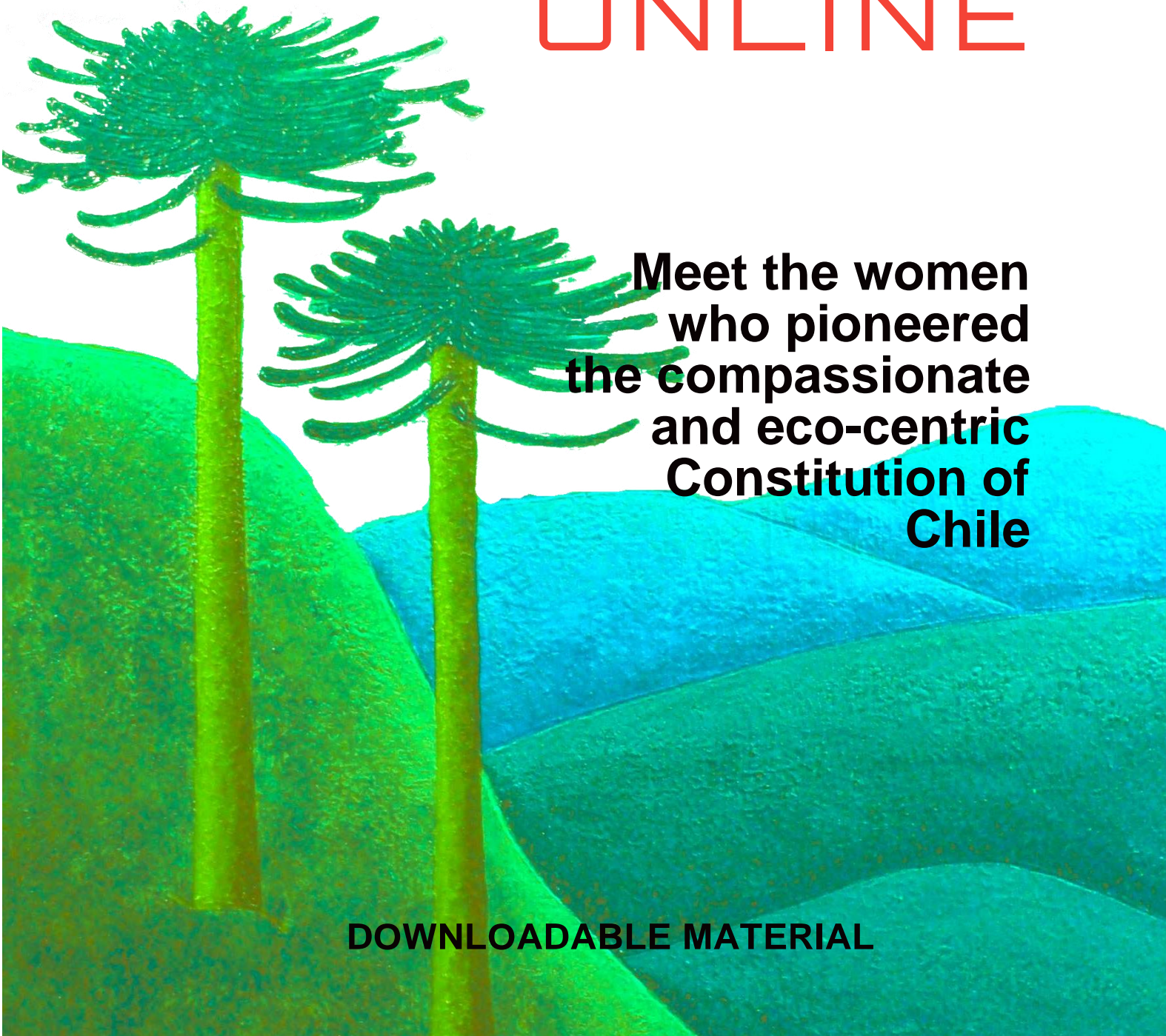




# PANEL ONLINE

**Meet the women  
who pioneered  
the compassionate  
and eco-centric  
Constitution of  
Chile**

**DOWNLOADABLE MATERIAL**



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## **Proposal for a New Chilean Constitution: WOMEN BUILDING HISTORY**

*Alejandra Flores Carlos*

Latin America mobilizes for changes. The great mobilizations that have recently taken place in the sister country of Peru, also took place in Chile, marches, songs and riots toured each of the corners of our long and narrow territory. But it is not only Latin America, it is the organizations, the social movements, the civil society in the world that drive the winds of change. This has happened throughout the histories of the world.

In Chile, since the triumph of democracy, through a plebiscite that removed the dictator Augusto Pinochet from central political power, many expectations of change were created. "Joy is coming" was the central slogan that left behind the dictatorial barbarism. But the promised joy did not come. The axes of the political-economic system left by the 1980 Constitution continued in force. The country grew, but only for the richest 10% of the country, many of whom took over state companies and, progressively, transport services, education, health and basic services such as electricity and essentials like water.

The subsidiary system inherent to the 1980 Constitution delayed the State in delivering these social rights and indignation and mobilizations naturally grew in various regions of the country. To this were added acts of corruption that ended with a couple of parliamentarians in jail. The discredit towards the political class and inequality continued to grow. A study by the United Nations Development Program "Ten Years of Auditing Democracy: Before the Outbreak" indicates that the perception of citizen trust in political parties, Congress, and the judicial system was declining to very low levels. low that did not exceed 10%.

This was how a scenario of social, political and economic crisis was taking shape in our country, and that through the great mobilizations that took place for years, finally decanted into the so-called social outbreak of October 19, 2019, where the country was paralyzed as a result of these mobilizations. In this context, where there were losses of human lives, more than 400 people

with eye damage and two people blinded by state repression, the Chilean Constituent process came to life, through an Agreement for Peace and the New Chilean Constitution, signed from Parliament.

Although the Peace Agreement document did not include parity, nor indigenous peoples, nor independent persons from political parties so that they could compete as candidates for the Constitutional Convention, after various mobilizations and negotiations, they were incorporated, thus giving life to the first Chilean Constituent process, democratic, participatory, inclusive and parity.

From hopelessness to hope, from political apathy to participation. According to data from the Chilean Electoral Service, in the plebiscite where they asked if they wanted to change the New Constitution there was more than 50% participation, a record for voluntary voting, where the option I approve a new Constitution obtained a resounding 78, 2%.

