

6. ARE THERE SUCH HUMAN RIGHT REGULATIONS IN THE LEGAL SYSTEM THAT IS PROTECTED BY THE CONSTITUTION BUT CONTRADICTS SOCIAL REALITY AND JUSTICE?

<p>6.1. Almanya – Carmen Thiele -</p>	<p><i>No.</i></p>
<p>6.2. Brezilya- Juliano Benvindo</p>	<p><i>Not of my knowledge.</i></p>
<p>6.3. Güney afrika - Catherine Willis-Smith</p>	<p><i>I believe our Constitution is very ambitious in terms of what it envisages democratic South Africa to be, but at the same time it is realistic in respect of the limited resources that government has. For instance, as mentioned earlier, there is only a right of access to adequate housing, food and water and other basic amenities, and no direct entitlement to these socio-economic rights. Social reality unfortunately often stands in stark contrast to the ambitions of the Constitution and especially the Bill of Rights. Poverty and inequality are still a reality for many previously disadvantaged people. Furthermore, due to the high crime rate that exists in South Africa, the rights envisaged by the Constitution do not always translate into reality.</i></p>
<p>6.4. Macaristan - Marton SULYOK</p>	<p><i>By definition, human rights rules contradicting social realities and social justice should not exist. This is because the exact reason for their existence is to serve social justice and to enhance and best reflect social realities. To answer the question, there are no HR regulations in the Fundamental Law that contradict social reality and justice (in Hungary). A constant debate is, however, whether the constitution should or should not define marriage as a union between a man and a woman. There are considerable arguments supporting the statements that such a regulation contradicts social realities.</i></p>
<p>6.5. Nijerya - Benjamin Danpullo</p>	<p><i>Yes, for instance, the right to life and capital punishment contradict social reality and justice. People are killed daily as a result of jungle justice in Nigeria, which goes against human rights rules</i></p>
<p>6.6. Singapur - THIO Li-ann</p>	<p><i>That's a contentious question - it all depends on what you mean by justice. Human rights is an expression of ONE form of justice, but there are many models.</i></p>

<p>6.7. Tayvan - Yiren Lin</p>	<p><i>Gibt es solche Menschenrechtsbestimmungen im Rechtssystem, die durch die Verfassung geschützt sind, jedoch der sozialen Realität und der Gerechtigkeit widersprechen? Cevap verilmemiştir.</i></p>
<p>6.8. Sri Wahyuni/ Indonesia</p>	<p><i>The blasphemy article is still a big problem because the articles made in the law can be interpreted in many ways, which means that the article is like a rubber article which can ensnare people when dealing with religious sentiment issues. As is known, Indonesia has 5 official religions, but Islam is the majority. Actually naming majority and minority is non-existent. There is no mention of majority and minority in the Indonesian legal system. All religions are equal and have their rights fulfilled. However, all that needs to be ruled that govern and can be accepted by all religions. However, in reality, this can be a problem, because the way to interpret an article with a religious problem is very difficult to manage, because it is very sensitive to this religious problem. Creating religious tolerance still needs to work even harder.</i></p>
<p>6.9. Marina Calamo Specchia/ Full Professor of Constitutional Comparative Law/University of Bari Aldo Moro / Italy</p>	<p><i>No.</i></p>
<p>6.10. Zielinski Flores Josef Martin – Peru</p>	<p><i>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.</i></p>
<p>6.11. Dr. Martín Risso Ferrand – Uruguay)</p>	<p><i>No.</i></p>
<p>6.12. Prof. Dr. Shinar Adam – Israel</p>	<p><i>There is de facto discrimination against Israeli Arabs despite a constitutional guarantee of equality. The new Basic Law Nation State emphasizes the Jewish element of the state, to the detriment of minorities. In many respects women also suffer discrimination due to the non-separation of state and religion, and in the workplace. Socio-economic disparities also prevent full equality.</i></p>

