

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 features a guest editorial by Ayani Srivastava presenting a commentary on the case submitted to the ICJ against Afghanistan under CEDAW, marking the first time the Women's Rights Convention is tested before the World Court. 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 the thematic report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment addressing the relationship between the ocean and human rights; a decision of the Committee on the Rights of the Child declaring Paraguay responsible for the deaths of two young girls during a military operation; the judgment of the African Court on Human and Peoples' Rights condemning Tanzania for failing to protect persons with albinism from discrimination and violence; the resolution of the African Commission on Human and Peoples' Rights on the human rights situation in the Democratic Republic of Congo and its devastating impact on human rights; a decision of the European Court of Human Rights finding the international responsibility of Serbia for extraditing a Bahraini activist despite the risk of being subjected to torture in his country; the second compendium published by the Inter-American Commission on Human Rights on progress and measures of compliance with recommendations and other decisions; and the decision of the Inter-American Court of Human Rights in the case of "Tagaeri and Taromenane Indigenous Peoples v. Ecuador", where it ruled for the first time on the rights of Indigenous peoples living in voluntary isolation. 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 relevant to the group, such as new publications, upcoming events, career opportunities, professional accomplishments, and more, please send them to ecurcio@alvarezmartinezlaw.com to be included in our next newsletter.

Best regards,

Ezequiel Curcio
Newsletter Editor

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I. GUEST EDITORIAL

ICJ Case Against Afghanistan Under CEDAW: First Test of the Women's Rights Convention Before the World Court

Commentary by Ayani Srivastava¹

On September 25, 2024, Australia, Canada, Germany, and the Netherlands took the initial steps to officially file a suit at the International Court of Justice (ICJ) against Afghanistan for violations of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).² Supported by 22 other states, this action seeks to hold Afghanistan accountable for egregious and systemic human rights violations against women and girls following the Taliban's takeover in 2021.³ If the dispute proceeds to the ICJ, it will be the first time a country has been summoned to the World Court for discrimination against women.

The legal basis for this action is rooted in the collective enforcement framework of Article 29 of CEDAW, which permits any state party to submit disputes over the treaty's interpretation or application to the ICJ, regardless of whether they are directly affected by the alleged violations. Afghanistan ratified CEDAW in 2003 without reservations, binding itself to ICJ jurisdiction regardless of subsequent regime changes. Critically, CEDAW establishes obligations *erga omnes*—rights owed collectively to all State parties—meaning violations of the Convention inherently concern the international community as a whole, not merely States directly impacted. This principle, affirmed in ICJ jurisprudence such as *The Gambia v. Myanmar*, allows non-injured States like Australia, Canada, Germany, and the Netherlands to initiate proceedings by demonstrating a shared legal interest in upholding CEDAW's universal protections for women.⁴

Procedurally, the case will advance through three stages: an indefinite negotiation period triggered automatically upon filing, a six-month arbitration window if negotiations fail, and eventual adjudication by the ICJ if arbitration fails. Even if the Taliban refuses to participate in proceedings, consistent with its rejection of CEDAW as incompatible with their interpretation of Sharia law, the ICJ can proceed *ex parte* under ICJ Statute Article 53, issuing a ruling based on evidence from the applicant States.

Although ICJ cases typically take 2 to 4 years to resolve, provisional measures offer immediate pathways for redress.⁵ For example, the ICJ could order Afghanistan to suspend policies such as banning girls from secondary education or restricting women's employment while the case is ongoing. In a recent example, *South Africa v. Israel*, the ICJ issued provisional measures within 28 days of filing, demonstrating its ability to act swiftly in urgent situations.

Importantly, this initiative carefully avoids conferring legitimacy on the Taliban regime. The applicant States have explicitly stated their action does not constitute recognition or legitimization of the Taliban—a position supported by strong legal arguments.⁶ This approach aligns with ICJ jurisprudence that distinguishes between States and governments, allowing engagement with *de facto* authorities without recognition, as demonstrated in cases involving Myanmar's post-coup junta and apartheid South Africa. This framework has resonance with the Draft Articles on State Responsibility which assert that effective control, not legitimacy, determines State responsibility attribution.⁷

An ICJ ruling affirming Afghanistan's violations under CEDAW could have significant political ramifications. Such a decision would bolster arguments against recognizing the Taliban internationally and reinforce conditions set by UN Security Council Resolution 2679 (2023), which ties formal recognition of the Taliban to compliance with Afghanistan's international obligations, particularly those under

¹ Ayani Srivastava is an LL.M. graduate from Columbia Law School (2025), with experience at UN Women, the UN Special Procedures, and the CEDAW Committee. Her work focuses on international human rights law and gender justice.

