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Chile's Constitution of 1980 with Amendments through 2015

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Chapter I: Bases of Institutionality

Article 1

• Human dignity
• General guarantee of equality

Persons are born free and equal in dignity and rights.

Family is the fundamental unit of society.

The State recognizes and protects the intermediate groups through which society organizes and structures itself and guarantees them the necessary autonomy to comply with their own specific purposes.

• Right to development of personality

The State is at the service of the human person and its end is to promote the common good, for which it must help to create the social conditions which may allow each and every one of the members of the national community their greatest spiritual and material realization possible, with total respect for the rights and guarantees that this Constitutions establishes.

It is the duty of the State to safeguard national security, to give protection to the population and the family, to endorse the strengthening of the latter, to promote the harmonized integration of all the sectors of the Nation and to assure the right of the persons to participate with equal opportunities in the national life.

Article 2

• National anthem
• National flag

The national flag, the Republic's coat of arms and the national anthem constitute national emblems.

Article 3

Chile is a unitary State.

The State's administration will be functionally and territorially decentralized, or deconcentrated in its case, in conformity with the law.

• Reference to fraternity/solidarity

The State's organs will encourage the strengthening of the regionalization of the country and the equitable and solidary development between regions, provinces and communes of the national territory.

Article 4

• Type of government envisioned

Chile is a democratic republic.

Article 5

• Referenda

The sovereignty resides essentially in the Nation. It is exercised by the people through plebiscites and periodic elections and, also, by the authorities that this Constitution establishes. No segment of the people or any individual may claim its exercise to himself.

• International law

The exercise of the sovereignty is limited by the respect to the essential rights that emanate from the human nature. It is the duty of the State's organs to respect and promote those rights, guaranteed by this Constitution, as well as by international treaties which have been ratified by Chile and that are in force.

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

Article 6

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

The provisions of this Constitution are binding both for the officials or other members of the said organs as well as for every person, institution or group. The infringement of this norm will generate the responsibilities and sanctions that the law determines.

Article 7

State organs only act validly once their members have been regularly invested, within their field of competence, and in the manner prescribed by the law.

No power, person or group of persons may claim, even if invoking the pretext of extraordinary circumstances, any other authority or rights than those that have been expressly conferred to them by the Constitution or the laws.

Any act that contravenes this article is null and void and will originate the responsibilities and sanctions that the law determines.

Article 8

The exercise of public functions compels officials to strictly comply with the principle of probity in all of their actions.

• Public or private sessions

All acts and resolutions of the State's organs, as well as their foundations and the procedures used, are public. However, only a qualified quorum law may establish the reserve or secret of them, when their disclosure compromised the proper performance of the functions of these organs, the rights of persons, national security or national interest.

• Earnings disclosure requirement

The President of the Republic, The Ministers of State, the deputies and senators, and all other authorities and officials that a constitutional organic law specifies, will have to declare their interests and patrimony publicly.

The said law will determine the cases and conditions in which those authorities will delegate to third parties the administration of those assets and obligations which involve a conflict of interests in the exercise of the public function. Furthermore, it may also consider other appropriate measures to resolve them and, in qualified situations, to provide for the disposition of all or part of the assets.

• Terrorism

Article 9

Terrorism, in any form, is essentially contrary to human rights.

A qualified quorum law will determine what constitutes terrorist conducts and their penalties. Those responsible for these crimes shall be banned, for a period of fifteen years, from exercising public functions or holding public office, whether or not of popular elections; or from positions of rector or director of an educational establishment, or from exercising teaching functions in them; from operating a medium of social communication or being a director or manager of it, or to perform in it functions related to the emission or diffusion of opinions and information; or from being leaders of political organizations, or those related to education or of a local, professional, entrepreneurial, syndical, student, or trade union nature, during that period. The aforementioned is understood without prejudice to other inabilities or those which the law establishes for a longer period.

The crimes to which the preceding paragraph refers to will always be considered common and not political for all legal purposes, and individual pardon will not proceed in relation to them, except in the case of commuting the death penalty to life imprisonment.

Chapter II: Nationality and Citizenship

Article 10

• Requirements for birthright citizenship

Chileans are:

1. Those born in Chilean territory, with the exception of the sons of foreigners who are in Chile in service of their government, and the sons of transient foreigners, all of which, however, may opt for the Chilean nationality.

2. The sons of a Chilean father or mother, born abroad. With all, it is required that one of his ancestors in a direct line of first or second degree, has acquired Chilean citizenship under what is stated in numbers 1, 3 or 4.

• Requirements for naturalization

3. Foreigners who obtain letters of naturalization in accordance with the law, and

• Requirements for naturalization

4. Those who obtain special naturalization grants by law.

• Right to renounce citizenship
• Conditions for revoking citizenship

The law shall regulate the procedures to opt for Chilean nationality, of the granting refusal, and cancellation of letters of naturalization, and of the creation of a register of all of these acts.

Article 11

Chilean nationality is lost:

• Right to renounce citizenship

1. By voluntary resignation manifested before the competent Chilean authorities. This resignation will only take effect of the person, previously has been nationalized in a foreign country.

• Conditions for revoking citizenship

2. By a supreme decree, in case of having provided services, during a foreign war, to enemies of Chile or their allies.

• Conditions for revoking citizenship

3. By cancellation of the letter of naturalization, and

• Conditions for revoking citizenship

4. By a law that reverses the naturalization grant.

Those who have lost the Chilean nationality for any of the reasons set out in this article, may only be rehabilitated by law.

Article 12

The person affected by an act or resolution of an administrative authority that deprives him of his Chilean citizenship or does not take his citizenship into account, can appeal, by himself or through anyone in his name, within the period of thirty days, to the Supreme Court, which shall now of the issue as a jury and in plenary form. The appeal will suspend the effects of the act or resolution appealed.

• Requirements for birthright citizenship

Article 13

The Chileans who have reached eighteen years of age and have not been sentenced to afflictive punishment are citizens.

• Restrictions on voting

The condition of citizen grants voting rights, the possibility of opting to positions of popular election and the other rights that the Constitution or the laws confer.

The citizens who are eligible to vote and that are residing abroad, may vote from abroad in the presidential primary elections, in the elections of President of the Republic, and in national plebiscites.

A constitutional organic law shall establish the procedure to materialize the registration in the electoral register and will regulate the way in which the electoral and plebiscitary procedures shall take place abroad, in conformity with what is established in the first and second paragraphs of article 18.

In the case of the Chileans referred to in numbers 2 and 4 of article 10, the exercise of the rights that are conferred to them by citizenship will be subject to them having been resident in Chile for more than a year.

Article 14

• Restrictions on voting

Foreigners who have resided in Chile for more than five years, and who meet the requirements stated in the first paragraph of article 13, may exercise the right to vote in the circumstances and manners prescribed by law.

Those nationalized in accordance with N° 3 of article 10, will have the option to opt to public responsibilities of popular election only after five years of being in possessions of their letters of naturalization.

Article 15

• Secret ballot

In the popular votes, the vote shall be personal, egalitarian, secret and voluntary.

A popular vote may only be convoked for the elections and plebiscites expressly established in this Constitution.

• Restrictions on voting

Article 16

The right to vote is suspended:

1. By interdiction in case of dementia;

2. If a person is being charged for a crime that deserves afflictive punishment or for any other crime that the law qualifies as terrorist conduct; and

3. For having been sanctioned by the Constitutional Court in conformity with what is established in the seventh paragraph of number 15 of article 19 of this Constitution. Those that for this reason find themselves deprived of the right to vote will recover it after a period of five years from the day of the decision of the Tribunal. This suspension will not produce any other legal effect, subject to the provisions of paragraph seven of number 15 of article 19.

• Conditions for revoking citizenship

Article 17

The condition of citizen is lost:

1. By the loss of Chilean nationality;

2. By a sentence to afflictive punishment, and

• Terrorism

3. By a sentence for crimes that the law qualifies as terrorist conduct and those crimes related to drug trafficking and that have merited, additionally, afflictive punishment.

Those who have lost their citizenship on the grounds referred to in number 2, will recover it in conformity to law, once their criminal responsibility has been extinguished.

Those who have lost it on the grounds provided for in number 3 may apply for rehabilitation to the Senate once they have served their sentence.

Article 18

• Campaign financing
• Referenda

There will be a public electoral system. A constitutional organic law shall determine its organization and operation, shall regulate the manner in which the electoral and plebiscitary processes will be carried out in all matters that are not covered by this Constitution, and shall always guarantee absolute equality between independents and members of political parties both in the presentation of candidatures and in their participation in the specified processes. The said law will also establish a system of financing, transparency, limit and control of electoral spending.

A constitutional organic law shall also contemplate a system of electoral registration, under the direction of the Electoral Service, to which all of those who meet the requirements established in this Constitution shall be incorporated by the sole ministry of the law.

The safeguarding of the public order during these electoral and plebiscitary acts will correspond to the Armed Forces and the [Police] Carabineros in the manner provided by the law.

Chapter III: Of Constitutional Rights and Duties

Article 19

The Constitution guarantees all persons:

• Right to life

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

The law protects the life of the unborn.

The death penalty may only be instituted for a crime established in a law approved by a qualified quorum.

• Prohibition of cruel treatment
• Prohibition of torture

The application of any illegitimate force [apremio] is forbidden;

• General guarantee of equality
• Equality regardless of gender
• Prohibition of slavery

2. Equality before the law. In Chile there are no privilege persons or groups. In Chile there are no slaves, and any that sets foot on its territory will become free. Men and women are equal before the law.

Neither the law nor any authority whatsoever may establish arbitrary differences;

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

Every person has the right to legal defense in the manner prescribed by the law and no authority or individual may prevent, restrict or distort the appropriate intervention of the counsel if it has been required. In regards to members of the Armed Forces and of the Public Order and Security Forces, this right shall be governed, in what regards the administrative and disciplinary matters, by the relevant norms of their respective statutes.

• Right to counsel

The law shall provide means to provide legal advice and defense to those who cannot obtain it for themselves. The law shall establish the cases and the way in which natural persons who are victims of crimes will have free legal advice and defense, in order of exercising the criminal action recognized by this Constitution and the laws.

• Right to counsel

Any person charged with a crime has the inalienable right to be assisted by a defense counsel provided by the State if he fails to appoint one at the opportunity provided by the law.

No one may be tried by special commissions, but by the court that the law indicates and that has been established by it prior to the perpetration of the act.

Any sentence of an organ that exercises jurisdiction must be based on a prior, legally held, process. The legislator must always establish the

guarantees of a rational and just procedure and investigation.

• Presumption of innocence in trials

The law cannot presume de jure criminal liability.

• Protection from ex post facto laws

No crime will be punished with a different penalty from that prescribed in a law enacted prior to its commission, unless a new law favors the affected.

• Principle of no punishment without law

No law will be able to establish penalties unless the punishable conduct is expressly described in it;

• Right to privacy

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

• Regulation of evidence collection
• Right to privacy

5. The inviolability of the home and of all forms or private communication. The home can only be searched and the private communications and documents intercepted, opened or registered in the circumstances and manner prescribed by law;

• Freedom of religion
• Freedom of opinion/thought/conscience

6. The freedom of conscience, expression of any belief and the free exercise of all religions which are not contrary to morals, good customs or public order.

Religious denominations may erect and maintain temples and their dependencies under the safety and hygiene conditions established by the laws and ordinances.

• Tax status of religious organizations

Churches, and religious denominations and institutions of any cult shall have the rights, in regards to assets, which the laws currently in force grant and recognize. The temples and their dependencies, used exclusively for the service of a cult, shall be exempt from all taxes;

• Freedom of movement

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

In consequence:

a. Everyone has the right to reside and remain in any place of the Republic, move from one place to another and enter and leave its territory, provided that the norms established in the law are respected and that prejudice to third parties is avoided;

• Protection from unjustified restraint

b. No one may be deprived of his personal liberty nor is it restricted except in the cases and the manner established by the Constitution and the laws;

• Protection from unjustified restraint

c. No one may be arrested or detained except by an order issued by a public functionary expressly authorized by the law and after that order is handed out to him legally. Nonetheless, he who is caught in flagrant crime may be arrested, with the sole purpose of being brought before the competent judge within twenty-four hours.

If the authority orders the arrest or detainment of any person, it shall, within the next forty-eight hours, notify the competent judge, by providing the affected. The judge may, by motivated resolution, extend this period for up to five days, and up to ten days, in the case that the facts investigated, are qualified by the law as terrorist conducts;

d. No one may be arrested or detained, subjected to preventive detention or imprisoned, but at his house or in public places intended for this purpose.

• Prison registry

Those in charge of prisons cannot receive in them anyone qualified as arrested or detained, accused or imprisoned, without placing on record the corresponding order issued by the authority that has legal faculty , in a register that shall be public.

No isolation can prevent the functionary in charge of the house of detention from visiting the arrested or detained, accused or imprisoned, who is in it. This functionary is obliged, whenever the arrested or detained person requires it, to transmit to the competent judge the copy of the order of detention, or to demand to be given the copy, or to give himself a certificate that the individual is being detained, if at the time of his arrest that requirement was omitted.

• Right to pre-trial release

e. The liberty 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 victim or of society. The law will shall establish the requirements and modalities to obtain it.

The appeal of the decision concerning the liberty of the accused for the crimes established in Article 9, will be taken cognizance of by the appropriate superior court, composed entirely of incumbent members. The resolution which approves or grants it will need to be agreed by unanimity. While under freedom, the accused shall always be subjected to surveillance measures of the authority that the law establishes;

• Protection from self-incrimination

f. In criminal cases the accused or defendant shall not be obliged to declare under oath about his own acts; nor can his ascendants, descendants, spouse and other persons who, according to the cases and circumstances that the law establishes, be compelled to testify against him;

g. The penalty of confiscation of assets shall not be imposed, notwithstanding the seizure [comiso] in the cases established by the laws; but such penalty shall proceed with respect to unlawful associations;

h. The loss of provisional rights shall not be applicable as a sanction, and

• Protection from false imprisonment

i. Once the definitive dismissal or absolutory sentence has been issued, the person subjected to a criminal process or condemned in any instance by a resolution that the Supreme Court declares unjustifiably erroneous or arbitrary, shall have the right to be compensated by the State for the economic and moral loss suffered. The compensation shall be determined judicially in a brief and summary procedure and, in it, the evidence will be appreciated in conscience.

• Protection of environment

8. The right to live in an environment free of contamination. It is the duty of the State to ensure that this right is not jeopardized and to promote the preservation of nature.

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

• Right to health care

9. The right to health protection.

The State protects the free and equal access to actions for the promotion, protection and recovery of health and for the rehabilitation of the individual.

It will also be responsible for the coordination and control of the health-related actions.

It is a preferential duty of the State to ensure the implementation of health-related actions, whether provided through public or private institutions, in the form and conditions prescribed by law, which may establish compulsory contributions.

Every person shall have the right to choose the health care system that he wishes to join, be it State-owned or private;

10. The right to education.

• Right to development of personality

Education is directed to the full development of the individual at the different stages of his life.

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

• Free education

It is mandatory for the State to promote preschool education, for which it will finance a free system starting from the middle-lower education level, intended to ensure the access to it and to its higher levels. The second level of transition is mandatory, being a requirement for admission to primary education.

• Compulsory education
• Free education

Primary and secondary education are mandatory. For this purpose, the State must finance a free system, aimed at ensuring access to it to all the population. In the case of secondary education, this system, in accordance with the law, will be extended until the age of 21.

• Reference to art
• Right to culture
• Reference to science

It will also correspond to the State to encourage the development of education at all levels, encourage scientific and technological research, artistic creation and the protection and enhancement of the cultural heritage 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 institutions.

