

HUMAN RIGHTS INTEREST GROUP NEWSLETTER

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Editor's note:

It has been more than a year since the relaunch of the HRIG's newsletter. The task of searching, reviewing, reading, and choosing the decisions and pronouncements of several human rights bodies around the world is not an easy one, but it is encouraging to develop a newsletter that we intend will help us to keep up to date in our study and practice of international human rights law. We are grateful to have received such positive feedback from you.

This issue covers a sample of the decisions and activities of human rights organs around the world between July and September 2022, which may be of particular interest to you because of their novelty or current relevance. For example, the newsletter includes an interesting judgment of the Human Rights Committee (HRC) that concludes State responsibility for the failure to take action to adapt to climate change and protect minority rights. Also, the newsletter refers to a decision on obstetric violence, reproductive health and informed consent from the Committee on the Elimination of Discrimination against Women (CEDAW).

Other decisions and pronouncements included relate to the violation of political rights due to suspension from functions without a prior conviction, protection of women against digital violence, exercise of pre-trial rights, and the last report of former High Commissioner for Human Rights, Michelle Bachellet, before the end of her term.

This issue also contains at the end a section on employment opportunities in the United Nations in the human rights field, including high-level, mid-level, and entry-level positions. We hope it can be useful for you.

If you would like to include any news, events, or announcements in the next newsletter, you are invited to send them to mhernandez@alvarezmartinezlaw.com.

Best regards,
Mariana Hernández
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.

* The news contained in this publication refers to the period July-September 2022.



I. UNIVERSAL HUMAN RIGHTS SYSTEM

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

News from the OHCHR:

- **On August 31, 2022, former High Commissioner Michelle Bachelet published her last report before the end of her term, concerning an assessment of human rights in the Xianjiang Uyghur Autonomous Region (XUAR), China.** The assessment was launched in the wake of serious allegations of human rights violations against Uyghurs and other predominantly Muslim communities that were brought to the attention of the OHCHR in late 2017, particularly in the context of the Chinese government's counter-terrorism policies and measures. According to Bachelet: "allegations of patterns of torture, or ill-treatment, including forced medical treatment and adverse conditions of detention, are credible, as are allegations of individual incidents of sexual and gender-based violence". The assessment is based on a rigorous review of the documentary material available to the OHCHR, with its credibility evaluated according to standard human rights methodology. Particular attention was given to the Government's own laws, policies, data, and statements. The OHCHR also requested information and engaged in dialogue and technical interchanges with China during the entire process. The report can be found [here](#).
- **On August 30, 2022, former High Commissioner Michelle Bachelet lamented Israel's refusal to grant visas for OHCHR staff in the occupied Palestinian territory.** On the occasion, Bachelet said that the banning of the OHCHR's international staff occurred in a context where there is a growing list of UN personnel and mechanisms, non-governmental organizations, and others being expelled or denied entry by Israeli authorities. According to the data presented by the OHCHR, last year Israeli forces killed 320 Palestinians, which means there has been a 10-fold increase in the number killed in 2020, and injured 17,042 people, six times the 2020 figure. In addition, the UN recorded the highest number of incidents of settler violence since recording began in 2017, and arrests of Palestinians doubled. In this same vein, until the present

moment of 2022, it is known that Israeli forces have killed at least 111 more Palestinians. "(...) We will continue to demand access to the occupied Palestinian territory for our staff, in line with Israel's obligations as a UN Member State", said Bachelet. The press release can be found [here](#).

- **On July 25, 2022, the OHCHR issued two reports on events that occurred in the Central African Republic (CAR), which can amount to war crimes and crimes against humanity.** The first report describes how a militia conducted an attack on the village of Boyo in Ouaka Prefecture between December 6 and December 13, 2021. In its concluding remarks, the OHCHR finds that at least 20 civilians were killed, five women and girls raped, 547 houses burned and looted, and more than 1,000 villagers forced to flee.

The second report refers to conflict-related sexual violence perpetrated from December 2020 to early March 2022 by members of the Fronte Populaire pour la Renaissance de la Centrafrique (FPRC) and the UPC, both affiliated with the Coalition of Patriots for Change (CPC). The CPC is composed of the armed groups that signed the peace accord and later disengaged from it and tried to take power by force. This report is based on four fact-finding missions in the prefectures of Mbomou and Haute-Kotto, along with regular follow-up work and reports from the Human Rights Divisions.

