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INTERNATIONAL HUMAN RIGHTS
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IHR LEGAL Newsletter

News Concerning the Universal System and Regional Systems for the Promotion and Protection of Human Rights

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ABOUT US

IHR Legal is an international human rights law firm dedicated to the promotion and protection of human rights through international litigation, strategic legal advisory, and advocacy before international and regional human rights mechanisms. The firm works with individuals, organizations, and institutions worldwide in cases involving serious and well-documented human rights violations, providing specialized legal expertise in high-impact and complex matters, including arbitrary or unlawful detention and abuses of state power.

IHR Legal is integrated by a team of distinguished human rights practitioners with extensive experience across international and regional human rights systems, including Ignacio J. Álvarez, former Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights; Paulo Abrão, former Executive Secretary of the Inter-American Commission on Human Rights; Carlos Vicente de Roux, former Judge of the Inter-American Court of Human Rights; José Antonio Guevara, former Chair of the UN Working Group on Arbitrary Detention; Antonia Urrejola, former President of the Inter-American Commission on Human Rights; and Cruz Sánchez de Lara, former Executive Adviser to the United Nations Office on Drugs and Crime (UNODC) for Eastern Africa. The firm also has a strategic communications area led by Armando F. Briquet, a professional with solid experience in strategy development, political consulting, and crisis management.

Further information about our work and areas of practice is available at https://ihr.legal/.

SUMMARY

We are pleased to share the latest edition of the IHR Legal newsletter.

We are pleased to share the latest edition of the IHR Legal newsletter. This edition provides an overview of recent developments in international and regional human rights protection systems, including the Office of the High Commissioner for Human Rights report documenting systematic child trafficking in Haiti; the African Commission on Human and Peoples' Rights resolution calling for the protection of human rights, electoral integrity, and digital freedoms ahead of the 2026 elections in Africa; the Inter-American Commission on Human Rights thematic report regarding hate speech under the American Convention; and the Inter-American Court of Human Rights advisory opinion clarifying States' duties to prevent illicit arms trafficking and related human rights violations. The newsletter further examines key case-law and decisions from international and regional human rights bodies, *inter alia*, the view of the Committee on the Elimination of Discrimination Against Women finding Cambodia responsible for human rights violations against a child rape victim; the judgments of the African Court on Human and Peoples' Rights in a case against Tanzania concerning access to justice and restrictions on electoral oversight; and the judgment of the European Court of Human Rights regarding the risk of ill-treatment in deportation proceedings.

Stay informed and up to date on the issues shaping the global agenda!

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I UNIVERSAL HUMAN RIGHTS SYSTEM

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

The OHCHR is the principal human rights entity of the United Nations. Its functions include promoting and protecting all human rights, helping to empower people, and developing a human rights perspective in all United Nations programs. The current United Nations High Commissioner for Human Rights is Mr. Volker Türk.

1) OHCHR's Report Reveals Systematic Child Trafficking by At Least 26 Gangs in Haiti and Warns of Escalating Human Rights Crisis

On February 20, 2026, the OHCHR and the Human Rights Service (HRS) of the United Nations Integrated Office in Haiti (BINUH) published Children Trafficked by Gangs in Haiti: Rethinking the Responses, urging a comprehensive response to child trafficking. According to the report, most of the 26 gangs operating in the Port-au-Prince metropolitan area are involved in child trafficking—defined by the Palermo Protocol as the recruitment, transportation, harbouring, or receipt of any person under 18 years of age, irrespective of the means used, for the purpose of exploitation. In recent years, violence has spread beyond the capital to rural areas.

Between January 2022 and December 2025, at least 806 children were murdered, with 72% of child deaths attributed to gangs. At least 220 children were also kidnapped for ransom, and countless others—mostly girls—were raped.

Gangs recruit children through violence, threats, material benefits, and the creation of a sense of belonging by giving them "social status", exploiting the deep abandonment felt by many violence-affected youth. The forms of child exploitation range from "minor" tasks (delivering messages) to active armed participation in criminal activities. Girls are often coerced into becoming a gang member's "sexual partner" in exchange for protection and the fulfillment of their basic needs.