• Right to academic freedom

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

Officially recognized education shall not be directed towards propagating any partisan political trend.

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

A constitutional organic law shall establish the minimum requirements to be required in each of the levels of primary and secondary education and will indicate the objective norms, of general application, that will enable the State to ensure their compliance. The said law, likewise, will establish the requirements for the official recognition of educational institutions at all levels;

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

12. The freedom to express opinions and to inform, without prior censorship, in any form and by any means, without prejudice to liability for crimes and abuses committed in the exercise of these freedoms, in accordance with the law, which shall be of qualified quorum.

• State operation of the media

The law may in no case establish a state monopoly over the mass media.

Any natural or legal person offended or unjustly alluded to by some medium of social communication, has the right to have his declaration or rectification freely disseminated, in the conditions established by the law, by the medium of social communication in which that information has been issued.

Any natural or legal person has the right to establish, edit and maintain newspapers, magazines and periodicals, under the conditions stipulated by the law.

• State operation of the media
• Television

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

• Media commission
• Television

There will be a National Television Council, autonomous and with legal personality, responsible for ensuring the safe operation of this medium of communication. A law of qualified quorum shall determine the organization, the functions and powers of the said Council.

The law will regulate a system of qualification for the exhibition of film production;

• Freedom of assembly

13. The right to assemble peacefully without prior permission and unarmed.

Meetings at squares, streets and other public places shall be governed by the general police regulations;

• Right of petition

14. The right to present petitions to the authority, in regards to any matter of public or private interest, without any limitation but to proceed on respectful and appropriate terms;

• Freedom of association

15. The right to associate without prior permission.

In order to enjoy legal status, associations must be established in conformity to the law.

No one may be compelled to belong to an association.

• Prohibited political parties

Associations that are contrary to morality, public order and State security are forbidden.

• Campaign financing
• Restrictions on political parties

Political parties shall not intervene in activities that are not their own or have any privilege or monopoly of public participation; the list of their members will be registered in the electoral State service, which will keep it, and which will be accessible to members of the respective party; their accounts must be public; their sources of funding shall not come from money, assets, donations, contributions or credits of foreign origin; their statutes must stipulate the rules to ensure effective internal democracy. A constitutional organic law shall establish a system of primary elections that may be used by the said parties for the nomination of candidates to offices of popular election, which results shall be binding for these collectivities, with the exceptions established by the law. Those that are not elected in the primary elections may not be candidates, in that election, to the respective office. A constitutional organic law shall regulate the other matters that concern them and the sanctions that will be applied for the breach of its provisions, among which their dissolution may be considered. The associations, movements, organizations or groups of persons that pursue or perform activities pertaining to political parties without complying with the above rules are illegal and will be sanctioned in accordance with the aforementioned constitutional organic law.

• Prohibited political parties
• Regulation of political parties

The Constitution guarantees political pluralism. Parties, movements or other forms of organization whose objectives, actions or conduct do not respect the basic principles of democratic and constitutional rule, who seek to establish a totalitarian system, as well as those which use violence, advocate or incite it as a method of political action, are unconstitutional. It will correspond to the Constitutional Court to declare this unconstitutionality.

Without prejudice of the other sanctions established in this Constitution or the law, the persons who have been involved in the acts which motivate the declaration of unconstitutionality to which the preceding paragraph refers,

shall not participate in the formation of other political parties, movements or other forms of political organization, nor shall they opt for positions of popular election or hold the positions listed in numbers 1) to 6) of article 57, for a period of five years as from the decision of the Court. If at that time the persons mentioned should be in possession of the functions or positions indicated, they will lose them of right.

The persons sanctioned under this provision shall not be subject to rehabilitation during the period prescribed in the preceding paragraph. The duration of the disqualifications referred to in that paragraph shall be doubled in the case of recurrence;

16. The freedom to work and its protection.

• Right to choose occupation
• Right to equal pay for work

Every person has the right to freely contract and to the free choice of work with a just retribution.

• Limits in the employment of children

Any discrimination that is not based on personal skills or capability is forbidden, notwithstanding that the law may require Chilean citizenship or age limits in certain cases.

• Right to choose occupation

No type of work can be prohibited, unless it is contrary to morals, safety or public health, or where it is required by the national interests and a law so declares. No law or provision of a public authority may require membership to any organization or entity as a condition for carrying out a particular activity or work, or the disaffiliation to keep it. The law shall determine which professions require a degree or university degree and the conditions to be met to practice them. The professional associations constituted in accordance with the law and which are related to such professions, shall be entitled to take cognizance of the complaints made about ethical conduct of their members. Their decisions may be appealed before the respective Court of Appeals. The professionals that are not associated will be judged by the courts especially established in the law.

Collective negotiation with the company in which they work is a right of the workers, except in the cases in which the law expressly forbids to negotiate. The law shall establish the procedures for collective negotiation and the adequate procedures to produce a just and peaceful solution in it. The law shall indicate the cases in which collective negotiation must be subjected to mandatory arbitration, which will correspond to special courts of experts which organization and powers will be established in it.

State or municipal functionaries may not declare a strike. Neither can the people who work in corporations or enterprises, whatever their nature, purpose or function, that provide services of public utility or which stoppage would seriously endanger the health, the economy of the country, the supply of the population or national security. The law shall establish the procedures for determining the corporations or enterprises whose workers will be subject to the prohibition contained in this paragraph;

17. The admission to all public positions and jobs, without any other requirements than those imposed by the Constitution and the laws;

• General guarantee of social security

18. The right to social security.

The laws governing the exercise of this right shall be of qualified quorum.

State action will be directed to ensure the access of all inhabitants to uniform basic benefits, whether they are granted through public or private institutions. The law may establish compulsory contributions.

The state shall supervise the proper exercise of the right to social justice;

• Right to join trade unions

19. The right to unionize in the cases and manner provided by the law. Trade union membership shall always be voluntary.

Trade unions enjoy legal personality by the mere fact of registering their statutes and constitutive charters in the form and conditions prescribed by law.

The law shall provide the mechanisms that ensure the autonomy of these organizations. Trade unions may not intervene in partisan political activities;

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

In no case may the law establish evidently disproportionate or unjust taxes.

The taxes collected, whatever their nature, will enter into the patrimony of the Nation and shall not be assigned for a given purpose.

The law may, however, authorize certain taxes to be assigned for national defense purposes. Likewise, it may authorize that those levied on activities or goods which have a clear local or regional identification can be applied, within the frameworks that the law establishes, by the regional or communal authorities to finance development projects;

• Right to establish a business

21. The right to develop any economic activity that is not contrary to morality, public order or national security, respecting the laws that govern it.

The State and its bodies may develop entrepreneurial activities or participate in them only if a qualified quorum law authorizes it. In that case, those activities shall be subject to the ordinary legislation applicable to individuals, notwithstanding the exceptions that, for justifiable reasons, the law establishes, which shall be, likewise, of qualified quorum.

22. The non arbitrary discrimination that the State and its bodies must give in economic matters.

Only by virtue of a law, and provided that it does not mean that discrimination, direct or indirect benefits in favor of any sector, activity or geographical zone may be authorized, or special charges that affect one or the others may be established. In the case of franchises or indirect benefits, the estimated cost of these shall be included annually in the Budget Law;

• Right to own property

23. Freedom to acquire ownership of all kinds of assets, except for those which nature has made common to all men or which should belong to the whole nation and the law so declares. The aforementioned is without prejudice of the requirements of other provisions of this Constitution.

A law of qualified quorum, and when required by the national interest, may establish limitations or requirements for acquiring ownership over some assets;

• Right to own property

24. The right of property in its diverse species of all kinds of tangible or intangible assets.

• Protection of environment
• Right to transfer property

Only the law can set the mode of acquiring property, of using, enjoying and disposing of it and the limitations and obligations that derive from its social function. This includes all that the general interests of the Nation, national security, the public utilities and health and the preservation of the environment, require.

• Protection from expropriation

No one can, in any case, be deprived of his property, the assets affected or any of the essential faculties or powers of the domain, but by virtue of a general or special law that authorizes expropriation for public utility or national interest, qualified by the legislator. The expropriated may protest the legality of the expropriation act before the ordinary courts and shall always have the right to be compensated for the patrimonial damage effectively caused, which will be determined by agreement or by a sentence dictated in accordance with the law by the said courts.

• Protection from expropriation

In the absence of an agreement, the compensation shall be paid in cash.

• Protection from expropriation

The taking of material possession of the expropriated asset shall take place upon payment of total compensation, which, in the absence of an agreement, shall be provisionally determined by experts in the, manner provided by the law. In the case there is a complaint regarding the justifiability of the expropriation, the judge may, on the merits of the information adduced, order the suspension of the takeover.

• Ownership of natural resources

The State has absolute, exclusive, inalienable and imprescriptible dominion of all mines, including guano deposits [covaderas], metalliferous sands, salt mines, coal and hydrocarbon deposits and other fossil substances, with the exception of superficial clays, notwithstanding the property of natural or legal persons over the terrains in which they may be contained. Surface properties are subject to the obligations and limitations established by law to facilitate exploration, exploitation and processing of such mines.

The law is to determine what substances of those referred to in the preceding paragraph, excepting liquid or gaseous hydrocarbons, may be subject to exploration or exploitation concessions. These concessions shall always be constituted by a judicial decision and will have the duration, will

confer the rights and impose the obligations that the law expresses, which shall have the character of constitutional organic. The mining concession required the owner to undertake the necessary activity to satisfy the public interest that justifies its granting. The amparo regime shall be established by the said law, and will tend directly or indirectly to obtain the fulfillment of that obligation and will contemplate the grounds for revocation in the event of nonfulfillment or simple extinguishment of domain over the concession. In any case, the said grounds and its effects must be established at the time of granting the concession.

• Ownership of natural resources

It will be the sole jurisdiction of the ordinary courts to declare the extinction of such concessions. Disputes concerning the expiration or termination of ownership of the concession will be settled by them; and, in the case of expiration, the affected party may request from the judiciary the declaration of the subsistence of its right.

• Ownership of natural resources

The domain of the holder over its mining concession is protected by the constitutional guarantee referred to in this number.

• Ownership of natural resources

The exploration, exploitation or development of deposits containing substances not susceptible to concession, may be implemented directly by the State or its enterprises, or by means of administrative concessions or special operation contracts of operation, with the requirements and under the conditions that the President of the Republic determines, in each case, by a supreme decree. This rule also applies to deposits of any kinds existing in sea waters subject to national jurisdiction and those located, in whole or in part, in zones that, according to law, are of importance to national security. The President of the Republic may, at any time, without explanation and with the compensation that corresponds, terminate the administrative concessions or contracts of operation relation to the exploitation in zones declared of importance to national security.

• Ownership of natural resources

The rights of individuals over the waters, recognized or constituted in accordance with the law, will grant their holders the 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 over his intellectual and artistic creations of any kind, for the time stipulated by the law and that shall not be inferior to the life of the holder.

The right of the author includes the property of the works and other rights, such as authorship, the edition and the integrity of the work, all in accordance with the law.

The industrial property over invention patents, trademarks, models technological processes or similar creations, are guaranteed for as long as the law establishes.

The property of the intellectual and artistic creations and the industrial property shall be governed by what is prescribed in the second, third, fourth and fifth paragraphs of the preceding number, and

26. The assurance that the legal precepts which, by mandate of the Constitutions, regulate or complement the guarantees that it establishes or that limit them in the cases that it authorizes it, shall not affect the rights in their essence, nor impose conditions, taxes or requirements that prevent their free exercise.

• Protection of environment

Article 20

He that by arbitrary or illegal acts or omissions suffers deprivation, disruption or threat in the legitimate exercise of the rights and guarantees established in article 19, number 1, 2, 3 fifth paragraph, 4, 5, 6, 9 final paragraph, 11, 12 ,13, 15, 16 in what is relative to the freedom to work and the right to free choice and freedom to contract, and what is set out in the fourth paragraph, 19, 21, 22, 23, 24, 25 may concur personally, or through anyone on his behalf, to the respective Court of Appeals, which shall immediately take the measures it deems necessary to restore the rule of law and ensure the due protection of the affected party, notwithstanding the other rights that he may assert before the authority or the corresponding courts.

Likewise, the recourse of protection will also proceed in the case of number 8 of article 19, when the right to live in a pollution-free environment is affected by an unlawful act or omission attributable to a particular authority or person.

Article 21

Every individual who should be found arrested, detained or imprisoned in violation of what is established in the Constitution or the laws, may concur personally, or through anyone on his behalf, to the court established by the law, so that it orders that the legal formalities be complied with an that it immediately adopts the providences it deems necessary to restore the rule of law and ensure due protection of the affected party.

This court may require the individual to be brought into its presence and its decree will be precisely obeyed by all of those responsible of prisons or detention centers. Instructed of the facts, it will decree his immediate release or will repair the legal defects or will put the individual at the disposition of the competent judge, proceeding briefly and summarily, and correcting by itself such defects or reporting them to whom it corresponds to correct them.

The same recourse, and in equal form, may be deduced on behalf of any person who illegally suffers any deprivation, disruption or threat to his right to personal freedom and individual security. The respective court will dictate in those cases the measures outlined in the preceding paragraphs that it deems necessary to restore the rule of law and to ensure due protection of the affected party.

• Duty to serve in the military

Article 22

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

Chileans have the fundamental duty to honor the fatherland, to defend its sovereignty and to contribute to preserve the national security and core values of the Chilean tradition.

Military service and other personal charges that the law imposes are obligatory in the terms and forms established in it.

Chileans able to bear arms must be inscribed in the Military Registers, if they are not legally exempted.

Article 23

Intermediate groups of the community and their leaders who misuse the autonomy that the Constitutions recognizes to them, unduly intervening in activities unrelated to their specific objectives, shall be punished in accordance to law. Superior directive positions of union organizations are incompatible with national and regional superior directive positions of political parties.

The law shall establish the sanctions that it will correspond to apply to union leaders who participate in partisan political activities and to the leaders of political parties that interfere in the functioning of union organizations and the other intermediate groups that the law indicates.

Chapter IV: Government

President of the Republic

Article 24

• Name/structure of executive(s)

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 everything that concerns the preservation of public order in the interior and external security of the Republic, in accordance to the Constitution and the laws.

• Joint meetings of legislative chambers

The 21 of May of each year, the President of the Republic shall report the administrative and political state of the Nation to the country before the Plenary Congress.

Article 25

• Eligibility for head of state

• Minimum age of head of state

To be elected President of the Republic it is required to have the Chilean nationality in accordance with the provisions of the numbers 1 or 2 of article 10; to have at least 35 years of age and to possess the other necessary qualities to be a citizen with the right to vote.

• Head of state term length
• Head of state term limits

The President of the Republic shall exercise his functions for a period of four years and may not be reelected for the next period.

The President of the Republic shall not leave the country for more than thirty days or counting from the day stated in the first paragraph of the following article, without approval of the Senate.

In any case, the President of the Republic shall communicate to the Senate his decision to leave the territory and the reasons or it, with due anticipation.

Article 26

• Scheduling of elections
• Head of state selection

The President of the Republic will be elected by direct vote and by absolute majority of the votes validly cast. The election will be made in conjunction with that of the parliamentarians, in the manner determined by the respective constitutional organic law, the third Sunday of November of the year preceding that in which that who is in office must cease.

If more than two candidates present themselves to the election of the President of the Republic and none of them obtain more than half of the votes validly cast, there shall be a second vote that shall be restricted to the candidates who obtained the two highest relative majorities and, in it, the candidate that obtains the highest number of votes will result elected. This new vote will be held, in the manner prescribed by law, on the fourth Sunday following the first round.

