

Fundamental right to the cultural identity of indigenous peoples: A new paradigm in indigenous criminal defense in Chile in the face of the hegemonic Rule of Law [Derecho fundamental a la identidad cultural de los pueblos indígenas: Un nuevo paradigma en la defensa penal indígena en Chile frente al Estado de Derecho hegemónico]

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We argue that the recognition of the fundamental right to the cultural identity of indigenous peoples has a legal impact and potentially emancipatory scope that introduces a fracture in the hegemonic conception of the Rule of Law, especially for the criminal defense of indigenous persons. To this end, we propose an evolutionary normative foundation of human rights and an intercultural critical theoretical proposal that we contrast with jurisprudential evidence. © 2019 Universidad de Santiago de Chile. All rights reserved.

Criminal defense

Cultural identity right

Indigenous peoples