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# Chile's Constitution of 1980 with Amendments through 2012

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# CHAPTER I: Bases of Institutionalality

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## Article 1

Persons are born free and equal in dignity and rights.

The family is the fundamental nucleus of society.

The State recognizes and defends the intermediate groups through which society organizes and structures itself and guarantees them the adequate autonomy to fulfill their own specific objectives.

The State is at the service of the human person and its goal is to promote the common good, to which effect it must contribute to create the social conditions which permit each and every one of those composing the national community the greatest spiritual and material fulfillment possible, with full respect for the rights and guarantees that this Constitution establishes.

It is the duty of the State to safeguard the national security, to provide protection for the people and the family, to promote the strengthening of the latter, to further the harmonious integration of all the sectors of the Nation and to ensure the right of persons to participate with equality of opportunities in the national life.

## Article 2

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

## Article 3

The State of Chile is unitary.

The administration of the State will be functional and territorially decentralized, or deconcentrated as the case may be, in conformity with the law.

The organs of the State will promote the strengthening of the regionalization of the country and the equitable development and solidarity between regions, provinces and communes of the national territory.

## Article 4

Chile is a democratic republic.

## Article 5

Sovereignty resides intrinsically in the Nation. Its exercise is realized by the people through the plebiscite and periodic elections, and also, by the authorities that this Constitution establishes. No sector of the people nor any individual may arrogate its exercise.

The exercise of sovereignty recognizes as a limitation the respect for the essential rights which emanate from human nature. It is the duty of the organs of the State to respect and promote those rights, guaranteed by this Constitution, as well as by the international treaties ratified by Chile and which are in force.

- Right to development of personality

- Human dignity

- National anthem
- National flag

- Reference to fraternity/solidarity

- Type of government envisioned

- Referenda

- International law
- Treaty ratification

## Article 6

The organs of the State must subject their action to the Constitution and to the norms adopted in conformity with it, and guarantee the institutional order of the Republic.

The precepts of this Constitution obligate both the titular [officials] or members of said organs, as well as any person, institution or group.

The infraction of this norm will generate the responsibilities and penalties that the law determines.

## Article 7

The organs of the State act validly, with the prior regular investiture of their members, within their field of competence, and in the form that the law prescribes.

No magistrature, no person or group of persons may arrogate, even on the pretext of extraordinary circumstances, any other authority or rights than those expressly conferred upon them by virtue of the Constitution or the laws.

Any act in contravention this article is null and void and will give rise to the responsibilities and penalties that the law specifies.

## Article 8

The exercise of public functions obligates its titular [members] to comply strictly with the principle of probity in all their actions.

The acts and resolutions of organs of the State, as well as their fundamentals and the procedures used, are public. However, only a law of qualified quorum can establish the confidentiality or secrecy of those or of them, when disclosure would affect the proper fulfillment of the functions of these organs, the rights of persons, the security of the Nation or the national interest.

The President of the Republic, the Ministers of State, the deputies and senators, and the other authorities and functionaries that a constitutional organic law specifies, must declare their interests and patrimony in public form.

This law determines the cases and the conditions under which those authorities will delegate to a third party the administration of those assets and obligations which involve conflicts of interest in the exercise of their public function. It may also consider other appropriate measures to resolve them and, in qualified situations, provide for the disposition of all or part of these assets.

## Article 9

Terrorism, in any of its forms, is intrinsically contrary to human rights.

A law of qualified quorum will determine terrorist conduct and its penalty. Those responsible for these crimes will be ineligible, for a period of fifteen years, from exercising public functions or positions, whether or not of popular election; or [positions] of rector or director of establishments of education, or to exercise in them functions of teaching; from operating [explotar] a medium of social communication or from being director or administrator of the same, or performing in it functions related to the broadcast or dissemination of opinions or information; neither can they be directors of political organizations or those related to education or those of a local, professional, entrepreneurial, syndical, student, or trade union character in general during said period. The forgoing is understood [as] without prejudice to other ineligibilities or to those which the law establishes for a longer

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

- Duty to obey the constitution

- Public or private sessions
- Publication of deliberations
- Quorum for legislative sessions
- Secrecy of legislative votes

- Earnings disclosure requirement

- Terrorism

period.

The crimes to which the previous paragraph refers will always be considered common [crimes] and not political [crimes] for all the legal effects, and individual pardon will not proceed concerning them, except to commute the death penalty to that of life imprisonment.

## CHAPTER II: Nationality and Citizenship

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### Article 10

Chileans are:

1. Those born in the territory of Chile, with the exception of those children of foreigners who are in Chile in the service of their Government, and those children of transient foreigners, all of whom, however, may opt for the Chilean nationality;
2. The children of a Chilean father or mother, born in foreign territory. However, it will be required that one of his ancestors in a direct line of first or second degree, has acquired Chilean nationality by virtue of that established in the Numerals 1, 3 or 4.;
3. The foreigners who obtain a card of nationalization in accordance with the law;
4. Those who obtained special grant [gracia] of naturalization by law.

The law will regulate the procedures for opting for Chilean nationality; of [the] granting, denial and cancellation of naturalization papers and for the creation of a register for all these acts.

### Article 11

Chilean nationality is lost:

1. By voluntary renouncement manifested before a competent Chilean authority. This renunciation will only produce effects if the person, previously, has been naturalized in a foreign country;
2. By supreme decree, in the case of the provision of services during a foreign war to enemies of Chile or to their allies;
3. By cancellation of naturalization papers; and
4. By [a] law which revokes the naturalization conceded by grant.

Those who have lost Chilean nationality for any of the causes established in this Article, can only be rehabilitated by law.

## Article 12

The person affected by [an] act or resolution of administrative authority which deprives him of his Chilean nationality or which denies [desconocer] it, can appeal , on his own behalf or through anyone in his name, within the period of thirty days, to the Supreme Court, which shall take cognizance of it as a jury and in plenary tribunal. The interposition of the recourse will suspend the effects of the act or resolution appealed.

## Article 13

Citizens are those Chileans who have become eighteen years of age and who have not been sentenced to afflictive punishment.

The status of citizen grants the rights of suffrage, of opting for positions subject to popular election, and the others that the Constitution or the law confer.

For the Chilean, referred to in Numerals 2 and 4 of Article 10, the exercise of the rights that confer citizenship on them will be subject to [their] having been resident in Chile for more than a year.

## Article 14

Foreigners residing in Chile for more than five years and who comply with the requirements specified in the first paragraph of Article 13, can exercise the right of suffrage in the cases and forms that the law determines.

Those nationalized in conformity to No. 3 of Article 10, shall be eligible to public responsibilities of popular election only after five years of being in possession of their papers of naturalization.

## Article 15

In the popular votes, suffrage will be personal, egalitarian, secret and voluntary.

Popular votes may only be convoked for [the] elections and plebiscites expressly specified in this Constitution.

## Article 16

The right of suffrage is suspended:

1. By interdiction in the case of insanity;
2. When the person is being charged with a crime which deserves afflictive punishment or for a crime that the law defines as terrorist conduct; and
3. For having been punished by the Constitutional Tribunal in conformity with the seventh paragraph of Numeral 15 of Article 19 of this Constitution. Those who, for this cause, are deprived of the exercise of the right of suffrage will recover it on completion of the period of five years, counted from the decision of the Tribunal. This suspension will produce no other legal effect, without prejudice to what is provided in the seventh paragraph of Numeral 15 of Article 19.

• Requirements for birthright citizenship

## Article 17

The status of citizenship is lost:

1. By loss of Chilean nationality;
2. By [a] sentence to afflictive punishment; and
3. By [a] sentence for crimes which the law qualifies as terrorist conduct and those related to drug trafficking and that have merited, additionally, afflictive punishment.

Those who have lost their citizenship for the causes specified in Numeral 2, will recover it in accordance with the law, once the criminal responsibility is extinguished. Those who have lost it for the causes specified in Numeral 3, may solicit the Senate for its rehabilitation after serving their sentence.

## Article 18

• Campaign financing

There shall be a public electoral system. A constitutional organic law will determine its organization and functioning, will regulate the form in which electoral processes and plebiscites will be realized [concerning] all that is not specified in this Constitution and will guarantee always full equality between the independents and the members of political parties both in the presentation of candidatures and in their participation in the specified processes. This law also establishes a system of financing, transparency, limits and control of electoral spending.

A constitutional organic law shall contemplate, also, a system of electoral registers, under the direction of the Electoral Service, which will be incorporated, by a single ministry of the law, for those who meet the requirements established by this Constitution.

The safeguarding of the public order during the electoral acts and plebiscites will correspond to the Armed Forces and the Carabineros[,] in the manner [del modo] that the law indicates.

# CHAPTER III: Constitutional Rights and Duties

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## Article 19

The Constitution assures to all persons:

1. The right to life and to the physical and psychological integrity of the person.

The law protects the life of those about to be born.

The death penalty can only be established for a crime provided for in a law adopted by qualified quorum.

• Right to life

The application of any illegitimate pressure is prohibited;

2. Equality before the law. In Chile there is no privileged person or group. In Chile there are no slaves, and [any] one that sets foot on its territory becomes free. Men and women are equal before the law.

Neither the law nor any authority can establish arbitrary differences;

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

All persons have the right to a juridical defense in the form that the law specifies and no authority or individual can impede, restrict or disturb the due intervention of an attorney, if it is required. Concerning the members of the Armed Forces and [the forces] of Public Order and Security, this right will be governed, concerning administrative and disciplinary [matters], by the pertinent norms of their respective statutes.

The law shall provide the means to grant juridical counsel and defense to those who cannot secure them on their own. The law shall specify the cases and shall establish the form in which natural persons [who are] victims of crimes may be provided with gratuitous juridical counsel and defense, to the effect of exercising the criminal [penal] action recognized by this Constitution and the laws.

Any person accused of a crime has the irrenounceable right to be assisted by a suitable defending attorney by the State if one cannot be appointed in the modality established by the law.

No one can be judged by special commissions, but only by the tribunal that the law specifies, and which has been established previously by it prior to the perpetration of the act.

Any sentence of an organ which exercises jurisdiction must be based on previous legally held proceedings. It will correspond to the legislator to always establish the guarantees for an efficient and just procedure and investigation.

The law cannot presume, of right, penal responsibility.

No crime will be punished with a penalty other than that specified by a law promulgated prior to its perpetration, except where a new law favors the affected [person].

No law can establish penalties unless the conduct that [the law] penalizes is expressly described in it.

4. The respect and protection of private life and the honor of the person and his family.



- Right to privacy

5. The inviolability of homes and all forms of private communication. The home may only be searched and private communications and documents intercepted, opened or inspected in the cases and forms determined by the law;

- Freedom of religion
- Freedom of opinion/thought/conscience

6. The freedom of conscience, the manifestation of all creeds and the free exercise of all cults which are not opposed to morals, to good customs or to the public order.

The religious confessions may erect and maintain churches and their dependencies under the conditions of security and hygiene established by the laws and ordinances.

- Tax status of religious organizations

Concerning assets, the churches and religious confessions and institutions of any cult have the rights granted and recognized by the laws currently in force. Churches and their dependencies intended exclusively for the service of a cult will be exempt from any type of tax;

- Freedom of movement

7. The right to personal freedom and to individual security.

Consequently,

a. Every person has the right to reside and remain in any place in the Republic, move from one [place] to another, and enter and leave its territory, on condition that the norms established in the law are respected and always save prejudice to third parties;

b. No one may be deprived of his personal freedom nor may it be restricted except for the cases and in the form determined by the Constitution and the laws;

c. No one may be arrested or detained except by order of a public functionary, expressly empowered [facultar] by the law and after such an order has been served [intimar] in the legal form. However, an individual caught in flagrant crime can be detained, with the sole object of bringing [him] to the disposition of the competent judge within the following twenty-four hours.

If the authority orders the arrest or detention of any person, it must, within the following forty-eight hours, so advise the competent judge, bringing to his disposition the affected [person]. The judge can, by [a] motivated resolution, increase the period to five days, and to ten days in the case that the facts investigated [are] qualified by the law as terrorist conduct;

d. No one may be arrested or detained, subjected to preventive arrest or imprisoned, except in his home or in public premises established to that effect.

Those entrusted with the prisons may not receive in them anyone qualified as arrested or detained, or accused or imprisoned, without

- Protection from unjustified restraint

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

- Protection from unjustified restraint
- Prison registry

placing on record the corresponding order, issued by an authority with legal faculty, in a register which will be public.

No solitary confinement can prevent the functionary entrusted with the place of detention from visiting the arrested, detained, accused or imprisoned [person] who is in it. This functionary is obligated, provided that the arrested or detained [person] requests it, to transmit a copy of the order of detention to the competent judge, or to demand that such copy be given to him, or to give a certificate by himself that the individual is being detained, in the event this requirement should have been omitted at the time of the detention;

- e. The freedom of the accused will proceed unless the detention or preventive imprisonment is considered by the judge as necessary for the investigation or for the security of the offended [person], or of society. The law will establish the requirements and modalities for obtaining it.

The appeal of the resolution that is pronounced concerning the freedom of the accused for the crimes referred to in Article 9, will be taken cognizance of by the Superior Tribunal that corresponds, composed exclusively of titular members. The resolution which approves it or grants it will be required to be agreed upon unanimously. During the period of freedom, the accused will always remain subject to the measures of vigilance of the authority that the law contemplates;

- f. In criminal causes the suspect or accused cannot be obligated to testify under oath [concerning] his own acts; nor can his ascendants, descendants, spouse or other persons who, according to the cases and circumstances [that] the law specifies, be obligated to testify against him;
- g. No penalty of confiscation of assets may be imposed, without prejudice to any seizure in the cases established in the laws; but such a penalty can proceed with respect to unlawful associations;
- h. The loss of previsionsal rights cannot be applied as [a] penalty; and
- i. Once definitive dismissal, or absolutive sentence has been declared, the [person] subjected to trial or sentenced in any instance by resolution which the Supreme Court declares unjustifiably erroneous or arbitrary, will have the right to be indemnified by the State for patrimonial and moral losses that have been suffered. The indemnification will be judicially determined in a brief, and summary proceeding and in which the evidence shall be conscientiously assessed;

- 8. The right to live in an environment free from contamination. It is the duty of the State to see to [it] that this right will not be affected and to guard the preservation of nature.

The law can establish specific restrictions on the exercise of certain rights or freedoms in order to protect the environment;

• Right to health care

**9. The right to protection of health.**

The State protects the free and egalitarian access to actions for the promotion, protection and recovery of the health and rehabilitation of the individual. The coordination and control of activities related to health will also correspond to it

It is [a] preferential duty of the State to guarantee the execution of the activities [concerning] health, whether provided through public or private institutions, in the form and conditions that the law determines, which can establish obligatory taxations.

Each person will have the right to choose the health system he wishes to join, either State or private;

**10. The right to education.**

• Right to development of personality

Education has as its goal the full development of the person in the distinct stages of his life.

• Right to culture

Parents have the preferential right and the duty to educate their children. It will correspond to the State to provide special protection for the exercise of this right.

• Access to higher education  
• Free education

For the State it is obligatory to promote preschool education and to guarantee the free access and fiscal financing to the second level of transition, without this constituting a prerequisite for admission to basic education.

• Compulsory education

Basic education and secondary education are obligatory; the State must finance a gratuitous system with this objective, designed to assure access to it by all of the population. In the case of secondary education, this system, in conformity to the law, will be extended until 21 years of age has been reached.

• Reference to art  
• Reference to science

It will, likewise, correspond to the State to promote the development of education at all levels; stimulate scientific and technological research, artistic creation, and the protection and increase of the cultural patrimony of the Nation.

It is the duty of the community to contribute to the development and improvement of education;

• Right to academic freedom

**11. The freedom of education includes the right to open, organize and maintain educational establishments.**

Freedom of education has no other limitations but those imposed by morals, good customs, public order and national security.

Officially recognized education cannot be oriented to propagating any type of political-partisan tendency.

Parents have the right to choose the educational establishment for their children.

A constitutional organic law will establish the minimum requirements which must be required for each of the levels of primary and secondary education and will specify the objective norms, of general application, that permit the State to see to their compliance. Said law will, in the same form, establish the requirements for the official recognition of educational establishments of all levels;

• Organic laws

• Freedom of expression  
• Freedom of opinion/thought/conscience  
• Freedom of press

- 12.** Freedom to express opinion and to inform, without prior censorship, in any form and by any medium, without prejudice to responsibility for any crimes or abuses committed in the exercise of these freedoms, in conformity with the law, which must be of qualified quorum.

