

# HUMAN RIGHTS INTEREST GROUP NEWSLETTER

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## Message from the Newsletter Editor

Dear colleagues:

We are delighted to present the latest Human Rights Interest Group (HRIG) newsletter edition.

This issue includes the most relevant events and debates that took place over the last few months, such as a report published by the Office of the High Commissioner for Human Rights on the situation of women and girls who are affected worldwide by female genital mutilation; the Resolution No. 588 issued by the African Commission on Human and Peoples' Rights on the Human Rights Situation in the Republic of Sudan; a decision of the European Court of Human Rights regarding the violation of the freedom of expression by restricting access to archival material from the Soviet-era; a report of the Inter-American Commission on Human Rights on the human rights situation in Honduras; and a judgment of the Inter-American Court of Human Rights in which it found Argentina internationally responsible for failing to prevent attacks against two Jewish institutions in the country. Furthermore, this issue contains a section on employment opportunities in the human rights field in the United Nations.

We hope you enjoy reading this newsletter as much as we enjoyed writing it. We trust in the importance of keeping up these contributions that stimulate the dissemination of current human rights problems and concerns, and that reinforce the relevance of international human rights law in each of us.

If you have ideas or suggestions for the HRIG or would like to share any information that may be relevant to the group, such as new publications, upcoming events, career opportunities, professional accomplishments, and more, please send them to [ecurcio@alvarezmartinezlaw.com](mailto:ecurcio@alvarezmartinezlaw.com) to include them in our next newsletter.

Best regards,

Ezequiel Curcio  
Newsletter editor

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Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.



## I. UNIVERSAL HUMAN RIGHTS SYSTEM

### 1. Office of the United Nations High Commissioner for Human Rights (OHCHR)

- **On April 18, 2024, the OHCHR presented its report on the situation of women and girls who are affected worldwide by female genital mutilation, as well as the efforts taken by States and other parties to suppress this practice.**

Initially, the OHCHR pointed out that, due to the clandestine nature of cross-border and transnational female genital mutilation, the precise number of people who cross the border to perform or undergo it is unknown. Female mutilation is practiced, in most cases, on girls under the age of 16 and, according to the World Health Organization (WHO), it can be defined as all procedures consisting of partial or total resection of the external female genitalia, as well as other injuries to the female genital organs for non-medical reasons. According to UNICEF, of the 31 countries for which nationally representative data is available, more than 200 million girls and women alive today have been submitted to this practice and it was estimated that 4.3 million girls were at risk of being subjected to female genital mutilation in 2023. There are numerous immediate health complications of female genital mutilation, such as severe pain, bleeding, hemorrhagic shock and death, as well as severe long-term consequences, such as urinary tract infections, painful coitus, increased risk of birth complications and neonatal mortality, psychological disorders and others. The main reason the practice is carried out is because of the idea ingrained in patriarchal norms that it supposedly reduces a woman's sexual desire and ensures fidelity to her husband. On the other hand, cross-border genital mutilation occurs when girls and women from a country that prohibits the practice are taken to the national borders of neighboring countries that do not prohibit the practice or that do not comply with existing criminal laws. This occurs in several countries, from Kenya to Ethiopia, from Gambia to Senegal, and from Ghana to Togo, among others. Meanwhile, transnational genital mutilation occurs when women and girls from cross-border communities living in countries that prohibit the practice are taken back to their countries of origin.

There is a vast regional and international framework for the protection of human rights in this area, such

as the Maputo Protocol, which requires States to prohibit and condemn practices harmful to women, including female genital mutilation. Furthermore, the practice violated several human rights, such as the right to equality and non-discrimination and the right to health. OHCHR put forward a series of measures and strategies to prevent cross-border and transnational genital mutilation and made a set of recommendations to States, including the need to criminalize the practice and implement effective prevention measures. The report can be found [here](#) and the press release [here](#).

