measures.

Article 113

1. A decentralized technical body, called the *Servicio Integral de Acceso a la Justicia* [Comprehensive Service for Access to Justice], will be responsible for providing quality legal counsel, defence and representation to individuals, as well as professional psychological and social support in appropriate cases.
2. The law shall determine the organization, areas of attention, composition and staffing of the Comprehensive Service for Access to Justice, which shall be decentralized.

Nationality and citizenship

Article 114

1. Chileans are those who:
 - a) Were born in Chile, with the exception of the children of foreigners who are in Chile in service to their government. However, these children may opt for Chilean nationality, in accordance with the Constitution and the law.
 - b) Have a Chilean father or mother and were born in a foreign territory.
 - c) Obtain a letter of naturalization in accordance with the law.
 - d) Obtain special naturalization grants by law.
2. The renunciation of a previous nationality shall not be required to obtain a letter of Chilean naturalization.
3. Any person may demand that their membership of any of the Indigenous peoples and nations of the country be stated in any official identification document, in addition to their Chilean nationality.
4. The law shall establish measures for the recovery of Chilean nationality in favour of those who lost their Chilean nationality or had to renounce it as a consequence of exile, and their children.

Article 115

1. Every person has the right to nationality in the manner and under the conditions set out in this article. The law may create more favourable procedures for the naturalization of stateless persons.
2. Chilean nationality confers the unconditional right to reside in Chilean territory and to return to it. It also grants the right to diplomatic protection by the Chilean State and the other rights related to the status of nationality by the Constitution and the law.

Article 116

1. Chilean nationality is only lost on the following grounds, and only if this does not render the person stateless:
 - a) Voluntary renunciation before a competent Chilean authority.
 - b) Cancellation of the letter of naturalization unless it was obtained by false declaration or fraud. The latter shall not apply to children and adolescents.
 - c) Repeal of a law that granted naturalization by grace.
2. In the case of point a), nationality may be recovered with a letter of naturalization. In all other cases, it may only be recovered by law.

Article 117

1. Persons who have Chilean nationality are citizens of Chile. Those who lose their nationality shall also lose their citizenship.
2. Foreigners who have resided in Chile for at least five years shall be citizens. Their citizenship is forfeited if they cease to reside in Chile.
3. The State shall promote, through the different participation mechanisms, the active and progressive exercise of the rights derived from citizenship, especially in favour of children, adolescents, persons deprived of liberty, persons with disabilities, older persons and persons whose personal circumstances or capacities reduce their ability to exercise them.

Article 118

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

Constitutional actions

Article 119

1. Any person who, by reason of an act or omission, suffers a threat to, or disturbance or deprivation of, the legitimate exercise of their fundamental rights, may appear on their own account or through anyone acting on their behalf before the court of first instance determined by law, which shall immediately adopt the measures it deems necessary to re-establish the rule of law. This action may be brought as long as the violation persists. The action shall be processed summarily and in preference to any other case before the court.
2. This precautionary action shall be applicable when the affected person has no other action, remedy or procedural means to claim their right, except in those cases which, due to their urgency and seriousness, may cause the person imminent or irreparable serious damage.
3. When accepting or rejecting the action, the legal procedure that corresponds to the law and that allows the matter to be resolved must be indicated.
4. The competent court may at any time during the proceedings, either ex officio or at the request of a party, order any provisional measure it deems necessary and may lift or set aside such measures as it deems appropriate.
5. This action may not be brought against judicial decisions, except with respect to those persons who have not intervened in the respective process and who are affected by its results.
6. The appeal against the final ruling shall be heard by the respective court of appeals. Exceptionally, this appeal shall be heard by the Supreme Court if there are contradictory interpretations of the matter of the action in two or more final rulings issued by appeals courts. If the examination of admissibility finds that there is no such contradiction, the appeal shall be ordered to be sent, together with its background, to the corresponding court of appeals so that, if the court deems it admissible, it may be heard and resolved.
7. This recourse shall also proceed when an administrative act or resolution deprives or denies Chilean nationality. The commencement of the action shall suspend the effects of the challenged act or resolution.
8. In the case of nature's rights and environmental rights, this action may be brought either by the Office of the Ombudsperson for Nature or by any person or group.
9. In the case of the rights of Indigenous peoples, this action may be brought by the representative institutions of the Indigenous peoples, their members or the Ombudsperson's Office.

Article 120

1. Any person who is arrested, detained or imprisoned in violation of the provisions of this Constitution or the law may appear on their own account or through anyone acting on their behalf, without formalities, before the judicial authority designated by law. The judicial authority shall immediately adopt the measures necessary to re-establish the rule of law and ensure due protection of the person affected, and may even order their immediate release.
2. This judicial authority may order that the individual be brought before it and such an order shall be obeyed by all those in charge of prisons or places of detention. After the facts have been examined, the judicial authority shall order the immediate release of the individual and the correction of legal defects, or shall place the individual at the disposal of the competent court, proceeding in a brief and summary procedure, and correcting those defects itself or instructing the corresponding authority to correct them. Without prejudice to the aforementioned, the court shall exhaust all measures to determine the existence and condition of the person deprived of liberty.
3. This recourse shall also proceed with respect to any person who unlawfully suffers any deprivation or disturbance of, or threat to, their right to personal liberty, freedom of movement or individual security. In such cases, all measures shall be taken to re-establish the rule of law and ensure the due protection of the affected person.

Article 121

1. Any person who is acquitted, definitively acquitted or not convicted shall be compensated for each day they have been deprived of liberty. The daily amount of compensation shall be fixed by law and payment shall be made through a simple and expeditious procedure.
2. Compensation shall not be awarded when the deprivation of liberty was ordered due to the effective conduct of the accused.

Article 122

1. Any person convicted by a ruling with unjustified error or lack of judicial service shall have the right to compensation for all damages caused by the process and the conviction.
2. If all or part of the damage derives from deprivation of liberty, the compensation, which can always be requested in accordance with the previous article, shall be imputed to this compensation. The same compensation shall apply for administrative actions or decisions derived from the judicial operation that cause damage due to lack of service.

Ombudsperson's Office

Article 123

1. An autonomous body, with legal personality and its own assets, called the Ombudsperson's Office, shall be responsible for promoting and protecting the human rights guaranteed in this Constitution and the international human rights treaties ratified and in force in Chile, as well as those arising from the general principles of law and the peremptory norms recognized by international law, against acts or omissions of State administration bodies and private entities that perform public service or utility activities, in the manner established by law.
2. The Ombudsperson's Office shall operate in a decentralized manner through regional ombudsperson's offices, as established by law. The law shall determine the powers, organization, operation and procedures of the Ombudsperson's Office.

Article 124

1. The Ombudsperson's Office shall be responsible for:
 - a) Overseeing State bodies and private entities that perform public service or utility activities, enforcing their obligations in the area of human rights.
 - b) Developing recommendations on matters within its jurisdiction.
 - c) Following up on and monitoring the recommendations made by international human rights organizations and the rulings issued against the Chilean State by international human rights courts.
 - d) Processing and following up on claims of human rights violations and referring these on if necessary.
 - e) Deducing actions and remedies that this Constitution and the law establish when patterns of human rights violations are identified.
 - f) Bringing constitutional and legal action before the courts of justice with respect to acts that may constitute crimes of genocide, crimes against humanity, war crimes, torture, enforced disappearance of persons, human trafficking and others established by law.
 - g) Safeguarding and preserving the records gathered by commissions for truth, justice, reparation and guarantees of non-repetition.
 - h) Recommending the submission of bills on matters within its jurisdiction.

- i) Promoting human rights training and education.
 - j) Any other duties entrusted to it by the Constitution and the law.
2. Every State body shall cooperate with the requirements of the Ombudsperson's Office, allowing it to access the necessary information and establish itself in the offices of the bodies under audit, in accordance with the law.
 3. During states of exception to the Constitution, the Ombudsperson's Office shall fully exercise its powers.

Article 125

1. The Ombudsperson's Office shall be led by an ombudsperson, who shall be appointed by the majority of the members of the Congress of Deputies and the Chamber of Regions, in joint session, from a list of three candidates drawn up by social and human rights organizations, in the manner determined by law.
2. The persons proposed by the organizations must meet the requirements of proven suitability and experience in defending human rights.
3. The leader shall serve for six years, without re-election. At the end of their term of office and over the following 18 months, the former leader shall not be eligible for any popularly elected office or office of exclusive confidence of any authority.
4. The leader shall be irremovable in office and shall be inviolable in the exercise of their powers. They shall cease to hold office upon completion of their term, conviction for a crime or misdemeanour, resignation, illness incompatible with the performance of their duties, or removal. They may be removed by the Supreme Court for notable dereliction of duty, in the manner established by law.
5. There shall be a Council of the Ombudsperson's Office, whose composition, operation and powers shall be determined by law.

Article 126

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

CHAPTER III
NATURE AND THE ENVIRONMENT

Article 127

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

Article 128

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

Article 129

1. The State has the duty to take action to prevent, adapt and mitigate the risks, vulnerabilities and effects caused by the climate and ecological crisis.
2. The State must promote dialogue, cooperation and international solidarity to adapt, mitigate and confront the climate and ecological crisis and protect nature.

Article 130

The State protects biodiversity and must preserve, conserve and restore the habitats of native wildlife species. It must ensure adequate quantity and distribution of these habitats to sustain species' populations, and guarantee the conditions for their survival and protection from extinction.

Article 131

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

Article 132

The State, through a single, comprehensive and technical national system of protected areas, must guarantee the preservation, restoration and conservation of natural spaces. It must also monitor and maintain updated information on the characteristics of these areas and guarantee the participatory engagement of local communities and territorial entities.

Article 133

The State has the duty to regulate and promote waste management, reduction and recovery.

Natural commons

Article 134

1. Natural commons are elements or components of nature over which the State has a special duty of stewardship to guarantee nature's rights and the interests of current and future generations.
2. Natural commons comprise the territorial sea and seabed, beaches, waters, glaciers and wetlands, geothermal fields, the air and atmosphere, high mountains, protected areas and native forests, subsoil, and others declared by the Constitution and the law.
3. The following natural commons may not be appropriated: water in all its states, air, territorial sea and beaches, natural commons recognized by international law, and those declared as such by the Constitution or the law.
4. In the case of natural commons that may not be appropriated, the State must preserve, conserve and, if necessary, restore them. It must also manage them in a democratic, solidarity-based, participatory and equitable manner. With respect to natural commons in the private domain, the State's duty of stewardship grants it the right to regulate their use and enjoyment, with the purposes established in subparagraph 1.
5. The State may grant administrative authorization for the use of natural commons that may not be appropriated, in accordance with the law, on a temporary basis, and subject to grounds of expiry, termination and recall. This administrative authorization must have specific conservation obligations and be justified by the public interest, the protection of nature and the collective benefit. Administrative authorization, whether individual or collective, does not grant property rights.

6. Any person may demand enforcement of the constitutional stewardship duties towards the natural commons. The law shall determine the procedure and requirements for this action.

Article 135

1. The State must promote actions to conserve the atmosphere and the night sky, according to territorial needs.
2. The State has a duty to contribute and cooperate with international space research for peaceful and scientific purposes.

Article 136

The State, as the protector of wetlands, native forests and soils, shall guarantee the integrity of these ecosystems, their functions, processes and water connectivity.

Article 137

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

Article 138

The State shall protect the land's ecological and social function.

Article 139

1. Chile is an oceanic country that recognizes the existence of its maritime territory as a legal category. Like land territory, maritime territory must have specific regulations that incorporate its particular social, cultural, environmental and economic characteristics.
2. The State has a duty to conserve, preserve and care for the continental, insular and Antarctic marine and coastal ecosystems, promoting their various uses and associated vocations and ensuring their preservation, conservation and ecological restoration in all cases.
3. A law shall establish the administrative division of the maritime territory, its spatial planning, comprehensive management and the basic principles informing the legal bodies that institutionalize it, through a differentiated, autonomous and decentralized agreement, as appropriate, on the basis of territorial equity and justice.

Water statute

Article 140

1. Water is essential for life and for the exercise of human rights and nature's rights. The State must protect waters, in all their states and phases, and the water cycle.
2. The human right to water, sanitation and the balance of ecosystems shall always prevail. The law shall determine other uses.

Article 141

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

Article 142

The State shall ensure the reasonable use of water. The National Water Agency shall grant authorization for water use on the basis of the effective availability of water. Such authorization shall not be saleable and shall bind the holder to the use for which it was granted.

Article 143

1. The State shall guarantee a participatory and decentralized system of water governance through integrated watershed management. The river basin shall be the minimum management unit.
2. Basin councils shall be responsible for water administration, without prejudice to the National Water Agency's oversight and other powers, or the competences assigned to other institutions.
3. The law shall regulate the powers, operation and composition of basin councils. As a minimum, they should comprise the holders of water-use permits, civil society and the territorial entities present in the respective basin, ensuring that no actor can achieve sole control.
4. Basin councils may coordinate and join together when appropriate. In cases where a council is not established, the National Water Agency shall determine water administration.

Article 144

1. The National Water Agency is an autonomous body, with its own legal personality and assets, which operates in a decentralized manner and is responsible for ensuring sustainable water use for present and future generations, access to the human right to water and sanitation, and

the conservation and preservation of its associated ecosystems. To this end, it is responsible for gathering information and coordinating, directing and supervising the actions of State bodies with competence in water and individuals, as appropriate.

2. The National Water Agency has the following responsibilities:
 - a) Lead and coordinate agencies with competence in water-related matters.
 - b) Ensure enforcement of the national water policy established by the respective authority.
 - c) Grant, revise, modify, expire or revoke water-use permits.
 - d) Implement and monitor environmental management and protection instruments in water matters.
 - e) Coordinate and develop a unified public information system.
 - f) Promote the establishment of river basin councils, which it shall assist in carrying out integrated management, participatory governance and planning of interventions in the water bodies and ecosystems associated with the respective basin(s).
 - g) Oversee responsible and sustainable water use.
 - h) Impose appropriate administrative sanctions that may be pursued through the courts of justice.
 - i) Determine the quality of sanitation services.
 - j) Any other responsibilities established by law.
3. The law shall regulate the organization, appointment, structure, operation and other functions and competences of the National Water Agency.

Minerals statute

Article 145

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

Article 146

Glaciers, protected areas, areas established by law for hydrographic protection and other areas declared by law, are excluded from all mining activities.

Article 147

1. The State must establish a policy for mining activity and its productive linking, which shall consider, as a minimum, environmental and social protection, innovation and the creation of added value.
2. The State must regulate the impacts and synergistic effects generated at the different stages of mining activity, including its productive linking, closure or suspension, in the manner established by law. Any person who carries out mining activity is obligated to allocate resources to repair the damage and environmental liabilities caused and to mitigate their harmful effects in the territories where mining takes place, in accordance with the law. The law shall specify the manner in which this obligation shall apply to small-scale mining and artisanal miners.
3. The State shall adopt the necessary actions to protect and promote small-scale and artisanal mining and to facilitate access to, and use of, tools, technologies and resources for the traditional and sustainable exercise of the activity.

Office of the Ombudsperson for Nature

Article 148

1. An autonomous body, with legal personality and its own assets, called the Office of the Ombudsperson for Nature, shall be responsible for promoting and protecting nature's rights and the environmental rights guaranteed in this Constitution and in international environmental treaties ratified and in force in Chile, against acts or omissions of the State administration bodies and private entities.
2. The Office of the Ombudsperson for Nature shall be decentralized into regional ombudsperson's offices. The law shall determine the powers, organization, operation and procedures of the Office of the Ombudsperson for Nature.

Article 149

The Office of the Ombudsperson for Nature shall be responsible for:

- a) Overseeing State bodies and private entities in the fulfilment of their obligations concerning environmental rights and nature's rights.

- b) Developing recommendations on matters within its jurisdiction.
- c) Processing and following up on complaints about environmental rights violations and referring these on if necessary.
- d) Deducing constitutional and legal actions when environmental and nature rights are violated.
- e) Promoting training and education on environmental rights and nature's rights.
- f) Any other duties entrusted to it by the Constitution and the law.

Article 150

The Office of the Ombudsperson for Nature shall be led by an Ombudsperson for Nature, who shall be appointed in joint session of the Congress of Deputies and the Chamber of Regions, by the majority of members in office, from a list of three candidates drawn up by environmental civil society organizations, in the manner determined by law.

CHAPTER IV
DEMOCRATIC PARTICIPATION

Article 151

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

Participation and democratic representation

Article 152

1. Citizens have the right to incidental or mandatory participation in matters of public interest. The State has a duty to appropriately publicize the mechanisms of democracy, with a tendency to favour widespread deliberation among the people, in accordance with this Constitution and the law.
2. The public authorities must facilitate people's participation in the political, economic, cultural and social life of the country. Each State body must have mechanisms in place to promote and guarantee citizen participation and deliberation in the management of public affairs, including digital media.
3. The law shall regulate how digital tools are used in the implementation of the participation mechanisms established in this Constitution and that are different from suffrage. The use of these tools shall be designed to promote the highest possible participation in such processes, and as informative, transparent, secure and accessible a process as possible for all persons without distinction.

Article 153

1. The State shall guarantee all citizens, without discrimination of any kind, the full exercise of participatory democracy, through mechanisms of direct democracy.
2. The State shall be responsible, in its different spheres and functions, for guaranteeing the democratic participation and political influence of all persons, especially historically excluded groups and groups in need of special protection.

3. The State must guarantee the inclusion of these groups in public policies and in the legislative process, through popular participation and political deliberation mechanisms, guaranteeing affirmative actions that enable them to participate effectively.
4. The law shall establish the affirmative actions necessary to guarantee the political participation and representation of persons with disabilities.

Article 154

1. The State has a duty to guarantee environmental democracy. The right to informed participation in environmental matters is recognized. The mechanisms for participation shall be determined by law.
2. All persons have the right to access environmental information in the possession or custody of the State. Private parties must provide environmental information related to their activities, in the terms established by law.

Article 155

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

Article 156

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

Article 157

1. A group of persons eligible to vote, equivalent to three per cent of the last electoral roll, may present a popular law initiative for legislative processing.
2. There shall be a period of 180 days from the registration of the popular initiative with the Electoral Service before the proposal is made known to citizens and is eligible to gather the required sponsors. If the required support is garnered, the Electoral Service shall forward the proposal to the Chamber so that it can initiate

the legislative process. Popular initiatives shall be included in the legislative agenda with the urgency determined by law. The Legislature shall report on the progress of these initiatives every six months.

3. The popular initiative may not refer to taxes or the budgetary administration of the State, or limit fundamental rights.

Article 158

1. A group of persons eligible to vote, equivalent to 5 per cent of the last electoral roll, may present an initiative for the total or partial repeal of one or more laws enacted under this Constitution to be voted on by national referendum.
2. Initiatives on matters related to taxes or the budgetary administration of the State shall not be admissible.

Article 159

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

Suffrage and the electoral system

Article 160

1. Suffrage is universal, equal, free, direct, personal and secret. It is compulsory for persons over 18 years of age, and voluntary for 16- and 17-year-olds and Chileans living abroad. The exercise of suffrage constitutes a right and a civic duty.
2. No authority or body may prevent the exercise of this right, and they must provide all the necessary means to allow persons entitled to vote to exercise this right.
3. The safeguarding of public security during the popular vote shall be the responsibility of the institutions indicated by law.
4. Chileans abroad may vote in plebiscites, national consultations, presidential elections and elections of deputies. A special external district shall be established for this purpose.
5. Foreigners who have resided in Chile for at least five years may exercise the right to vote in the cases and in the forms determined by the Constitution and the law.
6. The law shall establish the conditions to guarantee the exercise of this right.

Article 161

1. For popular elections, the law shall create an electoral system in accordance with the principles of substantive equality, parity, gender alternation and the other principles provided for in this Constitution and the law. This system shall guarantee that collegial bodies have equal representation and shall promote parity in nominations for single-member positions. It shall also guarantee that electoral lists are always headed by a woman.
2. There shall be a public electoral register to which persons who meet the requirements established by this Constitution shall be added, by the sole authority of the law. The law shall determine the organization and operation of this register.