For the purposes of the provisions of the two preceding paragraphs, the blank and invalid votes shall be deemed not cast.

In case of the death of one or both candidates to which the second paragraph refers, the President of the Republic shall call a new election within ten days from the date of the death. The election shall be held ninety days after the call if that day corresponds to a Sunday. If that is not the case, the election will be held on the immediately following Sunday.

If the mandate of the President of the Republic in office expired before the date of assumption of the President elected in accordance with the preceding paragraph, the norm contained in the first paragraph of article 28 shall apply where appropriate.

Article 27

The qualification process of the presidential election shall be concluded within the next fifteen days in the case of the first vote or within thirty days in the case of the second vote.

The Electoral Court shall immediately notify the proclamation of the elected President, which it has executed, to the President of the Senate.

• Joint meetings of legislative chambers

The Plenary Congress, convened in public session the day in which the incumbent President must cease in office and with the members that assist, will take cognizance of the resolution under which the Electoral Court proclaims the elected President.

• Oaths to abide by constitution

At this same event, the elected President will take, before the President of the Senate, oath or promise to faithfully execute the office of President of the Republic, preserve the independence of the Nation, observe and enforce the Constitution and the law, and will immediately assume his functions.

Article 28

• Deputy executive

• Leader of first chamber
• Leader of second chamber

If the elected President is unable to take office, meanwhile, the President of the Senate will assume with the title of Vice President of the Republic; in absence of him, the President of the Chamber of deputies, and in absence of him, the President of the Supreme Court.

However, if the impediment of the elected President is absolute or should last indefinitely, the Vice President, in the ten days following the agreement of the Senate adopted in accordance with article 53 number 7, shall call a new presidential election to be held ninety days after the call if that day corresponds to a Sunday. If that is not the case, the election will take place the immediately following Sunday. The President of the Republic, thus elected, will take office at the time prescribed by this law, and will remain in exercise until the day in which it would have corresponded to the elected who could not assume to cease in office and whose impediment gave rise to the new election.

• Head of state replacement

Article 29

• Deputy executive

If because of a temporary impediment, either because of illness, absence from the country or another serious reason, the President of the Republic found himself unable to perform his duties, he shall be replaced with the title of Vice President of the Republic, by the incumbent Minister to whom it corresponds according to the order of legal precedence. In his absence, the replacement will correspond to the incumbent Minister who follows in the order of precedence and, in the absence of all of them, the replacement will correspond successively to the President of the Senate, the President of the Chamber of Deputies and the President of the Supreme Court.

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

• Joint meetings of legislative chambers

If the vacancy is produced with less than two years left for the next presidential election, the President shall be elected by the Plenary Congress by the absolute majority of the Senators and Deputies in exercise. The election by the Congress shall be made within ten days from the date of the vacancy and the elected will take office within the next thirty days.

If the vacancy is produced with more than two years left for the next presidential election, the Vice President, within the first ten days in office, will call the citizens for a presidential election to take place one hundred and twenty days after the call, if that day corresponds to a Sunday. If that is not the case, the election will take place the immediately following Sunday. The elected President will take office the tenth day after his proclamation.

The elected President in accordance with any of the foregoing paragraphs shall remain in office until he completes the term that remained to the person replaced and will not be able to run as a candidate for the next presidential election.

Article 30

The President shall cease to hold office the same day that he completes his term and will be succeeded by the newly elected.

He who has held this office for the entire term, shall assume, immediately and of right, the official dignity of Former President of the Republic.

In virtue of this quality, the provisions of the second, third and fourth paragraphs of article 61 and article 62 shall apply to him.

[This dignity] will not be reached by the citizen who fills the position of President of the Republic because of vacancy of the office or he who has been convicted in a political trial against him.

The Former President of the Republic that assumes some remunerated function with public funds, will cease, as long as he performs it, to perceive the allowance, maintaining, in any case, the privilege [fuero]. Teaching jobs and functions or commissions of equal character of superior, secondary and special education are excluded.

• Deputy executive

Article 31

The President appointed by the Plenary Congress or, in its case, the Vice President of the Republic will have all the powers that this Constitution confers gives to the President of the Republic.

• Head of state powers

Article 32

The special powers of the President of the Republic are:

1. To concur to the making of laws in accordance with the Constitution, sanction and promulgate them;

• Extraordinary legislative sessions

2. Request, indicating the reasons, that any of the branches of the National Congress be called to session. In this case, the session must be held as soon as possible;

• Head of state decree power

3. To issue, with the previous delegation of powers from the Congress, decrees with force of law on the matters that the Constitution indicates;

• Referenda

4. To convoke a plebiscite in the cases of article 128;

• Emergency provisions

5. To declare states of constitutional exception in the cases and forms prescribed in this Constitution;

6. To exercise the regulatory authority [potestad reglamentaria] in all of those matters that are not part of the legal domain, notwithstanding the power to issue the other regulations, decrees and instructions that he deems convenient for the implementation of the laws;

• Cabinet removal
• Cabinet selection
• Subsidiary unit government

7. To appoint and remove the Ministers of State, undersecretaries, intendants and governors at his will;

• International organizations

8. To appoint ambassadors and diplomatic ministers, and the representatives to international organizations. Both of these functionaries as well as those outlined in number 7 above, will be of exclusive confidence of the President of the Republic and will remain in office as long as they count with it;

9. To appoint the Comptroller General of the Republic with agreement of the Senate;

10. To appoint and remove functionaries that the law considers as of his exclusive confidence and to fill the other civil positions in accordance with the law. The removal of the other functionaries will be made in accordance to the provisions established in it;

11. To grant pensions, retirements, widows pensions and grace pensions, with accordance to the laws;

• Attorney general
• Constitutional court selection
• Supreme court selection
• Ordinary court selection

12. To appoint the magistrates and judicial prosecutors of the Courts of Appeals and the career judges, on the proposal of the Supreme Court and the Courts of Appeals, respectively; the members of the Constitutional Court that it corresponds to him to designate; and the magistrates and judicial prosecutors of the Supreme Court and the National Prosecutor, on the proposal of the said Court and with agreement of the Senate, all as prescribed in this Constitution;

13. To ensure the ministerial conduct of the judges and other employees of the Judiciary and, to that effect, request the Supreme Court so that, if it proceeds, it declares their misbehavior, or the public ministry, to claim disciplinary measures of the competent court, or, if there was sufficient evidence, file the corresponding charges;

• Power to pardon

14. To grant particular pardons in the circumstances and manner specified by law. The pardon will be inadmissible as long as no final sentence has been pronounced in the respective process. Functionaries accused by the Chamber of Deputies and condemned by the Senate, may only be pardoned by the Congress;

• Foreign affairs representative
• International organizations
• Treaty ratification

15. To conduct political relations with foreign powers and international organizations, and conduct negotiations; conclude, sign and ratify the treaties that it deems appropriate to the interests of the country, which shall be submitted for Congressional approval as prescribed in article 54 number 1. The discussions and deliberations on these matters shall be secret if the President of the Republic so demands it;

• Selection of active-duty commanders

16. To appoint and remove the Commanders in Chief of the Army, Navy, and Air Force and the General Director of the Carabineros [police] in accordance with article 104, and to arrange the appointments, promotions and retirements of the Officers of the Armed Forces and of the Carabineros [police] as specified in article 105;

• Designation of commander in chief

17. To dispose of the forces of air, sea and land, and to organize and distribute them in accordance to the needs of the national security;

• Designation of commander in chief

18. To assume, in case of war, the supreme commander of the Armed Forces;

• Advisory bodies to the head of state
• Power to declare/approve war

19. To declare war, subject to previous authorization by the law, having to place on record the fact of hearing the National Security Council, and

20. To take care of the collection of public revenue and to decree its expenditure in accordance with the law. The President of the Republic, with the signature of all the Ministers of State, may decree payments not authorized by law, to address needs that cannot be postponed arising from public calamities, foreign aggression, internal commotion, serious harm or danger to national security or the depletion of resources destined to maintain services that cannot be paralyzed without serious damage to the country. The total of the commitments made with these objectives shall not exceed a two per cent (2%) of the amount of expenditure authorized by the Budget Law. Employees may be hired with charge to this same law, but the respective item cannot be increased or reduced through transfers. The Ministers of State or functionaries that authorize or approve expenditures which contravene the provisions of this number, will be jointly and personally liable for their reimbursement, and guilty of the crime of embezzlement of public funds.

Ministers of State

• Establishment of cabinet/ministers

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 shall determine the number and organization of the Ministers, as well as the order of precedence of the incumbent Ministers.

The President of the Republic may request one or more Ministers the coordination of the work that corresponds to the Secretaries of State and government relations with the National Congress.

Article 34

• Eligibility for cabinet

To be appointed as Minister it is required to be Chilean, to have at least twenty one years of age and to meet the general requirements for admission into the Public Administration.

In the cases of absence, impediment, or resignation of a Minister, or when for other reason the vacancy of the office occurs, he will be replaced in the manner established by law.

• Powers of cabinet
• Head of state decree power

Article 35

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

The decrees and instructions may be issued with the sole signature of the respective Minister, by order of the President of the Republic, in accordance with standards to be established by law.

• Cabinet removal

Article 36

The Ministers shall be individually responsible for the acts that they sign and jointly responsible for the ones that they subscribe or agree with the other Ministers.

• Powers of cabinet

Article 37

The Ministers may, when they consider it appropriate, attend to the sessions of the Chamber of Deputies or the Senate, and take part in their debates, with preference to speak, but with no right to vote. During the voting they may, however, rectify the concepts voiced by any deputy or senator as the basis of his vote.

Notwithstanding the foregoing, the Ministers shall concur personally to the special sessions that the Chamber of Deputies or Senate convene to inform themselves about matters that, belonging to the scope of powers of the corresponding Secretaries of State, they agree to treat.

• Eligibility for cabinet

Article 37bis

The incompatibilities established in the first paragraph of article 58 will be applicable to the Ministers. By the mere fact of accepting the appointment, the Minister will cease to hold office, employment, function or commission incompatible with his duties.

During their term, the Ministers will be subject to the prohibition of celebrating or secure contracts with the State, act as lawyers or agents in any kind of trial or as a procurator or agent in particular actions of an administrative character, to be director if banks or of some stock company and to exercise positions of similar importance in these activities.

General Rules of the State Administration

Article 38

A constitutional organic law shall determine the basic organization of the Public Administration, will guarantee the civil service career and the principles of technical and professional character in which its must be based, and will ensure equal opportunities of access to it as well as the training and improvement of its members.

• Ultra-vires administrative actions

Any person who is disrupted in his rights by the Administration of the State, its organisms or municipalities, will be able to complain before the courts that the law establishes, notwithstanding the responsibility which could affect the functionary that caused the damage.

• Emergency provisions

States of Exception

Article 39

The exercise of the rights and guarantees that this Constitution assures to all persons can only be affected under the following emergency situations: external or internal war, internal commotion, emergency and public calamity, when they seriously affect the normal development of the State institutions.

Article 40

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

The National Congress, within five days from the date on which the President submitted the declaration of a state of assembly or siege to its consideration, shall pronounce itself accepting or rejecting the proposition, but may not introduce amendments to it. If the Congress fails to pronounce itself within that period it shall be deemed that it approves the President's proposition.

However, the President of the Republic may apply a state of assembly or of siege immediately while the Congress decides on the statement, but in the latter state [he] may only restrict the exercise of the right of assembly. The measures taken by the President of the Republic while the National Congress does not meet, may be subject to revision by the tribunals of justice, with what is established in article 45 not being applicable.

The declaration of a state of siege shall only b made for a period of fifteen days, notwithstanding that the President of the Republic requests its extension. The state of assembly will remain in effect for as long as the situation of external war extends, unless the President of the Republic provides its suspension before.

Article 41

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

The President of the Republic will be obliged to inform the National Congress of the measures adopted in virtue of the state of catastrophe. The National Congress may waive the declaration when one hundred and eighty days have elapsed, if the reasons for it have ceased absolutely. However, the President of the Republic may declare the state of Catastrophe for a period superior to one year with the consent of the National Congress. The said agreement shall be processed in the manner established in the second paragraph of article 40.

Once the state of catastrophe has been declared, the respective zones will be under the immediate control of the Chief of National Defense appointed by the President of the Republic. He will assume the direction and supervision of his jurisdiction with the powers and duties established by law.

Article 42

The state of exception, in case of grave alteration of the public order or serious damage to the security of the Nation, shall be declared by the President of the Republic, determining the zones affected by such circumstances. The state of exception will not last more than fifteen days, notwithstanding that the President of the Republic can renew it for the same period of time. However, for successive extensions, the President will always require the agreement of the National Congress. The said agreement shall be processed in the manner prescribed in the second paragraph of article 40.

Once the state of exception is declared, the respective zones will be under the immediate control of the Chief of the National Defense appointed by the President of the Republic. He will assume the direction and supervision of his jurisdiction with the powers and duties established by law.

The President of the Republic will be obliged to inform the National Congress of the measures taken in virtue of the state of exception.

Article 43

By declaring a state of assembly, the President of the Republic is empowered to suspend or restrict personal freedom, freedom of assembly and freedom to work. He will also be able to restrict the exercise of the right of association, intercept, open or register documents and all class of communications, provide for the confiscation of assets and establish limitations to the exercise of the right of property.

By declaring a state of siege, the President of the Republic may restrict freedom of movement and arrest people in their own dwellings or places determined by law and which are not prisons nor are they destined to the detention or imprisonment of common prisoners. He may also suspend or restrict the exercise of the right of assembly.

By declaring a state of catastrophe, the President of the Republic may restrict the freedoms of movement and assembly. He may, likewise, provide for confiscation of assets, establish limitations on the exercise of the right of property and adopt extraordinary measures of administrative character that are necessary for the speedy restoration of normalcy in the affected zone.

By declaring a state of exception, the President of the Republic may restrict the liberties of movement and assembly.

Article 44

A constitutional organic law shall regulate the states of exception, as their declaration and implementation of legal and administrative measures that it proceeds to adopt under them. That law shall contemplate what is strictly necessary for the prompt restoration of constitutional normality and will not affect the powers and the functioning of the constitutional bodies or the rights and immunities of their respective incumbents.

The measures taken during the states of exception may not, under any circumstances, be extended beyond the period of those states.

Article 45

The courts of justice may not qualify the bases or the factual circumstances invoked by the authority to declare states of exception, notwithstanding what is established in article 39. However, with regards to particular measures that affect constitutional rights, there will always exist a guarantee to appeal before the judicial authorities through the appropriate recourses.

Confiscations that are made shall give rise to compensations in accordance with the law. Limitations imposed to the right of property, when they produce a deprivation of any of the essential attributes or faculties and, with that, injury is caused, shall give rise to compensations.

Chapter V: National Congress

• Structure of legislative chamber(s)

Article 46

The National Congress consists of two branches: the Chamber of Deputies and the Senate. Both concur to the formation of the laws in accordance with this Constitution and have the other powers that it 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 members elected by direct vote by electoral districts. The respective constitutional organic law shall determine the number of deputies, the electoral districts and the manner of their election.

• Term length for first chamber

The Chamber of Deputies shall be totally renewed 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 to vote, to have at least twenty-one years of age, to have completed secondary education or an equivalent, and to be resident in the region to which the corresponding electoral district belongs for a period of no less than two years, counted backwards from the day of the election.

• Second chamber selection

Article 49

• Size of second chamber

The Senate is composed of members elected by direct vote by senatorial districts, in consideration of the country's regions, each of which constitutes, at least, one district. The respective constitutional organic law will determine the number of Senators, the senatorial districts and the manner of their election.

