

SAHRC to intervene in Semenya case

The South African Human Rights Commission (SAHRC) has announced that it will be a third party in the appeal matter between 800m runner Caster Semenya and the Swiss Federal Supreme Court which will be heard at the European Court of Human Rights.



Source: celsopupo – 123RF.com

Semenya is seeking to overturn a ruling by the Swiss Federal Supreme Court which upheld a Court of Arbitration for Sport ruling to maintain World Athletics' (previously known as International Association of Athletics Federation) change in competition eligibility rules for females in certain races.

The regulations, known as the Difference of Sex Development (DSD) rules, bar female athletes who have what the athletics body calls "high levels of endogenous testosterone" from competing on the international stage in certain races – including Semenya's favoured 800m competition – unless they reduce and maintain low blood testosterone levels.

Semenya has refused to do this and was effectively barred from defending her 2016 Rio Olympic title in Tokyo and her 2018 world championship after the rules came into effect in 2018.



It's not clear where human rights fit in the legal ruling on athlete Caster Semenya

Annette Greenhow 3 May 2019



The SAHRC said it had applied to be part of the proceedings because the regulations have an impact specifically on Southern African athletes.

“The Commission sought leave to intervene in the matter so as to elucidate the adverse impacts of World Athletics’... regulations on women from the Global South. In particular, the Commission wishes to make submissions to the [court] which demonstrate the discriminatory effect of the regulations on the intersecting grounds of race and gender, and which further show how the impugned regulations breach Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life) and/or Article 3 (prohibition of torture) of the [European court],” the commission said.

The regulations apply to the women’s 400m, 400m hurdles, 800m races and 1500m.

The commission said it will make written submissions to the European court by 12 October 2021.

Meanwhile, one of the studies provided by the world athletics body to justify the regulations has been corrected by scientists.

According to reports, the study's assertion that the "pivotal" relationship between high testosterone levels and enhanced athletic performance in female athletes "could have been misleading by implying a casual inference".

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