• State operation of the media

In no case can the law establish [a] state monopoly over the media of social communication.

Any natural or juridical person offended or unjustly alluded to in a medium of social communication, has the right to have his declaration or rectification gratuitously disseminated, under the conditions that the law determines, by the medium of social communication in which such information was issued.

Any natural or juridical person has the right to establish, edit or maintain newspapers, magazines and periodicals, under the conditions that the law specifies.

• Television

The State, such universities and other persons or entities that the law determines, can establish, operate and maintain television stations.

• Media commission  
• Television

There will be a National Council for Television, autonomous and with juridical personality, entrusted with seeing to the correct functioning of this medium of communication. A law of qualified quorum will specify the organization and other functions and attributions of this Council.

The law will regulate a ratings system for the exhibition and publicity of cinema production;

• Freedom of assembly

- 13.** The right to assemble peacefully without prior permission and without weapons.

Meetings at squares, streets and other places of public use are ruled by the general provisions [concerning] the police;

• Right of petition

- 14.** The right to present petitions to the authority, concerning any matter of public or private interest, with no other limitations than to proceed in a respectful and appropriate manner;

## 15. The right to associate without prior permission.

In order to have juridical personality, associations must be constituted in conformity with the law.

No one can be obligated to belong to an association.

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

Political parties cannot participate in other than their own activities or have any privilege or monopoly on civic participation; their records and accounts must be public; their sources of finance cannot come from monies, assets, donations, contributions or credits of foreign origin; their statutes must contemplate the norms assuring an effective internal democracy. A constitutional organic law will establish a system of primary elections that may be used by those parties for the nomination of candidates to offices of popular election, whose results will be binding on such collectivities, save the exceptions that this law establishes. Those that are not elected in the primary elections may not be candidates, in that election, to the respective office. A constitutional organic law will regulate the other matters that concern them and the sanctions that are applicable for the infringement of its provisions, among which their dissolution may be considered. The associations, movements, organizations or groups of persons engaged in or performing [realizar] activities pertaining to political parties without conforming to the aforementioned norms are unlawful and will be penalized in accordance with this constitutional organic law;

The Political Constitution guarantees political pluralism. The parties, movements or other forms of organization of which the objectives, acts or conduct do not respect the basic principles of the democratic and constitutional regime, advocate the establishment of a totalitarian system, as well as those which use violence, or advocate or incite it as a method of political action, are unconstitutional. It will correspond to the Constitutional Tribunal to declare such unconstitutionality.

Without prejudice to the other sanctions established in the Constitution or in the law, the persons who have participated in acts which motivate the declaration of unconstitutionality to which the preceding paragraph refers, cannot participate in the formation of other political parties, movements, or other forms of political organization, nor opt for public positions of popular election or to perform the positions specified in Numerals 1) through 6) of Article 57 for the period of five years, counted from the resolution of the Tribunal. If at the time of such decision the persons referred to should be in possession of the functions or positions indicated, they will lose them of right.

The persons penalized by virtue of this precept cannot be the object of rehabilitation during the period stated in the preceding paragraph. The duration of the ineligibility provided for in said paragraph will be doubled in the case of recurrence;

## 16. Freedom to work and its protection.

## • Right to equal pay for work

Any person has the right to freely contract [for] and to the free choice [of] work, with a just compensation.

Any discrimination which is not based on personal capacity or capability is prohibited, without prejudice that the law can require Chilean citizenship or age limits in certain cases.

## • Right to choose occupation

No type of work can be prohibited except where it is contrary to morals, or public security and health, or where it should be so required by the national interest and a law so declares. No law or provision of public authority can require affiliation to any organization or entity whatsoever, as a requirement for undertaking certain activity or work, nor disaffiliation to keep it. The law will determine the professions that require a title or university degree and the conditions that must be complied with to exercise them. The professional associations constituted in accordance with the Law which profess to be related with such professions, shall be empowered to take cognizance of claims that are interposed concerning the ethical conduct of their members. Appeal may be made against their decisions before the respective Court of Appeals. The professionals [who are] not associated will be judged by the special tribunals established in the law.

Collective negotiation with the company for which they work is a right of workers, except in the cases in which the law expressly prohibits negotiation. The law will establish the procedures for collective negotiation and the appropriate procedures for reaching a just and peaceful solution [by] it. The law will specify the cases in which collective negotiation must be submitted to obligatory arbitration, which will correspond to special tribunals of experts, having the organization and attributions which will be established in it.

## • Right to strike

Neither the functionaries of the State nor of the municipalities can declare a strike. Nor can persons working in corporations or enterprises do so, regardless of their nature, objectives or functions, which provide services of public utility or the paralysis of which [would] cause grave damage to health, to the economy of the country, to the provision [of] the population, or to the national security. The law will establish the procedures to determine the corporations or enterprises whose workers will be subject to the prohibition that this paragraph establishes;

**17.** Admission to all public functions and employments, with no requirements other than those that the Constitution and the laws impose;

**18.** The right to social security.

The laws that regulate the exercise of this right will be of qualified quorum.

The action of the State will be directed to guarantee the access of all the inhabitants to uniform basic benefits whether granted by public or private institutions. The law can establish obligatory taxations.

The State will supervise the adequate exercise of the right to social security;

• Right to join trade unions

19. The right to unionize in the cases and form that the law specifies. Syndical affiliation will always be voluntary.

Syndical organizations will have juridical personality by the sole act of registering their statutes and constitutive acts, in the form and conditions that the law determines.

The law will contemplate the mechanisms which assure the autonomy of these organizations. The syndical organizations and their directors cannot participate in political-partisan activities;

20. The equal distribution of taxes in proportion to income or in the progression or form that the law establishes, and equal distribution of the other public charges.

In no case can the law establish manifestly disproportionate or unjust taxes.

The taxes collected, whatever their nature may be, will be deposited to the patrimony of the Nation and will not be set aside [afectar] for a specific purpose.

However, the law can authorize that certain taxes can be set aside for appropriate objectives of the national defense. Likewise, it can authorize that those levied on activities or assets which have a clear regional or local identification can be applied, within the frameworks that the same law specifies, by the regional or communal authorities for the financing of works of development;

• Right to establish a business

21. The right to develop any economic activity which is not contrary to morals, to the public order or to national security, respecting the legal norms which regulate it.

The State and its organisms can develop entrepreneurial activities or participate in them only if a law of qualified quorum authorizes it. In such case, those activities will be subjected to the common legislation applicable to individuals, without prejudice to exceptions for justifiable motives that the law establishes, which must be, likewise, [law] of qualified quorum;

22. No arbitrary discrimination in the treatment that [is] to be granted by the State and its organisms in economic matters.

Only by virtue of a law, and as long as it does not signify such discrimination, certain direct or indirect benefits accorded to any sector, an activity or a geographical region, can be authorized; or special charges affecting one or the other may be established. In the case of franchises or indirect benefits, the estimation of their cost must be included annually in the Law of Budgets;

23. Freedom to acquire ownership over all classes of assets, except those which nature has made common to all men or which should belong to the entire Nation, and that the law so declares. The above is without prejudice to [what is] prescribed in other precepts of this Constitution.

When the national interest demands it, a law of qualified quorum can establish limitations or requirements for the acquisition of ownership [dominio] over some assets;

24. The right of ownership in its diverse kinds over all classes of corporeal and incorporeal assets.

Only the law can establish the manner to acquire property and to use, enjoy and dispose of it, and the limitations and obligations which derive from its social function. This comprises all which the general interests of the Nation, the national security, public use and health, and the conservation of the environmental patrimony, require.

No one can, in any case, be deprived of his property, of the asset affected or of any of the essential attributions or faculties of ownership, except by virtue of [a] general or [a] special law which authorizes expropriation for reasons of public benefit or of national interest, qualified by the legislator. The expropriated [party] can protest [reclamar] the legality of the expropriation act before the ordinary tribunals and, at all times, will have the right to indemnification for patrimonial harm effectively caused, which will be established by mutual agreement or in a sentence pronounced in conformity with law, by said tribunals.

In the absence of an agreement, the indemnification must be paid in cash.

The taking of material possession of the expropriated asset will take place following payment of the total of the indemnification, which, in the absence of an agreement, will be determined provisionally by experts, in the form that the law specifies. In case of protest [concerning] the justifiability of the expropriation, the judge can, on the merit of the information adduced, decide on the suspension of the taking of possession.

The State has absolute, exclusive, inalienable and imprescriptible domain [over] all mines, including in this the guano deposits, the metalliferous sands, the salt mines, the deposits of coal and hydrocarbons and the other fossil substances, with the exception of superficial clays, notwithstanding the ownership of natural or juridical persons over the lands within which they may be situated. The superficial sites will be subject to the obligations and limitations that the law specifies to facilitate the exploration, the exploitation and the use of such mines.

It corresponds to the law to determine what substances of those referred to in the preceding paragraph, excepting liquid or gaseous hydrocarbons, may be objects of concessions of exploration or of exploitation. Such concessions will always be constituted by judicial resolution and will have the duration, will confer the rights and impose the obligations that the law specifies, which [law] will be of [a] constitutional organic character. The mining concession obligates the owner to develop the activity necessary to



satisfy the public interest which justifies the granting [of it]. The regime of amparo will be established by said law, tending directly or indirectly to obtain the fulfillment of that obligation, and providing the grounds for its lapse in the case of nonfulfillment or for simple extinction of domain over the concession. In all cases, such grounds and their effects must be established at the time of granting the concession

• Ownership of natural resources

It will be the exclusive competence of the ordinary tribunals of justice to declare the extinction of such concessions. The controversies which are produced concerning the lapse or extinction of the domain over the concession will be resolved by them; and in the case of lapse, the affected [party] can request of justice the declaration of [the] subsistence of its right.

• Ownership of natural resources

The domain of the entitled [party] over its mining concession is protected by the constitutional guarantee dealt with in this Numeral.

• Ownership of natural resources

The exploration, the exploitation or the use of deposits which contain substances not susceptible to concession, can be executed directly by the State or by its enterprises, or by means of administrative concessions or of special contracts of operation, with the requirements and under the conditions which the President of the Republic establishes, for each case, by supreme decree. This norm will also be applicable to the deposits of any kind [especie] existing in the maritime waters subject to national jurisdiction and those situated, totally or in part, in zones which, in conformity with the law, are determined to be of importance to the national security. The President of the Republic can terminate, at any time, [and] without expression of cause and with the corresponding indemnification, the administrative concessions or contracts of operation concerning the exploitation in zones declared [to] be of importance to the national security.

• Ownership of natural resources

The rights of individuals over waters, recognized or constituted in conformity with the law, will grant to their entitled [persons] property over them;

• Reference to art  
• Provisions for intellectual property

**25.** The freedom to create and disseminate the arts, as well as the right of the author[s] over their intellectual and artistic creations of any type, for the period that the law specifies and which will not be inferior to that of the life of the entitled [person].

The right of the author comprises the ownership of the works and other rights, such as authorship, the edition and the integrity of the work, all this in conformity with the law.

The industrial ownership over the patents of invention, trademarks, models, technological processes or other analogous creations, for the period that the law establishes, is also guaranteed.

That prescribed in the second, third, fourth and fifth paragraphs of the preceding Numeral are applicable to the ownership of intellectual and artistic creations and to industrial property; and

26. The security that the legal precepts which, by mandate of the Constitution, regulate or complement the guarantees that it establishes or which limit them in the cases it authorizes, cannot affect the rights in their essence, or impose conditions, taxes or requirements which may impede their free exercise.

## Article 20

He who by cause of arbitrary or illegal acts or omissions suffers privation, disturbance or threat in the legitimate exercise of the rights and guarantees established in Article 19, Numerals 1, 2, 3 fifth paragraph, 4, 5, 6, 9 final paragraph, 11, 12, 13, 15, 16 concerning the freedom to work and to the right of freedom of choice and freedom to contract, and to what is established in the fourth paragraph, [and Numerals] 19, 21, 22, 23, 24 and 25, can on his own, or anyone on his behalf, resort to the respective Court of Appeals, which will immediately adopt the measures that it judges necessary to reestablish the rule of law and assure due protection to the affected [person], without prejudice to the other rights which he might assert before the authority or the corresponding tribunals.

The recourse of protection in the case of Numeral 8 of Article 19, when the right to live in an environment free from contamination has been affected by an illegal act or omission imputable to an authority or a specific person, can also proceed.

## Article 21

Every individual who should be arrested, detained or imprisoned in violation of what is provided in the Constitution or in the laws can appeal on his own or through anyone on his behalf to the magistrature which the law specifies, so that the latter may order that the legal formalities be complied with and immediately adopt the measures judged necessary to reinstate the rule of law and assure due protection of the affected [person].

This magistrature can order that the individual be brought before it and its decree will be precisely obeyed by all those in charge of jails or places of detention. Instructed in the facts, it will decree his immediate freedom or will [decree] that the legal faults be righted, or will bring the individual before the competent judge, all in a brief and summary proceeding, and so correcting such faults or rendering account to whomever it corresponds to correct them.

The same recourse, and in equal form, can be initiated in favor of any person who illegally suffers any other privation, perturbation or threat to his right to personal freedom and individual security. The respective magistrature can, in such case, order the measures indicated by the aforementioned paragraphs judged conducive to the reinstatement of the rule of law and to due protection of the affected [person].

## Article 22

Each inhabitant of the Republic owes respect to Chile and to its national emblems.

Chileans have the fundamental duty [to] honor their fatherland, [to] defend its sovereignty and [to] contribute to the preservation of the national security and the essential values of the Chilean tradition.

Military service and other personal duties which the law imposes are obligatory in the terms and forms which it determines.

Chileans able to bear arms must be inscribed in the Military Registers, unless they are legally exempted.

## Article 23

Intermediate groups of the community and their leaders who make ill use of the autonomy which the Constitution recognizes to them[;] intervening unduly in activities unrelated to their specific objectives, will be penalized in conformity with the law. The superior directive positions in trade union organizations are incompatible with the superior directive positions, national and regional, of the political parties.

The law will establish the corresponding penalties to be applied to trade union leaders who intervene in political-partisan activities and to the leaders of political parties who interfere in the functioning of trade union organizations and other intermediate groups that the same law specifies.

## CHAPTER IV: Government

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### President of the Republic

#### Article 24

The government and the administration of the State correspond to the President of the Republic, who is the Head of State.

His authority extends to all that has for its objective the preservation of the internal public order and the external security of the Republic, in accordance with the Constitution and the laws.

On 21 May of each year, the President of the Republic shall render an account to the country on the administrative and political State of the Nation before the Plenary Congress.

#### Article 25

To be elected President of the Republic it is required to have Chilean nationality according to that provided in Numerals 1 or 2 of Article 10; to have attained thirty-five years of age and possess the other requirements necessary to be a citizen with the right of suffrage. The President of the Republic shall remain in the exercise of his functions for a term of four years and may not be re-eligible for the following period.

The President of the Republic may not leave the national territory for more than thirty days or counting from the day specified in the first paragraph of the following Article, without the agreement of the Senate.

In all cases, the President of the Republic will communicate [to] the Senate[,] with due anticipation, his decision to leave the country and the reasons which justify it.

#### Article 26

The President of the Republic will be elected by direct vote and by absolute majority of the suffrage validly emitted. The election shall be held in conjunction with that of the parliamentarians, in the form determined by the respective constitutional organic law, the third Sunday of November of the year after which the [person] who is in the functions must cease the responsibility.

- Name/structure of executive(s)

- Legislative oversight of the executive

- Eligibility for head of state

- Minimum age of head of state
- Head of state term length
- Head of state term limits

- Scheduling of elections
- Head of state selection

If at the election of [the] President more than two candidates [are] presented and none of them obtain more than half of the suffrage validly emitted, a second vote will proceed which will be limited to the candidates who have obtained the two highest relative majorities, and in which that of the candidate who obtains the highest number of votes will be elected. This new vote will be held, in the form that the law determines, the fourth Sunday following the first [round] being effected.

To the effects of what is provided in the two preceding paragraphs, the blank votes and the null [votes] will be considered not cast.

In case of the death of one or of both candidates to which the second paragraph refers, the President of the Republic shall convoke a new election within the time of thirty days, counting from the date of the death. The election shall be held ninety days from the convocation if the day corresponds to a Sunday. If this should not be so, it shall be held the Sunday immediately following.