• Term length of second chamber

Senators shall last eight years in office and will be renewed alternately every four years, in the manner determined by the respective constitutional organic law.

• Minimum age for second chamber
• Eligibility for second chamber

Article 50

To be elected senator, it is required to be a citizen with the right to vote, to have completed secondary education or an equivalent, and to have at least thirty-five years of age the day of the election.

Article 51

It will be understood that the deputies have, by the sole ministry of the law, their residence in the corresponding region, while in performance of their duties.

The elections of deputies and senators will be made jointly. The parliamentarians may be re-elected in office.

• Replacement of legislators

The vacancies of the deputies and senators will be filled with the citizen that the political party to which the parliamentarian who caused the vacancy belonged at the moment of being elected, appoints.

• Replacement of legislators

Parliamentarians elected as independents will not be replaced. Parliamentarians elected as independents that have postulated themselves integrating a list together with one or more political parties, shall be replaced by the citizen that the political party that the respective parliamentarian indicates at the moment of presenting its candidature declaration, appoints.

• Replacement of legislators

The replacement shall comply with the requirements to be elected deputy or senator, as appropriate. However, a deputy may be nominated to occupy the office of Senator, in which case, the norms of the preceding paragraphs to fill the vacancy left by the deputy, who when assuming his new office shall cease in the one that he was exercising, shall be applied.

The new deputy or senator will exercise his functions for the term remaining to the originator of the vacancy.

In no case shall complementary elections proceed.

Exclusive Powers of the Chamber of Deputies

Article 52

The exclusive powers of the Chamber of Deputies are:

• Legislative oversight of the executive

1. To supervise the acts of the Government. To exercise this power the Chamber may:

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

Notwithstanding the foregoing, any deputy, with the favorable vote of one third of the present members of the Chamber, may request certain records from the Government. The President of the Republic shall give a founded answer through the corresponding Minister of State, within the same period prescribed in the preceding paragraph.

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

b. Summon a Minister of State, at the request of at least one third of the deputies in exercise, in order to ask him questions regarding matters related to the exercise of his office. However, the same Minister cannot be summoned for this purpose more than three times within a calendar year, without prior approval of the absolute majority of the deputies in exercise.

The attendance of the Minister shall be compulsory and he shall have to respond to the questions and inquiries that motivate his summoning, and

c. Create special investigating commissions at the request of at least two fifths of the deputies in exercise, with the object of gathering information relative to certain acts of the Government.

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

However, the Ministers of State cannot be summoned more than three times by the same investigating commission, without prior agreements of the absolute majority of its members.

The constitutional organic law of the National Congress shall regulate the functioning and powers of investigating commissions and the manner of protecting the rights of the persons summoned or mentioned in them

2. To declare if there is cause or not for the accusations made by no less than ten nor more than twenty of its members, formulated against the following persons:

• Head of state removal

a. The President of the Republic, for acts of his administration which have seriously affected the honor or security of the Nation, or have openly violated the Constitution or the laws. This accusation may be filed while the President is in office and in the six months following the expiration of his position. During this latter period he shall not leave the Republic without agreement of the Chamber;

• Cabinet removal

b. The Ministers of State, for having seriously affected the honor and security of the Nation, for violating the Constitution or the laws or for not having executed them, and for the crimes of treason, extortion, embezzlement of public funds and bribery;

• Supreme/ordinary court judge removal

c. The judges of the superior courts of justice and the Comptroller General of the Republic, for notorious dereliction of their duties;

d. The generals or admirals of the institutions belonging to the Forces of National Defense, for having gravely affected the honor and security of the nation, and

e. The intendants, governors and the authority exercising the government in special territories to which article 126 bis refers, for infringement of the Constitution and for the crimes of Treason, sedition, embezzlement of public funds and extortion.

The accusation will be processed in conformity with the constitutional organic law relative to the Congress.

The accusations referred to in letters b), c), d) and e) may be interposed while the affected party is in office or in the three months following the expiration of his position. On interposing the accusation, the affected party shall not leave the country without the permission of the Chamber and shall not do it any case if the accusation is already approved by it.

To declare that there is cause for the accusation against the President of the Republic, the vote of the majority of the deputies in exercise will be needed.

In the other cases the vote of the majority of the deputies present will be needed and the accused party shall be suspended from his duties as soon as the Chamber declares that there is cause for the accusation. The suspension shall cease if the Senate rejects the accusation or if it does not pronounce itself within the next thirty days.

Exclusive Powers of the Senate

Article 53

The exclusive powers of the Senate are:

• Cabinet removal
• Head of state removal
• Supreme/ordinary court judge removal

1. To take cognizance if the accusations that the Chamber of Deputies brings in pursuant to the previous article.

The Senate shall act as jury and will be limited to state whether or not the accused is guilty or not of the crime, breach or abuse of power of which he is being accused.

The declaration of guilt must be pronounced by two thirds of the senators in exercise in the case of an accusation against the President of the Republic, and by the majority of senators in exercise in the other cases.

By the declaration of guilt the accused is removed from office, and may not hold any public function, whether or not of popular election, for the term of five years.

The functionary declared guilty will be judged according to the laws by the competent court, both in regards to the application of the sanction prescribed for the crime, if any, as to make the civil responsibility for the damages caused to the State or particulars, effective;

• Ultra-vires administrative actions

2. To decide whether or not there is cause for the admission of judicial actions that any person pretends 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 office;

3. To take cognizance of disputes of jurisdictional competence that arise between political or administrative authorities and the superior courts of justice;

4. To grant the rehabilitation of citizenship in the case of article 17, number 3 of this Constitution;

5. To provide or withhold its consent to the acts of the President of the Republic, in the cases in which the Constitution or the law require it.

If the Senate does not pronounce itself within thirty days after the request of urgency by the President of the Republic, its consent will be understood as granted;

6. To grant its agreement for the President of the Republic to leave the country for more than thirty days or counting from the day established 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 elected President when a physical or mental impediment disqualifies him from performing his functions; and to also declare, when the President of the Republic resigns to his position, if the motives that originate it are or not founded and, in consequence, accept it or discard it. In both cases it shall previously hear the Constitutional Court;

• Regulation of political parties

8. To approve, by a majority of its members in exercise, the declaration of the Constitutional Court to which the second part of number 10 of article 93 refers to;

• Attorney general
• Supreme court selection

9. To approve, in a session specially convoked for that purpose and with the vote of two thirds of the senators in exercise, the appointment of the ministers and judicial prosecutors of the Supreme Court and of the National Prosecutor, and

10. To give its opinion to the President of the Republic where he so requests it.

• Legislative committees

The Senate, its commissions and its other bodies, including the parliamentary committees if there were any, shall not supervise the acts of the Government or of the entities that depend of it, nor can they adopt agreements that imply supervision.

Exclusive Powers of the Congress

Article 54

The powers of the Congress are:

• International law
• Treaty ratification

1. To approve or reject the international treaties presented by the President of the Republic prior to their ratification. The approval of a treaty will require, in each Chamber, the quorum that corresponds, in accordance with article 66, and shall be submitted, as appropriate, to the formalities of a law.

The President of the Republic shall inform the Congress about the content and scope of the treaty, as well as of the reservations that he pretends to confirm or formulate to it.

• Customary international law

The Congress may suggest the formulation of reservations and interpretative declarations to an international treaty, during the process of its approval, as long as they proceed in conformity to what is established in the treaty itself or in the general rules of international law.

The measures that the President of the Republic adopts or the agreements that he celebrates to comply with a treaty in force will not require new congressional approval, unless they concern matters of law. The treaties celebrated by the President of the Republic in exercise of his regulatory authority [potestad reglamentaria] will not require congressional approval.

• Customary international law

The provisions of a treaty may only be repealed, amended or suspended in the manner provided in the treaties themselves or in accordance with the general rules of international law.

It corresponds to the President of the Republic the exclusive power to denounce a treaty or withdraw from it, for which he shall ask for the opinion of both branches of the Congress, in the case that the treaties have been approved by it. Once the denunciation or withdrawal has produced its effects in conformity with the provisions of the international treaty, it shall cease to have effect in the Chilean legal system.

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

The withdrawal of a reservation that has been made by the President of the Republic and that the National Congress took into account at the time of approving a treaty, will require previous agreement of it, pursuant to the

provisions of the respective constitutional organic law. The National Congress shall pronounce itself within thirty days counted from the reception of the request in which the corresponding agreement is solicited. If it does not pronounce itself within this period, it shall be deemed to have approved the withdrawal of the reservation.

In accordance with the provisions of the law, due publicity shall be given to the facts relating to the international treaty, such as its entry into force, the formulation and withdrawal of reservations, the interpretative declarations, objections to a reservation and its withdrawal, the denunciation of the treaty, withdrawal, suspension, termination and nullity of it.

In the same agreement of approval of a treaty the Congress may authorize the President of the Republic so that, during the time the treaty is in force, he can dictate the provisions with force of law that he deems necessary for its full implementation, being in such case applicable the provisions of the second and following paragraphs of article 64, and

• Emergency provisions

2. To pronounce itself, when appropriate, in regards to the states of constitutional exception, in the manner prescribed by the second paragraph of article 40.

Operation of the Congress

Article 55

• Joint meetings of legislative chambers

The National Congress will install itself and begin its period of sessions in the manner that its constitutional organic law determines.

• Joint meetings of legislative chambers

In any case, it will always be understood as convoked by right to take cognizance of the declaration of the states of constitutional exception.

The constitutional organic law referred to in the first paragraph, will regulate the procedure of constitutional accusations, the qualification of urgency pursuant to what is state in article 74 and everything related to the internal processing of the law.

Article 56

• Quorum for legislative sessions

The Chamber of Deputies and the Senate cannot enter into sessions or adopt agreements without the concurrence of one third of its members in exercise.

Each of the Chambers will establish in its own rules the closure of debate by simple majority.

Article 56bis

During the month of July of each year, the President of the Senate and the President of the Chamber of Deputies shall give public account of the activities performed by the Corporations that they preside, to the country, in a plenary session of the Congress.

The regulation of each Chamber shall determine the content of that account and shall regulate the manner of fulfilling this obligation.

Common Norms for Deputies and Senators

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

Article 57

The persons that cannot be candidates to be deputies or senators are:

• Eligibility for cabinet

1. The Ministers of State;

2. The intendants, governors, mayors, regional councilors, municipal councilors and undersecretaries;

• Central bank

3. The members of the Council of the Central Bank;

4. The judges of the superior courts of justice and the career judges;

5. The members of the Constitution Court, of the Electoral Court and of the regional electoral courts;

6. The Comptroller General of the Republic;

7. The persons that perform a directive position of a trade union or neighborhood nature;

8. The natural persons and managers or administrators of legal persons that celebrate or secure contracts with the State;

9. The National Prosecutor, the regional prosecutors and adjunct prosecutors of the Public Ministry, and

• Restrictions on the armed forces

10. The Commanders in Chief of the Army, Navy and Air Force, the Director General of the Carabineros [police], the Director General of the Investigations Police and the officers from the Armed Forces and the Forces of Public Order and Security.

The ineligibilities set forth in this article shall be applicable to those that had the qualities or positions specified above within the immediately previous year of the election; except with respect to the persons mentioned in numbers 7) and 8), which shall not meet those conditions at the time of registering their candidacy and those indicated in number 9), for which the term of ineligibility will be of the two years immediately previous to the year of the election. If they weren't elected in an election, they may not return to the same office nor be appointed to similar positions to those which they held up to a year after the election.

• Outside professions of legislators

Article 58

• Eligibility for cabinet

The positions of deputies and senators are incompatible with one another and with any pother employment or commission paid with funds from the Treasury, municipalities, of autonomous fiscal entities, semi-fiscal or of the enterprises of the State or in which the Treasury has intervention by contributions of capital, and with any other function or commission of the same nature. Teaching jobs and functions or commissions of equal character of superior, secondary and special education are excluded.

Likewise, the positions of deputies and senators are incompatible with the duties of directors and advisers, even if they are ad honorem , in the autonomous fiscal entities, semi-fiscal or in State enterprises, or in which the State has participation by contributions of capital.

By the mere fact of its proclamation by the Electoral Court, the deputy or senator will cease in the incompatible position, job or commission that he holds.

• Outside professions of legislators

Article 59

No deputy or senator, from the moment of his proclamation by the Electoral Court can be appointed to a job, function or commission of those referred to in the previous article.

This provision does not apply in case of external war; nor does it apply to the offices of President of the Republic, Minister of state and diplomatic agent; but only the offices conferred in a state of war are compatible with the functions of deputy and senator.

• Removal of individual legislators

Article 60

The deputy or senator who absents himself form the country for more than thirty days without permission from the Chamber to which he belongs or, in recess of it, of its President, will cease in his position.

The deputy or senator that during his term celebrates or secures contracts with the State, or acts as procurator or agent in private matters of an administrative nature in the provision of public jobs, councillorship, functions or commissions of a similar nature, will cease in his position. He who accepts to be director of a bank or of a public limited company, or to hold positions of similar importance in these activities, shall incur in the same sanction.

The inability to which the preceding paragraph refers to will take place whether the deputy or senator acts by himself or through another person, natural or legal, or through a society of persons of which he forms part.

The deputy or senator that acts as a lawyer or mandatory in any type of trial, that exercises any influence before the administrative or judicial authorities in favor or in representation of the employer or the workers in negotiations or labor disputes, whether they are from the public or private sector, or that intervenes in them before any of the parties, will cease in his position. The same sanction shall apply to the parliamentarian that acts or intervenes in student activities, regardless of the branch of education, in order of undermining its normal development.

Notwithstanding the provisions of paragraph seven of number 15 of article 19, the deputy or senator that who orally or in writing incites public disorder or promotes the change of the institutional legal order by different means from those established in this Constitution, or that seriously compromises the safety or the honor of the Nation, will cease in his position.

He who loses the office of deputy or senator for any of the causes listed above will not be eligible for any public function or employment, whether or not of popular election, for a term of two years, except in the cases of paragraph seven of number 15 of article 19, in which the sanctions referred therein shall apply.

The deputy or senator that has gravely infringed the rules on transparency limits and control of electoral expenditure will cease in his position from the date that the Electoral Court declares it through final sentence, at the request of the Directive Council of the Electoral Service. A constitutional organic law shall specify the cases in which there is a serious infringement. Likewise, the deputy or senator that loses his office will not be eligible for any public function or employment for a period of

three years, nor will he be able to be candidate to popular election positions in the two elections after his cessation.

The deputy or senator that, during his term, loses any of the general eligibility requirements or incurs in any of the causes for inability to which article 57 refers, notwithstanding the exception contemplated in the second paragraph of article 59 regarding the Ministers of State.

The deputies and senators may resign to their positions when they are affected by a serious illness that prevents them from performing their duties and the Constitutional Court so qualifies it.

• Immunity of legislators

Article 61

The deputies and senators are only inviolable for the opinions that they express and the votes they cast in the performance of their duties, in chamber or commission sessions.

No deputy or senator, from the day of his election or from his oath, according to the case, may be accused or deprived of his liberty, except in the case of a flagrant crime, if the Court of Appeals of the respective jurisdiction, in plenary, has not previously authorized the accusation declaring that there is cause for legal proceedings. This decision may be appealed to the Supreme Court.

In case of a deputy or senator being arrested for a flagrant crime, he will be put immediately at the disposition of the respective Court of Appeals, with corresponding summary information. The Tribunal will then proceed, in accordance to the provisions of the preceding paragraph.