This is how a large number of people without political militancy, representatives of movements and social organizations in the country, representatives of reserved seats for indigenous peoples, were elected to write a New Constitution, while there was a great decrease in representatives of traditional political parties. .

With the election of the indigenous academic, Elisa Loncón Antileo, as president of the Constitutional Convention, a new milestone is marked. The representatives of the people of Chile elect an indigenous woman as president of the most important body in the country. In Chile, which despite its more than 200 years of life, still does not constitutionally recognize indigenous peoples. It was a historic and emotional day, broadcast on open television throughout the country.

The former National Congress in the capital of Chile, where the Constitutional Convention was held, was filled with colour, the gray suits or suits were combined with ponchos, informal suits and slippers. The representatives of political parties were together with a wide range of professionals, doctors, teachers, engineers, housewives, journalists, scientists. Rural women, indigenous peoples, sexual diversities, the world of art, social activists. The people of Chile were present, for the first time in history, with a large part of their diversity, ready to write the pages that would change their future destiny.

But it was almost a dream. After long days of work, negotiations, pressure, the creation and formation of dozens of working groups, anguish and discomfort, commitments, joy and hope,

on July 4, 2022, the Constitutional proposal was delivered, which included rights that had never before been written in a Constitution in our country and that also shared political power by providing tools for greater popular participation.

Each of us will refer to some of these issues. For my part, after this brief historical and introductory summary, I want to introduce myself and share part of my experience and experiences in this period of great social conflict, but also of many collective dreams.

My name is Alejandra Flores Carlos, my father an agricultural worker, my mother a cook, both originally from the Aymara people, to which I feel very proud to belong. I come from a small rural oasis, located in the desert of the Tarapacá region, northern Chile. I was elected as an independent Constituent in one of the 3 seats in my region, I applied at the request of the National Association of Rural and Indigenous Women, ANAMURI, in which I have participated for more than 10 years.

In our organization we were engaged, like many others, in the past Constituent process and we managed to incorporate issues linked to our peasant, rural and indigenous roots: the right to food, the free circulation of seeds, peasant agriculture, but, in addition, we are Part of the social organizations that have been demanding for many years the termination of the Constitution of the dictatorship, because it has prevented changes in favor of a large majority of the population and has supported the great inequality that exists in our country. Thus, we have joined in the streets the demands for the right to a free and quality education, to decent health, to a change in the pension system, among other great demands of the Chilean people and of course to all the feminist struggles, of which we are also a part and which were reflected in the proposal for a New Constitution.

Paradoxically, we can say that as a corollary to a systematic year of deformation and misinformation, by sectors that did not want to change the current Constitution, the constitutional proposal we made was rejected in the exit plebiscite by 62% of the population. The work of the large media influenced: radio, press, television, compulsory voting, ignorance of what a Constitution was, little support from political parties, among other factors.

At ANAMURI, as a social and community organization, close to its 25th anniversary, we take as a lesson the defeat at the polls and the need to continue strengthening the social base and articulation with other popular organizations and to generate new alliances, networks and actions solidarity.

As a social fighter, a former political prisoner of Pinochet's prisons, and now a former Constituent Assembly member, participation in the political life of our country has been hard, but I believe that this should not harden our actions, nor our hearts, but rather the contrary. because every time more hands, sensitivities and wills are added that cry out for a more harmonious world, less unequal, that invokes peace and not war. We are messengers of these struggles that continue and the proposal for a New Constitution will be the beacon that guides this journey.

Taqinis mayaki- sarantañani, ni khitis qhipatpanti

Taqinis taqi kunanipanay, ni khithirus pistpanti

May we all go together, may no one be left behind.

That we all have everything we need and that no one lacks for anything.

aymara principle.



## Chile and the impossible experience of the Constitutional Convention

*Loreto Vallejos Dávila*

Hello, my name is Loreto Vallejos, I am 43 years old and I come from Olivar, a small town in the Chilean countryside. I feel honored and deeply moved to be able to share our experience last year in our constituent process.

We had as a group the most extraordinary, chaotic, inspiring and meaningful experience of our lives, impossible for any ordinary person to experience. We had the chance to fulfill a dream: to be able to do something concrete, important and historic so that things would improve. That common dream that many of us continue to treasure and that we now deliver to you with an excited, happy and hopeful heart.

As our colleague Alejandra has commented, as in many countries around the world, ours has had to face a serious institutional crisis due to the disconnection of the political and democratic systems with the citizenry. We were excited about the opportunity to draft an innovative social pact, which would rescue the clamor of the people who had fought for so long for a change, which would consecrate the rights of people and nature as the foundations of the State.

What role did the constituents have?

What topics should the proposal contain?

how and who should write it?

One of the most difficult things was agreeing. Knowing and trusting the other became an urgent need. Talk, talk and talk. Telling our stories, sharing our desires and expectations, overcoming the logic of confrontation that spaces of power usually have, putting what is really important in the center. We were emissaries of thousands of demands, our role was clear: we had ONE opportunity and we couldn't waste it.

The challenge of choosing the topics that should be in the proposal was another point to resolve. For this we decided that it could not be done without the communities. Without a doubt, the greatest innovation was including people in each and every one of the stages of the process. For this reason, we received public hearings from hundreds of organizations and people, trying to ensure that the listening was active, empathetic and with a sense of urgency of all the demands presented in the Convention. Many pains and feelings surfaced in the stories that no one had ever exposed in an organ of power like ours.

The hearings were transformed into emotional and human spaces. In a crude way and without anesthesia we were soaking up each pain, each story, the dispossession, the inequalities and the invisibility of what is different; We embraced those stories as our own, we made them our own, because once you get to know something so genuine and so real, it is impossible to transform it in absence, in silence. The truths wanted to be seen, felt and hurt... our beautiful Convention did it and I think that this healed many people a little, it gave them back the possibility of existing and overcoming the oblivion in which the Chilean State had placed them. Thanks to this listening process, many of the central themes of the proposal emerged. We chose them with the people and from the people. We bonded from tenderness as our partner Elisa Loncón said many times. What a privilege we had, how lucky we were.

