

THE READ CONSTITUTION IN FAMILY FOR ALL

THE CHAPTER III

THE RIGHTS, WARRATIES AND THE DUTIES IN COLOMBIA



I. THE DIALOGUE CONSTITUTIONAL: THE COLOMBIANS HAVE RIGHTS AND DUTIES

LUCIO: Family, in the environment of this natural beauty of the Lagoon of “*La Cocha*”, they come me disturbing memories, because while we have a good time thoroughly and we breathe this gratifying pure air, there are many children in the world and in Colombia in particular that don't have allowances, wardrobe, education, housing, health, recreation; and stiller, they don't have family, neither who protects them, he wants them and respect, them of a name, make them recognize among same, their honor, their dignity, their intimacy; and in short, he manifests them that they have as us human rights, provided in the Constitution and the treaties or international Agreements. This diminishes my total happiness.

VICTORIA: For that reason, today per today, I enjoy that that tomorrow not you if I will be able to continue making it. Our great wealth is to have a family, to be healthy, to study in the school, to enjoy the nature, to be able to express me and to think freely and to play with my friends. All that yes it is a gold that doesn't have price; as she doesn't also have it the beautiful vegetation, “*the trout rainbow*” and the green blued waters of the lagoon.

ARMANDO: Please, siblings don't not remove me what they have not given me: the sunbeams, the air and the healthy environment, the breeze of the lake, the calm happiness of these vacations. You will say that I am selfish with the other ones, but who can resist to this space and natural beauty, to a worthy life; to a rest very livestock after our study or of the work of our parents; to a landscape even not polluted; to admire a wealth ichthyologic, fauna, floral and standby natural that all the Colombians should know; to converse with the fishermen and tourist guides of this place. No, no, this intense good moment doesn't want that nobody takes off it, not even you.

MARÍA PAZ: Dear children, it seems that they are being delirious of happiness, but don't forget Lucio's words, because in spite of everything, they still exist, children, adolescents, old men and diminished physical and psychic, that don't have or they don't allow them to exercise their rights fully; children that instead of studying, they work; old men that instead of to rest and to be useful, they are abandoned in the street or in non appropriate places; adolescents that instead of studying, to go of vacations, to think and to write as you, they are in the one on the way to the crime; in short, people exist without rights, people that don't claim them, people that ignore them and people that know them, protect and they defend, but that at the same time they know that all right has a corresponding duty, as the currency has two sides opposed but necessary. Indeed, all person with rights debit side to know that it should respect the rights of the other ones and not to abuse of the own ones; that should be solidary with all, as the other ones they are with one; that should be respected to the authorities, to protect and to conserve our natural, cultural resources, landscape and the environment, as if it was our own life.

LIBORIO: Congratulations Family, today nobody had asked on the topic of the rights and duties of the Colombians. All of an or another form know about the topic, because in the education preschool, primary, secondary and university, starting from the Constitution of the 1991, it became obligatory the pedagogy of the Constitution and in and of itself, all speak of rights, although little or anything in the way of to defend and to protect them of the public or private transgressors. Certainly, few know that they exist constitutional actions as the tutelage, to defend fundamental rights; that exist popular actions or of group, to defend collective or community rights; that exist execution actions and of repetition, to make to complete the law or to lawsuit the repair of a damage; among many other actions publics and judicial mechanisms to defend the human person's rights. For that reason, it is not enough with knowing how right and duties have, but how we can protect, to guarantee and to defend them.

II. THE CONSTITUTIONAL LESSON: COLOMBIA HAS A CODE OF CONSTITUTIONAL RIGHTS

CONSTITUTIONAL RIGHTS IN THE CONSTITUTION OF 1991

(Titles II, Articles 1 at 82 of the Constitution)

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In Colombia, starting from the Constitution of 1991, it is recognized, it protects and it guarantees on the part of the State, a series of rights and human freedoms, at par that duties and citizen obligations; as well as, some instruments and procedures constitutional and legal suitable to make effective these and those, so much in the administrative via as jurisdictional (or Judges of the Republic).

THE CHAPTER FIRST: FUNDAMENTAL RIGHTS OF THE PERSON

(Articles 1 at 41 of the Constitution)

They are those that exalt and they protect to the human being as such, consideration of their individuality and to their interpersonal relationships. These rights also know each other as rights of "*first generation*" or right partiality or of the essence or the person's foundation. Among them, we highlight: the right to the life as containing right and content of the other ones. Every person is entitled to a worthy existence; to be free and same, to have an intimacy, a good name, a "*habeas date*", to honor and to liberate development of the personality. He is also entitled to express their opinions, to circulate freely for Colombia, to work, to study and to choose a profession or occupation, a cult or religion freely, political and philosophical thought; unless private wrongly of their freedom and to demand a fair judicial process in the event of harming the Constitution and the law. Equally, he/she is entitled to elevate petitions in the face of all Colombian authority to defend and to protect all the previous rights. Finally, every person is entitled to demand from all authority, of the State and the Centers of Education, the pedagogy and teaching of the Constitution.

THE CHAPTER SECOND: SOCIAL, ECONOMIC AND CULTURAL RIGHTS

(Articles 42 at 77 of the Constitution)

These rights stand out the life, action, works and the person's interrelations in family, in society or civil, labor, cultural, political, scientific, economic and juridical organizations. These rights know each other as Rights of "*Second Generation*" existential and humanitarian international. In such a virtue, the person is entitled to have a worthy family, to be developed with equality of rights and opportunities as man and woman, boy, adolescent, adult or diminished physical and psychic. He is entitled to a social security, to a housing and worthy work and to a possible recreation. He is entitled to be organized in unions and civil, cultural, political, scientific and cultural associations. He is entitled to warranties the property in general, the intellectual, industrial and historical-cultural; likewise, the education, the health and the social and natural scientific investigation.