The two reports include a range of recommendations, including urging armed groups to end all attacks and reprisals against the civilian population, and to lay down their arms and re-engage in the peace process as the only viable path to sustainable peace and reconciliation in CAR. Also, they call on the government to set up concrete and effective measures to protect civilians and prevent future human rights violations and abuses in those areas affected by violence and armed conflict. The press release can be found [here](#), the first report (in French) [here](#), and the second report (in French) [here](#).



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2. Human Rights Committee (HRC)

News from the HRC:

- **On September 22, 2022, in a ground-breaking decision, the HRC found that Australia violated Torres Strait Islanders' rights by failing to take action to adapt to climate change.** The eight authors of the communication are nationals of Australia; live on the four islands of Boigu, Masib, Warraber, and Poruma, and are considered to be among the most vulnerable populations to be affected by climate change. Among the allegations presented, the authors stated that one of the communities is flooded every year; approximately one meter of land is lost every year; erosion has eradicated a large part of the island's sand in the past few decades; and rising sea levels have resulted in salt water seeping into the soil of the islands, to the extent that areas previously used for traditional gardening can no longer be cultivated.

The HRC found that the evidence made available before it indicated that by failing to comply with its positive obligation to undertake adequate adjustment measures to protect the authors' home, private life, and family from climate change, the State violated the authors' rights. Furthermore, the HRC considered that climate impacts constituted a threat that reasonably could have been foreseen by the State, given that members of the community started raising the matter in the 1990s. As a result, the HRC also held that the State's failure to adopt timely and appropriate adaptation measures to safeguard the authors' collective capacity to maintain their traditional way of life, to transmit their culture and traditions to their future generations and children, and the use of both land and marine resources revealed a violation of the State's positive obligation to protect the right to enjoy their minority culture. The press release can be found [here](#) and the decision [here](#).

- **On August 30, 2022, the HRC found that Spain violated the political rights of the former Parliament members who participated in the Catalan independence referendum by suspending them from their functions without a**

prior conviction. The HRC published its views after reviewing a complaint filed by Oriol Junqueras i Vies, former vice-president of Catalonia, and three former ministers, Raül Romeva i Rueda, Josep Rull i Andreu and Jordi Turull i Negre. The victims were tried and sentenced for their participation in the independence referendum and later events that brought the Catalan Parliament to declare independence in October 2017. Then, in September 2017, the Catalan Parliament approved a law that authorized the holding of a referendum on the independence of Catalonia. Regardless of the Constitutional Court's suspension order and police intervention, the referendum was carried out on October 1, 2017. By mid-October, the Constitutional Court declared that both the law and the referendum were unconstitutional, null, and void. In the meantime, the Parliament of Catalonia proclaimed independence and was immediately dissolved by the Government of Spain. Junqueras and the three ministers were prosecuted, along with other officials, for the crime of rebellion, which involves a call for a violent rebellion against the constitutional order. They were suspended from their duties as members of Parliament in July 2018, in accordance with the Criminal Procedure Law, which only allows for the suspension of officials when they are accused of rebellion. In the course of their pre-trial detention, the four former members of Parliament submitted their case to the HRC, arguing that their suspension from public office, prior to any conviction, violated their political rights under Article 25 of the International Covenant on Civil and Political Rights.

All four were convicted in October 2019 of sedition, a crime that does not include the component of violence, as opposed to rebellion, and their suspensions were lifted. Remarking that the four complainants had called on the public to remain strictly peaceful, the HRC found that the decision to charge them with the crime of rebellion, which prompted their automatic suspension prior to a conviction, was not foreseeable and therefore not based on any reasonable and objective grounds provided by law. The press release can be found [here](#) and the decision [here](#).

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

News from the CEDAW:

- **On July 13, 2022, the CEDAW found Spain responsible for obstetric violence.** The victim, N.A.E., reported that she went to a public hospital in Donostia, Spain, with a pregnancy of 38 weeks because her water had broken. The hospital prematurely and unnecessarily induced her labor without her consent, failed to provide her with information about alternative options, subjected her to multiple digital vaginal exams which caused her pain, and did not allow her to eat. She was subsequently subjected to a cesarean section, with no medical justification, with her arms bound and without the presence of her husband. The cesarean was carried out by a group of medical residents under training supervised by their tutors and with no prior consent from N.A.E. In addition, when her son was born, he was immediately taken away from her and she was unable to have contact with him for several hours, without any reason. She was later diagnosed with post-partum post-traumatic stress disorder. She took her case to the courts in Spain but encountered both gender stereotyping and discrimination throughout the administrative and judicial process.

