

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-87/2020 English

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I/A Court H.R. Protecting Rights

ARGENTINA IS RESPONSIBLE FOR FAILING TO PROVIDE JUDICIAL PROTECTION TO THE RIGHT TO EQUITABLE AND SATISFACTORY CONDITIONS THAT ENSURE WORKERS' RIGHTS

San José, Costa Rica, August 28, 2020. In the judgment notified today in the Case of Spoltore v. Argentina, the Inter-American Court of Human Rights found the Argentine State responsible for violation of the right to judicial guarantees and judicial protection, and the right to equal and satisfactory working conditions that would have ensured the health of Victorio Spoltore, because he was not guaranteed access to justice, judicial protection and judicial guarantees in his search to obtain compensation for a possible occupational illness. Consequently, the Court concluded that Argentina was responsible for the violation of Articles 8(1) and 25, in relation to Article 1(1) of the Convention and of Article 26, in relation to Articles 8, 25 and 1(1) of this instrument, to the detriment of Victorio Spoltore¹.

The official summary of the judgment can be consulted [here](#) and the complete text of the judgment [here](#) [Only in Spanish].

Victorio Spoltore worked for a private company; he suffered two heart attacks and, as a result, it was acknowledged that he had a 70% disability. Subsequently, he filed a labor suit against his employer "for compensation for an occupational illness," and there was an excessive delay in the proceedings.

Before the Inter-American Court, the State acknowledged that the duration of the judicial proceedings had been excessive, and this had entailed a violation of Mr. Spoltore's rights to judicial guarantees and judicial protection.

In its judgment, the Court pointed out that workers have the right to perform their tasks in conditions that prevent work accidents and occupational illnesses. The Court reiterated that labor rights and the right to social security include the obligation to provide appropriate mechanisms to request reparation or compensation when these rights are violated, in order to guarantee the right of access to justice and effective judicial protection in both the public and the private sphere of labor relations. This is also applicable to the right to equitable and satisfactory working conditions that ensure the worker's health.

Based on the violations found, the Court ordered measures of reparation.

¹ Owing to the exceptional circumstances caused by the COVID-19 pandemic, this judgment was deliberated and adopted in a virtual session using technological resources pursuant to the provisions of the Court's Rules of Procedure.

Judges [Patricio Pazmiño Freire](#) and [Eduardo Ferrer Mac-Gregor Poisot](#) advised the Court of their concurring opinions, and Judges [Eduardo Vio Grossi](#), [Humberto Antonio Sierra Porto](#) and [Ricardo Pérez Manrique](#) of their dissenting opinions.

The composition of the Court for the delivery 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) and Judge Ricardo Pérez Manrique (Uruguay). Judge Eugenio Raúl Zaffaroni, an Argentine national, did not take part in the deliberation and signature of this judgment, pursuant to Article 19(1) and 19(2) of the Court's Rules of Procedure.

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