CONSTITUTIONAL RIGHTS IN THE CONSTITUTION OF 1991

- II -

THE CHAPTER THIRD: COLLECTIVE RIGHTS AND OF THE ENVIRONMENT

(Articles 78 at 82 of the Constitution)

These rights guarantee the life of the human being inside the collective social, natural, juridical and of the environment. These rights of "*Third Generation*", they have as purpose the person's interrelation with the means, the habitat, the public space and the surrounding elements that can foment, to protect or to attack it.

These rights of all and of anybody in particular, at the same time, they know each other as "*Diffuse Rights*", in fact because all we need them, we know them but in particular to anybody he/she is attributed to be that single person. Among these we have: The right of quality control of goods and services to the community or also well-known as "*the consumers' rights*"; the right to enjoy and to conserve a healthy environment, the natural resources and the public space; as well as, to prohibit the production, possession and use of chemical, biological and nuclear weapons.

III. THE CONSTITUTIONAL GLOSSARY

ACTION OF TUTELAGE: This constitutional action is used by every person (boy or adult) to request of a Judge of the Republic, previous written petition and brief and summary judicial procedure that it protects or guarantee a fundamental right or person right.

ACTION OF EXECUTION: This constitutional action is used by every person to make effective the execution of a law or an administrative act, previous written petition and before Judge competent.

ACTION POPULAR: These constitutional or legal actions are used by the individuals, groups or people's associations before Colombian judges, with the purpose of to protect or to guarantee rights or collective or community interests, related with the patrimony, the space, the security and public health, the administrative morals, the environment, the free competition; among others.

ACTION OF REPETITION: This constitutional action is used by every person so that it is repaired him the damages caused by an activity or omission of the officials or servants of the State with occasion or as a consequence of their functions. The State in turn, will claim this official for that paid to the matter.

DUTIES: This is group of personal liabilities, social or organizational with regard to other people, associations or public or private entities.

HUMAN RIGHTS (H.R.): It is group of rights, individual, social, collective or of the environment recognized, protected and applied by a State in a space of peace.

HABEAS DATA: Group of rights that has every person to lawsuit from any public or private entity or of the State that their information personal of any type, when they are picked up or stored in written databases or electronic (in compact disks –CD-, diskettes or computers –PC-), be possible to reform, to correct, to update, to block or to erase them, to his petition or for the holder of the data.

HABEAS CORPUS: Right that has every person that has been retained by any Colombian authority or for an individual, so that he is defined their legal status in the term of thirty six (36) hours, starting from their retention contrary case will be left in freedom.

HUMANITARIAN INTERNATIONAL RIGHT (H.I.R.): It is group of human rights, recognized, protected and applied by a State in environment of war or internal or external armed confrontation of the State with regular or irregular forces, be recognized or I don't belligerent. In this state, it is protected, it guarantees and he requests the application, at least of the minimum human rights as the life, health, housing and food.

INTIMACY: Right personal that protects and it guarantees the free development of the personality, the personal data, the activities and characteristics physical and psychic of the person and their intellectual and moral qualities, be these present, last or future.

INTERNATIONAL TREATIES: Accords or Agreements between two or more States of the world and relative to affairs economic, cultural, political, scientific, educational and juridical. The Treaties oblige to the States of each one of the territories subscribers. Today the State may negotiate international treaties or agreements with other states in human rights that then incorporate to the ordinance juridical intern of each State, through a Law of the Republic.

JUDICIAL PROCEDURE: Group of passages and diligences carried out by the judges, previous to a lawsuit presented by interested or legitimated person.