### 2. Committee on the Rights of the Child (CRC)

- **On June 27, 2024, the CRC decided that Georgia violated its obligations regarding children's rights by not intervening immediately in the physical and psychological abuses of children living in a close-type orphanage run by the Georgian Orthodox Church.** The victims in the case are 57 children living in the Ninotsminda St. Nino Children's Boarding School at the time of the submission of the communication, and the author of the communication is Anna Arganashvili, a Georgian national who was born in 1979. In 2015, the Public Defender's Office released a report on the rights of children in boarding houses run by the Georgian Orthodox Church and the Muslim Confession. This report identified that the rights of the children at Ninotsminda St. Nino Children's Boarding School were being violated, which included physical and psychological abuse by the caregivers (such as punishments that involved skipping meals, locking them in rooms or forcing them to crawl with their hands in front of other children, among others). The Boarding School was granted a care license in 2016 and, in 2018, the Public Defender's Office published a new report on the child welfare system and its effectiveness, in which it identified more issues related to the school, such as the children's lack of privacy, the impossibility of leaving school without a caregiver, among others. Among the victims of the case is M.L., born in 2008, who lived at the Boarding School from the age of three. The punishments and abuses against her were diverse, for example when she urinated in bed, the caregivers forced the

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other children to insult her and hit her with sticks and other things. On one occasion, a caregiver hit M.L. with a stick and tore her forehead, having to cut the girl's hair to hide the wound. In April, 2021, the Public Defender's Office was denied access to conduct a monitoring visit at the boarding school, on the grounds, by the principal, that the Office was in favor of legalizing same-sex marriage. A few days later, the author requested interim measures to guarantee access which was initially denied. It wasn't until June of the same year that the Office was able to enter the Boarding School. A report was then carried out which identified many violations of the children's rights, such as the lack of adequate food for their development, and traumatic and degrading punishments, among others.

Initially, the CRC pointed out that the State's positive obligation to protect is especially crucial in the context of a public service with an ongoing duty to safeguard the health and well-being of children, particularly when they are under the exclusive control of the authorities. In this sense, the CRC also dealt with the high number of children with disabilities living in institutions, as was the present case, where there were at least eight children with disabilities living in the Boarding School. The CRC emphasized that institutions are places where children with disabilities are more vulnerable to all forms of abuse, as well as to treatment neglect. Thus, the care of children with disabilities should have a very clear statutory dimension so that the authorities are aware of their obligations and are prepared to guarantee child care that is sensitive to their conditions. In consequence, the CRC found that Georgia violated Article 19 (1) (obligation to take appropriate measures to protect the child from all forms of violence, injury or abuse) read in conjunction with Article 37 (a) (prohibition of torture or other cruel, inhuman or degrading treatment), 20 (special protection and assistance provided by the State to the child deprived of his or her family environment) and 23 (right of children with mental or physical disability to enjoy a full and decent life, in conditions which ensure dignity) of the Convention.

In addition, the CRC decided that, due to the lack of diligence in the investigations into allegations of

violence and others, the State violated Articles 3.1 (best interests of the child shall be a primary consideration), 3.2 (ensure the child such protection and care as is necessary for his or her well-being) and 19. Likewise, since the children were not heard, Articles 3, 12 (right to express his or her views freely) and 23 were violated. By not having a periodic review of the treatment of the children, Articles 3.3 (institutions, services and facilities responsible for the care of children shall conform with the standards) and 25 (right to a periodic review of the treatment) were violated. The decision can be found here and the press release here.

## II. AFRICAN HUMAN RIGHTS SYSTEM

### 1. African Commission on Human and Peoples' Rights (ACHPR)

- **On June 10, 2024, the ACHPR issued its Resolution No. 588 on the Human Rights Situation in the Republic of Sudan, which continues with deliberate and ongoing attacks against the population due to continuing conflicts.** The ACHPR remains concerned about the continued attacks on society as the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) have been fighting each other since April 15, 2023. According to the available data, more than 15,000 people have been killed and injured and more than 8.8 million people have left their homes since mid-April, 2023. The ACHPR was also concerned about the slow progress in the fight against impunity and the establishment of transitional justice mechanisms, including the recognition of responsibility of those who perpetrated serious human rights violations. In this regard, the ACHPR noted with disappointment that civilians are being targeted, which violates international humanitarian law, and the population is being deprived of access to food, water, electricity and basic services. In this respect, with the spread of hunger and lack of nutrition, there may be higher levels of mortality in the coming months. Also, while there are several deliberate attacks on hospitals and medical facilities, both parties refuse to negotiate and make a ceasefire. The ACHPR also expressed alarm at the increase in violence in the regions of Darfur, Gezira and South Kordofan.