Source: Wikimedia Commons. Haitian school children. Date: January 1, 2000. Link to the license: here.

The OHCHR recommended a multi-layered response, including stronger social protection for families, improved school access, and reinforced law enforcement and judicial institutions involved in combating trafficking. Recommendations included expanding financial services for vulnerable families —particularly female-headed households—and strengthening accountability for child trafficking perpetrators, among others. The report can be found here and the press release here.

2. OHCHR's Report Finds Migrants in Libya Face Systematic Killings, Torture, and Sexual Violence in Brutal System of Abuse

On February 17, 2026, the OHCHR and the United Nations Support Mission in Libya (UNSMIL) published a report entitled Business as Usual: Human Rights Violations and Abuses Against Migrants, Asylum-Seekers and Refugees in Libya, documenting serious violations since 2015, including smuggling and trafficking often perpetrated by State actors. These abuses include the criminalization of irregular entry, discrimination, and xenophobia.

Source: Picryl. Migrants aboard an inflatable vessel approach the guided-missile destroyer USS Carney (DDG 64). Date: July 29, 2016. Link to the license: here.

The report highlighted dangers along the Mediterranean Sea—one of the world's deadliest migratory routes—as a result of illegal interceptions, where from 2014 to 2025 at least 25,927 people died or went missing. Between 2024 and 2025, in addition, 48,878 migrants were intercepted and returned to Libya, often through dangerous operations involving excessive force.

Migrants, asylum-seekers, and refugees attempting to enter the country by land are frequently subject to severe violence, collective expulsions, and refoulement, while those intercepted at borders are transferred to detention centers or summarily expelled without individual case review.

The absence of safe migration pathways drives many into trafficking and smuggling networks, with eastern Libya—particularly Sabha and Al-Zawiya—notorious for the sale of human beings under conditions akin to slavery. Migrants are also subject to arbitrary arrest under Law No. 19 of 2010, which criminalizes irregular entry, stay, and exit, and even permits forced labor of detainees. Those detained are routinely held in overcrowded, life-threatening conditions with inadequate food, water, and sanitation. Accountability for these systematic and widespread violations remains, according to the OHCHR and UNSMIL, extremely limited.

The report issued a series of recommendations to multiple actors. On the one hand, Libyan authorities were urged to use detention only as a last resort, in line with international standards, and to decriminalize irregular entry, stay, and exit.

On the other hand, the international community, including the EU and its Member States, was called upon to expand safe and regular migration pathways out of Libya—particularly for survivors of torture, gender-based violence, and other abuses—and enable rehabilitation. The report can be found here and the press release here.

2. Committee on the Elimination of Discrimination Against Women (CEDAW Committee)

The CEDAW Committee is the United Nations body of independent experts that monitors the implementation of the Convention on the Elimination of All Forms of Discrimination.

1. CEDAW Committee Finds Cambodia Responsible for Violating the Rights of a Child Rape Victim Amid Systemic Gender and Disability Discrimination

On March 16, 2026, the CEDAW Committee issued its views regarding the communication submitted by C.Y. (born 1999) and her father, B.Y., nationals of Cambodia. C.Y., with perceived intellectual disability, was raped four times between July and August 2010, at the age of 11, by a 48-year-old police officer. After C.Y. spoke out about the sexual assault, her father immediately filed a criminal complaint.

Although C.Y. underwent medical examination and the perpetrator was arrested, a preliminary decision deemed the accusation unfounded, citing lack of evidence, no apparent mental unfitness of the victim, and no physical injuries —notwithstanding that Cambodian law explicitly recognizes disability as an aggravating circumstance in rape cases, warranting a penalty of 10 to 15 years. The accused was released on bail, and C.Y. was forced to live in a shelter for her own safety for approximately 10 years.

Source: Pexels. "A man standing in a Park with a Flag of Burundi". Link to the license: here.