² Auswärtiges Amt, *Launch of an Initiative on Accountability for Afghanistan's Violations of CEDAW Declaration* (Sept. 25, 2024). Available at <https://www.auswaertiges-amt.de/en/newsroom/news/2677760-2677760>.

³ Global Affairs Canada, *Joint Statement Regarding the Convention on the Elimination of All Forms of Discrimination Against Women*, Sept. 26, 2024. Available at https://www.international.gc.ca/world-monde/international_relations.

⁴ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*: 7 States intervening), Preliminary Objections, Judgment, I.C.J. Reports 2022, p. 477.

⁵ Statute of the International Court of Justice, art. 41, June 26, 1945, 59 Stat. 1055, 33 U.N.T.S. 993.

⁶ See EJIL: Talk!, *Representation of Afghanistan Before the International Court of Justice* (Oct. 24, 2023). Available at <https://www.ejiltalk.org/representation-of-afghanistan-before-the-international-court-of-justice/>.

⁷ International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, art. 4, in *Report of the International Law Commission on the Work of Its Fifty-Third Session*, U.N. Doc. A/56/10, at 43 (2001), reprinted in [2001] 2 Y.B. Int'l L. Comm'n 20, U.N. Doc. A/CN.4/SER.A/2001/Add.1.

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CEDAW.⁸ Moreover, such a ruling could serve as a powerful counterweight to the growing tendency to normalize relations with the Taliban regime, creating a “shadow of the law” effect⁹ on other States and international actors, compelling them to elevate women’s rights to a fundamental diplomatic priority rather than relegating them to supplementary status in negotiations.

Symbolically, this case represents a milestone for gender justice in international law. By invoking CEDAW before the ICJ, it integrates women’s rights into a traditionally male-dominated sphere of adjudication. Furthermore, this initiative intersects with efforts to address systemic gender apartheid in Afghanistan—a term increasingly used by UN experts to describe the Taliban’s institutionalized oppression of women and girls.¹⁰ While codifying gender apartheid as a crime under international criminal law remains a long-term project, CEDAW provides an immediate framework for legal action.

Despite significant enforcement challenges, ICJ rulings are binding under international law and provide a legal framework for accountability. Non-compliance with ICJ judgments can lead to referrals to the UN Security Council under Article 94(2) of the UN Charter. However, enforcement through the Security Council is heavily influenced by political dynamics, and may face obstacles due to veto powers and broader geopolitical considerations. Even without direct enforcement mechanisms, this case underscores litigation’s strategic value in advancing gender justice globally. It offers moral support to Afghan women and reinforces advocacy efforts aimed at holding oppressive regimes accountable.

This groundbreaking legal initiative represents both a practical step toward addressing gender-based persecution and a symbolic assertion of women’s rights within international law. If successful, it could set influential precedents that reshape global norms surrounding gender equality while offering hope to those silenced under repressive regimes.

⁸ *Independent Assessment on Afghanistan* (S/2023/856), Nov. 2023, para. 42.

⁹ Erlend M. Leonhardsen, *Trials of Ordeal in the International Court of Justice: Why States Seek Provisional Measures when Non-Compliance Is to Be Expected*, 5 J. Int’l Disp. Settlement 306 (2014).

¹⁰ Human Rights Council, *Situation of Human Rights in Afghanistan: Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan*, U.N. Doc. A/HRC/54/20, paras. 45-47 (2024).

II. UNIVERSAL HUMAN RIGHTS SYSTEM

1. Human Rights Council (HRC)

- **On February 13, 2025, the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño, presented a thematic report on the relationship between the ocean and human rights, highlighting the critical role oceans play in sustaining life and protecting biodiversity.** The report emphasizes that the degradation of marine ecosystems—due to pollution, climate change, overfishing, and extractive activities—undermines the enjoyment of a wide range of human rights, particularly of those most vulnerable, such as Indigenous peoples, small-scale fishers, coastal communities, women and children.

Although it is under immense pressure, the ocean continues to regulate the climate, provide oxygen and food, and support the livelihoods of billions of people. The report outlines that climate change is warming, acidifying, and deoxygenating the ocean; that plastic and chemical pollution threaten marine life; and that destructive fishing practices and industrial activities continue to damage ocean health. All of this contributes to severe consequences for the rights to life, health, food, water, culture and a healthy environment.