<p>6.13. Sombhojen Limbu – Nepal</p>	<p><i>As I previously gave you details information in my previous answer to your questions. Nepal has adopted recently a new constitution as it has able to incorporate many human rights provisions into fundamental rights for citizen of this country.</i></p> <p><i>Nepal has made commitment to promote and protect such rights as negative and remediable rights or we can say Country should give priority for people under such promised provisions in the Constitution.</i></p> <p><i>However we have some challenges because of limited resources, ineffective monitoring of laws, lack of adequate human resources, and non-precedent political system (Federal from Unitary).</i></p>
<p>6.14. Suzan Tavares da Silva – Portugal)</p>	<p><i>I can't remember any example. Even the right to abortion that was very contested at the time it was approved, didn't face resistance on its day-by-day application by the National Health Service.</i></p>
<p>6.15. Zewdu Mengesha - Ethiopia</p>	<p><i>I don't think that there exist such like contradiction.</i></p>
<p>6.16. Dr. Alexander Kim - Russia</p>	<p><i>I don't think so.</i></p>
<p>6.17. Prof. Dr. Vasanthi Nimushakavi - Nalsar Univ. - India</p>	<p><i>Yes, there are many contradictions. To take an example, the right against discrimination on the ground of disability, should cover both public and private actors, however in many cases the courts have not applied the right against discrimination in employment against private actors.</i></p> <p><i>Similarly, the right to equality based on individualism, is protected by the constitution, but contradicts social reality and justice. To give an example, the Sabarimala temple issue is one such issue. (see Indian Young Lawyers Association vs State of Kerala 2018 SCC Online SC 1690) The Sabarimala Temple is a temple in South India that does not allow the entry of women between the ages of 10-50. The Supreme Court of India has held such prohibition to be contrary to the right to equality. In spite of this, women still are not able to enter the temple because women themselves believe that it is against the freedom of religion to violate the beliefs of others and the worshippers at the temple claim it to be a part of their religious freedom to worship in a particular manner. The State is also not taking a firm position on allowing women to enter as it believes it to be a law and order issue.</i></p>

<p>6.18. Av. Massimiliano Buriassi - Italy</p>	<p><i>Si vi sono numerose regolamentazioni dei diritti umani che sono costituzionalmente garantiti e che, invece, sono violate nella realtà sociale e giuridica (ad esempio l'accesso alla giustizia per le categorie più povere e per gli immigrati).</i></p>
<p>6.19. Prof. Dr.Ahmed Aubais Alfatlawi - Public Law- Unv of Kufa- Iraq</p>	<p><i>The Iraqi legislation in general, organized most of the basic rights of human beings, although some of them opposed to tribal customs, but the implementation of such legislation remains the biggest challenge, for example, taking revenge on murder cases or achieving justice outside judicial institutions.</i></p> <p><i>Another issue is the contradiction between the provisions of the Constitution that regulate human rights principles and laws regulating human rights, for example in article 30 of the Iraqi Constitution, which regulates human rights issues, like the provision of health insurance for disabled children, women and adults. Displaced people as well as providing them with adequate housing, while the law of Social Welfare Law No. 11 of 2014 did not cover all segments and did not specify criteria that could address the issue of the provision of human rights that must be provided to the groups mentioned in article 30 of the Constitution, which led to the law being incompatible with the principles mentioned in the article 30 Of constitution, This has also led to widespread unemployment and lack of adequate housing.</i></p>
<p>6.20. Prof. Hyungnam Kim - Sunkywunkwan Univ.- South Korea</p>	<p><i>A few politicians have refused minorities' equality in Korean Economy. Nonetheless their views were counted so minute thing in Korea. So there will be no problem.</i></p>
<p>6.21. Tomas Lalik and Mgr Roman Lysina (PhD Candidate) - Pravník Univ - Slovakia</p>	<p><i>Yes, few examples would be the right for a favorable environment protected under the Art. 44 of our constitution. According to this article, "the State shall care for economical exploitation of natural resources, for ecological balance and on effective environmental policy, and shall secure protection of determined sorts of wild plants and wild animals." However, just recently, the EU commission decided to send a reasoned opinion to Slovakia for its failure to provide adequate protection for nature, which is causing a significant fall in bird numbers. Slovak forest management plans and their changes, as well as sanitary logging to prevent pest infestation, should</i></p>

