

HUMAN RIGHTS INTEREST GROUP NEWSLETTER

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Dear colleagues:

The third quarter of the year has come to an end and, as always, HRIG complies with its commitment to bring you a new issue of our newsletter with the latest news and developments in international human rights law. Each new issue is an invitation to readers, and to ourselves, to reflect on what has been done, what remains to be done and what we want to do in the future, so that all people can see their human rights guaranteed. Above all, it's an opportunity to think about how our individual and collective contributions, as members of this prestigious working group, can contribute to achieving that goal.

In this regard, this issue includes a new guest editorial containing a commentary by Clea Strydom, researcher of the *Centre for International Law and Policy in Africa*, on the resurgence of unconstitutional change of Governments in Africa, following Resolution No. 564 of the African Commission on Human and Peoples' Rights. You will also find a brief article by Claire Crites on human trafficking entitled *Towards a Right-Based Approach: Combating Human Trafficking in the UN Human Rights System*. We invite you to read their valuable insights and get involved in the next issue by sharing your thoughts on human rights developments that you consider relevant.

In our traditional sections, you will find the latest news and developments concerning international human rights law, such as a thematic report published by the Office of the United Nations High Commissioner for Human Rights regarding the promotion and protection of human rights and fundamental freedoms of Africans and of people of African descent; and the adoption by the Committee on the Rights of the Child of its groundbreaking General Comment No. 26 on children's rights and the environment with a special focus on climate change. The newsletter also includes a decision of the European Court of Human Rights regarding the discrimination suffered by an intersex woman who was banned from participating in international athletic competitions because she refused to undergo hormone treatment to lower her testosterone levels; and a reference to the innovative thematic report of the IACHR on non-communicable diseases and human rights in the Americas. 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 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.

Best regards,

Ezequiel Curcio
Newsletter editor

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



I. GUEST EDITORIAL

1. Comment on Resolution 564(LXXVI) on the resurgence of unconstitutional change of Governments in Africa

Commentary by *Clea Strydom*

This year has seen two successful military coups d'états in Africa –Niger in July 2023 and Gabon in August 2023– which is just the latest in a series of successful and failed and coup attempts on the continent. In fact, there have been nine coups d'états in West Africa, Central Africa and the Sahel region, since 2020.

In between the two latest coups in Niger and Gabon, the African Commission on Human and Peoples' Rights (ACHPR) adopted its Resolution 564 on 4 August 2023, on the resurgence of unconstitutional change of Governments in Africa, which *inter alia* “condemns attempts to institute autocratic regimes and the unconstitutional change of Government on the Continent, acts which it considers to be a serious threat to stability, peace, security, development and human rights protection”.

This is not the first resolution of its kind. In 2012, the ACHPR adopted its Resolution 213 on the unconstitutional change of Governments, after military takeovers in Mali on 22 March 2012 and in Guinea-Bissau on 12 April 2012.¹

There are however notable, yet subtle, differences between the two resolutions, and I would like to make two observations regarding the Resolution 546. But before proceeding, it's important to note that African coups, often portrayed as undermining democracies, overlook a critical point. Despite the appearance of democratic systems and fair elections, these coups have actually removed long-standing dictatorships or family-dynasties, gaining support from civilians. This underscores the fact that the so-called democracies destabilized by coups may have been more illusory than real, with citizens increasingly frustrated by rising inequality and corruption. The civilian support some military coups enjoy is often a response to this dissatisfaction, as coup leaders promise a better and more

democratic future. Unfortunately, in many cases, this initial enthusiasm fades as civilians realize they are merely exchanging one oppressor for another.

Returning to the two points I would like to make regarding the ACHPR's resolution. Firstly, it clearly favors peaceful negotiation over the use of force. While the 2012 Resolution called on “African Governments to engage political and social dialogue with a view to promoting democratic practices and consolidating the culture of democracy and peace on the continent”, the 2023 Resolution outright expresses alarm at the Economic Community of West African States (ECOWAS) threat of the use of force against the military junta in the Niger and calls on ECOWAS and other States to give priority to peaceful methods such as negotiation.

