

TECHNICAL INFORMATION SHEET
CASE 12.232 MARÍA SOLEDAD CISTERNAS
FRIENDLY SETTLEMENT REPORT No. 86/11
FULL COMPLIANCE
(CHILE)

I. SUMMARY OF THE CASE

Victim (s): María Soledad Cisternas
Petitioner (s): Center for Justice and International Law (CEJIL)
State: Chile
Report on Friendly Settlement Agreement No.: [86/11](#) published on July 21, 2011
Related Rapporteurship: Rapporteurship of the Rights of Persons with Disabilities
Topics: Humane Treatment/ Right to privacy/ freedom of movement and residence/ right to equal protection/ right to judicial protection/ persons with disabilities

Facts: According to the petitioners, the alleged victim, an attorney by profession, who is totally blind and that on October 19, 1998 asked her travel agent for a reservation for an airplane ticket to go to the city of Montevideo, Uruguay. The airline “Línea Nacional –Chile S.A” (LAN Chile S.A.) made the reservation on condition that she did not travel alone, and be accompanied by another passenger or by a guide dog. On November 5, 1998, the alleged victim filed a constitutional remedy of protection before the Santiago’s Court of Appeals against LAN Chile S.A. alleging that the events constituted a violation of the right to equality. The motion was rejected, as was well as the appeal of that ruling.

Rights Alleged: The petitioners alleged the responsibility of the State of Chile for violation of the rights enshrined in Articles 5 (right to humane treatment), 11 (right to privacy), 22 (freedom of movement and residence), 24 (right to equal protection), and 25 (right to judicial protection) of the American Convention, in relation to the obligations established in Article 1.1 and 2 of the same legal instrument.

II. PROCEDURAL ACTIVITY

1. On December 11, 2003, the parties signed a friendly settlement agreement.
2. On July 21, 2011, the Commission approved the friendly settlement agreement signed by the parties in Report No.86/11.

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

Agreement Clause	Status of Compliance
SECOND:	

Being the intent of the Parties to contribute to the progressive social integration of persons with disabilities, especially bearing in mind Law 19,284 of 1994 and the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities of the OAS, ratified by the State of Chile in February 2002, agree as follows:	
a) Ms. María Soledad Cisternas has been invited to and is participating in the work of the Committee of Studies established at the General Directorate of Civil Aviation that is in charge of reviewing, updating, and enhancing the laws and regulations regarding the air travel of persons with various disabilities, with that purpose in mind, Ms. Cisternas is being able to collaborate as an expert contributing with her knowledge and academic experience in the area of “vulnerable groups”;	Total¹
b) The Parties shall undertake broad dissemination of the laws and regulations that make possible adequate air travel of persons with disabilities, among the different carriers, public and private agencies, as well as the general public, with the collaboration, for carrying out said campaign, of the Division of Social Organizations of the Ministry General Secretariat of the Interior, by means of its Tolerance and No Discrimination Program.	Total²
THIRD:	
In merit of these “Bases of Agreement,” which constitute a settlement of the dispute, the Parties grant the broadest and most complete release of their claims, declaring the petition in question to be fully settled, and request that the Honorable Inter-American Commission on Human Rights take due note of what is stated herein, setting forth the relevant part in the respective Friendly Settlement Report.	Declarative Clause

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and ceased monitoring the friendly settlement report in Conformation Report No.86/11.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Structural outcomes of the case:

- In April 2008, the State, through the General Director of Civil Aviation of Chile (DGAC), published the aviation regulation that governs the air transport of passengers with disability, illness, or special needs, which is included in the National program for the Facilitation of Air Transport of the Bureau of Airports belonging to the Ministry of Public Works of Chile.

¹ See, IACHR, Report No.86/11, Case 12.232. Friendly Settlement. María Soledad Cisternas. Chile. July 21, 2011.

² See, IACHR, Report No.86/11, Case 12.232. Friendly Settlement. María Soledad Cisternas. Chile. July 21, 2011.