

HUMAN RIGHTS INTEREST GROUP NEWSLETTER

See Open Human Rights Positions on page 9

Dear colleagues:

We are delighted to present the latest Human Rights Interest Group (HRIG) newsletter edition. While this newsletter was being prepared, the Israel-Hamas war broke out, resulting in the deaths of thousands of people, including children, as well as leading to the possibility of famine in Gaza. As the United Nations High Commissioner for Human Rights recently said, in situations such as this, “[w]e need to find solutions guided by the full respect for international humanitarian law and international human rights law”, reminding us of a human rights lesson so basic and yet so often forgotten, that is, that above all things, dignity and respect for human life must prevail.

While this was happening in the Middle East, the last quarter of the year saw the latest United Nations Climate Change Conference (COP28), which renewed optimism about meaningful commitments by States to mitigate greenhouse gas emissions and address the climate emergency. In this regard, it is imperative to transcend those narrow interests that hinder climate action and turn our collective attention to the overriding objective: safeguarding the environment and achieving climate stability are fundamental human rights that demand respect and guarantees.

This issue includes a guest editorial containing a commentary by Anne Trebilcock, ex legal adviser to the International Labour Organization, on the “International Labor Organization’s request for an advisory opinion to the International Court of Justice on the right to strike of workers and their organizations under ILO Convention No. 87”. We invite you to read her valuable insights and get involved in the next issue by sharing your thoughts on human rights developments that you consider relevant.

In addition, in our traditional sections, you will find the most relevant events and debates that took place over the last few months, such as a report by the High Commissioner for Human Rights on the human rights situation in the occupied West Bank; a statement of the Committee on the Rights of the Child repudiating the murder of children in the Gaza Strip; a resolution of the African Commission on Human and Peoples’ Rights on deployment of mass and unlawful targeted communication surveillance; a decision of the European Court of Human Rights declaring Bulgaria’s international responsibility concerning a sex worker’s attempts to obtain compensation for the earnings from sex work that her trafficker had taken from her; and the Inter-American Commission on Human Rights report on the “Closing of Civic Space in Nicaragua”. Furthermore, this issue also contains at the end a section on employment opportunities in the United Nations in the human rights field.

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

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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.



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of current human rights problems and concerns, and that reinforce the relevance of international human rights law in the life of each one of us.

If you have ideas or suggestions for the HRIG or would like to share any information that may be relevant for the group, such as new publications, upcoming events, career opportunities, professional accomplishments, and more,

please send them to ecurcio@alvarezmartinezlaw.com to include them in our next newsletter.

Let us sincerely wish you a fruitful and rewarding new year.

Best regards,

Ezequiel Curcio
Newsletter editor

I. GUEST EDITORIAL

1. ILO seeks ICJ advisory opinion on the right to strike of workers and their organizations under ILO Convention No. 87

Commentary by *Anne Trebilcock*¹

The Governing Body (GB) of the International Labour Organization (ILO) decided on 10 November 2023 to request the International Court of Justice (ICJ) to render an advisory opinion on this question: “Is the right to strike of workers and their organizations protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)?”. The ICJ announced receipt of the ILO’s request on 14 November 2023 and, on the same day, gave notice of the request for an advisory opinion to all States entitled to appear before the Court, in accordance with Article 66, paragraph 1, of its Statute².

The legal framework for the request is Article 37, paragraph 1, of the Constitution of the ILO; Article 65, paragraph 1, of the Statute of the ICJ; Article 103 of the ICJ Rules; and Article IX, paragraph 2, of the Agreement between the United Nations and the ILO (1946). The ILO has also asked the ICJ to allow for participation in the advisory proceedings

by the employers’ and workers’ organizations that enjoy general consultative status with the ILO³.

Shortly after submitting the request for an advisory opinion, the GB rejected a request by the Employers’ group to include a standard-setting item on the right to strike on the agenda of the 2024 International Labour Conference. The GB also stated that it would consider any appropriate follow-up action in light of the advisory opinion⁴.

