



Final Report of the Independent Panel to evaluate candidates for the IAHRS Bodies 2025

May 29, 2025

Evaluation of the Candidates for the Inter-American Commission on Human Rights

Panel Secretariat: American University Washington College of Law



Independent Panel
to evaluate **candidates**
to the **IAHRS** Bodies



FINAL REPORT OF THE INDEPENDENT PANEL
TO EVALUATE CANDIDACIES FOR THE
INTER-AMERICAN HUMAN RIGHTS SYSTEM BODIES

May 29, 2025

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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 or Commission). On this occasion, the IAHR Panel will evaluate the qualifications of the seven candidates running for three positions in the IACHR. 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 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 in Annex 1 of this Report and on the Panel's website.¹ 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 English edition of this report was prepared by Isabel Calero Forero.

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 (IAHR 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 (Annex 3); the interviews conducted with each of them; and the information received from civil society through the form enabled for that purpose (Annex 4), which was duly verified. The Panel also accessed information from open and reliable sources.

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

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 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.

The work of the IAHRIS Independent Panel during the present 2025 edition would not have been possible without the support of the Permanent Mission of Canada to the OAS, the Permanent Observer Mission of Spain to the OAS, and the European Union. The Panel also expresses its gratitude for the contributions made by various civil society organizations from the region.

2.- Evaluation of the Candidates

The Panel has evaluated the background and trajectory 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. A detailed description of the scope of each criterion used by the Panel can be found in Annex 2-a of this report.

New candidacies for election

2.1 Marion Bethel

Procedure before the Panel: Candidate Marion Bethel, nominated by The Bahamas, responded to the questionnaire sent by the Panel Secretariat on April 18, 2025, and participated in the interview with the Panel on May 2, 2025. The Secretariat received a communication from a civil society organization regarding the candidate's background and profile.

a) High moral character

In her response to the questionnaire sent by the Panel, candidate Bethel stated that she has not received any sanctions as a result of professional misconduct. The Panel did not receive any information to the contrary. There is no record indicating any type of sanction, ethical breach, or professional impropriety.

b) Recognized competence in human rights

- *Academic background and professional experience*

According to her résumé, Marion Bethel holds a law degree and a Master of Laws from the University of Cambridge. She also holds a Bachelor of Arts (Spanish) from McGill University and a Master of Arts (Curriculum and Teaching) from Columbia University.

In her home country, she served as an attorney at the Office of the Attorney General of The Bahamas from 1985 to 1994.

At the international level, she was a member of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) from 2017 to 2024, and served on the Independent Panel for the Selection of Inter-American Commissioners and Judges in 2015. She also has professional experience with the Organization of American States (OAS), having served on the Inter-American Commission of Women (CIM) as a member of the Expert Group for the Development of Model Regulations on the Prevention and Eradication of Violence against Women (1993–1994), and on the Inter-American Drug Abuse Control Commission (CICAD) as a member of the Expert Group for the Development of Model Regulations on Money Laundering and Proceeds of Drug Trafficking (1990–1992).

She currently works as a partner at the law firm Messrs. Sears & Co. in The Bahamas, where she practices in various areas of law, including Trusts and Estate Planning, Corporate Law, Property Transfers, Insurance Law, Commercial Law, Administrative Law, Family Law, and Immigration Law.

Bethel informed the Panel of her current participation on several boards, including the Deposit Insurance Corporation as a director; the National Accreditation and Equivalency Council of The Bahamas, as a member; and the Global Campus Council, also as a member. She also served on the board and the human resources committee of the Securities Commission of The Bahamas.

- ***Knowledge of Inter-American standards and challenges of the IAHRs***

In her response to the questionnaire, candidate Bethel identified several recurring challenges faced by the IAHRs, including inadequate funding, lack of political will and hostility from some Member States, a backlog of petitions, procedural delays, and non-compliance by States Parties.

She further stated that the region is facing serious threats to democracy and the rule of law, as well as a weakening of civil society participation in human rights protection processes. She added that the legitimacy of the IAHRs is also undermined by the limited ratification of the ACHR and other Inter-American treaties, particularly by Caribbean countries.

In light of these challenges, Bethel suggested that greater visibility and awareness of the work of the IACHR could help promote increased engagement by both States and civil society organizations with the IAHRs.

The candidate was also asked about her views on the ACHR interpretations issued by the IACHR, and whether she believes any of them should be revised. In response, she stated that the Inter-American Court of Human Rights (IACtHR) is responsible for interpreting the ACHR and may modify the IACHR's interpretations, but should do so with due regard for the processes of dialogue and interaction between the IACHR and States in the domestic application of the ACHR's provisions.

Regarding the current role of the rapporteurships, the candidate stated that these functions should be carried out by independent experts acting impartially and without bias. She expressed interest in the creation of a rapporteurship focused on the impact of macroeconomic policies and governance on human rights.

Finally, she did not offer specific suggestions for improving the functions of the IACHR, noting that she would be in a better position to do so after gaining substantive experience within the IAHRs. The Panel notes that, although the candidate does not have specific experience in the IAHRs, it recognizes her professional trajectory and experience in the Universal Human Rights System.

- ***Diligence and other relevant skills***

Regarding her commitment as a Commissioner, candidate Bethel stated that she is the managing partner at the law firm Sears & Co. and a board member of three statutory bodies in The Bahamas. She added that she will continue collaborating with various women's civil society organizations in The Bahamas and the Caribbean, as she intends to establish an organization to train and empower lawyers and activists to advance human rights in the courts. This initiative would also promote human rights education and awareness among the general public.

With respect to her knowledge of or professional experience with legal systems other than that of her own country, Bethel explained that she has primarily worked with legal systems in the English-speaking Caribbean, which are mostly common law jurisdictions, with the exception of Saint Lucia, which has a mixed system of common law and civil law. She added that she has also engaged with various legal systems through her work on the CEDAW Committee.

As for her language skills, she indicated that she is fluent in English and has basic conversational proficiency in Spanish and French.

c) Independence, impartiality and absence of conflicts of interest

The candidate stated that, should any conflict of interest arise due to her involvement in matters and/or with individuals, organizations, or States Parties appearing before the IACHR, she would be obligated to recuse herself.

She was specifically asked about her participation in civil society organizations supporting human rights and the potential conflicts of interest this may present in relation to her candidacy and the responsibilities she would assume as a Commissioner. Bethel responded that she has been involved with civil society organizations that advocate for human rights. She acknowledged that such affiliations could represent a conflict of interest if she were elected as a Commissioner, in which case she would recuse herself. However, she stated that she sees no conflict regarding her current candidacy and would assess her role and active affiliations on a case-by-case basis.

She was also asked about her previous work as a public official and whether it could give rise to any potential conflicts of interest. The candidate explained that she worked as a lawyer in the Office of the Attorney General of The Bahamas from 1986 to 1994 and does not consider that this position presents a conflict of interest with her current candidacy. She added that her involvement on three public boards likewise does not give rise to any conflicts of interest.

d) Contribution to the balanced and representative composition of the organization.

Candidate Bethel highlighted her extensive professional trajectory as a lawyer and advocate for human rights, social justice, and feminism. She emphasized her experience working with States Parties to fulfill their human rights obligations, strengthening the capacity of civil society to promote state accountability, and supporting individuals affected by human rights violations.

e) National nomination process

In her questionnaire, the candidate stated that she was nominated by the government of The Bahamas. She noted that she is not aware of any nomination process or public dissemination of it involving active participation from civil society.

Conclusion

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.

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.

2.2 Fábio de Sá e Silva

Procedure before the Panel: Candidate Fábio de Sá e Silva, nominated by Brazil, responded to the questionnaire sent by the Panel Secretariat on April 19, 2025, and participated in the interview with the Panel on May 1, 2025. The Secretariat did not receive any communications from civil society organizations or from any other institution or individual regarding the candidate's background or profile.

a) High moral character

In his response to the questionnaire sent by the Panel, candidate de Sá e Silva stated that he has not received any sanctions as a result of professional misconduct. The Panel did not receive any information to the contrary. There is no record indicating any type of sanction, ethical breach, or professional impropriety.

b) Recognized competence in human rights

- *Academic background and professional experience*

According to his résumé, Fábio de Sá e Silva holds a law degree from the University of São Paulo, a Master's degree in Law from the University of Brasília, and a Ph.D. in Law, Policy, and Society from Northeastern University.

In the academic sphere, de Sá e Silva is an Associate Professor at the College of International Studies at the University of Oklahoma and the founding director of its Center for Brazilian Studies. He is also an affiliated researcher at Harvard Law School.

In Brazil, he has served as Chief of Staff to the President of the Institute for Applied Economic Research (Ipea). Previously, he was Coordinator of Studies on State and Democracy at this federal public foundation linked to the Ministry of Planning, Development, and Management², where he currently holds the position of researcher. De Sá e Silva has also served as General Coordinator of the National Penitentiary Department at the Ministry of Justice of Brazil.

Among his consulting work, the candidate contributed to the 2020 IACHR country report on Brazil regarding public security; the “Prevention of Torture in Latin America” a project of the Human Rights Institute of the International Bar Association; and supported the Brazilian government in the development of prison education policies (UNESCO Brazil), non-custodial sentencing alternatives (UNDP Brazil), and prison health care (Fiocruz Brazil).

The candidate highlighted his public interest activities as an affiliated researcher at the Washington Brazil Office and the Penal Policy Management Laboratory at the University of Brasília's Law School. He also participated as a member of the working group on public security proposals at the Center for Strategic Studies and Debates of the Brazilian Chamber of Deputies; the working group supporting the federal government in developing non-custodial sentencing policies at the Ministry of Justice; and the National Committee on Human Rights Education under the Ministry of Human Rights of Brazil.

- *Knowledge of Inter-American standards and challenges of the IAHRs*

In his response to the questionnaire, candidate de Sá e Silva noted that the region faces longstanding, unresolved demands related to the protection and promotion of rights, which are further exacerbated by contemporary challenges such as climate and humanitarian crises, as well

² See: https://portalantigo.ipea.gov.br/portal/index.php?option=com_content&view=frontpage&Itemid=60

as digital threats. He added that multilateralism is weakening and that reaching consensus within and between States has become increasingly difficult.