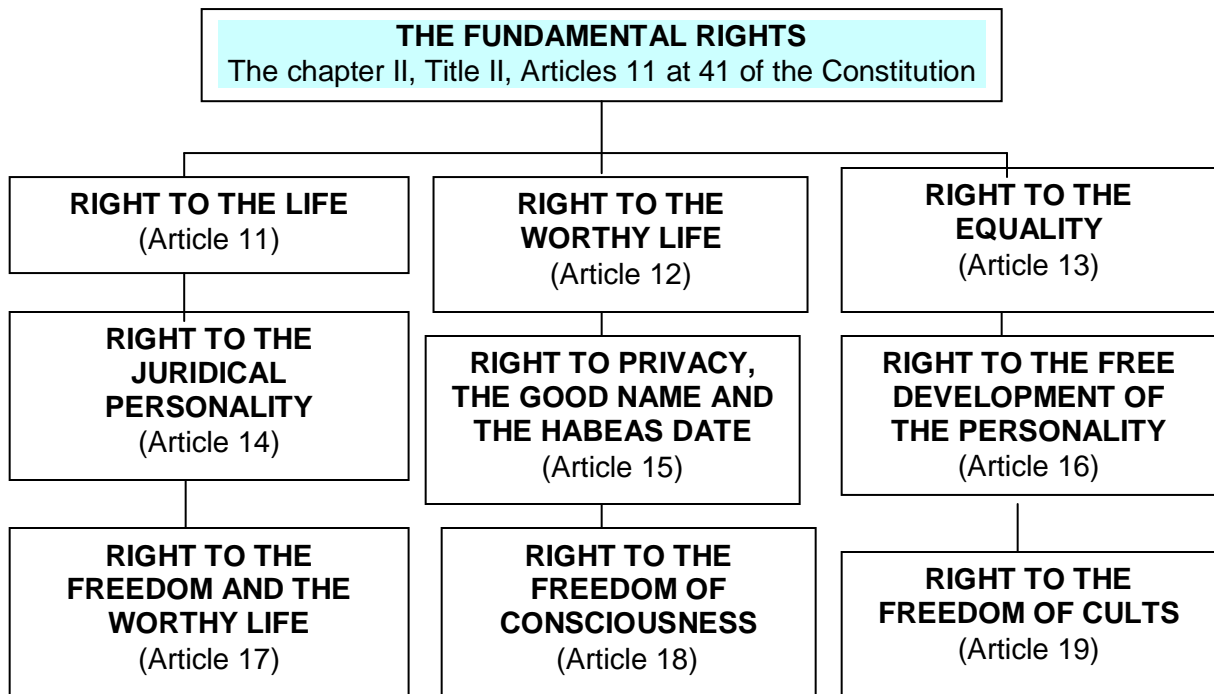
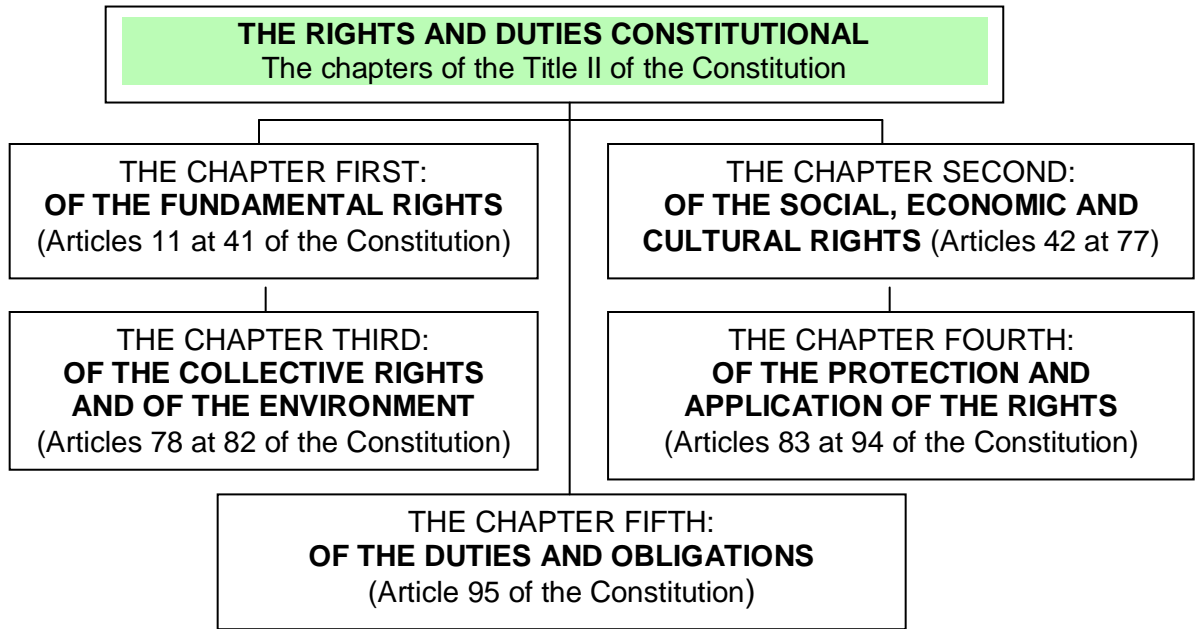
LAWSUIT: Written formal and juridical presented before the judges by an interested person or legitimated to make it when it exercises a constitutional action or common law and directed to request the protection, guarantee or effective defense of the human rights individuals, social or collective, provided in the ordinance juridical.

