

THE READ CONSTITUTION IN FAMILY FOR ALL

THE CHAPTER II

COLOMBIA, A SOCIAL STATE OF RIGHT



I. THE DIALOGUE CONSTITUTIONAL: WHY IS A SOCIAL STATE OF RIGHT?

VICTORIA: Family, another time of return to our dear earth. Is pertinent dad, certain that Colombia is a State, because we live in *Nariño*, territory where our Colombian Nation begins?

ARMANDO: That well he/she feels to read: "*Welcome to Colombia*", because here we live, we study, we play and they offer us care, health, respect and work to all, as well as to our parents on the part of the elected authorities for the people. We are feels a new and cool air to cross the frontier to meet with my friends, grandfathers and family.

LUCIO: As always, my alone siblings thinking of what we receive from our parents and the authorities of the State. Colombia, is also our home where it is spoken the Castilian, English and many languages and dialects; where exist several ethnic group, races and cultures; world champion sportsmen, poets and universal writers, musicians that make vibrate with its voice and mainly honest, educated people and patriots as us.

MARÍA PAZ: Please children, wait we arrive home and we speak of our beloved Colombia, because I believe that the President and the National Government in this brief one our absence, it has continued working for the Peace, the development of

the work and the health, the attainment of financial resources and the understanding with the Congress and the High Tribunals of the Republic. For the time being, take delight thinking of the natural assets that we have: snowy Volcanos as the *Cumbal* and The *Galeras*; the rivers *Mayo*, *Güaitara* and *Telembí*; the beaches of *Tumaco*; the Lagoon of *Cocha*; and in short, the natural landscape and created by the cities of *Ipiales*, *Túquerres*, *Samaniego*, The *Cruz* and *Pasto* and in general all the beauty and natural assets of Colombia.

LIBORIO: Victoria, with your question and words makes honor to your name. Indeed, Colombia is a State because has a territory, some authorities with being able to public, a juridical ordinance and an existence and effective guarantee of the individual, family, social and community rights on the part of the judges and the Tribunals, as well as a social guarantee, politics and juridical permanent of those rights, on the part of the Congressmen, the President of the Republic, the Procurator and Comptroller General of the Nation, the Ombudsman and the Procurators Municipal, among other national authorities.

II. THE CONSTITUTIONAL LESSON: THE STRUCTURE OF THE SOCIAL STATE OF RIGHT

THE ELEMENTS THAT CONFORM THE STATE OF RIGHT

The State structured with the territory, people or the town that inhabits him and the origin of the sovereignty; the authorities that conform the legislative public branch (The Congress of the Republic), judicial branch (judges and tribunals) and executive or administrative branch (The President and Vice-President of the Republic, The Ministries, Directors of department and National Government) and the individual, social and community human right catalog, provided in the effective Ordinance Law. The State protects and it guarantees all the rights and human freedoms, the work, the equality, the peace and citizen serenity, the health, the education, the housing and public recreation, based on the respect to the human dignity, the coexistence and solidarity citizens, the democracy and the ethnic, racial, cultural and idiomatic pluralism.

UNITARY, DECENTRALIZED AND AUTONOMOUS REPUBLIC

Colombia as "*Social State of Right*" he is organized in form of Unitary, decentralized Republic and with autonomy of their territorial entities (*Corregimientos*, Municipalities, Districts, Departments, Counties, regions and Indigenous Territories). Each a can elected their authorities for the popular vote, to obtain their own tributary and not tributary resources and to be administered of conformity with the Constitution, the laws, ordinance-laws and administrative acts (Effective Ordinance Law).

THE TUTELAGE EFFECTIVE OF HUMAN RIGHTS

The Colombian State will reach its more high-level in the social thing and of right, when we live in peaceful coexistence and they guarantee us indeed the life, the education, the health, the recreation and all the human rights of the men and the women, as well as the boy's rights, of the adolescent, of the family, of diminished physical and psychic, of the natives and of black people; and in short, of all the national and foreign, permanent inhabitants or resident temporary for our country.

