/Carey

October 2023

CONSTITUTIONAL COUNCIL APPROVES DRAFT OF THE NEW CONSTITUTION

Following the route set out in the ongoing constitutional process and taking into consideration the draft prepared by the Expert Commission and the amendments presented during the respective discussion in the Joint Commission, the Constitutional Council approved yesterday, the Preliminary Draft of the New Constitution.

The Draft, although it maintains several aspects of the current constitutional text in force, makes certain changes, such as the following:

Political System and Participation

• The number of members of the Chamber of Deputies is reduced (from 155 to 138).
• A threshold of 5% of the votes at the national level or 8 MPs in both chambers is included in order for political parties to obtain representation in the Chamber of Deputies.
• Detailed and extensive regulation of political parties, sanctioning with the loss of the seat of a parliamentarian who resigns from the political party of which he or she was a member at the time of being elected.
• Regulation of people's right to participate in matters of public interest, including mechanisms such as the citizens' initiative law and citizens' deliberation forums.

Social rights

• With regard to the right to health, it includes the notion of comprehensiveness and the express establishment of a universal health plan.
• With regard to the right to education, it enshrines the family's preferential right and duty to choose the education of their children or wards, including the educational establishment and the type of educational project; freedom of education, seeking to establish the possibility of private providers to provide education, by regulating the

This news alert is provided by Carey y Cía. Ltda. for educational and informational purposes only and is not intended and should not be construed as legal advice.

Carey y Cía. Ltda.
Isidora Goyenechea 2800, 43rd Floor.
Las Condes, Santiago, Chile.
www.carey.cl

right to open, organize and maintain educational establishments; and the establishment of a mechanism for State funding per student.
• In terms of the right to housing, the right to adequate housing is guaranteed to all persons, and the State is mandated to promote actions aimed at progressively satisfying, through state and private institutions, the provision of this right. It incorporates a rule that exempts the main dwelling from all taxes and land taxes, establishing that omissions to such exemption may only be based, in conjunction, on the high taxable value of the home and the taxpayer's income.
• In labor matters, the right to decent work is ensured.
• In pension matters, both the ownership and the non-ownership of people's funds are enshrined, as well as the freedom of choice of contributors to choose the institution that manages their funds.

The judicial power

• Creation of three specific bodies responsible for the appointment of judges; the training and further training of judges and judicial officials; and the management and administration of the judiciary.
• In addition, the proposal incorporates a notion of internal oversight of the judiciary, to be carried out by the Judicial Prosecutors of the Supreme Court and the Courts of Appeal. The purpose of the latter will be to oversee the correct actions of judges, judicial branch officials, justice administration assistants and other persons determined by the respective law.

Environment, natural resources, and sustainability

• Introduction of specific provisions for the protection of the environment and sustainability, including a duty of the State to promote the preservation of nature and access to water and sanitation.
• Establishment of an entire chapter on environmental protection, indicating that public-private collaboration will be promoted in this task, and that the right of access to justice, information and citizen participation in environmental matters is guaranteed, along with the promotion of environmental education.
• Incorporation of the State's duty to promote an energy matrix compatible with environmental protection and the implementation of measures to mitigate and adapt to the effects of climate change.

The Draft Bill will be delivered to the President of the Republic on 7

November, so that he can call a plebiscite, to be held on 17 December, where citizens will be able to express their support or opposition to the constitutional proposal.