On April 9, 2015, the Preah Sihanouk downgraded the rape charge and convicted the accused in absentia, sentencing him to 5 years for "purchase of child prostitution" and other crimes. At the time the communication was submitted, the perpetrator remained at large and no compensation had been paid to the victim.

In its decision, the CEDAW Committee held that the perpetrator's institutional influence caused excessive delays and a lack of reparations, reflecting the State's failure to exercise due diligence and contributing to gender-based violence impunity. In addition, the CEDAW Committee established that, by ruling that the acts did not constitute rape due to the absence of physical resistance, the domestic courts reinforced stereotypical myths of consent, ignoring the clear power imbalance between the parties and the principle that consent cannot be presumed from silence, lack of resistance, or the victim's relationship with the accused.

It further concluded that the Cambodian authorities exposed C.Y. to intimidation and harassment, causing irreparable psychological harm and revictimization.

Finally, the CEDAW Committee identified a denial of effective justice, including a sentence shorter than the statutory minimum and the failure to consider aggravating factors such as the victim's age.

The CEDAW Committee concluded that Cambodia violated C.Y.'s rights under Articles 2 (State obligation to eliminate discrimination), 3 (ensure women's equal rights), 5 (a) (eliminate gender stereotypes) and 15 (1) (equality before the law), read in conjunction with article 1, of the Convention on the Elimination of All Forms of Discrimination against Women, and issued recommendations to the State accordingly. The press release can be found here and the decision here.

II AFRICAN HUMAN RIGHTS SYSTEM

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

The ACHPR is a quasi-jurisdictional body, within the framework of the African Union, whose main function is to protect and promote human and peoples' rights in African countries. Among its functions are to process complaints from individuals or States about human rights violations committed by States in the region, and to receive periodic reports from States on the human rights situation in their country.

l) ACHPR Calls for Protection of Human Rights, Electoral Integrity, and Digital Freedoms Ahead of 2026 Elections

On March 9, 2026, the ACHPR issued Resolution No. 655 on Elections in Africa in 2026, in light of the dozens of elections scheduled across the continent. The ACHPR expressed concern over human rights violations during the 2025 electoral processes—notably in Tanzania and Cameroon—and the military coup in Guinea-Bissau. It flagged a rise in repressive violence against voters, including intimidation, arbitrary detention, enforced disappearances, and digital surveillance, as well as a noticeable growth in the AI-driven misinformation threatening electoral integrity.

In this regard, the ACHPR emphasized that every citizen has the right to participate freely in the government of their country, as provided for in Article 13(1) of the African Charter on Human and Peoples' Rights, and that the respect for democratic principles is simply one of the fundamental principles enshrined in Article 4(m) of the Constitutive Act of the African Union.

Source: This is Africa. "Democracy in reverse? The high cost of elections in Africa". Date: May 25, 2022. Link to the license: here.

In addition, recalling its previous resolutions on internet shutdowns and unconstitutional government changes, the ACHPR recommended that States allow free opposition participation, respect national electoral bodies, and protect elections from disinformation. The Resolution can be found here.

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

The ACtHPR is the judicial arm of the African Union and one of the three regional human rights courts. It was established to protect human and peoples' rights in Africa principally through judicial consideration of human rights complaints. The Court's permanent seat is in Arusha, Tanzania.

1) ACtHPR Holds Tanzania Responsible in a Case Concerning the Lack of Mechanisms to Review the Results of Presidential Elections

On March 6, 2026, the ACtHPR issued its decision in Ado Shaibu and Others v. The Republic of Tanzania (Application No. 046/2020). The six applicants—all Tanzanian nationals and members of the ACT Wazalendo party—alleged that their right to participation had been violated before, during, and immediately after the 2020 elections, including through discrimination, violence, torture, and arbitrary arrest by Tanzanian Police Forces.