In this context, he argued that the IACHR must position itself by safeguarding its normative legacy—its body of human rights standards and institutional memory. Building on that foundation, he stated, the Commission should strengthen all dimensions of its mandate—not only the processing of petitions and cases, but also its monitoring capabilities, dissemination of best practices, and efforts to foster a regional culture of human rights. He further emphasized that the IACHR should affirm its fundamental role in mediating political disputes through principled reasoning and deliberative practices, which require the adoption of more dialogical approaches.

Separately, the candidate was asked for his opinion on the IACHR’s interpretations of the ACHR and whether he believes any of them should be corrected. He responded that it is not current practice for the IACHR to review its own decisions, interpretations, or standards. He added that human rights law is governed by the principle of non-regression; therefore, any potential reconsideration should not result in reduced protections, but rather serve to expand or deepen the scope of rights.

With respect to the role of the current rapporteurships, the candidate suggested that additional measures could be considered to strengthen the independence of rapporteurs after their appointment, such as a mandatory “cooling-off” period following the end of their mandates and the establishment of clear rules regarding conflicts of interest. He also stated that the current funding model has certain dysfunctions, as rapporteurships often end up competing with one another—and even with the IACHR itself—for financial support. To address this, he proposed ensuring a more balanced distribution of resources among all rapporteurships, either through negotiations with donors or by instituting rules that allocate a percentage of donations directed to rapporteurships to the IACHR’s general fund.

Finally, he offered suggestions for optimizing the IACHR’s functions. He noted that the use of new technologies and artificial intelligence could help manage petitions and cases more efficiently and respond to urgent and systemic human rights violations. He also emphasized the need for renewed political legitimacy, which requires qualitative innovation in the IACHR’s operations and deeper engagement with its stakeholders.

- ***Diligence and other relevant skills***

Regarding his dedication to the IACHR, candidate de Sá e Silva stated that, if elected, he would continue to carry out his professional activities in teaching and research.

With respect to his knowledge of or professional experience with legal systems other than that of his home country, de Sá e Silva explained that his research work has given him broad exposure to Latin American legal systems. In addition, his doctoral training and current academic position in the United States have deepened his familiarity with key aspects of U.S. law and legal institutions. He also referenced an international comparative research project on law and democracy that he leads, which has allowed him to study the legal traditions of Brazil, India, and South Africa.

As for his language skills, he indicated that Portuguese is his native language, he is fluent in English, and he has practical knowledge of Spanish.

c) Independence, impartiality and absence of conflicts of interest

The candidate clarified that his professional experience includes roles in the Brazilian government, consulting for international human rights organizations, and academic work. Regarding the first, he stated that any potential conflict of interest would be effectively addressed through the safeguard that prohibits participation in cases involving one's own country of nationality. Concerning the second, he noted that most of his engagements were with organizations that do not litigate before the IACHR, such as UN agencies. He added that, although he contributed to the IACHR's country report on Brazil, this does not represent a conflict given the aforementioned safeguard. As for his academic work, he affirmed that he has not engaged in any activity that could give rise to a conflict of interest. He did note, however, that his spouse directs a human rights clinic that occasionally submits petitions to the IAHRs; nonetheless, he stated that he would recuse himself from any case that might be linked to that work.

Specifically, he was asked whether he has participated in civil society movements in support of human rights and whether such involvement could present a conflict of interest with his candidacy and future functions as a Commissioner. De Sá e Silva responded that, as someone committed to human rights, he has often supported causes promoted by civil society organizations, particularly in Brazil, but that this would not constitute a conflict of interest since he would be prohibited from participating in matters related to his home country.

Likewise, he was asked whether he has served as a public official and whether that might pose a conflict of interest. The candidate replied that he works at the Institute for Applied Economic Research (Ipea) in Brazil, where he holds the status of a public employee, as he is currently on leave from the University of Oklahoma. He also mentioned having held positions at the Ministry of Justice of Brazil from 2004 to 2006. However, he reiterated that the prohibition on participating in matters related to his home country ensures that this does not constitute a conflict.

d) Contribution to the balanced and representative composition of the organization.

Candidate de Sá e Silva emphasized the value his candidacy brings, drawing on both his academic career and his practical experience as a former government official in penitentiary policy and as a consultant to various international human rights organizations.

He also highlighted his negotiation skills, his commitment to principled engagement, and his deep understanding of how international human rights standards are applied in practice.

e) National nomination process

In his questionnaire, the candidate explained that he was contacted by senior officials from the Executive Branch to discuss the human rights situation in the region and explore his willingness to be nominated by Brazil, a topic he also discussed in a meeting with the President. He noted that, although he was aware that other candidacies were being considered, his nomination followed the country's traditional process. He added that, although the government did not publicly announce

the process, he actively engaged with various civil society actors, academic institutions, and some representatives from the Legislative and Judicial branches, all of whom expressed strong support for his candidacy. Through these exchanges, he stated, he gathered input and perspectives that he incorporated into the proposals he now presents to the General Assembly and this Panel.

Conclusion

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.

2.3 María Clara Galvis Patiño

Procedure before the Panel: Candidate María Clara Galvis Patiño, nominated by Colombia, responded to the questionnaire sent by the Panel Secretariat on April 19, 2025, and participated in the interview with the Panel on April 29, 2025. The Secretariat did not receive any communications from civil society organizations or from any other institution or individual regarding the candidate's background and profile.

a) High Moral Character

In her response to the questionnaire sent by the Panel, candidate Galvis Patiño stated that she had never been subject to disciplinary sanctions for professional misconduct. The Panel did not receive any information to the contrary. There is no record indicating any type of sanction, ethical breach, or professional impropriety.

b) Recognized competence in human rights

- ***Academic background and professional experience***

According to her résumé, María Clara Galvis Patiño holds a law degree from the Universidad Externado de Colombia, a Diploma in constitutional law from the Universidad Nacional de Colombia, and is currently pursuing a Master's degree in Global Rule of Law and Constitutional Democracy at the Università degli Studi di Genova.

Galvis Patiño has teaching and research experience in various human rights and constitutional law subjects at institutions such as Universidad Externado de Colombia, American University Washington College of Law, Universidad Santo Tomás, and Pontificia Universidad Católica del Perú.

In Colombia, she has served as an auxiliary magistrate at the Special Jurisdiction for Peace, National Director of Human Rights Promotion and Dissemination at the Office of the Ombudsperson, auxiliary magistrate at the Superior Council of the Judiciary, advisor at the Office of the Inspector General, and attorney at the Office of International Affairs of the Attorney General's Office.

Internationally, she was elected as an independent expert and Vice-Chair of the United Nations Committee on Enforced Disappearances. She also worked in the United States as legal advisor for the Due Process of Law Foundation (DPLF) and as an attorney for the Center for Justice and International Law (CEJIL), representing victims of serious human rights violations before the IAHRs.

The candidate highlighted her participation as an expert witness before the Inter-American Court of Human Rights (IACtHR), at the request of the IACHR, to testify on the international responsibility of the State for acts of acquiescence in enforced disappearances in the case of *Núñez Naranjo v. Ecuador*.

Galvis Patiño informed the Panel of her membership in various associations, including the Executive Council of the International Network for Human Rights (RIDH), the Advisory Council – Academic Editorial Committee of the Berg Institute for Human Rights, the Advisory Council of the Consultancy for International Human Rights Law (ConDerechos), and the Colombian Association of International Law (ACOLDI).

- ***Knowledge of Inter-American standards and challenges of the IAHRs***

In her response to the Panel's questionnaire, candidate Galvis Patiño identified several key challenges facing the Inter-American Human Rights System (IAHRs), among which she emphasized the need to preserve the autonomy and independence of its principal bodies, which she views as increasingly threatened by attempts to influence their actions and decisions. In this context, she stated that the IACHR must uphold and strengthen the legal soundness and rigor of its decisions.

She further noted that the lack of universal adherence to international protection mechanisms—alongside growing calls for denunciation of the ACHR and withdrawal from the contentious jurisdiction of the Inter-American Court of Human Rights—constitutes an additional challenge. In her view, the IACHR should respond to this by promoting ratification of all Inter-American human rights instruments and reinforcing its legitimacy as a collegial body that applies uniform standards to all States.

Galvis Patiño also highlighted the structural issue of insufficient funding for the IAHRs as a permanent challenge. In her view, the IACHR should diversify its funding sources and continue advocating for increased regular contributions.

Regarding the broader context of human rights protection, she pointed to increasing threats to democratic institutions as a significant concern. In her view, the IACHR should improve its early warning mechanisms to respond proactively and help prevent disruptions to democratic institutions. From a rights guarantee perspective, she also emphasized the ongoing challenges posed by judicial independence and the strengthening of domestic mechanisms for investigating and prosecuting human rights violations. In this regard, she argued that the IACHR should deepen its work in providing technical support, accompaniment, and capacity-building for domestic judicial and investigative bodies.

The Panel also asked Galvis Patiño about her views on interpretations of the ACHR made by the IACHR, and whether any should be revised. She responded that the Commission should improve its legal reasoning when characterizing certain situations as involving “terrorist practices.” In her opinion, international human rights and international criminal law offer categories that can adequately address the seriousness of certain violations without resorting to vague and legally undefined terms like “terrorist practices.”

On the role of the IACHR’s rapporteurships, she stated that the Commission and its rapporteurships must strike a balance between strengthening thematic expertise and preserving the Commission’s general protection mandate. She added that the rapporteurships should align their actions and decisions with the IACHR’s strategic plan, while also having sufficient autonomy to determine how they fulfill their objectives. She also acknowledged emerging protection concerns, such as the human rights impacts of artificial intelligence and new technologies, which could lead to increased pressure for the creation of new thematic rapporteurships. In her view, the Commission should carefully assess whether to create new rapporteurships or instead incorporate cross-cutting analytical perspectives to strengthen specialized protection without expanding the institution beyond its operational capacity.