There has been a long-standing disagreement on the recognition of the right to strike under the ILO Convention No. 87 among the ILO’s tripartite constituents (Government - Employer - Worker). Since 2012, the controversy has affected the functioning of some aspects of the ILO’s mechanisms for supervising the application of ILO standards. While the right to strike is not mentioned as such in the text of Convention No. 87, ILO supervisory bodies have consistently observed that the right to strike is a corollary to the fundamental right to freedom of association, relying on Articles 3, 8 and 10 of such treaty⁵.

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¹ Former Legal Adviser to the International Labour Organization and affiliated to the University of Göttingen, Germany.

² ICJ, Right to Strike under ILO Convention No. 87, Order of 16 November 2023. Available at: <https://www.icj-cij.org/>.

³ For more information on the ILO decision, see: <https://www.ilo.org/gb/>.

⁴ ILO, “Action to be taken on the request of the Employers’ group to urgently include a standard-setting item on the right to strike on the agenda of the 112th Session of the International Labour Conference”, GB.349ter/INS/1, November 11, 2023, para. 16.

⁵ For more detail and references, see TREBILCOCK, A., “Conventions 87, 98 and 154”, in ALES, E. et al. (eds.), *International and European Labour Law: Article-by-Article Commentary*, (Hart/Beck, Nomos 2018), pp. 1499-1500 and 1502-1503.



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ILO Convention No. 87 is one of the ten conventions linked to the ILO Declaration on Fundamental Principles and Rights at Work (adopted in 1998 and amended in 2022), to include the right to a safe and healthy working environment. These principles are reflected in a range of other instruments, such as the United Nations Guiding Principles on Business and Human Rights (2011) and a number of international trade agreements. Thus the repercussions of an ICJ advisory opinion on the question posed could reverberate well beyond the ILO.

II. UNIVERSAL HUMAN RIGHTS SYSTEM

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

- **On December 28th, 2023, the OHCHR released a report on the human rights situation in the occupied West Bank, including East Jerusalem, between October 7 and November 20, 2023⁶.** The report analyzed the rapid deterioration of the human rights situation and the high levels of violence from Israeli Security Forces (“ISF”) and Israeli settlers against the Palestinian population after 7 October 2023, when Al Qassam Brigades, the armed wing of Hamas, and other Palestinian armed groups, as well as armed and unarmed Palestinian civilians, attacked civilians and civilian objects as well as military objectives in Southern Israel. In its report, the OHCHR recommended Israel to take steps to end the killing of Palestinians during operations in the occupied West Bank; ensure that all incidents of violence by settlers and Israeli security forces against Palestinians were duly investigated, and that perpetrators were prosecuted and appropriately punished; and lift all discriminatory movement restrictions across the occupied West Bank, including East Jerusalem, among other things. For

its part, the OHCHR recommended to the Palestinian’s Government to ensure full respect for the right to freedom of expression and to peaceful assembly, including the prohibition of the use of lethal force to disperse peaceful protesters, and to end all practices amounting to arbitrary detention, torture or ill-treatment, guaranteeing access to justice and fair trial rights. Finally, the OHCHR urged all States to take urgent and concrete measures to ensure that Israel and Palestine fully respect international human rights law, including the relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, and to prevent further deterioration of the situation of human rights in the occupied West Bank, including East Jerusalem. The report can be found [here](#) and the press release [here](#).

- **On December 1st, 2023, the OHCHR and the UN Mission in South Sudan (UNMISS) published a report identifying the killing of approximately 600 civilians by armed groups in the region in 2022.** The report is the result of an investigation into human rights violations arising from the conflicts between armed groups –commonly known as “Kitwang” and “Agwelek”– that split from the “Sudan People’s Liberation Army in Opposition” (SPLA-IO), which took place in the Greater Upper Nile region between August and December 2022. Among the motives for the attacks, were the desire to displace opponents from some locations, as well as to attack and displace civilians from their homes and seize their property. Throughout the conflict, 594 people died, including 92 children; 290 people were wounded; 258 civilians were abducted; and 43 women and 32 girls were subjected to sexual violence. It is also estimated that 62,000 people had to flee their homes. Given these circumstances, the OHCHR and the UNMISS determined that there had been gross human rights violations committed by both armed groups, resulting in the commission of war crimes. Furthermore, the report highlighted that the armed groups made no distinction between civilians and combatants, as there were numerous attacks directly on civilians, on civilian objects and on civilian villages and settlements. Under these circumstances, the report included a list of the

⁶ Findings in this report are based on human rights monitoring undertaken by the OHCHR, in accordance with its standard methodology on human rights monitoring, which involves the gathering and corroboration of information from multiple independent sources in order to establish the facts and analyze violations.