Following an admissibility review, the ACtHPR restricted its analysis to the absence of State remedies available to challenge presidential election results. In consequence, the ACtHPR only examined Articles 1 and 7(1) of the African Charter. On the right to have one's case heard under Article 7(1), the ACtHPR reaffirmed that this provision encompasses a broad range of due process guarantees—including the right to petition competent authorities over rights violations—and applies regardless of the status of either party.

It found that Article 41(7) of the Tanzania's Constitution, which explicitly prohibits any court from reviewing the election of a duly declared presidential candidate, stripped national courts of jurisdiction and thereby denied citizens an effective remedy, in violation of Article 7(1).

Regarding Article 1, the ACtHPR held that compliance with this provision requires not only the adoption of measures to give effect to the African Charter, but also their meaningful implementation.

Since Tanzania had failed to establish any legal or judicial mechanism to challenge presidential election results, the ACtHPR found a violation of Article 1. The decision can be found here.

III EUROPEAN HUMAN RIGHTS SYSTEM

1. European Court of Human Rights (ECtHR)

The ECtHR is a judicial body of the Council of Europe whose main function is to monitor the compliance of States parties with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The ECtHR is responsible for analyzing complaints from individuals, groups of individuals, or States for human rights violations committed by States that have accepted the ECtHR's jurisdiction.

1) ECtHR Concludes that Sweden Failed to Properly Assess the Real Risk of Ill-Treatment in the Deportation of an Afghan National

On March 3, 2026, the ECtHR issued its decision in D.M. v. Sweden, concerning an Afghan national who first applied for asylum in Sweden in October 2015. D.M. cited several grounds for international protection, inter alia, a risk of murder linked to a land dispute, participation in a demonstration, conversion to Christianity, and his Hazara ethnicity—a group subjected to widespread violence.

Initial proceedings were complicated by questions over his identity and age, as he had previously been registered as an asylum seeker in Germany with a different date of birth. Swedish authorities registered him as an adult, while D.M. claimed to be 16 years old.

The Swedish Migration Agency denied refugee status and subsidiary protection, finding his circumstances not "exceptionally distressing." It questioned the sincerity of his conversion, dismissed his account of the demonstration as vague, and concluded that, despite armed conflict in his home province of Mazar-e Sharif, the situation posed no real risk of ill-treatment. An appeal to the Luleå Migration Court was dismissed in 2018 on similar grounds. In 2022, D.M. reapplied, invoking the Taliban's rise to power and his increasing Westernization, but was again denied. A further appeal was dismissed in 2023.

The ECtHR found that neither the Migration Agency nor the Immigration Court had relied on any country-specific evidence when concluding that Afghanistan's general security situation did not warrant international protection —despite abundant reliable sources documenting a severe humanitarian crisis, widespread human rights abuses, and a country described as evolving into a theocratic police state governed through fear, with repression intensifying in 2025 and 2026.

While the ECtHR stopped short of holding that the general situation alone would make any removal a violation of Article 3 of the European Convention on Human Rights, it concluded that D.M.'s personal circumstances—particularly his Hazara ethnicity—gave rise to a real risk of ill-treatment. His deportation would therefore violate Article 3 of the ECHR. The decision can be found here and the press release here.

IV INTER-AMERICAN HUMAN RIGHTS SYSTEM

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

The IACHR is the autonomous body of the Organization of American States (OAS) responsible for the promotion and protection of human rights in the Americas. One of its duties is to receive and review individual complaints of human rights violations and to monitor human rights situations.

1) IACHR's Special Rapporteurship for Freedom of Expression (SRFOE) Published A Thematic Report on Hate Speech Under the American Convention

On March 13, 2026, the IACHR's Special Rapporteurship for Freedom of Expression (SRFOE) published a thematic report entitled Hate Speech under the American Convention of Human Rights: Scope of Article 13(5) and Recommendations. The report departs from the recognition that freedom of expression is indispensable to democracy and the fight against discrimination—while also acknowledging that it can itself exacerbate the exclusion and vulnerability of historically marginalized groups.