III. THE CONSTITUTIONAL GLOSSARY

- AUTHORITIES:** They are the juridical persons or natural to who have been conferred a public power, social or community. There are authorities Administrative, legislative, judicial, military, ecclesiastical, among others. They are executive authorities in Colombia: The Mayors, Governors, the President and Vice-president of the Republic. These authorities are elected by the popular vote for constitutional periods provided in the Constitution and law.
- GOVERNMENT:** It is the institutional form that adopts the executive public branch to be able to administer a State. The National Government in Colombia this compound for the President and the Vice-president of the Republic, the Ministries of Cabinet, the Directors of administrative Department and the Superintendents, as it was the case and matter protection object. For example, is National Government in affairs of health, the President of the Republic and the Ministry of the Social Protection
- JURIDICAL NORM:** It is the rule of human conduct of full observance and of obligatory respect for all the people. The principal juridical norm of Colombia is the Constitution. For that reason it is said that it is the "*norm of juridical norms*"
- JURIDICAL ORDINANCE EFFECTIVE:** It is the Group of juridical norms that will apply in obligatory and indiscriminate form to all the national inhabitants or foreigners from Colombia. This Juridical ordinance is compound for the Constitution, the laws, the Decrees-laws and the administrative acts.
- PUBLIC POWER:** They are those abilities or attributions management administrative, or in their case of legislative administration or of judicial decision conferred some people that acquire the range of authorities to have been elected by the popular vote, the public competition or the appointment, as it was

the case. The public power in Colombia is divided this way: executive branch, legislative branch and judicial branch.

REPUBLIC: It is the form of State governed by the President and Vice-president of the Republic, the Ministries of the Cabinet and the Directors of Administrative Department and Superintendents.

SOCIAL STATE AND OF RIGHT: State in which protects and it guarantees the rights and human freedoms and it is based on the dignity, the coexistence, the respect, the equality, the non discrimination, the plurality, the democracy, the public power and the respect to the free development of the personality and the family.

SOLIDARITY: It is the value that has all person persecutor of the very common one, a harmony of interests and responsibilities. The solidarity in Colombia is a constitutional duty that has every person in favor of the other ones.

SOVEREIGNTY: It is the base, reason and validity of the power public. In Colombia, starting from the Constitution of 1991, the sovereignty resides exclusively in the people, of which emanates the public power. The people exercise it in direct form or through its representatives

IV. THE CONSTITUTIONAL PRECISION: THE ATTRIBUTES OF THE COLOMBIAN STATE

The Titles First of the Constitution referred to those “*fundamental Principles*” (Articles 1 at 10), the attributes that identify to the Colombian State as Social State and of Right. These are:

- 1) **UNITARY REPUBLIC.** Colombia is a social State of right, organized in form of unitary republic, decentralized, with autonomy of its territorial, democratic entities, participative and pluralistic, been founded in the respect of the human dignity, in the work and the solidarity of people that integrate it and in the predominance of the general interest.
- 2) **PURPOSES OF THE STATE.** They are essential purposes of the State: to serve to the community, to promote the general prosperity and to guarantee the effectiveness of the principles, rights and duties consecrated in the Constitution; to facilitate the participation of all in the decisions that affect them and in the economic life, politics, administrative and cultural of the Nation; to defend the national independence, to maintain the territorial integrity and to assure the peaceful coexistence and the enforcement of a just order.

The authorities of the Republic are instituted to protect all the resident people in Colombia, in their life, it honors, property, beliefs, and other rights and freedoms, and to assure the fulfillment of the social duties of the State and of the individuals.

- 3) **THE SOVEREIGNTY RESIDES IN THE PEOPLE.** The sovereignty resides exclusively in the people, of which emanates the public power. The people exercise it in direct form or through its representatives, in the terms that the Constitution established.
- 4) **THE CONSTITUTION AS NORM OF NORMS.** The Constitution is norm of norms. In any event of incompatibility between the Constitution and the law or another juridical norm, the constitutional dispositions will be applied.

It is duty of the national ones and of the foreigners in Colombia to accept the Constitution and the laws, and to respect and to obey the authorities.

- 5) **INALIENABLE HUMAN RIGHTS.** The State recognizes, without discrimination some, the primacy of the person's inalienable rights and it aids to the family as basic institution of the society.
- 6) **RESPONSIBILITY JURIDICAL OF INDIVIDUALS AND THE SERVANTS OF THE STATE.** The individuals are only responsible in the face of the authorities to infringe the Constitution and the laws. The public servants are it for the same cause and for omission or abuse in the exercise of their functions.
- 7) **ETHNIC AND CULTURAL PLURALITY.** The State recognizes and it protects the ethnic and cultural plurality (Article 7^o).
- 8) **CULTURAL AND NATURAL ASSETS.** It is the obligation of the state and of individuals to protect the cultural and natural assets of the nation.
- 9) **THE EXTERNAL RELATIONS OF THE STATE.** The external relations of the state are based on national sovereignty, on respect for the self-determination of peoples, and on the recognition of the principles of international law approved by Colombia.