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possible perpetrators of human rights violations, identifying at least 22 people responsible for the largest number of atrocities committed during the conflicts. Finally, the OHCHR and the UNMISS recommended South Sudan to comply with its obligations under international human rights law and humanitarian law, and to take all necessary measures to protect civilians and to conduct effective and impartial investigations. The report can be found [here](#) and the press release [here](#).

- **On October 9th, 2023, the OHCHR and the World Health Organization (WHO) released a publication on “Mental Health, Human Rights and Legislation”.** Both organizations recalled that mental health is often associated with situations related to economic, social and physical issues, as well as poverty, violence and discrimination. As a result, many people suffer violations of their human rights, including denial of treatment due to discriminatory grounds, exposure to poor quality services, and forced hospitalization and treatment. However, mental health legislation has legitimized and facilitated these forms of human rights violations, and most countries do not even question its biomedical approach to this problem. Consequently, the OHCHR and the WHO have proposed a series of legislative reforms to support a human rights approach for dealing with mental health. This includes provisions to guarantee the principle of equality (so that all people can enjoy mental health services equally), to recognize and respect the legal capacity of people who use mental health services (e.g., by prohibiting substitution of decision-making), and to address the interface between the mental health sector and other sectors (such as the judiciary). Both organizations also pointed out the need to take into account the human rights approach when States review or renew their legislation on mental health. In this regard, they outlined some procedural safeguards that may be adopted during such processes, including consultation with people living with mental health problems and representative organizations. The publication can be found [here](#).

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

- **On November 1st, 2023, the CRC issued a statement repudiating the murder of children in the Gaza Strip.** The Committee expressed extreme concern at the escalation of Israel’s attacks on civilians living in the Gaza Strip. These attacks have resulted in the death of at least 3,500 children since the beginning of the conflict on October 7, 2023. The Committee recalled that children who witness armed conflicts may suffer physical and mental consequences, as well as negative effects on their development and enjoyment of all their rights. It also condemned the fact that many children have been taken hostage.

In this regard, the Committee indicated that Article 38 of the Convention on the Rights of the Child stipulates that States have an obligation to respect and guarantee the rules of international humanitarian law, taking all possible measures to ensure the protection of children involved in an armed conflict. However, the Committee found that acts prohibited by international humanitarian law have been constant, including the deprivation of water, food and medical care. Finally, the CRC urged an end to all the damage that has been done to children’s lives in the Occupied Palestinian Territory, calling for an absolute ceasefire and for all children in the region to be able to enjoy all their rights. The press release can be found [here](#).

3. Committee on the Elimination of Discrimination against Women (CEDAW)

- **On November 24th, 2023, the CEDAW published a decision that declared South Korea responsible for failing to protect three Filipino women victims of trafficking.** The victims in the case were three Filipino nationals: A.L.P., A.M.E., and F.F.B. All of the victims were tricked under the pretext of being hired for entertainment shows in South Korea throughout 2014. Once they arrived in the country, they were taken to a club and their

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passports were seized by alleged employees of the place. There, the victims were forced to work as prostitutes, suffering verbal, sexual and physical violence, as well as threats. Furthermore, they received a minimum wage and were prohibited from changing their workplace. In 2015, the Seoul Metropolitan Police Agency entered the club and arrested the authors. Despite the evidence found, such as confiscated passports, the authorities made no effort to investigate whether human trafficking or sexual exploitation had occurred. When the victims reported being victims of human trafficking, they were detained for prostitution and given deportation orders, which affected their possibility to pursue legal proceedings against the perpetrators. Notwithstanding the administrative and judicial remedies attempted by the victims to remain in the country, they were finally deported to the Philippines.

