

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-86/2023 English

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I/A Court H.R.
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COSTA RICA HAS COMPLIED WITH JUDGMENT IN THE CASE OF GUEVARA DÍAZ AND CURRENTLY HAS NO CASES IN THE MONITORING COMPLIANCE WITH JUDGMENT STAGE

San José, Costa Rica, November 27, 2023.- In conformity with that set forth in the Order on Monitoring compliance with judgment issued by the Court on November 21, 2023, Costa Rica has complied with the execution of all of the reparations ordered in the Judgment of June 22, 2022. Therefore, the Inter-American Court decided to conclude and archive the case. For more information, the Judgment of June 22, 2022, can be accessed [here](#) and the Order of November 21, 2023, which declares the archiving of the case, can be accessed [here](#).

On June 22, 2022, the Inter-American Court of Human Rights issued a Judgment in which, taking into account the acknowledgment of international responsibility made by the Republic of Costa Rica, it declared the State internationally responsible for the violation of the rights to equal protection, prohibition of workplace discrimination, to a fair trial and judicial protection, to the detriment of Mr. Luis Fernando Guevara Díaz.

The referred violations occurred in the context of Mr. Guevara Díaz's participation in a competitive hiring process carried out in 2003 by the Ministry of Finance to permanently fill the position of Miscellaneous Worker 1, which the victim had been performing on an interim basis since June 2001. The Court determined that in that competitive hiring process Mr. Guevara Díaz was discriminated due to his intellectual disability, given that even though he "obtained the highest score among the candidates" and had the experience and requirements for the position, the contents of the official letters between the Head of the Maintenance Area and the General Coordinator of the Procurement and General Services Technical Unit demonstrated that "the reason why he was not chosen for that position [...] was his condition as a disabled person." Mr. Guevara Díaz was not selected in the competitive hiring process and his interim appointment ended on June 16, 2003.

This "constituted an act of direct discrimination with regard to access to work, and was therefore a violation of Mr. Guevara's right to work," as well as a violation of the right to remain in employment.

Based on the aforementioned violations, the Court ordered in its Judgment the following five reparation measures:

- i) adopt all necessary measures such that the victim is appointed to a position of equal or greater rank than the one for which he had applied, or to another position that suits his skills and needs. This reparation was complied by the State through the payment of restitution compensation established in the Judgment, based on Mr. Guevara Díaz's decision to not be named in any position;

- ii) publish and disseminate the Judgment and the official summary, as indicated in paragraph 92 thereof;
- iii) create and implement, during a period of three years, a training plan for officials of the Ministry of Finance on equality and non-discrimination of disabled persons;
- iv) pay the victims the amounts determined in the Judgment for pecuniary and non-pecuniary damages; and
- v) pay the victim's representative the amount established in the Judgment for reimbursement of costs and expenses.

Monitoring Compliance with Judgment

In the monitoring compliance stage, the Court confirmed in the Order of November 21, 2023, that Costa Rica fully complied with the five reparation measures ordered in the Judgment. Consequently, the Court declared the closing of this case and noted the efforts made by Costa Rica to comply with the reparations and the reimbursement within the terms set forth in the Judgment.

Currently, Costa Rica has no cases in the monitoring of compliance with judgment stage. The six cases against Costa Rica in which the Court has issued Judgments that ordered reparation measures have been archived due to full compliance with the measures. More information can be accessed [here](#).

The Court's composition for the Order of November 21, 2023, was as follows: Judge Ricardo C. Pérez Manrique, President (Uruguay); Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President (Mexico); Judge Humberto Antonio Sierra Porto (Colombia); Judge Verónica Gómez (Argentina); Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo Mudrovitsch (Brazil). Judge Nancy Hernández López, of Costa Rican nationality, did not participate in the deliberation and signing of this Judgment, in conformity with Articles 19.1 and 19.2 of the Rules of Procedure of the Court.

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Inter-American Court of Human Rights. 2023. 

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