



Commission for Gender Equality
A society free from gender oppression and inequality

14 May 2024

Media Statement

To: All Media Houses

A CLARION CALL BY THE COMMISSION FOR GENDER EQUALITY FOR COUNTRIES AND ACTIVISTS TO RALLY BEHIND CASTER SEMENYA IN HER QUEST FOR JUSTICE AT THE GRAND CHAMBER OF THE EUROPEAN COURT OF HUMAN RIGHTS.

Tomorrow, the 15th of May 2024 at the Grand Chamber of the European Court of Human Rights (ECHR) in Strasbourg, France, 17 Judges will hear an appeal by Swiss government on the matter of Switzerland v Caster Mokgadi Semenya. The Swiss government is appealing a July 2023 judgment in favour of Ms. Caster Semenya at the European Court of Human Rights stating that: "World Athletics (formerly known as the International Athletics Amateur Federation) is bound by international law and may not discriminate against anyone without compelling reasons following the banning by World Athletics of Caster Semenya from participating in international competitions".

Since 2010, the Commission for Gender Equality (CGE), Norton Rose Fulbright, Probono.org, the South African government, activists across the globe, Civil Society Organisations, and many other stakeholders have been rallying behind Caster's quest for justice against the continual denial of her right to participate in sport.

In 2019, the World Athletics body introduced Regulations that required female athletes to maintain testosterone levels below 5 nanomoles per litre for a continuous period of at least six months, particularly with Differences of Sex Development (DSD). Requiring athletes to medically reduce their natural testosterone levels is violating their rights to bodily integrity, dignity, and equality.

The hearing by the Grand Chamber will be groundbreaking. The majority of the panel of judges of the European Court of Human Rights found that international sporting bodies based in Europe are subject to the European Court of Human Rights



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jurisdiction and that violations can be dealt with under the European Convention on Human Rights. "A finding by the Grand Chamber that issues between international athletics bodies such as World Athletics and individual athletes are not a matter of private law but of public human rights law are transformative and progressive. A favorable outcome will be of massive importance to athletes with differences in sexual development worldwide", said Advocate Nthabiseng Sepanya-Mogale, the Chairperson of the Commission for Gender Equality.

It is against this backdrop that the Commission is making a clarion call for all to rally behind Caster in an endeavour to seek justice not only for herself, but other affected athletes. This action is not only about Caster but the principle of Justice and the rule of law.

End,

Issued by Commission for Gender Equality

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