The Committee determined that South Korea violated Articles 2, paragraphs c), d) and f) (obligation to adopt the appropriate means for eliminating discrimination), 6 (obligation to take appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women) and 15 (obligation to accord to women equally with men before the law) of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee noted that the South Korean police and courts used a stereotypical approach to the victims by treating them as criminals rather than as victims of a crime, which was contrary to the obligation to take all necessary means to eradicate sexual exploitation. It also considered that such conduct by the public authorities constituted discrimination on the basis of sex, which is a structural phenomenon aggravated in places of migration and by the globalization of economic activities. The decision can be found [here](#) and the press release [here](#).

III. AFRICAN HUMAN RIGHTS SYSTEM

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

- **On November 9th, 2023, the ACHPR released its Resolution No. 573, addressing the deployment of mass and unlawful targeted communication surveillance and its impact on human rights in Africa.** The ACHPR showed concern about the rampant acquisition of communication surveillance technologies by state actors without proper and adequate regulatory framework. It was also alarmed that this type of surveillance is not in line with international human rights standards and disproportionately affects journalists, human rights defenders, political opposition, and activists. In this regard, the ACHPR deemed there is a gap in the national framework on privacy, communicational surveillance and the protection of personal data. Consequently, the ACHPR recalled that Principle 41 of the Declaration of Principles on Freedom of Expression and Access to Information in Africa stipulates that States can only engage in targeted surveillance if they comply with human rights regulations and that any law permitting such surveillance must guarantee the enjoyment of the right to privacy. In addition, the ACHPR urged States to regulate communications surveillance in accordance with international human rights standards, and to guarantee victims of arbitrary surveillance effective remedies and reparations. The Resolution No. 573 can be found [here](#).
- **On November 7th, 2023, the ACHPR issued a press release condemning the attacks perpetrated in Egbekaw, Cameroon, which caused the death of at least 40 civilians.** On November 6, 2023, an armed group entered Egbekaw and killed and wounded people, burned houses and forced people to leave their homes. The attacks were committed by an English-speaking separatist group that wants a separate anglophone State because its members believe that they are being discriminated against. The ACHPR expressed its concern at the worsening human rights situation in this region of Cameroon, as there is a deadly ongoing conflict between armed pro-independence groups and the security forces. It urged the author-

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ities to open independent and impartial investigations to determine who perpetrated the massacre and to ensure that all victims receive reparations. Likewise, the ACHPR called on the Government to adopt the necessary measures to guarantee the safety of all people in Cameroon, in compliance with the provisions of the African Charter and other international human rights instruments to which the country is a party. The press release (in French) can be found [here](#).

2. African Court on Human and Peoples' Rights (ACtHPR)

- **On December 4th, 2023, the ACtHPR decided that the United Republic of Tanzania violated the right to life and dignity by sentencing a victim to death by hanging.** The applicant in the case is Kachukura Nshekanabo Kakobeka, who was deprived of his liberty after being sentenced to death for the crime of murder. The ACtHPR found a violation of his right to life and dignity, enshrined in Article 4 of the African Charter on Human and Peoples' Rights, due to the mandatory nature of the death penalty imposed on the applicant under the Tanzania Penal Code, which constituted an arbitrary deprivation of life. The ACtHPR also declared the violation of the right to the respect of dignity, given that the decision imposed instituted the death penalty by hanging, which has already been defined in the ACtHPR's jurisprudence as a clear violation of human dignity. Thus, the ACtHPR ordered Tanzania to cancel the applicant's death sentence and to guarantee him a new hearing of his case. Additionally, the ACtHPR requested the State to remove from its legal provisions the mandatory death penalty and the possibility of hanging. The judgment summary can be found [here](#).