What should the new social pact be like? Even today, if we randomly ask a group of Chilean men and women, many Chileans will not have a clear answer. It is not common to have a clear political position in Chile, because one of the great debts that we have as a society is related to the absence of citizen and democratic education, which led to a civic numbness and no social articulation. After decades of installing an economic system focused on consumption and individualism, our country today presents minimal figures for party membership (close to 3%) with participation in electoral processes that very rarely exceeds 50% of the electoral roll.

People do not want to, are not interested or do not know, and for this reason they remain outside of politics, because they associate it with the actions of a small group of people who distribute power and public positions at their convenience, leaving aside any other action where democracy can also be expressed and exercised. We had the dream of having a full democracy for a society without memory.

Nobody defends what they don't know and the great danger that our countries are running today is the profound ignorance of concepts, ideas and political definitions. It is urgent to promote civic education, which achieves through simple words, the understanding and recognition of democracy as the minimum basis for our peoples and the achievement of a fair and happy life.



An education that allows people to reconnect with popular sovereignty, solidarity, the collective and their rights, and thereby achieve the empowerment and recovery of democracy as an essential value for humanity. A social pact according to our times cannot be sustained under the unidirectional premise that democratic systems have had up to now.

For this reason, our task also focused on finding mechanisms that would allow the installation of a robust and mature democracy, capable of overcoming its future political conflicts in a different way and that would promote the reunion of people with institutions. For memory, reparation and justice to help create much more humane and loving social bases.

In this way, we proposed to promote representative democracy with mechanisms of direct democracy, something that had never before been considered possible thanks to the constitutional proposal. Democracy for a large part of the Chilean people had been transformed into going to vote from time to time, electing someone to represent us and disengaging from what happens later, simply: representative democracy as the only way to exercise sovereignty. That is why it was so important to open the door to a new way, where people could participate, for example, through popular law initiatives, constitutional reform, repeal of the law, and even having the possibility of opening a new constituent process in the future.

The dream was to achieve the installation of these mechanisms gradually over time and that this would give way to a natural incorporation of future generations to live democracy from the daily and collective. A democracy with an eye to the future and one that would embrace the changes that they wanted to incorporate.

All these elements were supported with great fervor not only within the Convention but also from civil society, social movements and study centers. I remember how the galleries of the Ex-Congress building were filled with people with canvases and slogans demanding the approval of their proposals. For me, the most powerful was the approval of two articles: the one on the sexual and reproductive rights of women and the norm on the right to education. I remember that those two days we were accompanied by dozens of people in the streets. We hugged each other and dreamed that these norms would become rights protected by the State. I cried emotionally when we got approval, I looked up in the gallery and saw how many people were crying along with me... now I think about how lucky we were to be able to witness that energy displayed in hours and hours of negotiations and agreements, but that only they took over decades of street and collective struggle. We were not the important ones, we were only a luminous bridge between that green button that allowed the materialization of so many hopes... and the contained cry could be shouted and the hug was spontaneous... the "right to live in

peace" at last it became possible.

Another of the demands that aroused enormous interest was the democratization of institutions, motivating local and regional participation through the installation of a decentralized State. In Chile all the big decisions go through Santiago, the capital. Those of us who live outside the metropolitan area have always felt the frustration of being under centralized paternalism. For this reason, when we were able to obtain the approval of a Regional State, we felt how thousands of people from different territories and communes were enthusiastic about being able to have that long-awaited autonomy. The decentralization of power this time was a real option.

It is urgent and absolutely necessary to have a popular civic education that floods spaces beyond the classrooms of colleges and universities. It is imperative that we achieve the political maturity that sustains us to create critical and reflective spaces. We need this knowledge to reach simple people in the most remote territories. Disinformation and fake news have helped to further undermine the weak criticism and reflection that resist in our countries. We depend on each other. No transformation will be possible without education. As a teacher, I am certain that there will be no care for nature, recognition of social rights and of indigenous peoples without real learning about democracy and politics.

One thing the 4S outcome left us with was that we couldn't get people to care what we were doing for a year at the Constitutional Convention. Despite all our delivery, conviction and dedicated time; despite the love with which we did all this, we couldn't make people care...we couldn't.

Our country: a people that in the last 40 years has been numbed by a dehumanized model and that has divided us in a society that embraces individualism and consumption, that has grown with deep inequality and has fueled segregation and apathy policy. I think that this is one of the great future challenges of our towns... how do we make people care? How can we make people want to get involved?

Thank you for the love with which you receive us and for sharing this desire for a society connected from the heart. We believe that despair cannot defeat us and that the road map that the text represents for us can be shared in the different corners of the world, we choose to continue believing and, as a colleague said, we choose to live as if our constitution managed to be approved, that country exists in our actions and words.



## **JETEKTA CE KEJENA.**

### **Indigenous rights and plurinationality**

*Margarita Vargas López*

JETEKTA CE KEJENA.

In honor of my dear uncle Carlos Edén Maidel, the renowned Kawesqar activist leader, indigenous authority before the UN, here in NY, and who passed away on March 5, 2023.

I am Margarita Vargas López, a Kawesqar woman proud to belong to one of the southernmost towns on the planet, located in the icy lands of the Magallanes Region and the Chilean Antarctic. Here, in this inhospitable place, our history and that of our ancestors was born. I feel honored to occupy this space before this distinguished audience.

Until now, we have worked hard for the recognition of the pre-existing Peoples, as pre-existing to the State of Chile, trying to put together the fractured past described above. It is precisely for this reason that I became part of the Constitutional Convention, bringing with me the voice and dreams of my Kawesqar people..

Regarding the constitutional process carried out in 2021, I would like to highlight the historical relevance of our Chilean process, and the work of the indigenous Peoples members. We were able to contribute to the formulation of the new Magna Carta, which is the first essential legal instrument of any Democratic State. And take a fundamental step towards historical reconciliation. An advance in the reparation process between the State of Chile and the Indigenous Peoples, and the creation of a true Plurinational State, where the Supreme Law reflects the cosmogony of the pre-existing Peoples in Chile, where Chile recognizes them, and binds them to the Collective and Individual Rights, based on international standards.

That's how we were building a catalog of indigenous rights and proposals for regulations that were brought to the Constitutional Convention plenary. Examples such as the Right to Self-Determination of Peoples, the Right to land, territory and its resources, the Right to Consultation with prior, free, and informed consent, etc. And we managed to approve a norm that declares

Heritage to indigenous vulnerable languages in danger of extinction, as is the case of the Kawesqar language. All these proposals were based on the minimum standards of Human Rights of indigenous Peoples. We wanted to contribute to a more just, inclusive, plurinational and intercultural Chile, which repairs the injustices of the past. Unfortunately we had an unimaginable result with a high percentage of rejection.