Finally, she offered several suggestions for improving the functioning of the IACHR. On the duration of case processing, she proposed shortening the length of merits reports, drawing inspiration from the practices of United Nations treaty bodies. Regarding monitoring work, she recommended prioritizing reports that provide guidance to States in areas where normative parameters are limited, rather than reports that merely systematize existing standards already developed by the IACHR, the IACtHR, or academic institutions. She also suggested refining the prioritization of topics and recommendations in thematic and country reports.

- ***Diligence and other relevant skills***

With regard to her availability as a Commissioner, candidate Galvis Patiño stated that, if elected, the only other activities she intends to pursue would be academic, primarily at the Universidad Externado de Colombia.

In relation to her knowledge of or experience working with legal systems other than that of her home country, Galvis Patiño responded affirmatively. She explained that her work on the UN Committee on Enforced Disappearances required an understanding of the legal systems of the States under the Committee's supervision in order to adopt concluding observations. She added that litigation and academic or advocacy research on human rights violations similarly require familiarity with various legal systems.

Regarding her language skills, she indicated that Spanish is her native language and that she has a high level of proficiency in both English and Italian.

c) Independence, impartiality and absence of conflicts of interest

The candidate stated that she does not perceive any conflict of interest that could affect her independence or impartiality, as she has not worked for any government—either her own or of another country—and she affirmed that she does not represent any individual from any OAS Member State in any case before the IACHR. Based on the information gathered, the Panel has not identified any affiliation on the part of the candidate with an organization that could present a relevant conflict of interest with respect to her candidacy.

She was specifically asked whether she had participated in civil society movements or organizations advocating for human rights and whether such involvement could pose a conflict of interest with her candidacy or the functions she would perform as Commissioner. Galvis Patiño responded that she has not been actively involved in civil society movements for human rights in the past fifteen years, and that the advisory roles she previously held were not with organizations in her home country, but in Peru, Bolivia, Chile, and Canada.

Likewise, she was asked whether she had served as a public official and whether that could pose a conflict of interest. The candidate replied that she worked for the Office of the Inspector General, the Office of the Attorney General, the Ombudsperson's Office (as National Director of Human Rights Promotion and Dissemination), and the judiciary, as assistant magistrate to the Superior Council of the Judiciary and to the Special Jurisdiction for Peace. She clarified that none of the functions she performed pose any conflict of interest with her candidacy and reiterated that she has not served in executive government positions.

d) Contribution to the balanced and representative composition of the organization.

Candidate Galvis Patiño emphasized that her lifelong commitment to the defense of human rights and her broad experience at the national, Inter-American, and universal levels would allow her to contribute significantly to the work of the IACHR. She added that another important asset stems

from her experience engaging with all the actors with whom the IACHR interacts: victims of human rights violations, States, civil society organizations, and academia.

Without prejudice to the specific contributions mentioned by Galvis Patiño in her questionnaire response, the Panel also takes into account, in evaluating this criterion, the balanced composition of the organs of the Inter-American Human Rights System, in terms of gender and the representation of different geographic regions, population groups, and legal systems of the hemisphere.

e) National nomination process

In her questionnaire response, the candidate stated that there is no pre-established procedure in Colombia for selecting candidates to serve on international human rights bodies. She added that, to her knowledge, neither civil society nor academia plays any role in the nomination process, as the decision is made by the President of the Republic.

Galvis Patiño indicated that her résumé was requested by several acquaintances in order to be submitted to the President. Subsequently, the Vice Minister of Multilateral Affairs contacted her to confirm her interest in being nominated as the government's candidate. After she confirmed her interest, her nomination was publicly announced by the President via social media.

In the interview with the Panel, the candidate expressed that it is necessary to establish an open, transparent, and public process at the national level, in which different relevant actors can provide input.

Conclusion

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 Human Rights System, her role as an expert witness before the Inter-American Court of Human Rights, 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 IAHR bodies, and that the authorities directly designated Galvis Patiño's candidacy.

2.4 Rosa María Payá Acevedo

Procedure before the Panel: The candidate Rosa María Payá Acevedo, nominated by the United States, responded to the questionnaire sent by the Panel Secretariat on April 22, 2025, and participated in an interview with the Panel on April 29, 2025. The Secretariat received a communication from a civil society organization regarding the candidate's background and profile.

a) High moral character

In her response to the questionnaire sent by the Panel, candidate Payá Acevedo stated that she has not received any sanctions as a result of professional misconduct. The Panel did not receive any information to the contrary. There is no record indicating any sanction, ethical violation, or professional impropriety.

In 2018, she was nominated as a finalist for the Václav Havel Human Rights Prize of the Parliamentary Assembly of the Council of Europe (PACE).

b) Recognized competence in human rights

- *Academic background and professional experience*

According to her résumé, Rosa María Payá Acevedo holds a degree in Physics from the University of Havana and a Master's in Public Administration with a focus on Global Leadership from Columbia University.

Payá Acevedo currently serves as Executive Director of the Foundation for Pan-American Democracy. She is the founder and coordinator of Cuba Decide, a member of the Advisory Board of Axel Springer SE, and a board member of the Center for a Free Cuba. She has also served as President of the Latin American Youth Network for Democracy.

- *Knowledge of Inter-American standards and challenges of the IAHR*

Candidate Payá Acevedo stated in her response to the questionnaire that the internal challenges facing the IACHR include optimizing and expanding the use of available resources, improving accessibility for victims and civil society, reducing the prolonged timeframes for resolving petitions and cases, and increasing transparency and communication with Member States.

She further asserted that the IACHR should focus its efforts on six interrelated challenges: the structural and financial limitations of the Commission; the erosion of democratic institutions and the rule of law; forced migration and mass displacement, which continue to rise due to violence, poverty, institutional collapse, and environmental crises; structural violence and insecurity driven by organized crime; state repression and political persecution; and widespread violations of the

rights of children and adolescents. In light of these challenges, Payá Acevedo emphasized that the IACHR should align its priorities and actions with the most urgent and structural problems affecting the region.

She was also asked about her views on the IACHR's interpretations of the ACHR, and whether she believed any of those interpretations should be revised. In response, she stated that the IACHR should remain open to reviewing and, when appropriate, correcting or clarifying its own interpretations. She cited examples of such evolving interpretations, including the shift in criteria regarding the use of pretrial detention and the application of precautionary measures in specific contexts, such as in the cases of Nicaragua.

Regarding the current role of the rapporteurships, the candidate noted that they should maintain a high degree of technical independence in their thematic analysis and development, while operating within a framework of institutional coordination and accountability to the IACHR plenary. She added that fixed funding should be considered for the special rapporteurships, along with greater efforts to ensure transparency in their appointments and operations, particularly for those supported by external funding. She also argued that the IACHR should consider creating a rapporteurship focused on democratic institutions and civic space, in response to the systemic deterioration of constitutional order, attacks on judicial independence, and shrinking civic space in various countries.

Finally, she offered several recommendations for enhancing the IACHR's performance. These included strengthening access to and participation by civil society and victims through more predictable and inclusive mechanisms; adopting stronger standards of transparency and accountability to build trust and ensure long-term sustainability; and reinforcing monitoring tools to improve the implementation of recommendations. She reiterated the need to create a Rapporteurship on Democratic Institutions and Civic Space to offer a coherent and proactive response to the regional crisis. She also stressed the urgency of addressing the case backlog through measures including increased human and financial resources, streamlined report length and structure, investment in digital innovation, and exploration of the responsible use of artificial intelligence to streamline internal procedures and expedite case resolutions.

- ***Diligence and other relevant skills***

Regarding her commitment to the IACHR, candidate Payá Acevedo stated that, if elected, she would continue serving as Executive Director of the Foundation for Pan-American Democracy, while ensuring that she devotes the necessary time to fully carry out her responsibilities as Commissioner.

With respect to her knowledge of or professional experience with legal systems other than that of her home country, Payá Acevedo responded that she has engaged with the legal systems of multiple Latin American countries in her role as a human rights advocate and civil society leader with regional reach. She also noted that her activism involved interaction with U.S. institutions, where she lived and worked, gaining familiarity with constitutional litigation and legislative lobbying processes.

As for her language skills, she indicated that Spanish is her native language and that she has professional proficiency in English.

c) Independence, impartiality and absence of conflicts of interest

The candidate acknowledged that her involvement in the case *Payá and Cepero v. Cuba*, as both a victim and representative, would ethically and legally prevent her from participating in any future decisions related to that proceeding, including monitoring compliance. In this regard, she stated that she would recuse herself from any deliberation or decision concerning that matter, as well as from any review involving the States of which she is a citizen: the United States and Cuba.

She was specifically asked about her participation in civil society movements in support of human rights and any potential conflicts of interest this might pose with her candidacy and the functions she would undertake as a Commissioner. Payá Acevedo responded that she has been involved in civil society movements for over a decade and that, as Executive Director of the Foundation for Pan-American Democracy, she has led initiatives supporting victims, advocating for accountability, and promoting the rule of law. However, she asserted that this track record does not constitute a conflict of interest. She added that, should a situation arise in which her prior involvement could reasonably be perceived as a threat to her impartiality, she would recuse herself from participating.

She was also asked whether she had ever served as a public official and whether that might present a conflict of interest. The candidate replied that she has never held public office, and therefore no conflict of interest arises from public service.

d) Contribution to the balanced and representative composition of the organization.

Payá Acevedo highlighted the unique contribution her candidacy could make, not only through her academic background in physics—which enables her to apply an evidence-based approach—but also through her experience appearing before the IACHR as both a victim of persecution and a petitioner.

She also referenced her country of birth and upbringing, Cuba, to underscore her understanding of totalitarian regimes and the fragility of rights, as well as her experience as a migrant in the Americas. In her interview with the Panel, she added that she contributes to the diversity of the IACHR by bringing both a Caribbean perspective and her perspective as a U.S. citizen.

e) National nomination process

In her questionnaire, the candidate stated that she learned about the public call for applications to the IACHR through Twitter and decided to apply. To that end, she submitted her résumé and a statement of interest. She was subsequently selected for an interview, followed by written questions.