IV. EUROPEAN HUMAN RIGHTS SYSTEM

1. European Court of Human Rights (ECtHR)

- **On November 28, 2023, the ECtHR found Bulgaria responsible for failing to allow victims of trafficking to claim compensation for earnings lost from their traffickers in the case of "Krachunova v. Bulgaria".** The applicant is Daniela Da-

nailova Krachunova, a Bulgarian national, who was born in 1985. In April 2012, she left her home due to a troublesome relationship with her parents, to live with her partner and his children. Her partner worked driving sex workers to and from work and was known by the authorities to be associated with pimps. At that time, Ms. Krachunova began working as a sex worker because she needed to earn a living. In July 2012, she decided to quit that job, but her partner prevented her from doing so by beating and threatening her. For that reason, Ms. Krachunova fled to her native village. However, her partner quickly found her and took her back with him, seizing her identity card. Since then, Ms. Krachunova went back to working as a sex worker, but this time her partner took all her earnings and only gave her just what she needed to survive.

In February 2013, Ms. Krachunova was arrested. As a result, her partner was ordered to attend the police station, where he was asked to hand over Ms. Krachunova's identity document. Although he tried to claim that he was keeping it to "prevent it from being stolen", an investigation was opened against him. Therefore, the Sofia District Court ordered a hearing at which Ms. Krachunova appeared as complainant and claimed that she was entitled to 16,000 Bulgarian levs for pecuniary damages, and 8,000 Bulgarian levs on account of non-pecuniary damages. Although Krachunova's partner was convicted of human trafficking and pimping, and consequently fined 2,000 Bulgarian levs for non-pecuniary damages, the District Court denied the applicant's request for pecuniary damages because the money had been earned through "immoral acts". After both parties appealed the decision, Ms. Krachunova's partner was convicted only of human trafficking and ordered to pay 8,000 Bulgarian levs on account of non-pecuniary damages. However, the applicant's request for pecuniary damages was rejected again on the grounds that the activity from which it had been earned was contrary to good morals. The case was upheld in December 2017.

The ECtHR analyzed whether Bulgaria had a positive obligation to provide trafficked persons with the right to seek compensation for loss of earn-

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ings due to the actions of their traffickers. In this regard, the ECtHR understood that Article 4 (prohibition of slavery and forced labor) of the ECHR does impose positive obligations on States, which includes having a legislative and administrative structure that prohibits and punishes human trafficking and that provides for operative measures to protect the victims in certain cases. According to the ECtHR, this includes the possibility for the victims to claim and be compensated for the material damages suffered, since such compensation could provide them with the financial means to rebuild their lives, and would also act as a deterrent for traffickers. In addition, the ECtHR found that the Bulgarian courts adopted an outdated interpretation of the concept of “good morals” as enshrined in the text of the Bulgarian Penal Code, which had already been declared unconstitutional in 2022. The judgment can be found [here](#) and the press release [here](#).

- **On December 14th, 2023, the ECtHR issued an advisory opinion on the possibility of denying authorisation to a person who is a supporter of the Salafist “scientific” movement to work as a security guard.** On April 4, 2023, the *Conseil d’État* of Belgium submitted a request for an advisory opinion to the ECtHR, concerning the possibility of prohibiting an individual from working as security guard, on the grounds of being close to a religious movement which, based on its particularities, is considered by the national authorities to represent a threat to national security. The submission was motivated by the case of S.B., a Belgian national, who had worked as security guard for a private company dedicated to providing security services. In 2019, the company offered him a position related to security for major events, for which he needed an identification card that had to be requested from the Ministry of the Interior. When analyzing his request, it was verified that S.B. was related to the “scientific” Salafism movement. Subsequently, in 2021, the Security Conditions Investigation Board of the Ministry of the Interior decided that S.B. did not have the statutory profile for the job of security guard, and therefore did not grant him the identification card required for the position offered to him by the company. S.B. tried to overturn the Ministry’s decision, but was unsuccessful.

In issuing its advisory opinion, the ECtHR focused on whether the above decision was contrary to the right to the freedom of thought, conscience and religion under Article 9 of the European Convention on Human Rights (ECHR). In short, the ECtHR concluded that the determination of an interference with these rights may fall within the competence of the State. In addition, the ECtHR noted that national authorities have a wide margin of appreciation to decide whether the beliefs and ideologies of an individual, as well as his or her character and actions and the role and degree of adherence to a religious movement, may pose a real risk to national security. Specifically, the ECtHR established that the decision to refuse to authorize an individual to work as security guard or officer based on his or her belongs to a religious movement that, given its characteristics, is considered to be a threat to a State, is according to the ECHR, on the condition that the measure: a) has an accessible and foreseeable legal basis; b) is taken in view of the conduct or acts of the individual concerned; d) is taken in order to avoid a real and serious risk to democratic society, pursuing one of the legitimate aims referred to in Article 9(2) of the ECHR; e) have regard to the individual’s professional activity; f) is proportionate to the risk it seeks to avert; g) is surrounded by appropriate procedural safeguards; and h) can be review by a judicial authority. The advisory opinion can be found [here](#) and the press release [here](#).