The Special Rapporteur stresses that human rights obligations must be at the center of ocean-related decision-making. States have the duty to respect, protect, and fulfill human rights by preventing harm to the marine environment, ensuring accountability for violations, and taking urgent and ambitious action to restore ocean health. In particular, States must halt subsidies that encourage overfishing, establish marine protected areas, regulate harmful industrial activities, and promote Indigenous knowledge and community participation in ocean governance.

The report also draws attention to the impacts on environmental human rights defenders working to protect the ocean, many of whom face threats and violence. It calls for stronger

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legal protections and recognition of their work. In this context, the Special Rapporteur highlights the relevance of the international human rights framework, including the right to a clean, healthy, and sustainable environment as recognized by the UN General Assembly and the HRC.

Finally, the report sets out a series of recommendations for States, businesses, and international institutions to protect the ocean in line with human rights obligations. These include promoting ocean literacy, ensuring inclusive governance, adopting stronger legal frameworks, addressing corporate responsibility, and adopting a rights-based approach to climate action and ocean protection. The report can be found [here](#).

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

- **On January 17, 2025, the CRC found Paraguay responsible for serious human rights violations related with the deaths of two young girls.** The decision concerns the killing of 11-year-old cousins Lilian Mariana Villalba and María Carmen Villalba during a joint operation by the Paraguayan Joint Task Force (FTC) on September 2, 2020, in the Yby Yauá area of the Concepción department.

According to the CRC, the girls—nationals from Argentina—had entered Paraguay to visit their fathers, members of the Paraguayan People's Army (EPP), when they were killed during the military operation. The CRC concluded that the use of lethal force by the FTC was arbitrary and unjustified, particularly given the victims' age and the lack of credible evidence demonstrating that such force was necessary or proportionate. The bodies were buried hastily without proper identification or autopsy, and key forensic evidence—such as the girls' clothing—was destroyed. Moreover, the authorities initially portrayed the girls as combatants, disseminating misleading information later contradicted by their own acknowledgment that the victims were minors and Argentine citizens.

The Committee found that Paraguay violated Articles 6(1) (right to life) and 4 (duty to adopt

appropriate measures to ensure the rights enshrined in the Convention) of the Convention on the Rights of the Child, given the State's failure to prevent the deaths, conduct a prompt, independent, and effective investigation, and cooperate with both the victims' families and the Argentine authorities. The investigation—described by the CRC as lacking independence, transparency, and diligence—only progressed after a court ordered the exhumation of the bodies for forensic examination.

Finally, the CRC expressed concern over Paraguay's treatment of the victims and their families, including the unjustified delay in returning the remains and the obstacles imposed on the grieving process. It urged the State to conduct an effective and impartial investigation, provide reparations, and adopt institutional reforms to prevent similar violations in the future. The communication can be found [here](#) and the press release [here](#).

III. AFRICAN HUMAN RIGHTS SYSTEM

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

- **On February 5, 2025, the ACtHPR ruled that Tanzania failed to protect persons with albinism (PWA) from discrimination, violence, and other human rights abuses.** The applicants—three human rights non-governmental organizations—alleged that Tanzania has one of the largest populations of PWA in the world, estimated at 1 in every 1429 people. They argued that the PWA in the country have historically suffered persecution, humiliation, mutilation, and killings, particularly within certain tribal communities. In many of these communities, children born with albinism are considered “a curse” and sometimes killed in so-called acts “of cleansing the community”. The applicants also reported that between 2000 and 2016, 76 PWA were killed in the country, whilst another 69 survived attacks or kidnappings. These statistics, according to the applicants, reflect a serious and persistent threat to the PWA existence.

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The ACtHPR found that the PWA face systemic discrimination rooted in widespread superstitions that attribute mythical powers to them, contrary to the prohibition of discrimination enshrined in Article 2 of the African Charter on Human and Peoples' Rights (African Charter). It also determined that Tanzania failed to prevent and punish ritual killings targeting PWA, which amounted to the violation of Article 4 (right to life) of the African Charter. Furthermore, the ACtHPR held that the State breached Article 5 (prohibition of torture and inhumane treatment) of the African Charter, as it did not implement effective protection measures and its inaction amounted to complicity in the abuses. Finally, the ACtHPR found violations of the rights of children with albinism under the African Charter on the Rights and Welfare of the Child, citing abductions, trafficking, and inadequate shelter conditions that failed to uphold the best interests of the child.

