

Grand Chamber Panel's decisions - November 2023

At its last meeting on 6 November 2023, the Grand Chamber panel of five judges decided:

- to refer the case *Semenya v. Switzerland* (application no. 10934/21), and
- to reject requests to refer 13 other cases (detailed list below)¹.

A legal summary on the case *Semenya v. Switzerland* is available in the Court's database HUDOC ([link](#)).

Referral accepted

[Semenya v. Switzerland](#) (application no. 10934/21)

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, specialising in middle-distance races (800 to 3,000 m).

In this case, the applicant complains about certain regulations of the International Association of Athletics Federations (IAAF – now called World Athletics) requiring her to take hormone treatment to decrease her natural testosterone level in order to be able to take part in international competitions in the female category.

Having refused to undergo the treatment, she has not been able to take part in international competitions. Her legal actions challenging the regulations in question before the Court of Arbitration for Sport (in 2019) and the Swiss Federal Court were rejected (in 2020). 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).

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

In its [judgment](#) of 11 July 2023, the Court held, by a majority, that there had been a violation of Article 14 taken together with Article 8. The Court also held, by a majority, that there had been a violation of Article 13 in relation to Article 14 taken together with Article 8 of the European Convention ([link to the press release](#)).

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

Requests for referral rejected

Judgments in the following 13 cases are now final²

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-member 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.

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

Kubát and Others v. the Czech Republic (application no. 61721/19 and 5 Others), [judgment](#) of 22 June 2023

Margari v. Greece (no. 36705/16), [judgment](#) of 20 June 2023

R.K. v. Hungary (application no. 54006/20), [judgment](#) of 22 June 2023

X and Others v. Ireland (nos. 23851/20 and 24360/20), [judgment](#) of 22 June 2023

Ben Amamou v. Italy (no. 49058/20), [judgment](#) of 29 June 2023

Giuliano Germano v. Italy (no. 10794/12), [judgment](#) of 22 June 2023

Poklikayew v. Poland (no. 1103/16), [judgment](#) of 22 June 2023

Bijan Balahan v. Sweden (no. 9839/22), [judgment](#) of 29 June 2023

Demirtaş and Yüksekdağ Şenoğlu v. Türkiye (nos. 10207/21 and 10209/21), [judgment](#) of 6 June 2023

Kaymak and Others v. Türkiye (no. 62239/12), [judgment](#) of 20 June 2023

Kazan v. Türkiye (no. 58262/10), [judgment](#) of 6 June 2023

Nurcan Bayraktar v. Türkiye (no. 27094/20), [judgment](#) of 27 June 2023

Sarısu Pehlivan v. Türkiye (no. 63029/19), [judgment](#) of 6 June 2023

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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.