V. INTER-AMERICAN HUMAN RIGHTS SYSTEM

I. Inter-American Commission on Human Rights (IACHR)

- **On December 13th, 2023, the IACHR, together with the United Nations High Commissioner for Refugees (UNHCR), released its Resolution No. 2/2023 on the right to nationality, prohibition of arbitrary deprivation of nationality and statelessness.** The Resolution seeks to address the main challenges related to the protection of the right to nationality. It also aims to provide guidance on States, NGOs and other relevant actors in

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the fulfillment of international obligations in this matter. Specifically, the resolution was motivated to address recent problems, such as the adoption of judicial decisions that retroactively affected the right to nationality, as well as the execution of arbitrary deprivation of nationality procedures that do not ensure due process guarantees. Other common problems mentioned include difficulties in granting nationality due to legal and practical barriers; cases of statelessness *in situ*, when people born in a State are arbitrarily deprived of their nationality; and limitations on the right to nationality in the context of migration and forced displacement.

Based on these issues, the Resolution refers to the general principles transversally applicable to these problems and develops the scope and extent of the right to nationality. It also deals with the forms of acquisition and loss of nationality, and the obligations related to the prohibition of its arbitrary deprivation, taking into account the principles of equality and non-discrimination. In addition, the Resolution establishes that States have the obligation to prevent, reduce and eradicate statelessness, as well as to incorporate in its legislation provisions for the protection of persons who find themselves in situations similar to statelessness. The IACHR and the UNHCR recalled the importance to comply with the “Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean” (Brazil’s Declaration), and encouraged States to ratify international treaties on the subject, such as the 1954 Convention relating to the Status of Stateless Persons. The resolution (in Spanish) can be found [here](#) and the press release (in Spanish) [here](#).

- **On November 9th, 2023, the IACHR published its report on the Closing of Civic Space in Nicaragua, addressing the human rights crisis that began in the country in 2018.** The report explores the concept of civic space based on the definitions provided by the standards of the universal and inter-American systems. In this regard, civic space can be conceptualized as the context in which people and groups are allowed to participate actively and meaningfully in the political, economic, social and cultural life of society. In view of this,

the purpose of the report is to analyze the closure of civic space in Nicaragua, which has deteriorated as a result of administrative and legislative measures aimed at suppressing the full exercise of fundamental rights, such as freedom of association and assembly, freedom of expression, freedom of religion, among others. This scenario originated with the social protests that began in April 2018, when people took to the streets in response to proposals to reform the Social Security Law.

Specifically, the IACHR referred to the implementation of a repressive State strategy on Nicaragua oriented to suspend fundamental rights and freedoms related to civic space, which includes the forceful dissolution of thousands of civil society organizations and the revocation of its legal personality. For example, there were more than 70 decrees through which the State canceled the legal personality of 3,390 organizations out of 7,227 legally registered in the country in 2018. Moreover, the IACHR noted the lack of safeguards to exercise the right to freedom of expression given the existence of various censorship mechanisms to persecute and silence those who are critical of the government. These mechanisms include unwarranted control and interference with media outlets, abuse of punitive power against journalists, arbitrary arrests, and surveillance of the press, among others. Finally, the IACHR called for an end to acts of repression and persecution against persons considered political opponents, and urged Nicaragua to revoke decrees and other measures oriented to cancel the legal status of several civil society organizations. In addition, it recalled the importance of re-establishing democratic institutions to overcome the crisis. The report can be found [here](#) and the press release [here](#).