Article 162

1. In collegial bodies of popular representation at the national, regional and communal levels, seats are reserved for Indigenous peoples and nations when appropriate and in proportion to their population within the respective electoral territory. The requirements, application procedure, number and updating mechanisms of these seats shall be determined by law.
2. Only members of the Indigenous peoples and nations listed on the special Indigenous Electoral Register may vote for these seats. The Electoral Service shall prepare and administer this register, on the basis of records kept by State bodies, records held by the Indigenous peoples and nations on their members and the applications of citizens who self-identify as such, under the terms indicated by law.
3. A register of the Afrodescendant Chilean people shall be created under the rules of this article.

Article 163

1. Legally recognized political organizations shall implement gender parity in their leadership spaces, ensuring substantive equality in their organizational and electoral dimensions and promoting women's full political participation. They must also allocate electoral funding proportional to the number of such candidacies.
2. The State and political organizations shall take the necessary actions to eradicate gender-based violence in order to guarantee that all persons can fully exercise their political rights.
3. The law shall provide the means to encourage gender-diverse and transgender persons to participate in electoral processes.

Article 164

1. An autonomous body, with legal personality and its own assets, called the Electoral Service, is responsible for the administration, oversight and supervision of the electoral and plebiscite processes; enforcement of the rules on the transparency, limits and control of electoral spending; the rules on political organizations; the rules relating to direct democracy and citizen participation mechanisms, and other functions established by the Constitution and law.
2. The senior management of the Electoral Service comprises a board of directors that shall exclusively exercise the powers entrusted to it by the Constitution and the law.
3. This Council is composed of five councillors appointed by the President of the Republic, with the agreement of the Congress of Deputies and Chamber of Regions in a joint session, as decided by the majority of members in office. Councillors shall hold office for eight years, shall not be eligible for re-election and shall be renewed every four years.
4. Councillors may only be removed by the Supreme Court at the request of the President of the Republic, or by the absolute majority of the members in office in the Congress of Deputies or Chamber of Regions, for serious violation of the Constitution or the law, supervening legal incapacity, misconduct or manifest negligence in the performance of their duties. The Court shall hear the matter in a plenary session specially convened for this purpose and, to agree on the removal, it must have the affirmative vote of the majority of its members.
5. With regard to participatory democracy and the mechanisms enshrined in this Constitution, it is the responsibility of the Electoral Service to promote information, education and citizen or electoral participation in relation to such processes, in collaboration with other State agencies and civil society. The Electoral Service must also ensure the implementation and proper execution of these mechanisms.

CHAPTER V
GOOD GOVERNANCE AND PUBLIC SERVICE

Article 165

1. The exercise of public functions obliges holders to comply with the principles of integrity, transparency and accountability in all their actions. In addition, it is governed by the principles of efficiency, effectiveness, accountability, publicity, good faith, interculturality, a gender-based approach, inclusion, non-discrimination and sustainability.
2. Public service must be territorially, culturally and linguistically relevant.

Article 166

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

Article 167

1. The Constitution guarantees the transparency of public information for all persons by facilitating their access to such information in a clear and timely manner, periodically, proactively, legibly and in open formats, within the terms and conditions established by law. The principle of transparency requires State bodies to make public information available to every person who requires it and to ensure its timely delivery and accessibility.
2. Information prepared using the public budget and all other information in the possession or custody of the State, is public, whatever its format, support, date of creation, origin, classification or processing.
3. Every institution that performs a public service or administers public resources must comply with the principle of transparency.
4. Only the law may establish the confidentiality or secrecy of such information, for reasons of State security or national interest, protection of the rights of persons

or personal data, or when its disclosure prevents the respective institution from duly fulfilling its functions in accordance with its purposes.

Article 168

State bodies and persons who exercise a public function must be held accountable and assume responsibility in the exercise of their office, in the manner and under the conditions established by law. The State shall promote the active participation of individuals and civil society in overseeing compliance with this duty.

Article 169

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

Article 170

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

Article 171

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

Article 172

Persons convicted of crimes against humanity, sexual crimes, crimes of domestic violence, and crimes related to corruption, such as tax fraud, money laundering, bribery, embezzlement of public funds and other crimes established by law are not eligible for public office or popular election. The

terms and periods of these disqualifications shall be determined by law.

Article 173

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

Article 174

A commission shall set the salaries of popularly elected authorities, as well as the salaries of persons who serve these authorities exclusively. Salaries shall be set every four years, at least 18 months prior to the end of a presidential term. The agreements of the commission shall be public, based on technical information, and shall guarantee remuneration appropriate to the responsibility of the position. A law shall establish the integration, operation and powers of this commission.

Article 175

1. The purpose of the public administration is to meet the needs of individuals and communities. Its organization and operation are subject to the principles of legality, swiftness, objectivity, participation, control, hierarchy, good treatment and other principles set out in the Constitution and the law.
2. The administrative bodies shall implement public policies, plans and programmes and shall provide or guarantee, when applicable, the continuous and permanent provision of public services.
3. The law shall establish the basic organization of the public administration and may confer upon its bodies regulatory, supervisory, investigative, interpretative and sanctioning powers, among others. In no case do these powers imply the exercise of jurisdiction.
4. Each authority and headquarters, within the scope of its competence, may issue norms, resolutions and instructions to improve the performance and efficiency of its functions.
5. Any person whose rights have been violated by the public administration may file a complaint before the administrative and jurisdictional bodies established by this Constitution and the law.

Article 176

1. The State has a duty to provide universal and high-quality public services, which shall receive sufficient funding.

2. The State shall plan and coordinate the provision, delivery and coverage of these services across sectors, under the principles of generality, uniformity, regularity and territorial relevance.

Article 177

1. The public administration carries out its particular and usual functions through public officials.
2. The posts that this Constitution or the law qualify as positions of exclusive confidence given the nature of their functions are part of the government and shall be governed by the entry, performance and termination system established by law.
3. Persons may not be appointed to the public administration if they are a spouse, civil partner or relative to the fourth degree of consanguinity or second degree of affinity, inclusive, of the authorities and the executive officers of the State agency to which they are applying. Exceptions are made for appointments made in application of the rules in force on merit-based entry or promotion in career positions.

Article 178

1. The State shall set out mechanisms to modernize its processes and organization; adapt its operation to the social, environmental and cultural conditions of each locality; use advances in science, technology, knowledge and innovation to optimize and continuously improve the provision of public goods and services; and allocate the necessary resources for these purposes. It shall also promote participation and efficient management according to the needs of people and communities.
2. An agency shall be responsible for preparing plans to promote the modernization of the State administration, monitoring the implementation of these plans, and preparing periodic evaluations of the performance of public services and other functions, as established by law. It shall have an advisory council whose members shall include, among others, users and officials of public services and territorial entities.

Article 179

1. The civil service is composed of civil servants who carry out the functions of the public administration under the direction of the government, regional governments or municipalities. Positions of exclusive confidence are excluded from the civil service.

2. Appointment to these functions shall be carried out through an open, transparent, impartial and agile system that favours merit, speciality and suitability for the position, observing objective and predetermined criteria.
3. The development, performance evaluation and termination of these functions shall respect their technical and professional nature. The law shall regulate the rules of the civil service career, allowing the mobility of civil servants within the entire public administration and civil service training, taking into account the territorial and cultural relevance of the place where the service is provided. In addition, it shall establish a system for the education, training and development of civil servants.

Article 180

1. The Civil Service Directorate is an autonomous body, with legal personality and its own assets, responsible for strengthening the civil service and the selection procedures for positions in the public administration and other entities established by the Constitution and law, safeguarding the principles of transparency, objectivity, non-discrimination and merit. Its powers shall not affect the management competences of the authorities and heads of public services. The law shall regulate its organization and other powers.
2. This Directorate shall regulate the processes for selecting candidates for positions in the Senior Public Management System, or positions that must be selected with their participation, and shall hold competitions to fill senior management positions in the services, through a Senior Public Management Council.

Article 181

1. Chilean fire departments are an institution belonging to the civil protection system, whose purpose is to attend to natural and human-caused emergencies, without prejudice to the specific competence of other public and/or private organizations.
2. The State must fully fund its operational costs, training and equipment, and provide medical coverage to its staff for accidents or illnesses incurred in the line of duty.
3. Chilean fire departments shall be subject to the principles of integrity, transparency and accountability in all their actions.

Article 182

1. The State participates in the economy to fulfil its constitutional purposes, in accordance with the economic principles and objectives of solidarity,

economic pluralism, productive diversification, and a social and solidarity-based economy. In the exercise of its powers, it regulates, supervises, promotes and develops economic activities, in accordance with the provisions of this Constitution and the law.

2. The Constitution recognizes the State's initiative to develop economic activities through the various kinds of ownership, management and organization authorized by law.
3. Public enterprises shall be created by law, governed by the legal regime determined therein and subject to norms on integrity and accountability.
4. The State shall promote innovation, local markets, short distribution circuits and a circular economy.
5. The State must prevent and sanction abuse of the markets. The practices of collusion between companies and abuse of dominant positions, as well as business concentrations that affect the efficient, fair and trustworthy operation of the markets, shall be deemed behaviour that is contrary to the social interest. The law shall establish sanctions for those responsible.

Article 183

1. Public finances shall be conducted in accordance with the principles of sustainability and fiscal responsibility, which shall guide the actions of the State in all its institutions and at all levels.
2. The State shall use its resources in a reasonable, optimal, effective and efficient manner, for the benefit of the people and in accordance with the objectives imposed by the Constitution and the law.
3. Without prejudice to the different types of liability that may arise from non-compliance with financial obligations, the law must establish mechanisms for effective compensation of public assets.

Article 184

1. The State has a duty, within the scope of its financial competences, to establish a permanent policy of sustainable development in harmony with nature.
2. To generate the resources needed to look after and repair ecosystems, the law may impose taxes on activities that affect the environment. The law may also impose taxes on the use of natural commons, national goods for public use or State property. When such alternatives are territorially limited, the law

must distribute resources to the corresponding territorial entity.

Article 185

1. All persons and entities shall contribute to the payment of public expenditure through the payment of taxes, fees and contributions authorized by law. The tax system is based on the principles of equality, progressiveness, solidarity and material justice, which, in no case, shall have a confiscatory scope. One of its objectives shall be to reduce inequality and poverty.
2. The exercise of tax-raising power accepts the creation of taxes that serve purposes other than tax collection, taking into consideration limits such as necessity, reasonableness and transparency.
3. Taxes collected, whatever their nature, shall be paid into the State treasury or to territorial entities, as appropriate, in accordance with the Constitution. Exceptionally, the law may create taxes in favour of territorial entities that are imposed on activities or goods with a clear identification with the territories.
4. Territorial entities may only establish taxes and contributions within their territory in accordance with a framework law that establishes the taxable event.
5. The competent authority shall publish annually, in accordance with the law, the income subject to taxes and the State, regional and communal tax burdens, as well as tax benefits, subsidies, grants or bonuses for the promotion of business activity, including natural and legal persons. The cost of these tax benefits must also be estimated annually in the Budget Law and published.
6. Plebiscite and referendums shall not be applicable in tax matters.

Article 186

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

CHAPTER VI
REGIONAL STATE AND TERRITORIAL ORGANIZATION

Article 187

1. The State is divided into autonomous territorial entities and special territories.
2. Autonomous territorial entities are autonomous communes, autonomous regions and Indigenous territorial autonomies. They have political, administrative and financial autonomy to achieve their goals and interests. They have legal personality under public law, their own patrimony, and the powers and competences necessary to govern themselves in the general interest of the Republic, in accordance with the Constitution and the law, within the limits of human rights and nature's rights.
3. The creation, modification, demarcation and abolition of territorial entities must consider objective criteria based on their historical, geographical, social, cultural, ecosystem and economic background. The popular, democratic and binding participation of the entity's inhabitants must be guaranteed.
4. In no case shall the exercise of autonomy undermine the unique and indivisible nature of the Chilean State, nor shall it permit territorial secession.

Article 188

1. Territorial entities coordinate and associate through solidarity, cooperation, reciprocity and mutual support, avoiding duplication of functions, in accordance with the mechanisms established by law.
2. Two or more territorial entities, with or without territorial continuity, may enter into agreements and form territorial associations for the purpose of achieving common objectives, promoting social cohesion, improving the provision of public services, increasing efficiency and effectiveness in the exercise of their competences, and enhancing sustainable and balanced social, cultural and economic development.
3. The central government shall promote and support cooperation and association with and among territorial entities.
4. The law shall establish the general bases for the creation and operation of these associations, in accordance with the respective regional regulations.
5. Associations of territorial entities shall in no case alter the territorial organization of the State.

Article 189

1. The Constitution guarantees equitable treatment and harmonious and supportive development among the various territorial entities, both urban and rural. It shall tend towards the general interest and effective integration and may not establish arbitrary differences among the territorial entities.
2. The State guarantees horizontal equity for every person in access to public goods and services, employment, and all State benefits, regardless of where they live in the territory. It shall establish, if necessary, affirmative actions in favour of groups in need of special protection.

Article 190

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

Article 191

Participation in the territorial entities in the regional State.

1. Territorial entities guarantee the right of their inhabitants to individually or collectively participate in public decisions, including the formulation, implementation, evaluation, oversight and democratic control of the public function, in accordance with the Constitution and the law.
2. Indigenous peoples and nations shall be consulted and shall be able to grant free, prior and informed consent in matters or issues that affect their rights as recognized in this Constitution.

Article 192

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

Article 193

1. Territorial entities have a duty, within the scope of their competences, to establish a permanent policy of territorial equity and sustainable development in harmony with nature.

2. For their social, political, administrative, cultural, territorial and economic planning, the territorial entities shall consider the principles of budgetary sufficiency, inclusion and interculturality; and the criteria of socio-spatial integration, gender, the socio-ecosystem, human rights and others established by this Constitution.

Article 194

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

Article 195

1. The central government may transfer to the territorial entities the powers determined by law, without prejudice to the powers set out in this Constitution. This transfer must always consider the appropriate and sufficient human and financial resources for adequate execution. The law shall establish the procedure, as well as its evaluation and control mechanisms.
2. The State must also develop differentiated public policies. The law shall establish the criteria and requirements for the application of these differentiated policies, as well as the solidarity and equity mechanisms to compensate for the inequalities among the different territories.

Article 196

1. When competences are assigned, local entities shall be prioritized over regional entities, and regional entities prioritized over national entities, without prejudice to any competences that the Constitution or the law reserve for each of the territorial entities.
2. When necessary for the general interest, the central or regional government body may temporarily subrogate the exercise of powers that cannot be assumed by the regional or local entity.

Article 197

1. The State has the duty to organize and plan land use through central, regional and local governments. Hydrographic basins shall be used as management units for this purpose.
2. This duty is intended to guarantee suitable locations for settlements and productive activities, allowing for the responsible management of ecosystems and human activities under the criteria of equity and territorial justice to ensure intergenerational well-being.

3. Land-use plans and ecological planning shall prioritize the protection of upper basins, glaciers, natural aquifer recharge areas and ecosystems. These plans may define environmental or cultural protection areas and create buffer zones around them. They shall also consider the impacts of land use on water availability and quality.
4. Land management and planning shall be binding in matters determined by law. It shall be carried out in a coordinated and integrated manner, prioritize the general interest and involve popular participation processes at different stages.

Article 198

The State is the guarantor of the country's connectivity, in coordination with the regional governments. Regional connectivity shall be promoted, with special attention given to isolated, rural and hard-to-reach areas.

Article 199

Communes and autonomous regions located in border areas may link with neighbouring territorial entities, through their respective authorities, to establish cooperation and integration programmes aimed at promoting community development, public service provision and environmental conservation, under the terms established by this Constitution and the law.

Article 200

Representatives of the territorial entities shall be elected by popular vote, ensuring territorial representation, belonging and respective domicile.

Autonomous communes

Article 201

1. Autonomous communes are the basic political and territorial entity of the regional State. They have legal personality under public law, their own assets and enjoy autonomy to achieve their purposes and exercise their powers, in accordance with the provisions of the Constitution and the law.
2. The law shall classify communes according to their type. State bodies must consider commune type when establishing distinct administrative, economic and fiscal regimes and implementing policies, plans and programmes in accordance with the diverse

local realities and, in particular, when transferring competences and resources. Demographic, economic, cultural, geographic, socio-environmental, urban and rural criteria shall be considered, as a minimum, when commune types are established.

Article 202

Autonomous communes have the powers and competences of self-governance to meet the needs of the local community. The autonomous communes have the essential competences to:

- a) Exercise functions of government and administration within the commune and within the scope of its competences.
- b) Issue general and mandatory norms concerning the commune, in accordance with the Constitution and the law.
- c) Establish, provide, organize and administer municipal public services within the scope of its functions, in accordance with the Constitution and the law.
- d) Guarantee the sustainable and integral development of the commune.
- e) Protect communal ecosystems and the rights of nature.
- f) Perform the relevant actions to protect nature and its rights, as recognized by this Constitution and the law.
- g) Implement environmental protection mechanisms and actions in the manner determined by the Constitution, the law, environmental management tools and related norms.
- h) Conserve, act as a custodian and safeguard cultural and natural heritage.
- i) Promote and protect cultures, arts and cultural and natural heritage, as well as artistic research and training in their territories.
- j) Guarantee popular participation and the strengthening of democracy.
- k) Develop activities and services for education, health, housing, tourism, recreation, sports and other areas established by law, alongside regional and central authorities.
- l) Undertake construction work as required for local development within the framework of its responsibilities.
- m) Ensure the strategic development of the commune through the communal development plan.

- n) Undertake territorial planning through the communal regulatory plan, agreed upon with the respective community in a participatory manner.
- n bis) / (ñ (Sp.)) Promote productive activities.
- o) Promote local commerce.
- p) Promote the reintegration and re-inclusion of persons living on the street, as required, by planning, coordinating and implementing programmes for this purpose.
- q) Manage disaster risk reduction.
- r) Implement cleaning and aesthetic improvement in the commune.
- s) Promote public safety.
- t) Other competences, as determined by the Constitution and the law. The law must recognize the existing differences between the different types of communes and municipalities, ensuring equity, inclusion and territorial cohesion.

Article 203

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

Article 204

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

Article 205

The autonomous commune is governed by the municipality, whose government shall comprise the mayor and the municipal council, with the participation of the community residing in the autonomous commune.

Article 206

1. The mayor is the highest executive authority in the communal government. The mayor is a member of and chairs the municipal council and represents the commune in judicial and non-judicial proceedings.
2. The mayor shall serve for a term of four years and may be re-elected consecutively only once, for the following term. For these purposes, the mayor shall be understood to have held a term of office when they have served more than half their term.

Article 207

1. The municipal council is the collegial body that represents the people and the neighbourhood. It has normative, decision-making and supervisory functions. It shall be composed of the number of persons in proportion to the population of the commune, in accordance with the Constitution and the law. The law shall establish regulations against disqualifications or conflicts of interest.
2. Members of the municipal council shall serve for a term of four years and may be re-elected consecutively only once, for the following term. For these purposes, they shall be understood to have held a term of office when they have served more than half their term.
3. Councillors shall be provided with the necessary conditions and resources to efficiently and adequately perform their duties.
4. Council agreement shall be needed to approve the communal development plan, municipal budget and respective investment projects, and others determined by law.
5. Council agreement shall also be needed to approve the communal regulatory plan.

Article 208

Each commune shall have a communal statute drawn up and approved by the municipal council. Without prejudice to the general minimums for all communes established by law, the communal statute establishes the administrative organization and operation of communal bodies, mechanisms of neighbourhood democracy and norms for the development of communal ordinances.

Article 209

1. The communal social assembly aims to promote popular and citizen participation in public affairs. It shall be consultative, incidental and representative of the organizations in the commune.

2. Its membership, organization, operation and duties shall be established by law and complemented by the regional statute.

Article 210

1. Communes shall establish territories called neighbourhood units. A neighbourhood council shall be established within each neighbourhood unit. This council shall be representative of the persons residing in the neighbourhood, have legal personality and be non-profit. The neighbourhood council shall aim to achieve popular participation in communal management and community development. In communes with a rural population, a communal union of rural neighbourhood councils may also be formed.
2. The law shall determine the territory of neighbourhood units and the procedure for establishing neighbourhood councils and communal unions and their duties.

Article 211

1. The council of mayors is an advisory and representative body for all the communes in the autonomous region. Its coordinator shall be determined by a majority of the members in office.
2. The council of mayors shall meet and address the problems of the autonomous region, promote effective coordination among the various regional bodies and foster effective cooperation among communal governments.