Payá Acevedo added that, to her understanding, the process led the selection team to narrow the pool of applicants to a shortlist, which was then submitted to the Secretary of State, who made the

final decision on whom to nominate. She was later informed that she had been selected as the United States' candidate for the IACHR.

The Panel verified that, on February 21 of the current year, the U.S. Mission to the Organization of American States (USOAS) issued a call for the nomination of a U.S. citizen as a candidate for the 2025 Election to the Inter-American Commission on Human Rights, which was circulated via email and social media.³

According to the announcement, the ideal candidate profile was guided by the following criteria: (1) expertise in public international law, Inter-American human rights law, and the Inter-American Human Rights System; (2) knowledge of the current political and social realities of Latin America and the Caribbean; (3) professional fluency in Spanish and ideally in Portuguese and/or French; (4) knowledge of the U.S. legal system, including how international law is addressed in domestic law, and the United States' positions regarding international human rights legal obligations and other related commitments; (5) strong diplomatic and interpersonal skills; (6) capacity to dedicate sufficient time and energy to IACHR duties; (7) ability to serve independently and impartially, without any personal or professional matters that could affect the dignity or prestige of a Commissioner; (8) possess a background and skill set which will broadly appeal to OAS Member States; (9) experience working in dynamic, complex organizations; and (10) strong managerial and administrative skills with experience reforming institutional processes and structures to make them more efficient and effective.

The announcement also noted that nominations were required to include the candidate's updated curriculum vitae as well as a personal statement of interest outlining tangible ideas for strengthening IACHR operations. The deadline for receiving nominations was originally March 7, and was later extended to March 14.⁴ The announcement of Payá Acevedo's nomination was published on social media on March 26.⁵

Conclusion

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

³ See: <https://x.com/usamboas/status/1893083671223009787?s=46>

⁴ See: <https://x.com/USAmbOAS/status/1898133204785414309>

⁵ See: <https://x.com/USAmbOAS/status/1905053904066204076>

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.

2.5 Reina Auxiliadora Rivera Joya

Procedure before the Panel: The candidate Reina Auxiliadora Rivera Joya, nominated by Honduras, answered the questionnaire sent by the Secretariat of the Panel on April 17, 2025 and participated in the interview with the Panel on May 1, 2025. The Secretariat received four communications from various organizations regarding the candidate's background and profile.

a) High moral character

In her response to the questionnaire sent to the Panel, candidate Rivera Joya indicated that she had not received any criminal or disciplinary sanctions or sanctions for violations of codes of ethics. It should be noted that the candidate referred to having received written observations in an administrative context related to her supervisory duties; however, these did not result in formal sanctions, nor did they affect her continuity in or the trust placed in her professional roles.

The Panel received no information to the contrary. There is no record indicating any type of sanction, ethical misconduct or professional impropriety.

b) Recognized competence in human rights

- *Academic background and professional experience*

According to her résumé, Reina Auxiliadora Rivera Joya holds a law degree from the Universidad Nacional Autónoma de Honduras (National Autonomous University of Honduras), a Master's degree in Development Management with a Psycho-Social Approach from the Universidad José Cecilio del Valle, and postgraduate diplomas in Criminal Law and Criminal Procedure, as well as in Violence and Social Coexistence, also from the Universidad Nacional Autónoma de Honduras.

Rivera Joya has teaching experience in the subjects of Development Approaches and Human Rights and Criminal Policy at the Universidad José Cecilio del Valle and the Universidad Nacional Autónoma de Honduras, respectively.

In Honduras, she has served as Special Prosecutor for Human Rights, supernumerary trial judge, and judge of the Second Family Trial Court. She has also provided advisory services to the special prosecutors for human rights, women's rights, and environmental protection.

She has been country director of the Swedish Cooperation Agency Diakonia, coordinator of the Violence Observatory of the University Institute for Democracy, Peace and Security (IUDPAZ) and executive director of the Center for Research and Promotion of Human Rights (CIPRODEH).

She is currently working as an external advisor/technical assistance to the United Nations Agency UN Women, in support of the Secretariat of State in the Office of Women's Affairs (SEMujER Honduras).

The candidate highlighted her role as expert witness before the Inter-American Court of Human Rights in the case *Servellón García et al. v. Honduras*.

Rivera Joya also informed the Panel of her membership in several organizations, including the Consejo Consultivo Estado de la Región Centroamérica – Consejo Nacional de Rectores de Universidades de Costa Rica (Advisory Council of the State of the Central America Region – National Council of University Chancellors of Costa Rica), the Ethics Committee of the Country Coordinating Mechanism (MCP-H), CIPRODEH, the Regional Security Working Group – Friedrich Ebert Foundation Central America, the Consejo Nacional de Seguridad Interior (CONASIN) (National Council for Internal Security), and the Centro de Derechos de Mujeres (CDM) (Center for Women's Rights).

- ***Knowledge of Inter-American standards and challenges of the IAHRs***

Candidate Rivera Joya noted in her response to the questionnaire that one of the main challenges facing the IAHRs is the advance of authoritarian agendas in several States in the region. These trends have led to normative backsliding, discursive attacks on the system itself, shrinking civic space, and the criminalization of human rights defenders.

She added that these challenges are compounded by growing political polarization, the weakening of multilateralism, and a structural financial crisis that threatens the long-term sustainability of the IAHRs. She also emphasized that procedural delays, normative fragmentation, and the lack of universal ratification of human rights treaties continue to limit the system's effective reach.

In response to these challenges, Rivera Joya stated that the IACHR must act with legal rigor, while also embracing institutional creativity, humility in listening to communities, and strategic adaptability. Its role, she added, must balance its function as a guarantor of rights with that of a bridge for structured dialogue with States, a catalyst for the testimony and memory of victims, and a promoter of practical solutions that enhance the system's legitimacy. In her interview with the Panel, she further suggested that joint strategies between the IACHR and United Nations systems should be strengthened to reinforce the broader human rights protection framework in the face of regressive governments.

Rivera Joya was also asked for her opinion on the IACHR's interpretations of the ACHR, and whether any of them should be reconsidered. She responded that there are areas where a critical, context-sensitive review is warranted—particularly regarding the rights and participation of Indigenous peoples. While acknowledging the IACHR's advances in establishing standards for prior consultation and Indigenous jurisdiction, she observed that a top-down logic still prevails.

This logic, she argued, fails to fully recognize the epistemic and political autonomy of Indigenous peoples. As a result, Indigenous legal frameworks are still viewed as merely “complementary,” rather than as legal systems with equal standing and intrinsic value—even in the design of standards or friendly settlement processes.

With respect to the current rapporteurships, Rivera Joya emphasized that they must preserve their technical independence, while also being more strongly integrated into the IACHR’s plenary structure as part of a coordinated institutional strategy. She stressed the need to strengthen their operational capacity, clarify their role in advancing the cross-cutting approaches outlined in the institutional strategic plan, and promote greater territorial presence, coordination between rapporteurships, and engagement with community knowledge.

Finally, she proposed a number of measures to improve the IACHR’s effectiveness. These included strengthening its internal strategic planning and financial sustainability through partnerships with international cooperation in key thematic or geographic areas; promoting mechanisms to ease procedural backlog, such as new models for friendly settlements; and expanding structured dialogue with States on the structural causes of human rights violations. She concluded by emphasizing the importance of enabling more meaningful participation by victims, communities, and peoples at every stage of the system—as political and epistemic actors in their own right.

- ***Diligence and other relevant skills***

Regarding her dedication as a Commissioner, candidate Rivera Joya stated that, if elected, her priority would be the rigorous and full implementation of the mandate entrusted to her by the IACHR. To that end, she expressed her willingness to step down from her role providing technical assistance to UN Women, in order to avoid any ethical or time-related conflicts of interest and to ensure active and responsible engagement.

In response to questions about her knowledge of or experience with legal systems other than that of her home country, Rivera Joya explained that she has worked with regulatory frameworks from various Latin American countries through comparative legal research, legislative drafting, and the design of public policies with a human rights-based approach. This work has enabled her to become familiar with variations of the continental European legal tradition present in the region. However, she acknowledged that she does not have direct experience with Anglo-Saxon legal systems or with Indigenous ancestral justice systems.

With respect to her language skills, she indicated that her native language is Spanish and that she has a limited command of English.

c) Independence, impartiality and absence of conflicts of interest

The candidate acknowledged the possibility of a conflict of interest in processes, reports, or strategies she was previously involved in—as a public official, consultant, or member of civil society or international organizations—should they come before the IACHR.

She was specifically asked about her participation in civil society movements advocating for human rights and any potential conflicts this could pose for her candidacy and the functions she would assume as Commissioner. Rivera Joya responded that she has been actively and consistently involved in such movements, both in Honduras and across the region, through advocacy platforms, protection networks, and documentation and research efforts. She also noted that she has worked closely with at-risk communities and human rights defenders. In such cases, she affirmed that if a matter were presented to the IACHR in which she had been directly involved, or where there could be a relationship that might compromise her impartiality, she would immediately recuse herself. The candidate does not currently hold a position in any human rights organization or movement that presents a conflict of interest or the appearance of a conflict of interest.

She was also asked about potential conflicts of interest arising from her previous roles as a public servant. Rivera Joya explained that she has served as a judge in criminal and family courts, and as a human rights prosecutor in the Public Prosecutor's Office. Additionally, she has contributed to the development of public policies within state institutions. She noted that she is currently providing technical assistance to the Secretariat of State in the Office of Women's Affairs in Honduras, through a part-time consultancy with UN Women. She affirmed that if a case were to involve decisions made in this context, or persons or institutions directly linked to that collaboration, she would disclose the situation and request recusal. In her interview with the Panel, she further stated that, if elected, she would fully renounce any roles or activities that could compromise her objectivity.

d) Contribution to the balanced and representative composition of the organization.