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Based on the above, the ACHPR condemned the disproportionate use of force by both sides, as well as the deliberate attacks against civilians, which even targeted civilian property and its infrastructure, such as hospitals. The ACHPR also condemned several other actions by the parties involved, such as blatant gender-based violations, like sexual exploitation, slavery, human trafficking, rape and other actions analogous to enforced disappearance. Finally, it reiterated its call for an unconditional end to the fighting, asking neighboring countries to welcome Sudanese refugees with open arms. The Resolution No. 588 can be found [here](#).

## III. EUROPEAN HUMAN RIGHTS SYSTEM

### 1. European Court of Human Rights (ECtHR)

- **On June 18, 2024, the ECtHR ruled that Russia violated the right to freedom of expression in the “Suprun and Others v. Russia” case by restricting access to archival material from the Soviet-era.** The applicants in the case include five Russian nationals, a Swiss national, a Swedish diplomat, and a non-governmental organization called International Memorial. In their effort to access archival information on Soviet repression, including deportations and extrajudicial ethnic executions from the 1930s and 1940s, the applicants faced significant barriers. Access to the information was either entirely denied or provided only partially, and they were prohibited from making copies of the original documents. Additionally, one applicant was convicted of illegally gathering “personal and family secrets” of victims of ethnic repression, specifically related to the forced resettlement of German-Russians, as part of his archival research.

The ECtHR recalled that pursuing historical truth is an essential part of freedom of expression and that the denial of access to archival information to the applicants, as well as the refusal to allow them the right to obtain copies of such documents, interfered with their right to receive information under Article 10 (freedom of expression) of the ECHR. The ECtHR also considered that the fact that the authorities did not offer any alternative to making copies of archival material that was available in an accessible form meant that this restriction was not

“necessary in a democratic society”. Therefore, the ECtHR decided that there had been a violation of Article 10 (freedom of expression) against all the applicants. The judgment can be found [here](#) and the press release [here](#).

- **On May 16, 2024, the ECtHR sentenced that France violated the right to freedom of movement against two French nationals based on State of emergency legislation.** The facts of the case unfolded in the midst of the terrorist attacks that struck Saint-Denis and Paris on the night of November 13-14, 2015. On November 14, the President of France declared a state of emergency within the parameters of the “State of Emergency Act”. Nevertheless, the plans and preparations to receive the 21<sup>st</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21) were not canceled. It took place in Le Bourget and Paris between November 30 and December 12, 2015. At the time, many precautionary measures were adopted to ensure safety at the sites where the event occurred. In this context, the Minister of the Interior placed the victims of the case, Cédric and Joël Domenjoud, both French nationals, under home curfew at their residences in Ivry-sur-Seine and Malakoff. These measures lasted 16 days, from November 26 to December 12, and included the obligation to report to the police station three times a day and not to leave their homes between 8 pm and 6 am. The Minister’s argument that supposedly justified the measure was that he was afraid of violent acts carried out by black bloc activists, including the fact that the victims were the biggest leaders of the radical left that protested. Both victims tried to reverse the situation in Court in various ways, but all were unsuccessful and declared unfounded.

The ECtHR decided that Article 2 of Protocol No. 4 (freedom of movement) had not been violated in relation to Cédric Domenjoud. The measure was deemed proportionate because it was implemented just days after the November 13 attack, following the legitimate aim of protecting society. Additionally, the victim had a criminal record and a history of illegitimate behavior, further justifying the action taken. However, the ECtHR understood

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that France violated Joël Domenjoud’s freedom of movement, as it could not be considered that placing the victim under home curfew was necessary in a democratic society. The ECtHR pointed out that the measure should aim to prevent the materialization of a specific risk and to meet a social need, which was not the case. There was also no evidence that the victim was a violent activist. The press release can be found [here](#).

## IV. INTER-AMERICAN HUMAN RIGHTS SYSTEM

### 1. Inter-American Commission on Human Rights (IACHR)

- **On May 15, 2024, the IACHR published its report on the human rights situation in Honduras.** The report addresses the human rights situation in the country following the on-site visit carried out between April 24 and 28, 2023. The IACHR analyzed a series of problems plaguing the country, such as the cross-cutting impact on human rights from poverty, inequality and territorial conflict; the situation of groups of special concern (such as women, children, LGBT people and people with disabilities, for example); violence in the country (Honduras continues to be the most violent country in Central America); the high presence of criminal organizations; among many other issues. The report also addressed violence and citizen security; access to justice and judicial independence; economic, social, cultural and environmental rights; and freedom of expression.