Article 212

1. The central government guarantees the municipality sufficient funding and resources to fairly and equitably develop each commune.
2. It must also observe, as a basic principle for the communal government, the search for harmonious and equitable territorial development, ensuring that every person has access to the same level and quality of municipal public services, regardless of where they live.

Article 213

1. Autonomous communes may associate among each other on a permanent or temporary basis. They shall have legal personality under private law and shall be governed by the regulations specific to that sector.
2. Notwithstanding the provisions of the preceding subparagraph, associations shall be subject to the oversight of the Office of the Comptroller General of the Republic and shall comply with the regulations on administrative integrity and transparency in the performance of their functions.

Article 214

To fulfil their functions and exercise their powers, autonomous communes may establish or participate in companies, either individually or in association with other public or private entities, with advance authorization by general or special law. Municipal public companies shall have legal personality and their own assets and shall be governed in accordance with the provisions of the Constitution and the law.

Article 215

1. The law shall determine the establishment, division or merger of autonomous communes or the modification of their boundaries or denomination, respecting objective criteria in all cases, as provided in the Constitution.
2. A law shall regulate the transitional administration of the communes to be created, the procedure to establish new municipalities, the transfer of municipal staff and services, and the necessary safeguards to ensure the use and availability of the goods located within the new communes.

Article 216

1. Municipalities have the duty to promote and guarantee citizen participation from the local community in management and in the creation of local development policies and territorial planning, as well as in the cases indicated by this Constitution, the law and the regional or communal statutes.
2. Municipalities shall provide the mechanisms, space, resources, digital literacy, training and civic education and everything necessary to achieve such participation, which shall be consultative, incidental and, where appropriate, binding in accordance with the respective legislation.

Article 217

Municipalities may establish their staffing levels and the bodies or units that make up their internal structure, in accordance with the law, and taking into account the civil service career and its proper funding.

Provinces

Article 218

Provinces are territorial divisions established for administrative purposes, composed of a group of autonomous communes.

Autonomous regions

Article 219

Autonomous regions are political and territorial entities with legal personality under public law and their own assets. They enjoy autonomy to develop regional interests, manage their economic resources and exercise legislative, regulatory, executive and supervisory powers through their bodies within the scope of their competences, in accordance with the provisions of the Constitution and the law.

Article 220

The autonomous regions have the competences to:

- a) Organize the regional government, in accordance with the Constitution and the regional statute.
- b) Undertake political, administrative and financial organization of the autonomous region.
- c) Coordinate and delegate the constitutional competences shared with other territorial entities.
- d) Develop regional policy on housing, urban planning, health, transportation and education, in coordination with national policies, plans and programmes, respecting the universality of the rights guaranteed by this Constitution.
- e) Establish regional public companies through the competent bodies of the autonomous region, in accordance with the procedures regulated by law.
- f) Autonomously administrate and coordinate all public services under their jurisdiction.
- g) Conserve, preserve, protect and restore nature, ecological balance and the rational use of water and other natural sources in their territory.
- h) Regulate and administer forests, reservations and parks of protected wild areas and any other public land deemed necessary for the care of the ecosystem services granted to communities, within the scope of their competences.
- i) Undertake planning, land-use planning and integrated basin management.
- j) Establish a permanent sustainable development policy, in harmony with nature.

- k) Approve the autonomous region's environmental decontamination plans through citizen participatory processes.
- l) Promote popular participation in matters of regional interest.
- m) Develop research, technology and science.
- n) Promote and protect cultures, arts, historical heritage, intangible archaeological, linguistic and architectural heritage, and artistic training in their territory.
- n bis) /((ñ (Sp.)) Carry out public works of interest within the autonomous region.
- o) Plan for and implement physical and digital connectivity.
- p) Promote and encourage sports, leisure and recreation.
- q) Promote and manage tourism within the autonomous region, in coordination with the autonomous commune.
- r) Promote the social, productive and economic development of the autonomous region, in coordination with national policies, plans and programmes.
- s) Establish taxes and fees within their territory, with advance authorization by law.
- t) Participate in international cooperation, within the frameworks established by the treaties and agreements in force.
- u) Other powers as determined by the Constitution and the law.

Article 221

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

Article 222

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

Article 223

1. The regional government is the executive body of the autonomous region.
2. A regional governor leads the regional government, performs the functions of government and administration, and represents the region in judicial and non-judicial proceedings.
3. The regional governor represents the autonomous region before the national authorities. They coordinate and mediate between the central government and the region and before international authorities, within the framework of the national policy on international relations.
4. The regional governor shall be elected by the majority of the validly cast votes. If no person obtains at least 40 per cent of the vote, a second polling shall be held between the candidates who have obtained the two highest majorities. Whoever obtains the majority of the validly cast votes shall be elected.
5. The regional governor shall serve for a term of four years, and may be re-elected consecutively only once, for the following term. In this case, they shall be understood to have held a term of office when they have served more than half their term.

Article 224

The regional governments have the essential powers to:

- a) Exercise regulatory powers in all matters within the scope of their competences, in accordance with the Constitution, the law and the regional statute.
- b) Organize, administer, supervise and oversee the public services of the autonomous region and coordinate with the government on national public services operating in the region.
- c) Propose to the regional assembly the creation of regional public companies or participation in regional companies to manage services within their competence, as provided for in the Constitution, the law and the regional statute.
- d) Prepare and submit to the regional assembly the regional land-use plan and urban development plans for metropolitan areas, in accordance with the regional statute and the law.
- e) Submit to the regional assembly the integrated basin management plans agreed in the respective basin councils, in accordance with the law.
- f) Call regional referendums and plebiscites in accordance with the provisions of the Constitution, the regional statute and the law.

- g) Establish crisis management systems among the bodies that have a seat in the autonomous region, including, as a minimum, crisis preparation, prevention, administration and management.
- h) Prepare the regional development plan and present it to the regional assembly, in accordance with the regional statute.
- i) Enter into acts and contracts in which they have an interest.
- j) Adopt and implement public policies that foster and promote the social, productive, economic and cultural development of the autonomous region, especially in their areas of competence.
- k) Promote innovation, competitiveness and investment in the respective autonomous region.
- l) Prepare the draft regional budget and present it to the regional assembly, in accordance with this Constitution and the regional statute.
- m) Administer and execute budget planning on the allocation and use of the regional budget.
- n) Exercise their own fiscal powers in accordance with the Constitution and the law.

n bis) / (ñ (Sp.)) Enter into and execute agreements with the governments of other autonomous regions to implement interregional public programmes and policies, as well as any other form of territorial association.

- o) Enter into and execute international cooperation actions, within the frameworks established by the treaties and agreements that the country enters into for this purpose and in accordance with the procedures regulated by law.
- p) Any other powers provided for in the Constitution, the law and the regional statute.

Article 225

1. The regional assembly is the collegial body that represents the region. It has normative, decision-making and supervisory powers.
2. A law shall determine the general requirements to access the office of regional assembly member and their number in proportion to the regional population.
3. Those who hold the office of regional assembly member shall serve for a term of four years and may be re-elected consecutively only once, for the following term. In this case, they shall be understood to have held a term of office when they have served more than half their term.

Article 226

The regional assembly has the power to:

- a) Issue its internal operating regulations.
- b) Issue regional norms that impose the laws agreed in the region.
- c) Initiate legislative proceedings before the Chamber of Regions on matters of regional interest.
- d) Request that the Congress of Deputies transfer legislative power in matters of interest to the autonomous region.
- e) Exercise regulatory powers in conjunction with the regional governor in matters within its competence and issue regulations for the execution of the law when so entrusted.
- f) Manage its own assets and patrimony.
- g) Approve, reject or modify the investment of resources from solidarity funds and other public resources, as provided by law.
- h) Oversee regional government actions, in accordance with the procedure established in the regional statute.
- i) Oversee the activity of the regional administration, with the power to request information from authorities or leaders who perform their duties in the autonomous region, summon public officials or regional authorities and establish special commissions.
- j) Request that the regional governor reports on their participation in the Council of Governors.
- k) Approve, reject or propose modifications to the integrated basin management plan.
- l) Make joint pronouncements with the competent bodies regarding environmental assessment procedures.
- m) Approve, modify or reject the regional budget, regional development plan and land-use plans.
- n) Pronounce on the call for regional consultations or plebiscites.
- n bis) / (ñ (Sp.)) At the proposal of the regional governor and with advance ratification from the Chamber of Regions, approve the creation of regional public companies or participation in regional companies.
- o) Other powers, as determined by the Constitution and the law.

Article 227

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

Article 228

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

Article 229

1. The regional social council is responsible for promoting popular participation in regional public affairs of a participatory and consultative nature. The law shall determine its composition and competences.
2. The regional governor and the heads of the regional public services shall report to the regional social council, at least once a year, on budget execution and project development under the terms prescribed by the regional statute.

Article 230

1. The Council of Governorates, presided over by the President of the Republic and composed of the governors of each region, shall coordinate relations between the central government and the territorial entities, ensuring the balanced social and economic well-being of the Republic as a whole.
2. The Board of Governors has the power to:
 - a) Coordinate, complement and cooperate in the implementation of public policies in the regions.
 - b) Conduct economic and budgetary coordination between the central government and the autonomous regions.
 - c) Discuss joint strategic actions that affect the State and regional areas of competence. Ensure respect for the autonomy of the territorial entities.

- d) Ensure that the principles of equity, solidarity and territorial justice and the mechanisms of interterritorial economic compensation are correctly applied, in accordance with the Constitution and the law.
- e) Convene sectoral meetings between territorial entities.
- f) Agree on the creation of commissions or working groups to study matters of common interest.
- g) Other powers, as established by the Constitution and the law.

Article 231

1. Autonomous regions may establish their staffing levels and the bodies or units that make up their internal structure, in accordance with the law, and taking into account the civil service career and its proper funding.
2. These powers shall be exercised by whoever presides over the governorate, subject to the agreement of the regional assembly.

Article 232

The law shall determine the public services, institutions or enterprises of the State which, by virtue of their oversight purposes or for reasons of efficiency and general interest, shall be centralized or decentralized throughout the territory of the Republic.

Article 233

1. Autonomous regions have the competence to coordinate with ministry and public service representatives present in the autonomous region.
2. The regional government may request that the central government refers the powers of ministries and public services. Municipalities may also request that the regional government refers power.
3. The exercise of these powers is intended to ensure the respect, protection and progressive realization of social and economic rights under equal conditions in the different territorial entities.
4. The central administration shall have temporary subrogatory powers when territorial entities are unable to efficiently fulfil their mandates.
5. The law shall regulate the procedure and the exercise of these powers.

Indigenous territorial autonomies

Article 234

1. Indigenous territorial autonomies are territorial entities that have legal personality under public law and their own heritage, where Indigenous peoples and nations exercise their rights to autonomy in coordination with other territorial entities. The State has the duty to recognize, promote and guarantee Indigenous territorial autonomies for the fulfilment of their purposes.
2. The law shall create a timely, efficient and transparent procedure to establish Indigenous territorial autonomies, through a process of participation and advance consultation. This procedure shall be initiated at the request of the Indigenous peoples and nations concerned, through their representative authorities.

Article 235

The law shall establish the exclusive competences of the Indigenous territorial autonomies and those shared with other territorial entities. Indigenous territorial autonomies shall have the necessary competences and funding to enable Indigenous peoples and nations to adequately exercise the right of self-determination.

Special territories

Article 236

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

Article 237

1. The law shall create and regulate the administration of a fund for special territories, whose resources shall be used exclusively for the purposes for which the fund was created.

2. The central administration and the autonomous territorial entities must also allocate their own resources to fund the respective special territories.

Article 238

In the special territory of Rapa Nui, the State guarantees the right to self-determination and autonomy of the Polynesian Rapa Nui Nation, ensuring the means to fund and promote their development, protection and welfare through the Agreement of Wills signed in 1888, which incorporates Rapa Nui into Chile. The Rapa Nui are recognized as having collective ownership of the rights to the territory, with the exception of the individual land rights of community members. An autonomy statute shall regulate the Rapa Nui territory.

Article 239

The Juan Fernández Archipelago is a special territory comprising the islands of Robinson Crusoe, Alejandro Selkirk, Santa Clara, San Félix and San Ambrosio, and the maritime territory adjacent to them. Special statutes, established by law, shall regulate the government and administration of this territory.

Article 240

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

Rural areas

Article 241

1. The State promotes the full development of rural territories and recognizes rurality as a territorial expression in which the ways of life and production are developed around the direct relationship between individuals and communities and the land, water and sea.
2. The State shall also facilitate the participation of rural communities at the local and regional levels in the design and implementation of public programmes and policies that may affect or concern them.

Article 242

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

Article 243

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

Fiscal autonomy

Article 244

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

Article 245

1. Autonomous territorial entities have financial autonomy in their revenues and expenditures to fulfil their competences. This autonomy must conform to the principles of sufficiency, coordination, budgetary balance, solidarity and interterritorial compensation, sustainability, responsibility and economic efficiency.
2. The Budget Law shall progressively encourage a significant part of public expenditure to be executed through subnational governments, in accordance with the responsibilities assumed by each level of government.
3. The duty and power to ensure macroeconomic and fiscal stability shall be centralized.

Article 246

1. Given their financial autonomy, territorial entities have the power to order and manage their public finances within the framework of the Constitution and the law, for the benefit of their inhabitants and under the criteria of financial responsibility and sustainability.

2. Financial sufficiency shall be determined by objective criteria, such as correspondence between competences and resources necessary to achieve financial sufficiency, budgetary balance, coordination, no arbitrary discrimination between territorial entities, equality in social benefits, harmonious development of the territories, unity, objectivity, reasonableness, timeliness and transparency.

Article 247

Territorial entities shall have the following sources of income:

- a) Resources allocated by the Budget Law.
- b) Taxes granted to the territorial entity.
- c) Sharing of taxes established in the Budget Law.
- d) Fees and contributions.
- e) Sharing of solidarity funds.
- f) Interterritorial fiscal transfer.
- g) Administration and use of its patrimony.
- h) Donations, inheritances and legacies received in accordance with the law.
- i) Other sources, as determined by the Constitution and the law.

Article 248

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

Article 249

1. The government and the territorial entities must help correct the inequalities that exist among them.
2. The law shall establish compensation funds for territorial entities with lower fiscal capacity. The competent body

shall suggest to the legislator the resources that should be integrated into these funds, based on objective criteria.

3. The law shall establish a contingency and macroeconomic stabilization fund to guarantee the resources of territorial entities in the event of fluctuations in ordinary revenues.
4. By virtue of interterritorial solidarity, the central government must make unconditional direct transfers to territorial entities with tax revenues lower than half of their weighted average.
5. Autonomous regions and communes with revenues above the weighted average of fiscal revenues shall transfer resources to equivalent regions and communes with below-average revenues. The competent body shall suggest a formula to the legislator for making such transfers.

Article 250

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

- a) Prohibition of the use of funds raised through debt issuance or borrowings to fund current expenditure.
- b) Mechanisms to ensure that the debtor fully and properly services the debt.
- c) Prohibition of the establishment of guarantees or securities of the Treasury.
- d) Establishment of debt ceilings as a percentage of the annual budget of the respective regional and municipal government and the obligation to maintain an updated risk rating.
- e) Restrictions during election periods.
- f) These resources may not be used for salaries or current expenditure.

CHAPTER VII
THE LEGISLATURE

Article 251

The Legislature is composed of the Congress of Deputies and the Chamber of Regions.

Congress of Deputies

Article 252

1. The Congress of Deputies is a deliberative, parity-based and plurinational body that represents the people. It participates in the formation of laws and exercises the other powers entrusted to it by the Constitution.
2. The Congress is composed of a minimum of 155 members elected by direct vote by electoral districts. A regionally agreed law shall determine the number of members, the electoral districts and the manner of their election, in accordance with the principle of proportionality.
3. The seats in the Congress of Deputies reserved for Indigenous peoples and nations shall be elected in a single national district. Their number is defined proportionally to the Indigenous population in relation to the total population of the country. They shall be added to the total number of members of Congress. The law shall regulate the requirements, procedures and distribution of reserved seats.

Article 253

The Congress of Deputies has the exclusive powers to:

- a) Oversee the acts of the government. To exercise this power, it may:
 - 1) Adopt resolutions or suggest observations, which shall be transmitted in writing to the President of the Republic, who shall give a reasoned response through the appropriate Minister of State within 30 days from the date of the communication.
 - 2) Request, with the sponsorship of a quarter of its members, background information from the President of the Republic on the content or grounds of government acts. The President shall issue a well-founded reply through the corresponding Minister of State within three days from the date of communication.

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

- 3) Establish special commissions of inquiry at the request of at least two-fifths of its members in office, for the purpose of gathering information on certain government acts. The commissions of inquiry, at the request of one-third of their members, may issue subpoenas and request background information. Any person summoned by these commissions shall be obliged to appear and provide the background and information requested. However, the same commission of inquiry may not summon the same person more than three times without the advance agreement of the majority of its members.
- b) Declare, when the President resigns, whether the reasons for resignation are well-founded and consequently accept or reject the resignation.
- c) Declare on accusations made by no less than 10 or more than 20 of its members against:
 - 1) The President of the Republic, for acts of their administration that have seriously compromised the honour or security of the State or openly infringed the Constitution or the law. Such an accusation may be filed while the President is in office and within six months of the end of their term of office. During the latter period, the President may not leave the Republic without the permission of the Congress of Deputies.
 - 2) Ministers of State, for having seriously compromised the honour or security of the State, for having violated the Constitution or the law or for having failed to enforce them, and for the crimes of treason, extortion, embezzlement of public funds and bribery.
 - 3) Judges of the courts of appeals and the Supreme Court and the Comptroller General of the Republic, for notable neglect of their duties.
 - 4) Generals or admirals of military institutions, the general director of the national police [Carabineros de Chile] and the general director of the investigative police, for having seriously compromised the honour or security of the State.
 - 5) Regional governors, for violation of the Constitution and for the crimes of treason, sedition, embezzlement of public funds and extortion.

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

The charges referred to in points 2), 3), 4) and 5) may be filed while the person concerned is in office or within three months of the end of their term of office. Once the accusation has been filed, the accused may not leave the country without the permission of the Congress of Deputies and may not do so in any case if the accusation has already been approved by the Congress.

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

In other cases, the vote of the majority of deputies present shall be required and the person accused shall be suspended from their functions from the moment the Congress of Deputies declares that the accusation is admissible. The suspension shall cease if the Chamber of Regions rejects the accusation or if it fails to rule within 30 days thereafter.

- d) Grant its permission so that the President of the Republic may be absent from the country for more than 30 days or as of the third Sunday of November in the year prior to that in which the incumbent must leave office.
- e) Periodically supervise the execution of the defence budget, as well as the implementation of the national defence policy and the military policy.
- f) Other powers, as established by the Constitution.

Chamber of Regions

Article 254

1. The Chamber of Regions is a deliberative, parity-based and plurinational body that represents the regions. It is responsible for contributing to the formation of laws agreed within the region and exercising other powers entrusted by this Constitution.
2. Its members are called regional representatives and are elected by popular vote three years after the presidential and congressional elections, together with the communal and regional authorities.
3. The law shall determine the number of regional representatives to be elected per region, which must be the same for each region and in no case less than three, ensuring that the final membership of the body respects the

parity principle. The law shall also regulate the integration of the reserved seats in the Chamber of Regions.

4. The law shall specify their special rights and obligations, which shall include the obligation to report periodically to the regional assembly they represent in any case. They may also be specially summoned for this purpose.
5. The Chamber of Regions may not supervise acts of government or its institutions.

Article 255

1. The Chamber of Regions is exclusively responsible for hearing the accusations brought by the Congress of Deputies.
2. The Chamber of Regions shall decide as a jury and shall limit itself to declaring whether the person accused is guilty.
3. The declaration of guilt must be pronounced by two-thirds of its members in office in the case of an accusation against the President of the Republic or a regional governor. In all other cases, it must be pronounced by the majority of its members in office.
4. The person found guilty shall be removed from office and may not hold any other position of exclusive confidence of the President for the remainder of their term of office nor run for the popularly elected office from which they were removed at the next election, as applicable.
5. The official found guilty shall be tried by the competent court in accordance with the law, which shall apply any penalty for the offence and establish civil liability for damages caused to the State or private parties.

Common provisions of the Legislature

Article 256

1. The Congress of Deputies and the Chamber of Regions may not enter into session or adopt resolutions without the attendance of one-third of their members in office. They make their decisions by simple majority of the members present unless this Constitution provides for a different quorum.
2. The law shall establish the rules for their organization, operation and processing, which may be supplemented by the operating regulations issued by these bodies.

