

# Press Release

Inter-American Court of Human Rights

I/A Court H.R.\_PR-107/2020 English

Should you have any trouble viewing this message, please click [HERE](#)



## I/A Court H.R. Protecting Rights

---

### **BRAZIL IS HELD RESPONSIBLE FOR 60 DEAD AND SIX INJURED FOLLOWING EXPLOSION AT A FIREWORKS PLANT**

San Jose, Costa Rica, October 26, 2020 – Today the Inter-American Court of Human Rights handed down its judgment on the Case of the *Employees of the Fireworks Factory of Santo Antônio de Jesus and their families v. Brazil*, finding the State of Brazil internationally answerable for violating the human rights of 60 people who died and six who sustained injuries as the result of an explosion at a fireworks plant. The Court also held the State responsible for the suffering of 100 next-of-kin of dead and injured victims from the explosion. The Court sustained that the following rights had been violated: right to life (article 4 of the American Convention), right to humane treatment (article 5), economic, social, cultural and environmental rights, associated with the right to work under equitable, satisfactory conditions (article 26), rights of the child (article 19), right to equality and non-discrimination (articles 24 and 1.1), right to judicial protection (article 25) and right to a fair trial (article 8).

The official summary of the Judgment can be found [here](#), and the complete text of the Judgment is available [here](#) (Only in Spanish).

The explosion took place on December 11, 1998 at a fireworks plant in the municipality of Santo Antônio de Jesus, in the State of Bahia, Brazil. The factory was a cluster of tents set up in fields and sharing several workbenches. The explosion killed 60 people and injured six. The dead included 59 women, 19 of them minors, and a small boy. Among the injured survivors were three adult women, two minor boys and a minor girl. Four of the deceased were pregnant. None of the survivors received appropriate medical care to recover from the consequences of the accident.

According to the Court's Judgment, the factory held operating permits from competent authorities. From the day it was registered until the time of the explosion, however, it had received no inspection visits from government authorities to review labor conditions or examine the conduct of hazardous activities, despite the fact that such monitoring was required by law for hazardous operations such as this.

The Court held that it is incumbent upon States to regulate, supervise and monitor the practice of hazardous activities that could pose significant risks to the life and safety of people under their jurisdiction as a means to protect and safeguard their rights. In this case, the Court found that the State classified fireworks manufacture as a hazardous activity whose operating conditions were regulated. Nevertheless, it took no action to monitor or inspect the plant prior to the explosion. This negligence by the State led to violation of article 4 of the American Convention, the right to life, applicable to the 60 people who lost their lives, and article 5 of the Convention, the right to humane treatment, for the six injured survivors.

The Court also stated that Brazil was under obligation to ensure equitable, satisfactory conditions that would protect safety, health and hygiene on the job and prevent workplace accidents. Nevertheless, the fireworks plant employees were working under conditions that were precarious, unhealthy and unsafe and received no instruction on safety measures or protective

equipment to use on the job. Even so, the State performed no supervisions or inspections. The Court therefore held that the State was responsible for violations of article 26, economic, social, cultural and environmental rights, with respect to equitable and satisfactory working conditions.

The Court further addressed the children who had lost their lives or sustained injuries, finding that Brazil had taken no special protection measures consistent with article 19 of the American Convention.

The Court stated in its Judgment that the victims' poverty, compounded by the fact that they were women and Afro-descendants, heightened their vulnerability. These conditions made it easier to install and operate a factory engaged in a particularly dangerous activity, free of oversight, and led the victims to accept jobs that could endanger their lives and safety and those of their minor children. The State failed to adopt any measures that would guarantee material equality for the right to work by this group of women experiencing marginalization and discrimination. The Court therefore held that the State had violated the right to equal protection (article 24) and economic, social, cultural and environmental rights (article 26), with respect to article 1.1 of the American Convention, on the prohibition of discrimination.

The Court also addressed the judicial processes that had been undertaken, and held that they violated the right to a fair trial and the right to judicial protection. This was attributed to the fact that of all the processes initiated as a consequence of the explosion, only the administrative courts had finished, along with a few labor and civil proceedings, none of which had led to redress. The other proceedings (criminal and civil) were still pending in various stages, over 18 years later.

In view of these violations, the Court ordered several measures of redress: publish the full text of the judgment on the official websites of the State of Bahía and the federal government, and produce a radio and television report to present a summary of the judgment; hold a ceremony to acknowledge international responsibility; implement a systematic policy of regular inspections in facilities where fireworks are produced; design and implement a program for socioeconomic development targeting the population of Santo Antônio de Jesus, and pay compensation for pecuniary and non-pecuniary damage as well as reimbursement of legal fees and court costs.

Judges Patricio Pazmiño Freire, Eduardo Ferrer Mac-Gregor Poisot and Ricardo Pérez Manrique informed the Court of their individual concurring opinions. Judges Eduardo Vio Grossi and Humberto Antonio Sierra Porto informed the Court of their individual partially dissenting opinions.

The Judges sitting on the Court for this case were: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice president (Ecuador), Judge Eduardo Vio Grossi (Chile); Judge Eduardo Ferrer Mac-Gregor (Mexico); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eugenio Raúl Zaffaroni (Argentina) and Judge Ricardo Pérez Manrique (Uruguay).

\*\*\*

This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which is the only responsible for its content.

\*\*\*


For the latest information please visit the website of the Inter-American Court, <http://www.corteidh.or.cr/index-en.cfm>, or send an email to Pablo Saavedra Alessandri, Secretary, at [corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr). For press inquiries please contact Matías Ponce at [prensa@corteidh.or.cr](mailto:prensa@corteidh.or.cr).


You can subscribe to the information services of the Court [here](#). You can sign up for updates from the court here or unsubscribe sending an email to [comunicaciones@cortheidh.or.cr](mailto:comunicaciones@cortheidh.or.cr). You can also follow the activities of the Court on [Facebook](#), [Twitter](#) (@CorteIDH for the Spanish account and @IACourtHR for the English account), [Instagram](#), [Flickr](#), [Vimeo](#) and [Soundcloud](#).

[Corte Interamericana de Derechos Humanos. 2020.](#) 

Esta obra está bajo una [Licencia Creative Commons Atribución-NoComercial-SinDerivadas 3.0 Unported](#)

Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.

 (506) 2527-1600

 [www.cortaidh.or.cr](http://www.cortaidh.or.cr)  
[cortaidh@cortheidh.or.cr](mailto:cortaidh@cortheidh.or.cr)

 Avenida 10, Calles 45 y 47 Los Yoses,  
San Pedro, San José, Costa Rica.