Specifically, the IACHR addressed the strong impacts on democratic institutions and the rule of law, especially as a result of the highly questionable electoral processes that took place after the 2009 *coup d'état*, in which three governments from the same political party succeeded each other. More than 14 years have passed since then and the human rights violations that occurred during the *coup* have not been substantially investigated, nor have the perpetrators been identified and punished. The IACHR also pointed out that there is great institutional weakness in the country, based on the serious challenges facing public management in Honduras, such as the lack of adequate

regulations in the selection and appointment of authorities in anti-corruption initiatives.

The IACHR issued a series of recommendations and conclusions, including that the applicable regulations for the election of persons to the Office of the General Attorney be revised and adopted; that the financial resources and technical capacities of the institutions in charge of investigating crimes be guaranteed; and that the adequate performance of the national protection mechanism for human rights defenders be ensured. The report (in Spanish) can be found [here](#) and the press release [here](#).

### 2. Inter-American Court of Human Rights (IACtHR)

- **On June 14, 2024, the IACtHR notified its judgment in the case of “Asociación Civil Memoria Activa v. Argentina”, in which it found Argentina internationally responsible for failing to comply with its duty of prevention and due diligence in the investigation of the attacks against the AMIA.** The facts of the case concern the attacks on the Israeli Embassy and on the *Asociación Mutual Israeli Argentina* (AMIA). On the afternoon of March 17, 1992, an attack took place in front of the Israeli Embassy in the city of Buenos Aires, killing 22 people and injuring 350 others. On the other hand, on the morning of July 18, 1994, an explosive charge was detonated in the vicinity of AMIA’s headquarters, killing 85 people and leaving 151 injured. Many official sources declared that the perpetrators of both attacks were connected.

Concerning the attack on AMIA, several cases were opened, such as the so-called “Local connection” case conducted by Federal Criminal and Correctional Court No. 9, which investigated the facts surrounding the Argentine citizens accused of providing logistical and operational support for the attack. This investigation culminated in the identification of Carlos Tedellín as the buyer of the car containing the explosives used in the attack. Various procedural errors occurred from then on. However, Mr. Tedellín was prosecuted for the crime of aggravated homicide, among others. In 2020, however, he was acquitted because it could not be proven that he knew about the attack, nor that

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he intended to collaborate with the perpetrators. There were countless other investigations, including lawsuits over the cover-up of the attack.

Argentina recognized its international responsibility regarding the rights dealt with by the IACtHR. Firstly, the IACtHR found that even when there is no direct participation by a State in a terrorist attack, this does not exempt it from its obligations to prevent the right to life and personal integrity. The IACtHR concluded that the State knew or should have known of the risk situation, and failed to adopt the measures reasonably expected to prevent said risk from occurring. Therefore, it considered that Articles 4.1 (right to life) and 5 (right to humane treatment) of the American Convention on Human Rights (ACHR) were violated. Secondly, the IACtHR analyzed the investigation conducted by Federal Criminal and Correctional Court No. 9 and the actions in the investigation conducted by UFI-AMIA. In both cases, the IACtHR concluded that the investigative failures were massive because in both cases there were several obstructions due to State action. Thus, the IACtHR found a violation of Articles 8 (right to a fair trial) and 25.1 (right to judicial protection) of the ACHR. The IACtHR also decided that the State was responsible for the gaps in the regulation of intelligence activity, which created a major obstacle to access to the truth, in violation of Article 13 (freedom of thought and expression) of the Convention. Finally, the psychological and moral integrity of the victims' families was considered to have been violated, carrying out a transgression of Article 5 of the ACHR. The decision (in Spanish) can be found [here](#) and the press release [here](#).

- **On May 16, 2024, the IACtHR notified its decision against El Salvador for enforced disappearances during the armed conflict that took place between 1980 and 1991.** Between 1980 and 1991, El Salvador experienced a serious internal armed conflict, during which there was a significant incidence of enforced disappearances and summary executions, which mainly affected the rural population. It wasn't until the Peace Accord signed in 1992 between the Salvadoran State and the Farabundo Martí National Liberation Front (FMLN) that the internal armed conflict ended. The