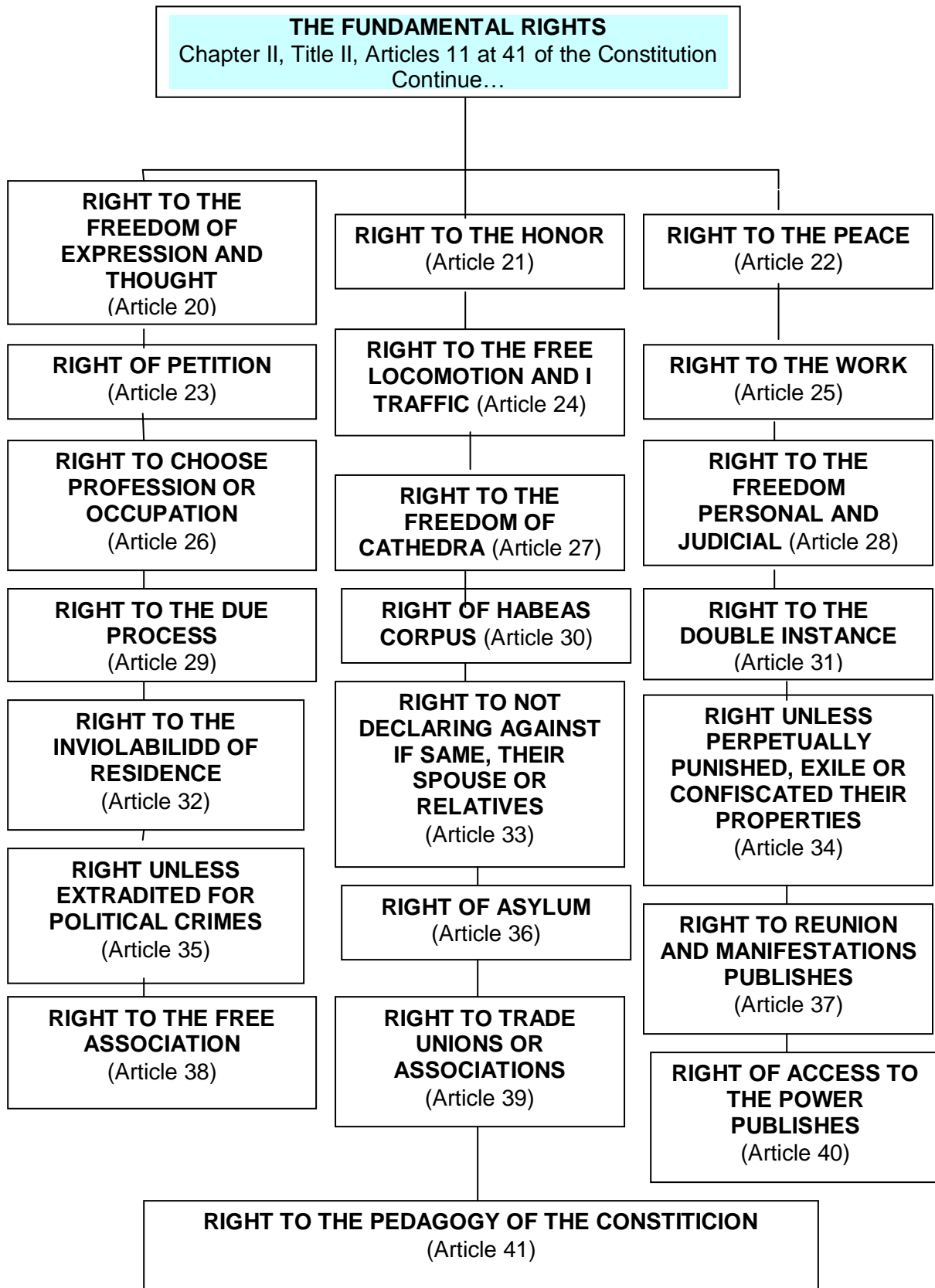
RIGHT: Attribution or ability that has every person from the beginning of their existence and even until after their death. These attributions are recognized in legal, administrative and constitutional juridical norms and they are guaranteed and they protect for the State, through their judicial and administrative authorities, mainly.

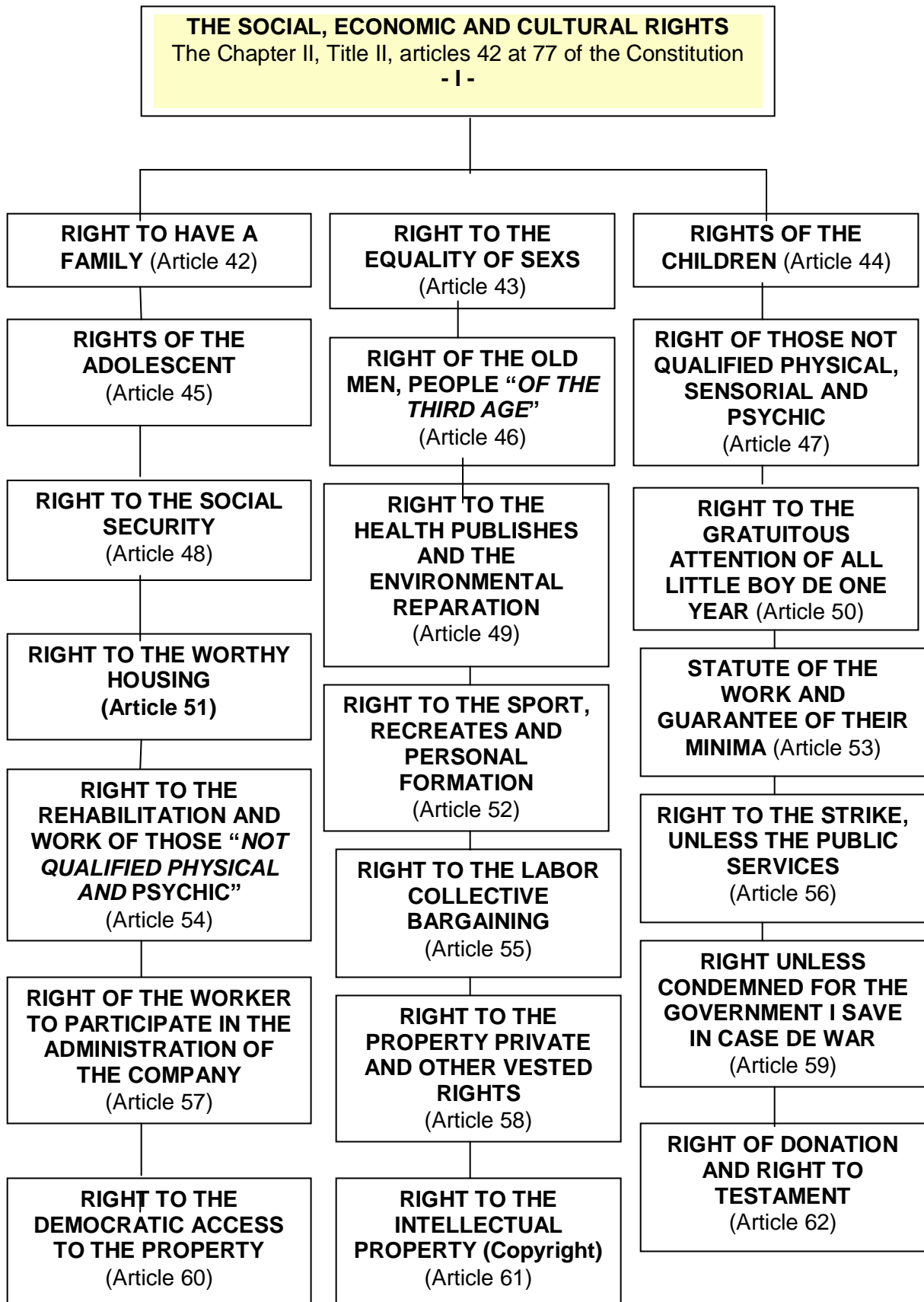
SPACE PUBLIC: Group goods immovable and movable stuck to these and dedicated to the use or enjoyment common of resident people in a city or rural sector, such as the streets, the bridges, the avenues, the parks, the public buildings and the monuments, the parks and the natural reservations. Likewise they make part of