If the mandate of the President of the Republic in office expires before the date of assumption of the President to be elected in accordance with the preceding paragraph, the norm contained in the first paragraph of Article 28 will apply, to what pertains.

## Article 27

The process of qualification of the presidential election must be concluded within fifteen days following[,] as it concerns the first voting, or within the thirty days following as it concerns the second voting.

The Qualifying Tribunal of Elections will immediately communicate [to] the President of the Senate the proclamation of the President-elect which has been effected.

The Plenary Congress, meeting in public session on the day on which the incumbent President ceases in his responsibilities and with those members that attend, will take cognizance of the resolution by virtue of which the Qualifying Tribunal of Elections proclaims the President elected.

In this same act, the President-elect will take, before the President of the Senate, [an] oath or promise to faithfully perform his position as President of the Republic, to preserve the independence of the Nation, to guard [guardar] and have guarded the Constitution and the laws, and will immediately assume his functions.

## Article 28

If the President-elect is prevented from taking possession of the position, the President of the Senate will assume it, in the interim, with the title of Vice President of the Republic; in default of this, the President of the Chamber of Deputies, and in default of this, the President of the Supreme Court.

Nevertheless, if the impediment of the President-elect is absolute or should it continue indefinitely, the Vice President, in the ten days following the agreement of the Senate adopted in conformity with Article 53, Numeral 7, shall convoke a new presidential election which shall be held ninety days from the convocation if this day corresponds to a Sunday. If this should not be so, it will be held the Sunday immediately following. The President of the Republic thus elected will assume his functions at the time this law specifies, and will remain in the exercise of them until the day when it would have corresponded to the elected [person] to cease in the position which he could not assume and whose impediment motivated the new election.

- Scheduling of elections
- Oaths to abide by constitution
- Leader of second chamber

- Deputy executive

- Leader of first chamber
- Leader of second chamber

## Article 29

If, because of temporary impediment, either for illness, absence from the territory or some other grave reason, the President of the Republic is unable to exercise his position, he will be substituted for, with the title of Vice President of the Republic, [by] the titular Minister to whom it corresponds, in accordance with the order of legal precedence. In default of the latter, the substitution will correspond to the titular Minister who follows [next] in [the] order of precedence and, in the default of all of them, the President of the Senate, the President of the Chamber of Deputies and the President of the Supreme Court, successively, will substitute for him.

In case of vacancy in the position of President of the Republic, the substitution will be produced as in the cases of the preceding paragraph, and it will proceed to elect the successor in conformity with the rules of the following paragraphs.

If the vacancy is produced less than two years before the next presidential election, the President will be elected by the Plenary Congress by an absolute majority of the Senators and Deputies in office. The election by Congress will be made within the ten days following the date of the vacancy; and the [person] elected will assume office within the following thirty days.

If the vacancy occurs two years or more before the next presidential election, the Vice President, within the first ten days of his mandate, will convoke the citizens to presidential election for one hundred twenty days following the convocation, if that day corresponds to a Sunday. If it does not, it will be held on the Sunday immediately following. The President thus elected will assume his responsibilities [on] the tenth day following his proclamation.

The President elected in conformity with any of the preceding paragraphs will remain in office until completing the term remaining of the [person] replaced, and cannot be presented as [a] candidate in the next presidential elections.

## Article 30

The President ceases in his position on the same day on which his term is completed and will be succeeded [by] the [person] recently elected.

The [person] who has performed this position for the full term, will assume, immediately and of right, the official rank of Ex-President of the Republic.

By virtue of this quality, the provisions of the second, third and fourth paragraphs of Article 61 and of Article 62 will be applicable to him.

The citizen who ends [by] filling the position of President of the Republic by vacancy of the same, or the [person] who has been declared guilty in a political trial held against him, will not achieve it.

The Ex-President of the Republic who assumes any function remunerated with public funds will stop receiving the allowance as long as he performs it, retaining, in any case, the privilege. Teaching positions and the functions or commissions of the same character of superior, intermediate and special education, are excepted.

## Article 31

The President appointed by the Plenary Congress, or, as the case may be, the Vice President of the Republic, will have all the attributions which this Constitution confers on the President of the Republic.

## Article 32

The special attributions of the President of the Republic [are]:

1. To participate in the making of the laws in accordance with the Constitution; to assent to them and promulgate them;
2. To demand, indicating the motives, that a session of any of the branches of the National Congress, is required. In this case, the session must be held as soon as possible;
3. To issue, with [the] previous delegation of faculties by the Congress, decrees with [the] force of law concerning matters that the Constitution specifies;
4. To convoke a plebiscite in the cases [specified] in Article 128;
5. To declare the states of constitutional exception in the cases and forms that are specified in this Constitution;
6. To exercise the regulatory power in all those matters which are not [by] definition of the legal domain, without prejudice to the faculty to issue the other regulations, decrees and instructions which are appropriate for the execution of the law;
7. To appoint and remove at his will the Ministers of State, undersecretaries, intendants and governors;
8. To appoint ambassadors and diplomatic ministers and representatives to international organisms. Both these functionaries as well as those specified in Numeral 7 above, will be of the exclusive confidence of the President of the Republic and will remain in their positions as long as they are so;
9. To appoint the Comptroller General of the Republic with the agreement of the Senate;
10. To appoint and remove the functionaries that the law denominates as of his exclusive confidence and to fill the other civilian positions in conformity with the law. The removal of the other functionaries will be made in accordance with the provisions that the latter determines;
11. To grant pensions, retirement, widows' and orphans' pensions and pensions de gracia, in accordance with the laws;
12. To appoint the magistrates and judicial prosecutors of the Courts of Appeal and the career judges, on [the] proposal of the Supreme Court and the Courts of Appeals, respectively; the member of the Constitutional Tribunal that corresponds to him to designate; and the magistrates and judicial attorneys of the Supreme Court and the National Attorney, on the proposal of said Court and with agreement of the Senate, all [of] this in conformity with that prescribed in this Constitution;

• Head of state powers

• Extraordinary legislative sessions

• Head of state decree power

• Referenda

• Emergency provisions

• Cabinet removal  
• Cabinet selection  
• Subsidiary unit government

• International organizations

• Constitutional court selection  
• Ordinary court selection

- Supreme/ordinary court judge removal
  - Power to pardon
  - Foreign affairs representative
  - Treaty ratification
  - Power to pardon
  - Designation of commander in chief
  - Power to declare/approve war
13. To see to the ministerial conduct of the judges and other employees of the Judicial Power and, to that effect, request the Supreme Court, when applicable, to declare their misconduct, or [request] the public ministry to demand disciplinary measures from the competent tribunal or should there be sufficient evidence, file the corresponding accusation;
  14. To grant individual pardons in the cases and forms that the law determines. Pardon will be inapplicable when no final sentence has been pronounced in the respective proceedings. The functionaries accused by the Chamber of Deputies and condemned by the Senate may only be pardoned by the Congress;
  15. To conduct political relations with foreign powers and international organisms, and carry out negotiations; conclude, sign and ratify the treaties which [he] deems advantageous for the interests of the country, which must be submitted to the approval of Congress in conformity with what is prescribed in Article 54, No. 1. The discussions and deliberations on these matters will be secret if the President of the Republic requires it;
  16. To appoint and remove the Commanders-in-Chief of the Army, of the Navy, of the Air Force and the General Director of the Carabineros in accordance with Article 104, and provide for appointments, promotions and retirement of the Officials of the Armed Forces and of [the] Carabineros in the form that Article 105 specifies;
  17. To command the air, sea and land forces; organize them and deploy them in accordance with the necessities of national security;
  18. To assume, in case of war, the supreme command of the Armed Forces;
  19. To declare war, [with] previous authorization by law, it being required to place on record [that] he has heard the Council of National Security; and
  20. To see to the collection of the public revenues and decree their investment in accordance with the law. The President of the Republic, with the signature of all the Ministers of State, can decree payments not authorized by law, to attend to necessities which cannot be postponed resulting from public calamities, external aggression, internal commotion, grave harm or danger to the national security or the exhaustion of resources designated to maintain services which cannot be paralyzed without serious detriment to the country. The total of the commitments made toward such objectives cannot exceed, annually, two percent (2%) of the total of the expenditures that the Law of Budgets authorizes. Employees charged to this law may be contracted [for], but the respective item cannot be increased or reduced through conveyances. The Ministers of State or functionaries who authorize or approve expenditures which contravene what is provided in this Numeral, will be held jointly and personally responsible for its reimbursement, and guilty of the crime of embezzlement of public funds.

## Ministers of State

### Article 33

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

The law will determine the number and organization of the Ministries as well as the order of precedence of the titular Ministers.

The President of the Republic can entrust one or more Ministers with the coordination of the work which corresponds to the Secretaries of State and [with the] relations of the Government with the National Congress.

### Article 34

To be appointed Minister [it is] required to be Chilean, have attained twenty-one years of age, and meet the general requirements for entry into the Public Administration.

In the cases of absence, impediment or resignation of a Minister, or when the vacancy in the position is produced by another cause, [he] will be replaced in the form that the law establishes.

### Article 35

The regulations and decrees of the President of the Republic must be signed by the respective Minister and will not be obeyed without this essential requirement.

The decrees and instructions must be issued with the sole signature of the respective Minister, by order of the President of the Republic, in conformity with the norms that the law establishes to this effect.

### Article 36

The Ministers will be individually responsible for the acts which [they] signed and jointly [responsible] for those subscribed to or agreed to with the other Ministers.

### Article 37

The Ministers can, when they deem it advantageous, attend the sessions of the Chamber of Deputies or of the Senate and take part in their debates, with priority to make use of their voice, but without the right to vote. Nevertheless, during the voting, they can rectify the concepts voiced by any Deputy or Senator as the basis [of] his vote.

Without prejudice to the foregoing, the Ministers must personally attend the special sessions that the Chamber of Deputies or the Senate convoke for information concerning matters that, pertaining to the scope of attributions of the corresponding Secretaries of State, [they] agree to treat.

### Article 37bis

The incompatibilities established in the first paragraph of Article 58 will be applicable to the Ministers. By the sole act of accepting appointment, the Minister shall cease in the responsibility, employment, function or commission incompatible with his duties.

- Establishment of cabinet/ministers

- Establishment of cabinet/ministers
- Eligibility for cabinet

- Establishment of cabinet/ministers
- Powers of cabinet
- Head of state decree power

- Cabinet removal
- Establishment of cabinet/ministers

- Establishment of cabinet/ministers
- Powers of cabinet

- Eligibility for cabinet



During the exercise of their responsibilities, the Ministers shall be subject to a prohibition to celebrate or secure contracts with the State, to act as attorneys or mandatories in any kind of trial, or as procurator or agent in particular actions of administrative character, [as] a director of a bank or of a stock company [or] exercise responsible positions of similar importance in these activities.

## General Bases for the Administration of the State

### Article 38

A constitutional organic law will determine the basic organization of the Public Administration, will guarantee the functionary career and the principles of a technical and professional character on which it must be based; and will assure both the equality of opportunities for entering it and [for] the training and improvement [perfeccionamiento] of its members.

Any person injured in his rights by the Administration of the State, of its organisms or [those of] the municipalities, can file complaint before the contentious-administrative tribunals which the law determines, without prejudice to the responsibility which might affect the functionary who caused the harm.

## States of Constitutional Exception

### Article 39

The exercise of the rights and guarantees which the Constitution assures to all persons can only be affected during the following situations of exception: external or internal war, internal commotion, [and] public emergency and [public] calamity, when the normal course of the institutions of the State are gravely affected.

### Article 40

The state of assembly, in case of foreign war, and the state of siege, in case of internal war or grave internal commotion, shall be declared by the President of the Republic, with the consent of the National Congress. The declaration must determine the zones affected by the corresponding state of exception.

The Congress, within the period of five days counted from the date on which the President of the Republic submitted the declaration of the state of siege to its consideration, must decide [on] the acceptance or rejection [of] the proposal, without being able to introduce modifications to it. If the Congress does not decide within that period, it will be understood that it approves the proposal of the President.

Nevertheless, the President of the Republic can apply the state of assembly or [state] of siege immediately while Congress decides concerning the declaration, but in this latter state [of siege] may only restrict the exercise of the right of assembly. The measures that the President of the Republic adopts while the National Congress cannot meet, may be subject to revision by the tribunals of justice, [and], meanwhile, that provided in Article 45, will not be applicable.

A declaration of a state of siege can only be made for a period of fifteen days, without prejudice to the President of the Republic soliciting its extension. The state of assembly maintains its force for the time that the situation of foreign war extends, unless the President of the Republic has suspended it earlier.

## Article 41

The state of catastrophe, in case of public calamity, will be declared by the President of the Republic, determining the zone affected by the same.

The President of the Republic will be obligated to inform the National Congress of the measures adopted by virtue of the state of catastrophe. The National

Congress may declare the declaration [as of] no effect [when] one hundred and eighty days have elapsed, if the reasons that motivated it have ceased in absolute form. Regardless, the President of the Republic may only declare the state of catastrophe for a period superior to one year with the agreement of the National Congress. The agreement referred to shall be adopted in the form established in the second paragraph of Article 40.

The state of catastrophe [being] declared, the respective zones will be [placed] under the immediate dependency of the Head of the National Defense that the President of the Republic appoints. He will assume the direction and supervision of its jurisdiction with the attributions and duties that the law specifies.

## Article 42

The state of emergency, in case of grave alteration of the public order or damage to the security of the Nation, will be declared by the President of the Republic, determining the zones affected by these circumstances. The state of emergency may not be extended for more than fifteen days, without prejudice that the President of the Republic can extend it for [an] equal period. However, for successive extensions, the President will always require the agreement of the National Congress. The agreement referred to shall be adopted in the form established in the second paragraph of Article 40.

The state of emergency [being] declared, the respective zones will be [placed] under the immediate dependency of the Head of the National Defense that the President of the Republic appoints. He will assume the direction and supervision of its jurisdiction with the attributions and duties that the law specifies.

The President of the Republic will be obligated to inform the National Congress of the measures adopted by virtue of the state of emergency.

## Article 43

By the declaration of a state of assembly, the President of the Republic is enabled to suspend or restrict personal liberty, the right of assembly and the freedom to work. He can, also, restrict the exercise of the right of association, intercept, open, or record documents and all classes of communications, order requisition of assets and establish limitations on the exercise of the right of ownership.

By the declaration of a state of siege, the President of the Republic can restrict the freedom of movement and detain persons in their own homes or in places and which the laws determines that are neither jails nor those used for the detention or imprisonment of common criminals. He can also suspend or restrict the exercise of the right of assembly.

By the declaration of a state of catastrophe, the President of the Republic can restrict the freedoms of movement and of assembly. He can, also, order the requisition of assets, establish limitations on the exercise of the right of ownership and adopt all the extraordinary measures of administrative character necessary for the prompt re-establishment of normalcy in the affected zone.

By the declaration of a state of emergency, the President of the Republic can restrict the freedoms of movement and of assembly.

- Emergency provisions
- Organic laws

## Article 44

A constitutional organic law shall regulate the states of exception, as well as their declaration and the application of the legal and administrative measures which will proceed to be adopted under them. The law shall provide for that strictly necessary for the prompt re-establishment of constitutional normalcy and shall not affect the competences and the functioning of the constitutional organs nor the rights and immunities of their respective titular [members].

The measures that are adopted during the states of emergency may not, under any circumstances, be prolonged beyond the effectiveness of the same.

- Emergency provisions

## Article 45

The tribunals of justice cannot qualify the bases or the factual circumstances invoked by the authority to decree the states of exception, without prejudice to that provided in Article 39. However, concerning the specific measures which affect constitutional rights, the guarantee of recourse before the judicial authorities by means of the recourses that correspond[,] will always exist.

The requisitions that [have been] made give rise to indemnifications, in conformity with the law. The limitations imposed on the right to ownership[,] when they produce deprivation of any of its essential attributes or faculties and so cause injury, will also give rise to the right of indemnification.

# CHAPTER V

## National Congress

- Structure of legislative chamber(s)

## Article 46

The National Congress is composed of two branches: the Chamber of Deputies and the Senate. Both participate in the formation of the laws in conformity with this Constitution and have the other attributions that the latter establishes.

## Composition and Generation of the Chamber of Deputies and of the Senate

## Article 47

- Size of first chamber
- First chamber selection

The Chamber of Deputies is composed of 120 members elected by direct vote in the electoral districts that the respective constitutional organic law establishes.

- Term length for first chamber

The Chamber of Deputies will be renewed in its totality every four years.