Today, several months after the Plebiscite that marked the closure of the Constituent Process, I can reflect on the way in which it was carried out. Internal coexistence was not easy, we had some difficulties experienced with other indigenous representatives of the convention, more conservative groups, who tried to invalidate the process. There were mockery and direct attacks against any form of manifestation of our original cultures, such as clothing, language and worldview. There were many difficulties of this type, to which we must add the lack of resources and systematic persecution, despite which we managed to carry out the Indigenous Consultation, with the help of the Technical Secretariat for Indigenous Participation and Consultation.

The lack of recognition of violations of Indigenous Rights, genocides and military interventions in indigenous territories is still present in the indigenous collective memory. It is urgent to implement the commitment of the State of Chile, and of all States, with an adequate implementation of the agreements and commitments ratified by international organizations.

I say goodbye to you very grateful for this opportunity. And I want to end my presentation expressing my gratitude and speaking from the heart of a Kawesqar woman.



## **The Ecological Constitution of Good Living**

***Ivanna Olivares Miranda***

I am Ivanna Olivares Miranda, descendant of peasant women and indigenous people of the Diaguita Nation, mother of Amaru, guardian of Mother Earth. I come from the Coquimbo region of Chile, in the “norte chico”, which is crossed by sacred rivers. The Green valleys of Chile are fo the last ecological barrier that contain the advance of desertification. However, they are territories desecrated by mining extractivism and agribusiness. The false promise of economic growth has turned us into environmental sacrifices and to desire to transform this reality encouraged us together with groups of independent socio-environmental activists and therefore to seek representation in the Constitutional Convention.

Through the group “Eco Constituyentes”- or “Ecological Constitutionals” - of which I was proudly a part, we proposed to Chile an Ecological Constitution as a basis for the “Buen Vivir”- or Good Living. This decision required mandating the State to take responsibility for the global climate crisis, to which our country is highly vulnerable and the raising of a luminous torch to propose a new relationship between nature, society, and the governance of natural commons. Its implications could have been decisive if we consider that Chile is a particular geography of almost four thousand kilometers of extension that includes sea, mountains, forests, and desert, in which there are high degrees of socio-environmental inequality, deforestation, extractivism, air pollution, desertification, monocultural farming and other economic activities harmful to the well-being of the Earth.

We were certain that the Ecological Constitution was the path to follow because the neoliberal economic model enshrined in the authoritarian constitution of the civic-military dictatorship was bold in privatizing not only social rights and a significant part of the state structure, but also it made us the world's first experiment in privatizing the lifeblood, water. Since 1980, in Chile, water has been private property, and the authorities grant property rights to whoever can buy it, thus creating a market where large owners have access to it, and the majority of the

population does not. The asymmetry and inequality is abysmal, because while thousands of families are experiencing a deep drought, there are large tracts of green territory with monocultures of pines, avocados, and eucalyptus trees, and the largest mining projects in the world that extract water are located in the mountains from its source and destroy the glaciers that have guarded it for thousands of years.

This balanced awareness between the well-being of humans and nature translated into a very important paradigm that we managed to capture: Good Living.

Good living is a principle that has been identified with the Sumak Kawsay in the Quechua language, with the Suma Qamaña in the Aymara language and the kúme mogen in the Mapuche language, and means in general terms: living fully through a balanced and harmonious relationship between humanity and Nature. If we were capable of giving guarantees of protection and respect for nature, we would be able to generate a general well-being that would exclude any type of exploitation and domination.

The rights of nature were a structuring element of the project of the Ecological Constitution, and it was a challenging task, almost impossible in the beginning, because for many conventionalists from the traditional legal world who were present at the convention, who legislated and litigated for the rights of humans and for humans it was impossible for them to accept the idea that nature had rights. Venturing into that mission involved hours of conversation and opening our hearts to feel the violation and silent suffering of the earth and its ecosystems. It was the confrontation of an old anthropocentric paradigm with the ecocentric paradigm, and despite the generational and ideological distances, we were able to achieve it.

The Ecological Constitution made us dream and innovate about the protection of the earth. It was the only alternative for ecologists and socio-environmental activists who have spent decades fighting against a model that defends itself with the armor of an extractivist and neoliberal state, a bitter failure without a doubt. I had to return to my territory and everything remains the same. One of the largest mining companies in the world, with the permission of the state, extracts copper from the sources of the river, has destroyed millennial freshwater reserves, broken the territory from the mountains to the sea to bury pipes that transport copper and other minerals, mining slag and desalinated water. We are environmental sacrifices, and nature is exploited. We are tired but hope continues to feed the dream of a world where life and its regeneration, social equality, and collaboration are the fundamental center of all State decisions.



## Dreaming of social justice for Chile and an Eco-feminist Constitution

*Vanessa Hoppe Espoz*

The demand for greater social justice, was one of the main slogans of the Popular Revolt. From the social and environmental movements we understood that the constituent process was essential to recover the social rights that the military dictatorship had taken away from us and to reverse, in part, the depredation that the extractivist economic model imposed by Pinochet's constitution has caused in nature and, mainly in poor communities or native peoples in our country. But these could not be just social rights, they had to contemplate a perspective with a gender approach, which would include feminist demands and those of social and environmental organizations, questioning the possible ownership by nature and incorporating environmental rights from an ecocentric vision, as mentioned by Ivanna.

Although at some point SOCIAL JUSTICE was on everyone's lips, it was difficult to unravel what new justice Chilean society could open up to, considering the cross-cutting elements of protection of nature and gender and human rights (HR) approach. Considering also the indispensable correction of organic and structural shortcomings, correction of anachronistic procedures, the creation of institutionalism in accordance with the progress of the times we live in and the modification of institutions that have never been reformed.

Just proposing the modification of the rules that make up the highest Court of our country, practically intact since the Political Constitution of 1822, generated questions from the SC itself, who gathered in plenary to question certain decisions taken, such as the one to set a deadline for the exercise of their positions. While our intention was none other than to put an end to the hierarchies within the judiciary and the corruption implicit in each appointment.<sup>[1]</sup> The emphasis of the work of the social movements was to incorporate the focus on the protection of human rights and the rights of nature in the judiciary.