Second, the 2023 Resolution, unlike its 2012 predecessor, includes a warning against foreign interference, singling out France, calling on them and other foreign States “to refrain from taking initiatives in an area which involves interference in the internal affairs of African states”. It is unfortunate, that the Wagner Group wasn't included in the “name and shame” exercise, as they are taking advantage of the instability in the region and the Niger's junta allegedly asked for their assistance when it faced the threat of military intervention from ECOWAS.² It is interesting to note that the Niger junta, supported by thousands of civilians, demanded the withdrawal of French troops and diplomats, which France ultimately agreed to with the withdrawal of 1500 troops and their ambassador.³ This exchange of one foreign influence, a former coloniser, for another foreign influence, a “perceived” ally, is illustrative of the increasing shift in geopolitics in Africa with what some have labelled a “new scramble for Africa”⁴

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¹ ACHPR, “Resolution on the Unconstitutional Change of Governments”, ACHPR/Res.213(LI), 2012. Available at <https://achpr.au.int/index.php/> (last visited: 10/02/2023).

² THE NEW YORK TIMES, “If Your Country Is Falling Apart, the Wagner Group Will Be There”, August 11, 2023. Available at <https://www.nytimes.com/> (last visited: 10/02/2023); AP, “Niger's junta asks for help from Russia group Wagner as it faces military intervention threat”, August 5, 2023. Available at <https://apnews.com/article/> (last visited: 10/02/2023).

³ NPR, “France Is Pulling Its Ambassador and 1500 Troops Out of Niger”, September 25, 2023. Available at <https://www.npr.org/> (last visited: 10/02/2023).

⁴ COUNCIL ON FOREIGN RELATIONS, “A ‘New Scramble for Africa’?”, May 2, 2023. Available at <https://www.cfr.org/blog/> (last visited: 10/02/2023).



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Despite the many promises made by the junta's, coups increase instability in the region which creates a breeding ground for human rights violations, foreign exploitation and extremist groups. Military coups should not be confused with popular uprisings, with the latter having a better track record in ushering in genuine democracy and stability. I would like to leave you with Tanzanian President Samia Suluhu Hassan's comment that "[u]nless and until African governments address the deficiencies in democratic governance and deliver essential public services to their people democracy will remain an aspiration never to be meaningfully realized".⁵

2. Towards a Right-Based Approach: Combating Human Trafficking in the UN Human Rights System

Commentary by *Claire Crites*

Introduction

The United Nations Office on Drugs and Crime (UNODC) defines human trafficking as "the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit".⁶ Human trafficking is a pernicious human rights violation that exists in a myriad of forms such as through sexual exploitation, forced marriage, domestic servitude, or the conscription of child soldiers.⁷ However, trafficking is primarily categorized and distilled into either labor or sex trafficking.⁸ The Human Trafficking Institute (HTI) reports that as of 2022, there are currently 24.9 victims of trafficking worldwide with 20.1 million being victims of labor trafficking and 4.8 million being victims of sex trafficking.⁹

Additionally, trafficking is a uniquely gendered human rights violation as currently 71% of human trafficking victims are women and girls and 29% are men and boys.¹⁰ Human trafficking wickedly denies the humanity of its victims through consistent exploitation and abuse that aims to reduce a human being to a mere source of profit.

Despite the global pervasiveness of this crime and the established fact that "[h]uman rights law has long recognized that human beings cannot be sold", the UN human rights system has been slow to respond.¹¹ However, within the past two decades, the UN human rights system has leveraged its special procedures system to better address this crime.

Human Trafficking as a Transnational Crime

The UN human rights system did not recognize human trafficking as a key issue on the international agenda until the mid-1990s.¹² At this time, trafficking was "strictly a peripheral issue" within the UN human rights system as there was no international legal definition of trafficking, no international law to protect trafficking victims, and an incredibly limited understanding of the pervasiveness of the crime.¹³ In order to combat the crime and develop international jurisprudence surrounding human trafficking, the UN General Assembly (UNGA) adopted the Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children (Palermo Protocol) in 2000.¹⁴ The Palermo Protocol was quickly ratified by states and widely accepted among the international community.¹⁵ It served as the first international framework to combat trafficking and has

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5 AFRO BAROMETER, "Declining satisfaction threatens African democracy, Afrobarometer CEO reveals", July 18, 2023. Available at <https://www.afrobarometer.org/articles/> (last visited: 10/02/2023).

