

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-20/2022 English

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I/A Court H.R.

Protecting Rights

PERU IS RESPONSIBLE FOR THE VIOLATION OF THE RIGHTS TO JUDICIAL GUARANTEES, JUDICIAL PROTECTION, WORK AND PRIVATE PROPERTY, TO THE DETRIMENT OF 4,090 MARITIME AND PORT WORKERS

San José, Costa Rica, April 18, 2022. In the Judgment notified today of the *Case of the National Federation of Maritime and Port Workers (FEMAPOR) v. Peru*, the Inter-American Court of Human Rights found the State of Peru internationally responsible for the violation of the rights to judicial guarantees, judicial protection, work and private property, to the detriment of 4,090¹ maritime and port workers, due to the lack of compliance with an amparo judgment of the Supreme Court of the Republic of Peru, issued on February 12, 1992, which established the manner of calculating the additional increase in remuneration in favor of said workers.

The official summary of the Judgment can be accessed [here](#) and the full text of the Judgment can be accessed [here](#).

With respect to the total group of 4,090 workers who are victims before this Court, the Court considered that the State is responsible for the non-compliance with the guarantee of a reasonable term in the execution of the judgment of February 12, 1992. Similarly, it is responsible in relation to the subgroup of 2,309² maritime and port workers who continued to claim additional amounts that were owed to them and that, to date, have not been paid by the State.

The Court warned that in the presence of older people such as the victims in this case, a reinforced criterion of speed is required in all judicial and administrative processes, including the execution of judgments.

Furthermore, the Court confirmed that the delay, affecting all victims, and/or the lack of execution of the judgment of February 12, 1992, for the subgroup of 2,309 workers, had a direct impact on the collection of duly earned and unpaid wages, which affected the victims' right to work. In addition, the right to collect these amounts generated an effect on FEMAPOR members' assets since, due to late payment or, in some cases, non-payment, the victims were unable to fully enjoy their right to private property. The Court also noted that due to the age of the victims in this case, most of whom are around 80 or 90 years old, these damages had a diverse impact on the victims with more than 800 having died without their rights ever being correctly put into effect. The Court highlighted that these victims were in a vulnerable situation due to their age and had

¹ The Court highlighted that this is the number of victims who appeared before this Court, and that this number does not necessarily correspond to the total number of people affiliated with FEMAPOR at the time of the events and party to the domestic proceeding that is the subject of this judgment. Similarly, as determined in the Preliminary Considerations that appear in Chapter V of the judgment, the Court confirmed that, in accordance with the existing body of evidence, the representative group of alleged victims in this case amounts to 4,090 people.

² The Court observed that, although both the parties and the Commission referred to a subgroup of 2,317 workers, in accordance with the existing body of evidence, it found that this figure ultimately amounts to 2,309.

a right to enhanced protection, together with the adoption of differentiated measures. Far from taking this fact into consideration, the State's actions have meant that, today, the judgment of February 12, 1992, has not been effectively or fully complied with, causing a serious impact on the victims who, despite continuing to litigate for almost 30 years in order to obtain the payments they were owed, saw the frustration of all their legitimate aspirations.

Due to these violations, the Court established several measures of reparation: (i) to make the effective payment, immediately and progressively, of the pending reimbursements in favor of the subgroup of 2,309 victims for the provisions of the judgment of February 12, 1992, and (ii) pay the amounts established in the judgment for, inter alia, non-pecuniary damage.

Judges Eduardo Ferrer Mac-Gregor and Ricardo C. Pérez Manrique announced their concurring individual opinions, and Judges Eduardo Vio Grossi and Humberto Antonio Sierra Porto announced their partially dissenting opinions.

The composition of the Court for the issue of this Judgment was as follows: 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 C. Pérez Manrique (Uruguay).

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Inter-American Court of Human Rights. 2022. 

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