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Abstract

Most of the social rights consist in social benefits. From the legal point of view, this is an important constraint to its protection and satisfaction, because they depend on the economic resources available by the State. Consequently, when a Constitution recognizes those rights usually does not give the possibility of judicial protection. That is what happens in the Chilean Constitution. The jurisprudence of the Supreme Court has confirmed that social benefits are not enforceable in Courts, even when they are associated to traditional rights and freedoms. However, the Constitutional Court's recent jurisprudence regarding the rights to health protection and to social security contradicts this, attributing to social rights the same value as other rights and freedoms.

Keywords

Fundamental rights, Social rights, Chilean Jurisprudence.

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