



PANEL SIDH 2025

EVALUATION OF CANDIDATES TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

EXECUTIVE SUMMARY

1. Introduction

The Independent Panel of Experts to evaluate candidates to the Bodies of the Inter-American Human Rights System (the Panel, the IAHR Panel, or the Independent Panel) presents its final report, with the aim of strengthening and improving the standards and transparency governing the elections for the Inter-American Commission on Human Rights (IACHR). On this occasion, the IAHR Panel will evaluate the qualifications of the seven candidates running for three positions in the Inter-American Commission on Human Rights (IACHR, IA Commission, or Commission). According to the American Convention on Human Rights (ACHR or Convention), State members of the Organization of American States (OAS) can nominate and elect the new commissioners who will join the IACHR.

The candidates nominated by the States to be elected by the General Assembly of the Organization of American States (OAS) to the IACHR for the period 2026–2029 are the following: Marion Bethel (nominated by The Bahamas), Fábio de Sá e Silva (nominated by Brazil), María Clara Galvis Patiño (nominated by Colombia), Rosa María Payá Acevedo (nominated by the United States of America), Reina Auxiliadora Rivera Joya (nominated by Honduras), Carlos Bernal Pulido (nominated by Peru for reelection), and José Luis Caballero Ochoa (nominated by Mexico for reelection).

The 2025 Independent Panel is composed of six internationally recognized experts on human rights: Alejandro Chehtman, Ariela Peralta Distéfano, Gabriela Rodríguez Huerta, Juan Méndez, Margarette May Macaulay, and Robert Goldman. Their biographies can be found on the Panel's

website¹. This is the sixth consecutive process where the American University Washington College of Law (AUWCL) serves as the Secretariat of the Panel.

Mosi Marcela Meza Figueroa coordinated the Secretariat under the supervision of Professor Claudia Martin. The Secretariat team included Tatiana Bances Lange, Carmen Ponce Moreda, Diana Mendiola, and Juliana Trejos Largo.

The Panel based its individual evaluations on five criteria: high moral character; recognized competence in human rights, which includes subcriteria such as academic training and professional experience; knowledge of Inter-American standards and the challenges facing the Inter-American Human Rights System (IAHRS or the Inter-American System), as well as diligence and other relevant skills; independence, impartiality, and absence of conflicts of interest; contribution to the balanced and representative composition of the body; and nomination processes at the national level.

The Panel prepared its evaluations based on the curricula vitae and the information submitted by the candidates; the responses that the candidates provided to the questionnaires sent to them by the Panel; the interviews conducted with each of them; and the information received from civil society through the form enabled for that purpose, which was duly verified. The Panel also accessed information from open and reliable sources.

The Panel hopes that its evaluation will be helpful to OAS Member States to have an objective analysis of the suitability of the persons nominated to serve on the IACHR based on the requirements established in the American Convention on Human Rights (ACHR) and the Statute of the IACHR. It also urges States to adopt measures to improve transparency, participation, and merit in national nomination processes and to establish an independent evaluation of candidates in the election carried out within the framework of the OAS.

2. Evaluation of the candidates

The Panel has evaluated the background of each candidate in light of the requirements of the ACHR for the position of commissioner of the IACHR, in accordance with the text of the treaty and the interpretation made by successive editions of the Independent Panel. Its conclusions are the following:

New candidacies for election

a. Marion Bethel

The Panel concludes that candidate Marion Bethel meets the evaluation criteria established in the inter-American instruments to be elected as a commissioner of the IACHR.

¹ See: <https://www.wcl.american.edu/impact/initiatives-programs/independent-panel-to-evaluate-candidates-to-the-iahhs-bodies/es/>

The Panel considers that her participation as a member of the CEDAW Committee, as well as of expert groups within the CIM and CICAD—both entities of the OAS—will enable her to adapt effectively to the work of the IACHR.

She also demonstrated substantive knowledge of human rights and an understanding of the current challenges facing the IAHRs, for which she proposed some approaches to address them.

The Panel did not identify any impediment that would compromise the candidate's independence or impartiality in a way that would disqualify her from being elected as a commissioner of the IACHR. However, the Panel expressed concern about her membership in various civil society organizations during the selection process, including her stated intention to remain involved in them if elected. In the Panel's view, this could bring into question the appearance of independence from the perspective of a reasonable observer.

The Panel highlights that her candidacy would contribute to gender parity and to a geographically representative composition of the IACHR.

The Panel notes that there is no public and participatory nomination mechanism in The Bahamas for bodies of the IAHRs, and that the authorities directly appointed Bethel's candidacy.

b. Fábio de Sá e Silva

The Panel concludes that candidate Fábio de Sá e Silva meets the evaluation criteria established in the Inter-American instruments to be elected as a Commissioner of the IACHR.

The Panel considers that his extensive academic background, his research on public policy and human rights with organizations such as the International Bar Association, UNESCO Brazil, UNDP Brazil, and Fiocruz Brazil, as well as his contributions to the IACHR's country report on Brazil, will allow him to effectively adapt to the work of the IACHR.