As reparations, the ACtHPR ordered Tanzania to punish targeted violence against the PWA, amend the Witchcraft Act to eliminate ambiguities that enable harmful practices, and improve access to healthcare and education. The ACtHPR also mandated the State to carry out nationwide awareness campaigns and reduce overcrowding in shelters. The judgment can be found [here](#), and the judgment summary [here](#).

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

- **On March 11, 2025, the ACHPR condemned the escalating armed conflict in eastern Democratic Republic of Congo (DRC) and its devastating human rights impact.** The ACHPR expressed serious concern over the renewed fighting, since January 2025, between the "Alliance Fleuve Congo/March 23 Movement/Rwanda Defense Forces" (AFC/M23/RDF) coalition and the Forces Armées de la RDC (FARDC) in the provinces of North and South Kivu.

The ACHPR highlighted the rapid deterioration of the human rights situation in eastern DRC, which has already led to nearly 10,000 deaths amid ongoing clashes between armed actors. It also raised alarm over the worsening humanitarian crisis, including the destruction of camps for internally displaced persons (IDPs) and the large-scale forced displacement of civilians due to persistent insecurity and the grave human rights violations. Furthermore, the ACHPR condemned both the territorial advances of the AFC/M23/RDF coalition and the atrocities committed by various armed actors, including widespread sexual violence against women and girls, the recruitment of child soldiers, prison burnings, targeted killings, and the destruction of the country's social and economic fabric.

The ACHPR reiterated its call for an immediate cessation of hostilities and urged all parties to prioritize dialogue aimed at achieving a peaceful resolution in the interest of national and regional stability. It reaffirmed the DRC's obligations under the African Charter and called on the Congolese government to re-establish state authority, protect civilians, and combat impunity by prosecuting those responsible for atrocities. The ACHPR also recalled the principle of *uti possidetis juris*, underscoring the inviolability of borders inherited from the colonial period, and stressed that unconstitutional changes of government are strictly prohibited under the African Union's Constitutive Act and the African Charter on Democracy, Elections and Governance.

Finally, the ACHPR urged Congolese authorities to take all necessary steps to end the conflict and restore control over all territories. It called for decisive action to ensure accountability, including through cooperation with international justice mechanisms. The ACHPR also appealed to regional and international actors to support conflict resolution efforts and called on the international community to provide urgent humanitarian assistance to prevent further escalation of the crisis. The resolution can be found [here](#).



IV. EUROPEAN HUMAN RIGHTS SYSTEM

1. European Court of Human Rights (ECtHR)

- **On March 25, 2025, the ECHR found Serbia internationally responsible for extraditing a Bahraini activist despite the risk of being subjected to torture or inhuman or degrading treatment in his country.** The applicant, Ahmet Jaafar Mohamed Ali, is a Bahraini national born in 1973. On November 3, 2021, he was arrested in Serbia pursuant to an Interpol arrest warrant requested by Bahrain, where he was wanted following his conviction *in absentia* for terrorism-related offenses and sentenced to life imprisonment. During the extradition proceedings, Mr. Ali argued that, as a Shiite and political activist, he would face a real risk of persecution, torture, or even death if returned to Bahrain. Nevertheless, Serbian courts held that his presence in Serbia was illegal and upheld the decision to extradite him. Although he submitted multiple letters seeking asylum and legal assistance, and his representative appealed the decision, Serbian courts dismissed his claims without assessing the risk of ill-treatment. On January 24, 2022, Mr. Ali was ultimately extradited after the Serbian Minister of Justice authorized the transfer, on the condition that he would be granted a retrial in which he could present his case in person. He remains imprisoned in Bahrain.

The ECHR found that Serbia violated Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights (ECHR). It emphasized that Serbian authorities had failed to conduct a substantive analysis of the applicant's claims regarding the risk of ill-treatment and to comply with interim measures ordered by the ECHR under Article 39 of the ECHR. Furthermore, the ECHR criticized the State's inadequate judicial oversight and failure to address the applicant's claims of persecution, highlighting systemic deficiencies in the extradition proceedings. The judgment can be found [here](#), and the press release [here](#).

V. INTER-AMERICAN HUMAN RIGHTS SYSTEM

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

- **On January 14, 2025, the IACHR published its second compendium on progress and measures of compliance with recommendations and other decisions.** In this edition, the IACHR sets out the main measures adopted or identified by States parties in 2023 to comply with recommendations issued through the IACHR's various mechanisms. Furthermore, the IACHR has established more specific Follow-Up Mechanisms to Recommendations to facilitate the effective implementation of its decisions.