- Minimum age for first chamber
- Eligibility for first chamber

## Article 48

To be elected Deputy [it] is required to be a citizen with the right of suffrage, [to] have become twenty-one years of age, [to] have completed secondary education, or [the] equivalent, and [to] have residence in the region to which the corresponding electoral district pertains for a period no less than two years, counted backwards from the date of the election.

## Article 49

The Senate is composed of members elected by direct vote in senatorial circumscriptions, in consideration of the regions of the country, each one of which will constitute, at the least, one circumscription. The respective constitutional organic law will determine the number of Senators, the senatorial circumscriptions and the form of their election.

The Senators will remain eight years in their office and they will be renewed alternately every four years, in the form that the respective constitutional organic law determines.

## Article 50

To be elected Senator [it] is required to be a citizen with the right of suffrage, [to] have completed secondary education or the equivalent and [to] have attained thirty-five years of age [by] the day of the election.

## Article 51

It will be understood that the Deputies have, solely by the ministry of the law, their residence in the corresponding region, while serving in the exercise of their responsibilities.

The elections of Deputies and Senators will be effected jointly. The parliamentarians are re-eligible to their positions.

The vacancies of the Deputies and those of the Senators will be filled with the citizen[s] that [are] specified by the political party to which the parliamentarians who cause the vacancy belonged at the time of being elected.

The parliamentarians elected as independents will not be replaced. The parliamentarians elected as independents who have presented [their candidatures on an] integral list in conjunction with one or more political parties, will be replaced by the citizens that are specified by the party indicated by the respective parliamentarian at the time of the presentation of the declaration of candidature.

The replacement must meet the requirements to be elected Deputy or Senator, as the case may be. Moreover, a Deputy may be nominated to occupy the position of Senator, the norms of the preceding paragraphs being applied, in this case, to fill the vacancy left by the Deputy, who to assume his new position will cease in that which he exercised.

The new Deputy or Senator shall exercise his function for the term that the originator of the vacancy [had] remaining.

In no case will complementary elections proceed.

## Exclusive Attributions of the Chamber of Deputies

### Article 52

Exclusive attributions of the Chamber of Deputies are:

1. To control the acts of the Government. In order to exercise this attribution the Chamber can:

- a. Adopt agreements or suggest observations, with the vote of the majority of the Deputies present, which will be transmitted in writing to the President of the Republic, who must give a response, through the corresponding Minister of State, within thirty days.

Without prejudice to the foregoing, any Deputy, with the favorable vote of one third of the members present of the Chamber, may request specific records from the Government. The President of the Republic will respond substantially by the intermediary of the corresponding Minister of State, within the same period specified in the preceding paragraph

In no case will the agreements, observations or requests for records affect the political responsibility of the Ministers of State;

- b. Summon a Minister of State at the petition of at least one-third of the Deputies in office, to the end of formulating questions in relation to matters linked to the exercise of his responsibilities. However, a single Minister cannot be summoned to this effect more than three times within a calendar year, without prior agreement of the absolute majority of Deputies in office.

The assistance of the Minister will be obligatory and [he] must respond to the questions and inquiries that motivate his summons, and

- c. Create special investigatory commissions at the petition of at least two-fifths of the Deputies in office, with the object of gathering records concerning specific acts of the Government.

The investigatory commissions, at the petition of one-third of their members, may issue summons and request information. The Ministers of State, the other functionaries of the Administration and the personnel of the enterprises of the State or of those in which it holds majority participation, which are summoned by these commissions, will be obligated to appear and to provide the records and the information that is requested of them.

Notwithstanding, the Ministers of State may not be summoned more than three times to the same investigatory commission, without the prior agreement of the absolute majority of its members. The constitutional organic law of the National Congress shall regulate the functioning and the attributions of the investigatory commissions and the form of protecting the rights of persons summoned or mentioned in them.

2. To declare if there is cause or not for the accusations made by not less than ten and no more than twenty of its members against the following persons:

• Legislative oversight of the executive

- a. The President of the Republic, for actions of his administration which may have gravely compromised the honor or the security of the Nation, or have openly infringed the Constitution or the laws. This accusation can be interposed while the President is in [his] functions and in the six months following the expiration of his position. During this latter period he may not leave the Republic without the agreement of the Chamber;
- b. The Ministers of State, for having gravely compromised the honor or the security of the Nation, for infringing the Constitution or the laws or for not having executed them and for the crimes of treason, extortion, embezzlement of public funds and bribery;
- c. The magistrates of the superior tribunals of justice and the Comptroller General of the Republic, for notorious abandonment of their duties;
- d. The generals or admirals of the institutions belonging to the Forces of National Defense, for having gravely compromised the honor or security of the Nation; and
- e. The intendants, governors and the authority that exercises the Government in the special territories to which Article 126bis refers, for infraction of the Constitution and for the crimes of treason, sedition, embezzlement of public funds and extortion.

The accusation will be conducted [tramitar] in accordance with the constitutional organic law concerning the Congress.

The accusations referred to in Literals (b), (c), (d) and (e) can be interposed while the affected [person] is in [his] functions or in the three months following the expiration of his position. [On] interposing the accusation, the affected [person] may not leave the country without the permission of the Chamber and in no case whatsoever can he do so if the accusation has already been approved.

In order to declare if there is cause for the accusation against the President of the Republic the vote of the majority of the Deputies in office [ejercicio] will be necessary.

In the other cases the vote of the majority of the Deputies present will be required and the accused [person] will be suspended [from] his functions from the moment the Chamber declares that there is cause for the accusation. The suspension will cease if the Senate rejects the accusation or if it should not make a pronouncement in the following thirty days.

## Exclusive Attributions of the Senate

### Article 53

Exclusive attributions of the Senate are:

1. To take cognizance of the accusations that the Chamber of Deputies initiates, in accordance with the preceding article.

The Senate will decide as a jury and will limit itself to declare if the accused is or [is] not guilty of the crime, infraction or abuse of power imputed to him.

The declaration of culpability must be pronounced by two-thirds of the Senators in office, when it concerns an accusation against the President of the Republic, and by the majority of the Senators in office in other cases.

On the declaration of culpability, the accused [person] is removed from his position and he cannot hold public function, whether of public election or not, for a period of five years.

The functionary declared culpable will be judged in accordance with the laws by the competent tribunal, both for the application of the penalty specified for the crime, if any, as well as to make effective the civil responsibility for the harm and damages caused to the State or to individuals;

2. To decide if there is or [is] not cause [for] the admission of judicial actions which any individual attempts to initiate against any Minister of State, on the grounds of damages which he may have unjustly suffered by an act of the former in the performance of his position.
3. To take cognizance of conflicts of competence which arise between political or administrative authorities and the superior tribunals of justice;
4. To grant the recovery of citizenship in the case [specified] in Article 17, Numeral 3 of this Constitution;
5. To give or deny its consent to the acts of the President of the Republic, in the cases which the Constitution or the law requires.

If the Senate does not decide, within thirty days following [a] request of urgency by the President of the Republic, its assent will be understood as granted.

6. To grant its approval for the President of the Republic to leave the country for more than thirty days or counting from the day specified in the first paragraph of Article 26;

- Head of state removal

7. To declare the incapacity of the President of the Republic or of the President-elect when a physical or mental impediment prevents him from the exercise of his functions; and to, declare likewise, when the President of the Republic [tenders his] resignation from his position, if the grounds that originate it are or [are] not well-founded and, in consequence, to accept it or reject it. In both cases, the Constitutional Tribunal must be previously heard;
8. To approve by the majority of its members in office, the declaration of the Constitutional Tribunal to which the second part of Numeral 10 of Article 93 refers;
9. To approve, in [a] session specially convoked to effect it and with the confirming vote of the two-thirds of the senators in office, the designation of the ministers and judicial prosecutors of the Supreme Court and of the National Attorney, and
10. To give its opinion to the President of the Republic in the cases in which he requests it.

- Attorney general
- Supreme court selection

The Senate, its commissions and its other organs, including the parliamentary committees, should they exist, cannot control the acts of the Government or of the entities dependent on it, nor [can it] adopt agreements implying control.

## Exclusive Attributions of the Congress

### Article 54

The exclusive attributions of the Congress are:

1. To approve or reject the international treaties that the President of the Republic presents [to] it prior to their ratification. The approval of a treaty will require, in each Chamber, the corresponding quorum, conforming to Article 66, and will be submitted, as is appropriate, to the procedures for a law.

The President of the Republic shall report to the Congress concerning the content and the scope of the treaty, as well as the reservations that [he] seeks to confirm or formulate.

The Congress may suggest the formulation of reservations and interpretative declarations to an international treaty, in the course of the procedure of its approval, if they proceed in accordance with that specified in the treaty itself or in the general norms of international law.

The measures which the President of the Republic adopts or the agreements concluded by him for the fulfillment of a treaty in force will not require new approval by the Congress, unless they concern matters [of the] domain of the law. The treaties concluded by the President of the Republic in the exercise of his regulatory power will not require the approval of the

- International law
- Treaty ratification



Congress.

The provisions of a treaty may only be derogated, modified or suspended in the form specified in the treaties themselves or in accordance with the general norms of international law.

To the President of the Republic corresponds the exclusive faculty to denounce a treaty or withdraw from it, for which the opinion of both Chambers of the Congress will be requested, in the case of treaties that have been approved by them. Once the denunciation or withdrawal produce their effects in accordance with that established in the international treaty, it will cease to have effect in the Chilean juridical order.

In the case of denunciation or withdrawal from a treaty that was approved by the Congress, the President of the Republic must inform it within fifteen days of effecting the denunciation or the withdrawal.

The withdrawal of a reservation that has been formulated by the President of the Republic[,] and which the National Congress took into consideration when approving the treaty, will require the prior agreement of it, in accordance with that established in the respective constitutional organic law. The National Congress must decide within a period of thirty days from the receipt of the formal request in which the corresponding agreement is solicited. If it has not decided within this time limit, it shall be deemed to have approved the withdrawal of the reservation.

In accordance with that established in the Law, publicity should be given to facts regarding the international treaty, such as its entry into force, the formulation and withdrawal of reservations, the interpretative declarations, the objections to a reservation and its withdrawal, the denunciation of the treaty, the withdrawal, the suspension, the termination and the nullity of it.

In the same agreement of approval of a treaty, the Congress can authorize the President of the Republic in order to decree, while such [treaty] is in force, the provisions with the force of law which he deems necessary for its complete fulfillment and in such case, what is specified in the second and following paragraphs of Article 64 will apply; and

2. To decide, where it corresponds [to it], concerning the states of constitutional exception, in the form prescribed by the second paragraph of Article 40.

## Functioning of the Congress

### Article 55

The National Congress shall be installed and shall initiate its period of sessions in the form that its constitutional organic law determines.

In any case, this always means convocation in plenum to take cognizance of the constitutional states of exception.

The constitutional organic law specified in the first paragraph, shall regulate the procedure for the constitutional accusations, the qualification of urgency conforming to that specified in Article 74 and all [matters] related to the internal procedure of the law.

## Article 56

The Chamber of Deputies and the Senate cannot enter into session or adopt agreements without the concurrence of one-third of their members in office.

Each one of the Chambers will establish its own regulations for closure of debate by simple majority.

## Common Norms for Deputies and Senators

### Article 57

The following persons cannot be candidates to [be] Deputies or to [be] Senators:

1. The Ministers of State;
2. The intendants, the governors, the mayors, the regional councilors, the councilors and the under-secretaries;
3. The members of the Council of the Central Bank;
4. The magistrates of the superior tribunals of justice and the career judges;
5. The members of the Constitutional Tribunal, of the Qualifying Tribunal of Elections and of the regional electoral courts;
6. The Comptroller General of the Republic;
7. The persons who hold a directive position of a trade union nature or a neighborhood [nature];
8. Natural persons and managers or administrators of juridical persons who enter into or secure contracts with the State;
9. The National Attorney, the regional attorneys and the adjunct attorneys to the Public Ministry, and
10. The Commanders-in-Chief of the Army, of the Navy and of the Air Force, the General Director of the Carabineros, the General Director of the Police of Investigations, and the pertinent officials to the Armed Forces and the Forces of Order and Public Security.

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

- Restrictions on the armed forces

The ineligibilities established in this article will be applicable to those who may have had the qualities or positions specified [mencionar] above within the year immediately before the election; except with respect to the persons specified in Numerals 7) and 8), who must not have such qualities or hold such positions at the moment of registering their candidature and of those [persons] specified in Numeral 9, concerning whom the term of ineligibility will be the two years immediately preceding the election. If they are not elected in it, they cannot return to the same position, nor be appointed to analogous positions to those held [for] one year following the electoral act.

## Article 58

The responsibilities of Deputies and Senators are incompatible with each other and with any employment or commission paid for with funds of the Treasury, of the municipalities, autonomous fiscal entities, semi-fiscal [entities] or enterprises of the State, or those in which the Treasury participates with the contribution of capital, and with any other function or commission of the same nature. Teaching positions and the functions or commission of an equal character in higher, secondary and special education, are excepted.

Likewise, the positions of Deputies and Senators are incompatible with the functions of directors or advisers, even if they should be ad honorem, in the autonomous fiscal entities, semi-fiscal [entities] or enterprises of the State, or those in which the State participates with a contribution of capital.

By the sole fact of its proclamation by the Qualifying Tribunal of Elections, the Deputy or Senator shall cease in the other incompatible office, employment or commission held.

## Article 59

No Deputy or Senator, from the time of his proclamation by the Qualifying Tribunal of Elections may be appointed to a position, function or commission as referred to in the preceding article.

This provision will not govern in case of [a] foreign war; nor is it applicable to the positions of the President of the Republic, Minister of State and diplomatic agent; but only the positions conferred in [a] state of war are compatible with the functions of Deputy or Senator.

## Article 60

The Deputy or the Senator who should leave the country for more than thirty days without permission of the Chamber to which [he] belongs, or in [the] recess of it, of its President, will cease in his position.

The Deputy or Senator will cease in his position, if during his term, he should enter into or secure contracts with the State, or [if] he acts as a procurator or agent in private matters of an administrative character, in the provision of public employment, councilorship, functions or commission of a similar nature. He who should accept [the position] of director of a bank or of a limited corporation or exercise positions of similar importance in these activities, will incur the same penalty.

The incompatibility to which the preceding paragraph refers will occur regardless [if] the Deputy or the Senator should act for himself or through an intermediate [person], natural or juridical, or through a society of persons of which he forms [a] party.

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

- Outside professions of legislators

- Removal of individual legislators

The Deputy or a Senator acting as attorney or mandatory in any class of trial, will cease in his position if he should exercise any influence before administrative or judicial authorities in favor [of] or in representation of the employer or of the workers in negotiations or labor conflicts, either of the public or private sector, or participating in them before any of the parties. The same penalty will be applied to the parliamentarian who acts or participates in student activities, regardless of the branch of education, for the purpose of infringing upon its normal course.

Without prejudice to that provided in the seventh paragraph of Numeral 15 of Article 19, the Deputy or Senator will, likewise, cease in his position if he verbally or in writing incites the alteration of the public order or causes change in the institutional juridical order by means other than those which this Constitution establishes, or gravely compromises the security or the honor of the Nation.

He who should lose his position of Deputy or Senator on any of the grounds specified above, cannot opt for any function or public employment, whether of popular election or not, for a period of two years, except [in] the cases [specified] in the seventh paragraph of Numeral 15 of Article 19, in which the penalties provided in it will be applicable.

The Deputy or Senator who, during his term, loses any general requirement of eligibility or incurs in any of the causes of incompatibility to which Article 57 refers, will, likewise, cease in his functions, without prejudice to the exception provided in the second paragraph of Article 59 concerning the Ministers of State.

The Deputies and Senators may renounce their positions when they are affected by a grave illness that impedes them from carrying out [their functions] and the Constitutional Tribunal so qualifies [it].

## Article 61

Deputies and Senators only are inviolable for the opinions they manifest and the votes they emit in the performance of their responsibilities, in the sessions of the Chamber or in commissions.

No Deputy or Senator, as of the date of his election or as from his oath, according to the case, may be tried or deprived of his freedom, except in the case of a flagrant crime, if the Tribunal of Appeals of the respective jurisdiction, in plenary, has not previously authorized the accusation, declaring that there is cause for legal proceedings. This decision can be appealed before the Supreme Court.

Any Deputy or a Senator[,] in the case of being arrested for flagrant crime, will be brought immediately before the respective Tribunal of Appeals, with the corresponding summary information. The Tribunal will proceed in conformity with what is provided in the previous paragraph.