Article 257

1. To be elected as a deputy or regional representative, the person must be a citizen with the right to vote, be 18 years of age on the day of the election and have resided in the corresponding territory for no less than two years in the case of deputies and four years in the case of regional representatives, counted from the day of the election.
2. It shall be understood that their residence is in the corresponding territory while they hold office.

Article 258

1. The following persons may not be candidates for the Chamber of Deputies or the Chamber of Regions:
 - a) The President of the Republic or acting President at the time of the election.
 - b) Ministers of State and undersecretaries.
 - c) Popularly elected regional and communal authorities.
 - d) Directors of the Central Bank.
 - e) Counselors of the Board of Directors of the Electoral Service.
 - f) Persons who hold senior or executive positions in autonomous bodies.
 - g) Persons who exercise jurisdiction in the justice systems.
 - h) Members of the Constitutional Court.
 - i) Members of the Electoral tribunal and the regional electoral tribunals.
 - j) The Comptroller General of the Republic.
 - k) The Prosecutor General, regional prosecutors and deputy prosecutors of the Public Prosecutor's Office.
 - l) Police officers in active service.
 - m) Natural persons or administrators of legal persons that enter into or secure contracts with the State.
 - n) Members of the military in active service.
2. The ineligibilities set out in this article shall be applicable to persons who held the aforementioned statuses or positions during the year

immediately prior to the election, except for persons mentioned in point m), who shall not meet those conditions at the time of registering their candidacy, and persons indicated in points k), l) and n), for whom the term of ineligibility shall be the two years immediately prior to the election.

Article 259

1. The roles of deputy and regional representative are mutually incompatible, and incompatible with other representative roles and any employment, function, commission or position of a public or private nature.
2. By the sole fact of their appointment by the Electoral Tribunal, deputies and regional representatives shall cease to hold any other incompatible role, employment, function or commission position.

Article 260

1. Deputies and regional representatives are inviolable for the opinions they express and the votes they cast in the performance of their duties.
2. From the day of their election or investiture, they may not be charged or deprived of their liberty, except in cases of flagrante delicto, unless the court of appeals of the respective jurisdiction, in plenary session, has previously declared that there is cause for legal proceedings. An appeal may be filed with the Supreme Court against such decisions.
3. In the event of their arrest for flagrante delicto, deputies and regional representatives shall immediately be brought before the respective court of appeals, with the corresponding summary information. The Court shall proceed in accordance with the provisions of the preceding subparagraph.
4. As soon as a final resolution has established that there are grounds for legal proceedings, they shall be suspended from office and subject to the competent judge.

Article 261

1. Any deputy or regional representative who fulfils the following conditions shall cease to hold office:
 - a) Is absent from the country for more than 30 days without the permission of the respective Chamber or, when the Chamber is in recess, the permission of its Board of Directors.
 - b) During their tenure, enters into or secures contracts with the State, or acts as procurator or agent in private administrative proceedings, the provision of public employment, directorships, functions or commissions of a similar nature. This

disqualification shall apply, whether the deputy or regional representative acts by themselves or through another natural or legal person.

- c) During their tenure, acts as a lawyer or representative in any kind of trial; exercises any influence before 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 intervenes in labour disputes before any of the parties.
 - d) Has seriously infringed the norms on transparency, limits and control of electoral spending from the date declared by the Electoral Tribunal at the request of the Board of Directors of the Electoral Service. A law shall specify the cases in which a serious infringement exists.
 - e) During their term of office, loses any general eligibility requirement or incurs any of the grounds for ineligibility established within this chapter.
2. Deputies and regional representatives may resign from their positions if they are duly diagnosed with a serious illness that prevents them from performing their duties, as qualified by the Electoral Tribunal.
 3. The law shall determine the manner of replacement of a deputy or regional representative in the event of a vacancy. To be elected to the respective position, their replacement must meet the requirements established by this Constitution and shall be subject to the same ineligibilities and conflicts of interest. Equal membership of the body shall be ensured in any event.

Article 262

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

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

Article 263

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

- a) Inaugurate the legislative year.

- b) Take the oath or pledge of the President-elect at the time of assuming office.
- c) Receive the annual public account from the President.
- d) Elect the President if the office becomes vacant and less than two years remain until the next election.
- e) Authorize or extend states of exception to the Constitution as appropriate.
- f) Decide on appointments in accordance with this Constitution, guaranteeing strict scrutiny of the candidate's suitability for the corresponding position.
- g) Other cases established in this Constitution.

The Law

Article 264

Only by law is it possible to:

- a) Establish, modify and eliminate taxes of any kind or nature and their applicable tax benefits, or determine their progression, exemptions and proportionality, without prejudice to the exceptions established in this Constitution.
- b) Authorize borrowing and other operations that may compromise the credit and financial responsibility of the State, its bodies and municipalities, without prejudice to the rights enshrined with respect to territorial entities and the provisions set out in the following point. This provision shall not apply to the Central Bank.
- c) Establish the conditions and rules under which universities, State companies and companies in which the State participates may secure loans, which in no case may be made with the State, its bodies or companies.
- d) Establish norms on the disposal of State, regional government or municipal property and on their lease, licences for use or exploitation and concession.
- e) Regulate national defence capabilities, allow foreign troops to enter the territory of the Republic and authorize the departure of national troops.
- f) Establish or modify the political or administrative division of the country.
- g) Set the value, type and denomination of coins and the system of weights and measures.

- h) Grant general pardons and amnesties, which shall not be granted in cases of war crimes and crimes against humanity.
- i) Establish the system for determining the remuneration of the President of the Republic and Ministers of State, deputies, governors and regional representatives.
- j) Designate the city where the President of the Republic shall reside, the Congress of Deputies and the Chamber of Regions shall hold their sessions and where the Supreme Court shall function.
- k) Authorize the declaration of war, at the proposal of the President of the Republic.
- l) Establish the foundations of the procedures that govern acts of the public administration.
- m) Establish and modify public services and public jobs, whether fiscal, autonomous or in State companies, and determine their functions and powers.
- n) Establish the legal framework governing labour, unions, strikes and collective bargaining in their various manifestations, pensions and social security matters.
- n bis) / (ñ (Sp.)) Create lotteries and betting services.
- o) Regulate matters that the Constitution indicates as laws requiring presidential concurrence.
- p) Regulate any other matters the Constitution requires to be established by law.

Article 265

1. The President of the Republic may request authorization from the Chamber of Deputies to issue legislative decrees for a period not exceeding one year.
2. This authorization may not extend to fundamental rights, nationality, citizenship, elections or plebiscites, nor to the organization, duties and framework of national justice system officials, the Chamber of Deputies, the Chamber of Regions, the Constitutional Court or the Office of the Comptroller General of the Republic.
3. The law that grants the authorization shall indicate the precise matters to be delegated and may establish any limitations and formalities deemed appropriate.

4. Without prejudice to the provisions of the preceding subparagraphs, the President of the Republic shall be authorized to establish the consolidated, coordinated and systematized text of the laws when convenient to improve their implementation. In exercising this power, the President may introduce indispensable changes of form, without altering the true meaning and scope of the text in any case.
5. The Office of the Comptroller General of the Republic shall be responsible for registering these legislative decrees, and shall reject them when they exceed or contravene the aforementioned authorization.
6. The publication, force and effects of legislative decrees shall be subject to the same rules that apply to the law.
7. The law that authorizes the delegation of powers corresponding to laws of regional agreement is itself a law of regional agreement.

Article 266

The following are laws requiring presidential concurrence:

- a) Laws that directly incur costs to the State.
- b) Laws related to the budgetary administration of the State, including amendments to the Budget Law.
- c) Laws that alter the political or administrative division of the country.
- d) Laws that impose, eliminate, reduce or condone taxes of any kind or nature, establish exemptions or modify existing exemptions and determine their form, proportionality or progression.
- e) Laws that contract or authorize borrowing or enter into any other type of operations that may compromise the patrimonial responsibility of the State or the autonomous bodies, and condone, reduce or modify obligations, interests or other financial charges of any nature established in favour of the Treasury or of the referred agencies or entities, without prejudice to the provisions of point c) of article 264.
- f) Laws that regulate national defence capabilities, allow foreign troops to enter the territory of the Republic and authorize the departure of national troops.

Article 267

1. Laws requiring presidential concurrence may originate in a message or a motion.
2. The motion must be sponsored by no less than a quarter and no more than one-third of the deputies or regional representatives in office, as applicable.

The motion shall declare that the bill is of presidential concurrence.

3. These motions must be accompanied by a technical and financial report from the Budget Secretariat that includes an estimate of expenditure and the source of funding.
4. These laws may only be approved if the President of the Republic endorses them during the processing of the bill. The President may endorse the bill at any time up to 15 days after it has been sent for a general vote by the respective committee, and in any case, before this. Once this period has elapsed without the corresponding endorsement, the bill shall be considered discarded and its processing may not be insisted upon.
5. The President of the Republic may always withdraw their endorsement. In this case, the processing of the bill shall not continue.

Article 268

1. Only laws that meet the following requirements are laws of regional agreement:
 - a) Laws that reform the Constitution.
 - b) Laws that regulate the organization, powers and operation of the justice systems, the Legislature and the autonomous constitutional bodies.
 - c) Laws that regulate states of exception to the Constitution.
 - d) Laws that establish, modify or eliminate taxes or exemptions and determine their progression and proportionality.
 - e) Laws implemented in the territorial entities that directly incur costs to the State.
 - f) Laws that implement the right to health, education and housing.
 - g) The Budget Law.
 - h) Laws approved by the regional statutes.
 - i) Laws that regulate the election, appointment, competences, powers and procedures of the bodies and authorities of the territorial entities.
 - j) Laws that establish or alter the political or administrative division of the country.
 - k) Laws that establish the mechanisms for fiscal and budgetary distribution and other mechanisms for economic compensation among the different territorial entities.

- l) Laws that authorize the execution of operations compromising the patrimonial responsibility of the territorial entities.
 - m) Laws that authorize territorial entities to establish public enterprises.
 - n) Laws that delegate legislative powers to the autonomous regions in accordance with the Constitution.
 - n bis) / (ñ (Sp.)) Laws that regulate territorial and urban planning and implementation.
 - o) Laws that regulate the protection of the environment.
 - p) Laws that regulate popular votes and results.
 - q) Laws that regulate political organizations.
 - r) Other laws that this Constitution qualifies as laws of regional agreement.
2. If a conflict of competence arises between the Chamber of Regions and the Congress of Deputies as to whether one or more matters provided for in this article should be reviewed by the Chamber of Regions, the latter shall approve its competence by a majority of its members and the Congress of Deputies shall ratify this approval by a majority of its members. In the event that the Congress of Deputies rejects the revision approved by the Chamber of Regions, the Chamber of Regions may appeal to the Constitutional Court by majority vote.

Legislative procedure

Article 269

1. Laws may be initiated by a message from the President of the Republic or by a motion from no less than 10 per cent and no more than 15 per cent of deputies or regional representatives. Laws may also be initiated by popular initiative or Indigenous legislative proposals.
2. One or more regional assemblies may submit initiatives on matters of regional interest to the Chamber of Regions. If the Chamber of Regions endorses an initiative, it shall be introduced as an ordinary motion in Congress.
3. The processing of all bills, regardless of their origin, shall begin in the Congress of Deputies.
4. Any bill may be subject to additions or corrections in its processing, both in the Congress of Deputies and the Chamber of Regions, if the latter intervenes in accordance with the provisions of this Constitution. In no case shall additions or corrections that are not directly related to the main or fundamental ideas of the bill be admitted.

Article 270

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

Article 271

Laws referring to the organization, operation and procedures of the Legislature and the justice systems; electoral and plebiscite processes; the regulation of states of exception to the Constitution; the regulation of political organizations; and laws regulating the Office of the Comptroller General of the Republic, the Ombudsperson's Office, the Office of the Ombudsperson for Nature, the Electoral Service, the Constitutional Court and the Central Bank must be approved by the favourable vote of the majority of the members in office in the Congress of Deputies and the Chamber of Regions.

Article 272

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

Article 273

1. In the session following its submission by the Congress of Deputies and with the favourable vote of the majority, the Chamber of Regions may request to consider a bill that is not of regional agreement.
2. The Chamber of Regions shall have 60 days from the receipt of the bill to formulate amendments and send them to the Congress of Deputies. The Congress of Deputies may approve these amendments or insist on the original bill with the favourable vote of the majority. If the Chamber of Regions does not issue its report within the aforementioned term, the bill shall be submitted by the Congress of Deputies.

Article 274

1. If the President of the Republic approves the bill passed by the Congress of Deputies, it shall be enacted into law. Otherwise, the President shall return the bill within 30 days with any observations deemed relevant or communicate their total rejection of the bill.
2. In no case shall observations that are not directly related to the main or fundamental ideas of the bill be admitted unless they have been considered in the respective message.
3. Partial observations may be approved by majority vote. With the same quorum, the Congress of Deputies may insist on the original bill.
4. If the President totally rejects the bill, the Congress of Deputies must reject it unless insisted upon by three-fifths of its members in office.
5. If the President of the Republic does not return the bill within 30 days from the date of referral, it shall be considered approved and shall be enacted into law. Enactment must always take place within a period of 10 days, counted from the date on which it becomes effective. Publication shall take place within five working days of the date on which the decree promulgating the bill is fully processed.
6. A bill that is rejected in general by the Congress of Deputies may only be renewed after one year.

Article 275

1. The law regulating the operation of the Congress of Deputies shall establish the mechanisms to determine the order in which bills shall be heard, distinguishing between simple urgency, utmost urgency and immediate discussion.

2. The law shall specify the cases in which the urgency shall be established by the President of the Republic and by the Congress of Deputies. The law shall specify the cases and conditions of popular urgency.
3. Only the President of the Republic shall have the power to determine the immediate discussion of a bill.

Article 276

1. The Chamber of Regions shall hear proposals for regional statutes adopted by a regional assembly in order for one or more regional assemblies to establish regional companies, in accordance with the provisions of the Constitution, and for the delegation of the legislative powers of regional assemblies.
2. Upon receipt of a proposal, the Chamber of Regions may approve the bill or make any amendments it deems necessary. If the respective regional assembly accepts the amendments, the bill shall be sent to the Congress of Deputies for processing as a law of regional agreement. The Congress of Deputies and the Chamber of Regions shall have a period of six months to consider a regional statute.
3. Delegations may not extend to areas requiring presidential concurrence; nationality, citizenship and elections; areas that are subject to general codification; nor to the organization, powers and framework of national bodies or the justice systems.
4. The law that delegates powers shall indicate the precise matters to be delegated and may establish any limitations, restrictions and formalities deemed appropriate.
5. The Office of the Comptroller General of the Republic shall record the regional laws issued in accordance with this article and shall reject them when they exceed or contravene the aforementioned authorization.

Article 277

1. The President of the Republic must submit the budget bill at least three months in advance of the date on which it is to come into force.
2. If the bill is not passed within 90 days of submission, the bill initially submitted by the President shall prevail.
3. A special budget committee shall begin to process the bill. This committee shall be composed of an equal number of deputies and regional representatives. The special committee may not increase or decrease the estimated income, but may reduce the expenditure contained in the budget

bill, except for those established by permanent law.

4. Once the bill has been approved by the special budget committee, it shall be sent to the Congress of Deputies for processing as a law of regional agreement.
5. The President of the Republic shall be responsible for the estimated return on the resources specified by the Budget Law and on new resources established by any other initiative of law, after receiving a report from the respective technical agencies, without prejudice to the powers of the Budget Secretariat of the Congress of Deputies and the Chamber of Regions.
6. No new expenditure from the public treasury may be approved without also indicating the sources of funds necessary to cover such expenditure. The Budget Law cannot create taxes or tax benefits.
7. If the source of resources granted by the Congress of Deputies is insufficient to fund any new approved expenditure, the President of the Republic shall proportionally reduce all expenditure of any kind upon enactment of the law and following a favourable report from the service or institution through which the new income is collected, endorsed by the Office of the Comptroller General of the Republic.
8. Popular participation in the processing of the Budget Law and regional and communal budgets must be guaranteed.

Article 278

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

CHAPTER VIII
THE EXECUTIVE

Article 279

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

Article 280

1. The requirements to be elected President of the Republic include holding Chilean nationality and being 30 years of age or older on the day of the election.
2. Candidates must also have effectively resided in the national territory during the four years prior to the election. This requirement shall not apply when the absence from the country is due to the candidate, their spouse or civil partner fulfilling a diplomatic mission, working in international organizations or when other circumstances justify the absence. Such circumstances shall be qualified by the Electoral Tribunal.
3. When registering their candidacy, candidates must submit a programme, in accordance with the law.

Article 281

1. The President of the Republic shall be elected by universal and direct suffrage, by an absolute majority of the validly cast votes. The election shall be held on the third Sunday in November of the year before the incumbent is due to leave office.
2. If more than two candidates stand for election and none of them obtain more than half of the validly cast votes, a second vote shall be held between the candidates who obtained the two highest majorities. This vote shall be held on the fourth Sunday after the first vote. The candidate who obtains the quorum established in the preceding subparagraph shall be elected. In the event of a second vote, candidates may make changes to their programme up to one week prior to the second vote.
3. The day of the presidential election shall be a mandatory public holiday.
4. In the event of the death of one or both of the candidates referred to in subparagraph 2, the current President of the Republic shall call a new election within 10 days of the date of death. The election shall be held 90 days after

this call, if that day falls on a Sunday. Otherwise, it shall be held on the following Sunday.

Article 282

1. The qualification process for the election of the President shall be concluded within 15 days of the first vote and within 30 days of the second vote.
2. The Electoral Tribunal shall immediately communicate the declaration of the President elect to the Congress of Deputies and the Chamber of Regions.
3. The Congress of Deputies and the Chamber of Regions shall meet in a joint session on the day on which the incumbent is to leave office. With the members in attendance, the Chambers shall acknowledge the resolution of the Electoral Tribunal declaring the person who has been elected.
4. At this session, the President elect shall promise, or take an oath, to faithfully hold the office of President of the Republic, to preserve the independence of the Republic and to keep and uphold the Constitution and the law. The President elect shall immediately assume their duties.

Article 283

1. If the President elect is unable to take office, the chair of the Congress of Deputies, the Chamber of Regions or the Supreme Court, in that order, shall provisionally assume the role, adopting the title of Vice President of the Republic.
2. If the impediment of the President elect is absolute or lasts indefinitely, the Vice President, within 10 days of the agreement of the Chamber of Deputies, shall call a new presidential election to be held 90 days later, if that day falls on a Sunday, or on the Sunday immediately following, in accordance with the general rules. The candidate elected shall assume their duties at the time, as established by law, and shall remain in office for the remainder of the term already begun.

Article 284

1. The President shall serve a term of four years, after which they shall be eligible for immediate or subsequent re-election only once.
2. If running for immediate re-election, from the day the President registers as a candidate, they may not execute any expenditure that is not merely administrative nor carry out public activities that involve actively campaigning for

re-election. The Office of the Comptroller General of the Republic shall issue instructions regulating the situations described in this article.

Article 285

If the President of the Republic is unable to exercise the office of President due to illness, absence from the territory of the Republic or any other serious reason, the appropriate Minister of State, according to the order of legal precedence, shall act as a substitute with the title of Vice President of the Republic.

Article 286

1. The following are definitive impediments to the post of President of the Republic and cause the office to become vacant: death; duly certified serious illness that makes it impossible to hold office for the remainder of the term, so qualified by the Electoral Tribunal; resignation accepted by the Congress of Deputies; and removal through constitutional impeachment, in accordance with the rules established in this Constitution.
2. In the event of definitive impediment, the Minister of State indicated in the preceding article shall assume office and shall proceed in accordance with the following paragraphs.
3. If the office becomes vacant less than two years before the next presidential election, the President shall be elected by the Congress of Deputies and the Chamber of Regions, in a joint session. The appointment shall be made within 10 days of the vacancy and the person elected shall assume office within 30 days. For purposes of re-election, this presidential term shall be considered as a full term.
4. If the office becomes vacant two years or more before the next presidential election, the Vice President, within 10 days of assuming office, shall call a presidential election to be held 120 days after this call, if that day falls on a Sunday, or on the following Sunday, in accordance with the general rules. The person elected shall assume office on the tenth day after the proclamation of their election, and shall hold office until the end of the unexpired term of the person being replaced.
5. The Vice President assuming the office of President and the President appointed in accordance with the provisions of the preceding paragraph shall have all the powers conferred on the President of the Republic by this Constitution.