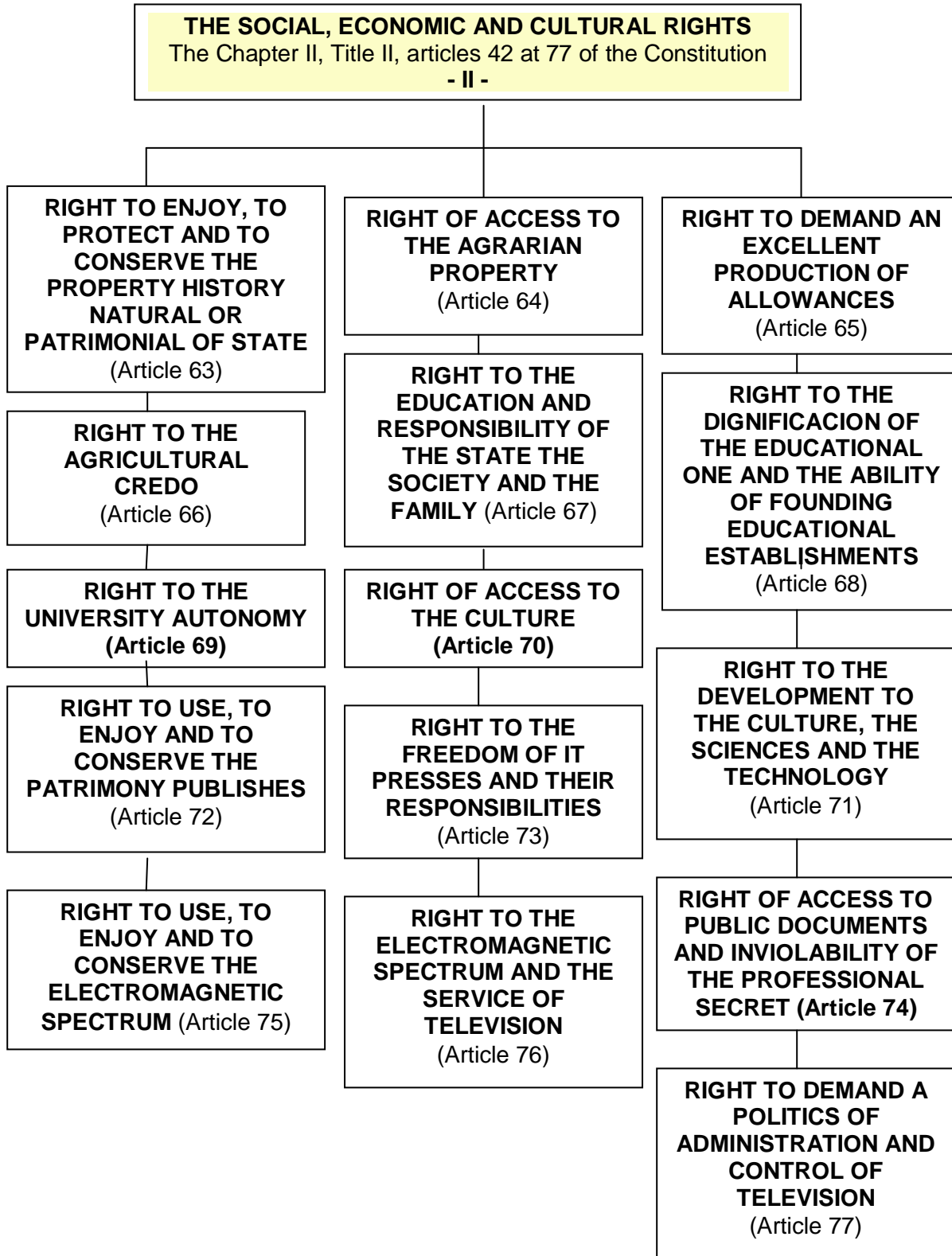
the public space, the architectural and natural goods of the private immovable dedicated to the collective urban service.

