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

Every person should be considered human, regardless his/her faith, nationality, gender, race, or any other difference.-

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 uncounted in the Constitution is conflicted with a constitutional right?

If a right is not considered in the constitution is not protected, unless it is considered in a law and/or a Human Right treaty. In this case there is not a particular judicial action deemed to protect it (as habeas corpus or other), but it can –and should- be considered by any court.

If case of a conflict, the regulation (law, constitution or treaty) that prevails is the one that better protects the right in the given case, according with the *favor personae* principle, stated in article 29 c of the American Convention on Human Rights

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?

They represent minimum standards. They are already provided in almost all rights, but there are some exceptions. I don't think there are regulations above international standards.

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

In the last five years or so I would say it is, specially when ot began to do conventionality control, mandated by the Interamerican Human Rights Court.

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?

Yes. The use of water should be considered a human rights issue. Also the right to receive education. The constitution regulates the right of schools to offer education but not the right of children to receive it, although it is an obligation to attend school.

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?

Property right is regulated in such terms that sometimes contradict justice, since it protects the owner rather than society and common benefit.

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

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?

Yes. Constitutional actions (habeas corpus and a protection action) can be used against either the State or private individuals or corporations. These mechanisms are effective but in some cases they can be slow, considering urgent needs.

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)?

Indigenous groups, especially the mapuche people, which is the largest but not the only one.

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?

The constitutional system does not consider minorities, although it should. Therefore, minority rights should be protected. Individuals belonging to a minority groups have their rights protected, but there is not any protection

for the group itself. This may contribute to solve conflicts, but is not a magical solution.

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?

Minority rights protect minority groups (ethnic, religious, sexual, etc.) and also individuals belonging to these groups. They does not give these people special rights, but it has been demonstrated that general human rights instruments are not enough to protect them. International regulations can ended be a response for their problems.

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

In my view there are two: The condition of indigenous people, which are not recognized in the constitution. Therefore, its members are treated as any citizens, not considering they have some specific characteristics. On a second place, social rights are not protected by specific judicial actions, as civil and political rights are.