6 UNODC, "Human Trafficking". Available at <https://www.unodc.org/unodc/> (last visited: 10/02/2023).

7 *Id.*

8 ECKER, E., "Breaking Down Global Estimates of Human Trafficking", in *Human Trafficking Institute*, 2020. Available at <https://traffickinginstitute.org/> (last visited: 10/02/2023).

9 *Id.*

10 STOP THE TRAFFIK, "Definition and Scale". Available at <https://www.stophetraffik.org/what-is-human-trafficking/> (last visited: 02/10/2023).

11 HADDADIN, Y. & KLIMOVA-ALEXANDER, I., "Human Rights-Based Approach to Trafficking: The Work of the United Nations Office of the High Commissioner for Human Rights", in *The Judges' Journal*, Vol. 52, No. 1, 2013, p. 27.

12 GALLAGHER, A. & EZEILO, J., "The UN Special Rapporteur on Trafficking: A Turbulent Decade in Review", in *Human Rights Quarterly*, Vol. 37, No. 4, 2015, p. 914.

13 *Id.*

14 *Id.*, pp. 914-915.

15 *Id.*, p. 916.

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prompted strong political commitment by its 166 state parties.¹⁶

However, the Palermo Protocol was adopted through UNGA and not the UN human rights system, which oriented the UN towards “criminalization of trafficking and cooperation between states to facilitate prosecution” and *not* the protection of the rights of victims.¹⁷ The Palermo Protocol has become the “most important international agreement on the subject” but it was not a human rights treaty and rather focused on “preventing the spread of trafficking as a form of transnational organized crime”.¹⁸ This is a crucial distinction that has created significant delay within the UN human rights system in responding to human trafficking as a rights violation. It has also deprioritized the rights of the victim and contributed to developing the normative view that human trafficking should be considered a crime first and a human rights violation second.¹⁹ While the Palermo Protocol was absolutely essential in providing an international legal definition of trafficking and placing human trafficking on the international agenda, it oriented human trafficking away from its place in the UN human rights system.

Towards a Rights-Based Approach: Human Trafficking and Special Procedures

In order to bring human trafficking “back to its human right roots” the UN human rights system has utilized its special procedures system. The UN special procedures system consists of independent experts appointed by the Human Rights Council that report and monitor thematic and country-specific human rights violations.²⁰ Due to their independence from the UN system and their expertise, the special procedures have “a strong track record of making a difference in setting norms and monitoring their implementation”.²¹ In 2004, the Commis-

sion on Human rights (predecessor to the Human Rights Council), appointed a Special Rapporteur on trafficking in persons, especially women and children (SRTIP).²² The SRTIP is the “only exclusively focused international human rights mechanism for combating human trafficking” and characterized an intentional effort within the UN system to categorize human trafficking as a rights violation.²³ Since its establishment in 2004, the mandate has been consistently renewed and in 2020 was again renewed for another three-year period.²⁴ The “core identity” of human trafficking is a human rights violation rather than a transnational crime, and the establishment of the SRTIP with a specific trafficking mandate “to address the human rights aspect of trafficking” provided the opportunity for the UN human rights system to reclaim the violation and restore its normative understanding among the international community.²⁵

Since the SRTIP’s establishment, it has become a powerful vehicle for addressing human trafficking violations and developing the violation normatively as a rights-based violation. The special procedure tools the SRTIP can use include analyzing the relevant thematic issue, conducting country visits, advising governments and other relevant actors, alert and report to UN organs and agencies, and advocate for victims by requesting “urgent action” from states to provide redress.²⁶ One of the key tools STRIPs have successfully utilized is producing annual thematic reports to the Human Rights Council and UNGA on human trafficking.²⁷ SRTIPs’ thematic reports include “trafficking for forced marriage (2007)”, “regional and sub-regional cooperation in promoting a human-rights-based approach to trafficking (2010)”, “trafficking in supply chains (2012)”, and “trafficking in persons for the

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16 EZEILO, J., “Achievements of the Trafficking Protocol: Perspectives from the former Special Rapporteur on Trafficking in Persons”, in *Anti-Trafficking Review*, Vol. 4, 2015, p. 145.