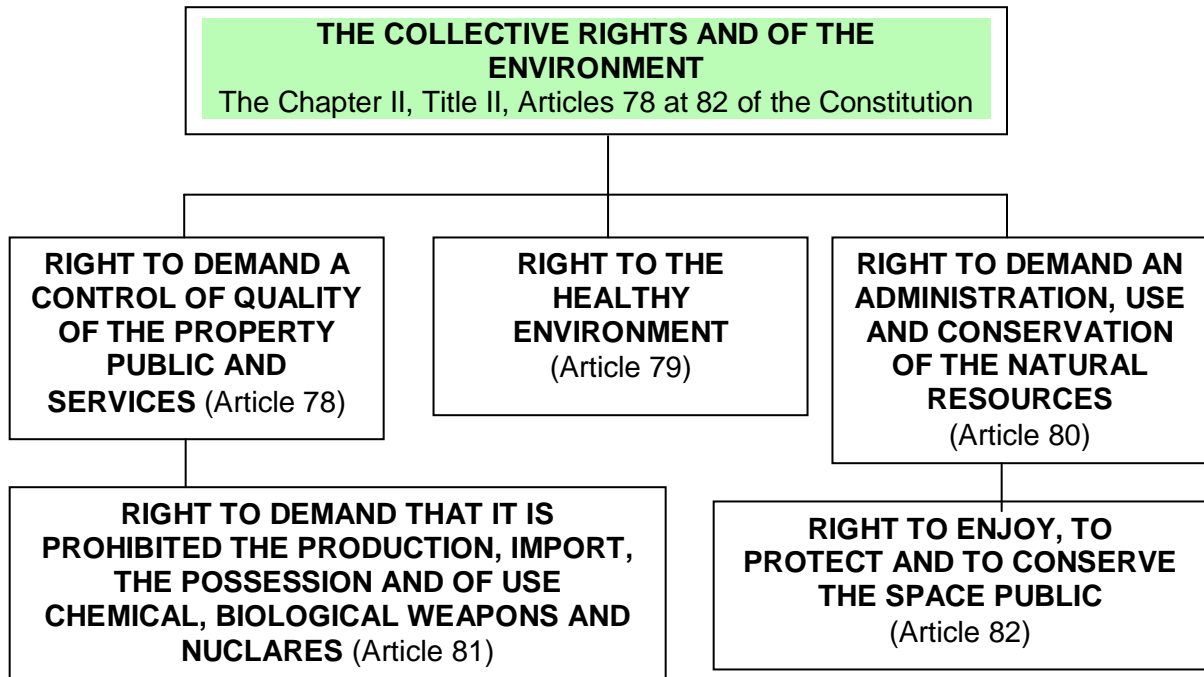
IV. THE CONSTITUTIONAL PRECISION: THE HUMAN RIGHTS IN THE CONSTITUTION OF 1991







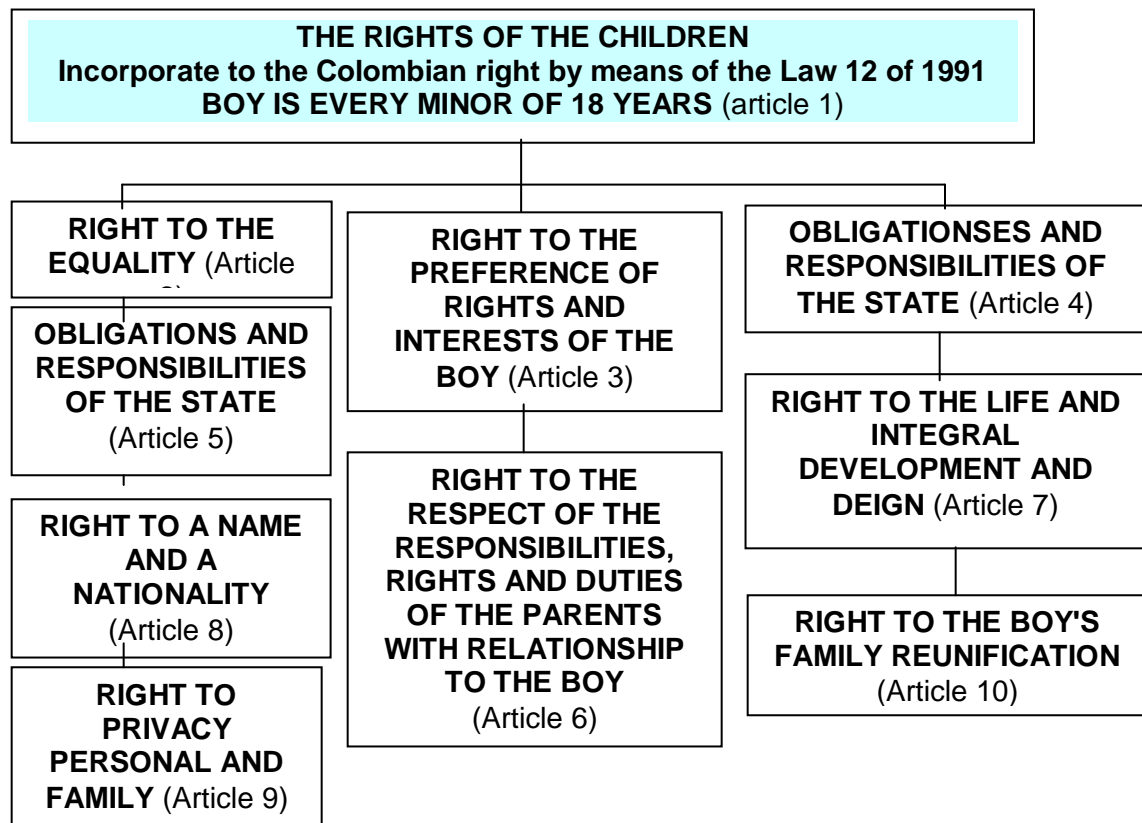