From the moment it is declared, by a final decision, that there is cause for legal proceedings, the imputed Deputy or Senator will be suspended from his position and submitted to the competent judge.

## Article 62

The Deputies and Senators will receive as sole compensation, a fee equivalent to the remuneration of a Minister of State, including all the allowances which correspond to them.

• Immunity of legislators

• Compensation of legislators

## Matters of Law

### Article 63

Matters of law only, are:

1. Those which by virtue of the Constitution must be the object of constitutional organic laws;
2. Those which the Constitution requires that they be regulated by a law;
3. Those which are the object[s] [of] codification, whether civil, commercial, procedural, penal or other;
4. Basic matters relative to the labor, union, previsional and social security juridical regimes;
5. Those that regulate public honors to prominent servants;
6. Those that modify the form or characteristics of the national emblems;
7. Those that authorize the State, its organisms and the municipalities to contract loans which must be designated to finance specific projects. The law must indicate the sources of the resources out of which the service of the debt should be made. However, a law of qualified quorum will be required to authorize the contracting of those loans the maturity date of which exceeds the duration of the term of the respective presidential period.

That provided in this Numeral will not be applicable to the Central Bank;

8. Those that authorize the performance of any class of operations which may, in a direct or indirect form, compromise the credit or the financial responsibility of the State, its organisms and the municipalities.

This provision will not be applicable to the Central Bank;

9. Those that establish the norms according to which the enterprises of the State and those in which the latter has participation, may contract loans which, in no case, can be effected with the State, its organisms or enterprises;
10. Those which establish the norms concerning alienation of the assets of the State or of the municipalities and concerning their leasing or concession;
11. Those that establish or modify the political and administrative division of the country;
12. Those that specify the value, type and denomination of the currency and system of weights and measures;

• Organic laws

13. Those that establish the air, sea and land forces that must be standing in time of peace or war, and the norms for permitting the entry of foreign troops into the territory of the Republic, as well as the deployment of national troops outside of it;
14. The others which the Constitution specifies as laws of the exclusive initiative of the President of the Republic;
15. Those that authorize the declaration of war, on the proposal of the President of the Republic;
16. Those which grant general pardons and amnesties and those that establish the general norms in accordance with which the faculty of the President of the Republic must be exercised to grant individual pardons and pensions de gracia. The laws that concede general pardons and amnesties will always require a qualified quorum. Notwithstanding, this quorum will be [that] of two-thirds of the Deputies and Senators in office when concerning crimes contemplated in Article 9;
17. Those that specify the city in which the President of the Republic must reside, [in which] the National Congress holds its sessions and [in which] the Supreme Court and the Constitutional Tribunal function;
18. Those that establish the bases for the procedures which govern the acts of the public administration;
19. Those that regulate the functioning of lotteries, race tracks and gambling in general; and
20. Every other norm of a general and obligatory character, that establishes the essential bases of a juridical order.

## Article 64

The President of the Republic can solicit authorization from the National Congress to decree provisions with the force of law for a period not exceeding one year, concerning matters which correspond to the domain of the law.

This authorization cannot be extended to nationality, citizenship, elections or to [the] plebiscite, nor to matters included in the constitutional guarantees or which must be the object of constitutional organic laws or [of] laws of qualified quorum.

The authorization cannot include faculties that affect the organization, attributions and [the] regime of the functionaries of the Judicial Power, of the National Congress, of the Constitutional Tribunal or of the Office of the Comptroller General of the Republic.

The law which grants the aforementioned authorization, will specify the precise matters on which the delegation falls [recaer] and can establish or determine the limitations, restrictions and formalities deemed appropriate.

Without prejudice to that provided in the preceding paragraphs, the President of the Republic is authorized to determine the consolidated, coordinated and systematized text of the laws when it is appropriate for their better execution. In exercising this faculty, the changes of form that are indispensable may be introduced, without

altering, in any case, their true meaning and scope

It will correspond to the Office of the Comptroller General of the Republic to review these decrees having the force of law and must reject them when they exceed or contravene the specified authorization.

With regard to their publication, validity and effects, the decrees having the force of law will be submitted to the same norms which govern for the law.

## Formation of the Law

### Article 65

Laws may originate in the Chamber of Deputies or in the Senate, by a message from the President of the Republic, or by a motion of any of their members. The motions may not be signed by more than ten Deputies or by more than five Senators.

The laws concerning taxes, whatever their nature is, concerning the budgets of the public administration and concerning recruiting, may only originate in the Chamber of Deputies. The laws of amnesty and concerning general pardons may only originate in the Senate.

To the President of the Republic will correspond the exclusive initiative for the Bills of law which are related to the alteration of the political or administrative division of the country, or to the financial or budgetary administration of the State, including the modifications to the Law of the Budgets, and to the matters specified in Numerals 10 and 13 of Article 63.

To the President of the Republic will likewise correspond the exclusive initiative to:

1. Impose, suppress, reduce or condone taxes of any class or nature, [to] establish exemptions or to modify the existing ones and [to] determine their form, proportionality or progression;
2. Create new public services or remunerated employment, whether fiscal, semi fiscal, autonomous or of the enterprises of the State; to suppress them and determine their functions or attributions;
3. Contract loans or [to] perform any other class of operations which might affect the credit or the financial responsibility of the State, of the semi-fiscal entities, the autonomous of the regional governments, or [entities] of the municipalities, and [to] condone, reduce or modify obligations, interest rates or other financial charges of any nature established in favor of the Treasury or of the aforementioned organisms or entities;
4. Establish, modify, concede or augment remunerations, retirement payments, pensions, widows' and orphans' allowances, earnings and any other class of emoluments, loans or benefits to active or retired personnel and to beneficiaries of widows' and orphans' allowances, of the public administration and of the other organisms and entities specified above, as well as establishing the minimum remuneration of the workers of the private sector; obligatorily augmenting their remunerations and other economic benefits or to alter the bases for determining them; all of which without prejudice to that provided in the following Numerals;

5. Establish the modalities and procedures of collective negotiation and determining the cases in which it will not be possible to negotiate; and
6. Establish or modify the norms concerning social security or those related to them, of both the public sector and the private sector.

The National Congress can only accept, reduce or reject the services, employment, emoluments, loans, benefits, expenditures and other initiatives concerning the matters which the President of the Republic proposes.

## Article 66

The legal norms that interpret the Constitutional precepts will require, for their approval, modification or abrogation, three-fifths of the Deputies and Senators in office.

The legal norms on which the Constitution confers the character of constitutional organic law will require, for their approval, modification or abrogation, four sevenths of the Deputies and Senators in office.

The legal norms of qualified quorum will be established, modified or abrogated by the absolute majority of the Deputies and Senators in office.

The other legal norms will require the majority of the members present in each Chamber, or the majorities applicable in conformity with Article 68 and following.

## Article 67

The Bill of the Law of the Budgets must be presented by the President of the Republic to the National Congress at least three months prior to the date on which it must enter into force; and if the Congress has not acted on it within sixty days counted from its presentation, the Bill presented by the President of the Republic will be effective [regir].

The National Congress cannot augment or diminish the estimate of the revenues; [it] can only reduce the expenditures contained in the Bill of the Law of the Budgets, except for those established by permanent law.

The estimation of the returns of the resources stated in the Law of the Budgets and of the new ones established by another initiative of law will correspond exclusively to the President, previously informed by the respective technical agencies.

The Congress cannot approve any new expenditures with [a] charge to the funds of the Nation without indicating, at the same time, the sources of the funds necessary to meet such expenditures.

If the source of funds granted by the Congress were insufficient to finance any new expenditures that it approved, the President of the Republic, upon promulgating the law, after a favorable report from the service or institution through which new income is collected, countersigned by the Office of the Comptroller General of the Republic, must proportionately reduce all expenditures, regardless of their nature.

- Constitutional interpretation
- Supermajority required for legislation

- Organic laws

- Quorum for legislative sessions

- Balanced budget
- Budget bills



## Article 68

A Bill which has been rejected in general in the Chamber of its origin, cannot be reconsidered until after one year. However, the President of the Republic, in the case [that the] Bill [is] of his initiative, can request that the message be sent to the other Chamber and, if the latter approves it in general by two-thirds of the members preset, it will be returned to the [Chamber] of origin and it will only be considered as rejected if this Chamber does so with the vote of two-thirds of its members present.

## Article 69

Every Bill may be the object of additions or corrections in its corresponding proceedings, both in the Chamber of Deputies and in the Senate; but in no case will those which do not have a direct relation with the original or fundamental ideas of the Bill, be admitted.

Once a Bill is approved in its Chamber of origin, it will immediately pass to the other for its discussion.

## Article 70

The Bill which has been rejected in its totality by the revising Chamber will be considered by a Mixed Commission, [composed] of an equal number of Deputies and Senators, which will propose the form and method of resolving the difficulties. The Bill [of] the Mixed Commission will be returned to the Chamber of origin and in order to be approved, both by it and by the revising [Chamber], the majority of the members present in each of them will be required. If the Mixed Commission cannot reach agreement or if the Chamber of origin rejects the proposal of said Commission, the President of the Republic can demand [that] the Chamber of origin must decide if it will insist, by two-thirds of its members present, on the Bill approved by it in the first stage. The insistence being agreed upon, the Bill will be transmitted [pasar], for the second time, to the Chamber which rejected it, and it will be understood that the latter rejects it only if two-thirds of its members present concur in it.

## Article 71

The Bill which has been subject to additions or amended by the revising Chamber will be returned to [the Chamber] of its origin, and the additions and amendments will be understood to have been approved in it with the vote of the majority of the members present.

If the additions or amendments were rejected, a Mixed Commission will be formed and will proceed in the same form indicated in the preceding article. In case agreement is not reached in the Mixed Commission to resolve the differences between both Chambers, or if one of the Chambers rejects the proposal of the Mixed Commission, the President of the Republic can request the Chamber of origin to reconsider the Bill approved in the second stage by the revising Chamber. If the Chamber of origin rejects the additions or modifications by two-thirds of its members present, there will be no law on that part or in its totality, but, if there is a majority for the rejection of less than two-thirds, the Bill will pass to the revising Chamber, and it will be understood to be approved by the confirming vote of two-thirds of the members of the latter [Chamber].

## Article 72

A Bill approved by both Chambers will be remitted to the President of the Republic who, if he approves it, will dispose its promulgation.

## Article 73

If the President of the Republic disapproves of the Bill, he will return it to the Chamber of its origin, with the appropriate observations, within a period of thirty days.

In no case will observations which do not have a direct relation to the original or fundamental ideas of the Bill be admitted, unless they had been considered in the respective message.

If both Chambers approve the observations, the Bill will have the force of law and it will be returned to the President of the Republic for its promulgation.

If both Chambers reject all or some of the observations and [if] they insist, by two-thirds of the members present, on the totality or part of the Bill approved by them, it will be returned to the President for its promulgation.

## Article 74

The President of the Republic can declare urgency in the action on a Bill, in one or in all [of] its stages, and in such case, the respective Chamber must pronounce [on it] within the maximum time period of thirty days.

The qualification of urgency will correspond to the President of the Republic in accordance with the constitutional organic law concerning the Congress, which will also establish all which concerns the internal processing of the law.

## Article 75

If the President of the Republic does not return the Bill within thirty days counted from the date of its transmittal, it will be understood that he approves it and it will be promulgated as law.

The promulgation must always be made within a period of ten days counted from that on which it should proceed.

The publication will be made within the five working days following that on which the decree of promulgation is totally processed.

# CHAPTER VI: Judicial Power

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## Article 76

The faculty to take cognizance of civil and criminal causes, to resolve them [and] to have judgments executed, pertains exclusively to the tribunals, established by the law. Neither the President of the Republic nor the Congress can, in any case whatsoever, exercise judicial functions, take over pending cases, revise the grounds or contents of their decisions or revive closed procedures.

After intervention is requested in legal form and for matters of their competence, [the tribunals] cannot excuse themselves from exercising their authority, not even in the absence of a law to resolve the dispute or issue submitted to their decision.

To enforce execution of their decisions, and to carry out or have carried out the acts of instructions that the law determines, the ordinary and the special tribunals of justice comprising the Judicial Power can issue direct orders to the public force or exercise the means of action conducive to that [which] they dispose. The other

tribunals will act in the form that the law determines.

The requested authority must fulfill the judicial mandate, without further proceedings, and cannot qualify [the] grounds or timeliness, or the justice or legality of the decision they are trying to execute.

## Article 77

A constitutional organic law will determine the organization and attributions of the tribunals which are necessary for the prompt and complete administration of justice in the entire territory of the Republic. The same law will specify the requirements to be met respectively by the judges and the number of years the persons who were appointed ministers of the Court or career judges, should have practiced the profession of lawyer.

The constitutional organic law concerning the organization and attributions of the tribunals, can only be modified [when] the Supreme Court [is] previously heard, in conformity with that established in the respective constitutional organic law.

The Supreme Court must decide on it within the period of thirty days counted from the reception of the official letter in which the pertinent opinion is requested.

However, if the President of the Republic has acted to present [the] urgency of the consulted Bill, this circumstance will be communicated to the Court.

In this case, the Court must conclude the consultation within the period which the respective urgency specifies.

If the Supreme Court does not declare its opinion within the above period, the procedure will be considered concluded.

The constitutional organic law concerning the organization and attributions of the Tribunals, as well as the procedural laws that govern a system of prosecution, may establish different dates for their entry into force in the various regions of the national territory. Without prejudice to the foregoing, the deadline for the entry into force of these laws throughout the country cannot be superior to four years.

## Article 78

Concerning the appointment of Judges the law will conform to the following general precepts:

The Supreme Court will be composed of twenty-one ministers.

The ministers and judicial prosecutors of the Supreme Court will be appointed by the President of the Republic, electing them from a list of five persons that, in each case, the same Court will propose, and with [the] agreement of the Senate. The latter will adopt the respective agreements by two-thirds of its members in office, in [a] session especially convoked to effect it. If the Senate does not approve the proposal of the President of the Republic, the Supreme Court must complete the list of five proposing a new name in substitution of the one rejected, repeating the procedure until a nomination is approved.

Five of the members of the Supreme Court must be lawyers from outside of the administration of justice, have held [for] at least for fifteen years the degree, [be] outstanding in professional or university activity and fulfill the other requirements that the respective constitutional organic law specifies.

The Supreme Court, when concerned with filling a position which corresponds to a member coming from the Judicial Power, will form the list exclusively with members of the latter and the most senior minister of the Court of Appeals who figures on the list of merits must occupy a place on it. The other four places will be filled with attention to the merits of the candidates. When concerned with the filling of a

- Structure of the courts
- Organic laws

- Eligibility for supreme court judges
- Supreme court selection
- Structure of the courts

vacancy corresponding to lawyers from outside of the administration of justice, the list will be formed exclusively, [with a] previous public contest of antecedents, with lawyers who fulfill the requirements specified in the fourth paragraph.

The ministers and judicial prosecutors of the Courts of Appeals will be appointed by the President of the Republic, from the proposal in a list of three of the Supreme Court.

Career judges will be appointed by the President of the Republic, from the proposal in a list of three of the Court of Appeals of the respective jurisdiction.

The most senior career judge, in civil or criminal [law] with a seat [on] the Court or the most senior career civil or criminal judge [whose rank is] immediately inferior to that to be filled and who appears on the list of merits and [who] expresses his interest in the position, will occupy a place on the corresponding list of three. The other two places will be filled with attention to the merits of the candidates.

The Supreme Court and the Courts of Appeals, when appropriate, will form the lists of five or lists of three in a plenum especially convoked to effect it, in the same and sole ballot, in which each of the members will have the right to vote for three or two persons, respectively. Those obtaining the five or three first majorities, correspondingly, will [be] elected [as a] result. A tie will be resolved by lots.

However, when concerned with the appointment of substitute ministers of the Court, the appointment can be made by the Supreme Court, and, in the case of the judges, by the respective Court of Appeals. These appointments cannot last more than sixty days and will not be extendible. In case the aforementioned superior tribunals do not make use of this faculty, or if the period of substitution has expired, the fill[ing] of the vacancies will proceed in the ordinary form [as] specified above.

## Article 79

The judges are personally responsible for the crimes of bribery, failure to observe the substantial matters of the laws which govern the procedure, denial and wrongful administration of justice and, in general, for any prevarication in which they incur in the performance of their functions.

