

TECHNICAL INFORMATION SHEET
CASE N° 11.307 MARÍA MERCIADRI DE MORINI
FRIENDLY SETTLEMENT REPORT N° 103/01
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim (s): María Merciadri de Morini

Petitioner (s): Merciadri de Morini

State: Argentina

Admissibility Report No.: 102/99, published on September 27, 1999

Report on Friendly Settlement Agreement No.: 103/01, published on October 11, 2001

Related Rappporteurship: N/A

Topics: Judicial Guarantees /Political Rights/Right to Equal Protection/Right to judicial protection/gender discrimination/Right to participate in Government

Facts: On June 15, 1994, the IACHR received a petition wherein the petitioner alleged that on the list of six candidates running on the *Unión Cívica Radical* party ballot for election as national deputies from the Province of Córdoba, one woman was fourth on the list and another sixth. This was a violation of Law 24.012 and its governing decree N° 379/93, which required that two women be listed among the first five positions. The petitioner invoked the available domestic remedies before the national courts; however, not only they dismissed her complaint but also denied her procedural standing legitimacy to bring an action. Finally, the Supreme Court denied her appeal on the grounds that it was an abstract discussion, ruling that “the votes that the *Unión Cívica Radical* carried in the October 3, 1993 election entitled it to four seats in the Chamber of Deputies; this case was about who ended up in fifth place.”

Rights Declared Admissible: The Commission concluded that it had competence to hear the present case and that the petition was admissible in accordance with Articles 8 (right to a fair trial), 23 (right to participate in Government), 24 (right to equal protection) and 25 (right to judicial protection) of the American Convention on Human Rights for the Republic of Argentina

II. PROCEDURAL ACTIVITY

1. The Commission declared the case admissible in its Report 102/99 of September 21, 1999 and approved at the 104th ordinary period of sessions, and placed itself at the disposal of the parties in order to reach a friendly settlement based on the respect for the rights enshrined in the Convention and to invite the parties to express their views thereon.

2. On March 8, 2001, the parties signed a friendly settlement agreement. On October 11, 2001, the IACHR approved the friendly settlement agreement signed by the parties in Report No.103/01.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
1. Concerning the petition filed by Dr. MORINI before the Inter-American Commission on Human Rights on June 15, 1994, alleging violation of rights recognized in the American Convention on Human Rights in Articles 8 (right to a fair trial), 23 (right to participate in Government), 24 (right to equal protection), and 25 (right to judicial protection), and The Commission has declared it admissible on September 21, 1999 through Report N° 102/99, and therefore the parties wish to arrive at a friendly settlement, under the terms of Article 48(f) of the American Convention on Human Rights.	Declarative Clause
2. Accordingly, on December 28, 2000, the President of the Nation, Dr. FERNANDO DE LA RUA, promulgated decree N° 1246 –a copy of which is attached- which contains the provisions by which law N° 24.012 shall be implemented and repeal regulatory decree N° 379/93.	Total¹
3. The Argentine State recognizes that this decree serves to ensure women’s actual and effective participation in the lists of candidates for national elective office, thus reinforcing the rights upheld in law 24.012, as well as Article 37 of the Constitution, and in aligned provisions of the international human rights treaties to which Argentina is party.	Declarative Clause
4. Petitioner Dra. MARIA TERESA MERCIADRI de MORINI hereby undertakes to desist from the petition she filed with the Inter-American Commission on Human Rights, registered as case N° 11.307, as she recognizes that Decree N° 1246/00 adequately provides for the fundamental issues she raised in the complaint she filed with the Commission.	Declarative Clause

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The IACHR declared total compliance with the case and ceased monitoring of the friendly settlement report, in its Annual Report 2008.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Structural outcomes of the Case:

On December 28, 2000, the State enacted Decree No.1246, which contributed to guaranteeing the effective participation of women on the list of candidates to national electoral office positions.

¹ See IACHR, Annual Report 2008, Chapter III, Section D: State of Compliance with IACHR’s Recommendations, paras. 38-40.