Article 287

The powers of the President of the Republic are to:

- a) Comply with and enforce the Constitution, the law and international treaties, in accordance with their competences and powers.
- b) Direct the State administration.
- c) Appoint and remove Ministers of State, undersecretaries and other officials as appropriate, in accordance with the Constitution and the law. These are positions of exclusive confidence and holders shall remain in post for as long as they have the confidence of the President.
- d) Conduct foreign relations; sign and ratify international treaties, conventions or agreements; and appoint and remove ambassadors and heads of diplomatic missions.
- e) Declare states of exception to the Constitution in the cases and forms indicated in the Constitution and the law.
- f) Attend legislative sessions and enact laws, in accordance with the provisions of the Constitution.
- g) Issue legislative decrees, after delegation by the Chamber of Deputies and in accordance with the provisions of the Constitution.
- h) Exercise regulatory powers in accordance with the Constitution and the law.
- i) Permanently exercise the supreme command of the military and deploy, organize and distribute the armed forces for their development and joint employment.
- j) Appoint and remove the chair of the Joint Chiefs of Staff and military commanders-in-chief, and provide for the appointment, promotion and retirement of military officers.
- k) Drive public safety and appoint and remove members of the police high command.
- l) Appoint the Comptroller General in accordance with the provisions of the Constitution.
- m) Participate in the appointments of other authorities in accordance with the provisions of the Constitution.
- n) Grant special pardons, except for war crimes and crimes against humanity.
- n bis) /((ñ (Sp.)) Oversee the collection of public revenues and decree their investment in accordance with the law. The President of the Republic, with the signature

of all Ministers of State, may decree payments not authorized by law to meet urgent needs arising from public calamities, external aggression, internal unrest, serious damage or danger to the security of the country or the exhaustion of resources allocated to maintain services that cannot be suspended without serious damage to the country. Total transfers made for these purposes may not exceed 2 per cent of the expenditure amount authorized by the Budget Law annually. Employees may be hired under this law, but the respective item may not be increased or decreased by means of transfers. Ministers of State or officials who authorize or grant expenditure that contravenes the provisions of this point shall be personally and severally liable for their reimbursement, and guilty of the crime of misappropriation of public funds.

- o) Call referendums, plebiscites and consultations in the cases provided for by this Constitution.
 - p) Present the budget bill annually.
 - q) Request that the Congress of Deputies or the Chamber of Regions be summoned to a special session, stating the reasons. In such case, the session shall be held as soon as possible.
 - r) Other powers, as established by the Constitution and the law.

Article 288

1. The President of the Republic has the power to issue the regulations, decrees and instructions deemed necessary to implement the law.
2. The President may also exercise regulatory powers in all matters not reserved exclusively for the law. When rules of a legal and regulatory nature are applicable, the law shall prevail in case of contradiction.
3. The President shall report monthly to the Congress of Deputies on the regulations, decrees and instructions issued in accordance with the preceding paragraph.

Article 289

1. The President of the Republic has the power to negotiate, conclude, sign and ratify international treaties.
2. When international treaties refer to matters of law, they must be approved by the Legislature. International treaties concluded in compliance with a law shall not require this approval.

3. The Legislature shall be informed of the conclusion of international treaties that do not require its approval.
4. The approval process for international treaties shall be subject to the procedures of a law of regional agreement, as appropriate.
5. The President of the Republic shall send the bill to the Congress of Deputies and shall report on the negotiation process, the content and scope of the treaty, as well as the reservations the President intends to confirm or formulate.
6. On receipt, the Congress of Deputies may suggest reservations and interpretative declarations to an international treaty in the course of its approval procedure, provided that these reservations or declarations are in accordance with the provisions of the treaty itself or with the general rules of international law.
7. Once the treaty has been approved by the Congress of Deputies, it shall be sent to the Chamber of Regions for processing.
8. The actions adopted by the Executive or the agreements it concludes to comply with a treaty in force shall not require new approval by the Legislature unless they are matters of law.
9. The agreement that approves a treaty may authorize the President of the Republic, during the term of the treaty, to make any legislative provisions deemed necessary to fully enforce the treaty, except in the case of fundamental rights, nationality, citizenship, elections and plebiscites.
10. The agreement of the Legislature shall be required to withdraw from or denounce a treaty it has approved and to withdraw a reservation it considered when approving the treaty. The law shall set the time limit for its enactment.
11. Facts relating to the international treaty, including negotiations, its entry into force, the formulation and withdrawal of reservations, interpretative declarations, objections to, and withdrawal of, a reservation, denunciation or withdrawal from the treaty, and suspension, termination and invalidity, shall be made public in accordance with the general rules.
12. When negotiating international treaties or instruments for investment or similar mechanisms, the President of the Republic shall ensure that dispute resolution bodies are impartial, independent and preferably permanent.
13. Inhabitants of the territory, and Chileans residing abroad and aged 16 years or older, may request that the President of the Republic sign international human rights treaties in accordance with the requirements established by

law, which shall define the term within which the President must respond to such request.

Article 290

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

Article 291

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

Article 292

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

Article 293

1. Ministers may attend sessions of the Chamber of Deputies and the Chamber of Regions and take part in their debates, and shall be given preference to speak.
2. Notwithstanding the foregoing, they shall be compelled to personally attend special sessions called by the Congress of Deputies or the Chamber of Regions to inform them about matters they agree to deal with that fall under

the powers of the appropriate State secretariats.

Article 294

The President of the Republic shall decide on the appointment of representatives of ministries and public services present in the autonomous region.

Article 295

1. The State has the monopoly on the legitimate use of force, which cannot be delegated. It exercises this through the competent institutions, in accordance with this Constitution and the law, and with respect for human rights.
2. The law shall regulate the use of force and the weapons that may be used by the institutions authorized by this Constitution when performing their functions.
3. No person, group or organization may possess, have or carry arms or other similar items, except in the cases indicated by law, which shall establish the requirements, permits and controls for the use, carrying and possession of arms.

Article 296

1. The President of the Republic is responsible for public security through the appropriate ministry.
2. The provision, organization and distribution criteria of the police shall be established by the National Public Safety Policy. The law shall regulate the validity, scope and mechanisms to develop and approve this policy, which shall include a gender and intercultural perspective and full respect for international law and fundamental rights.

Article 297

1. The police are placed under the ministry in charge of public security. They form centralized, non-military police institutions with jurisdiction over the entire territory of Chile. Their objective is to guarantee public security, enforce the law and safeguard fundamental rights, within the framework of their competences.
2. The police shall incorporate a gender perspective in the performance of their duties and promote parity in decision-making spaces. If it is necessary to use force, they shall act in accordance with the principles of legality, necessity, precaution, proportionality, non-discrimination and accountability, with respect

for international law and the fundamental rights guaranteed by this Constitution.

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

Article 298

1. The President of the Republic leads the national defence and is the supreme commander of the Armed Forces. The President shall exercise command through the Ministry of National Defence.
2. The provision, organization and distribution criteria for the military shall be established in the national defence policy and the military policy. The law shall regulate the validity, scope and mechanisms to develop and approve these policies, which shall include the principles of international cooperation, gender equality and interculturality, and full respect for international law and fundamental rights.

Article 299

1. The military is composed solely and exclusively of the army, the navy and the air force. They are under the Ministry of National Defence and are institutions designed to safeguard the sovereignty, independence and territorial integrity of the Republic in the face of external aggressions, as established in the Charter of the United Nations. They collaborate with international peace and security, in accordance with the national defence policy.
2. The military must incorporate a gender perspective in the performance of its functions, promote parity in decision-making spaces and act with respect for international law and the fundamental rights guaranteed by the Constitution.
3. Military institutions are professional, hierarchical, disciplined, obedient and non-deliberative.

4. Military institutions and their members are subject to integrity and transparency checks. They may not belong to political parties, join political, trade union or labour organizations, exercise the right to strike or run for elected office.
5. Admission and training in the military shall be free and non-discriminatory, in the manner established by law. Military education is based on respect for human rights.
6. The law shall regulate the organization of defence, its institutional framework, structure and joint employment, headquarters and command, and the military career.

Article 300

1. The exercise of the rights and guarantees assured by the Constitution to every person may only be suspended or limited in the following extraordinary situations: international armed conflict, internal armed conflict as established by international law, or public disaster. No rights and guarantees may be restricted or suspended except those expressly set out in the Constitution.
2. The declaration and renewal of states of exception to the Constitution shall respect the principles of proportionality and necessity and shall be limited, in their duration, extension and means, to action that is strictly necessary for the earliest restoration of constitutional normality.

Article 301

1. The state of assembly, in case of international armed conflict, and the state of siege, in case of internal armed conflict, shall be declared by the President of the Republic with the authorization of the Congress of Deputies and the Chamber of Regions, in a joint session. The declaration shall determine the areas affected by the corresponding state of exception.
2. Within 24 hours of the President of the Republic presenting a declaration of a state of assembly or siege for the consideration of the Congress of Deputies and the Chamber of Regions, the Congress and the Chamber, in a joint session, shall decide by a majority of their members to accept or reject the proposal. The request and subsequent declaration of the state of exception must specify the grounds that justify the extreme necessity of the declaration, and the Congress of Deputies and the Chamber of Regions may only introduce amendments regarding its territorial extension. If the Congress of Deputies and the Chamber of Regions do not make a pronouncement within 24 hours, they shall be summoned to daily special sessions by the sole authority of the Constitution, until they make a pronouncement on the declaration.

3. However, in circumstances of urgent need, and only with the signature of all their ministers, the President of the Republic may immediately apply a state of assembly or siege, while the Congress of Deputies and the Chamber of Regions decide on the declaration. In this case, only the exercise of the right of assembly may be restricted.
4. By declaring a state of assembly, the President of the Republic shall have the power to restrict personal freedom, the right of assembly, freedom of work and the right of association; to intercept, open or search documents and communications of all kinds; to order property requisitions; and to establish limitations on the exercise of the right to property.
5. The declaration of a state of siege may not exceed 15 days, without prejudice to the President of the Republic requesting its renewal, which shall require the approval of four-sevenths of the deputies and regional representatives in office for the first renewal, three-fifths for the second and two-thirds for the third and subsequent renewals.
6. By declaring a state of siege, the President of the Republic may restrict freedom of movement and the right of association. The President may also suspend or restrict the right of assembly.
7. The state of assembly shall remain in force for as long as the situation of international armed conflict continues unless the President of the Republic decides to terminate it earlier or the Congress of Deputies and the Chamber of Regions withdraw their authorization.

Article 302

1. In the event of public calamity, the President of the Republic shall declare a state of catastrophe. The declaration shall establish the scope of application and duration, which shall not exceed 30 days. It may only be extended beyond this term with the agreement of the Congress of Deputies. The aforementioned agreement shall be processed in the manner established in paragraph 2 of the preceding article.
2. The President of the Republic shall be obliged to inform the Congress of Deputies of the measures adopted.
3. Once a state of catastrophe has been declared, the respective areas shall be placed under the immediate control of the head of the state of exception, who shall be a civilian authority designated by the President of the Republic.

This authority shall assume the direction and supervision of the respective areas, with the powers and duties indicated by law.

4. The President of the Republic may request the renewal of the state of catastrophe, which shall require the approval of the majority of the members in office of the Congress of Deputies and the Chamber of Regions in a joint session.
5. By declaring a state of catastrophe, the President of the Republic may restrict freedom of movement and the right to gather. The President may also order property requisitions, establish limitations on property rights and adopt all the extraordinary legal and administrative actions necessary for the prompt restoration of normality in the affected area.

Article 303

1. Acts of the President of the Republic, or of the head of a state of exception, based on the declaration of a state of exception to the Constitution shall expressly state the constitutional rights that they suspend or restrict.
2. The decree declaring the state of exception shall specifically indicate the actions to be adopted due to the exception. These actions shall be proportional to the purposes established in the declaration of exception and shall not excessively limit or totally impede the legitimate exercise of any right established by this Constitution. States of exception to the Constitution shall allow the President of the Republic to exercise powers and competences ordinarily reserved for regional or communal authorities, when required, to restore normality.
3. All declarations of a state of exception to the Constitution shall be founded and shall specify the rights to be suspended, as well as their territorial and temporal scope.
4. The military and police shall strictly comply with the orders of the head of the state of exception.
5. The actions adopted during states of exception may not, under any circumstances, be extended beyond their term.

Article 304

1. The law shall regulate states of exception, their declaration and the application of the legal and administrative measures to be adopted under them in all matters not regulated by this Constitution. The law may not affect the powers and operation of the constitutional bodies, nor the rights and immunities of their respective holders.

2. The law shall also regulate the manner in which the President of the Republic and their entrusted authorities shall render a detailed, truthful and timely account to the Congress of Deputies of the actions adopted and the plans for overcoming the state of exception, and of the serious events that may have arisen on occasion of the state of exception to the Constitution. Failure to comply with this duty of accountability shall be considered a violation of the Constitution.

Article 305

1. Once the state of exception has been declared, an oversight commission shall be established under the Congress of Deputies, with a parity-based and plurinational composition, and composed of deputies, regional representatives and representatives of the Ombudsperson's Office, in the manner established by law. This body shall oversee the actions adopted under the state of exception. To this end, it shall issue periodic reports analysing the actions adopted, their proportionality and the observance of human rights. It shall hold other powers, as assigned by law.
2. State bodies must cooperate and provide all the background information required by the commission to perform its functions. In the event that it becomes aware of violations of the provisions of this Constitution or the law, the Commission must file the relevant complaints, which shall be referred to and heard by the competent bodies. The law shall regulate the composition and operation of the Commission.

Article 306

The courts of justice may review the merit and form of measures adopted in the exercise of powers conferred in states of exception to the Constitution. Requisitions made shall give rise to indemnities in accordance with the law.

CHAPTER IX
JUSTICE SYSTEMS

Article 307

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

Article 308

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

Article 309

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

Article 310

1. Judges exercising jurisdiction are independent of each other and of any other power or authority, and must act and rule impartially. In their rulings, they are subject only to the rule of the law.
2. The jurisdictional function is exercised exclusively by courts established by law. No other State body, person or group of people may exercise jurisdictional functions, hear pending cases, modify the grounds or content of judicial rulings or reopen concluded proceedings.

- 3 Judges may not perform any other function or have any other employment except for academic activities, under the conditions established by law.
- 4 Judges shall only exercise jurisdictional functions and may not perform any administrative or legislative functions.
- 5 Judges may not be members of political parties.

Article 311

1. The jurisdictional function must be exercised with an intersectional approach and must guarantee substantive equality and compliance with international human rights obligations in this area.
2. This obligation extends to all jurisdictional and subsidiary bodies and to officials of the national justice system, throughout the course of each trial and in all the actions they carry out.

Article 312

1. The jurisdictional function shall be governed by the principles of parity and a gender-based approach. All bodies and persons involved in the jurisdictional function must ensure substantive equality.
2. The State guarantees that appointments in the national justice system respect the parity principle in all bodies of the jurisdiction, including the appointment of presidents.
3. The courts must rule with a gender-based approach, regardless of their jurisdiction.
4. The justice systems must adopt all measures to prevent, punish and eradicate violence against women and gender-diverse and transgender persons, in all its forms.

Article 313

Judges may not be indicted or deprived of liberty, except in cases of flagrante delicto, if the corresponding court of appeals does not declare one or more points of the respective indictment admissible. The resolution that pronounces on the dispute relating to these points may be appealed before the Supreme Court. If a resolution in favour of the dispute becomes final, the criminal proceedings shall continue in accordance with the general rules and the judge shall be suspended from the exercise of their functions.

Article 314

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

Article 315

Judges are personally liable for the crimes of bribery, failure to comply with the laws governing procedure in substantive matters and, in general, for any perversion, denial or distorted administration of justice. The law shall determine the cases and the manner in which this liability is enforced.

Article 316

Judges cease to hold office upon reaching 70 years of age, due to resignation, legal incapacity or removal.

Article 317

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

Article 318

1. To enforce rulings and carry out or cause to be carried out the actions determined by law, courts may issue orders or direct instructions to law enforcement and security forces. These forces must comply with these orders quickly and without hesitation, without the power to determine their grounds, timeliness or legality.
2. Judgments issued against the State of Chile by international human rights tribunals whose jurisdiction has been recognized by the State shall be enforced by the courts of justice in accordance with the procedure established by law, even if they contravene a final judgment rendered by these courts.

Article 319

1. Judgments must always be well-founded and written in clear and inclusive language. The law may establish exceptions to the duty to substantiate judicial rulings.

2. All stages of proceedings and judicial rulings are public. Exceptionally, the law may allow for privacy and confidentiality in certain cases.

Article 320

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

Article 321

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

Article 322

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

Article 323

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

Article 324

1. Persons exercising jurisdiction in collegiate bodies or as individuals are called judges. There shall be no hierarchy among those exercising jurisdiction and they shall only be differentiated by the function they perform. In addition, they shall not receive any honorary treatment.
2. Only the law may establish the positions of judges. The Supreme Court and the courts of appeals may only be composed of persons who have the status of a regular, interim, substitute or subrogated judge.

3. The staffing and internal administrative organization of the courts shall be established by law.

Article 325

The national justice system shall enjoy financial autonomy. The funds required for it to function adequately shall be allocated in the Budget Law on an annual basis.

Article 326

The courts must comply with the principle of proximity and itinerancy. To ensure access to justice and effective jurisdictional protection, they may operate in locations outside their post but still within the territory of their jurisdiction.

Article 327

The national justice system is composed of the neighbourhood justice system, the courts of first instance, the courts of appeals and the Supreme Court.

Article 328

1. The Supreme Court is a collegiate body with jurisdiction throughout the country. Its function is to ensure the correct application of the law and to standardize its interpretation, as well as the other powers established by this Constitution and the law.
2. It shall be composed of 21 judges and shall operate in plenary or in specialized chambers.
3. Its judges shall hold office for a maximum of 14 years, without the possibility of being re-elected.
4. The presidency of the Supreme Court shall be exercised by a person elected by their peers. The elected person shall serve for a term of two years without the possibility of holding office again. Whoever holds the office of President may not be a member of any of the chambers.

Article 329

The Supreme Court shall hear and rule on the challenges filed against the decisions of the Indigenous jurisdiction in a specialized chamber and assisted by a technical advisory board composed of experts in their own culture and legal system, in the manner established by law.

Article 330

1. Courts of appeals are collegiate bodies with jurisdiction over a region or part of a region. Their main function is to resolve challenges to the rulings handed down

by the courts of first instance, as well as the other powers established by the Constitution and the law.

2. They shall operate in plenary or in preferential specialized chambers.
3. The presidency of each court of appeals shall be exercised by a person elected by their peers. The elected person shall serve for two years.

Article 331

1. Courts of first instance are civil, criminal, family, labour, common- or mixed-jurisdiction, administrative, environmental, neighbourhood, sentence enforcement and other courts established by the Constitution and the law.
2. The organization, powers, competence and number of judges that make up these courts are determined by law.

Article 332

1. Administrative courts shall hear and rule on cases brought against or filed by the State administration and other matters established by law.
2. The law shall establish a unified, simple and expeditious procedure for hearings and rulings.
3. There shall be at least one administrative court in each region of the country and they may operate in specialized chambers.
4. Matters within the jurisdiction of these courts may not be submitted to arbitration.

Article 333

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

Article 334

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

Article 335

1. Neighbourhood justice centres are bodies responsible for promoting the resolution of neighbourhood and small-claims disputes within a community determined by law, on the basis of social dialogue, peace and the participation of the parties involved. Priority must be given to installing them in rural areas and places far from urban areas.
2. Neighbourhood justice centres must guide and inform the public on legal matters, directing people as necessary, as well as performing the other functions entrusted to them by law.
3. The organization, powers, matters and procedures of neighbourhood justice centres shall be governed by the respective law.

Article 336

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

Article 337

1. The system to enforce criminal sanctions and security measures shall be organized on the basis of respect for human rights. Its objectives shall include the enforcement of sentences and the social inclusion and integration of the person serving the judicial sentence.
2. It is the duty of the State, in its special position of guarantor with regard to persons deprived of liberty, to ensure the protection and effective exercise of their fundamental rights as enshrined in this Constitution and in international

human rights treaties and instruments.