Concerning the members of the Supreme Court, the law will determine the cases and the form in which this responsibility is made effective.

## Article 80

The judges will remain in their positions during their good behavior but the inferior [judges] will perform their respective judgeship for the period which the laws determine.

Notwithstanding the above, the judges will cease in their functions when becoming 75 years of age; or by resignation or [by] legal supervening incapacity or in case they are removed from their positions for legally sentenced cause. The norm concerning age will not apply with regard to the President of the Supreme Court who will continue in his position until the end of his term.

In all cases, the Supreme Court can declare, on the demand of the President of the Republic, on the request of an interested party, or of office, that judges have not had good conduct, and, after a report of the defendant and of the respective Court of Appeals, in such case, agree to his removal by the majority of the total number of its members. These agreements will be communicated to the President of the Republic for their fulfillment.

- Supreme court term length
- Ordinary court term length

- Mandatory retirement age for judges

- Supreme/ordinary court judge removal

The Supreme Court, in plenum especially convoked to effect it, and by the absolute majority of its members in office, can authorize or order, on good grounds, the transfer of judges and other functionaries and employees of the Judicial Power to another position of equal rank.

## Article 81

The magistrates of the superior tribunals of justice, the judicial prosecutors and the career judges who compose the Judicial Power, cannot be apprehended without an order of the competent tribunal, except in the case of flagrant crime or simple offense, and only to be brought to the disposition of the tribunal which is to take cognizance of the matter in conformity with the law.

## Article 82

The Supreme Court holds the directive, correctional and economic superintendence of all the tribunals of the Nation. The Constitutional Tribunal, the Qualifying Tribunal of Elections and the regional electoral tribunals[,] are excepted from this norm.

The superior tribunals of justice, in [the] use of their disciplinary faculties, can only invalidate jurisdictional resolutions in the cases and form that the respective constitutional organic law establishes.

# Chapter VII: Public Ministry

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## Article 83

An autonomous organism, hierarchical, with the name of [the] Public Ministry, will direct in exclusive form the investigation of the acts constituting a crime, those that determine the punishable participation and those which establish the innocence of the accused and, when appropriate, will execute the public penal action in the form specified by the law. In an equal manner, the adoption of measures to protect the victims and the witnesses, will correspond to it. In no case can it exercise jurisdictional functions.

The [person] offended by the crime and the other persons that the law determines can equally exercise the penal action.

The Public Ministry can issue direct orders to the Forces of Order and Security during the investigation. However, the actions that deprive the accused or third parties of the exercise of the rights that this Constitution assures, or that restrict or disturb them, will require previous judicial approval. The required authority must comply unconditionally [to] said orders and cannot qualify their foundation, timeliness, justice or legality, except to require the exhibition of the previous judicial authorization, when appropriate.

The exercise of the public penal action, and the direction of the investigations of the acts which constitute the crime, of those which determine the punishable participation and of those which establish the innocence of the accused in the causes that are of the cognizance of the military tribunals, as well as the adoption of measures to protect the victims and the witnesses of such acts will correspond, in conformity with the norms of the Code of Military Justice and the respective laws, to the organs and to the persons that said Code and said laws determine.

- Constitutional court term limits
- Eligibility for const court judges
- Constitutional court selection
- Constitutional court term length

- Structure of the courts

- Protection of victim's rights

• Organic laws

## Article 84

An constitutional organic law will determine the organization and attributions of the Public Ministry, will specify the qualifications and requirements which the prosecutors must possess and fulfill for their appointment and those causing the removal of the adjunct attorneys, concerning what is not contemplated in the Constitution. The persons who are designated prosecutors cannot have any impediment which [makes] them ineligible to perform the position of judge. The regional and adjunct prosecutors will cease in their positions on becoming 75 years of age.

The constitutional organic law will establish the degree of independence and autonomy and the responsibility that will [correspond] to the prosecutors in the direction of the investigation and in the exercise of the public penal action, in the cases under their authority [cargo].

• Attorney general

## Article 85

The National Attorney will be appointed by the President of the Republic, from a list of five proposed by the Supreme Court and with the agreement of the Senate adopted by two-thirds of its members in office, in [a] session especially convoked to effect it. If the Senate does not approve the proposal of the President of the Republic, the Supreme Court must complete the list of five proposing a new name in substitution of that [name] rejected, repeating the procedure until a nomination is approved.

The National Attorney must have held the professional degree of law [for] at least ten years, have become forty years of age and possess the other qualifications necessary to be a citizen with the right of suffrage; [he] will last [for] eight years in the exercise of his functions and cannot be appointed for the following term.

That provided in the second paragraph of Article 80 concerning the age limit will be applicable to the National Attorney.

## Article 86

There will be a Regional Attorney [Fiscal Regional] in each of the regions into which the country is administratively divided, unless the population or the geographical extension of the region make it necessary to appoint more than one.

The regional attorneys will be appointed by the National Attorney, from a list of three proposed by the Court of Appeals of the respective region. In the case that in the region more than one Court of Appeals exists, the list of three will be formed by a joint plenum of all of them, especially convoked to this effect by the President of the Court of the oldest creation.

The regional attorneys must have held the degree of lawyer [for] at least five years, have become 30 years of age and possess the other qualifications necessary to be a citizen with the right of suffrage; [they] will last [for] eight years in the exercise of their functions and cannot be appointed as regional attorneys for the following term, regardless of which they can be appointed to another position of the Public Ministry.

## Article 87

The Supreme Court and the Courts of Appeals, when appropriate, will summon a public contest of antecedents for the composition of the lists of five and lists of three, which will be agreed upon by the absolute majority of their members in office, in a plenum especially convoked to this effect. The active or pensioned members of the Judicial Power cannot be members on the lists of five and lists of three.

The lists of five and lists of three will be formed in the same and sole ballot in which each member of the plenum will have the right to vote for three or two persons, respectively. Those obtaining the five or three first majorities, correspondingly, will be elected [as a] result. If a tie is produced, this will be resolved by means of lots.

## Article 88

There will be adjunct prosecutors who will be appointed by the National Attorney, from a list of three proposed by the respective regional attorney, which must be formed following a previous public contest, in conformity with the constitutional organic law. They must hold the degree of lawyer and possess the other qualifications necessary to be a citizen with the right of suffrage.

## Article 89

The National Attorney and the regional attorneys can only be removed by the Supreme Court, at the request of the President of the Republic, of the Chamber of Deputies, or of ten of its members, for incapacity, bad behavior or manifest negligence in the exercise of their functions. The Court will take cognizance of the matter in plenum especially convoked to effect it and to agree on the removal it must reach the confirming vote of the majority of its members in office.

The removal of the regional attorneys can also be solicited by the National Attorney.

## Article 90

That established in Article 81 will be applied to the National Attorney, to the regional attorneys and to the assistant attorneys.

## Article 91

The National Attorney will possess the directive, correctional and economic superintendency of the Public Ministry, in conformity with the respective constitutional organic law.

# CHAPTER VIII: Constitutional Tribunal

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## Article 92

There will be a Constitutional Tribunal composed of ten members, appointed in the following form:

- a. Three appointed by the President of the Republic.
- b. Four elected by the National Congress. Two will be appointed directly by the Senate and two will be previously proposed by the Chamber of Deputies for approval or rejection by the Senate. The appointments, or the proposal[,], as the case may be[,], is effected in single balloting and will require for approval the favorable vote of two-thirds of the Senators or Deputies in office, as it corresponds.

- c. Three elected by the Supreme Court in a secret voting to be celebrated in a special session convoked to that effect.

Members of the Tribunal will remain [for] nine years in their responsibilities and shall be partially renewed by threes. They must have had the professional degree of law for at least fifteen years, [must] have prominence in professional, academic or public activity, may not have any impediment that would disqualify them from performing the position of judge, will be subject to the norms of Articles 58, 59 and 81[,] and cannot exercise the profession of attorney, including the judicature, or any act established in the second and third paragraphs of Article 60.

The members of the Constitutional Tribunal shall be irremovable and may not be re-eligible, except when it has been as a replacement and [they] have exercised the responsibilities for less than five years. They will cease in their functions on reaching 75 years of age.

In the case that a member of the Constitutional Tribunal ceases in his responsibilities, his replacement will proceed, by [the person] to whom it corresponds, in accordance with the first paragraph of this Article and for the time remaining for the [person] replaced to complete his term.

The Tribunal shall function in plenum or divided into two chambers. In the first case, the quorum for meetings shall be, at least, eight members and in the second shall be, at least, four. The Tribunal shall adopt its decisions by simple majority, excepting those cases in which a different quorum is required and [where] judgment shall be made according to law. The Tribunal in plenum will resolve definitively [in exercise of] the attributions specified in Numerals 1, 3, 4, 5, 6, 7, 8, 9 and 11 of the following Article. For the exercise of its remaining attributions, it may function in plenum or in chambers in accordance with that provided in the respective constitutional organic law.

A constitutional organic law shall determine its organization, functioning, procedures and determine the staffing, the regime of remuneration and status of its personnel.

## Article 93

Attributions of the Constitutional Tribunal are:

1. To exercise the control of constitutionality of the laws that interpret any precept of the Constitution, of the constitutional organic laws and of the norms of a treaty which concern matters belonging to the latter, prior to their promulgation;
2. To resolve concerning the questions of constitutionality of the original decisions adopted by the Supreme Court, the Courts of Appeal and the Qualifying Tribunal of Elections;
3. To resolve the questions concerning constitutionality which arise during the processing of the Bills of law or of constitutional reform and of the treaties submitted to the approval of the Congress;
4. To resolve the questions which arise concerning the constitutionality of a decree with the force of law;



5. To resolve the questions which arise concerning the constitutionality [of] the convocation to a plebiscite, without prejudice to the attributions which correspond to the Qualifying Tribunal of Elections;
6. To resolve, by the majority of its members in office, [on] the inapplicability of a legal precept having application in any measure that is taken before an ordinary or special tribunal, [having a] result contrary to the Constitution;
7. To resolve, by the majority of four-fifths of its members in office, [on] the unconstitutionality of a legal precept declared inapplicable in conformity with that provided in the previous Numeral;
8. To resolve the complaints in case the President of the Republic does not promulgate a law when he should do so or [when] he promulgates a text different from that which constitutionally corresponds;
9. To resolve [the questions] concerning the constitutionality of a decree or resolution of the President of the Republic which the Office of the Comptroller General has objected to as[,] in its opinion[,] unconstitutional, when it is required by the President in conformity with Article 99;
10. To declare the unconstitutionality of the organizations and of the movements or political parties, as well as the responsibility of the persons who have participated in the acts which motivated the declaration of unconstitutionality, in conformity with that provided in the sixth, seventh and eighth paragraphs of Numeral 15 of Article 19 of this Constitution. However, if the affected person is the President of the Republic or the President-elect, the declaration referred to will require, also, the agreement of the Senate adopted by the majority of its members in office;
11. To report to the Senate in the cases to which Article 53, Numeral 7, of this Constitution, refers;
12. To resolve the conflicts of competence which arise between the political or administrative authorities and the tribunals of justice, which do not correspond to the Senate [to resolve];
13. To resolve concerning the constitutional or legal ineligibilities which affect a person [from] being appointed Minister of State, [from] remaining in that post, or [from] performing other functions simultaneously;
14. To decide concerning the ineligibilities, incompatibilities and grounds for cessation [of] the responsibilities of the parliamentarians;
15. To qualify the ineligibility invoked by a parliamentarian in the terms of the final paragraph of Article 60 and decide concerning the renunciation of the responsibilities, and

16. To resolve concerning the constitutionality of the supreme decrees, whatever the alleged defect may be, including those that may be issued in the exercise of the independent regulatory power of the President of the Republic, when they concern matters that may be reserved to the law by mandate of Article 63.

In the case of Numeral 1, the Chamber of origin will forward to the Constitutional Tribunal the respective Bill within the five days following the [day] on which it is totally processed by the Congress.

In the case of Numeral 2, the Tribunal can take cognizance [of it] at the demand of the President of the Republic, of either of the Chambers or of ten of their members. Additionally, any person who is part [of a] trial or process pending before an ordinary or special tribunal may demand the Tribunal [to take cognizance], when he is affected in the exercise of his fundamental rights by that established in the respective original decision.

In the case of Numeral 3, the Tribunal can only take cognizance of the matter at the demand of the President of the Republic, of either of the Chambers or of one-fourth of their members in office, provided it is formulated before the promulgation of the law or of the transmission of the communication that announces the approval of a treaty by the National Congress and, in any case, following the fifth day of the transmission of the Bill or of the specified communication.

The Tribunal must resolve [it] within a period of ten days counted from the date on which it receives the demand, unless it decides to postpone it for another ten days for grave and justified reasons.

The demand will not suspend the procedure of the Bill; however, the challenged part of it cannot be promulgated until the expiration of the above mentioned period, except when it concerns the Bill of the Law of the Budgets or with the Bill concerning the declaration of war proposed by the President of the Republic.

In the case of Numeral 4, the questions can be formulated by the President of the Republic within the period of ten days when the Office of the Comptroller General rejects as unconstitutional a decree having the force of law. [The questions] can also be raised by either of the Chambers or by one-fourth of their members in office in case the Office of the Comptroller General should have registered a decree having force of law [as] objected to for being unconstitutional. This demand must be effected within a period of thirty days, counted from the time of publication of the respective decree with the force of law.

In the case of Numeral 5, the question can be raised at the demand of the Senate or the Chamber of Deputies, within ten days counted from the date of publication of the decree which establishes the date of the plebiscitary consultation.

The Tribunal will establish in its resolution the definitive text of the plebiscitary consultation, when it [is] appropriate.

If at the time when the decision is issued there are less than thirty days left for the holding of the plebiscite, the Tribunal will establish in it a new date contemplated [to be] between thirty and sixty days following the decision.

In the case of Numeral 6, the question may be raised by either of the parties or by the judge that hears the matter. The admissibility of the question provided to verify the existence of a measure pending before an ordinary or special tribunal, that the application of the challenged legal precept can decisively result in the resolution of a matter, that the challenge is reasonably founded and [that] it complies with the other requirements that the law establishes, shall correspond to any of the chambers of the Tribunal to decide, without further recourse.

The suspension of the procedure from which the recourse of inapplicability for constitutionality arises, will correspond to the same chamber to resolve.

In the case of Numeral 7, once the declaration of inapplicability of a legal precept [has] resulted in a previous sentence, in conformity to Numeral 6 of this Article, there shall be public action to demand of the Tribunal the declaration of unconstitutionality, without prejudice to its faculty to declare so of office. It shall correspond to the respective constitutional organic law to establish the requirements of admissibility, in the case in which the public action is exercised, [which] shall also regulate the procedure that must be followed to act of office.

In the cases of Numeral 8, the question can be raised by either of the Chambers or by one-fourth of their members in office, within the thirty days following the publication of the text challenged, or within the sixty days following the date on which the President of the Republic should have effected the promulgation of the law. If the Tribunal accepts the claim, [it] will promulgate in its decision the law which had not been [promulgated] or will rectify the incorrect promulgation.

In the case of Numeral 11, the Tribunal can only take cognizance of the matter at the demand of the Senate. There will be public action for [the] demand to the Tribunal concerning the attributions which are conferred on it by Numerals 10 and 13 of this article.

However, if in the case of Numeral 10, the person affected was the President of the Republic or the President-elect, the demand must be formulated by the Chamber of Deputies or by one-fourth of its members in office.

In the case of Numeral 12, the demand must be raised by any of the authorities or tribunals in conflict.

In the case of Numeral 14, the Tribunal can only take cognizance of the matter at the demand of the President of the Republic or of no less than ten parliamentarians in office.

In the case of Numeral 16, the Tribunal can only take cognizance of the matter at the demand of either of the Chambers[,] effected within the thirty days following the publication or notification of the challenged text. In the case of defects that do not refer to decrees that exceed the autonomous regulatory power of the President of the Republic[, these] will also require one-quarter of the members in office to make this demand.

The Constitutional Tribunal may take into account acts of conscience when taking cognizance [in exercise of] the attributions specified in Numerals 10, 11 and 13, as, also, when taking cognizance of the grounds of cessation of the responsibilities of [a] parliamentarian.

In the case of Numerals 10 and 13 and in the case of Numeral 2 when it is demanded by a party, it shall correspond to a chamber of the Tribunal to decide without further recourse, on the admissibility.

## Article 94

No recourse whatsoever will proceed against the decisions of the Constitutional Tribunal; without prejudice that the same Tribunal, in conformity with the law, may correct the de facto errors in which it may have incurred.