	<p><i>be assessed for their effects. To date, these provisions are lacking in Slovak legislation.</i></p> <p><i>The right to free education (art. 42) and free health care (art. 40) can be considered as illusionary as well. State often fails to bear the expenses for these services in full and citizens are forced to pay for some of the things, connected to these services on their own. This reality is connected to the status of social rights – the Constitution protects the core of the rights while allows broad limitations.</i></p>
<p>6.22. Dr. Mohammad Javad Javid - Unv of Tehran - Iran</p>	<p><i>Law comes out of society needs and realities. For sure any positivism law which is implemented within a society comes from the realities from the specific society norms and values. As I said by differentiating the positive human right and real natural human right , there must be found some contradiction for sure . But from natural law philosophy and islamic point of view , adopting positive law in a society based on divine law and natural law can gaurentee human rights respecting in that society.</i></p>
<p>6.23. Prof. Dr. Adrienne Stone - Comparative Const. Law - Unv Melbourne - Australia</p>	<p><i>Bkz. Answer 5</i></p>
<p>6.24. Prof. Dr. Mark Tushnet - Comparative Const. Law - Harvard Law - USA</p>	<p><i>Many would contend that the protection of property rights (even a relatively modest modern form) prevents the achievement of social and economic rights both directly and indirectly, through the power wealthy people have in politics.</i></p>
<p>6.25. Prof. em Dr ius Reinhard Muss - Heidelberg - Germany</p>	<p><i>There are debates concerning the right of equality, especially the equality of men and women, the equality between the economical well situated and the economical less equipped and the equality between the educated and the uneducated. Nevertheless it would go too far, to speak about “contradictions” between social reality and justice; it’s just the never ending task of politics to enforce the never sufficiently reached total equality of all citizens.</i></p>

<p>6.26. Prof. Dr. Mabid Ali Mohammed Al-Jarhi - İslam Hukuku ASBÜ - Mısır</p>	<p><i>All human rights protecting statements in the constitution have been conspicuously ignored.</i></p>
<p>6.27. Assoc. Prof. Dr. Patrick Emerton - Human rights - Monash Univ. Australia</p>	<p><i>The Australia Constitution has three important aspects to do with economic policy: it provides for free-trade between the sub-federal entities which federated in order to create the nation; it provides for a national power to legislate for pensions and other social security benefits; and it provides for a national power to establish mechanisms for ensuring wage justice.</i></p> <p><i>The effects of “globalization” and “neo-liberal” economics mean that, while interstate free trade continues to be an important constitutional value, the powers in relation to wages and non-wage income support are no longer working as they were expected/intended to.</i></p>
<p>6.28. Prof. Dr. Hajer GUELDICH – Prof. of International Law-Univ. of Carthage Elected member of the (AUCIL) - Tunis</p>	<p><i>Constitutional rights in Tunisia are firmly protected especially after the 2011 revolution. Our constitution was freshly remade to fit our social reality and the rise of awareness between Tunisians.</i></p> <p><i>For instance, equality between gender has a constitutional value, although we are fighting to eradicate from our society the idea of the supremacy of males over females, which has been a success, and we’re always working on this matter to eventually establishing an utterly complete equality between men and women, even in succession rights.</i></p> <p><i>We can take some examples to demonstrate how far the Tunisian laws can contradict soacial reality and even rules of the Charia.</i></p> <p><i>As a matter of fact, before 2017, a non-Muslim man who wished to marry a Tunisian Muslim woman had to convert to Islam and submit a certificate of his conversion as proof.</i></p> <p><i>Tunisia is the first country in the Middle East and North Africa (out of the states that had had this law to begin with) to remove this law No. 73 (which bans Tunisian women from marrying non-Muslim men). Finally, after many campaigns put together by numerous human rights groups, the law has been abolished, and from now on, Tunisian women may marry</i></p>