From the moment that it is declared, through a final resolution, that there is cause for legal proceeding, the imputed deputy or senator becomes suspended from his office and subject to the competent judge.

• Compensation of legislators

Article 62

The deputies and senators shall receive, as solo income, a fee equivalent to the remuneration of a Minister of State, including all of the allowances that correspond to these.

Matters of Law

Article 63

The only matters of law are:

1. Those that in virtue of the Constitution must be object of constitutional organic laws;

2. Those that the Constitution requires to be regulated by a law;

3. Those which are the object of codification, be it civil, commercial, procedural, criminal, or other;

4. The basic matters relating to the labor, union, provisional and social security juridical regimes;

5. Those that regulate public honors to great 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 defined and finance specific projects. The law shall indicate the sources of resources from which the service of the debt should be made. However, a qualified quorum law will be needed to authorize the hiring of those loans the expiration date of which exceeds the duration of the term of the respective presidential term.

   What is established in this number will not apply to the Central Bank;

8. Those that authorize the celebration of any kind of operations that may compromise directly or indirectly the credit or financial responsibility of the State, its agencies and municipalities.

   This provision shall not apply to the Central Bank.

9. Those that establish the norms under which State enterprises and those in which it has participation may contract loans, which in no case may be celebrated with the State, its organisms or enterprises;

10. Those that lay down the norms on alienation of the assets of the State or of the municipalities and their lease and concession;

11. Those that establish or modify the political and administrative division of the country;

12. Those that indicate the value, type and denomination of the currency and the system of weights and measures;

13. Those that establish the forces of air, sea and land that have to stand in peacetime or war, and the norms that permit the entry of foreign troops into the territory of the Republic, as, likewise, the deployment of national troops outside of it;

14. The others which the Constitution establishes as laws of exclusive initiative of the President of the Republic;

• Power to declare/approve war

15. Those that authorize the declaration of war, proposed by the President of the Republic;

16. Those that grant general pardons and amnesties and those that lay down the general norms under which the power of the President of the Republic to concede individual pardons and grace pensions must be exercised.

The laws that grant general pardons and amnesties will always require a qualified quorum. However, this quorum will be of two thirds of the deputies and senators in exercise when concerning crimes established in article 9;

• National capital

17. Those that indicate the city in which the President of the Republic must reside, where the National Congress must celebrate its sessions and where the Supreme Court and Constitutional Tribunal must function;

18. Those that establish the bases for the procedures that govern the actions of the public administration;

19. Those that regulate the operation of lotteries, racetracks and gambling in general, and

20. Any other general and mandatory regulation that establishes the essential foundations of a legal system.

• Head of state decree power

Article 64

The President of the Republic may request authorization from the National Congress to enact provisions with force of law for a period that does not exceed a year on matters falling within the domain of the law.

This authorization may not extend to the nationality, citizenship, elections or plebiscite, nor to matters covered by constitutional guarantees or which are subject to constitutional organic laws or of qualified quorum.

The authorization may not include powers affecting the organization, powers and regime of the functionaries of the Judiciary, National Congress, Constitutional Tribunal or of the Office of the Comptroller General of the Republic.

The law that grants the referred authorization will indicate the precise matters over which the delegation will fall and may establish or determine the limitations, restrictions and formalities that are deemed convenient.

Notwithstanding the provisions of the preceding paragraphs, the President of the Republic is authorized to establish the consolidated, coordinated, and systematized text of the laws when it is convenient for its best execution. In exercise of this power, he may introduce to it the formal changes that are indispensable, without altering, in any case, its true meaning and scope.

The Office of the Comptroller General of the Republic shall register these decrees with force of law, having to reject them when they exceed or contravene the referred authorization.

Decrees with force of law will be subjected in what respects to their publication, force and effects, to the same norms that govern the law.

Formation of the Law

• Division of labor between chambers
• Initiation of general legislation

Article 65

Laws may originate in the Chamber of deputies or in the Senate, by message from the President of the Republic or by motion of any of its members. The motions cannot be signed by more than ten deputies or five senators.

• Tax bills

Laws on taxes of any nature, on the budgets of the public administration, can only originate in the Chamber of Deputies. Laws on amnesty and general pardons can only originate in the Senate.

• Budget bills

The President of the Republic has the exclusive initiative of the projects of law that relate to altering the political or administrative division of the country, or to the financial or budgetary administration of the State, including the modifications of the Budget Law, and the matters set out in numbers 10 and 13 of article 63.

• Head of state powers

The President of the Republic has the exclusive initiative to:

• Tax bills

1. Impose, cancel, reduce, or remit taxes of any class or nature, establish exemptions or modify the existing ones, and determine their form, proportionality or progression;

2. Create new public services or rented jobs, whether fiscal, semifiscal, autonomous or of the enterprises of the State; suppress them and determine their functions and powers;

• Finance bills

3. Contract loans or celebrate any other class of operations that may compromise the credit or financial responsibility of the State, of the semi-fiscal, autonomous, entities of the regional governments or of the municipalities, and cancel, reduce, or modify obligations, interests or other financial charges of any nature established in favor of the Treasury or of the bodies or entities referred to;

4. Set, modify, concede or increase remunerations, retirements, pensions, widows and orphans allowances, rents and any other class of emoluments, loans or benefits to the service or retired personnel and to the beneficiaries of widows and orphans allowances, of the Public Administration and other organisms and entities aforementioned, as well as to set the minimum wages for workers in the private sector, compulsory increase their wages and other economic benefits or alter the bases that serve to determine them; all of which without prejudice of what is established in the following number;

5. Establish the modalities and procedures of collective negotiation and determine the cases in which it is not possible to negotiate, and

6. Set or change the rules about social security or that have an impact on it, on both the public and the private sector.

• Finance bills

The National Congress will only be able to accept, reduce or reject the services, jobs, emoluments, loans, benefits, expenses and the other initiatives on the matter that the President of the Republic proposes.

• Constitutional interpretation
• Supermajority required for legislation

Article 66

The legal norms that interpret constitutional precepts will need, for their approval, amendment or repeal, three fifths of the deputies and senators in exercise.

• Organic laws

The legal norms to which the Constitution confers the character or organic constitutional laws will require, for their approval, amendment or repeal, of the four sevenths of the deputies and senators in exercise.

The legal norms of qualified quorum will be established, amended or repealed by the absolute majority of the deputies and senators in exercise.

The rest of the legal norms require the majority of the present members of each Chamber, or the majorities that are applicable in conformity to article 68 et seq.

• Budget bills

Article 67

The project of the Budget Law shall be presented by the President of the Republic to the National Congress, at least three months prior to the date in which it must start to take effect; and if the Congress does not dispatch it within sixty days of its presentation, the project presented by the President of the Republic will be effective.

The National Congress may not increase nor decrease the estimation of the revenue; it can only reduce the expenses contained in the project of the Budget Law, except those established by permanent law.

The estimation of the returns of the resources stated in the Budget Law and of the new ones that are established by any other project of law, will correspond exclusively to the President, having been previously informed by the respective technical organisms.

The Congress shall not be able to approve any new expenditure from the funds of the Nation without indicating, at the same time, the sources of resources necessary to meet that expense.

If the source of resources granted by Congress were to be insufficient to fund any new expense that is approved, the President of the Republic, at the time of promulgating the law, after a favorable report from the service or institution through which the new income is collected, endorsed by the Office of the Comptroller General of the Republic, shall reduce all expenses proportionally, whatever their nature.

• Division of labor between chambers

Article 68

The project which is rejected in general in the Chamber of origin cannot be renewed until after a year. However, the President of the Republic, in case of a project of his own initiative, may solicit that the message be sent to the other Chamber and, if the latter approves it in general by two thirds of its present members, it will return to the Chamber of origin and will only be considered rejected if this Chamber rejects it by the vote of two thirds of its present members.

• Division of labor between chambers

Article 69

Any project may be subject to additions or corrections in its proceedings, both in the Chamber of Deputies as in the Senate; but in no case the ones that do not have a direct relation with the central or fundamental ideas of the project will be admitted.

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

• Legislative committees
• Division of labor between chambers

Article 70

The project which is rejected in its entirety by the reviewing Chamber will be considered by a joint commission of equal numbers of deputies and senators, which will propose the form and manner of resolving the difficulties. The project of the joint commission will return to the Chamber of origin and, to be approved in this as in the reviewing Chamber, it will require the majority of the members present in each one of them. If the mixed commission does not reach an agreement, or if the Chamber of origin rejects the project of this commission, the President of the Republic may require that that Chamber pronounces itself on whether it insists by two thirds of its members present in the project approved in the first procedure. If the insistence is agreed, the project will pass for the second time to the Chamber that rejected it, and it will be understood that this one rejects it only if two thirds of its present members concur in it.

• Legislative committees
• Division of labor between chambers

Article 71

The project that has been subjected to additions or amended by the reviewing Chamber will return to the one of origin, and in this one it will be understood that the additions and amendments are approved with the vote of the majority of the present members.

If the additions or amendments were rejected, a mixed commission will be formed and it will proceed in the same manner indicated in the preceding article. If the mixed commission does not reach an agreement to settle the differences between the Chambers, or if any of the Chambers reject the proposition of the mixed commission, the President of the Republic may solicit to the Chamber of origin to consider again the project approved in the second stage by the reviewing Chamber. If the Chamber of origin rejected the additions or amendments by two thirds of its present members, there will be no law in that part or in its entirety; but, if there is a majority for rejection which is less than two thirds, the project shall pass to the reviewing Chamber, and it will be understood to be approved by the vote of two thirds of the members present in the latter.

• Approval of general legislation

Article 72

Once a project is approved by both Chambers it shall be forwarded to the President of the Republic, who, if he approves it, will arrange its promulgation as a law.

• Approval of general legislation

Article 73

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

In no case will the observations that have no direct relation with the main or fundamental ideas of the project be admitted, unless they had been considered in the respective message.

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

• Veto override procedure

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

Article 74

The President of the Republic may declare the urgency in the dispatch of a project, in one or all of its stages of processing, and in which case, the respective Chamber shall pronounce itself within a maximum period of thirty days.

The determination of the urgency shall be made by the President of the Republic in accordance with the constitutional organic law concerning the Congress, which will also establish all that is related with the internal processing of the law.

Article 75

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

The promulgation shall be made always within the period of ten days, counted from the date on which it should proceed.

The publication shall be made within the five working days from the date in which the promulgation decree is totally processed.

Chapter VI: Judiciary

Article 76

• Judicial independence

The power to hear civil and criminal cases, to resolve them and to execute judgments, belongs exclusively to the courts established by law. Neither the President of the Republic nor the Congress can, in any case, exercise judicial functions, take over pending cases, review the grounds or contents of their decisions or revive closed cases.

If their intervention is requested in legal form and for business of their competence, they may not excuse themselves from exercising their authority, not even if there is a lack of a law that resolves the dispute or matter submitted to their decision.

To enforce their resolutions, and to practice or have practiced the acts of instruction established by law, the ordinary and special courts of justice that make up the Judiciary, may issue direct orders to the public force or exercise the conductive means of action of which they dispose. Other courts will do so in the manner established by law.

The requested authority shall comply without further delay the judicial mandate and will not qualify the grounds or opportunity, nor the justice or legality of the resolution that is trying to be executed.

Article 77

• Structure of the courts

A constitutional organic law will determine the organization and powers of the courts that may be necessary for the prompt and complete administration of justice throughout the territory of the Republic. The same law shall establish the qualities that the judges must respectively have and the number of years that the persons appointed as Court ministers or career judges must have practiced the profession of lawyer.

The constitutional organic law on the organization and powers of the courts may be amended after hearing the Supreme Court, in accordance with the provisions of the

respective constitutional organic law.

The Supreme Court must rule within thirty days from the reception of the official letter in which the relevant opinion is requested.

However, if the President of the Republic would have made present the urgency of the consulted bill, this fact shall be communicated to the Court.

In that case, the Court must rule within the period of time which the respective urgency specifies.

If the Supreme Court does not rule within the aforementioned deadlines, the procedure will be concluded.

The constitutional organic law on the organization and powers of the courts, as well as the procedural laws that regulate a system of prosecution, may set different dates for their entry into force in various regions of the country. Notwithstanding the foregoing, the period for entry into force of these laws across the country may not exceed four years.

• Structure of the courts

Article 78

As for the appointment of judges, the law shall meet the following general precepts.

The Supreme Court shall consist of twenty-one ministers.

• Supreme court selection

Ministers and judicial prosecutors of the Supreme Court shall be appointed by the President of the Republic, choosing from a list of five people that, in each case, will be proposed by the same Court with the agreement of the Senate. The latter will adopt the respective agreements by two-thirds of its members in office, at a session called for that purpose. If the Senate does not approve the proposal of the President of the Republic, the Supreme Court must complete the list proposing a new person in substitution of the rejected one, repeating the process until a proposal is approved.

• Eligibility for supreme court judges

Five of the members of the Supreme Court shall be lawyers that are strangers to the administration of justice, they must have had the law degree for at least fifteen years, must have excelled in professional or academic activity and must fulfill the other requirements that the respective constitutional organic law stipulates.

• Eligibility for supreme court judges
• Supreme court selection

The Supreme Court, in the case of filling a position that corresponds to a member that comes from the Judiciary, will form the list exclusively with members of the latter, and the most senior minister of the Court of Appeals that appears in the merits list shall occupy a place in it. The other four places will be filled in reason to the merits of the candidates. In the case of filling a position corresponding to lawyers that are strangers to the administration of justice, the list will be formed exclusively, with a previous public contest of antecedents, with lawyers who meet the qualifications set out in paragraph four.

• Ordinary court selection

The ministers and judicial prosecutors of the Courts of Appeals shall be designated by the President of the Republic, from a list of three candidates proposed by the Supreme Court.

• Ordinary court selection

Career judges shall be designated by the President of the Republic, from a list of three candidates proposed by the Court of Appeals of the respective jurisdiction.

• Eligibility for ordinary court judges
• Ordinary court selection

The most senior career judge, in civil or criminal law, with a seat of Court or the most senior career judge, in civil or criminal law, of the position which is immediately inferior to that which is to be filled and that figures in the merits list and expresses his interest in the position, will occupy a place in the corresponding three candidate list. The other two places will be filled in accordance with the merits of the candidates.

The Supreme Court and the Courts of Appeals, when appropriate, will form lists of five or three candidates in a plenum specially convened for that purpose, in a single

• Supreme court selection
• Ordinary court selection

vote, in which each of its members will have the right to vote for three or two people respectively. The ones that obtain the five or three first majorities, correspondingly, will result elected. A tie will be decided by drawing lots.

However, in the case of the appointment of substitute Court ministers, the designation can be made by the Supreme Court and, in the case of judges, by the respective Court of Appeals. These designations may not last more than sixty days and will not be extendible. Should the aforementioned superior courts not exercise this power, or in the case that the substitution period has expired, the filling of the vacant positions will be done in the ordinary manner indicated above.

Article 79

Judges are personally responsible for crimes of bribery, failure to observe substantial matters of the laws that govern the procedure, denial and distorted administration of justice and, generally, any prevarication incurred in the performance of their duties.

In the case of members of the Supreme Court, the law shall determine the cases and how to enforce this responsibility.

Article 80

• Supreme court term length
• Ordinary court term length

Judges shall hold office during their good behavior; but the inferior judges will perform their respective judicature for the time determined by the law.

• Supreme/ordinary court judge removal
• Mandatory retirement age for judges

Nevertheless, the judges cease to hold office once they reach 75 years of age; or by resignation or legal supervening incapacity or in the case they are deposed from their positions by a legally sentenced cause. The norm regarding age does not apply in respect to the President of the Supreme Court, who will remain in office until the end of his term.