Candidate Rivera Joya emphasized her extensive professional experience across government, civil society, and international cooperation, particularly in the defense of human rights, the strengthening of democracy, and the development of concrete protection mechanisms. She expressed her commitment to ensuring that the IACHR remains a body that is close to victims, grounded in its principles, and capable of strategically addressing the most pressing challenges in the region.

She also underscored the significance of her geographic origin, noting that Central America has historically been underrepresented within the composition of the IACHR, despite facing serious challenges related to violence, authoritarianism, corruption, and structural exclusion.

e) National nomination process

In her questionnaire, the candidate noted that no public or competitive nomination process took place in Honduras. She explained that her nomination resulted from an initiative of the Chancellor of the Republic, as part of a broader policy to increase Honduras's participation in international organizations—responding to the country's historical underrepresentation in these spaces.

Rivera Joya indicated that, since the formalization of her candidacy, she has held meetings with national human rights organizations to inform them of her nomination and to gather their feedback. She added that her government sponsored a presentation tour in the United States, during which

she met with diplomatic missions from the Permanent Council of the OAS and with civil society organizations based in Washington, D.C.

In her interview with the Panel, the candidate suggested that the IACHR could develop a standard for selection processes, in order to gradually reduce the discretion States currently have to nominate individuals who may serve the interests of a particular government.

Conclusion

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

2.6 Carlos Bernal Pulido

Procedure before the Panel: The candidate Carlos Bernal Pulido, a Colombian national, was nominated for reelection by Peru. Bernal Pulido was elected during the 51st Regular Session of the OAS General Assembly on November 12, 2021, for a four-year term from January 1, 2022, to December 31, 2025.

The candidate Bernal Pulido received an invitation to participate in the Panel's evaluation process via a communication dated April 7, 2025. The invitation requested that he respond to the questionnaire prepared by the Secretariat and take part in an interview with the Panel members. In a response dated April 8, the candidate declined the invitation, stating that he would not participate in the process and questioning the integrity and impartiality of the Panel members and the legitimacy of the Panel's work, referring to it as a "self-proclaimed" group of experts. It is worth noting that the 2025 evaluation Panel is composed of three former IACHR Commissioners who served as Presidents during their terms, one expert appointed by the UN Human Rights Council to

serve on the Group of Human Rights Experts on Nicaragua, and two distinguished academics who have held or currently hold deanships at law faculties of renowned universities in the region. The Panel also ensures linguistic, geographic, and legal system diversity, as well as gender parity.

As is standard Panel practice, when any of its members believe their involvement in the evaluation might present a conflict of interest or an appearance of bias, they recuse themselves from assessing the relevant candidate. In this context, Margarette May Macaulay recused herself from the evaluation of candidates Bernal Pulido and Caballero Ochoa, as she served as Commissioner concurrently with part of their first term.

Another point raised by candidate Bernal Pulido in his response declining to participate was that his qualifications should not be reassessed, as he has already served for over three years. However, it is important to highlight that the Panel's practice has been to apply stricter oversight standards to candidates seeking reelection, as their past behavior and performance provide insight into whether they can meet the criteria established by the ACHR and other international standards. Accordingly, the Panel systematically evaluates reelection candidates—both to the IACHR and the Inter-American Court—based on “their performance and achievements during their first term,”⁶ as well as “other relevant aspects of their prior service.”⁷

Throughout its reports published between 2015 and 2024, the Panel has consistently expressed concern regarding candidates who do not participate in the evaluation process.⁸ Failure to attend interviews, respond to the questionnaire, or provide the requested documentation has been cited as an obstacle to conducting a comprehensive, objective, and transparent assessment.⁹ As was the case during his initial nomination in 2021, in which he participated only partially, the Panel regrets candidate Bernal Pulido's decision not to engage in the current evaluation. His absence prevents the Panel from gaining deeper insight into his views and performance during his first term and requires that the evaluation be conducted solely based on public information and submissions from civil society organizations.

Candidate Bernal Pulido is the only individual who did not appear before the Panel in 2025 and also the only one to reject participation in the evaluation out of the 18 candidates nominated for positions within the IAHRs during the past three election cycles (2023–2025).

⁶ *Final Report of the Independent Panel to Evaluate Candidacies for IACHR Bodies 2021 (Final Report 2021)*, p. 16; *Final Report of the Independent Panel to Evaluate Candidacies for IACHR Bodies 2023 (Final Report 2023)*, p. 23.

⁷ *Final Report 2023*, p. 42.

⁸ See, in this regard, *Final Report of the Independent Panel for the Election of Judges to the Inter-American Court of Human Rights, 2018 (Final Report 2018)*, p. 21; *Report of the Independent Panel of Experts for the Evaluation of Candidates for the Inter-American Commission on Human Rights, 2019 (Final Report 2019)*, p. 21.

⁹ *Id.* Moreover, in the *Final Report of the Independent Panel of Experts for the Evaluation of Candidates to the Inter-American Court and Commission on Human Rights 2021 (Final Report, 2021 Panel)*, the non-appearance of candidate Bernal Pulido for an interview with the Panel led it to conclude: “On the other hand, the decision to recuse himself from participating in the interview with the Panel and his subsequent actions—including the submission of an open letter to the media based on partial and erroneous information in which he questioned the evaluation process carried out by the Panel—raise reasonable doubts as to whether the candidate possesses the specific qualities required for the position of Commissioner, including the ability to foster dialogue and build consensus to advance human rights.” (p. 36)

The Secretariat received four communications from civil society organizations regarding candidate Bernal Pulido's trajectory and profile, all of which questioned his suitability for reelection to the IACHR.

a) High moral character

Given the candidate Bernal Pulido's absence, the Panel was unable to receive specific information on this aspect regarding his first term as a member of the IACHR.

The Panel has no knowledge of any disciplinary sanctions for professional misconduct. Nor is there any record indicating any kind of sanction, ethical breach, or professional impropriety.

However, one civil society organization questioned the moral character of candidate Bernal Pulido, noting that he had been denounced by 36 human rights organizations due to deficiencies in his performance as rapporteur for El Salvador.¹⁰ These organizations, mainly from El Salvador and Honduras, requested that the IACHR's Board of Directors remove him from his role as rapporteur for El Salvador. According to their statement, the request was based on various actions by the Commissioner that indicated bias in favor of the Salvadoran State, in disregard of Article 15.7 of the IACHR Rules of Procedure. The letter addressed to the IACHR Board of Directors was submitted to the Panel along with other relevant information that the organization considered important for the evaluation of the candidate.

The Panel will revisit this issue under the criteria of independence and impartiality, as other civil society organizations also referred to the candidate's role during his mandate as rapporteur for El Salvador on the IACHR.

b) Recognized competence in human rights

- *Academic background and professional experience*

The Panel is aware, based on public information available on the IACHR website, that candidate Bernal Pulido holds a law degree from Universidad Externado de Colombia, a Doctorate in Law from the University of Salamanca, Spain, and both a Master's and a Doctorate in Philosophy from the University of Florida, United States. He is a professor at the University of Dayton, Ohio, United States, and at the Universidad de la Sabana, Colombia. He also served as a Justice on the Constitutional Court of Colombia from 2017 to 2020. Candidate Bernal Pulido has an extensive academic career, having taught at Universidad Externado de Colombia, Macquarie University in Sydney, Australia, and the University of Florida. He has also been a visiting professor at the law schools of the Sorbonne in Paris, Paris X (Nanterre), and the University of León (Spain), as well as a visiting researcher at the law faculties of Yale University, King's College London, and the Max Planck Institute for Comparative Public Law and International Law in Germany.

¹⁰ The referenced letter was submitted to the IACHR on February 21, 2025 (Civil Society Letter) and is held by the Panel's Secretariat as part of the information submitted to the process by one of the civil society organizations.

In addition, he is a prolific author of books, journal articles, and book chapters on topics related to the protection of human and fundamental rights, democratic constitutionalism, constitutional creation and change, the ontology of law, and the theoretical foundations of civil and state liability.

- ***Knowledge of Inter-American standards and challenges of the IAHRs***

According to public information available on the IACHR website, candidate Bernal Pulido serves as Thematic Rapporteur on the Rights of Persons with Disabilities, as well as Country Rapporteur for Costa Rica, El Salvador, Paraguay, and Trinidad and Tobago. As with the other evaluation criteria, in light of the candidate's absence, the Panel will assess Bernal Pulido's competence and performance based on publicly available information gathered by the Secretariat and submissions received from civil society organizations.

In his public presentation before the OAS Permanent Council and its member states, candidate Bernal Pulido outlined what he considers to be the challenges faced by the IACHR. Broadly, he stated that the Commission is experiencing significant challenges in ideological, operational, and methodological terms, and he called upon "OAS member states, as stewards of the System, to promote an internal transformation of the Commission."¹¹ Regarding specific challenges, candidate Bernal Pulido claimed he had been discriminated against by the IACHR majority due to his ideological positions, although he considers that he has fulfilled his mandate in a "diligent and independent"¹² manner, guided by four principles: being thorough, objective, and ideologically neutral; requiring that IACHR decisions be grounded in Inter-American legal norms and available evidence; and granting States a margin of discretion to resolve human rights matters in accordance with their cultural values and standards.¹³ Methodologically, candidate Bernal Pulido has criticized the IACHR's use of legal sources and the work carried out by the Executive Secretariat in handling information and the case system. He has argued, in particular, that the IACHR should "emphasize conciliation over confrontation [with States]".¹⁴

Additionally, all candidates were asked in the Panel's questionnaire to express their views on the IACHR's interpretations of the ACHR and whether any of those interpretations should be corrected. In his public presentation, candidate Bernal Pulido acknowledged that he had frequently resorted to issuing dissenting votes to express disagreement with what he considers "legal errors or inappropriate actions"¹⁵ by the IACHR majority. Indeed, research into the history of dissenting votes at the IACHR shows a marked increase in such votes since Bernal Pulido's election. Out of 260 reports adopted by the IACHR—including annual, country, and thematic reports—only 15 have included dissenting votes. Of these, just 6 were issued prior to 2019, while the remaining

¹¹ *Presentation by candidate Carlos Bernal Pulido of Peru during the special session of the Permanent Council to hear presentations by candidates to the IACHR for the 2026–2029 term (Presentation by candidate Bernal Pulido before the OAS Permanent Council), May 14, 2025, https://x.com/oea_oficial/status/1922674382993805592?s=48*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

60% were adopted between 2020 and 2023. Bernal Pulido authored 7 of the 9 dissenting votes issued during that period, occasionally joined by other Commissioners.¹⁶

It is worth noting that neither the ACHR nor the IACHR Statute clearly defines which types of decisions Commissioners may issue separate votes on, nor when such votes may be made public. To establish a framework on this matter, the IACHR adopted Resolution 2/22, in which it appears to accept that separate votes are permitted in connection with chapters of the IACHR's annual reports, country reports, and thematic reports.¹⁷ These documents are in addition to final reports within the individual petitions system, as well as reports adopted under Article 50 of the ACHR, which introduce cases to the Court. The same applies to precautionary measures and resolutions adopted by the IACHR. However, there is no clear guidance on whether Commissioners may issue separate votes on other forms of expression, such as press releases. Resolution 2/22 clarifies that only separate decisions may be published, including annual, country, and thematic reports; Article 50 (when the case is submitted to the Court) and 51 reports; precautionary measures; and formal resolutions.