	<p>whoever they want. Tunisian women have as equal rights as men, defying the conventional social standards.</p> <p>Moreover, after the Tunisian Cabinet approved, in 23 November 2018, the Draft law that would allow men and women to inherit equal amounts, contrary to what is stipulated in Islam, it will be discussed and ratified in Parliament before it goes into effect.</p> <p>When it will be voted by the Parliament in the next few months, Tunisia will become the first Arab country to achieve gender equality in inheritance.</p> <p>We are hopeful today for a Constitutional court in Tunisia that can protect and control all these achievements.</p>
<p>6.29. Asst. Prof. Narender Nagarwal - Unv of Delhi - India</p>	<p><i>Ans: Yes, many human rights regulations in my country are protected by the constitutional and criminal justice procedure but contradicts in its social and practical reality. The Constitution of India fully ensures the rule of law and fair trial through its various provisions but there have been rampant of extra-judicial killing, illegal arrest, wrongful prosecution, and wrongful conviction. Unfortunately, most of the victims of the state brutalities are Muslims and Dalits. The right to fair trial and not to be killed arbitrarily is guaranteed by the Constitution of India but routinely flawed by the law enforcement agencies. In all these mala fide cases the victims are entitled at least access to the justice and fair trial must be ensured by the state, but the reality is far from the truth. The major problem of this sorry state of affairs is deep biases against Muslims by law enforcement agencies. The problem of police reforms is also one the factor of such a rise of targeted violence against minorities by the police. Herein, I wish to share one prominent case of how minorities are targeted by the police and injustice meted out with innocent Muslim youths. In the case of Md. Aamir Khan and Md. Nasir, these two boys were falsely implicated under anti-terror laws by the notorious Special Cell of Delhi Police and after spending many years in jail, these innocent youths finally acquitted by the courts. The issue is, who will undo the injustice done to their life? Why no punishment to those policemen who had falsely implicated these youths and ruined their entire lives? Why Indian State is silent over the issue of compensation to these innocent boys? Who will compensate those beautiful years of his life which had</i></p>

been destroyed by the police? These are just a few examples the list is too long. The grave repercussion as victims of a frivolous lawsuit or a vindictively filed criminal charge, after being acquitted over years of hardship, are subjected to stigmatization by the society. Economical and financial loss, loss to reputation and the psychological abuse that is faced by the victims is unavoidable. Being falsely accused of a crime in the public arena of the courts results in irreparable damage, even if the persons ultimately acquitted. The dignity of those acquitted must be restored. Thus, the harm inflicted on them must be redressed within the framework of rights rather than charity and fixe the accountability of law enforcement agencies for committing state crime. But, till now even having signed the ICCPR, India has failed to create a legislative framework to provide justice for victims of wrongful prosecution and wrongful conviction despite the conclusive studies that indicate a majority of victims of such action are Muslims. Many other countries have converted this commitment onto law. In the UK, provisions of Section 133 of the Criminal Justice Act, 1988(2) provide the legislative framework through which Home Secretary, under specified condition ad upon receipt of an application, is obliged to pay compensation for wrongful convictions or incarcerations. This section conforms with UK's international obligations. Article 622 to 626 of the French Code de Procedure Penal gives effect to article 14(6) of ICCPR, 1966. In Germany too, an Act of Parliament passed in 1971 specifies that whoever has suffered damage as a result of a criminal conviction which is later quashed or lessened shall be compensated by the state adequately. Hence it can safely be stated that justice remained a dream for the victims of such crime in India. It is also determining that the theory of Jus Cogens and Obligatio Erga Omnes norms which is set out for wiping the tears of the victims of state crimes has left in the international instrument as a dead letter. Expressing concern for the plight of victims, Justice V. R. Krishna Iyer has "rightly opined that "criminal law in India is not victims oriented and the suffering of victims is entirely overlooked in misplaced sympathy for the criminal.

6.30.

Prof. Gerd Oberleitner - Unv of Graz - Austria	
6.31. Dr. Adnan Oweida - ASBÜ İslam Hukuku- Jordan	<i>Yes, there are legal articles that give privileges to a social class to the rest of the classes of people, such as land ownership, and running for president is limited to the ruling family.</i>
6.32. Dr. Andres Cervantes Valarezo - Unv of Pompeu Fabra - Const. Law - Ecuador	<i>Unfortunately, as Roberto Gargarella has mentioned, Latin American constitutions are a broad catalog of broken promises. They contain a long list of constitutional rights, an openness to indigenism, and a broad vision regarding economic and social rights. However, the organization of power has remained intact throughout the centuries, which has encouraged hyper-presidential systems that hinder the exercise of democracy. The common problems of Latin America are many: prison overcrowding, bankruptcy of the public health system, extreme poverty, lack of independence of the judicial system, clearly demonstrate that social reality collides and denies the advanced text of constitutions such as Ecuador.</i>
6.33. Asst. Prof. Dr. Manal Totry-Jubran - Bar Ilan Unv. - Israel	<i>Recently the nation basic law was enacted which contradicts the equality value and due to that other human rights values such as freedom to live where every person seeks to.</i>
6.34. Maria Paula Grat - Uruguay	<i>No. Maybe there are some articles that needs a modification or an interpretation according to reality. For instance, the ones that refers to ways of communication or correspondence (that need to include new ways of communication, such as new technologies or internet) –this can be added by interpretation-</i> .
6.35. Prof. Luis G. Francheschi - Dean Emeritus of Strathmore Law School - Nairobi-Kenya	<i>Yes, there are various rights contemplated and secured by the law but de facto inexistent and non-realizable due to the social underdeveloped context and the material impracticability in their achievement and implementation. For example, Kenyans have a right to the highest attainable standard of healthcare services, accessible and adequate housing, sanitation, to be free from hunger, adequate food of acceptable quality, clean and safe water in adequate quantities, social security and free education. The reality on the ground is that Kenya is still a developing country, where approximately 40% of the population live below the poverty line. This is coupled with the</i>