The creation of an Ombudsman's Office for the Rights of the People and an Ombudsman's Office for Nature with Regional Ombudsmen in both, the incorporation of the gender perspective

and the intersectional approach as principles of the administration of justice, the parity conformation in each of its organs, as well as the creation of environmental courts in all regions of the country, the incorporation of protection norms for imprisoned women mothers, are nothing more than the incorporation of this approach and of a territorial perspective of decentralization that, in our analysis, would contribute to the longed-for social justice we dream of so much. Contributing to redistribution and decentralization in the exercise of power, redistribution in the allocation of resources to the regions and equal opportunities and treatment for those of us who do not live in the capital, of an excessively centralized Unitary State, which makes all decisions in its capital.<sup>[SEP]</sup> On the other hand, the global climate crisis is an undeniable fact that cannot be ignored. Because we come from these struggles, many of us represent environmental and feminist organizations and beyond pretending to go down in history for having written the first eco-feminist constitution in the world, the looming climate crisis gives us a special urgency that seemed impossible to ignore, especially when the convention itself approved, by majority vote, to declare itself in climate crisis.

Today, part of southern Chile is burning, hundreds of communities have had to watch years of sacrifice collapse in seconds in the flames, spurred on by the insufficient action of a reduced State incapable of supervising and the null presence of the companies in prevention or fire-fighting tasks.<sup>[SEP]</sup> In Chile, monocultures, which sustain the extractivist system, have expanded strongly in the last 40 years, covering some 2.5 million hectares, which means 20% of the total area between the regions of O'Higgins and Los Ríos, altering the water balance, dramatically increasing the risk of fires and contaminating soils and groundwater with their chemicals, condemning the local population to poverty and economic dependence, which before planting pine trees lived off their local self-subsistence economy. In Chile, more than 14 million hectares of land are protected by the State, but most of them are between the regions of Aysen and Magallanes, where there are no pine plantations. The central-southern zone has the lowest number of protected areas, which of course allows for the establishment of forestry plantations.

The destruction of the native forest in Chile has been going on since the 19th century, first to facilitate the installation of European settlers in the territory and then to replace it with monoculture and strengthening of the economic system based on extractivism that maintains the wealth in the large economic groups, in the Chilean oligarchy, the duopoly of the richest families: Matte and Larraín and others that do not exceed 1400 families, the richest 1% that today monopolize almost 50% of the national GDP.

The dream of imagining a constitutional example for the world, which would allow reversing the order in the priorities of spending and fiscal investment, putting social rights and rights of nature



first, recognizing rights to nature and prioritizing its protection and restoration over the subsidy and financing of private business activities, with sufficient profits for their exports, which only in Chile occur without any counterweight, seemed to be a reasonable north in the context of our reasoning and cross-cutting constituent discussions. But, in my opinion, the result of the neoliberal experiment in our country, has managed to install a mass common sense quite harmful to the dignified life of ALL and ALL its inhabitants and the principle of "Good Living", which we have learned from the indigenous peoples to which Ivanna Olivares already referred, has been efficiently replaced by that of individualism.

Trying to change this brings with it an unthinkable corporate onslaught, which although we always knew would exist, we never imagined in magnitude or amount, and that finally created a totally biased reality, through the media, which are today in the hands of the same people who hold economic power and manage political power at will.

I am Vanessa Hoppe, fortunate to grow up in a family of artists, a popular singer mother, artisan, painter and ceramist; feminist lawyer of wallmapu, defender of Nature and Women, along with those who continue dreaming and fighting for a society with all, everyone. Thank you for opening your heart to this experience.

Thank you <3



## Seed keeper

*Loreto Vidal Hernández*

“Whoever said that all is lost, I come to offer my heart...” verses from a song, which after the decision that our country made on September 4 rejecting the constitutional proposal, sounds stronger in my heart.

I am Loreto Vidal Hernández, a Chilean woman who, at 52 years old, can only thank and honor life because I have been able to face it in various roles; wife, daughter, sister, student, partner, aunt, I have passionately embraced nursing, teaching and law, these and other intertwined perspectives have brought me closer to different realities, never losing sight of how important it is to “build community”. . Years ago I studied “a doctorate in humanity” because I am part of an NGO that works with one of the most invisible groups “people in street situations, from that position I have been able to be face to face with vulnerability, vulnerability whether we want it or not at some point in our lives it equals us all.

I share with you what happened in our country: in Chile we lived an experience that was clearly transformative, because far beyond the adverse result, we were able to collect from the bases what we thought would become a key, that key that would open the doors to hope, advancing in justice, in equity, positioning ourselves on the path of good living. From different and distant places in our country, we became the voice of an entire country through representation, each one of us contributed with magical ingredients that were intended to change the status quo. personally, and with total conviction, I declare that the constitutional proposal was nothing other than the certain possibility of finally carrying out a kind of Copernican turn: “Moving from competition to collaboration and from survival to coexistence”, from there a of my great motivations: to install in the constitutional proposal a true tool for peace, bioethics.

One of my great challenges was to bring bioethics to the constitution and make dignity completely stain the constitutional proposal. Looking back today, I have no doubt that this was

more than fulfilled, it is enough to review articles related, for example, to dignified death, palliative care, animal sentience, nature as a subject of law, among many others, and there is Bioethics. In all its wondrous splendor and potential...we are definitely moving forward.

I want to thank our campaneros from The my the heart, who accompanied our deep and painful mourning early on, because with a single question they gave us back our hope: "When you wrote the articles of the constitutional proposal, did you do it just for it to be approved? Or did they write it with the conviction that this was necessary and transformative? Well, we will never forget that. That is why we will continue to care for the seeds we sow and I am convinced that sooner or later they will germinate and their fruits will be beautiful.

Each one solves their pains in the best way they can. Sometimes I find it very useful to translate my emotions into small verses, and here is an incipient one, and still unfinished.

#### Ode to the new Constitution

You arrived in September, breaking the schemes,  
You brought us the essence of a hundred thousand springs,  
Which, if you were a lark, a dove or a nightingale,  
Through your lines you spoke to us of love,  
And what will we do now with everything already written?  
Will it be forgotten, an infinite oblivion?  
And what if we will continue as faithful warriors  
Waiting for the moment to meet again.

Thank you, this moment has been beautiful .