The CEDAW held that N.A.E was a victim of obstetric violence, a specific type of violence against women during facility-based childbirth, which has been shown to be “widespread, systematic in nature, and ingrained in health systems”. Among its considerations, the CEDAW requested that Spain respects women’s autonomy and ability to make informed decisions about their reproductive health by providing them with complete information at every stage of childbirth and by requiring that their free, prior, and informed consent be obtained for any invasive treatment during childbirth. The press release can be found [here](#) and the CEDAW’s views (in Spanish) [here](#).

II. AFRICAN HUMAN RIGHTS SYSTEM

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

News from the ACHPR:

- **During its 72nd Ordinary Session, from July 19 to August 2, 2022, the ACHPR adopted Resolution No. 522 on the Protection of Women Against Digital Violence in Africa.** According to the resolution, some forms of digital violence against women include cyberstalking, unsolicited sexually explicit content, doxing (sharing of personal information online), sexist hate speech, and the non-consensual sharing of intimate images. Some of the measures recommended by the ACHPR to combat digital violence against women are: (1) to adopt legislation that aims at combating all forms of digital violence while expanding the definition of gender-based violence; (2) to ensure effective cooperation between law enforcement authorities and services providers with regards to the identification of perpetrators and gathering of evidence; (3) to implement victim-friendly and gender-sensitive policies when handling cases of digital violence. One of the strongest motivations for this resolution is that some African States have started legislating crimes and violations occurring in the digital space such as Kenya, Tanzania, Eswatini, Botswana, South Africa and Mauritius. Resolution No. 522 can be found [here](#).

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

News from the ACtHPR:

- **On September 22, 2022, the ACtHPR found that the Republic of Tanzania deprived a citizen of the opportunity to benefit from his pre-trial rights, particularly the right to bail and to have a counsel, which violated his right to defense.** The applicant, Joseph John, was serving a prison sentence of thirty years, having been convicted of the offense of rape. The applicant alleged that the State violated his rights by not informing him of his right to bail despite the offense he was charged with being a bailable offense, not providing him with free legal representation during the proceedings before

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the domestic courts, and delaying in arraigning him in court after his arrest and in concluding his trials and appeals, respectively.

The ACTHPR considered that although no international human rights instrument expressly provides for the right to be informed of the right to bail, the right to bail should be considered broadly and was analyzed, in the decision, in the scope of the right to defense. This broad interpretation would include the right to be informed of the right to bail. The ACTHPR found that this is especially pertinent in circumstances where arrested persons are not represented by a counsel, they have been not been informed of their right to be represented by a counsel, or have not been provided with the assistance of a counsel, who would help them exercise their right to seek bail. Since the applicant was self-represented when he was first arrested, the ACTHPR found that he was deprived of the opportunity to benefit from the advice of counsel, including regarding bail. In addition, the ACTHPR held that the right to defense was violated because he should have been provided free legal representation throughout his trials and appeals. The decision can be found [here](#).

III. EUROPEAN HUMAN RIGHTS SYSTEM

1. European Court of Human Rights (ECtHR)

[News from the ECtHR:](#)

- **On September 8, 2022, the ECtHR found that French authorities had violated the privacy of an aspiring blood donor by collecting and retaining his personal data reflecting his presumed sexual orientation.** The applicant, Laurent Drelon, is a French national who in November 2004 had tried to donate blood at a collection site of the French Blood Donation Service, the **Établissement Français du Sang** (EFS). In the course of a preliminary medical interview, he was questioned whether he had ever had sex with another man. Since he refused to answer, his request for a blood donation was rejected. During the interview, his personal data were entered into a computer database. The input revealed that the applicable contraindication to donating blood, code FR08, used at the time for men who had sexual intercourse with men, had been

applied to him. In August 2006 the applicant made a new request, which was rejected. Consequently, in February 2007 he lodged a criminal complaint for discrimination, with a request to join the proceedings as a civil party, objecting to the refusal to accept him as a blood donor in 2004 and 2006 and that the EFS had registered his presumed homosexuality. After further investigations, the criminal case was discontinued. By May 2016 the applicant again attempted to donate blood but to no avail. Subsequently, in June 2016, Mr. Drelon then brought a judicial review claim asking the State's Council to strike down the order of April 5, 2016, that determined a contraindication to donating blood applied to men who had had sexual intercourse with other men, which had modified the selection criteria for blood donor candidates. The claim was dismissed.