victims in the case are Patricia Emilie Cuéllar Sandoval, Mauricio Cuéllar Cuéllar and Julia Orbelina Pérez. Patricia Emile was an active collaborator in Christian movements in the Catholic Church and, between 1979 and 1980, she worked as the secretary of the Legal Aid Office during the time of Monsignor Romero. However, since the beginning of her work, she suffered persecution from State agents, such as invasions of her home and workplace. In July 1982, Patricia Emilie took her three children to school and didn't pick them up at the end of the day. She has been missing ever since. Patricia Emilie's father, Mr. Mauricio Cuéllar, picked up the children from school and took them to his sister's house. When he returned home, late at night and in the early hours of the morning, Mr. Mauricio Cuéllar and Ms. Julia Orbelina, who worked as a maid for them, were taken from their home and have been missing ever since. Although the victims' relatives have filed *habeas corpus* and criminal investigations for disappearance and kidnapping, they have not been successful. The *habeas corpus* has been dismissed and the criminal investigations are still at an early stage.

The State made a partial acknowledgment of international responsibility, in which it recognized the enforced disappearance of the victims within the pattern of enforced disappearances during the internal armed conflict, as well as that the investigation processes had been inactive. Based on this recognition, the IACtHR declared the State responsible for the violation of the rights recognized in Articles 3 (right to juridical personality), 4.1 (right to life), 5.1 (right to physical, mental and moral integrity), 5.2 (prohibition of torture or to cruel, inhuman, or degrading punishment or treatment) and 7 (right to personal liberty) of the American Convention. Likewise, the IACtHR declared that Patricia Emilie's right to defend human rights had been affected because she was a collaborator of Christian Movements of the Catholic Church, especially of a humanitarian organization whose objective, among others, was the defense of human rights. The victim received a series of threats that led to her resignation from her position in the organization two years before her disappearance. The IACtHR also declared a violation of Article

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13.1 (right to freedom of thought and expression) on the grounds of the illegitimate intrusion into her work of promoting, defending and denouncing human rights, and Article 16.1 (right to freedom of association), because her right to participate, without pressure or intrusion of any kind, in an organi-

zation such as Christian Legal Aid was obstructed. Finally, the IACTHR decided that the State had violated Articles 8.1 (right to a fair trial) and 25.1 (right to judicial protection) and the right to know the truth. The decision (in Spanish) can be found here and the press release here. ■

## INFORMATION ON EMPLOYMENT OPPORTUNITIES

This section of the newsletter presents a list of some open human rights positions at the United Nations that may be of interest to you. It should be noted that neither

the HRIG nor ASIL are part of the election processes for these positions, and therefore this listing is for informational purposes only.

### 1. High-level positions requiring nomination by a State

This category lists the upcoming elections for members of treaty bodies within the United Nations System. These are honorary and part-time positions. When the term of office of one or more of the members of these bodies is about to expire, the Secretary-General sends a note verbale to the States Parties to the respective treaty, inviting them to

submit their nominations by note verbale by a specified deadline. Thus, to apply for one of these positions, it is necessary to be nominated by a State Party to the respective treaty. After States submit their nominations, their representatives meet in a scheduled session to vote and elect the new members.

Position available	Positions available	Elections	Application deadline	Website with more information
Member of the Subcommittee on Prevention of Torture	13	October 24, 2024	Not yet available.	When available, it will be published here.
Member of the Committee on Enforced Disappearances	5	It will be held in 2025. The precise date is not yet available.	Not yet available.	When available, it will be published here.
Member of the Committee on Migrant Workers	7	It will be held in 2025. The precise date is not yet available.	Not yet available.	When available, it will be published here.
Member of the Committee on the Elimination of Racial Discrimination	9	It will be held in 2025. The precise date is not yet available.	Not yet available.	When available, it will be published here.
Member of the Committee against Torture	5	It will be held in 2025. The precise date is not yet available.	Not yet available.	When available, it will be published here.

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### 2. Mid-level and entry-level positions

This category presents a list of some positions available at the United Nations, that do not relate to membership as experts in treaty bodies or the Special Procedures of

the Human Rights Council, but are related to human rights issues. The application for these positions is conducted freely and online.

Position available	Department	Functions	Application deadline	Website with more information
Intern (I-1)	OHCHR	Support regional and in-country initiatives to protect Human Rights Defenders (HRDs), map out protection practices, initiate pilot country projects, promote and support regional and national “protection hubs”, share good practices and lessons learned, support legal and policymaking processes, among others.	December 7, 2024	Find it here.