The majority of Bernal Pulido's dissenting votes have been issued in the context of annual, country, and thematic reports. In several of these, the issues addressed relate to his disagreements over the scope of sexual and reproductive rights of women and girls. Specifically, he argues that the majority's positions fail to respect the right to life of pregnant individuals; he rejects the notion of "forced motherhood" as applied to minors who become pregnant due to rape and are unable to access abortion due to absolute bans in certain States; and he opposes the IACHR's stance against the criminalization of obstetric emergencies. Additionally, he disputes the existence of rights to gender identity and same-sex marriage, and argues that conscientious objection should be protected not only for individuals but also for institutions. Finally, he objects to the IACHR's position on comprehensive sexuality education, claiming it infringes on parents' rights to educate their children. In general, candidate Bernal Pulido contends that the IACHR's interpretations violate the principles of good faith and *pacta sunt servanda*, infringe upon States' margin of appreciation to define public policies on these matters according to the principle of subsidiarity, and are based on rights that do not exist in the ACHR.¹⁸ The Panel understands that neither the margin of appreciation nor the principles of *pacta sunt servanda* or subsidiarity should be used to justify authoritarian excesses, the weakening of checks on the abuse of power, or the breakdown of the rule of law.

His dissenting votes have also focused on challenging the IACHR's historical methodology for collecting information used in country reports or in chapters IV and V of the annual report. He has likewise questioned the IACHR's assessments, for example, of the justifications provided by States for declaring states of emergency, arguing that such assessments violate the principle of subsidiarity and encroach on States' discretion in resolving human rights issues. He has further challenged the transparency, legitimacy, and effectiveness of the IACHR's work, disputing the

¹⁶ This information was drawn from the document *Main Findings: Analysis of Public and Confidential Reasoned Votes in Country, Thematic, and Annual Reports of the IACHR*, held by the Panel, which will be published shortly and that assesses the reports and votes adopted until 2023.

¹⁷ IACHR, Resolution 2/22, Reasoned Vote (Resolution 2/22, Reasoned Vote), August 8, 2022, available at <https://www.oas.org/es/cidh/decisiones/pdf/2022/resolucion-2-22-voto-razonado.pdf>

¹⁸ This information was drawn from the document *Main Findings: Analysis of Public and Confidential Reasoned Votes in Country, Thematic, and Annual Reports of the IACHR*.

conclusions and recommendations of country reports and the annual report on the grounds that they, in his view, do not comply with applicable procedural and treaty norms.¹⁹

Finally, it must be noted that candidate Bernal Pulido has developed a practice of appending dissenting votes to IACHR press releases and other communications that do not constitute formal decisions of the Commission, thereby undermining their legitimacy and weakening their impact.²⁰

For the Panel, the disproportionate use of dissenting votes is a matter of serious concern, as it calls into question the authority and legitimacy of decisions issued by this collective body. Furthermore, some of the interpretations expressed by candidate Bernal Pulido in his votes contradict international standards upheld by the Inter-American Court of Human Rights, in both contentious and advisory jurisprudence. Similarly, the rules of interpretation of treaty norms promoted by the candidate conflict with well-established jurisprudence of the Inter-American Court, which holds that the ACHR must be interpreted in light of the *pro homine* principle, rejecting literal interpretations of the instrument and promoting an evolutionary approach that considers changing circumstances and the specific facts of each case.

On the other hand, in the Panel's view, the repeated issuance of dissenting votes to dispute the IACHR's working methodology and to question the legitimacy of its recommendations is not conducive to ensuring the institution's effectiveness. In practice, this undermines the IACHR's impact, with the unavoidable result of reducing the protection afforded to victims—the ultimate beneficiaries of the Inter-American human rights system.

- ***Diligence and other relevant skills***

Regarding his dedication and diligence, candidate Bernal Pulido engages in academic activities in addition to fulfilling his duties as Commissioner. The Panel does not know whether the candidate is involved in other professional activities and has not received any information to that effect from other sources.

Another aspect to consider as part of the complementary skills required to serve as Commissioner—and one which the Panel has assessed in previous years, especially in relation to candidates seeking reelection—is the ability to work as part of a collegial body. It is worth noting that during the evaluation of his initial nomination, this Panel concluded that it had “reasonable doubts as to whether the candidate possessed the specific qualities required for the role of Commissioner, including the ability to foster dialogue and build consensus in the field of human rights.”²¹ An objective assessment of candidate Bernal Pulido's work during his term as Commissioner appears to confirm the Panel's original concerns. Indeed, in his public presentation before the OAS Permanent Council, the candidate emphasized his decision to make extensive use of dissenting votes to challenge the decisions of the IACHR, and stated that, in his view, for the

¹⁹ *Id.*

²⁰ Information obtained from research conducted by the Secretariat based on submissions from civil society organizations.

²¹ *Final Panel Report 2021*, p. 36.

Commission to be effective, it must undergo transformational change—and that he is the person with the vision to lead that process.²²

For the Panel, this approach does not appear compatible with the role expected of a member of a collegial body such as the IACHR. The intent behind having seven experts serve on the Commission was that those elected would negotiate solutions and build consensus, without eliminating diversity of opinion. This aspect of candidate Bernal Pulido’s conduct—his failure to foster dialogue and consensus—was also highlighted by civil society organizations that submitted information to the Panel. As an example, they cited his separate vote on Resolution 2/22 regarding dissenting votes.²³ As previously noted, in that resolution, the majority of the IACHR reached a consensus on which dissenting votes in decisions could be published, excluding press releases. In contrast, candidate Bernal Pulido opposed this decision in a separate vote and, in practice, published the reasons for his dissent regarding a press release on the social media platform X after the resolution had entered into force.²⁴

Regarding knowledge of or experience with legal systems other than his own, candidate Bernal Pulido pursued postgraduate studies at the University of Florida and currently teaches at the University of Dayton, leading the Panel to assume that he has been exposed to the U.S. legal system.

As for his language skills, public information available on the IACHR website indicates that his native language is Spanish and that he also has fluent knowledge of English

c) Independence, impartiality and absence of conflicts of interest

Candidate Bernal Pulido, in his public presentation before the OAS Permanent Council, stated that, if reelected, he would be thorough in reviewing the matters brought before him and neutral and objective from an ideological standpoint.

On the other hand, civil society organizations that submitted information to the Panel questioned Bernal Pulido’s impartiality and independence, focusing on his activities as Rapporteur for El Salvador. In particular, they argue that Bernal Pulido’s dissenting opinion in the report *State of Emergency and Human Rights in El Salvador* discredits the testimony of victims and civil society organizations, undermining their legitimacy. They further allege that the IACHR failed to apply a rigorous methodology in selecting the sources included in the report.²⁵ According to one of the submissions, this position is incompatible with the serious human rights situation affecting the country since the declaration of the state of emergency. Indeed, they state that the IACHR had sufficient information to support the conclusions of the report, as these organizations “have documented and submitted information to the IACHR, both publicly and privately, regarding thousands of reports of human rights violations (6,889 to date) over the past three years, including arbitrary detentions, due process violations, enforced disappearances, torture, mistreatment, cruel, inhuman and degrading treatment, and even alleged extrajudicial executions in detention centers

²² *Presentation by candidate Bernal Pulido before the OAS Permanent Council, May 14, 2025.*

²³ *CIDH, Resolution 2/22, Reasoned Vote. Additionally, information submitted by civil society organizations to the Panel’s Secretariat.*

²⁴ See: <https://x.com/carloslbernal/status/1784409129341145563>

²⁵ Information submitted by civil society organizations to the Panel’s Secretariat.

(380 to date).”²⁶ They also note that candidate Bernal Pulido’s dissenting vote, by delegitimizing civil society organizations, “covertly placed them in a more vulnerable position before a government that persistently harasses and intimidates them.”²⁷

Civil society organizations have also stated that, in public interventions, candidate Bernal Pulido has supported State positions—even when they contradict the recommendations of the IACHR. As an example, they highlight his testimony before the Tom Lantos Human Rights Commission of the United States Congress regarding the state of emergency in El Salvador,²⁸ where they say he stated that the emergency “has been an effective policy for reducing gang-related crime,” without acknowledging the serious human rights violations committed under that context, thereby contradicting the IACHR’s report.²⁹ Another example they repeatedly cite is the public hearing during the IACHR’s 191st period of sessions on democratic institutions in El Salvador, where he appeared to justify the figure of reelection, even though in that country, reelection would have been carried out in breach of constitutional norms.³⁰

Additionally, as previously noted, 36 civil society organizations from El Salvador and Honduras requested that the IACHR leadership remove candidate Bernal Pulido from his role as Rapporteur for El Salvador for three reasons: 1) limited contact with civil society in the country and a lack of interest in promoting constructive dialogue, as well as insufficient openness to address the concerns raised by victims of human rights violations in the country; 2) his dissenting votes undermine the integrity of his agenda as Rapporteur and key decisions regarding the human rights situation in El Salvador; and 3) the adoption of public positions that discredit the work of civil society and contradict the IACHR’s conclusions and recommendations concerning that country.³¹

The Panel regrets that by declining to participate in the Panel’s evaluation process candidate Bernal Pulido was unable to respond to these allegations. These complaints and allegations could affect the candidate’s independence and impartiality, thereby impacting one of the core criteria for serving a second term as Commissioner of the IACHR.

d) Contribution to the balanced and representative composition of the organization.