The ECtHR remarked that the applicant's data entry had been assigned a specific contraindication to men who had sex with men, only because he had refused to answer questions relating to his sex life during the pre-donation medical interview. None of the evidence subject to the doctor's evaluation had enabled such a conclusion to be drawn about his sexual behavior. The ECtHR concluded that the data collected had been based on mere speculation and had no proven factual basis, which is why there had been a violation of the right to respect for private and family life (Article 8 of the Convention). On the other hand, the ECtHR considered inadmissible the alleged violation of the prohibition of discrimination (Article 14 of the Convention) and established that the matter was covered by Article 8. The press release can be found [here](#) and the decision (in French) [here](#).

IV. INTER-AMERICAN HUMAN RIGHTS SYSTEM

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

[News from the IACHR:](#)

- **On July 12, 2022, the IACHR congratulated the Colombian State and society for the release of**

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the final report of the Commission for Truth, Coexistence, and Non-Recurrence. On June 28, 2022, the IACHR assisted the final report of the Truth Commission publicly presented, which is the product of an unprecedented extrajudicial investigation process into the causes and consequences of Colombia's internal armed conflict. During three years and seven months, the Truth Commission heard from approximately 30,000 people in individual and collective interviews. Among those interviewed were victims, victims' relatives, eyewitnesses, armed actors involved in the conflict, civilian third parties, businessmen, law enforcement agency officials, and former Colombian presidents, among other social and political actors. Also, the Truth Commission carried out a participative process that included opening 28 "houses of truth" in various municipalities affected by the conflict and holding various events, lectures, and proceedings to ensure the end and non-recurrence of the armed conflict, to name those responsible for crimes and to dignify the victims; and to make recommendations, among other things.

On the basis of an examination of the information it had access to, the Truth Commission found that at least: 450,666 people were killed in the context of the armed conflict; 121,768 were victims of forced disappearances; 50,770 were kidnapped; 16,238 children and adolescents were recruited; 32,446 individuals were victims of violations of the right to sexual freedom and integrity; and around 8 million people were displaced, among various rights violations. The IACHR recognized the work undertaken by the Commission to uncover the truth of what happened during the internal armed conflict in Colombia and welcomed the plural, participatory dialogue undertaken by the Truth Commission, as a tool to facilitate historical truth and support national reconciliation within Colombian society. The press release can be found [here](#) and the final report (in Spanish) [here](#).

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

News from the IACtHR:

- **On September 13, 2022, the IACtHR notified that it found Colombia responsible for the**

forced disappearance of Pedro Julio Movilla Galarcio, trade unionist and political activist.

On May 13, 1993, Pedro Movilla left his home in the city of Bogotá, accompanied by his wife. After saying goodbye to her, he went to drop off his daughter at the entrance of the Kennedy School, promising to pick her up. Since then his whereabouts are unknown. Mr. Movilla's disappearance was denounced on May 17, 1993, before the Human Rights Delegate of the Office of the Attorney General of the Nation. That following day a writ of habeas corpus was presented, which was rejected because the presentation did not indicate the place of capture of the disappeared person, and the authorities to whom the Court requested information did not report his capture.

The IACtHR determined that the State at that time applied the "national security doctrine" by identifying trade unionists and leftist political parties through the notion of "internal enemy", under the alleged justification of fighting against the communist threat and subversion. The IACtHR also determined that given the context in which the disappearance occurred, Mr. Movilla's right to freedom of association was violated and determined the injury, to his detriment and that of his family members, of the rights to judicial guarantees, to judicial protection and to the truth. Finally, the IACtHR found that Candelaria Nuris Vergara Carriazo, Mr. Movilla's wife, suffered a differentiated affectation based on her gender. In the same sense, the IACtHR indicated that taking into account the specific circumstances of this case the sons and daughter of Mr. Movilla, being children at the time of the forced disappearance of their father, suffered a special affectation, given the environment in which they experienced suffering and uncertainty due to the lack of determination of their father's whereabouts. The press release can be found [here](#) and the judgment (in Spanish) [here](#).