17 GALLAGHER & EZEILO, *supra* note 7, p. 915.

18 *Id.*, pp. 916-917.

19 GALLAGHER & EZEILO, *supra* note 7, p. 915.

20 PICCONE, T., “Human Rights Special Procedures: Determinants of Influence”, in *American Society of International Law*, Vol. 108, 2014, p. 288.

21 *Id.*

22 OHCHR, “Special Rapporteur on trafficking in persons, especially women and children”. Available at <https://www.ohchr.org/en/special-procedures/> (last visited: 02/10/2023).

23 *Id.*

24 *Id.*

25 GALLAGHER & EZEILO, *supra* note 7, p. 917.

26 DE SCHUTTER, O., *International Human Rights Law*, 3^o Ed., 2019, p. 971.

27 GALLAGHER & EZEILO, *supra* note 7, p. 917.



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removal of organs (2013)).²⁸ These annual reports require immense research, preparation, and revision, which results in the SRTIP organizing expert consultations, seminars, and side events that assist in developing normative change by spreading awareness of the complexities of human trafficking.²⁹ The SRTIPS have proven to be a powerful tool in developing human trafficking as a rights-based violation in the UN human rights system.

II. UNIVERSAL HUMAN RIGHTS SYSTEM

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

- **On September 5, 2023, the OHCHR published its thematic report on “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality”.** The report focuses on the right of Africans and of people of African descent to participate in public life as an enabler of human rights and transformative change. The OHCHR recalled that genuine participation is fundamental to ensure the effectiveness of democracy, the rule of law, social inclusion, and economic and sustainable development, as well as to reduce inequalities. It called on States to ensure that the voices of Africans and of people of African descent and those fighting racism were heard and their concerns addressed. In this regard, the OHCHR addressed the aspects that hinder genuine, inclusive, and safe participation in public life, elections, and in non-electoral contexts, among others. Then, the OHCHR listed some measures to promote the participation of afro-descendant people, such as reversing cultures of denial, dismantling systemic racism, and accelerating the pace of action. In its conclusions, the OHCHR made a series of recommendations to States, including that afro-descendant people and their communities and organizations should be able to influence the laws, policies,

practices, and processes that determine actions aimed at enforcing and respecting their rights. The thematic report can be found [here](#).

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

- **On August 22, 2023, the CRC published its General Comment No. 26 on children’s rights and the environment with a special focus on climate change.** The Committee expressed concern about the current global triple crisis, which consists of the climate emergency, the collapse of biodiversity, and pervasive pollution, and its consequences for the future of children. Focused on recognizing the principle of intergenerational equity and the interests of generations to come, the CRC considered that in addition to the rights of children who are already living, those to come are already entitled to the realization of their human rights. In this regard, the General Comment analyzed specific rights under the Convention and how they relate to each other. Regarding environmental equality, the Committee stated that States have an obligation to effectively prevent, protect, and provide remedies against environmental discrimination, since the impact of environmental damage has a discriminatory effect on some groups of children, such as indigenous children and children belonging to minority groups, among others. Furthermore, the CRC recalled that children’s voices are a potent global force for environmental protection and, therefore, States must ensure that age-appropriate, safe, and accessible mechanisms are available for children’s ideas to be heard regularly in decision-making related to the environment. Many other rights were addressed, such as the right to freedom of expression, association and peaceful assembly, access to information, right to freedom from all forms of violence, right to the highest attainable standard of health, and right to education, among others. General implementation measures were tackled and various guidelines on climate change were put forward, such as a call for urgent collective action by all States to mitigate greenhouse gases emissions. The General Comment can be found [here](#) and the press release [here](#).

28 *Id.*, p. 919.