Article 338

1. Only the State may enforce sentences and measures of deprivation of liberty, through public institutions specially established for these purposes. Private parties may not perform this function.
2. For the inclusion, integration and rehabilitation of persons deprived of liberty, prison facilities must have spaces for study, work, sports, arts and culture.
3. In the case of women, pregnant persons and nursing mothers, the State shall adopt the necessary measures, such as infrastructure and equipment, in closed-, open- and post-release control regimes.

Article 339

1. The Electoral Tribunal shall be in charge of the general scrutiny and assessment of the elections of the authorities elected by popular vote at the national level, resolve any complaints that may arise and proclaim those elected.
2. In addition, it shall hear and rule on administrative claims filed against the acts of the Electoral Service and the decisions issued by supreme courts or equivalent bodies of political organizations.
3. It shall also hear and rule on disqualifications, incompatibilities and grounds for removal from office regarding deputies and regional representatives. Likewise, it shall confirm their resignation when they are affected by a serious illness, duly accredited, that prevents them from performing their duties.
4. The Electoral Tribunal shall also hold national plebiscites and shall have other powers as determined by law.
5. The Tribunal shall evaluate the evidence in accordance with the rules of sound judgment.
6. It shall be composed of five judges, appointed by the Council of Justice, who shall apply in the manner and at the time determined by the respective law. They shall serve for six years.
7. A law shall regulate the organization and operation of the Electoral Tribunal, along with its staff and their remuneration and regulations.

Article 340

1. The regional electoral tribunals are responsible for the general scrutiny and assessment of elections at the regional and communal levels and within civil

society organizations and other bodies recognized by this Constitution or by law. They are also responsible for resolving any complaints that arise and proclaiming the candidates that are elected.

2. They shall also hold regional and communal plebiscites, without prejudice to their other powers, as determined by law.
3. Their resolutions may be appealed, and such hearings shall take place at the Electoral Qualifying Court in the manner determined by law. They shall also be responsible for assessing elections conducted within trade unions and within other organizations indicated by law.
4. The regional electoral tribunals shall be composed of three judges, appointed by the Council of Justice, who shall apply in the manner and at the time determined by the respective law. They shall serve for six years.
5. These courts shall evaluate the evidence in accordance with the rules of sound judgment.
6. A law shall regulate the organization and operation of the regional electoral courts, along with their staff and their remuneration and regulations.

Article 341

The Council of Justice shall be responsible for the administrative management and the directive and corrective superintendence of the Electoral Tribunal and of the regional electoral tribunals.

Council of Justice

Article 342

1. The Council of Justice is an autonomous, technical, parity-based and plurinational body, with legal personality and its own assets, whose purpose is to strengthen judicial independence. It is responsible for appointments, governance, management, training and discipline in the national justice system.
2. In exercising its powers, it must consider the principles of non-discrimination, inclusion, gender parity, territorial equity and plurinationality.

Article 343

The Council of Justice is responsible for:

- a) Appointing, after a public contest and via reasoned resolution, all judges and officials of the national justice system.
- b) Taking disciplinary measures against judges and officials of the national justice system, including their removal, in accordance with the provisions of this Constitution and the law.
- c) Conducting, at least every five years, a comprehensive review of the management of all courts of the national justice system, which shall include public hearings to determine their proper operation, in accordance with the provisions of the Constitution and the law. This review shall in no case include judicial rulings.
- d) Periodically evaluating and rating the performance of the judges and officials of the national justice system.
- e) Deciding on the promotion, transfer, exchange and termination of functions of members of the national justice system.
- f) Defining budgetary needs and using and managing resources to ensure the adequate operation of the national justice system.
- g) Pronouncing on any legal modifications to the organization or powers of the national justice system. The Congress of Deputies shall send an official letter to the Council, which shall respond within 30 days of receipt.
- h) Proposing to the competent authority the creation, modification or elimination of courts.
- i) Ensuring the qualification, training and continuous improvement of the members of the national justice system. For these purposes, the Judicial Academy shall be managed by the Council.
- j) Ensuring the initial and continuing training of all justice administration officials and assistants to eliminate gender stereotypes and guarantee the incorporation of an approach based on gender, intersectionality and human rights.
- k) Issuing instructions regarding the administrative management and organization of the courts. These instructions may be national, regional or local in scope.
- l) Executing any other powers conferred by this Constitution and the law.

Article 344

1. The Council of Justice is composed of 17 members, as follows:
 - a) Eight judges elected by their peers.
 - b) Two officials or professionals of the national justice system elected by their peers.
 - c) Two members elected by Indigenous peoples and nations as determined by the Constitution and the law. They shall be persons with proven suitability to fulfil the role and who have been recognized for their public or social service.
 - d) Five persons elected by the Congress of Deputies and the Chamber of Regions in a joint session, from shortlists drawn up following a public contest held by the Public Sector Senior Management Council. They must be professionals with at least 10 years of experience in the corresponding role, who have excelled in professional, academic or public service activities.
2. They shall hold office for six years and shall not be eligible for re-election. They shall be renewed in three-year terms, as established by law.
3. Its members shall be elected according to gender parity, plurinationality and territorial equity criteria.

Article 345

1. The Council of Justice may operate in plenary or in committees. In both cases, decisions shall be taken by the majority of its members in office.
2. The Council shall have a decentralized structure. The law shall determine the organization, operation and electoral procedures of the Council and shall establish its staffing, the remuneration system and its staff regulations.

Article 346

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

Article 347

1. Members of the Council of Justice shall cease to hold office at the end of their term of office, upon reaching 70 years of age, due to removal, resignation, physical or mental incapacity or conviction of a criminal offence.
2. Both resignation and sudden incapacity must be accepted or confirmed, as applicable, by the Council.
3. The removal process shall be determined by law, respecting all guarantees of due process.

Article 348

1. The Council of Justice shall make appointments through public competitions regulated by law, which shall include public hearings.
2. To become a judge within the national justice system, individuals are required to have passed the Judicial Academy's qualification course for the exercise of the jurisdictional function; to have three years of experience practising as a lawyer in the case of the courts of first instance, five years in the case of the courts of appeals, and 20 years in the case of the Supreme Court; and to fulfil the other requirements established by the Constitution and the law.

Article 349

1. Disciplinary procedures shall be heard and ruled on by a committee composed of five members of the Council, selected by drawing lots, and may be reviewed by the entirety of the Council at the request of the person concerned.
2. The resolution of the Council terminating the procedure may be appealed before the Constitutional Court.
3. Decisions adopted pursuant to the preceding paragraphs may not be reviewed or challenged before other bodies of the national justice system.

CHAPTER X
AUTONOMOUS CONSTITUTIONAL BODIES

Article 350

The parity principle governs all autonomous bodies. Affirmative action measures may be implemented to ensure that at least 50 per cent of their members are women.

Office of the Comptroller General of the Republic

Article 351

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

Article 352

1. In the exercise of the control of constitutionality and legality, the Office of the Comptroller General of the Republic shall register decrees, resolutions and other administrative acts or object to their illegality. It shall have to act on them when the President of the Republic insists, with the signature of all of their ministers, and shall send a copy of the respective decrees to the Congress of Deputies.
2. In no case shall it act on decrees of expenditures that exceed the limit set forth in the Constitution or the law, and it shall send a complete copy of the record to the Congress of Deputies.
3. In the case of objection due to unconstitutionality, insistence shall not be admissible and the decision of the Office of the Comptroller General of the Republic shall be subject to appeal before the Constitutional Court.

4. In addition, it shall be responsible for registering the legislative decrees, and shall object to them when they exceed or contravene the respective delegating law.
5. With respect to the decrees, resolutions and other administrative acts of territorial entities that, in accordance with the law, must be processed by the Office of the Comptroller General of the Republic, the respective regional comptroller's office shall be responsible for registering them. The record to be sent, if applicable, shall be sent to the corresponding regional assembly.

Article 353

1. The Office of the Comptroller General of the Republic is headed by a Comptroller General, who shall be appointed by the President of the Republic, with the agreement of the Congress of Deputies and the Chamber of Regions in a joint session, as decided by the majority of their members in office.
2. The Comptroller General shall hold office for a term of eight years, without the possibility of being re-elected.
3. A Council of the Office of the Comptroller General of the Republic, the composition and operation of which shall be determined by law, shall annually approve the programme for the control and audit of public services, determining the services or programmes which it believes must be included in the programme.
4. Decisions modifying the administrative jurisprudence of the Office of the Comptroller General of the Republic shall be referred to the Council.

Article 354

1. The Office of the Comptroller General of the Republic may issue mandatory rulings to any authority, official or employee of any body of the State, regional or communal administration, including directors of publicly owned companies or companies in which the State holds shares.
2. State administration bodies, regional and communal governments, autonomous bodies, public enterprises, companies in which the State holds shares, legal persons that have fiscal resources or that administer public assets and others defined by law shall be subject to the control and audits of the Office of the Comptroller General of the Republic. The law shall regulate the exercise of these oversight and auditing powers.

Article 355

1. The Office of the Comptroller General of the Republic shall operate in a decentralized manner in each region of the country through regional comptrollers' offices.

2. Each regional comptroller's office shall be headed by a regional comptroller appointed by the Comptroller General of the Republic.
3. In the exercise of their functions, they shall maintain unity of action to ensure a consistent approach throughout the country.
4. The law shall determine the other powers of the regional comptrollers' offices and shall regulate how they are organized and run.
5. The regional comptrollers control the legality of the financial activity of the local authorities, their management and the outcomes of the administration of public resources.

Article 356

State treasuries may not make any payments except by virtue of a decree or resolution issued by a competent authority with express reference to the law or part of the budget authorizing such an expenditure. Payments shall also be made taking into account the chronological order established therein and prior budgetary endorsement of the document ordering the payment.

Central Bank

Article 357

1. The Central Bank is an autonomous body with legal personality and its own assets, and it is responsible for formulating and implementing monetary policy.
2. The law shall regulate its organization, powers and control systems, as well as the creation of bodies enabling coordination between the Bank and the government.

Article 358

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

Article 359

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

Article 360

1. The Central Bank may only carry out transactions with financial institutions, whether public or private. In no way may it grant them its guarantee or acquire documents issued by the State, its bodies or companies.
2. No public expenditure or loan may be financed with credit directly or indirectly from the Central Bank.
3. Notwithstanding the foregoing, in exceptional and temporary situations, where required to maintain the normal functioning of internal and external payments, the Central Bank may, for a determined period of time, buy and sell debt instruments issued by the Treasury on the open secondary market, in accordance with the law.

Article 361

The Central Bank shall report regularly to the Congress of Deputies and the Chamber of Regions in a joint session on the execution of the policies for which it is responsible, the general measures and norms it adopts in the exercise of its functions and powers, and other matters as requested, by means of reports or other mechanisms determined by law.

Article 362

1. The Central Bank's senior management and administration shall be in charge of a board responsible for performing the functions and exercising the powers set forth in the Constitution and the law.
2. This board shall be composed of seven councillors appointed by the President of the Republic, with the agreement of the Congress of Deputies and the Chamber of Regions in a joint session, as decided by the majority of their members in office.
3. These directors shall hold office for a term of 10 years, shall not be eligible for re-election, and shall be renewed periodically in accordance with the law.
4. The Central Bank's directors must be professionals with proven expertise and experience in matters related to the institution's competencies. The law shall

determine their requirements, responsibilities, disqualifications and incompatibilities.

5. The chair of this board, who shall also be the chair of the Central Bank, shall be appointed by the President of the Republic from among the members of the board, and shall hold this position for five years or the shorter time they have remaining as a director, and may be re-elected for a new term.

Article 363

1. Board directors may be removed from office by resolution of the majority of the members at a plenary session of the Supreme Court, at the request of the majority of directors, the President of the Republic or the majority of the deputies or regional representatives in office, in accordance with the procedure established by law.
2. Removal may only be based on the grounds that the director has committed serious acts against public probity or any of the prohibitions or incompatibilities established in the Constitution or the law, or has contributed, with their vote, to decisions that seriously hinder the Central Bank's ability to achieve its purpose.
3. The person removed from office may not be reappointed as a director, nor may they be an employee of the Central Bank or provide services to it, without prejudice to any other penalties established by law.

Article 364

1. Those who, in the 12 months prior to their appointment, have had an ownership stake in or served as director, manager or chief executive of a banking company, fund management company or any other company that provides financial intermediation services may not be members of the board, without prejudice to the other disqualifications established by law.
2. Once they cease to hold office, those who have served on the board shall also be disqualified for a period of 12 months.

Public Prosecutor's Office

Article 365

1. The Public Prosecutor's Office is an autonomous and hierarchical body, whose function is to exclusively investigate facts that could constitute a crime, those that represent punishable participation and those that prove the innocence of the

accused. It initiates public criminal proceedings on behalf of society, in the manner provided for by law.

2. In these functions, it must ensure the respect and promotion of human rights, consider the interests of victims, and adopt all necessary measures to protect both victims and witnesses.
3. The exclusive power of certain administrative bodies to file complaints and lawsuits does not prevent the Public Prosecutor's Office from investigating and initiating public criminal proceedings in the case of crimes against probity or public property, or crimes that harm collective legal rights.
4. In no case may it exercise jurisdictional functions.
5. The victim of the crime and other persons determined by law may also bring criminal action.
6. The Public Prosecutor's Office may issue direct orders to the public order and security forces in the exercise of its functions, in which case it may also participate both in setting goals and objectives and in evaluating their achievement. Police authorities that receive such orders shall comply with them without further procedures and may not assess their grounds, timeliness, fairness or legality, except to request presentation, unless it is oral, of judicial authorization.
7. Actions that threaten, deprive or disturb the accused or third parties of the exercise of the rights guaranteed by this Constitution shall always require prior and reasoned judicial authorization.

Article 366

1. A law shall determine the organization and powers of the Public Prosecutor's Office, and shall establish the qualifications and requirements to be met by those who serve as prosecutors and the grounds for their removal.
2. Senior officials within the Public Prosecutor's Office must always give reasons for orders and instructions issued to prosecutors that may affect an investigation or the exercise of criminal action.
3. Prosecutors and officials shall have a promotion and development system that guarantees a career that allows for the promotion of technical excellence and the accumulation of experience in the functions they perform. They shall cease to hold office upon reaching 70 years of age.

Article 367

1. There shall be one regional prosecutor's office in each region of the country notwithstanding that the law may establish more than one per region.

2. Those who serve as regional prosecutors must have served as deputy prosecutors for five or more years, must not have served as regional prosecutors, must have passed specialized training courses and must meet the other requirements established by law.
3. Each one shall serve for four years and, upon completion of their term, may return to their former position in the Public Prosecutor's Office. They may not be elected or run again for the position of regional prosecutor.

Article 368

1. The senior management of the Public Prosecutor's Office is the responsibility of the national prosecutor, who shall serve for six years and may not be re-elected.
2. The national prosecutor shall be appointed at a joint session of the Congress of Deputies and the Chamber of Regions, by the majority of their members in office, from a list of three candidates proposed by the President of the Republic with technical assistance from the Council of the High Public Management, following the procedure determined by law.
3. They must have at least 15 years of experience as a lawyer, be a citizen with the right to vote and have proven competencies for the position.
4. Whoever holds the position of national prosecutor shall be responsible for:
 - a) Chairing the Committee of the Public Prosecutor's Office and leading its ordinary and extraordinary sessions.
 - b) Representing the institution before other State bodies.
 - c) Promoting the execution of the criminal prosecution policy established by the Committee of the Public Prosecutor's Office in the country.
 - d) Determining the professional management policy for Public Prosecutor's Office officials.
 - e) Appointing regional prosecutors, from a shortlist of three candidates drawn up by the respective regional assembly.
 - f) Appointing deputy prosecutors, from a list of three candidates drawn up by the Committee of the Public Prosecutor's Office.
 - g) Other powers, as established by the Constitution and law.

Article 369

1. There shall be a Committee of the Public Prosecutor's Office, composed of the regional prosecutors and the national prosecutor who shall chair it.
2. The Committee shall establish the criminal prosecution policy and the criteria for the fulfilment of its objectives, ensuring

transparency, objectivity, consideration of the interests of society and respect for human rights.

3. The powers of the Committee of the Public Prosecutor's Office are as follows:
 - a) To advise the national prosecutor in the direction of the organization, ensuring the fulfilment of its objectives.
 - b) To permanently evaluate and assess the performance of the prosecutors and officials of the Public Prosecutor's Office.
 - c) To exercise disciplinary authority over the officials of the Public Prosecutor's Office, in accordance with the law.
 - d) To appoint the national executive director.
 - e) To propose to the national prosecutor the shortlists for the appointment of deputy prosecutors.
 - f) Other powers, as established by the Constitution and law.

Article 370

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

Article 371

Those who serve as national and regional prosecutors must submit an annual public account on their performance. This account shall be submitted to the Congress of Deputies and the Chamber of Regions, in joint session in the case of the national prosecutor, or to the relevant regional assembly in the case of regional prosecutors.

Article 372

1. The national and regional prosecutors shall be removed by the Supreme Court, at the request of the President of the Republic, the Chamber of Deputies, or 10 of its members, for incapacity, serious lack of probity or gross negligence in the exercise of their functions. The Court shall hear the matter in a plenary session specially convened for this purpose. To agree on the removal, the majority of members in office must vote in favour.
2. The removal of regional prosecutors may also be requested by the national prosecutor.

Public Defender's Office

Article 373

1. The Public Defender's Office is an autonomous body, with legal personality and its own assets, whose function is to provide criminal defence to those without legal defence who have been accused of acts that could constitute a crime, offence or misdemeanour and that must be heard by courts with competence in criminal matters, from the first action of the investigation against them to completion of any sentence imposed.
2. The Public Defender's Office may, in cases in which it is involved, appear before international human rights organizations.
3. The law shall determine the organization and powers of the Public Defender's Office, ensuring its external independence.

Article 374

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

Article 375

1. The senior management of the Public Defender's Office shall be exercised by the national defender, who shall serve for six years and may not be re-elected.
2. The national defender shall be appointed at a joint session of the Congress of Deputies and the Chamber of Regions, by the majority of their members in office, from a list of three candidates proposed by the President of the Republic, following the procedure and requirements determined by law.

National Data Protection Agency

Article 376

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

Constitutional Court

Article 377

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

Article 378

1. The Constitutional Court shall comprise 11 members, one of whom shall act as chair. The chair shall be elected by their peers and shall serve for two years.
2. The judges of the Constitutional Court shall serve for a term of nine years, shall not be eligible for re-election and shall be renewed every three years in the manner established by law.
3. They are appointed based on technical criteria and professional merits, as follows:
 - a) Four judges elected at a joint session of the Congress of Deputies and the Chamber of Regions by the majority of members in office.
 - b) Three judges chosen by the President of the Republic.
 - c) Four judges elected by the Council of Justice on the basis of public competitions. In the event that any judges from the national justice system are appointed, they shall be suspended from their original judicial positions while they exercise their functions in the Constitutional Court.
4. Applicants for the position of Constitutional Court judge must be lawyers with more than 15 years of professional practice, with recognized and proven professional or academic competence and suitability, preferably with different legal specialisations.
5. A law shall determine the organization, operation and procedures of the Constitutional Court and shall establish its staffing, the remuneration system and its staff regulations.

Article 379

Constitutional Court judges are independent of any other power and are irremovable. They cease to hold office when they have completed their term of office or due to supervening legal incapacity, resignation,

criminal conviction, removal, illness incompatible with the exercise of the function or any other cause established by law.

Article 380

1. The position of judge of the Constitutional Court is a full-time position.
2. Judges of the Constitutional Court may not have served in popularly elected positions, or have held the position of Minister of State or other positions of exclusive confidence of the government during the two years prior to their appointment. Furthermore, judges of the Constitutional Court shall be subject to the same disqualifications and incompatibilities as those set out for judges of the national justice system.
3. At the end of their term of office, and during the following 18 months, they may not run for any popularly elected office or any other position of exclusive confidence of any public authority.
4. The law shall determine the other incompatibilities and disqualifications for this role.

Article 381

1. The Constitutional Court shall have the following powers:
 - a) To hear and rule on the inapplicability of a legal precept whose effects are contrary to the Constitution.

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

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

If there are two or more declarations of inapplicability of a legal precept in accordance with point a) of this article, there shall be public action to request the Court to declare it unconstitutional, without prejudice to the power of the Court to declare it *ex officio*. This declaration of unconstitutionality shall be made if three-fifths of the members of the Constitutional Court vote in favour.