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

- **On December 13th, 2023, the IACtHR declared Haiti responsible for the failure to protect the rights of Willer Baptiste and his family from multiple threats and attempted homicides.** The facts of the case occurred in a context of generalized insecurity, severe polarization and institu-

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tional fragility, which affected the country since the 1990s. Violence spread throughout the country due to the presence of armed gangs and the incapability of the State to effectively control them. In this context, Mr. Baptiste and his family began to suffer various threats, attacks and murdered attempts. On February 4, 2007, Mr. Baptiste was assaulted by several individuals belonging to an armed gang with political pretensions, who demanded money in exchange for weapons. On that same day, this armed gang murdered Mr. Baptiste's brother. Following this event, Mr. Baptiste and his family left the home and hid at the home of the aunt of Mr. Baptiste's wife. However, the entire family continued to be victims of threats and murder attempts, which led them to move 4 times. In 2016, Mr. Baptiste and his family decided to go into exile in the United States. Despite the various actions attempted, such as before the Prime Minister and the Minister of Justice, the Haitian authorities failed to provide him and his family effective protection against the armed gang. In addition, no investigation was opened to identify and sanction those responsible for the attacks and threats.

The IACtHR concluded that Haiti failed to comply with its duty to guarantee personal integrity of Mr. Baptiste and his family under Article 5.1 (right

to personal integrity) of the American Convention on Human Rights (ACHR), given the attacks and threats received and reported to the Haitian authorities. The IACtHR also recognized the violation of Article 19 (rights of the child) of the ACHR because the State did not adopt special protection measures for Mr. Baptiste's children, and of Article 4 (right to life) of the same treaty, due to the death of his brother, which was never properly investigated. Articles 22 (freedom of movement and residence) and 17 (rights of the family) of the ACHR were declared violated, as the attacks and threats imposed a *de facto* restriction on the right of movement within the territory of the State of Mr. Baptiste's family, and consequently led his family to go into exile in the United States causing harm to the life project of all its members. In addition, the IACtHR established that Articles 8 (right to a fair trial) and 25 (right to judicial protection) of the ACHR had been violated, since Haiti did not duly investigate the attacks in a reasonable time. Finally, Article 5 (right to personal integrity) of the ACHR was violated to the detriment of Mr. Baptiste's mother, who suffered pain, anguish and uncertainty at the death of her son and the denial of justice. The decision (in Spanish) can be found [here](#) and the press release (in Spanish) [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 their 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.

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Position available	Positions available	Elections	Application deadline	Website with more information
Member of the Committee on the Rights of the Child	9	May 23, 2024	From March 1 to April 30, 2024 ¹	When available, it will be published here.
Member of the Human Rights Committee	9	May 29, 2024	March 15, 2024	Available here.
Member of the Committee on the Rights of Persons with Disabilities	9	June 11, 2024	April 11, 2024	Available here.
Member of the Committee on the Elimination of Discrimination Against Women	11	June 7, 2024	Not yet available.	When available, it will be published here.
Member of the Subcommittee on Prevention of Torture	13	October 24, 2024	Not yet available.	When available, it will be published here.

¹ Nominations submitted before that date will not be accepted.

2. Mid-level and entry-level positions

This category presents a list of some positions available at the United Nations, which do not relate to membership as experts in treaty bodies or in 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
Human Rights Officer (P3)	Office of the High Commissioner on Human Rights	Plans and undertakes activities related to gender-based violence and human rights with a gender perspective.	February 6, 2024	Available here.
Human Rights Officer (P4)	Office of the Victim's Right Advocate	Coordinates with governmental institutions, civil society and human rights organizations in both host countries and the countries of alleged perpetrators to build networks of support; and monitors the development of training programmes for civilians, military and police.	February 4, 2024	Available here.
Human Rights Officer (P4)	Office of the High Commissioner on Human Rights	Monitors and evaluates activities relating to the implementation of international human rights instruments, and supports the work of the treaty-established bodies and extra-conventional mechanisms and special procedures.	February 23, 2024	Available here.
Human Rights Officer (P3)	Office of the High Commissioner on Human Rights	Plans and coordinates activities related to thematic and OHCHR Colombia mandate on human rights, including from a gender perspective.	February 14, 2024	Available here.