29 *Id.*



III. AFRICAN HUMAN RIGHTS SYSTEM

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

- **On August 4, 2023, the ACHPR released its Resolution 567(LXXVI) on the human rights situation in Senegal, considering the socio-political instability prevailing in the country.**

Since June 2023, several popular protests began in Senegal due to the sharp socio-political context generated by the political confrontation between Mr. Macky Sall, president of the Republic, and Mr. Sonko, mayor of the city of Ziguinchor and his main political opponent. These events were followed by the dissolution on July 31, 2023, of the Political Party of African Patriots of Senegal for Work, Ethics and Fraternity ("PASTEF"), to which Mr. Sonko belonged. Mr. Sonko had been charged with the crime of rape and death threats, and arrested in February 2021. He remained under arrest until March 8, 2023.

Although he was found non guilty of these crimes, he was sentenced to two years in prison for corruption of minors. After the sentence was announced, several popular demonstrations began to take place throughout the country, involving a lot of violence and causing the death of dozens of people. In its resolution, the ACHPR condemned "the persistent and serious violations of human rights which tarnish Senegal's reputation for democratic stability". It also repudiated the violence of the demonstrators and the exacerbated use of force by the authorities. Consequently, the ACHPR called on the Senegalese government to guarantee the right to freedom of opinion and expression and the right to peaceful assembly, among others. It also urged all parties to put an immediate end to the violence and, in particular, called on the Senegalese government to ensure that no further acts of intimidation take place and that persons arbitrarily detained were released. The resolution can be found [here](#).

- **On August 4, 2023, the ACHPR published its Resolution No. 564 on the resurgence of unconstitutional change of governments in Africa.** The ACHPR expressed its concern about the various events taking place in Africa, such as the coup attempt that took place in July 2023 in Sierra Leone. On June 24, 2023, Julius Maada Bio was re-elected after governing the country since 2018, a victory that was rejected by the opposition party. Sierra Leone's main election observatory rejected the

results, claiming that investigations show that Mr. Bio did not meet the 55% threshold legally set for a first-round victory. After more than a month of instability, police arrested several army officers suspected of preparing the coup. The ACHPR also expressed concern about developments in Niger. On July 26, 2023, Niger's Presidential Guard advanced against the incumbent president, Mohamed Bazoum, and staged a coup d'état. After a brief dispute between the country's various armed forces, Mr. Bazoum was ousted and a military junta led by the commander of the Presidential Guard, General Abdourahamane Omar Tchiani, was created. The situation has brought instability not only to Niger but to much of sub-Saharan Africa, which is also facing its own particular conflicts. Consequently, the ACHPR urged all African countries to comply with the provisions of the African Charter on Democracy, Elections, and Governance and the African Charter. It also called on all foreign parties, especially France, to refrain from taking initiatives in the area that involve interference in the internal affairs of African States. Finally, the ACHPR called on the African Union and the international community to guarantee the re-establishment of peace and stability through dialogue and negotiation, in order to protect the well-being of the people of Africa. The resolution can be found [here](#).

IV. EUROPEAN HUMAN RIGHTS SYSTEM

1. European Court of Human Rights (ECtHR)

- **On August 29, 2023, the ECtHR decided that Bosnia and Herzegovina was internationally responsible for the lack of ethnic representation in the House of Peoples of the Parliamentary Assembly as Bosniacs, Croats and Serbs enjoyed a privileged position in the current system.** The applicant, Mr. Slaven Kovacevic, alleged that the current political system in Bosnia and Herzegovina allowed only three dominant ethnic groups to run for the House of Peoples and the Presidency, which violated the right to prohibition of discrimination and the right to free elections. According to the applicant, Bosnia and Herzegovina's Constitution divided the country into two Entities: the Federation of Bosnia and Herzegovina and the Republika

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Srpska. This led to a distinction between segments of the population, dividing them into the so-called “constituent peoples” (Bosniacs, Croats and Serbs) and the “others and citizens of Bosnia and Herzegovina”, who are the members of ethnic minorities. Those who belong to the “constituent peoples” have political privileges. Only people who declare affiliation with one of the three dominant ethnic groups are eligible to run for the House of Peoples and the Presidency. Voters who live in Republika Srpska only can participate in the elections of Serbian members of the House of Peoples and the Presidency. Likewise, voters living in the Federation only can take part in the elections of Bosniac and Croat members of these institutions. In particular, Mr. Kovacevic complained that, by not declaring his affiliation to any particular ethnic group, and expressing that the candidates who most represent his political beliefs were not of the “right” ethnicity, he could not vote for them in the 2022 elections.