## The laboratory of hope

*Malucha Pinto Solari*

I have come this far thanks to many and many. I am certain that dreams are built collectively.

My name is Malucha Pinto Solari, director of the Aracataca Creations Foundation, I am an artist and we have put art at the service of invisible communities in my long and skinny country. We artists know the need to invite to the table, all that we are: land, sea, skies, territories, indigenous peoples, women, the disabled, neurodivergents, workers, and many more who have remained forgotten. My skinny country at the end or the beginning of the world, has been built from multiple and painful absences. We are the south that breathes on the "margin" of our society. The South is nothing more than a singular metaphor that identifies the suffering that human beings have suffered under the neoliberal system, which is the best exponent of patriarchy. It seemed essential to us to propose a new emancipatory culture. The constituent process, in a thousand ways, took charge of "the periphery", of that metaphorical "south" that wants and needs to express itself and be part of the table and of creation.

Between 2018 and 2019, the peoples of Chile gave themselves, in a lyrical and orgasmic moment, the task of building, democratically, a new constitution that would make a Copernican leap and move from one cultural paradigm to another, from ONE to US, from neglect of the common good to good living. This was a cultural rebellion in which they danced, sang, did theater, the sidewalks and the walls were poetry books that expressed the state of an oppressed soul animated by a desire for origin, land, sustenance, protection, embrace.

One of the dreams was to build a space within the convention in which we could reflect on knowledge, cultures, heritage, bioethics and science, understanding that it was in this space where the future was deciphered.

I want to point out that the cultural rights in the constituent scenario that we proposed are a

novelty. Defining ourselves as an intercultural State opened the recognition of our diversity. Without diversity, there is no life.

No constituent process had had its own committee of cultures, knowledge, science, arts and heritage, so we were exploring an unknown jungle that led us to new paths and we had to be especially creative in legal matters, to convert a soft, human, transcendental conversation, in constitutional articles.

We faced the need to not only guarantee the right to access and cultural participation, but also how to change the current individual perspective for a collective, popular one that would embrace the transformative change that the popular revolt that preceded us meant.

In our laboratory of hope, our national identities were expressed publicly. But this watery, liquid explosion, this swarm of emotions, of ideas for the future, this accumulation of postponed rights, needed time. A time to bond deeply with the citizenry. The year we were given to write it was too little.

The Constitution of 2022, that which was not, exists. There it is to be read and used when the time says so. Our trip through this laboratory of hope, because whatever the thousand polls and results at the polls say, the convention was indeed a laboratory of hope with its deep shadows and exultant lights.

My heart will always be in tune with the certainty that the universe exists thanks to collaboration, empathy, diversity and the beautiful and delicate balance between ALL and ONE.

Ours was a collective infatuation whose enchantment was serious, serious as love. A thick dream, rough at times, like the real dreams that we have awake. Other times, it was a luminous dream that sang, sings, will sing. At its heart, there is talk of tenderness, of good living, of dignity, denied for centuries by a hegemonic, colonizing and monocultural patriarchal culture.



## Social rights for an unequal Chile

*Lorena Céspedes Fernández*

Chile demanded and still demands a new Constitution to lay the foundations of a process for the resolution of social conflicts and inequality lived by most of the population. Once it was approved the idea of writing it by the plebiscite, I, Lorena Céspedes, was working as a physics, mathematics and robotics teacher in a public school and taking part in various social educational projects looking to develop all kind of skills in girls, boys and young people in Araucania, south of Chile.

I had never been in politics or political social organization or political party. I was always a bit skeptical and ingenuous of what occurs there. And I was given the idea of being a candidate for this new process from a group of independents. I didn't know how to do a campaign, or anything related to that, I gathered with a group of people I didn't know, to dream about the country we wanted. I was profoundly moved by the thought of teacher were going to be writing about education, ecologists about our environment, women about equality, where in particular there will be talking about garanties for the protection of women and generic sexual dissidences(?) in the judicial area, where there will be naming the caring labors and so much more. One of my personal challenges was to give all my heart, logic and the capacity of transversally dialogue to the project.

We worked at the previous Congress in Santiago, a building that was used to gray and formal suits, and it got filled with colors, damped of a Chile that had not ever permeated these kinds of places, that seemed accessible justo for a few.

But ¿What is a Constitution? Major part of the population did not understand and maybe still do not, what is a Constitution and how it can affect their lives, for many it had to do with social rights.

We dreamed with reforms in lots of them, i worked months giving propositions about education

policies, an education that would generate a transforming country, where it would be established an education based in equality, equity, respect, justice, democracy and much more and where the state would take on their preponderant role in it. Education lays the foundation of the kind of country that we want, what impacts in the formation of democracy and politics.

Our current system, fruit of profound neoliberalism, leaves the state very weakend, it only had liberty to take action in a few sectors and with socioeconomic groups that private entities did not want to face, that it has not as a commercial objective because of its low return and very little economic attractiveness. Education, health, living and pensions are presented with huge inequality in Chile and they generate huge grief, suffering and feelings of injustice. I lived and still live surrounded by young people with those daily difficulties.

We saw education as a process you go through in your life, enabler of other rights and as a principle to allow the harmonic development of the country, that breaks with what occurs nowadays, where people are formed with the duty to produce and not to “think or create”. It is not well seen to study to be a musician, it is better to study engineering or a technical career.

The education that we dreamed and many of the social rights, we presented them from two main dimensions, a social one, that looked for democratic coexistence, the construction of the common good and social justice, that meant the power of building a new way of relating and coexisting, in addition to the value of human and nature rights, solving from the bases of coexistence with our environment. And an individual one that looked for integral development of the person, the acquirement of knowledge and the recognition of the cognitive, physical, social and emotional dimensions, going out of the mind and brain approach, understanding the human being as an imbricated being and that therefore all of these dimensions will impact in people’s learning. Without question, from emotions, from the heart, from the transformation of lives.

We looked for social rights that could be interpreted with a gender approach, with cooperation, no discrimination, inclusion, that would value people’s diversity, as well as the multiple artists that are at risk of exclusion; hugging and respecting each member of the communities, and thus society. Aside from a justice system based on a parity principle and that all court resolutions would be with that gender approach, additionally adopting all the measures to prevent, sanction and eradicate violence against women, diversities and sexual and gender dissent, in all its manifestations and scopes.

