





CLARIFICATION QUESTIONS AND ANSWERS

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12. How has Iberoland's development been, in educative matters, in each one of its levels (primary, secondary and superior), from year 2000 to date?

**The available information is limited to the facts described in the hypothetical case.**

13. In paragraph 9 of the hypothetical case it is indicated that "According to valid studies, the province annually distributed 79.3 percent of the academic budget to the predominantly white school districts although 50.4 percent of North Shore's students attended school in those districts. Thus, the predominantly African-descendant districts received 20.7 percent of the academic budget for 49.6 percent of their population in the school-age range". Could you clarify who conducted these valid studies?

**The National Institute of Statistics (NIS), an independent state institution, made several studies on the subject. These studies are considered very objective and are used by the different political, economic, labor, education and academic sectors.**

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suppose to be understood? And if so are there any establishments with these characteristics in North Shore?

**Two federal institutes of higher education exist: the Superior School of Defense (SSD) that depends on the Department of Defense and the Superior School of Magistrates (SSM) dependent on the Supreme Court of Justice. The Constitution orders the creation of the SSD and the SSM, as an exception to what is stipulated in Article Five of the Constitution. SSD and SSM exclusively function in the Metropolitan District. Several municipalities have created Superior Institutes of Municipal Administration (SIMA). The Supreme Court of Justice has considered that the municipalities have constitutional faculties to create SIMA in order to educate its staff. The provinces, in accordance with Article 5 of the Constitution, reserve the right to establish the legal regime to which the SIMA are going to be bound. There does not exist any SIMA in North Shore.**

18. Which is the scope of the competence of the provinces in the matter of education? We are questioning whether the scope includes references to basic, secondary and superior levels, or just one of them?

**The only existing disposition is Article 5 of the Constitution.**

19. It is possible for a person who did not enter the North Shore University to try the process of admission again the following year?

**Yes.**

20. At what distance is the nearest public university of North shore located?

**The available information is limited to the facts described in the hypothetical case.**

21. Is Juana Olin staying with her mother for economical or emotional reasons?

**The available information is limited to the facts described in the hypothetical case.**

22. What does Iberoland's Constitution say about the integration between the sources of international law (understood as those stipulated in Article 38 of the Statute of the International Court of Justice) and the internal law?

**The only reference is the contained in Article 19 already mentioned in answer 9.**

23. On what date did the Commission notify Iberoland of the report issued in compliance of Article 50 of the American Convention on Human Rights?

**On October 2, 2003.**



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30. Paragraph 23 states that "Juana's academic grades were superior to the *minimum* required by the University." (Empasis added) How did Juana's grades rank as compared to the grades of the students actually *accepted* by the University of North Shore in the year 2000?

**They were similar.**

31. Is the Federal Supreme Court of Iberoland the highest court in the judicial hierarchy of Iberoland?

**Yes, in conformity with what is establish in the Constitution.**

32. On what date did the State of Iberoland ratify the Convention of Belem do Para?

**See answer # 1.**

33. Was Juana ranked within the top 250 students who applied for admission to the University of North Shore in 2000?

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34. Who is responsible for collecting the taxes that are designated for education? Is it exclusively the provinces or do some federal taxes also exist that collect money specifically for an educational budget?

**The collection corresponds to the provinces.**

35. What is the hierarchy that exists in Iberoland with respect to the Constitution, the international treaties, the federal laws and the laws of the provinces?

**See answer # 9.**

36. In order to ratify international treaties, is it necessary that the provinces expressly grant consent to the Federal Government or is this responsibility expressly granted to the Federal Government?

**The available information is limited to the facts described in the hypothetical case and in these questions.**

37. What recommendations (under Art. 50 of the American Convention) did the Commission issue to Iberoland to remedy the situation, after the friendly settlement process with Juana Olin failed?

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38. Art. 5 of the Iberoland Constitution states that "The provinces will have exclusive power regarding the security of its citizens, the administration of justice and education." Should the phrase "administration of" be applied only to the word justice or does it also apply to the word education?

**According to the interpretation given by Supreme Court of Justice, the word "administration" exclusively applies to the word "justice."**

39. Based on her admission scores, what was Juana Olin's standing among all of the students who surpassed the minimum standards for admission to the University of North Shore (was she a top ranked candidate, average, or at the low end of the rankings)?

**The available information is limited to the facts described in the hypothetical case.**

40. Did the last student admitted to the only public university of the Province of North Shore for the year of 2000 surpass the grades of Juana Olin?

**The available information is limited to the facts described in the hypothetical case.**

41. Of the 250 people admitted to the only public university of North Shore, for the year 2000, how many were women?

**The available information is limited to the facts described in the hypothetical case.**

42. Does the declaration of unconstitutionality of Law 678 of 1999, referred to in paragraph 26 of the hypothetical, produce a general effect (for all the provinces), or are its effects just for the *sub judice* case?

**The Constitution establishes that the declarations of unconstitutionality of a law done by the Supreme Court of Justice produce general effects (*erga omnes*).**

43. Paragraph 31: On what decisions did the Association for the Defense of Federalism base their *amicus*?

**The available information is limited to the facts described in the hypothetical case.**

44. Paragraph 31: Is the jurisprudence of the European Court of Human Rights binding when defending in the Inter-American system?

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45. Paragraph 27: Why doesn't the Supreme Court of Iberoland adopt the jurisprudence in the matter of equality for the Province of North Shore? Is the jurisprudence of affirmative action binding?

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