The ECtHR concluded that Bosnia and Herzegovina violated the general prohibition of discrimination, enshrined in Article 1 of the Protocol No. 12 to the European Convention on Human Rights (“ECHR”). The ECtHR expressed that, despite the fact that its historical aim was to achieve peace in the context of genocide in Bosnia and Herzegovina, the institution of the “constituent people” has increased ethnic divisions in the country and hindered democracy. The ECtHR recalled that when Bosnia and Herzegovina became a member of the Council of Europe in 2002, it assumed the obligation to reform its electoral system, which it has not done to date. Furthermore, the ECtHR explained that, as the “constituent peoples” were not an endangered minority group, and therefore the aim of the constitutional provision was not to correct a *de facto* inequality, it constituted a case of discrimination. Finally, the ECtHR found that there had been a violation of Mr. Kovacevic’s right to vote, as he was unable to freely express his political preferences in the 2022 elections. The press release can be found [here](#).

- **On July 11, 2023, the ECtHR published a groundbreaking decision finding that Switzerland was responsible for the discrimination of an international-level athlete who refused to undergo hormonal treatment and was therefore banned from participating in international competitions.**

The International Association of Athletics Federations (“IAAF”) asked the applicant, Ms. Mokgadi Caster Semenya, an intersex woman and international-level athlete, to undergo hormone treatment to reduce her testosterone levels if she wished to be eligible to compete in international athletic competitions. While undergoing the treatment, Ms. Semenya suffered significant side-effects, but she could participate in several international competitions. In 2015, she stopped her hormone treatment as the Court of Arbitration for Sport (“CAS”) temporarily suspended the IAAF’s regulations. In 2018, the IAAF adopted new eligibility regulations for women for athletes with “differences of sex development” (“DSD Regulations”). However, the applicant refused to follow any further treatment and challenged the validity of the DSD Regulations before the CAS, which was dismissed. She also filed a civil appeal claiming discrimination on the grounds of sex, which was also dismissed.

The ECtHR held that the case was admissible as the proceedings before the CAS, in application of IAAF’s regulations, had been reviewed by the Switzerland Federal Court, and therefore the case fell within the jurisdiction of this State. Then, the ECtHR found that the applicant was in a similar situation to other female athletes, and yet she was subjected to different treatment compared to these athletes, being excluded from participating in competitions due to DSD Regulations. Specifically, the ECtHR found that the applicant had not been afforded sufficient institutional and procedural safeguards that enabled her to pursue her grievances effectively, despite the fact that her complaints concerned substantial claims of discrimination on grounds of sex and sexual characteristics, which required the State to prove “very weighty reasons” by way of justification. Furthermore, the Court stressed that “imposing treatment that may cause significant side-effects, not for strictly medical reasons but in order to comply with the eligibility conditions laid down in the DSD Regulations, is not compatible with international standards of medical ethics”. The ECtHR also determined that Switzerland had overstepped the narrow margin of appreciation granted in the case, due to the high personal stakes involved for Ms. Semenya, namely participating in international athletic competitions and practicing her profession. Consequently, the

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ECtHR found that Switzerland has violated Article 14 (prohibition of discrimination) taken together with Article 8 (right to respect for private and family life), and Article 13 (right to an effective remedy) of the ECHR. The press release can be found [here](#).