	<i>reality that Kenya is still a young economy where less than 40 percent of the population have access to electricity and 75 percent must dispose of their human waste in pit-latrines and another 6 percent in the bush.</i>
6.36. Prof. Hugh Corder - Public Law- Unv of Cape Town - South Africa	<i>THE RIGHT TO EQUALITY IS ONE SUCH RIGHT; GIVEN THE GROSSLY UNJUST AND UNEQUAL HISTORY OF SOUTH AFRICA, IT IS TAKING A VERY LONG TIME TO REALISE THE RIGHT TO EQUALITY OFR MOST SOUTH AFRICANS. PROGRESS HAS BENE MADE, BUT MUCH MORE NEEDS TO BE MADE.</i>
6.37. Asst. Prof. Umar Rashid - Advocate High Court - UMT School of Law and Policy - Pakistan	<i>Ans) There are no such regulations, in fact the preamble to the Constitution and the Objective Resolution (made substantive part of the Constitution under article 2A) state that the state should guarantee social, economic and political justice. Though there are human right regulations, protected under the Constitution, which are not properly protected in practice due to the failure of the government in protecting them and failure of the society. Thus rights of women, minorities, transgender, and children, to give a few examples, are protected under the Constitution (as interpreted by the Supreme Court), but in reality there are many problems in the enforcement of such rights and protection accorded to these groups.</i>
6.38. Lecturer Simon Alexander Wood - Unv Malaya Law Fac. - Kuala Lumpur- Malezya	<i>their rights of indigenous and native people's have good recognition under the constitution however the social legal economic and cultural and property aspects for these communities arer poor.</i>
1.39. Professor Merris Amos-UK	<i>The professor has chosen not to publish her answers.</i>
6.40. Ştefan Bogrea - PhD student at human rights law and also advocate - Univ of Bucharest - Romania	<i>No, if anything, social reality and justice would need a more human rights-centric approach in order to be more effective.</i>
6.41.	<i>Generally speaking, I don't believe there are any human right constitutional regulations in the legal system of Romania grossly contradicting social reality and justice. However, the</i>

Asst. Dr. Cristina Tomulet - Civil Law - Babeş Bolyai Unv. - Romania	<i>state authorities' practices, for example excessive bureaucracy or inertia, cause severe violations of human rights.</i>
6.42. Prof. Dr. Mahendra P. Singh - Constitutional Law - Unv of Delhi - India	<i>Yes, there are such rights as the one in Article 17 which abolishes the practice of untouchability and makes it a punishable offence have abolished the practice of untouchability and made it a punishable offence, Article 23 prohibits traffic in human beings and forced labour and Article 24 prohibits employment of children in factories below the age of 14 years are few of the provisions in our constitution that enshrines social justice. In spite of the constitutional guarantees as mentioned in these provisions as well as several provisions in the directive principles of state policy the practice of untouchability, forced labour and child labour, poverty, hunger and discriminations on the basis of caste etc. are still prevalent in our society.</i>
6.43. Prof. Dr. Stephanie Wattier - Const Law and Human Rights - Unv of Namur - Belgium	<i>S.W.: In Belgium, I do not think so. I would only say that several human rights of the Constitution need to be modernized to better answer our contemporary challenges (for instance: transgender rights, etc.)</i>
6.44. Dr. Malika Tastanova M. Narikyev - Kazakhstan	<i>The professor has chosen not to publish her answers.</i>
6.45. Bosna Hersek – Jasna Baksic	<i>Ustav BiH (Aneks IV Dejtonskog mirovnog sporazuma (Opći okvirni sporzum za mir u BiH) odražava uslove I situaciju u kojoj je nastao. Cilj međunarodne zajednice je bio postizanje mira u BiH I ostvaren je račun ustavnih rješenja koja stvaraju pretpostavke za izgradnju demokratske, liberalne države sa vladavivinom prava. To je vidljivo u kontradikciji normi o teritorijalnom I organizacionom uređenju države sa jedne I normama o ljudskim pravima sa druge strane. Teritorijalno I organizaciono uređenje BiH u potpunosti favorizira konstitutivne narode u odnosu na Ostale I građane. Norme o ljudskim pravima garantiraju ravnopravnost svih I jednakost svih građana pred zakonom bez diskriminacije. Posljedica je unutrašnja kotradiktornost samog Ustava koji priznaje I kolektivna I individualna prava. Političke snage favoriziraju kolektivna na račun individualnih prava I zato do sada nisu</i>