• Supreme/ordinary court judge removal
• Supreme court powers

In any case, the Supreme Court upon request of the President of the Republic, at the request of an interested party, or ex officio, may declare that the judges have not had good behavior and, after a report of the accused and of the respective Court of Appeals, if necessary, may agree to their removal by the majority of the total of its components. These agreements shall be communicated to the President of the Republic for their compliance.

• Supreme court powers

The Supreme Court, in plenum specially convened for that purpose, and by the absolute majority of its active members, may authorize or order, rightly, the transfer of judges and other officials and employees of the Judiciary to another position of the same category.

Article 81

The magistrates of the superior courts of justice, the judicial prosecutors and the career judges that make up the Judiciary, shall not be arrested whiteout an order of the competent court, except in the cases of a flagrant crime or a simple offense, and only to be put immediately under the disposition of the court that must hear the case in accordance to the law.

• Structure of the courts

Article 82

• Supreme court powers

The Supreme Court holds the directive, correctional and economic supervision of all courts of this nation. The Constitutional Court, the Electoral Court and regional electoral courts are excepted from this rule. The superior courts of justice, in exercise of their disciplinary powers, can only invalidate jurisdictional decisions in the cases and manner prescribed by the respective constitutional organic law.

Chapter VII: Public Ministry

Article 83

• Protection of victim's rights

An autonomous body, hierarchical, named Public Ministry, will direct exclusively the investigation of acts that are constitutive of crimes, those that determine the punishable participation and those that prove the innocence of the accused and, when appropriate, will exercise the public penal action in the manner provided by the law. Likewise, it will adopt measures to protect victims and witnesses. In no event shall it exercise jurisdictional functions.

The victim of the crime and other persons established by the law may also exercise the penal action.

The Public Ministry may 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 guarantees, or that restrict or perturb them, will require a prior judicial approval. The requested authority shall comply without further delay these orders and cannot qualify their grounds, opportunity, justice or legality, except in the case of requiring the exhibition of the prior judicial authorization, when it corresponds.

• Protection of victim's rights

The exercise of the public penal action, and the direction of the investigations of the events that constitute a crime, that determine the punishable participation and that prove the innocence of the accused in the cases that are known by military courts, as well as the adoption of measures to protect victims and witnesses of those events, will correspond, in accordance with the rules of the Code of Military Justice and the respective laws, to the bodies and persons that that Code and those laws establish.

Article 84

A constitutional organic law will determine the organization and powers of the Public Ministry, will determine the qualifications and requirements that prosecutors must have and comply with in order to be appointed and the grounds for dismissal of the adjunct prosecutors, regarding what is not contemplated in the Constitution. The persons that are designated as prosecutors shall not have any impediment that disables them from holding the office of judge. Regional and adjunct prosecutors will cease in their position once they reach 75 years of age.

The constitutional organic law will establish the degree of independence and autonomy and the responsibility that prosecutors will have in the direction of the investigation and in the exercise of the public penal action, in the cases in which they are in charge.

• Attorney general

Article 85

The National Prosecutor shall be appointed by the President of the Republic, from a five candidate list proposed by the Supreme Court and with the agreement of two-thirds of the members in office of the Senate, in a session specially convened for that purpose. If the Senate does not approve the proposal of the President of the Republic, the Supreme Court will have to complete the five candidate list by proposing a new person to replace the rejected, repeating the process until an appointment is approved.

The National Prosecutor must have held the degree of lawyer for at least ten years, must have become forty years of age and posses the other qualifications which are necessary to be a citizen with the right to vote; he will last eight years in the exercise

of his functions and may not be designated for the following period.

What is established in the second paragraph of article 80 with regard to age limit is applicable to the National Prosecutor.

Article 86

There will be a Regional Prosecutor in each of the regions in which the country is administratively divided, unless the population or geographical extension of the region makes it necessary for more than one to be appointed.

Regional prosecutors shall be appointed by the National Prosecutor, from a three candidate list proposed by the Court of Appeals of the respective region. Should the region have more than one Court of Appeals, the three candidate list will be formed by a joint plenum of all of them, specially convened for this reason by the President of the oldest created Court.

Regional prosecutors must have held the degree of lawyer for at least five years, must have become thirty years of age and posses the other qualifications which are necessary to be a citizen with the right to vote; they will last eight years in the exercise of their functions and may not be designated as regional prosecutors for the following period, which does not prevent them from being appointed in another position of the Public Ministry.

Article 87

The Supreme Court and the Courts of Appeals, in their case, will call for a public contest of antecedents for the integration of the lists of five and three candidates, which will be agreed upon by the absolute majority of their active members, in a plenum specially convened for that purpose. The five and three candidate lists cannot be integrated by active or pensioned members of the Judiciary.

The five and three candidate lists will be formed in a single vote in which each member of the plenum will have the right to vote for the three or two people, respectively. The ones obtaining the five or three first majorities, correspondingly, will be elected. If there is a tie, it will be resolved by drawing lots.

Article 88

There will be adjunct prosecutors which will be designated by the National Prosecutor, from a three candidate list proposed by the respective regional prosecutor, which shall be formed following a public contest, in accordance with the constitutional organic law. They must hold the lawyer degree and must possess the other qualifications which are necessary to be a citizen with the right to vote.

Article 89

• Supreme court powers

The National Prosecutor and regional prosecutors may only be removed by the Supreme Court, at the request of the President of the Republic, the Chamber of Deputies, or of ten of its members, for ineligibility, misconduct or gross negligence in the performance of their functions. The Court will hear the case in plenum specially convened for this purpose and, for there to be agreement on the removal, there must be a confirming vote of the majority of its active members.

The removal of regional prosecutors may also be requested by the National Prosecutor.

Article 90

What is established in article 81 will be applicable to the National Prosecutor, the regional prosecutors and the adjunct prosecutors.

• Attorney general

Article 91

The National Prosecutor shall hold the directive, correctional and economic supervision of the Public Ministry, in accordance with the respective constitutional organic law.

Chapter VIII: Constitutional Court

• Establishment of constitutional court

Article 92

• Constitutional court selection

There will be a Constitutional Court composed by then members, designated as follows:

a. Three designated by the President of the Republic.

b. Four elected by the National Congress. Two shall be appointed directly by the Senate and two shall be previously proposed by the Chamber of Deputies for approval or rejection by the Senate. The designations, or the proposals, in their case, shall be made in single votes and will require will require for their approval of the favorable vote of two thirds of the senators or active deputies, as appropriate.

c. Three elected by the Supreme Court in a secret ballot that shall be celebrated in a session specially convened for that purpose.

• Eligibility for const court judges
• Constitutional court term length

Its members shall last nine years in office and shall be partially renewed every three years. They must have held the degree of lawyer for at least fifteen years, must have excelled in professional, academic or public activity, must not have any ineligibility that renders them unfit to hold the office of judge, will be subjected to the norms of articles 58, 59 and 81, and will not be able to exercise the profession of lawyer, including the judicature, or any other act of those established in the second and third paragraphs of article 60.

• Constitutional court term limits
• Constitutional court removal

The members of the Constitutional Court are irremovable and may not be re-elected, except in the case of the one that has been a replacement and has held the position for less than five years. They will cease to hold office once they turn 75 years old.

If a member of the Constitutional Court leaves office, his replacement will proceed by the person to whom it corresponds, in agreement with the first paragraph of this article and for the time that remains to complete the replacement period.

The Court will 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 case, at least, four. The Court will adopt its agreements by simple majority, except where a different quorum is required, and shall judge according to law. The Court in plenum will resolve definitely the attributions indicated in numbers 1, 3, 4, 5, 6, 7, 8, 9, 11 of the next article. To exercise its remaining powers, it may function in plenum or in chambers according to what is prescribed by the respective constitutional organic

law.

A constitutional organic law shall determine its organization, functioning, procedures and will establish the staffing, the regime of remunerations and the employment statute of its personnel.

• Constitutional court powers
• Constitutional interpretation

Article 93

The powers of the Constitutional Court are:

• Legal status of treaties
• Constitutionality of legislation

1. To exercise the control of constitutionality of the laws that interpret any provision of the Constitution, of the constitutional organic laws and of the norms of a treaty which are related to matters belonging to the latter, before their promulgation;

2. To resolve matters of constitutionality of agreed orders [autos acordados] issued by the Supreme Court, the Courts of Appeal and the Electoral Court;

• Legal status of treaties
• Constitutionality of legislation

3. To resolve questions of constitutionality that appear during the processing of bills law or of constitutional reform projects and of the treaties subject to congressional approval;

4. To resolve questions that appear regarding the constitutionality of a decree with force of law;

• Referenda

5. To resolve questions that appear regarding the constitutionality a call for a plebiscite, without prejudice of the powers that correspond to the Electoral Court;

6. To resolve, by the majority of its active members, the inapplicability of a legal rule, in the case that the application of the rule in any procedure to be followed before a regular or special court is contrary to the Constitution;

7. To resolve, by the majority of four-fifths of its active members, the unconstitutionality of a legal rule declared inapplicable in accordance with the provisions of the preceding paragraph;

8. To resolve complaints in the case that the President of the Republic does not promulgate a law when required to do so or enacts a different text than the one that is constitutionally appropriate;

9. To resolve on the constitutionality of a decree or order issued by the President of the Republic that the Office of the Comptroller General of the Republic has objected to [representado] because it deems it unconstitutional, when it is required by the President in accordance with article 99;

• Regulation of political parties

10. To declare the unconstitutionality of organizations and movements or political parties, as well as the responsibility of persons who have been involved in the events that led to the declaration of unconstitutionality, in accordance with the provisions of the sixth, seventh and eighth paragraphs of number 15 article 19 of this Constitution. However, if the person affected was to be the President of the Republic or the elected President, the aforementioned declaration will also require the agreement of the Senate adopted by the majority of its active members;

11. To inform the Senate in the cases that are referred to in article 53 number 7 of this Constitution;

12. To resolve the jurisdictional disputes that arise between the political or administrative authorities and the courts of justice, which do not correspond to the Senate;

13. To resolve on the constitutional or legal inabilities that affect a person to be appointed Minister of State, remain in the said position or perform other functions simultaneously;

• Removal of individual legislators

14. To decide on the inabilities, incompatibilities and grounds for removal from office of parliamentarians.

15. To qualify the inability invoked by a parliamentarians in the terms of the final paragraph of article 60 and pronounce itself on the renunciation to the position, and

16. To decide on the constitutionality of supreme decrees, regardless of the alleged defect, including those that may be issued in the exercise of the independent regulatory authority [potestad reglamentaria autónoma] of the President of the Republic when they refer to matters that may be reserved to the law by mandate of article 63.

• Constitutionality of legislation

In the case of number 1, the Chamber of origin will send the respective bill of law to the Constitutional Court within five days from the moment on which it is fully processed by Congress.

In the case of number 2, the Court may hear the matter at the request of the President of the Republic, of either of the Chambers or of ten of their members. Also, any person who is a part of a trial or pending process before an ordinary or special court may request the Court to hear the matter, when he is affected in the exercise of his fundamental rights as provided in the respective agreed order [auto acordado].

• Constitutionality of legislation

In the case of number 3, the Court will only hear the matter at the request of the President of the Republic, of any of the Chambers or of one-fourth of their active members, provided it is made before the enactment of the law or the referral of the communication that informs the approval of the treaty by the National Congress and, in any case, after the fifth day of the transmission of the bill or of the specified communication.

The Court shall decide within ten days from receiving the request, unless it decides to extend it for up to ten days for serious and justified reasons.

The request shall not suspend the processing of the project; but the contested part of it will not be promulgated until the expiration of the said period, unless it concerns

the Budget Law bill or the bill relative to the declaration of war proposed by the President of the Republic.

In the case of number 4, the matter may be raised by the President within ten days when the Office of the Comptroller General rejects as unconstitutional a decree with force of law. It can also be referred by any of the Chambers or by one-fourth of its members in office in the case that the Office of the Comptroller General should have registered [tomado razón] a decree with force of law that has been rejected as unconstitutional. This request must be made within thirty days, from the date of publication of the respective decree with force of law.

In the case of number 5, the issue may be raised at the requirement of the Senate or of the Chamber of Deputies, within ten days counted from the date of the publication of the decree that sets the day of the plebiscite.

The Court shall establish in its resolution the final text of the plebiscite, when it is appropriate.

If at the time of the sentencing there were less than thirty days left for the plebiscite to take place, the Court shall fix in it a new date contemplated to be between thirty and sixty days after the sentence.

In the case of number 6 the matter may be raised by either party or by the judge hearing the case. Any of the chambers of the Court may declare, without appeal, the admissibility of the matter as long as the existence of a pending process before the ordinary or special court is verified, that the application of the contested legal provision can be decisive in solving the matter, that the challenge is reasonably founded and that the other requirements established by the law are met. The suspension of the procedure that originated the action of inapplicability for unconstitutionality will be responsibility of this same chamber.

In the case of number 7, once the declaration of inapplicability of a legal precept has been declared on a previous ruling, in accordance to number 6 of this article, there shall be public action to demand the Court the declaration of unconstitutionality, without prejudice of the power of the Court to declare it ex officio. The respective constitutional organic law shall establish the admissibility requirements, in the event that the public action is exercised, and shall regulate the procedure that will have to be followed to act ex officio.

In the cases of number 8, the issue may be raised by any of the Chambers or by one-fourth of their active members, within thirty days following the publication of the contested text or within sixty days following the date in which the President of the Republic should have promulgated the law. If the Court accepts the claim, it will promulgate in its ruling the law which has not been enacted or will rectify the incorrect promulgation.

In the case of number 11, the Court shall only hear the matter at the request of the Senate.

There will be public action to request the tribunal regarding the powers that are conferred to it by numbers 10 and 13 of this article.

However, if in the case of number 10 the affected person was the President of the Republic or the elected President, the request shall be formulated by the Chamber of Deputies or by one-fourth of its active members.

In the case of number 12, the request shall be raised by any of the authorities or courts in conflict.

• Removal of individual legislators

In the case of number 14, the Court shall only hear the matter at the request of the President of the Republic or of no fewer than 10 active parliamentarians.

In the case of number 16, the Court may only hear the matter at the request of any of the Chambers made within thirty days following the publication or notification of the contested text. In the case of defects that are not related to decrees that exceed the

autonomous regulatory power [potestad reglamentaria autónoma] of the President of the Republic, these will also require one-quarter of the active members to deduct this requirement.

The Constitutional Court may appreciate the facts in conscience when it takes cognizance of the powers indicated in numbers 10, 11 and 13, as, also, when it takes cognizance of the grounds for removal from office of a parliamentarian.

In the cases of number 10, 13 and in the case of number 2 when it is required by one party, it shall correspond to a chamber of the Court to rule without appeal, on its admissibility.

• Constitutionality of legislation

Article 94

Against decisions of the Constitutional Court no recourse whatsoever will proceed; without prejudice that the Court itself may, in accordance to law, rectify the factual errors in which it could have incurred. The provisions that the Court declares unconstitutional may not become law in the bill or decree with force of law in question.

In the case of number 16 of article 93, the contested supreme decree shall be void as of right, on the sole merit of the ruling of the Court which deals with the claim. However, the provision declared unconstitutional in accordance with the provisions of paragraphs 2, 4 or 7 of article 93, will be understood derogated from the moment of the publication in the Official Journal [Diario Oficial] of the sentence that deals with the complaint, which will not have retroactive effect.