The provisions which the Tribunal declares unconstitutional cannot be converted into law in the Bill or decree having force of law dealing therewith.

In the cases of Numeral 16 of Article 93, the challenged supreme decree will become without effect of right, on the sole merit of the decision of the Tribunal which accepts the claim. However, the provision declared unconstitutional in accordance with the provisions of Numerals 2, 4 or 7 of Article 93, will be deemed [to be] derogated from

the publication in the Diario Oficial of the sentence that deals with the complaint, which will not produce retroactive effect.

The sentences that declare the unconstitutionality of all or part of a law, of a decree having the force of law, of a supreme decree or of an original decision, as the case may be, will be published in the Diario Oficial within the three days following its pronouncement.

## CHAPTER IX: Electoral Justice

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### Article 95

A special tribunal, which will be denominated the Qualifying Tribunal of Elections, will take cognizance of the general scrutiny and of the qualification of the elections of President of the Republic, of Deputies and Senators; it will resolve the complaints which derive from them and will proclaim those who are elected. Said Tribunal will take cognizance, likewise, of the plebiscites and will have the other attributions that the law determines.

It will be constituted by five members appointed in the following manner:

- a. Four ministers of the Supreme Court, designated by it, by means of lots, in the form and time which the respective constitutional organic law determines, and
- b. A citizen who has exercised the position of President or Vice President of the Chamber of Deputies or of the Senate for a period not less than 365 days, appointed by the Supreme Court in the manner specified in the preceding Literal a), from among all those who meet the requirements specified.

The appointments referred to in Literal (b), cannot fall on [a] person who is [a] parliamentarian, [a] candidate to a position of popular election, [a] Minister of State or [a] leader of [a] political party.

The members of this Tribunal serve four years in their functions, and the provisions of Articles 58 and 59 of this Constitution will be applicable to them.

The Qualifying Tribunal of Elections will proceed as [a] jury in the appraisal of the facts and will decide in accordance with the law.

A constitutional organic law will regulate the organization and functioning of the Qualifying Tribunal of Elections.

### Article 96

There will be regional electoral tribunals entrusted with taking cognizance of the general scrutiny and the qualifications of the elections that the law entrusts to them, as well as to resolve the claims that they give rise to and to proclaim the elected candidates. Their resolutions will be appealable before the Qualifying Tribunal of Elections in the form that the law determines. Likewise, the cognizance of the qualification of elections with a union character and of those that take place in the intermediate groups that the law specifies, will correspond to them.

These tribunals will be constituted by a minister of the respective Court of Appeals, elected by it, and by two members appointed by the Qualifying Tribunal of Elections from among persons who have exercised the profession of lawyer or [persons] who

have served [in] the functions of minister or lawyer member of the Court of Appeals for a period [of] not less than three years.

The members of these tribunals will serve four years in their functions and will have the ineligibilities and incompatibilities which the law determines.

These tribunals will proceed as juries in the appraisal of the facts and will decide in accordance with the law.

The law will determine the other attributions of these tribunals and will regulate their organization and functioning.

## Article 97

Annually, the funds necessary for the organization and functioning of these tribunals will be allocated in the Law of the Budget of the Nation, [and] whose staff, remunerations and statutes of personnel will be established by law.

# CHAPTER X: Office of the Comptroller General of the Republic

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## Article 98

An autonomous organism with the name of the Office of the Comptroller General of the Republic, will exercise the control of the legality of the acts of the Administration, will control the revenues and the investment of the funds of the Treasury, of the municipalities and the other organisms and services determined by the law; will examine and judge the accounts of persons entrusted with assets of such entities; will perform [llevar] the general accounting of the Nation; and will perform the other functions entrusted to it by the respective constitutional organic law.

The Comptroller General of the Republic must have had the professional degree of law [for] at least ten years, have completed forty years of age and possess the other qualifications necessary to be a citizen with the right of suffrage. He will be appointed by the President of the Republic with the agreement of the Senate adopted by three-fifths of its members in office, for a period of eight years and may not be appointed for the following period. He will cease the responsibilities on becoming 75 years of age.

## Article 99

In the exercise of the function of control of legality, the Comptroller General will register the decrees and resolutions which, in conformity with the law, must be processed through the Office of the Comptroller or will object to the illegality which they might exhibit; however, he must process them when, despite his objection, the President of the Republic insists with the signature of all his Ministers, in which case he must send a copy of the respective decrees to the Chamber of Deputies. In no case will he proceed with decrees of expenditures which exceed the limit specified in the Constitution and he will remit a complete copy of the background information to the same Chamber.

It will correspond, likewise, to the Comptroller General of the Republic to register the decrees having the force of law and [to] object to them whenever they exceed or contravene the delegatory law or when they are contrary to the Constitution.

If the objection takes place concerning a decree having the force of law, a decree promulgating a law or a constitutional amendment for non-conformity with the approved text, or a decree or resolution for being contrary to the Constitution, the President of the Republic will not have the faculty to insist, and in the case he does not agree with the observations of the Office of the Comptroller, he will send the background information to the Constitutional Tribunal within a period of ten days, in order for it to resolve the controversy.

As for the rest, the organization, the functioning and the attributions of the Office of the Comptroller General of the Republic will be the subject [materia] of a constitutional organic law.

## Article 100

The Treasuries of the State cannot effect any payment except by virtue of a decree or resolution issued by a competent authority, in which the law or the part of the budget which authorizes such an expenditure, is stated. Payments will be effected considering, in addition, the chronological order established in it and after the budgetary countersignature of the document which orders the payment.

# CHAPTER XI: Armed Forces, [Forces] of Order and Public Security

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## Article 101

The Armed Forces[,] dependent on the Ministry responsible for the National Defense[,] are constituted solely and exclusively by the Army, Navy and Air Force. [They] exist for the defense of the country and are essential for national security and guarantee the institutional order of the Republic.

The Forces of Order and Public Security are composed solely of the Carabineros and Investigaciones; they constitute the public force and [they] exist to give effectiveness to the law, [to] guarantee the public order and the public internal security, in the form that their respective organic laws determine. They are dependents of the Ministry responsible for Public Security.

The Armed Forces and the Carabineros, as armed bodies, are in essence obedient and not deliberative. The forces dependent on the Ministry responsible for the National Defense are, additionally, professional, hierarchic and disciplined.

## Article 102

Incorporation into the personnel and staff of the Armed Forces and Carabineros can only be obtained through their own Schools, with the exception of the professional ranks and civil servants which the law determines.

## Article 103

No person, group or organization may possess or own arms or other similar implements specified by a law adopted by qualified quorum, without authorization granted in conformity with it.

A law will determine the Ministry of the organs of its dependency that will exercise the supervision and the control of arms. Likewise, it will establish the public organs responsible for the supervision of compliance with the norms relative to this control.

## Article 104

The Commanders-in-Chief of the Army, of the Navy and of the Air Force, and the General Director of the Carabineros will be appointed by the President of the Republic from among the five officers with the most seniority who have the qualifications which the respective institutional statutes require for such positions. They will serve for four years in their functions, cannot be appointed for a new period and will enjoy irremovability in their positions.

The President of the Republic, by way of a substantiated decree and previously informing the Chamber of Representatives and the Senate, will be able to order the retirement of the Commanders-in-Chief of the Army, of the Navy and of the Air Force and the Director General of Carabineros, as the case may be, before the completion of their respective terms.

## Article 105

The appointments, promotions and retirement of the officers of the Armed Forces and Carabineros will be effected by supreme decree in conformity with the applicable constitutional organic law, which will determine the respective basic norms, as well as those basic norms concerning the professional career, enlisting in their ranks, security, seniority, command, command succession and budget of the Armed Forces and Carabineros.

The entry, the appointments, promotions and retirements [to the] Investigaciones will be effected in conformity with its organic law.

# CHAPTER XII: Council of National Security

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## Article 106

There will be a Council of National Security responsible to advise the President of the Republic in matters related to national security and to exercise such other functions conferred on it by this Constitution. It will be presided over by the Head of State and will be composed of the Presidents of the Senate, of the Chamber of Deputies and of the Supreme Court, by the Commanders-in-Chief of the Armed Forces, by the General Director of Carabineros and the Comptroller General of the Republic.

In the cases where the President of the Republic so determines, the ministers responsible for interior government, for the national defense, for public security, for foreign relations and for the economy and finance of the country[,] may be present in the sessions.

## Article 107

The Council of National Security shall meet when convoked by the President of the Republic and will require the absolute majority of its members as a quorum for meeting.

The Council will not adopt agreements, but [may] issue the regulations to which the final paragraph of this provision refers. In its sessions, any of its members may

express [their] opinion concerning any fact, act or matter bearing a relation to the bases of institutionality or [of] national security.

The acts of the Council shall be public, unless the majority of its members determines the contrary. A regulation issued by the Council itself shall establish the other provisions concerning its organization, functioning and the publicity of its debates.

## CHAPTER XIII: Central Bank

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### Article 108

There will be an autonomous organism, with its own patrimony, of technical character, denominated the Central Bank, whose composition, organization, functions and attributions will be determined by a constitutional organic law.

### Article 109

The Central Bank may only effect transactions with financial institutions, either public or private. In no way whatsoever can it grant to them its guarantee, or secure documents issued by the State, its organisms or enterprises.

No public expenditure or loan may be financed with direct or indirect credits of the Central Bank.

However, in case of a foreign war or the danger of it, which the Council of National Security will qualify, the Central Bank can obtain, grant or finance credits to the State and public or private entities.

The Central Bank cannot adopt any agreement which signifies, in a direct or indirect manner, the establishment of different or discriminatory norms or requirements concerning persons, institutions or entities performing transactions of the same nature.

## CHAPTER XIV

### Government and Interior Administration of the State

#### Article 110

For the government and the interior administration of the State, the territory of the Republic is divided into regions and these into provinces. For the effects of local administration, the provinces will be divided into communes.

The creation, suppression and denomination of regions, provinces and communes; the modification of their boundaries, as well as the establishment of the capitals of the regions and provinces, will be matters of constitutional organic law.



## Government and Regional Administration

### Article 111

The government of each regions resides in an intendant, who will be of the exclusive confidence of the President of the Republic. The intendant will exercise his functions in accordance with the laws and with the orders and instructions of the President, whose natural and immediate representative he is in the territory of his jurisdiction.

The superior administration of every region will be established in a regional government that will have for [its] object the social, cultural and economic development of the region.

The regional government will be constituted by the intendant and the regional council. For the exercise of its functions, the regional government will enjoy juridical personality of public law and will have its own patrimony.

### Article 112

To the intendant will correspond the coordination, supervision or control of the public services created by the law for the fulfillment of the administrative functions that operate in the region.

The law will determine the form in which the intendant will exercise these faculties, the other attributions that correspond to him and the organisms that will collaborate in the fulfillment of his functions.

### Article 113

The regional council will be an organ of normative, decision-making and inspective character, within its own domain of competence of regional government, responsible for making the participation of the regional citizenry effective and to exercise the attributions that the respective constitutional organic law entrusts to it, which will also regulate its composition and organization.

The regional council will be integrated by councilors elected by universal suffrage in direct voting, in conformity with the respective constitutional organic law. They will remain four years in their offices [cargos] and may be reelected. The same law will establish the organization of the regional council, will determine the number of councilors that will integrate it and their form of replacement, always taking care that the population of the territory of the region will be equitably represented.

The regional councilor who during his exercise [of office] loses any of the requirements of eligibility or incurs in any of the disabilities, incompatibilities, incapacities or other causes of cessation that the constitutional organic law establishes[,] will cease in his office [cargo].

That specified in the preceding paragraphs respecting the regional council and the regional councilors will be applicable, in that which corresponds, to the special territories to which Article 126bis refers.

The regional council, by absolute majority of its members in exercise [of office], will elect a president from among its members. The president of the council will remain four years in his office and will cease in it in [the] case of incurring in any of the causes specified in the third paragraph, by removal agreed to by two-thirds of the regional councilors in exercise [of office] or by resignation agreed to by the majority of them.

The constitutional organic law will determine the functions and attributions of the president of the regional council.

It will correspond to the regional council to approve the bill of the budget of the respective region considering, to this effect, the resources assigned to it in the Law of Budgets, its own resources and those that the agreements of programming provide.

The Senators and Deputies who represent the circumscriptions and districts of the region can, when they deem it appropriate, participate in the sessions of the regional council and take part in its debates, without right to vote.

## Article 114

The respective constitutional organic law will determine the form and the mode by which the President of the Republic can transfer to one or more regional governments, in temporary or definitive character, one or more competences of the ministries and public services created for the fulfillment of the administrative function, in matters of territorial order, promoting productive activities and social and cultural development.

## Article 115

For the interior government and administration of the State to which the present chapter refers, the pursuit of an harmonious and equitable territorial development will be observed as a basic principle. The laws that are dictated to this effect must see to the fulfillment and application of said principle, incorporating as well criteria of solidarity among the regions, [and] in the interior of [each], in that concerning the distribution of the public resources.

Without prejudice to the resources that for their functioning are assigned to the regional governments in the Law of Budgets of the Nation and of those which originate in that provided in Numeral 20 of Article 19, said law will contemplate a proportion of the total of the expenditures of public investment that it determines, with the denomination of [the] national fund of regional development.

The Law of Budgets of the Nation will contemplate, likewise, expenditures corresponding to sectoral investment of regional assignment whose distribution between regions will respond to criteria of equity and efficiency, taking into consideration the corresponding national programs of investment. The assignation of such expenditures to the interior of each region will correspond to the regional government.

On the initiative of the regional governments or of one or more ministries, annual or multi-annual agreements of programming of public investments can be made between regional governments, between these and one or more ministries or between regional governments and municipalities, of which the fulfillment will be obligatory. The respective constitutional organic law will establish the general norms that will regulate the subscription, execution and binding force of the agreements referred to.

The Law can authorize the regional governments and the public enterprises to associate with natural or juridical persons in order to stimulate nonprofit activities and initiatives that contribute to the regional development. The entities that are constituted to this effect will be regulated by the common norms applicable to individuals.

That provided in the previous paragraph will be understood [as] without prejudice to that established in Numeral 21 of Article 19.

## Provincial Government and Administration

### Article 116

In every province there will be a government that will be a territorially decentralized organ of the intendant. It will be entrusted to a governor, who will be appointed and removed freely by the President of the Republic.

It corresponds to the governor to exercise in accordance with the instructions of the intendant, the supervision of the public services existing in the province. The law will determine the attributions which the intendant can delegate to him and the others that correspond to him.

### Article 117

The governors can, in the cases and form that the law determines, appoint delegates to exercise their faculties in one or more localities.

## Communal Administration

### Article 118

The local administration of each commune or group of communes that the law determines resides in a municipality, which will be constituted by the mayor, who is its highest authority, and by the council.

The respective constitutional organic law will establish the modalities and forms [of] the participation that the local community must assume in the municipal activities.

The mayors, in the cases and forms that the respective constitutional organic law determines, can designate delegates for the exercise of their faculties in one or more localities.

The municipalities are autonomous corporations of public law, with juridical personality and their own patrimony, the objective of which is to satisfy the necessities of the local community and to assure its participation in the economic, social and cultural progress of the commune.

An constitutional organic law will determine the functions and attributions of the municipalities. Said law will specify, as well, the matters of municipal competence that the mayor, with the agreement of the council or at the request of 2/3 of the councilors in office, or by the proportion of citizens that the law establishes, will submit to non-binding consultation or to [a] plebiscite, as well as the times, [the] form of the convocation and [the] effects.

The municipalities may associate with each other in accordance with the respective constitutional organic law, [and] these associations may enjoy juridical personality of private law. They may also constitute or integrate corporations or foundations of private non-profit law whose objective is the promotion and dissemination of art, culture and sports, or to encourage works of productive and communal development. The municipal participation in them will be governed by the constitutional organic law cited [above].

The municipalities can establish within the area of the communes or groups of communes, in conformity with the respective constitutional organic law, territories denominated neighborhood units, with the object of tending towards a balanced development and an appropriate channeling of citizen participation.

The public services must coordinate with the municipality when performing their tasks in the respective communal territory, in conformity with the law.

The law will determine the form and the manner in which the ministries, public services and regional governments can transfer competences to the municipalities, as well as the provisional or definitive character of the transference.

## Article 119

Each municipality will have a council composed of councilors elected by universal suffrage in conformity with the constitutional organic law of [the] municipalities. They will last [for] four years in their positions and can be reelected. The same law will determine the number of councilors and the form of electing the mayor.