	<i>iskorišteni potencijali instrumenata za zaštitu ljudskih prava u tranformaciji ustavno pravnog I političkog sistema.</i>
6.46. Polonya - Iwona Wroblewska	<i>Economic, social and cultural rights and freedoms are regulated in the Constitution of the Republic of Poland in Chapter II, after personal and political freedoms and rights in Articles 64-76. These provisions are referred to as co-called programmatic norms that do not formulate specific subjective rights, but determine either the tasks of the state or its goals and means of achieving these goals. The state is obliged to take measures to implement and protect these rights and freedoms to the greatest possible extent. These provisions of the constitution do not harmonize with reality, because the state is not financially and organisationally able to ensure everyone, e.g. the freedom to choose and practice a profession, and to choose a place of work (Article 65.1); equal health protection financed from public funds (Article 68.2); universal and equal access to education (Article 70.4). The scope of protection of social rights and freedoms is specified in ordinary law.</i>
6.47. Gana - Professor Kwadwo Appiagyei-Atua	<i>No. I don't know of any.</i>
6.48. Zimbabwe - Paidamwoyo Mukumbiri	<i>None.</i>
6.49. Australia - Helen Irving	<i>There are no direct human rights provisions in the Australian Constitution.</i>
6.50. Malezija - Dr Faridah Jalil	<i>Yes, such as Sedition Act 1948.</i>
6.51. Rusija - Dr. Tatiana Khramova	<i>See Question 3</i>
6.52. Uruguay - Eduardo G. ESTEVA GALLICCHIO	<i>It is possible to verify some discrepancies between constitutional provisions and reality. For example, article 26 ("In no case shall prisons be allowed to mortify, and yes only to assure the accused and punished, chasing their reeducation, aptitude for work and crime prophylaxis"). The overpopulation of prisons determines that constitutional objectives are not met. Another example: constitution, article 45: "Every inhabitant of the Republic has the right to enjoy decent housing." Some realities does not agree with it.</i>

6.53. Arjantin - Dr. Aldana Rohr	
6.54. İsviçre - Roman Schuppli	<i>On 29 November 2009, Swiss voters adopted the popular initiative "Against the Construction of Minarets". Thus they have supported the new constitutional provision "The construction of minarets is forbidden" (Art. 72 para. 3 of the Federal Constitution), which came into force immediately after. The ban on minarets appears as a restriction of religious freedom, which at the same time amounts to an unconstitutional discrimination due to its one-sidedness. Materially, the violation of the prohibition of discrimination appears indisputable, since there is a worsening of the position of Islam towards other religions for which no objective reason may be found.</i>
6.55. Makendonya - Dr. Ljubomir Frckoski	<i>Kitabını göndermiştir.</i>
6.56. Şili - Juan Pablo Beca F.	<i>Property right is regulated in such terms that sometimes contradict justice, since it protects the owner rather than society and common benefit.</i>
6.57. Avustralya - Simon Rice	<i>As I said above, there is no constitutional protection of human rights in Australia. An aspect of the Australian Constitution that contradicts human rights is the provision that allows the federal government to make racially discriminatory laws (see section 25, and section 51(26) of the Australian Constitution).</i>
6.58. Renata Bedö	
6.59. Damir Banović	<i>Our legal system is a combination of collective and individual rights in which collective political rights dominate. Having this in mind, individuals lack proper political representation and protection. Bosnia and Herzegovina is a federal state with consociational elements that prevent full individual expression at the political level. At the social level, it prevents developing full individual capacities and individual understanding of a good life. If there is any, it has been understood within the three dominant ethnic groups (Bosniacs, Croats, and Serbs).</i>
6.60. Dr. Lilla Berkes, PhD candidate) - Hungary	<i>There are some problems regarding homelessness. According to the Basic Law of Hungary, the State and local governments shall also contribute to creating decent housing conditions and to protecting the use of public space for public purposes by striving to ensure accommodation for all persons without a</i>