- **As of September 1, 2022, the IACtHR will publicly notify its judgments in order to strengthen communication and knowledge about its decisions.** Under this new notification process, the parties and the Inter-American Commission on Human Rights will be previously notified and summoned to

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official virtual notification of the judgment, where the President of the Court will proceed to read the central and operative points of the judgments. The reading of the judgment will be broadcast on the Court’s social networks and, simultaneously with the reading of the judgment, the written version of the judgment will be sent electronically to the parties and the Inter-American Commission, and

will immediately be posted on the Court’s website and made known on its social networks. “We are an ‘Open Door’ Court, which includes giving the decisions issued by this Court the widest possible dissemination, which will only increase with public notification of judgments,” said the President of the IACtHR. The press release can be found [here](#). ■

INFORMATION ON EMPLOYMENT OPPORTUNITIES

This new section of the newsletter presents a list of some open human rights positions at the United Nations that may be of interest to you. For practical purposes, we divide the open positions into two categories: 1) high-level

positions; and 2) mid-level and entry-level positions. It should be noted that neither the HRIG nor ASIL are part of the election process for these positions, and therefore their listing is for informational purposes only.



1. High-level positions

This category lists positions available as independent experts in the Special Procedures of the UN Human Rights Council. The application for these positions is conducted freely and online. A consultative group considers the applications received and shortlists candidates for inter-

views. After that, the election is made by the president of the Human Rights Council on the basis of the recommendations of the consultative group and is approved by the Human Rights Council. It should be noted that in order to achieve equitable geographic representation, some positions are only open to people from certain regions.

Position available	Nationality	Date of election	Application deadline	Website with more information
Member of the Expert Mechanism on the Right to Development	Positions are available for individuals from Africa, Asia, the Pacific and Europe.	February-March 2023	Not yet defined.	When available it will be published here: https://www.ohchr.org/en/hr-bodies/hrc/sp/nominations
Member of the Expert Mechanism on the Rights of Indigenous Peoples	Positions are available for persons from Asia and the Arctic.	February-March 2023	Not yet defined.	When available it will be published here: https://www.ohchr.org/en/hr-bodies/hrc/sp/nominations
Special Rapporteur on the Right to Development	N/A	February-March 2023	Not yet defined.	When available it will be published here: https://www.ohchr.org/en/hr-bodies/hrc/sp/nominations
Member of the Working Group on Enforced or Involuntary Disappearances	There is one position available for a person from Latin America and the Caribbean.	February-March 2023	Not yet defined.	When available it will be published here: https://www.ohchr.org/en/hr-bodies/hrc/sp/nominations

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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 Category: P3	Office of the High Commissioner for Human Rights	Plan and coordinate activities related to thematic and country mandates on human rights, including from a gender perspective; provide advisory service to member States and support the establishment of national human right institutions in line with the international standards, among others.	11/13/2022	https://careers.un.org/lbw/jobdetail.aspx?id=191456&Lang=en-US
Human Rights Officer Category: P4	Office of the High Commissioner for Human Rights	Managerial responsibilities for assigned programme areas; development and delivery of training and education programmes, materials and tools and facilitation of knowledge building, among others.	11/03/2022	https://careers.un.org/lbw/jobdetail.aspx?id=189232&Lang=en-US
Human Rights Officer Category: P3	Office of the High Commissioner for Human Rights	Support the integration of human rights in UN peace operations; conduct substantive research and analysis of human rights issues/events and assesses their impact on the human rights situation in assigned region or country peace operations, among others.	10/30/2022	https://careers.un.org/lbw/jobdetail.aspx?id=190371&Lang=en-US
Associate Human Rights Officer Category: P2	Office of the High Commissioner for Human Rights	Reviewing human rights issues, including their gender dimensions, and participating in discussions with other Human Rights Officers (HROs) with the aim of stopping or preventing human rights violations or seeking other remedial action, among others.	10/18/2022	https://careers.un.org/lbw/jobdetail.aspx?id=190321&Lang=en-US