

1. Who is "human" in the concept of modern human rights?

The human being is unique, unrepeatable and individual from the moment of conception. That is to say since a sperm and an egg join in the womb.

Any conception of a human being that goes against this biological truth is more influenced by ideology rather than truth.

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncouncted in the Constitution is conflicted with a constitutional right?

Peru has signed the Universal Declaration of Human Rights and the Inter-American Convention on Human Rights. Our 1993 constitution includes in its first 2 articles the fundamental rights of the person and in its article 3 indicates that the rights not listed they are also protected by the constitution whenever they merge "in the dignity of man, or in the principles of sovereignty of the people, of the democratic State of law and of the republican form of government."

This last article focuses precisely on the protection of the person in his dignity, in accordance with the treaties signed by Peru at the international level.

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

All legislation on human rights in our country is in accordance with international treaties on the subject signed by the State. In any case, what I could point out is that although our legislation is very respectful of the dignity of the person, the material conditions of our nation often prevent the true enjoyment of these rights by important human groups in our country, especially the poorer and excluded.

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

Actually - under my concept - I believe that the Judiciary should only limit itself to applying what is established in the rules on any matter. Already the existing norms have largely managed to objectify the administration of justice. This is the only thing that can guarantee us an objective vision of human rights in our country.

5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?

Actually, at this time there are problems to apply properly - basically for material reasons - all constitutionally protected rights. The problem in the field of human rights in our country is not the rules, but their application.

6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?

Unfortunately it is common in our country. Basically on the side of economic and social rights, but also within fundamental rights. We see it in access to education, justice, sanitation systems, etc. it seems that many times the legislation on human rights is simply a declaration of good intentions, but whose application often clashes directly with reality.

7. Are there any social realities contradicting international human rights concept based on individualism?

At least in the field of legal bodies, I don't think so.

8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

Of course they exist. But its application does not always end up being effective, again for material reasons, specifically adequate access to justice or adequate training of justice operators.

9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

Personally, I am a descendant of Germans. I am very proud of my origins, but I am also very proud to be Peruvian. I feel that many Peruvians think that way. However, we cannot deny that in Peru different identities coexist, I would say mainly regional rather than national. I say this because despite about 20% of our population have as their mother tongue some native language, their own customs and cultural identities, and often they feel distrust in the Peruvian State and its politicians, they do not stop feeling Peruvian and being part of The nation, however, does not behave properly with them.

10. What is the definition of the notion "minority" according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

There is no specific constitutional legislation on minorities in Peru

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?

I have a very personal perception about minority legislation. In principle, if a constitutional text recognizes and protects the individual freedoms and dignity of the person, it is assumed that he is doing it for all without exception, leaving aside origins, race, sex, sexual tendency, religion, etc. All minority legislation is a form of positive discrimination and all types of discrimination lead us to inequalities and these can lead to conflicts. What the state must do is to promote a tolerant and respectful vision in all its citizens and not forget that the wealth of a nation is based on its diversity.

12. What you think is the most current human rights problem in your country?

Adequate access to health, education and efficient administration of justice and sanitation services. However, these aspects have been greatly improved in recent years, education and public health remain poor and there is little confidence in the justice system.