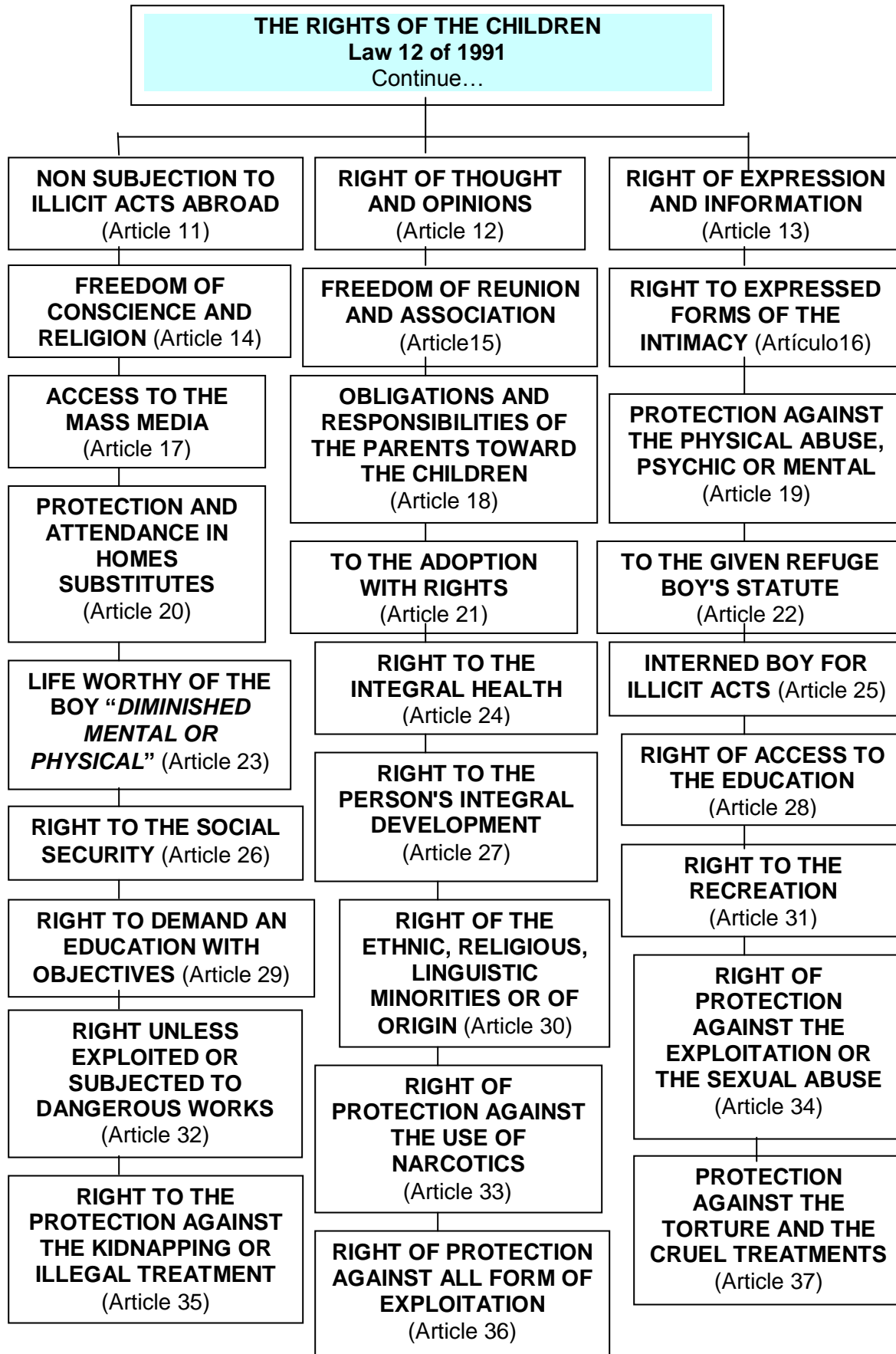


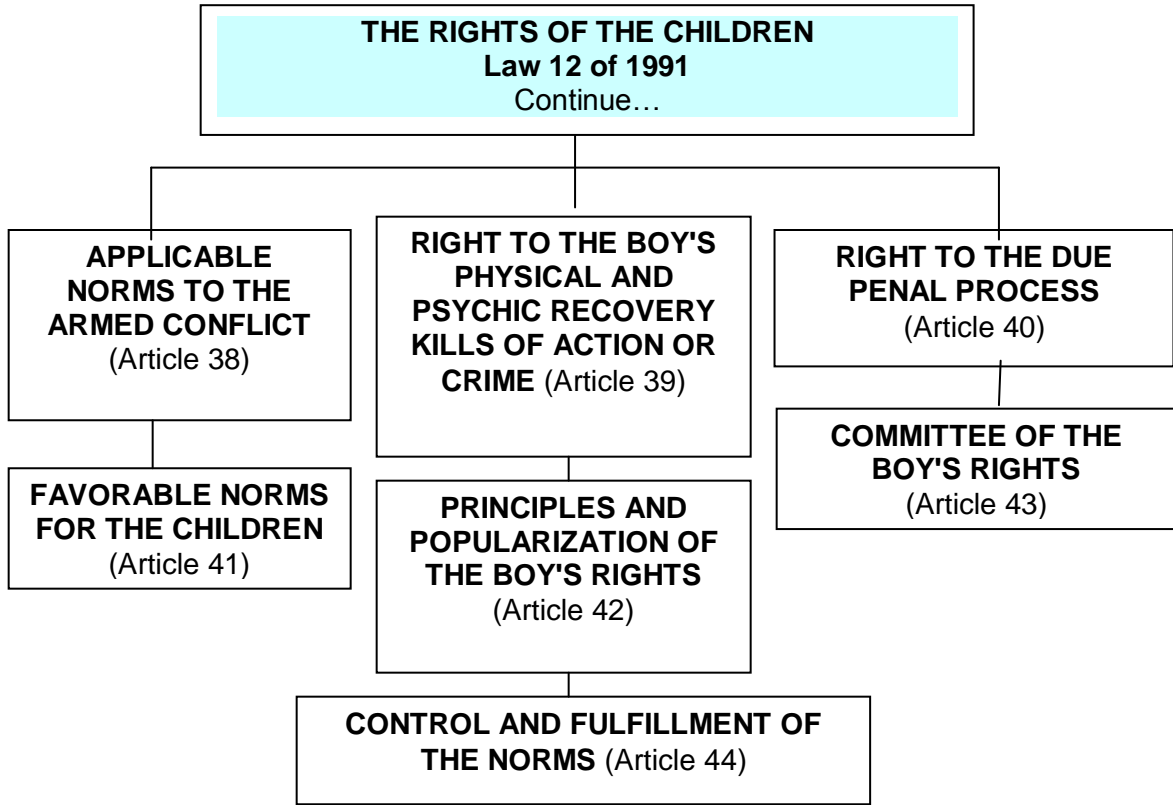
Complete text of the constitutional juridical norms mentioned in:

www.libardo.50megs.com/DERECHOPUBLICO or <http://derechopublico.udenar.edu.co>

V. THE CONSTITUTIONAL READING: THE RIGHTS OF THE CHILDREN







VI. THE ACTIVITIES OF THE STUDENT

I. Supplement the following propositions:

- 1) The fundamental rights are _____

- 2) The rights economic, social and cultural emphasizes _____

- 3) The collective rights and of the environment guarantees _____

- 4) The intimacy is _____

- 5) The tutelage action is used by all person for _____

- 6) The execution action used by every person is good for _____

- 7) In Colombia the duties of every person are _____

- 8) The *Habeas Corpus* is the right that has all person _____

- 9) The judicial right of petition is summed up in a lawsuit, the one which is _____

- 10) The action of utilized repetition for every person is good for _____

II. Mark with a X, the correct answer to the following hypotheses:

1. the life, the intimacy, the *habeas date*, the honor and the freedom are right:

- a) Collective
- b) Economic
- c) Cultural
- d) Fundamental
- e) Social

2. The Human Rights in the Colombian Constitution, are classified in:

- a) The boy's rights and of the woman
- b) The boy's rights, the woman and of the adult
- c) The boy's rights, the adolescent, the woman and those "*diminished physical and psychic*"
- d) Fundamental rights; social, economic and cultural and collective and of the environment
- e) The boy's rights, of the adults and those "*diminished physical and psychic*"

3. They take the name of "*Rights of First Generation*", those:

- a) Fundamental rights
- b) Social rights
- c) Cultural rights
- d) Rights of the Environment
- e) Economic rights

4. The tutelage action it serves to defend and to protect the rights:

- a) Of the Family
- b) Of the Unions
- c) The Fundamental ones
- d) Of the Workers
- e) Of the environmental associations

- 5. The popular actions are serves to defend and to protect those:**
- a) Fundamental rights
 - b) Rights and collective interests
 - c) The woman's rights
 - d) The boy's rights
 - e) The adolescent's rights
- 6. They right to enjoy and to conserve the healthy environment and to protect the natural resources, they are considered rights:**
- a) Fundamental
 - b) Economic
 - c) Cultural
 - d) Collective or Community
 - e) Historical
- 7. They incorporate human rights to the Colombian legislation for international treaties, refer to aspects:**
- a) Only economic
 - b) Economic and cultural
 - c) Economic, cultural, social and political
 - d) Economic, cultural, social, political, educational and scientific
 - e) Economic, cultural, social, political, educational, scientific and juridical.
- 8. They Rights of the children provided in the Constitution and in the Law 12 of 1991, they are applied people smaller than:**
- a) 7 years
 - b) 11 years
 - c) 18 years
 - d) 16 years
 - e) 14 years
- 9. All the children in Colombia and the world are entitled to:**
- a) A name and to a nationality
 - b) To sing and to participate in national competitions and foreigners
 - c) To become an artist, actor or actress
 - d) To play and to participate in all national or international competition
 - e) To profess the Catholic religion exclusively
- 10. They State, the Authorities and people in general are obliged to:**
- a) To divulge for any means the human rights
 - b) To protect, to guarantee, to divulge and to defend the human rights
 - c) To collaborate with the publicists and environmentalists has more than enough human rights
 - d) To help to the national organizations that promote the human rights
 - e) To foment the relative musical compositions to the human rights

VII. THE ACTIVITIES OF THE STUDENT AND THE PROFESSOR

- I. In study symposium examine and express their opinions on the following themes:**
1. The class of human rights in the primary education and secondary should fulfill the expectations of citizenship, civic and juridical formation. What opinion do you have in this respect?
 2. How so much you knew on the human rights?
 3. The human person from before being born and still after their death he has human rights. What opinion do you have in this respect?
 4. Who in Colombia they are considered enemies of the human rights?
 5. Which are the personal actions, family, community and of the State that they would be serve to divulge, to protect and to defend the human rights better?
 6. Once you have read and learned on the boy's rights provided in the Law 12 of 1991, What Opinions do you have in this respect?
 7. The teaching and the pedagogy of the Constitution in the School, in the College, in the University is obligatory according to the article 41 of the Constitution. In our country it is fulfilling this predicament?