But in our country there has existed since the dictatorship and it has held in democracy a

permanent tension between particular and public entities, as well as in between the people and the elite, tensions that we lived in the Constitutional Convention and in the social rights norms, In example, today we have a mixed school system formed by three entities: paid privates (9%) (for those who can cost it), privates subsidized by the state (54%) and state public (36%). There is a growing tension because of the social gaps generated from the difference in social rights, the kind of education, health (public versus private), access to living, for the kind of life that our older adults have based on their miserable pensions, all rights that are linked with the purchasing power of families which it is very disparate.

The admission exams for higher education show this bias, the results of that richest 9% of the country formed in private schools is much higher than public schools, which marks the kind of life the majority of the population will have.

And this educational gap is not just in the “quality”, we also have strong gender biases: 3 of 4 of the bestest scores in the university admission tests are men. Girls and boys live a segregation since they are little, where boys do better in math than girls, and instead of correcting those differences the educational system deepens them, we are looking for a system that is not sexist that allows a substantive equality between girls and boys.

I have been dedicated to physics, robotics and STEM education since I was 20 years old, and still it pains me to see how girls that participate in robotics workshops represent just 15%. These gaps endure in Chile, for example:

In higher education, the majority of the female students continue studies associated with roles of care like infirmary, social work and pedagogy, and a smaller percentage in disciplines of the STEM area.

This inequality affects both the disponibility of more diverse scientific and technological solutions for a country that needs them, and the minor access of women to better social and economical valued jobs, which affects in the generation and perpetuation of economical gender gaps and that allows to see that today, power spaces, usually are dominated by men.

We women in STEM careers and with job positions in those areas experience diverse difficulties to be accepted or included, we experience discrimination, devaluation and low self esteem.

We hope to push forward in the reduction of these big gaps in our country, our propositions of norms sought to impact in substantive equality transversally, looking to generate affirmative



actions, and we know that, in spite of the exit plebiscite results, we settled the bases of these and so many other discussions around this topic and I am moved by thinking in the future.

We seek to improve the conditions of access to a worthy living, to respond to those historically excluded groups and they improve their conditions by goodwill, older adults, women, boys, girls, teenagers and some others.

I still feel uneasy knowing that we are one of the few countries that has not constitutionally consecrated the rights from girls, boys and teenagers, considering the principle of superior interest and their progressive autonomy.

I suffered many times in this process, i cried many more, it was incredible to meet the 155 people from Arica to Punta Arenas, from mountain to coast, some cold and some hot, we did it, because we believe that this dream of a country must improve... and i know it will happened.

I live my day to day as a teacher with the responsibility of changing the life of girls, boys and young people. I lived that year in the Convention, with the responsibility and the challenge of changing the life of every Chilean person, and with pride and conviction I put my heart on that task.

Today I still believe that we can build a different kind of politics, that we can say what we think without being judge or disqualify, that we can talk with who thinks different, that we can moderate our critics if they not support our path to the finish line, that we can empathize with those that need us and that we can eliminate the red lines in pursuit of the common good. I will keep believing that politica does have tears because it must come from inside of us and from our social service vocation. I choose to keep believing this and be naive before falling into unkept promises.

Thank you so much for joining us today and sharing our dreams of the country we will build, maybe a bit slower than we thought, but with the same initial conviction.



## Feminist justice

*Ingrid Villena Narbona*

The time when the need to live is contrasted with the anxiety of consuming.

In Chile there was a time of rebellion and a need for change that opens up a new space for constitutional essays, with the hope of carrying out social transformations in view of the community, or that is what it appears to be.

I had the good fortune to participate in the drafting of the only democratic constituent process validated by the citizens, but which in turn was rejected in an exit plebiscite. The fear of social transformation, misinformation, fighting against years of low promotion of education and the critical thinking of each of the people who inhabit Chile was the biggest trigger for the rejection of a constitutional proposal where a social state prevailed. and democratic by law, environmentalist, feminist, protector of human rights and with recognition of the original peoples as subjects of law. After this experience, a minimum basis for a new constitution remains in the historical record of our country, where in particular, on this occasion, guarantees of protection for women and gender gender dissent in the judicial area will be discussed. Facilitating ideas that can be implemented in other laws in the world, to exercise and implement the jurisdictional function with an intersectional approach, guaranteeing substantive equality and compliance with human rights (art. 311 NC). We begin with the first point where, in order to avoid re-victimization in women users of the judicial system, this way of implementing and exercising the jurisdictional function must be extensive to all bodies, throughout the course of the process and in all actions to be done.

Thus, we also find an article clearly of a feminist nature (art 312 NC) where it is mentioned that the justice system must be based on the principle of parity and that all court decisions must be with a gender approach, as well as that Justice systems must adopt all measures to prevent, punish and eradicate violence against women, diversities and sexual and gender dissidence,

in all its manifestations and areas.

Regarding the first point, this generated quite a few rough edges with the conservative sector of our country and also with those groups where the recognition and participation of women in certain spaces is not prioritized. Questions such as Why guarantee parity if the selection criteria should be based on merit? Or, what about the election of one-person positions? What happens if there are no women capable of meeting those requirements? All these questions create a unified answer, in the sense of establishing new selection criteria that are adapted to the realities of each woman. In our country, due to the fact that co-responsibility for domestic work generally does not exist, the social and economic conditions do not exist to promote it. This generates as a consequence that the spaces of power are usually dominated by men. When we try to reverse this situation in the proposal for a new constitution, we create a light of hope to dream of a more egalitarian exercise of life.

On the other hand, we have the constant questioning that the decisions of the courts were with a gender approach, from the sector of the demi-gods called "magistrates" they questioned: What happens if we do not know what the gender approach is? How would this affect decision making?

How much would the doctrine in this area have to change?

In our country, one of the best-known sentences drafted with a gender approach was the case of Antonia Barra, where the court sentenced her femicide Martin Pradenas, for suicide as grounds for femicide.