The council will be an organ entrusted with making effective the participation of the local community, it will exercise normative, decision-making and control functions and other attributions that are entrusted to it, in the form that the respective constitutional organic law determines.

The organic law of municipalities will determine the norms concerning the organization and functioning of the council and the matters in which consultation by the mayor to the council will be obligatory, and those in which its agreement will be necessarily required. In all cases, said agreement will be necessary for the approval of the communal plan of development, of the municipal budget and of the respective projects of investment.

## Article 120

The respective constitutional organic law will regulate the transitory administration of the communes that are created, the procedure of installation of the new municipalities, of transfer of municipal personnel and of services and of the necessary safeguards to protect the use and disposition of the assets which are located in the territories of the new communes.

Likewise, the constitutional organic law of municipalities will establish the procedures which must be observed in case of suppression or merger of one or more communes.

## Article 121

The municipalities, for the fulfillment of their functions, can create or eliminate jobs and fixed remunerations, as well as establish the organs or units which the respective constitutional organic law permits.

These faculties will be exercised within the limits and requirements that, by the exclusive initiative of the President of the Republic, the constitutional organic law of municipalities determines.

## Article 122

The municipalities enjoy autonomy for the administration of their finances. The Law of Budgets of the Nation can assign to them resources to account for their expenditures, without prejudice to the revenues that are directly conferred on them by the law or that are granted to them by the respective regional government. A constitutional organic law will contemplate a mechanism of joint redistribution for individual [propios] revenues between the municipalities of the country with the denomination of [the] common municipal fund. The norms of distribution of this fund will be [a] matter of law.

## General Provisions

### Article 123

The Law will establish the formulas of coordination for the administration of all or some of the municipalities, concerning the problems which are common to them, as well as between the municipalities and the other public services.

Without prejudice to that provided for in the previous paragraph, the respective constitutional organic law will regulate the administration of the metropolitan areas, and will establish the conditions and formalities that permit the conferring of this character on specific territories.

### Article 124

To be appointed intendant or governor and to be elected regional councilor, mayor or councilor, will require [one] to be a citizen with the right of suffrage, to meet the other requirements of fitness that the law specifies and to reside in the region at least in the two last years preceding his appointment or election.

The offices of intendant, governor, regional councilor, mayor and councilor will be mutually incompatible.

No intendant, governor or president of a regional council, from the day of his appointment or election, as the case may be, may be accused or deprived of his liberty, save the case of flagrante delicto, if the Tribunal of Appeals of the respective jurisdiction, in plenum, does not previously authorize the accusation declaring the formation of a cause being made. This resolution can be appealed before the Supreme Court.

In case of being arrested[,] any intendant, governor or president of a regional council for flagrant crime, he will be placed immediately at the disposition of the respective Tribunal of Appeals, with the corresponding summary information. The Tribunal will proceed, then, conforming to that provided for in the previous paragraph.

From the moment that it is declared, by signed resolution, [that] the formation of a cause has been made, the imputed intendant, governor or president of a regional council is suspended from his office and is subject to the competent judge.

### Article 125

The respective constitutional organic laws will establish the causes [for the] cessation of the offices of mayor, regional councilor and councilor.

### Article 126

The law will determine the form for resolving questions of competence which might arise between the national, regional, provincial and communal authorities.

It will, likewise, establish the manner for reconciling the disagreements which occur between the intendant and the regional council, as well as between the mayor and the council.

• Municipal government

• Subsidiary unit government

• Municipal government  
• Organic laws

• Subsidiary unit government

## Special Provisions

### Article 126bis

Those territories corresponding to Pascua Island and the Juan Fernandez Archipelago are special [territories]. The Government and the Administration of these territories are governed by the special statutes that the respective constitutional organic laws establish.

The right to reside, to remain and of moving to and from any place in the Republic, guaranteed in numeral 7 of Article 19, shall be exercised in these territories in the form that the special laws that regulate its exercise determine, [and] those must be of qualified quorum.

## CHAPTER XV: Reform of the Constitution

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### Article 127

The Bills of reform of the Constitution can be initiated by [a] message from the President of the Republic or by motion of any of the members of the National Congress, with the limitations specified in the first paragraph of Article 65.

The Bill of reform will require for its approval[,] in each Chamber[,] the confirming vote of three-fifths of the Deputies and Senators in office. If the reform concerns Chapters I, III, VIII, XI, XII or XV it will require the approval of two-thirds of the Deputies and Senators in office.

Concerning [matters] not provided for in this chapter, the norms concerning the formation of the law shall be applicable to the process of the Bills of constitutional reform, the quorums specified in the previous paragraph always being respected.

### Article 128

The Bill which both Chambers approve will be transmitted to the President of the Republic.

If the President of the Republic totally rejects a Bill of reform approved by both Chambers and it insists on its totality by two-thirds of the members in office of each Chamber, the President must promulgate that Bill, unless he consults the citizens through a plebiscite.

If the President of the Republic partially objects to a Bill of reform approved by both Chambers, the objections will be understood to have been approved with the confirming vote of the three-fifths or two-thirds of the members in office, according to what corresponds in conformity with the preceding article, and it will be returned to the President for its promulgation.

In case the Chambers do not approve all or some of the objections made by the President, there will be no constitutional reform on the points in discrepancy, unless both Chambers [so] insist, by two-thirds of their members in office. In this latter case, the part of the Bill which had the insistence for its object will be returned to the President for its promulgation, unless the latter consults the citizens to decide through a plebiscite concerning the questions in disagreement.

• Subsidiary unit government

• Constitution amendment procedure

• Constitution amendment procedure  
• Supermajority required for legislation  
• Referenda

- Organic laws

The constitutional organic law concerning the Congress will regulate the other matters concerning the vetoes of the Bills of reform and of their procedure in the Congress.

- Constitution amendment procedure
- Referenda

## Article 129

The convocation to [the] plebiscite must be effected within thirty days following that on which both Chambers insist on the Bill approved by them, and it will be ordered by supreme decree which will establish the date of the plebiscitary voting, which shall be held one hundred twenty days from the publication of the decree if that day corresponds to a Sunday. If this should not be so, it will be held on the Sunday immediately following. If the President has not convoked a plebiscite within such period of time, the Bill approved by the Congress will be promulgated.

The decree of convocation will contain, as it may correspond, the Bill approved by the Plenary Congress and totally vetoed by the President of the Republic, or the questions of the Bill on which the Congress has insisted. In this latter case, each one of the questions in disagreement must be voted [on] separately in the plebiscite.

The Qualifying Tribunal will communicate to the President of the Republic the result of the plebiscite, and will specify the text of the Bill approved by the citizens, which must be promulgated as a constitutional reform within the five days following said communication.

Once the Bill has been promulgated, and as of the date it enters into force, its provisions will form part of the Constitution and will be held to be incorporated in it.

## TRANSITORY PROVISIONS

### First

Until the provisions are adopted that comply with that prescribed in the third paragraph of Numeral 1 of Article 19 of this Constitution, the legal precepts presently in force will continue to govern.

### Second

Until the new Code of Mining is adopted which must regulate, among other matters, the form, conditions and effects of mining concessions as referred to in paragraphs seven to ten of Numeral 24 of Article 19 of this Political Constitution, the holders of mining rights will be governed by the legislation which is in force at the time of entry into force of this Constitution, in the capacity of concessionaires.

The mining rights referred to in the preceding paragraph will continue under the rule of the new Code; but, concerning their enjoyment and responsibilities [cargas] and concerning their extinction, the provisions of said new Code of Mining will prevail. This new Code must grant a term for the concessionaires to comply with the new requirements which may be established to merit legal amparo.

During the period between the time on which this Constitution enters into force and that on which the new Code of Mining enters into force, the constitution of mining rights with the character of a concession specified in paragraphs seven to ten of Numeral 24 of Article 19 of this Constitution, as well as the same concessions granted, will continue to be governed by the current legislation.

### **Third**

The large copper mining industry and the enterprises considered as such, nationalized by virtue of that prescribed in Transitory Provision 17 of the Political Constitution of 1925, will continue to be governed by the constitutional norms in force on the date of promulgation of this Constitution.

### **Fourth**

It will be understood that the laws currently in force concerning matters which, in accordance with this Constitution, must be the object of constitutional organic laws or approved by qualified quorum, will meet these requirements and will continue to be applied insofar as they are not contrary to the Constitution, while the corresponding legal bodies have not been adopted.

### **Fifth**

Notwithstanding what is provided in Numeral 6 of Article 32, the legal precepts which, at the date of the promulgation of this Constitution have regulated matters not comprehended in Article 63, will continue their force, as long as they are not expressly derogated by law.

### **Sixth**

Without prejudice to what is provided in the third paragraph of Numeral 20 of Article 19, the legal provisions which have established taxes appropriated for a determined purpose, will continue their force while not expressly derogated.

### **Seventh**

The individual pardon will always proceed concerning the crimes to which Article 9 refers, committed before the 11 March 1990. A copy of the respective Decree will be remitted, in confidential character, to the Senate.

### **Eighth**

The norms of Chapter VII "Public Ministry", will govern at the moment when the constitutional organic law of the Public Ministry enters into force. This law can establish different dates for the entry into force of its provisions, and also determine its gradual application in [its] various matters and regions of the country.

The Chapter VII "Public Ministry", the constitutional organic law of the Public Ministry and the laws which, complementing said norms, modify the Organic Code of the Tribunals and the Code of Penal Procedure, will be applied exclusively to the acts that occurred subsequent to the entry into force of such provisions.

### **Ninth**

Notwithstanding that provided in Article 87, in the list of five and in each of the lists of three formed to provide for the first time the positions of National Attorney and of Regional Attorneys, the Supreme Court and the Courts of Appeals can include, respectively, one active member of the Judicial Power.



## Tenth

The attributions granted to the municipalities in Article 121, concerning the modification of the organic structure, of personnel and of remunerations, will be applicable when the modalities, requirements and limitations for the exercise of these new competences are regulated in the respective law.

## Eleventh

In the year following the date of publication of the present law of constitutional reform those who have performed the positions of President of the Republic, Deputy, Senator, Minister of State, Intendant, Governor or Mayor, cannot figure on the lists to compose the Supreme Court.

## Twelfth

The mandate of the President of the Republic in office will be six years, and he is not re-eligible for the following period.

## Thirteenth

The Senate will consist uniquely of senators elected in accordance with Article 49 of the Political Constitution of the Republic and the Constitutional Organic Law on Popular Voting and Ballots currently in force.

The modifications to the said Organic Law on Popular Voting and Ballots that have a relation to the number of senators, [to] the existing circumscriptions and [to] the electoral system in force, require the confirming vote of three-fifths of the Deputies and Senators in office.

The Senators in actual office[,] incorporated or designated in accordance with Literals a), b), c), d), e), and f) of Article 49 that have been abrogated, will continue to fulfill their functions until March 10, 2006.

## Fourteenth

The replacement of current Ministers and the appointment of new members of the Constitutional Tribunal, shall be effected according to the following rules:

The current Ministers appointed by the President of the Republic, the Senate, the Supreme Court and the Council of National Security will remain in their functions until the expiration of the period for which they were appointed or until they cease in their responsibilities.

The replacement of the Ministers appointed by the Council of National Security shall correspond to the President of the Republic.

The Senate shall appoint three Ministers of the Constitutional Tribunal, two directly and the third on a previous proposal from the Chamber of Deputies. The latter shall hold office until the same day on which those currently appointed by the Senate or those replacing them[,] shall cease[,] in accordance with the seventh paragraph of this Article, and may be re-eligible.

The current Ministers of the Supreme Court who would[,] in their turn[,] themselves be [members] of the Constitutional Tribunal, shall be suspended temporarily in the exercise of their responsibilities in this Court, six months after publication of this constitutional reform and without affecting their rights [as] functionaries. They shall resume these responsibilities at the end of the period for which they were appointed to the Constitutional Tribunal[,] or when [the members of] the latter cease for any

reason.

The Supreme Court will appoint, in accordance with the Literal c) of Article 92, the lawyers specified by the number of the corresponding vacancies generated. However, the first of them will be appointed for three years, the second for six years and the third for nine years. Anyone who has been appointed for three years may be reappointed.

If any of the current Ministers are not provided for by the preceding paragraph [and] cease in their responsibilities, they shall be replaced by the authority indicated in Literals a) and b) of Article 92, as it corresponds, and their term will last for that which [would] remain to their predecessor, [and] these are re-eligible.

The Ministers appointed in accordance with this provision shall be appointed prior to 11 December 2005 and will enter into their functions on 1 January 2006.

## **Fifteenth**

The international treaties approved by the National Congress prior to the entry into force of this constitutional reform, which relate to matters that, [to] conform to the Constitution[,], must be approved by the absolute majority or [by] four-sevenths of the Deputies and Senators in office, shall be deemed to have complied with these requirements.

The conflicts of competence currently in process before the Supreme Court and those that would have been until the entry into force of the modification to Chapter VIII, will remain based in that organ until fully processed.

The processes initiated, of office, or on petition ex parte, or that are initiated in the Supreme Court to declare on the inapplicability of a legal precept for being contrary to the Constitution, prior to the application of the reforms to Chapter VIII, shall continue to be processed [under] the cognizance and resolution of this Court for its full term.

## **Sixteenth**

The reforms to Chapter VIII enter into force six months after the publication of this constitutional reform with the exception of that regulated in the Fourteenth [Transitory] Provision.

## **Seventeenth**

The Forces of Order and Public Security will remain as dependents of the Ministry responsible for National Defense until the new law that creates the Ministry responsible for Public Security is adopted.

## **Eighteenth**

The modifications provided for in Article 57, No. 2, will commence to govern from the next general election of parliamentarians.

## **Nineteenth**

Notwithstanding, the modifications to Article 16 No. 2 of this Constitution, the right of suffrage of those persons prosecuted for acts [committed] prior to the 16 June 2005, for crimes that merit afflictive punishment or for crimes that the law qualifies as terrorist conduct, shall also be suspended.

## Twentieth

Until the special tribunals referred to in the fourth paragraph of Numeral 16 of Article 19 have been created, claims arising from the ethical conduct of professionals who do not belong to professional associations, will be heard by the ordinary tribunals.

## Twenty-first

The reform introduced to Numeral 10 of Article 19 in relation to the second level of transition of pre-school education will enter into force gradually, in the form provided by the law.

## Twenty-second

While the special statutes referred to in Article 126bis have not entered into force, the special territories of Pascua Island and the Juan Fernandez Archipelago will continue to be governed by the common norms in matters of political administrative division and [matters] of interior governance and administration of the State.

## Twenty-third

The reforms introduced to Articles 15 and 18 concerning voluntary voting and incorporation in the electoral register by the single ministry of the law, shall govern from the moment of entry into force of the respective constitutional organic law referred to in the second paragraph of Article 18 introduced by way of these reforms.

## Twenty-fourth

The State of Chile may recognize the jurisdiction of the International Criminal Court in the terms provided in the treaty approved in the city of Rome, on 17 July 1998 by, the Diplomatic Conference of Plenipotentiaries of the United Nations concerning the establishment of that Court.

In effecting that recognition, Chile reaffirms its preferential faculty to exercise its criminal jurisdiction in relation to the jurisdiction of the Court. The latter will be subsidiary to the former, in the terms provided in the Statute of Rome that created the International Criminal Court.

The cooperation and assistance between the competent national authorities and the International Criminal Court, as well as the judicial and administrative procedures that may arise, will be subject to what Chilean law provides.

The jurisdiction of the International Criminal Court, in the terms provided in Statute, may only be exercised with respect to crimes of its competence whose principle of execution will be subsequent to the entry into force of the Statute of Rome in Chile.

## Twenty-fifth

The amendment introduced in the fourth paragraph of Article 60, will enter into force after one hundred and eighty days from the date of publication of this law in the Diario Oficial.

• Subsidiary unit government

• International law  
• International organizations  
• International human rights treaties

## Twenty-sixth

The mandate of the regional councilors in office at the date of the publication of this constitutional reform, and that of their respective substitutes, is extended until 11 March of the year 2014.

The first election by universal suffrage in direct voting for the regional councilors to which the second paragraph of Article 113 refers[,] will be realized in conjunction with the elections for President of the Republic and Parliamentarians, [on] the day of 17 November of the year 2013.

To this effect, the adjustments to the respective constitutional organic law must enter into force before 20 July of the year 2013.

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