This second edition presents various measures adopted by Brazil, Mexico, Chile, and Bolivia, among others. For example, the IACHR had recommended to Mexico the implementation of protocols for the prosecution of crimes related to violence against women following an on-site visit in 2015. The compendium highlights that the State has complied with this recommendation by developing tools to promote the incorporation of a gender perspective in judicial functions, such as the Protocol for Judging with a Gender Perspective.

The report also notes Chile's compliance with recommendations made by the IACHR in the case of *Edmundo Alex Lemún Saavedra et al.*, concerning the death of a Mapuche teenager who was shot in the head by Carabineros—the Chilean police—during a protest. The perpetrator was duly convicted, and a national training program on human rights and police techniques was established to educate 347 officers throughout the country.

In addition, the report highlights progress on friendly settlement agreements, particularly in Argentina, Bolivia, Chile, Colombia, Guatemala, Paraguay, and Uruguay. It also refers to compliance with precautionary measures. In

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this regard, Brazil created a Joint Working Table to support full compliance with precautionary measures concerning Bruno Araújo and Dom Phillips, who disappeared during a work visit by the Indigenous Surveillance Team.

The report further underscores advances in the implementation of thematic reports, strengthened follow-up strategies, and the use of the Inter-American SIMORE system. In its conclusions, the IACHR recalled that compliance by States parties with its decisions and recommendations is essential for guaranteeing the full realization of human rights in the region. The compendium (in Spanish) can be found [here](#) and the press release [here](#).

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

- **On March 13, 2025, the IACtHR ruled for the first time on the rights of Indigenous peoples living in voluntary isolation.** The case involved the violation of the rights of the Tagaeri and Taromenane Indigenous peoples, who reside in the Yasuní National Park in Ecuador. These peoples, who live in voluntary isolation, were affected by the lack of protection for their territory and their right to life, given the State's failure to prevent incursions by oil companies and settlers into their land, which led to environmental destruction and threats to their survival.

The IACtHR found that Ecuador had violated several provisions of the American Convention on Human Rights (ACHR). In particular, the failure to protect these Indigenous peoples from external threats—such as oil extraction companies, settlers, and illegal logging—endangered their right to life, exposing them to violence and the spread of diseases that further jeopardized their health. The IACtHR also found that Ecuador failed to protect their property rights, particularly their ancestral lands, from exploitation and encroachment by outside forces.

Furthermore, the intrusion into their territory interfered with their right to freely choose their residence, thereby violating their freedom of movement and residence. In consequence, the IACtHR declared the international responsibility of Ecuador for the violation of the rights to collective property, self-determination, a dignified life, health, food, cultural identity, a healthy environment, housing, life, judicial guarantees, and judicial protection to the detriment of the Tagaeri and Taromenane Peoples.

This is the first time the IACtHR issues a judgment on the protection of Indigenous peoples living in voluntary isolation. It emphasized that such groups are particularly vulnerable not only to physical violence but also to cultural and environmental erosion caused by the encroachment on their lands. In this regard, the IACtHR held that Ecuador had the obligation to adopt specific measures to protect these peoples, including conducting consultations on the use of their land and resources, and preventing the entry of settlers and oil companies into their territory. The IACtHR concluded that Ecuador had failed to comply with these obligations.

In its judgment, the IACtHR ordered Ecuador to adopt a series of measures, including the establishment of a comprehensive protection plan for the Tagaeri and Taromenane peoples, ensuring their right to live freely in their territory without external interference, the cessation of activities that threaten their land, and the adoption of safeguards to guarantee their rights to life, culture, and territorial integrity. 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.



I. 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
Legal Officer (P-3)	Office of Administration of Justice	Provide substantive, technical and administrative support for the adjudication of cases by the UNAT judges; review the parties' submissions to the UNAT; support the Judges by conducting legal research and preparing briefing memoranda on cases; support the Judges in producing accurate, comprehensive judgments, interlocutory motions, and issuance of orders; identify issues, draft legal texts and handle a wide range of complex legal matters involving interpretation and application of administrative/employment law, among others.	July 6, 2025	Find it here .
Senior Legal Officer (P-5)	Department of Peace Operations	Provide advice and expertise to senior management at Headquarters and senior leadership of United Nations peace operations on rule of law issues; serve as a recognized expert in different areas of concentration, and independently handles a wide range of multi-discipline, highly complex, and often sensitive and/or conflicting rule of law policy, guidance and training matters; coordinate and direct teams, and supervise the work of junior officers; develop and maintain high-level partnerships within the UN system and with external agencies to support to host countries of UN peace operations, among others.	July 16, 2025	Find it here .