After the loss of the proposed new constitution, a social phenomenon was generated in our country where fascism and limiting women's rights have become more accepted, regressing some years of feminist work. So much so that the iconic sentence referred to above is declared invalid by the supreme court of our country, this became a snowball since the argument used by the defense of Martin Pradenas referring to the excessive use of a gender approach was replicated. due to other emblematic cases in Chile such as that of Nicolas López, where he manages not to go to prison for the sexual abuse committed against more than five victims and only remains under house arrest (corroborate measures). If we are making progress in the regulations contained in the new proposal constitution, what was the objective of the change, and how this is reversed and played against in our country would be the one referred to in article 319 where it is stated that court rulings must be written in clear and inclusive language. This generated ridicule from the conservative sector of our country (again) since within their little capacity to empathize with the feelings of historically excluded groups they fell into the

baseness of thinking that everything should end with the letter "e", that shows that the struggles to achieve equality are not creating good communication channels to be able to understand the need to use neutral language when creating regulations for all the inhabitants of a country.

## FINAL THOUGHTS

To close, we want to share our views on two things.

Why did the rejection win in the plebiscite on September 4?

What are the future challenges for our country?

The world seems to be perplexed by the results obtained after September 4: how is it possible that the most avant-garde, democratic and participatory proposal in the world is not accepted? Why NOT advance in the protection of social rights, nature, equality and social justice?

The answer is part of a deep reflection, full of intricacies and it is still very difficult for us. It is not just reviewing studies and surveys to understand what happened in our country... we believe that many times things are understood not only with the head, but also with the whole body... with the heart.

The proposal was based on things far removed from the daily reality of Chileans, because talking to someone about solidarity, community, good living and eco-centrism can be overwhelming, unknown... impossible!! Impossible to believe and accept when everything you have has been the result of the INDIVIDUAL effort of each one... and not with what is built together.

We spoke to Chile from the demands and demands of our territories and identities and suffering... we thought that it would be possible to understand it, but time would tell us that our country would be incapable of doing so.

For example, issues such as the voluntary termination of pregnancy, indigenous justice or plurinationality ended up undermining the proposal for a conservative majority resistant to change and anchored to a reality that is very comfortable and its own.

I do not deny, understanding this has not been easy for any of us. Our convictions and struggles were clear and we continue to believe that these issues should be the foundation of the country, but it was not the time, not yet. That Chile moved us, excited us and continues to do so. Today, 6 months later, we still believe in that, but the vital contradiction that it represented for our

country was stronger.

Another element to consider was the exclusion from the debate of the dialoguing right and of those who identified with ideas of the center. When you are excluded this also often generates an emotional reaction... perhaps we could have done something more to build a bridge and allow a sincere dialogue... perhaps we could have achieved approval on the edge... perhaps... only today they are conjectures.

The time we had to write the proposal was clearly in violation of the process. The "Agreement for peace and the new constitution", signed by the political parties in November 2019, buried the process with limits that prepared the ground for what was to happen next. 12 months to write, 2 months to spread and for the first time in our history: mandatory voting... it was the chronicle of a death announced.

Not only was it insufficient for the drafting and deliberation of the text, but it was also not enough to explain time and time again to the public what the proposal really contained. The people could not know the Constitution in depth, their right to know was taken away and the government did not defend it with the necessary conviction either. The information campaign ended up being carried out freehand in the streets by the few organized people who were involved. Many times we feel alone and overwhelmed with the number of territories and communities where we had to go to share our beloved Constitution. Everything was done by hand, with minimal financial resources and with our bodies and spirits really exhausted from the strenuous work we did that year. Time, who would have thought, right?... that he was going to be so decisive, so definitive, so mean to us.

Finally, we cannot leave the media out of this analysis. The role played by the press is undoubtedly relevant at this historical juncture. They planted the seeds of misinformation, allowing confusion in the population hiding behind "freedom of expression" and "interpretation of the text" that borders on a lack of ethics. We had never witnessed such a media display. The economic bases that were behind them had all the space, the minutes on the screen, the guests on television programs and their army of bots, to install the post-truth about what the Constitution embodied... they took the lack of civic education and political disaffection and they used it to their advantage, they emptied the text of its content and encapsulated it in a caricature... we delivered to Chile a text full of hope and light and the media transformed it into a book dying of sorrow. I say it if you hesitate and without leaving our self-criticism aside... this was an attack on democracy and the dignity of the people.

Communications have always been the "Achilles heel" of the convention... there was a bad design since our arrival, in fact there was no budget allocated for this area... that is why we were never able to install our own communication strategy, this made it difficult all. No TV channel or written media wanted to support the proposal made by the communications commission at the installation of the Convention. The Piñera government did not lay the foundations in this regard and the current one was fearful in an effort not to intervene and not be judged for being biased on this issue.

How do we see the future? There are several nuances in our positions: we transition between believing and not believing in the current process proposed by the political parties, full of locks and banned topics. Our hopes are put at stake, the ideas we defended and the sustenance of the next Chile. It is a group of experts, handpicked by quotas given to the political parties who are drafting a text that will then be delivered for acceptance, to the Constitutional Council (a kind of New Convention) made up of 50 people (in parity, luckily).

In private sessions they meet to deliberate without any of us being able to have access to what is being said there... Paradoxical, right? While we are here, in Chile a text is being written that could become the new constitution and we do not know what it contains .

What are we left with then? How to get back on the path and continue to believe? In a gray, depoliticized and individualistic country... it seems impossible, and even more, what makes people keep trying? why insist? What sustains this fight?

The reality that our peoples live seems stagnant... like a step backwards in the midst of a society that expects change mixed with alliances that only protect those who have more... we rebel against that, we choose to live with our eyes high, knowing that what the feeling can never has been able to know.

We love our land and we cling like moss to the stone to its mountains, its rivers and deep deserts, to its people, its memory and its future, which is in us, in you and in the text that we proudly share with you.

As the Argentine feminist Rita Segato said so well, "the fate of this great constitution, a guiding text not only for Chile, but for all of us on the continent, does not end well or badly on September 4. This text continues to be written, engraved on fire, thought, debated and inscribed in the project of Latin America forever.

*If I go, everything that I am will go with me  
Away from me, away from here, I won't be me  
Let me be, just be, watching the sun come back  
I want to see the sunrise in my country.*

Thanks to Scilla and Mighty Heart, for giving us the loving containment space that we so needed. For allowing us to meet each other and reconnect.

Thanks to Sheva and the Fyera Foundation, for making our participation in the 67th Social and Legal Commission for Women at the United Nations possible, and for traveling to New York to share and learn with women from different countries. We will treasure this trip forever in our memory.





PROPUESTA

**CONSTITUCIÓN  
DE LA REPÚBLICA**

2022