

Grand Chamber hearing in the case of *Semenya v. Switzerland*

The European Court of Human Rights is holding a **Grand Chamber¹** hearing today **Wednesday 15 May 2024 at 9.15 a.m.** in the case of **Semenya v. Switzerland** (application no. 10934/21).

The case concerns an international-level athlete, who complains about certain World Athletics regulations requiring her to decrease her natural testosterone level in order to be able to take part in international competitions in the female category.

After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage. A recording of the hearing will be available this afternoon on the Court's internet site (www.echr.coe.int).

The applicant, Mokgadi Caster Semenya, is a South African national who was born in 1991 and lives in South Africa. She is an international-level athlete.

Before the Court, the applicant complains that the “Eligibility Regulations for the Female Classification (Athletes with Differences of Sex Development)” issued in 2018 by the International Association of Athletics Federations (now called World Athletics) require her to decrease her natural testosterone level in order to be able to take part in international competitions in the female category.

Her legal actions challenging the regulations in question before the Court of Arbitration for Sport (in 2019) and the Swiss Federal Supreme Court (in 2020) were rejected.

She relies on Articles 6 (right to a fair hearing), 8 (right to respect for private life), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the European Convention on Human Rights.

Procedure

The application was lodged with the European Court of Human Rights on 18 February 2021.

In its [judgment](#) of 11 July 2023, a Chamber of the Court held, by a majority, that there had been a violation of Article 14 taken together with Article 8, and a violation of Article 13 in relation to Article 14 taken together with Article 8 of the Convention. The Chamber held, in particular, that the applicant had not been afforded sufficient institutional and procedural safeguards in Switzerland.

On 6 November 2023 the case was referred to the Grand Chamber at the Swiss Government's request.

Numerous third parties (including the United Kingdom Government, the United Nations High Commissioner for Human Rights and World Athletics) were given leave to intervene in the written procedure.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-judges Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

Composition of the Court

The case will be heard by a Grand Chamber of 17 judges, composed as follows:

Síofra O’Leary (Ireland), *President*,
Marko Bošnjak (Slovenia),
Gabriele Kucsko-Stadlmayer (Austria),
Arnfinn Bårdsen (Norway),
Mattias Guyomar (France),
Faris Vehabović (Bosnia and Herzegovina),
Mārtiņš Mits (Latvia)
Armen Harutyunyan (Armenia),
Pauliine Koskelo (Finland),
Tim Eicke (the United Kingdom),
Jolien Schukking (the Netherlands),
Raffaele Sabato (Italy),
Andreas Zünd (Switzerland),
Diana Sârcu (the Republic of Moldova),
Kateřina Šimáčková (the Czech Republic),
Davor Derenčinović (Croatia),
Sebastian Rădulețu (Romania), *judges*,
Erik Wennerström (Sweden),
Ana Maria Guerra Martins (Portugal),
Lado Chanturia (Georgia),
Carlo Ranzoni (Liechtenstein),
Saadet Yüksel (Türkiye), *substitute judges*,

and also Abel Campos, *Deputy Registrar*.

Representatives of the parties

Government

Adrian Scheidegger, *Co-Agent*,
Cordelia Ehrlic, Dominique Steiger Leuba, Niklaus Meier, and Ingrid Ryser, *Advisers*;

Applicant

Schona Jolly KC, Claire McCann, *Counsel*;
Christian Dargham, Carlos SAYAO, Greg Nott, and Patrick Bracher, *Advisers*.

In addition, Ms Caster Semenya, the applicant in the case, will attend the hearing.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court’s press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Inci Ertekin (tel.: + 33 3 90 21 55 30)
Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)
Denis Lambert (tel.: + 33 3 90 21 41 09)
Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.