He also demonstrated substantive knowledge of human rights and a solid understanding of the current challenges facing the IAHRs, for which he proposed potential approaches.

The Panel did not identify any impediment that would compromise the candidate's independence or impartiality to the extent that it would disqualify him from being elected as a Commissioner of the IACHR.

The Panel highlights the contribution this candidacy would make toward a representative composition of the IACHR in terms of linguistic diversity.

The Panel notes that Brazil does not have a public and participatory nomination mechanism for appointments to bodies of the IAHRs, and that the candidacy of de Sá e Silva was directly appointed by the authorities.

c. María Clara Galvis Patiño

The Panel concludes that the candidate María Clara Galvis Patiño meets the evaluation criteria set forth in the inter-American instruments to be elected as a Commissioner of the IACHR.

The Panel considers that the candidate's previous experience in litigation before the inter-American system, her role as an expert witness before the Inter-American Court of Human Rights (IACtHR), as well as her work with the UN Committee on Enforced Disappearances, will enable her to successfully adapt to the work of the IACHR.

She also demonstrated a strong substantive knowledge of human rights and a deep understanding of the current challenges facing the IAHRs, for which she proposed various approaches.

The Panel did not identify any impediment that could compromise the candidate's independence or impartiality in a manner that would disqualify her from being elected Commissioner of the IACHR.

The Panel highlights the contribution this candidacy would make to achieving gender parity within the IACHR.

The Panel notes that Colombia does not have a public and participatory nomination mechanism for appointments to IAHRs bodies, and that the authorities directly designated Galvis Patiño's candidacy.

d. Rosa María Payá Acevedo

The Panel concludes that the candidate Rosa María Payá Acevedo generally meets the evaluation criteria. However, it has specific concerns regarding her experience and potential conflicts of interest.

For instance, the candidate demonstrated limited substantive knowledge of the norms, jurisprudence, or doctrine of international human rights law. Nonetheless, she showed an understanding of the current challenges facing the IAHRs and proposed some approaches to address them. In addition, the Panel considers that her experience with civil society organizations will provide a victim-centered perspective that could contribute to the work of the IACHR.

The Panel did not identify any impediment to the candidate's independence or impartiality that would disqualify her from serving as a Commissioner. However, it expresses concern over her membership in various civil society organizations during the selection process, and her stated intention to continue leading one of them if elected, which could bring into question the appearance of independence in the eyes of a reasonable observer.

The Panel highlights the contribution this candidacy would make to gender parity and to a geographically representative composition of the IACHR.

The Panel notes the existence of a nomination procedure for candidates to the IACHR in the United States, which has been used previously.

e. Reina Auxiliadora Rivera Joya

The Panel concludes that candidate Reina Auxiliadora Rivera Joya meets the evaluation criteria set forth in the Inter-American instruments for election as a Commissioner of the IACHR.

The Panel considers that her role as an expert witness before the Inter-American Court of Human Rights, as well as her current work with UN Women, will enable her to adapt effectively to the work of the IACHR.

She also demonstrated substantive knowledge of human rights and an understanding of the current challenges facing the IAHRs, for which she proposed some alternatives for addressing them.

The Panel found no impediments to her independence or impartiality that would disqualify her from serving as a Commissioner of the IACHR.

The Panel underscores that this candidacy would contribute to gender parity and to a more geographically representative composition of the IACHR.

Finally, the Panel notes that Honduras lacks a public and participatory nomination mechanism for appointments to the bodies of the IAHRs, and that Rivera Joya's candidacy was directly proposed by the national authorities.

Candidacies for reelection

f. Carlos Bernal Pulido

The Panel concludes that during his first term as Commissioner, candidate Bernal Pulido has exercised his functions in a manner that raises genuine and reasoned concerns regarding his ability to strengthen the collegial work of the IACHR if reelected.

Firstly, regarding his competence in human rights, there is no doubt that candidate Bernal Pulido is an accomplished jurist with specific academic publications and work in constitutional law, comparative law, and international human rights law. However, based on the information received by the Panel and academic research demonstrating this, it is clear that the candidate has maintained an interpretive stance on certain substance matters that contradict the inter-American jurisprudence articulated by the Inter-American Court of Human Rights. Furthermore, his positions are in direct conflict with well-established principles of that jurisprudence, particularly those affirming that the American Convention on Human Rights must be interpreted in light of the *pro homine* principle, promoting an evolutionary interpretation that accounts for changes over time and circumstance, and considers the facts of each specific case. Likewise, the candidate's extreme position on the application of the margin of appreciation granted to States—which seeks to restrict the IACHR's scope of competence even in the face of serious human rights violations—is unprecedented in the historical practice of both the IACHR and the Inter-American Court, and is also contrary to how this principle is applied even in other regional systems, such as the European one.

Additionally, the disproportionate use of dissenting opinions in nearly all IACHR decisions, including press releases and social media posts, reinforces the concerns expressed by this Panel regarding whether the candidate possesses the specific qualities required for the role of Commissioner—namely, the ability to foster dialogue and build consensus on human rights matters as part of a collegial body.