In evaluating this criterion, the Panel considers the balanced composition of the IAHR bodies in terms of gender, representation of different geographic regions, population groups, and legal systems across the hemisphere. In his public presentation before the OAS Permanent Council, candidate Bernal Pulido stated that, if reelected, he would contribute to ensuring that the decisions of the IACHR are grounded in the legal sources of the IAHR. In this regard, the Panel notes that, as a distinguished academic, Bernal Pulido—if reelected—could contribute to enriching the technical and legal discussions within the framework of the IACHR’s work, given his experience as a professor at universities in Colombia and the United States.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* Véase la audiencia en <https://www.youtube.com/watch?v=ChTW-gm-5SI>

²⁹ *Id.*

³⁰ IACHR, Hearing, El Salvador: Democratic Institutions, November 12, 2024, available at <https://www.oas.org/es/cidh/sesiones/audiencia.asp?Hearing=3770>

³¹ *Civil society letter (held by the Panel’s Secretariat).*

e) National nomination process

In his public presentation before the OAS Permanent Council, the candidate only mentioned that he was honored to have been nominated by Peru, without providing any information about the procedure that led to his nomination.³² Moreover, the Panel lacks additional information to fill this informational gap.

It is noteworthy that Colombia, the country of which candidate Bernal Pulido is a national, nominated another candidate who was also evaluated by the Panel and did not support Bernal Pulido's reelection. The candidate acknowledged in his public presentation before the OAS Permanent Council that his nomination by a State other than his own nationality was an exceptional practice within the IAHRs.

Conclusion

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 interpretative stance on certain substantive 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 ACHR 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.

³² *Presentation by candidate Bernal Pulido before the OAS Permanent Council, May 14, 2025.*

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.

2.7 José Luis Caballero Ochoa

Procedure before the Panel: Candidate José Luis Caballero Ochoa was nominated by Mexico for reelection. Caballero Ochoa was elected during the meeting of the OAS Permanent Council on 5 September 2023, with a mandate extending until 31 December 2025.³³

Candidate Caballero Ochoa responded to the questionnaire sent by the Panel Secretariat on April 19, 2025, and participated in the interview with the Panel on May 5, 2025. The Secretariat did not receive any communications from civil society organizations or from any other institution or individual regarding the candidate's background or profile.

As previously stated and in line with the Panel's established practice, when any of its members consider that their participation in the process may create the appearance of a lack of impartiality or a conflict of interest, they recuse themselves from evaluating the corresponding candidate. In this context, as with candidate Bernal Pulido, Margarette May Macaulay recused herself from participating in the evaluation process of candidate Caballero Ochoa, given that she served as Commissioner concurrently during part of his first term.

Similarly, as was done with candidate Bernal Pulido, the Panel will evaluate candidate Caballero Ochoa under a stricter oversight standard, since he is seeking reelection as Commissioner. Accordingly, a more in-depth assessment of Caballero Ochoa's conduct and performance during his previous term will allow the Panel to determine whether he fully meets the criteria established by the ACHR and other international instruments and standards. To that end, the Panel will assess his "performance and achievements during his first term,"³⁴ as well as "other relevant aspects of his prior service."³⁵

a) High moral character

In his response to the questionnaire sent by the Panel, candidate Caballero Ochoa stated that he has not received any sanctions as a result of professional misconduct. The Panel did not receive any information to the contrary. There is no record indicating any type of sanction, ethical breach, or professional impropriety.

³³ *His candidacy was submitted by the State of Mexico in July of last year, following the resignation of Joel Hernández García, who stepped down from his position as Commissioner during his second term after being appointed Undersecretary for Multilateral Affairs and Human Rights at the Mexican Ministry of Foreign Affairs.*

³⁴ *Final Report 2021, p. 16; Final Report 2023, p. 23.*

³⁵ *Final Report 2023, p. 42.*

b) Recognized competence in human rights

- ***Academic background and professional experience***

According to his résumé, José Luis Caballero Ochoa holds a law degree from the Instituto Tecnológico de Monterrey, a Master's degree in Law from the National Autonomous University of Mexico (UNAM), and a Ph.D. in Law from the National University of Distance Education (UNED) in Spain.

In the academic sphere, Caballero Ochoa serves as a researcher and professor in the Law Department of the Universidad Iberoamericana, where he has held positions as Coordinator of the Master's Program in Human Rights, University Ombudsperson, and Director. He has been a member of the National System of Researchers of the National Council of Science, Humanities, and Technology since 2009, and has conducted research residencies at Fordham University in New York, the Legal Research Institute at UNAM, and Pompeu Fabra University in Barcelona.

He also has extensive teaching experience in human rights courses, particularly those directed at the Federal Judiciary or the superior courts of justice of the Mexican states, focusing on the application of international human rights treaties within the Mexican legal system.

Candidate Caballero Ochoa is affiliated with various academic networks, including: the Mexico chapter of the International Society of Public Law (ICON-S); the Research Network on Inter-American Court Jurisprudence, in collaboration with the Federal University of Belem do Pará (Brazil); the Academic and Editorial Committee of the Federal Judiciary in Mexico; and the Advisory Committee of the Center for Constitutional Studies of the Supreme Court of Justice of the Nation in Mexico.

Caballero Ochoa has contributed to several technical legal opinions. Notably, he served as an expert witness proposed by the IACHR in the case *San Miguel de Sosa et al. v. Venezuela*, and participated in drafting an amicus curiae brief—submitted by the Master's Program in Human Rights at the Universidad Iberoamericana and the Human Rights Commission of the Federal District—for the Inter-American Court of Human Rights in the case *Atala Riffo and Daughters v. Chile*.

He serves as a Commissioner of the IACHR from September 5, 2023, to December 31, 2025.

- ***Knowledge of Inter-American standards and challenges of the IAHRs***

In his response to the questionnaire, candidate Caballero Ochoa stated that the challenges facing the IAHRs revolve around three main axes. First, the need for serious reflection on regional issues, particularly strengthening unity between North America, Latin America, and the Caribbean, with an emphasis on greater engagement with the Caribbean. Second, the importance of reaffirming public international law and a human-centered international legal framework, recognizing that the shared foundation of Inter-American human rights must not be rolled back. And third, the financial system that supports the Inter-American system.

The candidate was also asked for his opinion on the IACHR's interpretations of the ACHR, and whether he believes any of them should be revised. He responded that the IACHR's interpretation of the ACHR has been consistent with the evolution of international human rights law. He added that it is a body of jurisprudence developed to provide greater protection for individuals and to expand the scope of the ACHR. Therefore, he does not believe it should be amended or corrected; on the contrary, it should remain progressive.

As previously noted, neither the ACHR nor the Statute of the IACHR clearly establish which decisions allow Commissioners to issue separate opinions, nor under what circumstances such opinions may be made public. To provide a frame of reference on this issue, the IACHR adopted Resolution 2/22, in which the body appears to acknowledge that separate opinions are permitted in relation to various sections of the Commission's annual reports, country reports, and thematic reports; final reports in the individual petition system; as well as reports adopted under Article 50 of the ACHR, which introduces a case to the Inter-American Court. The same applies to precautionary measures and other resolutions adopted by the Commission.³⁶ There is no clear guidance regarding the authority of Commissioners to issue separate opinions in other types of IACHR outputs, such as press releases. However, Resolution 2/22 clarifies that only certain types of decisions allow for the publication of separate opinions. These include annual, country, and thematic reports; reports under Article 50 (when a case is submitted to the Inter-American Court); reports under Article 51; precautionary measures; and other resolutions.

Since joining the IACHR in September 2023, Commissioner Caballero Ochoa has issued two concurring separate opinions, both related to country reports published in 2024. Regarding his opinion on the report on the human rights situation in Honduras³⁷, he expressed agreement with the report's general conclusions but emphasized the need to address in greater detail the situation of vulnerable groups—such as women, girls, adolescents, and LGBTI persons—who face particular risks in the Honduran context. As for his opinion on the report concerning the state of emergency in El Salvador³⁸, Caballero Ochoa devoted the first part of the opinion to highlighting issues related to the state of emergency, aiming to underscore its adverse effects on human rights and democratic institutions when its use does not comply with international standards. The second part focused on methodological aspects related to the drafting of monitoring reports.

Regarding the role of the current rapporteurships, the candidate stated that country rapporteurships should serve as a mechanism to accompany both society and States. He added that the mandate on human rights defenders and justice operators should be split into two separate rapporteurships. The former—on human rights defenders—should be more robust and dynamic, given the growing complexity of the issue and the increasing need for protection and support for human rights defenders. In contrast, matters related to justice operators should fall under a rapporteurship on judicial independence or democratic institutions—one that can link human rights with democracy,

³⁶ *IACHR, Resolution 2/22, Reasoned Opinion (Resolution 2/22, Reasoned Opinion)*, *supra*.

³⁷ *The concurring reasoned opinion of Commissioner Roberta Clarke, joined by Commissioners José Luis Caballero Ochoa and Andrea Pochak, accompanies the IACHR's report on the human rights situation in Honduras, approved on March 24, 2024.*

³⁸ *The concurring reasoned opinion of Commissioner José Luis Caballero Ochoa and Commissioner Andrea Pochak accompanies the IACHR's report on the state of emergency and human rights in El Salvador, approved on June 28, 2024.*

the rule of law, separation of powers, checks and balances, oversight mechanisms, and the conventional mandate of a democracy grounded in human rights.