In the same manner, the foreign policy of Colombia will be oriented toward the integration of Latin America and the Caribbean.

- 10) **MULTILINGUALIDAD.** The Castilian is the official language of Colombia. The languages and dialects of the ethnic groups are also official in their territories. The education that is imparted in the communities with their own linguistic traditions will be bilingual.

V. THE CONSTITUTIONAL READING: THE FUNDAMENTAL PRINCIPLES OF THE STATE

To the Constitutional Court is trusted the guard of the integrity and supremacy of the Constitution

On the fundamental principles of the State it has sustained the Constitutional Court:

“The Constitution this conceived in such a way that the organic part of the same one only acquires sense and reason of being as application and setting in work of the principles and of the rights inscribed in the dogmatic part of the same one. The Letter of rights, the nationality, the civic participation, the structure of the State, the functions of the powers, the control mechanisms, the elections, the territorial organization and the reformation mechanisms, they are understood and they justify as instrumental transmission of the principles and constitutional securities. Not is possible, then, to interpret an institution or procedure provided on the outside in the Constitution of the material contents captured in the principles and fundamental rights”

(The sentences of Tutelage 406 1992, June 5)

The dogmatic part of the Constitution this contained one in the Preamble or introduction to the same one and in the fundamental principles (articles 1 at 10) and the constitutional securities of the human dignity, the inviolability of the rights, the respect and the person's free development and the family. The organic part of the Constitution is the one that we call normative part (Titles, Articles, subsection and numeral or literal): it Structures and operation of the power public and other regulatory agencies, the individual, social and community rights, defense mechanisms and protection, finances of the State and reformation to the Constitution.

VI. THE ACTIVITIES OF THE STUDENT
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I. Supplement the following propositions:

- 1) The state is structured with the _____

- 2) In the Social State of right it is guaranteed and protégé _____

- 3) In Colombia they are elected popularly to the following executive authorities:

- 4) The Public Power in Colombia is composed of the branch _____

- 5) The Sovereignty in Colombia resides in the _____

II. Mark with a X, the correct answer to the following propositions:**1) The National Government conforms to for:**

- a) The President and the Vice-president of the Republic
- b) The President of the Republic, the Ministries, the Directors of Administrative Department and Superintendents
- c) The President of the Republic, the Governors and the Mayors
- d) The President of the Republic and the Congressmen
- e) The President of the Republic and the judges

2) The Constitution is the “norm of juridical norms”, because:

- a) The Colombian family says this way it
- b) All the national inhabitants and foreigners complete it and they always respect
- c) The judicial authorities or the judges of the Republic determine this way it
- d) The legislative authorities or congressmen determine this way it
- e) They determine this way it the executive or administrative authorities

3) Colombia is a Social State of Right because:

- a) Some judicial, administrative and legislative authorities exist
- b) Territory, population, exists to be able to public and guarantee of human rights
- c) Some laws, Decree-laws and administrative acts exist
- d) There are a President of the Republic, a Congress and some judges and judicial tribunals
- e) There are a Procurator of the Republic, The Ombudsman, The General Comptroller of the Nation and the Procurator Municipal.

- 4) **The fundamental principles of the State provided in the articles 1 at 10 of the Constitution are:**
- a) Simple constitutional references
 - b) Inalienable foundations in those that the Social State of Right is based
 - c) Normative suggestions that you/they should observe the authorities of Colombia
 - d) Consequence of the ethnic plurality of Colombia
 - e) Consequence of the responsibility of the servants of the State
- 5) **The Social State of Colombian right is organized in form of:**
- a) Unitary, decentralized Republic and with territorial autonomy
 - b) Parliamentary monarchy
 - c) Monarchy or kings' government
 - d) Republic with national political centralization
 - e) Republic with national administrative centralization

VII. THE ACTIVITIES OF THE STUDENT AND THE PROFESSOR

- I. **In study symposium he/she examine and express their opinions on the following themes:**
- a) Why do we say that all the inhabitants from Colombia are State?
 - b) In the Social State of Right it is only protected the individually considered person's human rights? YES or NOT. Why do you reason?
 - c) What does it mean that our State is multilingual, diversity group ethnic and cultural?
 - d) The branches of the public power (Executive, legislative and judiciary) they are authorities that the town really knows to near the State. How so much you know on the division of the Colombian public power?
 - e) The branches of the public power of the State (Executive, legislative and judicial) composed by individual and collective authorities they are really well-known for the people. How so much knows the people on the matter?
 - f) Do you believe that the National Government really guarantees and does it protect the human rights? YES or NOT. Why do you reason?