V. INTER-AMERICAN HUMAN RIGHTS SYSTEM

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

- **On August 31, 2023, the IACHR and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights released an innovative thematic report on non-communicable diseases and human rights in the Americas.** Non-communicable diseases refer to a group of diseases that are not primarily caused by an acute infection, but result in long-term health consequences and often create a need for ongoing treatment and care. Examples include cancer, cardiovascular diseases, diabetes, and chronic lung disease. According to the World Health Organization (“WHO”) and the Pan American Health Organization (“PAHO”), non-communicable diseases are the leading cause of death in the world, accounting for more than 70% of deaths. In this regard, the IACHR outlined the international obligations of States and the relevant applicable standards. It also recalled the content and extent of the right to health, indicating that health is a public good and its protection must be respected and guaranteed by States, without discrimination. Accordingly, the IACHR held that States are obliged to adopt measures to prevent, treat, and combat diseases, and are obliged to reduce premature mortality from non-communicable diseases as part of sustainable development. As non-communicable diseases are also associated with the generation of disabilities, the IACHR stated that States have an enhanced duty to adopt measures to prevent their onset and provide adequate treatment. Finally, the IACHR presented some measures aimed at preventing non-communicable diseases, such as the national application of better investments to reduce the impact of these diseases and the promotion of healthy eating and physical activity. The thematic report (in Spanish) can be found [here](#) and the press release (in Spanish) [here](#).

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

- **On August 8, 2023, the IACtHR found Colombia responsible for the enforced disappearance of Mr. Óscar Iván Tabares Toro, who had been missing since 1997.** The victim was a member of the Artillery School of Bogota “Carlos Gil Colorado”, where he served in the “Tigre” company for the Colombian National Army. On December 28, 1997, he disappeared while his company camped in San Luis de Toledo. From that moment, the victim’s whereabouts are unknown. Several investigation processes were opened to investigate the victim’s disappearance, but none of them yielded results regarding his whereabouts or his remains. In addition, while searching for the victim’s whereabouts, the family suffered multiple threats and the victim’s mother and other family members had to leave Colombia.

Colombia acknowledged its responsibility in relation to Articles 8 (right to judicial guarantees) and 25 (right to judicial protection) of the American Convention, and Article I.b) of the Inter-American Convention of Forced Disappearance of Persons, due to its lack of due diligence in the investigation within reasonable time and for the lack of search actions to find out the victim’s whereabouts. Furthermore, the IACtHR concluded that this was a case of enforced disappearance, and therefore found that Colombia had violated Articles 3 (right to recognition of legal personality), 4 (right to life), 5 (right to personal integrity), and 7 (right to personal liberty) of the American Convention, as well as Article I (prohibition to practice, permit or tolerate the forced disappearance of persons) of the Inter-American Convention of Forced Disappearance of Persons. The IACtHR also considered that the right to the truth, enshrined in Article 13 of the American Convention, was violated, given that Mr. Tabares’ relatives were unable to know the whereabouts or the remains of the victim. Finally, the IACtHR decided that there was a violation of the rights to personal integrity, to privacy, and to the rights of the family against Mr. Tabares relatives, due to the impacts caused on their development and lives. 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 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.

Position available	Positions available	Elections	Application deadline	Website with more information
Member of the Committee on the Economic, Social and Cultural Rights	9	April 9, 2024	November 23, 2024	Available here .
Member of the Committee on the Rights of the Child	9	It will be held in 2024. The precise date is not yet available.	Not yet available.	When available, it will be published here .
Member of the Human Rights Committee	9	It will be held in 2024. The precise date is not yet available.	Not yet available.	When available, it will be published here .
Member of the Committee on the Rights of Persons with Disabilities	9	It will be held in 2024. The precise date is not yet available.	Not yet available.	When available, it will be published here .
Member of the Committee on the Elimination of Discrimination Against Women	11	It will be held in 2024. The precise date is not yet available.	Not yet available.	When available, it will be published here .
Member of the Subcommittee on Prevention of Torture	13	It will be held in 2024. The precise date is not yet available.	Not yet available.	When available, it will be published here .

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2. Mid-level and entry-level positions

This category presents a list of some positions available at the United Nations, 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
Senior Human Rights Officer (P5)	Counter-Terrorism Committee Executive Directorate	Formulates human rights strategies, including from a gender equality perspective; develops a vision or direction for the work of the human rights unit and creates the conditions for implementing that vision or direction, among others.	October 20, 2023	Available here .



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