The sentences that declare the unconstitutionality of all or part of a law, a decree with force of law, a supreme decree or an agreed order [auto acordado], in its case, shall be published in the Official Journal [Diario Oficial] within three days of their pronouncement.

Chapter IX: Electoral Service and Electoral Justice

• Electoral commission

• Referenda

Article 94bis

An autonomous body with legal personality and patrimony of its own, called Electoral Service will exercise the administration, supervision and control of electoral processes and plebiscites; of the compliance with rules on transparency, limit and control of electoral spending; of the norms on political parties, and the other functions that a constitutional organic law establishes.

The senior management of the Electoral Service will correspond to a Directive Council, which shall exclusively exercise the powers conferred to it by the Constitutions and the laws. This Council will be composed of five Counselors appointed by the President of the Republic, with the agreement of the Senate, adopted by two-thirds of its active members. The Counselors will serve ten years in office, may not be appointed for another term and will be partially renewed every two years.

The Counselors may only be removed by the Supreme Court, at the request of the President of the Republic or one-third of the active members of the Chamber of Deputies, on the grounds of a serious violation of the Constitution or the laws, inability, misconduct or gross negligence in the exercise of their functions. The Court will hear the case in plenum, specially convened for that purpose, and for there to be

agreement on the removal there will have to be an affirmative vote of the majority of its active members.

The organization and powers of the Electoral Service shall be established by a constitutional organic law. It's organization, staffing, regime of remunerations and employment statute of its personnel will be established by a law.

Article 95

• Electoral court powers

A special court, called Electoral Court, will take cognizance of the general scrutiny and of the certification of the elections of President of the Republic, of deputies and Senators; will resolve the claims which rise from them and will proclaim those who result elected. The Court will also take cognizance, equally, of the plebiscites, and will have the other powers prescribed by the law.

• Eligibility for electoral court judges
• Electoral court selection

It shall be composed of five members appointed as follows:

a. Four ministers of the Supreme Court, appointed by it, by lot, in the manner and time that the respective constitutional organic law determines, and

b. A citizen who has held the position of President or Vice-President of the Chamber of Deputies or of the Senate by a period on not less than 365 days, appointed by the Supreme Court in the manner described in letter a) above, from all of those who possess the qualities mentioned.

• Eligibility for electoral court judges

The appointments that letter b) refers to may not fall on persons that are parliamentarians, candidates to positions of popular election, Ministers of State, or leaders of political parties.

• Electoral court term length

The members of this Court will serve four years in office and the provisions of articles 58 and 59 of this Constitution shall be applicable to them.

The Electoral Court will proceed as a jury in the assessment of the facts and will sentence according to law.

A constitutional organic law will regulate the organization and functioning of the Electoral Court.

Article 96

There will be regional electoral tribunals in charge of taking cognizance of the general scrutiny and the certification of the elections that the law entrusts to them, will resolve the claims which rise from them and will proclaim those who result elected. Their decisions are appealable to the Electoral Court in the manner prescribed by law. Also, the cognizance of the certification of elections of a union [gremial] character and of those that take place in those intermediate groups indicated by law, will correspond to them.

These tribunals shall be composed by a minister of the respective Court of Appeals, elected by it, and by two members designated by the Electoral Tribunal from all of those people that have exercised the profession of lawyer or who have played the role of minister or lawyer member of the Court of Appeals for a term of no less than three years.

Members of these courts will serve four years in office and will have the ineligibilities and incompatibilities established by law.

These courts will proceed as juries in the assessment of the facts and will sentence according to law.

The law shall determine the other powers of these courts and will regulate their organization and functioning.

Article 97

Annually, the funds needed for the organization and functioning of these courts, whose staffing, regime of remunerations and employment statute of the personnel shall be established by law, will be assigned in the Budget Law.

Chapter X: Office of the Comptroller General of the Republic

Article 98

An autonomous body with the name of Office of the Comptroller General of the Republic shall exercise control over the legality of the accts of the Administration, will oversee the income and investment of funds from the Treasury, municipalities and other organisms and services that the laws determine; will review and judge the accounts of people who have been entrusted with goods from those entities; will be in charge of the general accounting of the Nation; and will perform the other functions that are assigned to it by the respective constitutional organic law.

The Comptroller General of the Republic must have held the law degree for at least ten years, must have reached forty years of age and must possess the other qualities necessary to be a citizen with the right to vote. He will be designated by the President of the Republic with the agreement of the Senate adopted by three-fifths of its active members, for a period of eight years and he may not be designated for the next period. However, upon reaching 75 years of age he shall cease in office.

Article 99

In the exercise of the function of control of legality, the Comptroller General will register [tomará razón] all decrees and resolutions that, in accordance with the law, must be processed by the Office of the Comptroller General of the Republic or will object [representará] to the illegality which they may display; but he will have to process them when, despite his objection, the President of the Republic insists with the signature of all of his Ministers, in which case he shall send a copy of the respective decrees to the Chamber of Deputies. In no event will he process the decrees of expenditure that exceed the limit specified in the Constitution and he will submit a complete copy of the record to the same Chamber.

It shall also correspond to the Comptroller General of the Republic the register [tomar razón] of the decrees with force of law, having to object them [representarlos] when they exceed or contravene the delegatory law or are contrary to the Constitution.

If the objection has place with respect to a decree with force of law, a decree that promulgates a law or a constitutional reform for departing from the approved text, or a decree or resolution for being contrary to the Constitution, the President of the Republic will not have the power to insist, and in the case that he is not satisfied with the objection of the Office of the Comptroller General of the Republic, he will have to forward the records to the Constitutional Court within ten days, so that this Court resolves the dispute.

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

Article 100

The State Treasuries will not be able to make any payment except by virtue of a decree or resolution issued by competent authority, in which the law or the part of the budget that authorizes that expenditure is expressed. Payments will be made considering, in addition, the chronological order established in it and the previous budgetary countersignature of the document ordering the payment.

Chapter XI: Armed forces, [Forces] of Order and [Forces of] Public Safety

Article 101

The Armed Forces, dependent of the Ministry in charge of National Defense, are constituted uniquely and exclusively by the Army, the Navy and the Air Force. They exist or the defense of the country and are essential to national security.

Forces of Order and Public Security are integrated solely by Carabineros [police] and Investigaciones. They compose the public force and exist to enforce the law, guarantee public order and internal public security, in the manner determined by their respective constitutional organic laws. They are dependent of the Ministry in charge of Public Security.

The Armed Forces and Carabineros, as armed forces, are essentially obedient and not deliberative. The dependent forces of the Ministries in charge of National Defense and Public Security are, additionally, professional hierarchical and disciplined.

Article 102

The incorporation into the staff and personnel of the Armed Forces and Carabineros can only be done through its own Academies, with the exception of professional ranks and of civilian employees determined by law.

Article 103

No person, group or organization may possess or have arms or other similar elements indicated by a law approved by a qualified quorum, without due authorization granted in conformity with it.

A law determines the Ministry or its dependent bodies that will exercise the supervision and control if arms. Equally, it shall also establish the public bodies in charge of monitoring the compliance of the provisions relative to the said control.

• Selection of active-duty commanders

Article 104

The Commanders in Chief of the Army, of the Navy and of the Air Force, and the General Director of Carabineros will be designated by the President of the Republic from among the five general officers with most seniority, that possess the qualities that the respective institutional statutes require for those positions; they will last for four years in office, will not be able to be designated for a new period and will enjoy tenure in office.

The President of the Republic, by way of a substantiated decree and after informing the Chamber of Deputies and the Senate, may call for the retirement of the Commanders in Chief of the Army, the Navy and the Air Force and the General Director of Carabineros, in its case, before the completion of their respective periods.

Article 105

The designations, promotions and retirements of the officers of the Armed Forces and Carabineros, will be made by supreme decree, in accordance with the respective constitutional organic law, which shall determine the respective basic norms, as well as the basic norms related to the professional career, incorporation to its ranks, security, seniority, command, command succession and budget of the Armed Forces and Carabineros.

The incorporation, designation, promotions and retirements in Investigaciones shall be performed in accordance with its organic law.

Chapter XII: National Security Council

• Advisory bodies to the head of state

Article 106

There will be a National Security Council in charge of advising the President of the Republic on matters related to national security and to exercise the other functions that this Constitution entrusts it with. It will be chaired by the Head of State and will be composed of the Presidents of the Senate, of the Chamber of Deputies and the Supreme Court, by the General Director of Carabineros and by the Comptroller General of the Republic.

In the cases that the President of the Republic determines, ministers in charge of interior government, of national defense, of public safety, of foreign affairs and of economy and finances of the country may be present at its meetings.

• Advisory bodies to the head of state

Article 107

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

The Council will not adopt resolutions but for the issuing of the regulations to which the final paragraph of this provision refers to. In its sessions, any of its members may express their opinion on any fact, actor matter that has any relation with the bases of institutionality or national security.

The proceedings of the Council shall be public, unless a majority of its members determines otherwise.

A regulation issued by the Council itself will establish the other provisions concerning its organization, functioning and publicity of its debates.

Chapter XIII: Central Bank

• Central bank

Article 108

There will be an autonomous organ, with its own patrimony, technical in character, called Central Bank, whose composition, organization, functions and powers will be determined by a constitutional organic law.

• Central bank

Article 109

The Central Bank may only perform transactions with financial institutions, whether they are public or private. In no way may it grant to them its guarantee, nor acquire documents issued by the State, its organisms or companies.

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

However, in case of foreign war or threat of it, which will be qualified by the National Security Council, the Central Bank may obtain, grant or finance credits to the State and public or private entities.

The Central Bank will not be able to adopt any agreement which means, in a direct or indirect way, the establishment of different or discriminatory norms or requirements in relation to persons, institutions or entities that undertake operations of the same nature.

Chapter XIV: Government and Interior State Administration

Article 110

For the government and internal administration of the State, the territory of the Republic is divided into regions and these into provinces. For the purposes of the local administration, the provinces will be divided into municipalities.

The creation, suppression and denomination of regions, provinces and municipalities; the modification of their limits, and the establishment of the capitals of the regions and provinces, shall be subject of constitutional organic law.

Government and Regional Administration

• Subsidiary unit government

Article 111

The government of each region resides in an intendant that will be of the exclusive confidence of the President of the Republic. The intendant shall exercise his duties under the law and the orders and instructions of the President, of whom he is his natural and immediate representative in the territory of his jurisdiction.

The superior administration of each region will lie in a regional government that will have as an objective the social, cultural and economic development of the region.

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

• Subsidiary unit government

Article 112

The coordination, supervision or control of public services created by law to carry out the administrative functions that operate in the region, will correspond to the intendant.

The law will determine the form in which the intendant shall exercise such powers, the other attributions that will correspond to him and the organisms that will collaborate in the performance of his duties.

• Subsidiary unit government

Article 113

The regional council shall be an organ of normative, operative [resolutorio] and supervisory nature, within the own sphere of competence of the regional government, responsible of making effective regional citizen participation and of exercising the powers that the constitutional organic law entrusts it with.

The regional council will be composed by councilors elected by universal suffrage in direct voting, in accordance with the respective organic constitutional law. They will last for four years in their positions and may be re-elected. The same law will establish the organization of the regional council, will determine the number of councilors that will compose it and the way that they are replaced, always ensuring that both the population and the territory of the region are equitably represented.

The regional councilor that during his term loses any of the eligibility requirements or incurs in any of the disqualifications, incompatibilities, disabilities or other grounds for cessation set in the organic constitutional law, shall cease in his position.

What has been established in the preceding paragraphs in regards to the regional council and the regional councilors shall apply, as appropriate, to the special territories to which article 126 bis refers.

The regional council, by absolute majority of its members in office, shall elect a president from within its members. The president of the council will last for four years in his position and will cease in it in the case of incurring in any of the grounds mentioned in the third paragraph, by removal agreed by two thirds of the regional councilors in exercise or by resignation approved by the majority of them.

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

The regional council shall approve the budget project of the respective region considering, for this purpose, the resources allocated to it in the Budget Law, its own resources and those that come from the programming agreements [convenios de programación].

The senators and deputes representing the circumscriptions and districts of the region may, at their discretion, attend meetings of the regional council and take part in the proceedings without the right to vote.

• Subsidiary unit government

Article 114

The respective constitutional organic law shall determine the form and manner in which the President of the Republic may transfer to one or more regional governments, temporarily or permanently, one or more powers of the ministries and public services created to perform the administrative function, in matters of territorial order, development of productive activities and social and cultural development.

• Subsidiary unit government

Article 115

• Reference to fraternity/solidarity

For the government and internal administration of the State referred to in this chapter the basic principle that shall be observed is the search for a harmonious and equitable territorial development. The laws that are dictated to this effect shall ensure compliance and implementation of this principle, also incorporating elements of solidarity between regions, as within them, with regard to the distribution of public resources.

Notwithstanding the resources that for its operation are allocated to regional governments in the Budget Law of the Nation and those stemming from what is established in number 20 article 19, the law will contemplate a proportion of the total of the public investment costs that it determines, with the name of national fund of regional development.

The Budget Law of the Nation shall also contemplate expenditures that correspond to sectoral investment of regional allocation which distribution between regions will respond to criteria of equity and efficiency, taking into account the corresponding national investment programs. The allocation of such expenses at the interior of each region will correspond to the regional government.

On the initiative of regional governments or one or more ministries, annual or multi-year agreements of public investment programming can be celebrated between regional governments and municipalities, of which the compliance will be mandatory. The respective constitutional organic law will establish the general norms that will regulate the signing, implementation, and enforcement of these agreements.

The law may authorize regional governments and public enterprises to associate with natural or legal persons to promote nonprofit activities and initiatives that contribute to regional development. The entities that, for this purpose, are constituted will be governed by the common norms applicable to individuals.

What is established in the preceding paragraph shall be understood notwithstanding what is established in number 21 of article 19.

Government and Provincial Administration

• Subsidiary unit government

Article 116

In each province there will be a government that will be a territorially decentralized body of the intendant. It will be headed by a governor, who shall be appointed and removed freely by the President of the Republic.

It is up to the governor to exercise, according to instructions of the intendant, the supervision of the public services that exist in the province. The law shall determine the powers that the intendant may delegate to him and the others that correspond to him.

• Subsidiary unit government

Article 117

The governors, in the cases and manner prescribed by law, may appoint delegates for the exercise of their powers in one or more locations.

Municipal Administration

• Municipal government

Article 118

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

The respective constitutional organic law will establish the terms and forms that the participation of the local community shall assume in the municipal activities.

The mayors, in the circumstances and manner determined by the respective organic constitutional law, shall be able to appoint delegates for the exercise of their faculties in one or more localities.

Municipalities are autonomous corporations of public law, with legal personality and own patrimony, whose purpose is to satisfy the needs of the local community and assure their participation in the economic, social and cultural progress of the commune.

A constitutional organic law shall determine the functions and powers of municipalities. The said law will also point out the subjects of municipal competence that the mayor, with the agreement of the council or at the request of 2/3 of the councilors in exercise, or of the proportion of citizens established by law, will subject to non-binding consultation or to a plebiscite, as well as the opportunities, form of the convocation and the effects.

• Reference to art

Municipalities may associate with each other in accordance with the respective constitutional law, such associations may have legal personality of private law. Likewise, they may constitute or integrate nonprofit corporations or foundations of private law whose purpose shall be the promotion and dissemination of art, culture and sport, or the promotion of communal and productive development works. Municipal participation in them will be governed by the cited constitutional organic law.

Municipalities may establish in the field of communes or group of communes, in conformity with the respective constitutional organic law, territories called neighborhood units, in order to tend towards a balanced development and proper channeling of citizen participation.