Furthermore, the Constitutional Court may declare unconstitutional a legal precept that has been previously declared inapplicable in

accordance with point a) of this article, upon request of the President of the Republic, one-third of the members of the Congress of Deputies or the Chamber of Regions, a regional governor, or at least half of the members of a regional assembly. This unconstitutionality shall be declared by a quorum of four-fifths of members in office.

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

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

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

These disputes may be brought by any body of the Legislature or by one-quarter of members in office, within 30 days of the publication of the disputed text or within 60 days of the date on which the President of the Republic should have promulgated the law. If the Court accepts the dispute, it shall promulgate in its ruling the law that has not been promulgated or it shall rectify the incorrect promulgation.

- e) To hear and rule on the constitutionality of a decree or resolution of the President of the Republic that the Office of the Comptroller General of the Republic has reported as unconstitutional, when requested by the President of the Republic.
- f) To hear and rule on the constitutionality of the regulations and decrees of the President of the Republic, issued in exercise of the regulatory power in those matters that are not law.

The Court may hear the matter at the request of the Congress of Deputies, the Chamber of Regions or one-third of its members, within 30 days following publication or notification of the disputed text.

- g) To resolve conflicts of competence or powers that arise between State bodies, between territorial entities, or between territorial entities and any other State body, at the request of any of the foregoing.

- h) To resolve conflicts of competence arising between the political or administrative authorities and the courts of justice.
 - i) To resolve conflicts of competence between the Congress of Deputies and the Chamber of Regions, or between these Chambers and the President of the Republic.
 - j) Any other powers provided for in this Constitution.
2. The conflicts of competence referred to in points h) and i) may be brought by any of the authorities or courts in conflict.
3. In other cases, the procedure, quorum and standing to exercise each power shall be determined by law.

Article 382

1. The rulings of the Constitutional Court shall be adopted, in chambers or in plenary session, by the majority of its members, without prejudice to the exceptions established by the Constitution or law.
2. The Constitutional Court may only accept the unconstitutionality or inapplicability of a precept when it is not possible to interpret it in such a way as to avoid unconstitutional effects.
3. Once a legal precept has been declared inapplicable, it may not be applied in the judicial proceeding in which the question of constitutionality arose.
4. The ruling declaring the unconstitutionality of a precept shall invalidate it, excluding it from the legal order as of the day following publication of the judgment in the Official Gazette. It is binding for all institutions, people and groups and cannot be appealed.

CHAPTER XI
REFORM AND REPLACEMENT OF THE CONSTITUTION

Constitutional reform

Article 383

1. Draft constitutional amendments may be initiated by presidential message, a motion by deputies or regional representatives, popular initiative, or Indigenous initiative.
2. To be approved, the draft amendment shall require four-sevenths of the members in office of the Congress of Deputies and the Chamber of Regions to vote in favour.
3. Draft constitutional amendments initiated by citizens must have backing in the terms provided for in the Constitution.
4. All draft constitutional amendments must expressly state how a provision of the Constitution is added, modified, replaced or repealed.
5. In matters not provided for in this chapter, the provisions regulating the legislative process shall be applicable to the processing of draft constitutional amendments, and the quorum indicated in this article must always be respected.

Article 384

1. The President of the Republic shall call for a ratifying referendum on draft constitutional amendments approved by the Congress of Deputies and the Chamber of Regions that substantially alter the political regime and the presidential term; the design of the Congress of Deputies or the Chamber of Regions and the term of office of their members; the form of the regional State; the fundamental rights and principles; and the chapter on amendment and replacement of the Constitution.
2. If the draft constitutional amendment is approved by two-thirds of the deputies and regional representatives in office, it shall not be submitted to a ratifying referendum.
3. This referendum shall be held in the manner established by the Constitution and the law.
4. Once the draft constitutional amendment has been approved by the Congress of Deputies and the Chamber of Regions, the former shall submit it to the

President of the Republic, who shall submit it to a ratifying referendum within 30 days.

5. The constitutional amendment approved by the Congress of Deputies and the Chamber of Regions shall be deemed ratified if it receives the majority of the votes validly cast in the referendum.
6. The State has a duty to adequately publicize the draft amendment to be submitted to referendum, in accordance with the Constitution and the law.

Article 385

1. A minimum equivalent to 10 per cent of citizens on the last electoral roll may submit a constitutional reform proposal for a national referendum at the same time as the next election.
2. There shall be a period of 180 days from registration of the draft amendment before it is made known to citizens and can gather the required sponsors.
3. The draft constitutional amendment shall be deemed approved if it receives the majority of votes in the respective referendum.
4. It is the duty of the Legislature and of the corresponding State bodies to adequately publicize the draft amendment or amendments to be submitted to a referendum.

Procedure for drafting a new constitution

Article 386

1. The Constitution can only be replaced in its entirety through a Constituent Assembly convened by means of a referendum.
2. The constituent referendum may be called by popular initiative. A group of persons with right to vote must sponsor the call with signatures of, at a minimum, 25 per cent of the electoral roll established at the last election.
3. It shall also be the responsibility of the President of the Republic, by means of a decree, to call the referendum, which must be approved in joint session by the Congress of Deputies and the Chamber of Regions, by three-fifths of members in office.
4. A referendum may also be called by the Congress of Deputies and the Chamber of Regions, in joint session, by means of a law approved by two-thirds of members in office.

5. The call for the installation of the Constituent Assembly shall be approved if the majority of votes validly cast in the referendum are in favour.

Article 387

1. The sole function of the Constituent Assembly shall be to draft a proposal for a new Constitution. It shall be composed on the basis of parity and territorial equity, with equal participation of independents and members of political parties and with seats reserved for Indigenous peoples and nations.
2. A law shall regulate its integration; the election system; its term, which shall not be less than 18 months; its organizational requirements; the process's mechanisms for popular participation and Indigenous consultation; and other general aspects that shall enable it to be set up and function smoothly.
3. Once the proposed new Constitution has been drafted and submitted to the competent authority, the Constituent Assembly shall be dissolved in full.

Article 388

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

TRANSITIONAL PROVISIONS

One

This Constitution shall enter into force from the date of its publication in the Official Gazette, within 10 days of its promulgation. As of this date, the Political Constitution of the Republic of 1980, promulgated by Decree Law No. 3,464 of 1980, whose consolidated, coordinated and systematized text is set forth in Supreme Decree No. 100 of 17 September 2005, its subsequent constitutional amendments and its interpretative laws shall be repealed, without prejudice to the rules contained in these transitional provisions.

Two

All regulations in force shall remain in force until they are repealed, amended or replaced, or until they are declared contrary to the Constitution by the Constitutional Court in accordance with the procedure set out in this Constitution. As of the publication of the Constitution, the heads of service of State bodies must adapt their internal regulations in accordance with the principle of constitutional supremacy. Within four years of this Constitution's entry into force, the law-repeal initiative contained in article 158 shall also be followed with respect to laws enacted prior to this Constitution.

Three

1. The President of the Republic shall initiate the legislative process to adapt electoral legislation to this Constitution within one year of its entry into force.
2. If, one year prior to the date of elections for collegiate bodies provided for in this Constitution, electoral legislation has not been adapted for territorial determination, or for gender parity and parity of seats reserved for Indigenous peoples and nations; the elections shall be governed, for one time only, by the following rules:
 - a) The Congress of Deputies shall be composed of 155 representatives, plus the representatives of seats reserved for Indigenous peoples and nations. The electoral districts shall be defined according to the provisions of articles 187 and 188 of Law No. 18,700, whose consolidated, coordinated and systematized text is set forth in Legislative Decree No. 2 of 2017, of the Office of the Secretary-General of the Presidency.
 - b) The regional assemblies shall be composed in accordance with the provisions of articles 29 and 29 bis of Law No. 19,175, whose consolidated, coordinated and systematized text is set forth in Legislative

Legislative Decree No. 1-19,175 of 2005 of the Ministry of the Interior. In the case of communal councils, the provisions of article 72 of Law No. 18,695 shall apply, whose consolidated, coordinated and systematized text is set forth in Legislative Decree No. 1 of 2006 of the Ministry of the Interior.

- c) The Chamber of Regions shall be composed of three representatives per region, who shall be elected by the constituencies established in article 190 of Law No. 18,700, whose consolidated, coordinated and systematized text is set forth in Legislative Decree No. 2 of 2017 of the Office of the Secretary-General of the Presidency.
 - d) To ensure gender balance, transitional provision 30 of the previous Constitution shall be applied to the declaration of candidacies for the elections of bodies of popular representation, in accordance with the provisions of article 161. Likewise, to ensure gender parity in the elections of each district, region and commune, the provisions of number 4 of transitional provision 31 of the previous Constitution shall be applied, following the mandate contained in article 6, paragraph 2. In the case of the Chamber of Regions, said regulation shall be applied when its national composition does not reflect parity. In this case, a gender correction shall be applied starting with the region in which a seat has been assigned to the candidate with the lowest percentage of votes from the list with the lowest number of votes.
 - e) To comply with the integration of reserved seats for Indigenous peoples and nations in these bodies, the rules established in transitional provision 43 et seq. of the previous Constitution shall be applied, as pertinent and necessary. The Electoral Service shall determine the applicability and, where necessary, the number of reserved seats corresponding to each body. In the event of the integration of reserved seats, these shall be considered above the number of representatives previously established with proportionality, parity and representation criteria.
3. The President of the Republic, within one year of this Constitution's entry into force, shall initiate the legislative process to regulate the creation and updating of the Indigenous Electoral Register referred to in article 162 of this Constitution. The Electoral Service shall ensure the dissemination and logistical means necessary to facilitate the registration of Indigenous voters.

Four

1. The authorities currently in office within the constitutionally autonomous bodies or special courts shall remain in office for the corresponding term in

accordance with the rules in force at the time of their appointment unless otherwise provided for in the transitional provisions of this Constitution.

2. Until 11 March 2026, appointments relating to the bodies created by this Constitution shall be made in accordance with the requirements and procedures established in this Constitution by a plenary session of both chambers when the Constitution refers to the joint session of the Legislature. In all other cases, the requirements and procedures set forth in the previous Constitution shall remain in force.

Five

1. The rules of disqualifications, incompatibilities and limits on re-election set forth in this Constitution shall apply to the authorities elected in the first election process held since the entry into force of this Constitution. Exceptionally, the authorities elected by popular vote who are in office shall be subject to the re-election rules in force prior to the new Constitution. To this end, for deputy, regional assembly member, regional governor, mayor and councillor candidates, the periods they have served as deputy, regional councillor, regional governor, mayor and councillor, respectively, shall be calculated. No supervening disqualifications or incompatibilities shall apply to such authorities until the end of their current term of office.
2. The President of the Republic elected for the 2022–2026 term shall not be eligible for re-election for the following term and shall remain in office with the constitutional powers for which they were elected.

Six

1. The gender parity rule referred to in article 6 shall be applicable to popularly elected collegiate bodies as of the national, regional and local electoral process, which shall be carried out immediately after this Constitution enters into force, as applicable. For this purpose, the Legislature must dictate or adapt electoral law, considering the provisions of article 161.
2. For collegiate bodies that are not renewed through electoral processes, as well as for boards of directors of publicly and semi-publicly owned companies, the parity rule shall be implemented gradually starting from new applicable appointments, in accordance with the law.
3. This form of implementation shall not include the executive or senior collegiate bodies of the administration, whose composition is determined by

law due to the position of the persons who comprise them. The law shall establish the mechanisms that enable the senior or executive collegiate bodies of the administration to achieve parity in terms of their composition.

4. The composition of the new collegiate and autonomous bodies must comply with the parity rule from their creation.
5. The Office of the Comptroller General of the Republic shall be responsible for ensuring gender parity in the executive and senior bodies of the State administration.

Seven

Until 11 March 2026, draft constitutional amendments shall require four-sevenths of the members of the current Congress of Deputies and the Senate to vote in favour in order to be approved. The draft constitutional amendments approved by the National Congress that substantially alter the matters indicated in paragraph 1 of article 384 of this Constitution or the chapters on Nature and the Environment and Transitional Provisions must be subjected to a constitutional amendment ratifying referendum, as set out in article 384. If the draft amendment is approved by two-thirds of the members of both Chambers, it shall not be subjected to such a referendum.

Eight

1. The legislative procedure enshrined in this Constitution shall enter into force on 11 March 2026. Until then, the legislative process shall be governed by the legislative process in force prior to the publication of this Constitution, except for the provisions of article 270 paragraph 1 and article 271, and the popular and Indigenous initiative referred to in article 269 paragraph 1, which shall enter into force together with this Constitution. For the purposes of calculating the quorum, it shall be understood that the reference to the Congress of Deputies and the Chamber of Regions is to the existing Congress of Deputies and the Senate, respectively.
2. The processing of bills on the regional agreement matters indicated in article 268 of this Constitution and that have not been settled by 11 March 2026 shall continue in accordance with the new rules. With respect to any remaining bills being processed in the Senate, it shall be presumed that the Chamber of Regions has requested that they be reviewed in accordance with the provisions of article 273.

Nine

The assets, rights and obligations of the existing Congress of Deputies shall be transferred to the new Congress of Deputies without interruption. This shall also

be the case for the assets, rights and obligations of the Senate, which shall be transferred to the Chamber of Regions.

Ten

The competent bodies shall carry out within one year the necessary amendments to enable Chileans abroad to exercise their right to vote under the terms set out in this Constitution.

Eleven

1. Until the respective laws on the military regulating the procedure for the appointment and term of their institutional authorities are enacted or modified, the commanders-in-chief of the army, the navy and the air force shall be appointed by the President of the Republic from among the five most senior general officers, taking into account the other requirements set out in the corresponding institutional statutes. They shall serve for a term of four years, may not be appointed for a new term and may be removed by the President of the Republic under the terms established in this Constitution.
2. Until the laws that adapt the functions of the armed forces are enacted, the legal precepts establishing the State's powers of maritime and air navigation control shall remain in force.

Twelve

1. Until the respective law of the Carabineros de Chile regulating the process for the appointment and term of the Director-General of the Carabineros is enacted or modified, they shall be appointed by the President of the Republic from among the five most senior general officers, taking into consideration the other requirements set out in the corresponding institutional regulation. The Director-General of the Carabineros shall serve for a term of four years, may not be appointed for a new term and may be removed by the President of the Republic under the terms set out in this Constitution.
2. Until the laws that adapt the functions of the police forces are enacted, the legal precepts establishing the State's powers of maritime and air navigation control shall remain in force.

Thirteen

1. The presidential term that began in March 2022 shall end on 11 March 2026, on which day the next presidential term shall begin. The election for this term shall be held in November 2025, as provided for in article 281 of this Constitution.

2. The ordinary legislature that began on 11 March 2022 shall end on 11 March 2026. The current members of the Senate shall finish their terms of office on 11 March 2026 and shall be eligible to run in the elections for the Congress of Deputies and the Chamber of Regions to be held in November 2025, where deputies and regional representatives shall be elected to serve from 11 March 2026. If elected in the 2025 elections to serve as regional representatives in the Chamber of Regions, this term shall be considered their first term of office. The regional representatives who constitute the Chamber of Regions shall be elected, on this occasion only, to hold office for a term of three years.
3. Regional governors who began their term in 2021 and regional councillors who began their term in 2022 shall complete their terms on 6 January 2025. Regional governor and regional assembly member elections shall be held in October 2024 and their terms of office shall begin on 6 January 2025.
4. The term of office of mayors and councillors that began in 2021 shall end on 6 December 2024, on which day the term of office of the mayors and councillors elected in October 2024 shall begin.

Fourteen

Until the legislator determines the urgency with which the popular initiatives contained in article 157 of this Constitution shall be processed, the simple urgency indicated in article 27 of Law No. 18,918 shall apply. Furthermore, the Electoral Service, within no more than three months, shall issue the instructions and guidelines required for the implementation of this popular participation mechanism and the law-repeal initiative provided for in article 158.

Fifteen

The legislator and the State administration bodies shall adapt the content of regulations concerning the organization, operation and composition of the bodies of the regional State and its territorial entities, referrals of power and the general requirements for the communal statutes no less than six months before their authorities are elected. The regional social council and the communal social assembly shall be installed and become operational once the respective laws on their organization, functioning and competencies are enacted.

Sixteen

1. The autonomous region and the autonomous commune shall be the legal successors of the regional government and the municipality, respectively, and their officials shall serve in the former without interruption in terms of their statutory norms, rights and obligations. Likewise, any assets and rights or obligations of the regional government or the municipality in the form of property or by any other means shall pass to the autonomous region or the autonomous commune, as applicable, under the same legal regime.
2. In the autonomous regions, the regional governors, as of their investiture, shall be the successors of the governors of the respective region in terms of the powers granted to them by the legislation in force, without prejudice to subsequent legislative amendments. The mayors and municipal councils of the autonomous communes shall be the successors, as far as compatible, as of their investiture, of mayors and councils in terms of the functions and powers entrusted to them by law, all without prejudice to subsequent legislative amendments.
3. Notwithstanding the foregoing, the current regional or communal authorities shall be responsible for decisions that may seriously compromise the assets of the autonomous communes or regions in the future.

Seventeen

Within two years of this Constitution's entry into force, the President of the Republic, after a process of Indigenous participation and consultation, shall submit to the Legislature the bill regulating the processes for creation, forms of territorial delimitation, operational statutes, competencies, resolution of disputes between territorial entities and other matters relating to Indigenous territorial autonomies. Once the bill has been passed, the Legislature shall have no more than three years to process and implement it.

Eighteen

Within one year of this Constitution's entry into force, the State shall initiate a process of Indigenous participation and consultation with the Rapa Nui people to determine the process, composition and time frame for the creation of the Rapa Nui Territorial Assembly, which shall be formed with the purpose of drafting the statute that shall regulate the exercise of the territory's autonomy. The statute shall also regulate the mechanisms for coordination with the State and other territorial entities and the method of implementing the special laws that govern Rapa Nui. The statute and its drafting process are limited by the provisions of this Constitution.

Nineteen

Within two years of this Constitution's entry into force, legal bodies shall be formed to create the Administration and Governance Statute for the special territory of Juan Fernández.

Twenty

1. Within one year of this Constitution's entry into force, two binding and independent consultations shall be held, one in the communes of the province of Chiloé and the other in the communes of the provinces of San Felipe, Los Andes and Petorca, so that citizens can ratify the creation of the Autonomous Region of Chiloé and the Autonomous Region of Aconcagua.
2. The ballot shall contain the question: "Do you support the creation of the Autonomous Region of Chiloé?" or "Do you support the creation of the Autonomous Region of Aconcagua?". Both shall offer two options: "I support it" and "I reject it."
3. The consultations shall be organized by the competent electoral body and they shall be overseen by the electoral tribunal.
4. If the subject of each of these consultations is approved by the majority of validly issued votes, the Legislature shall issue, within two years, a law for the establishment of the Autonomous Regions of Aconcagua and Chiloé, taking into account the criteria set out in paragraph 3 of article 187, on the creation of territorial entities.

Twenty-one

Within three months of this Constitution's entry into force, the President of the Republic shall convene all regional governors for the first session of the Council of Governorates, in order to progressively organize and exercise the powers conferred by this Constitution.

Twenty-two

1. The legal provisions that establish taxes to be collected by territorial entities shall remain in force unless they are modified or repealed.
2. Notwithstanding the foregoing, within two years of this Constitution's entry into force, the National Congress shall process the bills establishing territorial taxes.

Twenty-three

1. Within two years of this Constitution's entry into force, the Legislature shall progressively approve the legal norms regulating the different aspects of financial autonomy and fiscal decentralization of the territorial entities.
2. Financial autonomy shall be implemented gradually once the new regional and communal authorities take office, without prejudice to the measures for budgetary decentralization and transfer of competencies to be implemented in accordance with the regulations applicable to the current regional governments and municipalities.
3. Within six months of this Constitution's entry into force, the President of the Republic shall submit the bill referred to in paragraph 2 of article 248 of this Constitution. This body shall suggest the formula for distribution of tax revenues between the State and the local authorities from the 2025 Budget Law debate.

Twenty-four

1. State service or body officials whose name, structure, functions or powers are modified by this Constitution, or those of the services or bodies that are modified or transformed, shall continue to perform their duties, without interruption, in the new public services or bodies established by this Constitution, as applicable. The staff of such services or bodies shall maintain the same rights and obligations recognized by law and their statutes on the effective date of this Constitution.
2. The provisions of the preceding paragraph shall not apply in any case to authorities elected by popular vote.