	<p><i>dwelling. Using a public space as a habitual dwelling shall be prohibited. So in one hand the State and local governments are entitled to help homeless people which they do (there are homeless shelters and social helpers etc.) but on the other hand it's not enough and not all the homeless people can or want to use these services so they live on the streets which is also a misdemeanor. Also, the public either feels sorry for them and calls on the government to help them or doesn't want to see them on the streets or take the bus with them etc. In reality there are not much opportunities to solve the problem of homelessness.</i></p>
<p>6.61. Prof. Dr. Jorge León</p>	<p><i>En su momento existió un debate en torno al artículo 140 de la Constitución Política de 1993¹ que establece la pena de muerte. Ello debido a que se interpreta que esta desarrolla mayores supuestos que la Constitución de 1979², regulación que es contraria al espíritu abolicionista del artículo 4 de la Convención Americana sobre Derechos humanos. No obstante, el mismo texto se cerró con la cláusula “conforme a los tratados de los que el Perú es parte”, lo que en la práctica impide aplicar este artículo en el marco de la garantía del derecho a la vida.</i></p>
<p>6.62. Professor Thierry Rambaud</p>	<p><i>An article was sent by the Professor.</i></p>
<p>6.63. Mario Campora - Melisa Szlajen - Argentina</p>	<p><i>My objective in this answers was to show you that Argentina is a country in the Latin American Region, and also we can affirm in the world, that has recognized and ratified a lot of instruments of humans rights and although they are important tools that we have to fight and the success during human rights are still not effective. The reality contradicts this international position. A there are a lot of groups in a vulnerable situation and that suffer discrimination. Persons with a non normative gender or sexual orientation are victims of violence from particulars and also the authorities. Sexual Education Law is not apply in all the territory of the state to change that reality. Every 30 hours a woman die victim of gender violence and because we cannot get legal abortion. Migrants are in risk, now we have decree 70/2017 that changed the migrants law and allow the authorities to</i></p>

¹ Artículo 140. “La pena de muerte sólo puede aplicarse por el delito de traición a la patria en caso de guerra, y el de terrorismo, conforme a las leyes y a los tratados de los que el Perú es parte obligada”.

² Artículo 235. “No hay pena de muerte, sino por traición a la Patria en caso de guerra exterior”.

	<p><i>expulse them without guaranteeing their human rights and they are discriminated. Authorities don't respect the native people and their rights also recognized in our constitution. People in jails is increasing and they live in terrible conditions in opposition to human dignity, they are torture. Poorness in Argentina is only expanding so the minimum level of human rights is not guarantee and when the human rights defender want to make a pacific protest they are repressed by the police.</i></p>
<p>6.64. Dr. Alaa Nafea Kttafah</p>	<p>كلا</p>
<p>6.65. Silvina Ramirez - Argentina</p>	<p><i>La brecha de implementación entre los derechos consagrados normativamente y su efectivo cumplimiento existe y no es desdeñable. La realidad presenta un conjunto de derechos sociales vulnerados, y su posterior judicialización no garantiza que su incumplimiento sea subsanado.</i></p>
<p>6.66. Agnieszka Bien-Kacała - Poland</p>	<p><i>The professor has chosen not to publish her answers</i></p>
<p>6.67. Professor Dr. Claire Breen - Australia</p>	
<p>6.68. Marwan Al- Moders - Bahrain</p>	<p><i>The Professor has send articles.</i></p>
<p>6.69. Dhia Al Uyun - Indonesia</p>	<p><i>Iya. Bertentangan dengan realitas sosial dan keadilan. Contohnya Kasus Baiq Nuril vs Haji Muslim 2019 di Mataram NTB Indonesia yang membuat pelaku kekerasan seksual tidak dihukum, keadilan tidak terwujud.</i></p>