The SRFOE highlighted that discriminatory speech dehumanizes its targets through "us versus them" rhetoric, undermining their sense of self-worth. History attests to the gravest consequences of such discourse, with the Holocaust and the genocides in Bosnia and Rwanda all having been preceded by rhetoric calling for the eradication of "the other."

Source: Wikimedia Commons. File: "Unteilbar" 171 (cropped) Stop Hate Speech. Date: October 13, 2018. Link to the license: here.

Although Inter-American instruments do not define hate speech, the SRFOE uses the term to refer to the promotion of hatred constituting incitement to violence or similar illegal acts under Article 13(5) of the American Convention of Human Rights (ACHR). Within this framework, speech is divided into protected and unprotected categories—the latter encompassing expressions that States must prohibit, such as incitement to genocide or child sexual exploitation material. The report further clarifies that hate speech also includes statements whose clear intent to cause harm makes such an effect reasonably foreseeable. Any measures governing hate speech must be prescribed by law, serve a legitimate purpose under international law, and be proportionate and necessary.

The report also outlines the constituent elements of hate speech under Article 13(5) of the ACHR—including advocacy, hatred, incitement, a target group, and prohibited grounds of discrimination — and addresses State obligations regarding prohibition, sanctions, and prior censorship. Among its recommendations, the SRFOE called on States to adopt tailored approaches to online hate speech, accounting for the unique characteristics and challenges of the digital environment. The thematic report can be found here and the press release here.

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

The IACtHR is a regional human rights court responsible for applying and interpreting the American Convention on Human Rights (ACHR) and other human rights instruments in the region. Its main function is to decide cases on human rights violations committed by States that have accepted its jurisdiction.

1) IACtHR Issues Advisory Opinion Defining State's Duties to Prevent Illicit Arms Trafficking and Related Human Rights Violations

On March 5, 2026, the IACtHR published its Advisory Opinion AO-30/25 on States' human rights obligations regarding illicit trafficking of firearms. Adopted on December 3, 2025, it responds to a request submitted by Mexico in 2022. The IACtHR reformulated the State's questions and focused its analysis on one single inquiry, namely: "What are the human rights obligations of States with regard to illicit arms trafficking?". It based its analysis on the interpretation of Articles 1, 2, 4, 5, 8, and 25 of the ACHR and Articles 2 and 6 of the International Covenant on Civil and Political Rights.

According to the IACtHR, illicit arms trafficking fuels violence and crime throughout the region, playing a role in the majority of homicides and in related activities such as drug trafficking and organized crime. The OAS has stressed that the illicit trade in weapons and ammunition is a central driver of regional violence, with multidimensional impacts spanning public health, the economy, and governance.

Source: Wikimedia Commons. File: Weapons drug traffickers Rio. Date: June 7, 2004. Link to the license: here.

The IACtHR established that States must exercise due diligence in regulating, supervising, and monitoring the arms trade to prevent or dismantle illicit trafficking, identifying four main duties: (i) regulating and adopting domestic legal provisions; (ii) supervising the activities of arms-dealing companies; (iii) ensuring judicial remedies for victims of related human rights violations; and (iv) cooperating internationally.

On the first duty, the IACtHR emphasized measures such as marking and identifying weapons, establishing traceability obligations, regulating imports and exports, and criminalizing relevant offenses.

On the second, it stressed that due diligence by arms trading companies must be particularly rigorous, focusing on preventing their products from being diverted to illegal markets.

On international cooperation, the IACtHR underscored that this duty requires not merely formal compliance, but loyal, consistent, and diligent conduct aimed at achieving the common goals of the international community.

The IACtHR unanimously concluded that, given the impact of illicit arms trafficking on human rights, States must exercise due diligence in regulating the arms trade, managing stockpiles, and preventing diversion into illicit markets. The Advisory Opinion can be found here.

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IHR LEGAL consists of reputable lawyers and other professionals from different nationalities, highly acclaimed both nationally and internationally for their vast experience and expertise in international human rights law.

Their background includes, among others, exemplary professional practice in the private and public sectors, including top positions in human rights organizations.

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