Moreover, his repeated dissenting opinions questioning the IACHR's working methods and casting doubt on its independence and impartiality undermine the legitimacy of this body and erode its credibility and effectiveness in fulfilling its core mandate: the protection of human rights for millions across the Americas.

In sum, after conducting a stricter evaluation of Bernal Pulido's performance during his first term as Commissioner, the Panel concludes that, despite his expertise in international human rights law and academic trajectory, the candidate has systematically undermined the credibility of a collective body such as the IACHR, rather than seeking to strengthen its effectiveness through dialogue. The Panel observes that his conduct has objectively tended to erode the cohesion, credibility, and prestige of the body he was elected to serve on. For these reasons, the Panel concludes that candidate Bernal Pulido does not meet the essential criteria to be reelected for a second term.

g. José Luis Caballero Ochoa

The Panel concludes that candidate José Luis Caballero Ochoa meets the evaluation criteria established in inter-American instruments to be reelected as Commissioner of the IACHR.

The Panel considers that his extensive academic career at the Universidad Iberoamericana; his research in human rights and constitutional law conducted at Fordham University in New York, the Legal Research Institute of the National Autonomous University of Mexico (UNAM), and Pompeu Fabra University in Barcelona; as well as his technical involvement as expert witness and *amicus curiae* in the cases *San Miguel de Sosa et al. v. Venezuela* and *Atala Riffo and Daughters v. Chile*, respectively, equip him to continue his work at the IACHR effectively.

He also demonstrated strong substantive knowledge in human rights and a deep understanding of the current challenges facing the IAHRs, for which he proposed various approaches.

In addition, the Panel notes that Commissioner Caballero Ochoa's record at the IACHR reflects a consistent commitment to the defense of human rights, justice, transparency, and comprehensive reparation, as well as the capacity to address structural challenges in the region.

The Panel did not identify any factor that would compromise the candidate's independence or impartiality in a way that would disqualify him from being reelected as Commissioner of the IACHR.

The Panel notes, however, that there is no public and participatory nomination mechanism in Mexico for appointments to IAHRs bodies, and that the authorities directly designated Caballero Ochoa's candidacy.

3. Recommendations

In line with its previous reports, the Panel, after evaluating the candidates and taking into account the above considerations drawn from eight cycles of evaluation practice, reiterates a series of recommendations to the States and to the OAS in order to advance the improvement of the current system for the nomination and election of candidates to serve on the Inter-American Commission and Court of Human Rights:

- i. That States establish a transparent, participatory, and open national procedure, set out in the guidelines and in the resolutions of the OAS General Assembly, the CIM report, the recommendations of this Panel, and comparative practices. Such a process should take into account criteria including gender parity and the representation of different ethnic and racial groups in the region, to ensure the selection of candidates who meet the requirements of independence, impartiality, and recognized competence in human rights, in accordance with the normative requirements of the inter-American instruments. With few exceptions mentioned in previous evaluation cycles, States have generally been unwilling to establish such mechanisms. The Panel strongly recommends that States implement these national nomination procedures in consultation with civil society organizations with sufficient time prior to the elections to the Inter-American Commission and Court of Human Rights in 2027.
- ii. That States should ensure that the process for the election of candidates by the OAS be improved, pursuant to the recommendations set forth in the resolutions of its General Assembly, the CIM report, and the reports of this Panel. This process should consider gender parity, the representation of different ethnic and racial groups in the region, geographic diversity, and the various legal systems of the hemisphere, while guaranteeing the independence, impartiality, and suitability of those elected to the human rights bodies of the Inter-American Human Rights System. Throughout its different cycles, the Panel has also recommended that the OAS establish an Advisory Committee of independent experts (without State representation), responsible for ensuring the suitability of candidates nominated to the Inter-American Commission and Court of Human Rights.
- iii. That States refrain from nominating candidates who hold positions in the Executive Branch at the time of their nomination, in order to avoid compromising their independence and impartiality, as well as to eliminate any perception of a conflict of interest when assuming office, if elected. In any event, the Panel considers it of fundamental importance that the candidate at least resigns from their post at the time of nomination.
- iv. That States should vote based on the qualifications of candidates. Consequently, they should refrain from trading votes at any time but especially prior to the nomination of all candidates, in order to ensure a serious and thorough assessment of the requirements established by the American Convention on Human Rights for selecting those who will occupy these key positions on the Inter-American Commission and Court of Human Rights.
- v. That States consider requesting the Secretary General of the OAS to open the nomination process for candidates nine months prior to the General Assembly and require them to submit their nominations at least six months in advance of the election. This would allow the Panel sufficient time to conduct its evaluation and produce its report which will inform all parties concerned in the election process about the independence, impartiality, and suitability of the proposed candidates.

- vi. That candidates for election to the Inter-American Commission and Court of Human Rights should participate in all the existing evaluation processes in order to demonstrate their commitment to all users of the Inter-American Human Rights System.

Washington D.C., May 29, 2025