Twenty-five

The civil servant associations governed by Law No. 19,296 and the unions of workers that provide services to the State under the Labour Code of the State services or bodies whose name, structure, functions or powers are modified by this Constitution, or those of the services of bodies that are modified or transformed, shall remain in force, without interruption, in the new public services or bodies established by this Constitution, as applicable.

Twenty-six

Within four years of this Constitution's entry into force, the President of the Republic shall submit a draft framework law on land-use planning in

accordance with the provisions of article 197. The Legislature must process this bill within two years of it being submitted.

Twenty-seven

1. The President of the Republic shall submit bills for the creation, adaptation and implementation of the following systems: the social security system and care system, within 12 months; the national health system, within 18 months; and the national education system, public education system and integrated public land system, within 24 months. The aforementioned periods shall be counted from the effective date of this Constitution.
2. The Legislature must finish processing these bills within 24 months from the date they are submitted.

Twenty-eight

1. Within one year of this Constitution's entry into force, the President of the Republic shall convene an Indigenous territorial committee, which shall create property registers, prepare plans, policies and programmes, and present proposals for agreements between the State and the Indigenous peoples and nations for the regularization, titling, demarcation, reparation and restitution of Indigenous lands. Its progress shall be periodically submitted to the competent bodies for gradual implementation, and these bodies shall be obliged to report every six months on their progress in this area.
2. The committee shall be composed of representatives of all Indigenous peoples and nations, determined by their representative organizations, through a process of Indigenous participation organized in accordance with article 7 of Convention 169 of the International Labour Organization. The committee shall also include representatives of the State and of persons of recognized suitability, who shall be appointed by the President of the Republic. The State must guarantee its due financing, infrastructure, access to the necessary information, and technical and administrative assistance, and may also call upon international organizations to act as observers guaranteeing the process. The committee shall operate for four years, after which it may be extended for another two years.

Twenty-nine

Within a period of 18 months, the President of the Republic shall submit a bill amending Law No. 21,430 on guarantees and comprehensive protection of the rights of children and adolescents so that it includes mechanisms for the

prevention, ban and punishment of violence against children and other applicable adjustments in accordance with the norms of this Constitution.

Thirty

1. Within 18 months of this Constitution's entry into force, the President of the Republic shall submit a bill to adapt labour legislation in accordance with the provisions of article 47 of the chapter on fundamental rights and guarantees.
2. Within 24 months this Constitution's entry into force, the President of the Republic shall submit a bill to adapt labour legislation in accordance with the provisions of articles 46 and 48 of the chapter on fundamental rights and guarantees.

Thirty-one

1. The law that creates the national education system shall regulate base funding for institutions that form part of the public education system and funding for those that comply with the requirements established by law and that are part of the national education system, according to the provisions of article 36 of the chapter on fundamental rights and guarantees. It shall also regulate the ongoing funding of free higher education, as provided for in article 37 of the chapter on fundamental rights and guarantees.
2. The law creating the national education system shall guarantee that educational communities participate in the process of adapting the educational system, as provided for in articles 42 and 43 of the chapter on fundamental rights and guarantees.

Thirty-two

1. Within 24 months of this Constitution's entry into force, the President of the Republic shall submit a comprehensive bill on decent housing and cities, which shall adapt the housing regulations in force and regulate the aspects provided for in articles 51 and 52. The legislator shall have two years from the date that the bill is submitted to pass the law for it to be promulgated.
2. The Executive, through the Ministry of Housing and Urban Planning, in coordination with other ministries and the corresponding decentralized bodies, shall, within a period of 18 months, design and initiate the implementation of a comprehensive emergency plan for the creation of shelters for victims of gender-based violence and other forms of rights violations, and the establishment of informal settlements.

3. Until the legislator regulates the integrated public land system referred to in article 51, any public body that is going to buy or sell public or fiscal real estate or promise to enter into such a contract must inform the Ministry of Housing and Urban Planning of the respective operation and its conditions at least 45 days prior to its execution, in order to be able to exercise the powers granted to it by Law No. 21,450 with respect to the execution of a housing or urban project aimed at addressing the housing shortage.

Thirty-three

Within no more than three years from the effective date of this Constitution, the President of the Republic shall implement the soil and native forest restoration policy. This policy shall be implemented through a process of participation and deliberation at the regional and local levels and shall contain the relevant adaptations to regulations and any other instruments necessary in accordance with the provisions of article 136 of this Constitution.

Thirty-four

1. Within 12 months, the President of the Republic must submit a bill for the creation of the National Water Agency and the adjustment of water-use permit regulations. The bill must also regulate the creation, composition and operation of basin councils, and the adaptation of statutes and the participation of water user organizations in such bodies.
2. Pending this bill's entry into force, the functions of the National Water Agency shall be assumed, as regards its competencies, by the Directorate-General for Water of the Ministry of Public Works, which shall act in coordination with the competent public bodies and with the support of the regional governments.
3. In the event that this law is not enacted within two years, the Legislature shall process the bill according to the rules for immediate discussion in force at the end of this period.

Thirty-five

1. When this Constitution enters into force, all water-use rights previously granted shall be considered, for all legal purposes, water-use permits as established in this Constitution. Until the legislation ordered in the preceding transitional provision is enacted, the rules prescribed in the Water Code on the creation and termination of permits in accordance with this Constitution shall apply, without prejudice to the reviewing processes of reviewing and

adjusting the flows to be redistributed in each basin. In no case may the rules relating to the creation of these permits by sale be applied.

2. The usage rights granted, regularized, recognized or created by act of the competent authority before 6 April 2022 shall be subject to the transitional provisions of Law No. 21,435, which amends the Water Code. The provisions of paragraphs 1 and 4 of Transitional article 2 of said text shall not apply to the usage rights created by authoritative act and recognized, acquired or granted to Indigenous persons, associations and communities, in accordance with articles 2, 9 and 36 of Law No. 19,253, which shall automatically be recorded as traditional usage permits in the respective registry. Until the relevant regulations are issued, or within no more than three years of this Constitution's entry into force, the following rules shall apply:
 - a) Only with the prior authorization of the Directorate-General for Water, or its legal successor, may changes in the ownership of administrative water-usage authorizations or legal acts that allow a person other than the owner to exercise these authorizations be permitted, provided that they are based on fulfilling the human right to water and sanitation or the effective availability of water in accordance with the provisions of articles 57 and 142 of this Constitution. Such administrative acts shall be substantiated and registered in the Public Water Registry referred to in article 112 of the Water Code.
 - b) The liens in place, in accordance with article 113 of the Water Code, prior to the date of publication of this Constitution shall remain in force under the terms set out in their registration, until the matter is regulated in the law ordered in the preceding transitional provision.
 - c) Water-use permits granted, established, regularized or recognized before this Constitution enters into force shall be subject to the rules of common law on transferability due to death, until the matter is regulated in the law ordered in the preceding transitional provision.
3. To ensure continuity of service and respect for the human right to water and sanitation established in article 57, and until the law indicated in the preceding transitional provision is enacted, the legal acts that aim to ensure the availability of water to supply urban sectors, rural settlements, cooperatives and rural drinking-water committees, intended exclusively for human consumption or sanitation and signed with holders of water permits or water user organizations, shall remain in force, without prejudice to the review and authorization of the Directorate-General for Water. Matters relating to drinking

water and sanitation shall be regulated in the law ordered in the preceding transitional provision. Once the terms set forth in transitional article 2 of Law No. 21,435 have expired, the water registries of the real estate registrars shall be transferred to the National Water Agency or to the Directorate-General for Water if the agency is not yet in place.

Thirty-six

1. The Directorate-General for Water or the National Water Agency, as applicable, shall gradually, progressively and with a sense of urgency, carry out the process of redistributing basin flows with the respective support of regional governments, in order to enable the priority uses recognized in the Constitution.
2. This process includes drafting diagnosis and evaluation reports at the regional level, which shall be done in stages, prioritizing those basins in water crisis and with over-granting of water-usage rights. The first regional process shall begin within six months. This redistribution shall not apply to small farmers; Indigenous peoples, associations and communities; community managers of rural drinking water; or other authorized small stakeholders.

Thirty-seven

Within one year of the Constitution's entry into force, the President of the Republic shall convene an ecological transition committee. This committee shall report to the Ministry of the Environment and shall be in charge of designing proposals for legislation, regulatory adaptations and public policies aimed at implementing the constitutional norms listed in the nature and environment section. This committee shall be made up of academics, civil society organizations, representatives of Indigenous peoples and relevant public bodies.

Thirty-eight

The National Copper Corporation of Chile shall continue to exercise the rights acquired by the State in copper mining by virtue of the nationalization provided for in transitional provision 17 of the Political Constitution of 1925 and ratified in transitional provision 3 of the Constitution of 1980, and shall continue to be governed by the aforementioned transitional constitutional regulations and the supplementary legislation.

Thirty-nine

Cases of forced arbitration that are pending in arbitral tribunals when this Constitution enters into force shall continue to be processed until they are concluded.

Forty

1. Termination of service at 70 years of age shall not apply to judges who, on the effective date of this Constitution, are part of the first level of the Judiciary regulated in the Organic Code of Courts. Such judges shall cease to hold office upon reaching 75 years of age. For those serving as Supreme Court judges, the term referred to in article 328, paragraph 3, shall be calculated starting from this Constitution's entry into force.
2. The procedure for the appointment of lawyers regulated in article 219 of the Organic Code of Courts, as well as their admission to the courts of appeals and the Supreme Court, as provided for in articles 215 and 217 of the Organic Code of Courts, shall remain in force until the new regulations are established, which shall be issued within no more than five years of this Constitution's entry into force.

Forty-one

The rule established in paragraph 2 of article 374 shall enter into force when the law that allows for the expansion of the workforce of the Public Defender's Office is promulgated, a process that must be completed within five years of this Constitution's entry into force. After this period, no new tenders may be carried out, without prejudice to the exceptions established by law. The law may establish different dates for the beginning of the exclusive public service, and may determine its gradual application in different regions of the country.

Forty-two

Until the law regulating the procedure for the actions for the protection of rights contemplated in articles 119 and 120 is promulgated, the orders of the Supreme Court on the processing of and ruling on the relevant constitutional actions shall remain in force. The competent court to hear such actions shall be the respective court of appeals and its decisions may be appealed before the Supreme Court.

Forty-three

1. The President of the Republic shall put forward the bill referred to in transitional provision

42 within six months and shall indicate the respective urgency of its submission and promulgation.

2. If the respective procedural law is not enacted within six years of this Constitution's entry into force, the courts established by this Constitution shall have jurisdiction to hear such protective actions, in accordance with the procedures indicated in transitional provision 42. Any protective actions already pending in the courts of appeals or the Supreme Court at the end of the aforementioned period shall continue to be processed in accordance with the rule set out in transitional provision 42.

Forty-four

1. Within three years of this Constitution's entry into force, the President of the Republic shall submit the bill or bills necessary to establish the administrative courts referred to in article 332, merging the tax and customs courts, the Court of Audit, the Public Procurement Court and the Industrial Property Court into the new administrative courts for their integration into the national justice system. If the bill is not passed within four years of this Constitution's entry into force, the aforementioned courts shall be directly integrated into the national justice system.
2. This bill must set out the administrative process that establishes the basis of its jurisdiction and determines a general application procedure and the corresponding special procedures. Until this law is enacted, the courts mentioned in this article shall continue to hear the cases that correspond to them in accordance with their competence and procedures.
3. The law must progressively create the new environmental courts provided for in the Constitution, and until this is complete, the environmental courts shall maintain their territorial jurisdiction and shall continue to hear cases in accordance with the procedural rules in force.

Forty-five

1. The Constitutional Court may not hear new cases. All inapplicability appeals already filed with the Constitutional Court must be heard, processed and ruled on by this body within six months of this Constitution's entry into force. In exercising these powers, the Constitutional Court shall rule in accordance with the rules established in the previous Constitution and in Organic Law No. 17,997, of the Constitutional Court, whose consolidated, coordinated and systematized text is set forth in Legislative Decree No. 5 of 2010, of the

Office of the Secretary-General of the Presidency. At the end of the aforementioned period or upon completion of the processing of such cases, the Constitutional Court shall cease to function and shall be dissolved in full. At that time, the assets, rights and obligations of the existing Constitutional Court shall be transferred to the new Constitutional Court without interruption.

2. Inapplicability actions pending with the Constitutional Court on the effective date of this Constitution may be withdrawn by those who filed them before the case is heard and shall be deemed not to have been filed. Questions of inapplicability due to unconstitutionality of article 381 point a) that are filed between the entry into force of this Constitution and the beginning of the functions of the Constitutional Court shall not be referred to the Constitutional Court until it is in place. Exceptionally, inapplicability related to criminal cases in which the personal liberty of the appellant is at risk shall be heard by five Supreme Court judges chosen by the Court itself, drawing lots for each appeal filed.
3. The Constitutional Court shall be installed within six months of this Constitution's entry into force. The bill regulating the Constitutional Court and its procedures must be submitted by the President of the Republic to the Legislature within 60 days of this Constitution's entry into force and shall take priority in the implementation of the new institutional framework. Until it is promulgated, its organization and operation shall be subject to the provisions of this Constitution and, in a supplementary manner, to Constitutional Organic Law No. 17,997 of the Constitutional Court.
4. The judges of the Constitutional Court shall be appointed in accordance with the rules set out in article 378 of this Constitution. Ministers who cease to hold office having served less than half of their term may be appointed to the Constitutional Court. Appointments corresponding to the Legislature shall be made by a plenary session of both chambers and those corresponding to the Council of Justice shall be appointed by the Supreme Court, following public contests. In order to stagger appointments over time, as established in article 378, paragraph 2, a lot shall be drawn only once by each body with the power to appoint judges, at the time they make their appointment, in the following terms:
 - a) Of the four appointments to be made by the National Congress, one shall last three years, two shall last six years and one shall last nine years.

- b) Of the three appointments corresponding to the President of the Republic, one shall last three years, one shall last six years and one shall last nine years.
- c) Of the four appointments to be made by the Council of Justice or the Supreme Court, as appropriate, two shall serve for three years, one shall serve for six years and one shall serve for nine years.

Forty-six

1. Until the law providing for the general procedure indicated in the article on administrative litigation is enacted, and provided that there is no special procedure, the invalidity of an administrative act, and the declaration of illegality of an omission, may be brought before the civil court with jurisdiction where the authority against which the claim was made is domiciled.
2. The time frame for this claim shall be 90 calendar days from the time the appealed act is known.
3. The court may order, upon request, the provisional suspension of the effects of the appealed act in order to ensure the effectiveness of the decision that may be rendered, if there is sufficient evidence to do so.

Forty-seven

The constitutional norms relating to the new constitutional bodies shall enter into force, in each case, with the enactment of the laws on their organization, operation and competence.

Forty-eight

1. The President of the Republic, within five years of this Constitution's entry into force, shall submit the bill regulating the organization, operation and procedures of neighbourhood justice, as well as the determination of its staffing, the remuneration system and its staff regulations.
2. This law shall establish the manner in which the local police courts move towards the creation of neighbourhood justice, and may establish different dates for the entry into force of its provisions, as well as determine its gradual application in the different issues and different regions of the country. The same law shall establish the terms under which judges, clerks, lawyers and officials of the local police courts may serve in the bodies comprising the neighbourhood justice system.

Forty-nine

Within one year of this Constitution's entry into force, the President of the Republic shall submit a bill on the Council of Justice in accordance with the provisions of article 345. Until this law is enacted, the system of appointments, as well as the governance and administration of the courts under the terms of article 343, shall be governed by the rules in force when this Constitution enters into force. The establishment of the Council of Justice shall take priority in the implementation of the new institutional framework.

Fifty

Until the law incorporating the new powers of the national prosecutor and creating the Committee of the Public Prosecutor's Office with its new powers is enacted, the national prosecutor and the General Council of the Public Prosecutor's Office shall continue to exercise the powers and competencies in effect when this Constitution enters into force.

Fifty-one

As of this Constitution's entry into force and until the legal provisions enacting the constitutional norms related to the regional comptrollers' offices are issued, the Law on the organization and powers of the Office of the Comptroller General of the Republic, whose consolidated text is set forth in Decree No. 2,421 of 1964 of the Ministry of Finance, and the rules on the organization and powers of the regional comptrollers' offices established in the relevant resolutions of the Comptroller General of the Republic, shall remain in force. During this period, the Comptroller General may modify such resolutions to ensure the existence of at least one regional comptroller's office in each region of the country.

Fifty-two

If compliance with a ruling issued against the State of Chile by international human rights courts recognized by the State contravenes a final court ruling, the Supreme Court may extraordinarily review such ruling in accordance with the procedure set out in articles 473 et seq. of the Criminal Procedure Code within one year of notification of the international ruling and with the aforementioned contravention as grounds for the review. The above applies until a law regulates a different procedure for general compliance with the aforementioned rulings.

Fifty-three

Within two years of this Constitution's entry into force, the President of the Republic shall propose a bill regulating the organization, funding and powers of the Ombudsperson's Office and the Office of the Ombudsperson for Nature. The Legislature shall have 18 months, starting from the date the bill is proposed, to process and submit it for promulgation. For all purposes, it shall be understood that the Ombudsperson's Office created by this Constitution is the legal successor in all assets, rights and obligations of the National Human Rights Institute.

Fifty-four

By virtue of the provisions of article 24 of this Constitution and until criminal legislation is adapted to this Constitution, article 103 of the Criminal Code shall not apply to acts that, in accordance with the international treaties and instruments ratified by Chile, constitute serious human rights violations.

Fifty-five

The bodies that, prior to the enactment of this Constitution, had legal rank and that by virtue of this Constitution have been elevated to constitutional rank shall transition in accordance with the provisions of their own regulations, the law and this Constitution.

Fifty-six

1. The persons referred to in paragraph 1 of article 63 of Decree Law No. 211, whose consolidated, coordinated and systematized text is set forth in Legislative Decree No. 1, of 2004, of the Ministry of Economy, Development and Reconstruction, shall be exempted from criminal liability for the type of crime listed in article 62 of the same text, without the need for the declaration of the Competition Tribunal referred to in paragraph 1 of said article, until the legislator regulates the manner and conditions for obtaining the benefits of articles 39 bis and 63, paragraph 1, of said Decree Law, in accordance with the provisions of article 365, paragraph 3 of the Constitution.
2. Likewise, the penalty determined in accordance with the provisions of paragraph 3 of article 62 of Decree Law No. 211, whose consolidated, coordinated and systematized text is set forth in Legislative Decree No. 1, of 2004, of the Ministry of Economy, Development and Reconstruction, shall be reduced by one degree for the persons referred to in paragraph 4 of article 63 of the same text, without the need for the declaration of the Competition Tribunal referred to in said paragraph, until the legislature regulates the manner and conditions for

obtaining the benefits of articles 39 bis and 63, paragraph 4, of the aforementioned Decree Law, in accordance with the provisions of article 365, paragraph 3 of the Constitution.

Fifty-seven

Within three years of this Constitution's entry into force, the President of the Republic shall submit a comprehensive heritage bill that addresses the institutionalization and regulation of cultural, natural and Indigenous heritage, in compliance with articles 24 paragraph 5, 93, 101, 102 and 202 points h) and i).

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The Constitutional Convention that drafted this proposed Political Constitution of the Republic was elected by the people of Chile in the elections held on 15 and 16 May 2021, and was formed on 4 July 2021. The Constitutional Convention was composed of 154 convention members:

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Martín Arrau García-Huidobro	Fernando Atria Lemaitre
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CONSTITUTIONAL CONVENTION

GASPAR DOMÍNGUEZ DONOSO
VICE PRESIDENT
CONSTITUTIONAL CONVENTION

JOHN SMOK KAZAZIAN
SECRETARY
CONSTITUTIONAL CONVENTION

Nine copies of this original copy of the proposed text of the New Political Constitution of the Republic of Chile, which is delivered to His Excellency the President of the Republic, have also been printed, all numbered.

One copy has been reserved for the Senate, one for the Chamber of Deputies, one for the Supreme Court, one for the Constitutional Court, one for the Office of the Comptroller General of the Republic, two for the Library of the National Congress and two for the National Archives.

Santiago, 4 July 2022.