Public services should be coordinated with the municipality when they develop their work in the respective communal territory, in accordance with the law.

The law shall determine the form and manner in which ministries, public services and regional governments may transfer competencies to municipalities, as also the temporary or definitive character of the transfer.

• Municipal government

Article 119

In each municipality there will be a council composed of councilors elected by universal suffrage in accordance with the constitutional organic law of municipalities. Hey will serve for four years in office and may be re-elected. The same law shall determine the number of councilors and the manner of electing the mayor.

The council shall be a body in charge of ensuring participation of the local community, it will exert normative, decision-making and supervisory functions and other duties that may be required from it, in the manner determined by the respective constitutional organic law.

The organic law of municipalities shall determine the norms on the organization and functioning of the council in the areas in which the consultation of the mayor to the council will be mandatory and those in which the agreement of it will necessarily be required. In any case, the agreement will be necessary for the approval of the communal development plan, the municipal budget and the respective investment projects.

Article 120

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

Also, the constitutional organic law of municipalities shall establish the procedures to be applied in case of suppression or merger of one or more communes.

• Municipal government

Article 121

The municipalities, for the fulfillment of their duties, may create or eliminate jobs and set wages, as well as establish the organs or units that the respective constitutional organic law allows.

These powers shall 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.

• Municipal government

Article 122

The municipalities shall enjoy autonomy in managing their finances. The Budget Law of the Nation may assign them resources to meet their expenses, notwithstanding the income that they are directly conferred by law or are awarded by the respective regional governments. A constitutional organic law shall provide a mechanism for solidary redistribution of income between municipalities of the country under the name of common municipal fund. Distribution rules of this fund will be a matter of law.

General Provisions

Article 123

The law shall establish coordination formulas for the administration of all or some of the municipalities, with regard to the problems common to them, and between municipalities and other public services.

Notwithstanding the provisions of the preceding paragraph, the respective constitutional organic law will regulate the management of the metropolitan areas, and will establish the conditions and formalities that allow to vest such quality to certain territories.

• Municipal government
• Subsidiary unit government

Article 124

To be appointed intendant or governor and to be elected regional councilor, mayor, or municipal councilor, is shall be required to be a citizen with the right to vote, have the other eligibility requirements established by law and reside in the region at least in the last two years prior to his appointment or election.

The positions of intendant, governor, regional councilor, mayor and municipal councilor shall be mutually incompatible.

No intendant, governor or president of the regional council, from the day of his appointment or elections, as the case may be, may be accused or deprived of his liberty, except in the case of a flagrant crime, if the Court of Appeals of the respective jurisdiction, in plenum, does not previously authorize the accusation declaring that there is cause for legal proceedings. This decision may be appealed to the Supreme Court.

If an intendant, governor, or president of the regional council is arrested for flagrant crime, he will be immediately put at the disposition of the respective Court of Appeals, with the corresponding summary information. The Court will proceed, then, in accordance with what is established in the preceding paragraph.

From the moment that it is declared, by final resolution, that there is cause for legal proceedings, the accused intendant, governor or president of the regional council is suspended of his position and subject to the competent judge

• Municipal government
• Subsidiary unit government

Article 125

The respective constitutional organic law shall establish the grounds for removal from the offices of mayor, regional councilor and municipal councilor.

However, the mentioned authorities that have gravely infringed the norms on transparency, limits and control of electoral expenditure, will cease in their posts from the date that the Electoral Court, at the request of the Directive Council of the Electoral Service, declares it by final sentence. A constitutional organic law will indicate the cases in which a serious infringement exists.

Likewise, he who loses the office of mayor, regional councilor or municipal councilor, in accordance with the provisions of the preceding paragraph, shall not be eligible for any public office or job for a period of three years, nor shall he be candidate to popularly elected positions in the two immediate electoral acts after his cessation.

Article 126

The law will determine how to solve competence issues that may arise between national, regional, provincial and municipal authorities. Likewise, it shall also establish how to resolve the discrepancies that occur between the intendant and the regional council, as well as between the mayor and the council.

Special Provisions

Article 126bis

• Subsidiary unit government

Easter Island and the Juan Fernández Archipelago are special territories. The Government and Administration of these territories will be governed by the special statutes that the respective constitutional organic laws establish.

The rights to reside, stay and to move from any point of the Republic, guaranteed in number 7 of article 19, shall be exercised in such territories in the manner determined by the special laws the govern their exercise, which shall be of qualified quorum.

Chapter XV: Amendment of the Constitution

• Constitution amendment procedure

Article 127

The reform projects of the Constitution may be initiated by a message of the President of the Republic or by motion of any of the members of the National Congress, with the limitations described in the first paragraph of Article 65.

The proposed reform will need to be approved in each Chamber by the vote of three fifths of the deputies and senators in exercise. If the reform concerns chapters I, III, VIII, XI, XII or XV, it will need, in each Chamber, the approval of two thirds of the deputies and senators in exercise.

In matters not covered in this Chapter, the norms on formation of the law will be applicable to the process of constitutional reform projects, having to always respect the quorums indicated in the preceding paragraph.

• Referenda

Article 128

The project that is approved by both Chambers will pass to the President of the Republic.

If the President of the Republic totally rejects a reform project approved by both Chambers and they insist entirely by two thirds of the members in exercise of each Chamber, the President of the Republic shall promulgate that project, unless he consults the citizens through a plebiscite.

If the President partially observes a reform project approved by both Chambers, the observations shall be understood approved with the confirming vote of three fifths or two thirds of the members in exercise of each Chamber, in accordance with the previous article, and it shall be returned to the President for its promulgation.

In the case that the Chambers do not approve all or some of the observations of the President, there shall be no constitutional reform of the points in dispute, unless both Chambers insist by two thirds of their members in exercise on the part of the project approved by them. In this last case, the part of the project that has been object of insistence shall be returned to the President for its promulgation, unless he consults the citizens so that they pronounce themselves through a plebiscite, regarding the issues in dispute.

The constitutional organic relative to the Congress shall regulate the other matters concerning the vetoes of the reform projects and their process in Congress.

• Referenda

Article 129

The call for a plebiscite shall be made within thirty days following the day on which both Chambers insist on the project approved by them, and it will be ordered through supreme decree which will set the date for the plebiscitary vote, which will be celebrated one hundred and twenty days after the publication of the said decree if that day corresponded to a Sunday. If that is not the case, it shall take place the immediately following Sunday. If after this period the President has not convoked a plebiscite, the project approved by the Congress shall be promulgated.

The decree of convocation shall contain, as appropriate, the project approved by both Chambers and entirely vetoed by the President of the Republic, or the issues of the project in which the Congress has insisted. In this last case, each of the issues of disagreement shall be separately voted in the plebiscite.

The Electoral Court shall inform the result of the plebiscite to the President of the Republic, and shall specify the text of the project approved by the citizenry, which shall be promulgate as a constitutional reform within five days of such communication.

Once the project has been promulgated, and from the date it enters into force, its provisions will form part of this Constitution and shall be deemed incorporated into it.

Transitory Provisions

First

While the provisions that give effect to what is established in paragraph three of number 1 of article 19 of this Constitution, are dictated, the legal provisions currently in force shall continue to govern.

Second

While the new Mining Code is dictated, which shall regulate, among other things, the form, conditions and effects of the mining concessions to which paragraphs seven to ten of number 24 of article 19 of this Political Constitution refer, the holders of mining rights shall continue to be governed by the legislation that is in vigor at the moment in which this Constitution is enacted, acting as concessionaires.

The mining rights to which the preceding paragraph refers to, shall subsist under the new Code, but concerning their enjoyment and burdens and in what regards their extinction, the provisions of the said new Mining Code shall prevail. This new Code shall grant a term for concessionaires to comply the new requirements that are established to deserve legal protection.

In the space that mediates between the time that the new Constitutions is put into effect and that in which the new Mining Code comes into effect, the establishment of mining rights with the nature of a concession established in paragraphs seven to ten of number 24 of article 19 of this constitution, shall continue to be governed by the current legislation, as well as the concessions that are granted.

Third

The copper mining industry and the companies considered as such, nationalized under the requirements of what is established in the 17th transitory provision of the Political Constitution of 1925, shall continue to be governed by the constitutional norms in force at the date of the promulgation of this Constitution.

Fourth

It will be understood that the laws currently in force on matter that under this Constitution shall be subject to constitutional organic laws or approved with qualified quorum, meet the these requirements and shall continue to be applied in what they are not contrary to the Constitution, as long as the corresponding legal bodies are not dictated.

Fifth

Notwithstanding the provisions of number 6 of article 32, the legal provisions that at the date of the promulgation of this Constitution have regulated matters not comprehended in article 63, shall remain in force, as long as they are not expressly derogated by law.

Sixth

Notwithstanding of what is established in paragraph three of number 20 of article 19, the legal provisions that have established taxes appropriated to a particular destination, shall remain in force, as long as they are not expressly derogated.

Seventh

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

Eighth

The norms of chapter VII “Public Ministry”, will govern at the time that the constitutional organic law of the Public Ministry comes into force. This law may establish the different dates for the entry into force of its provisions, as well as determine its gradual implementation in the diverse matters and regions of the country.

The Chapter VII “Public Ministry," the constitutional organic law of the Public Ministry and the laws that, complementing the said norms, modify the Organic Code of Courts and the Code of Criminal Procedure, will exclusively apply to events that occur after the entry into force of such provisions.

Ninth

Notwithstanding the provisions of article 87, in the list of five and each of the lists of three that are formed to fill in for the first time the offices of National Prosecutor and regional prosecutors, the Supreme Court and the Courts of Appeals may include, respectively, one active member of the Judiciary.

Tenth

The powers granted to municipalities in article 121, relating to the modification of the organizational structure, staff and remunerations, shall be applicable when the modalities, requirements and limitations for the exercise of these new powers 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 held the positions of President of the Republic, deputy, Senator, Minister of State, intendant, governor or mayor, may not figure on the lists to integrate the Supreme Court.

Twelfth

The term of the President of the Republic in exercise shall be of six years, and may not be re-elected for the next period.

Thirteenth

The Senate shall be composed uniquely of elected senators in accordance with article 49 of the Political Constitution of the Republic and the Constitutional Organic Law of Popular Elections and Ballots currently in force.

• Supermajority required for legislation

The modifications of the Constitutional Organic Law of Popular Elections and Ballots that are related to the number of senators and deputies, the existing circumscriptions and districts, and the electoral system in force, will require the affirmative vote of three fifths of the deputies and senators in exercise.

Fourteenth

The replacement of the current Ministers and the appointment of the new members of the Constitutional Court shall be made in accordance with the following rules:

The current Ministers appointed by the President of the Republic, the Senate, the Supreme Court and the National Security Council will remain in office until the end of the period for which they were appointed or until they cease to hold office.

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

The Senate shall appoint three Ministers of the Constitutional Court, two directly and the third one after a previous proposal by the Chamber of Deputies. The latter shall remain in office until the day on which the currently appointed by the Senate or who replaces him ceases in office, in accordance with paragraph seven of this article, and can be reappointed.

The current Ministers of the Supreme Court, who are at the same of the Constitutional Court, shall be temporally suspended in the exercise of their positions in that Court, six months after this constitutional reform is published and without affecting their rights as functionaries. They will reassume those positions at the end of the period for which they were appointed in the Constitutional Court or when they cease in this position for any reason.

The Supreme Court will nominate, in accordance with the letter c) of Article 92, the indicated lawyers in the measure that the corresponding vacancies are generated. However, the first one of them will be appointed for three years, the second one for six years and the third one for nine years. The one that has been appointed for three years may be reappointed.

If any of the current Ministers not contemplated in the preceding paragraph ceased in his position, he shall be replaced by the authority indicated in the letters a) and b) of article 92, as it corresponds, and his term will last for the remainder of his predecessor's, and is reeligible.

The Ministers appointed pursuant to this provision shall be designated before the 11 of December of 2005 and will take office on 1 of January of 2006.

Fifteenth

The international treaties approved by the National Congress prior to the entry into force of the present constitutional reform, that relate to matters that according to the Constitution must be approved by the absolute majority or fourth sevenths of the deputies and senators in exercise, will be deemed to have met these requirements.

Jurisdictional disputes currently in process before the Supreme Court and those that would have been until the entry into force of the amendments to Chapter VIII, will remain rooted in that body until completely processed.

The procedures initiated, ex officio or upon request , or that are initiated in the Supreme Court to declare the inapplicability of a legal precept contrary to the Constitution, prior to the application of the amendments to Chapter VIII, shall continue to be processed under the cognizance and resolution of that Court until completely processed.

Sixteenth

The amendments introduced to Chapter VIII will enter into force six months after the publication of the present constitutional reform with the exception of what is regulated in the fourteenth provision.

Seventeenth

The forces of Public Order and Security shall continued being dependent of the Ministry in charge of National Defense until the new law that creates the Ministry in charge of Public Security is dictated.

Eighteenth

The amendments provided for in article 57 number 2, shall take effects after the general election of parliamentarians.

• Terrorism

Nineteenth

Notwithstanding the amendment of Article 16 number 2 of this Constitution, the right to vote of the persons prosecuted for acts prior to the 16 of June of 2005, for crimes that merit afflictive punishment or for crimes that the law defines as terrorist behavior, shall also be suspended.

Twentieth

While the special courts that are alluded two in the fourth paragraph of number 16 of Article 19 are not created, the claims motivated by the ethical behavior of the professionals who are not members of professional associations, shall be heard by ordinary courts.

Twenty-first

The reform introduced in number 10 of article 19, that establishes the obligation of the second level of transition and the duty of the State to finance a free system starting from the middle-lower education level, designed to ensure the access to it and its higher levels, will take effect gradually, in the manner provided by law.

Twenty-second

While the special statutes to which article 126 bis refers have not entered into force, the special territories of Easter Island and Juan Fernández Archipelago will continue to be governed by the common norms on political-administrative division and of government and interior administration of the State.

Twenty-third

The reforms introduced to articles 15 and 18 on voluntary voting and incorporation to the electoral register by the sole ministry of the law, will govern from the moment that the respective constitutional organic law to which the second paragraph of article 18 refers, introduced by way of these reforms, enters into force.

Twenty-fourth

• International law
• International organizations

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

Upon such recognition, Chile reaffirms its preferential power to exercise criminal jurisdiction in relation to the jurisdiction of the Court. The latter shall be subsidiary to the former, in the terms provided by the Rome Statute which 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 take place, will be subjected to what the Chilean law established.

The jurisdiction of the International Criminal Court, under the terms provided in its Statute, shall only be exercised in respect to the crimes of its competence which began after the entry into force of the Statute of Rome in Chile.

Twenty-fifth

The amendment introduced in paragraph four of article 60, will enter into force after one hundred and eighty days from the date of publication of this law in the Official Journal.

Twenty-sixth

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

The first election by universal suffrage in direct voting of the regional councilors to which paragraph two of article 113 refers, will take place in conjunction with the elections of the President of the Republic and the Parliamentarians, the 17 of November of the year 2013.

To this effect, the adjustments to the respective constitutional organic law shall take effect before the 20 of July of the year 2013.

Twenty-seventh

Notwithstanding what is established in article 94 bis, the current councilors of the Directive Council of the Electoral Service will cease in their posts according to the terms for which they were appointed. The new councilors that it corresponds to appoint in the year 2017 will last in their posts six and eight years each, in accordance with what the President of the Republic indicates in his proposal. In both cases, the Head of State will formulate a proposition in a single act and the Senate will pronounce itself on the whole proposal.

Those who are currently in office shall not be proposed for a new period, if with that extension they exceed the total period of ten years in the performance of their duties.

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