

# Press Release

Inter-American Court of Human Rights

I/A Court H.R.\_PR-06/2022 English

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

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### **GUATEMALA IS RESPONSIBLE FOR THE DISMISSAL OF JUDICIAL WORKERS IN RESPONSE TO A STRIKE**

San José, Costa Rica, January 26, 2022. - In the Judgment notified today of the *Case of Former Employees of the Judiciary v. Guatemala*, the Inter-American Court of Human Rights found Guatemala internationally responsible for violating a number of rights to the detriment of 65 former employees of the Guatemalan Judiciary after they were dismissed for allegedly participating in a strike that was declared illegal.

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

The strike by the Judiciary workers took place between March 19 and April 2, 1996. It was declared illegal by the First Chamber of the Appellate Court for Labor and Social Welfare, resulting in the dismissal of those who participated in it.

In its Judgment, the Inter-American Court concluded that having issued the dismissals as a direct consequence of the declaration that the strike was illegal with no prior or individualized procedure violated the victims' right to due process.

Given that no clear procedure was provided for workers to be able to challenge the declaration of the strike as illegal, the Court found the State responsible for the violation of the right to judicial protection.

In this regard, the Court warned that the criterion for whether the strike was legal is central to whether it is possible to exercise the right to strike. Therefore, the conditions and requirements established in legislation for a strike to be considered a lawful act must not be complicated to the point of making it impossible in practice to go on strike legally. Although conditions can be established for exercising the right to strike within the framework of collective bargaining, these conditions must be reasonable and at no time may they affect the essential content of the right to strike or the autonomy of unions, the Court found.

Similarly, the Court found that the State placed arbitrary limitations on the right to strike, freedom of association, and freedom to form a union, impacting the right to work and the right to job stability of the 65 victims.

In view of these violations, the Court ordered a number of measures of comprehensive reparation.

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The composition of the Court for issuing this Judgment was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice President (Ecuador); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eduardo Ferrer Mac-Gregor (Mexico); Judge Eugenio Raúl Zaffaroni (Argentina) and Judge Ricardo Pérez Manrique (Uruguay).

Judges Humberto Antonio Sierra Porto and Eduardo Ferrer Mac-Gregor Poisot announced their individual concurring opinions. Judge Eduardo Vio Grossi announced his partially dissenting opinion.

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