Finally, regarding the optimization of the IACHR's functions, he noted that the relevant changes are included in the strategic plan. He also mentioned that a new prioritization policy has recently been introduced, which addresses cases based on very specific criteria. This approach does not follow a strictly chronological order and may affect how cases are resolved. He added that there should be a discussion about expanding the admissibility of precautionary measures.

- ***Diligence and other relevant skills***

Regarding his time commitment to the IACHR, candidate Caballero Ochoa stated that he is an academic at the Universidad Iberoamericana, where he holds a low teaching load, as the university has allowed him to dedicate more time to his work at the IACHR. He is also a researcher within Mexico's National System of Researchers.

As for his knowledge or professional experience with legal systems other than that of his home country, Caballero Ochoa explained that his exposure has been mostly within Latin America, and less so with Caribbean countries. In particular, he noted that he is familiar with the Colombian legal system.

With respect to his language skills, Spanish is his mother tongue, and he indicated that he has the ability to communicate in English.

c) Independence, impartiality and absence of conflicts of interest

The candidate clarified that no conflict of interest has arisen during his first term. However, he noted that on one occasion he made a post on social media regarding diplomatic asylum in Ecuador, without realizing that it involved a concurrent diplomatic conflict with Mexico. Upon recognizing this, he immediately deleted the post.

d) Contribution to the balanced and representative composition of the organization.

For the evaluation of this criterion, the Panel takes into account the balanced composition of the organs of the IAHRs in terms of gender, representation of different geographic regions, population groups, and legal systems across the hemisphere.

Although the candidate did not provide a specific response regarding this criterion, in his responses, candidate Caballero Ochoa highlighted the achievements of his first term, including his efforts to foster dialogue with States, particularly those for which he serves as rapporteur, with the aim of achieving compliance with recommendations. He also emphasized his contributions to the system and interpretation of human rights, particularly on substantive issues such as political rights, equality, and the prohibition of discrimination, as well as on how States can internalize Inter-American standards. He further underscored his close engagement with civil society and victims.

Specifically, he cited the following examples of his main contributions to the work of the IACHR: the resolution recognizing electoral observers as human rights defenders; regional hearings in recent sessions on judicial independence; his leadership in the upcoming report on human rights defenders; and follow-up mechanisms in Colombia, Bolivia, and Chile.

e) National nomination process

The candidate explained in his questionnaire that the Ministry of Foreign Affairs decided to proceed with his nomination due to the work he has carried out at the IACHR. He added, however, that civil society was consulted, as the possibility of a new appointment was shared among various sectors, with whom meetings were held and additional outreach efforts were undertaken.

Conclusion

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 Riffó 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

The fulfillment of human rights protection functions by the bodies of the IAHRs depends, to a large extent, on the suitability, independence, and impartiality of its members. The application of Inter-American human rights standards in a timely and relevant manner depends on the qualities and capacities of the Commissioners that make up the IACHR.

The characteristics of the nomination and selection processes for these positions necessarily influence the composition of the plenary of these bodies, as well as the quality of their decisions and perception of their legitimacy. Therefore, the nomination and selection processes at the national level must be transparent, participatory, and based on the merits of the participants.

With the exception of Rosa María Payá, nominated by the United States—whose government established a consultation mechanism with civil society prior to her nomination—the rest of the candidates reported not having participated in national nomination processes. This led the Panel to conclude that these individuals were selected to participate in the process directly by the Executive Branch, usually through the Ministry of Foreign Affairs.

On another note, the Panel highlights that in this election cycle, out of a total of seven candidates, four are women and three are men. One of the candidates is from the English-speaking Caribbean and is of African descent, and one candidate speaks Portuguese as their first language. Additionally, three candidates are from South America, one is from Central America, one from Mexico, and one from North America. As in previous elections, none of the candidates identify as Indigenous. The Panel considers it relevant to point out that States should take these factors into account when voting in order to maintain the current gender parity within the IACHR and to promote geographic, racial, and ethnic diversity, as well as representation of the region's different legal systems, as repeatedly called for by the OAS General Assembly through its resolutions.

The Panel welcomes the fact that, in this election cycle, States have not nominated candidates who held positions in the Executive Branch at the time of their nomination. In previous editions, the Panel has noted that, beyond the personal and professional qualifications of the nominees, the proximity of their functions to State organs may compromise their independence and impartiality. It may also create a negative perception regarding potential conflicts of interest upon taking office, if elected. Even when such nominees commit to resigning from their positions if elected, this is not sufficient. In the Panel's view, it is at the moment when candidacies are announced that States must be able to assess and evaluate each candidate's eligibility.

In short, the nomination procedures at the national level continue to be mostly controlled in a discretionary and exclusive manner by the Executive Branch. In this sense, the current systems for nominating and selecting Commissioners present a series of deficiencies in terms of transparency and participation. The Panel has pointed out these deficiencies throughout its various evaluation exercises.

It is important to reiterate that Inter-American legal instruments are silent on how nominations should be developed at the national level, and the election within the framework of the OAS General Assembly. However, since 2016, the Assembly has progressively adopted resolutions recommending that States establish national procedures for the nomination and selection of candidates to the IACHR and the Inter-American Court of Human Rights. These procedures should take into account criteria for balanced gender representation, geographic representation, an appropriate balance of population groups from the region, and legal systems of the hemisphere—

always ensuring that the requirements of independence, impartiality, and recognized competence in the field of human rights are met.³⁹

Likewise, in 2023, the Inter-American Commission of Women (CIM) prepared and published a report with recommendations for States on good practices to strengthen gender parity, equitable geographic distribution, as well as representation of different legal systems in the IACHR and the Inter-American Court of Human Rights.⁴⁰ The report also acknowledged “the importance of representation not only in terms of gender, but also of Afro-descendant and Indigenous persons, emphasizing that it is essential to adopt a gender, intersectional, intergenerational, and intercultural perspective.”⁴¹ The report placed special emphasis on the need to formalize transparent, open, and participatory national mechanisms for selecting candidates to international human rights positions — through laws, decrees, resolutions, or official guidelines.⁴² It also recommended that Member States develop clear criteria and guidelines to inform their decisions in vote trading and voting processes for candidates to the IACHR and the Court, including an assessment of the core criteria for the composition of the body, as well as how the vote can help ensure gender parity, geographic balance, and representation of legal systems.⁴³

In the view of this Panel, the recommendations of the OAS General Assembly and the CIM report, as well as the recommendations issued throughout the Panel’s successive editions, constitute a clear and precise roadmap for States to move forward in establishing national nomination mechanisms. These mechanisms should include guidelines for the selection of candidates to serve on the IACHR and the Inter-American Court of Human Rights. Such processes must take into account criteria of gender parity, intersectionality, geographic representation, representation of different legal systems, as well as independence, impartiality, and recognized expertise or competence in the field of human rights.

To this must be added comparative experiences from both the International Criminal Court (ICC) and the European Court of Human Rights (ECHR), which serve as models with features comparable to the Inter-American bodies and have formalized evaluation bodies either for the national nomination stage or for the selection process within their respective political organs. For this reason, the Panel considers it valuable to highlight in its recommendations the practices that have proven effective in these bodies, with the aim of offering them as guidance for action within the Inter-American system.

Another aspect the Panel wishes to highlight with concern is the practice of vote trading, which has historically dominated the election processes for the organs of the Inter-American Human Rights System. This practice becomes even more problematic when vote trading occurs before the

³⁹ See, OAS, General Assembly, AG/RES. 2887 (XLVI-O/16); AG/RES. 2908 (XLVII-O/17); AG/RES. 2928 (XLVIII-O/18); AG/RES 2941 (XLIX-019); AG/RES. 2961 (L-O/20); AG/RES. 2991 (LII-O/22). Likewise, see the most recent resolution on this matter, AG/RES. 3028 (LIV-O/24), approved on June 28, 2024, OEA/Ser.P AG/doc.5871/24 rev. 1, April 3, 2025.

⁴⁰ Inter-American Commission of Women, *Report with Recommendations on Good Practices to Consolidate Gender Parity and an Equitable Geographical Distribution, as well as Representation of Different Legal Systems in the Inter-American Court and Commission on Human Rights*, in: [CP48133SCIM.pdf \(oas.org\)](#)

⁴¹ *Id.*, para. 99.

⁴² *Id.*, para. 102.

⁴³ *Id.*, para. 104.

nomination of candidates, as it prevents the States participating in the election from carrying out a serious and thorough evaluation of the requirements established by the American Convention on Human Rights for selecting those who will hold these fundamental positions within the IACHR and the Inter-American Court of Human Rights.

Additionally, it is important to highlight that the Panel has identified as a challenge the need to reconcile the professional duties of candidates with the responsibilities that come with serving as a Commissioner or judge, while also avoiding potential conflicts of interest. For example, a full-time job may be incompatible with the role of Commissioner or judge due to the demands and responsibilities inherent to the position.

In this cycle, the Panel has noted that one of the candidates chose not to participate in this evaluation process. As noted in their assessment, this candidate is the only one who did not appear before the Panel in 2025, and also the only one among the 18 individuals nominated for positions within the Inter-American Human Rights System (IAHRS) over the last three election cycles (2023–2025) to have declined participation in the evaluation. The candidate also refused to engage in other spaces organized by civil society, limiting their participation to meetings organized solely by States. In the view of the Panel, given the nature of human rights bodies, it is essential for users of the IAHRS to have the opportunity to exchange information and directly learn from the candidates about the experiences and perspectives they intend to bring to this collegial body, should they be elected.

As in previous years, during its interactions with the Permanent Missions to the OAS, the Panel received concerns from some States indicating that the publication of its report should occur earlier. This would allow those participating in the election to have the necessary information to make informed decisions regarding their votes. As will be analyzed in greater detail below, and considering the current regulations, the process could only be completed and a report issued earlier if the deadlines granted to the Secretary General and to the States were moved up, thereby giving the Panel more time to complete its process.

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, as will be described in greater detail below.
- 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 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.

The following section provides a more in-depth discussion of these recommendations.

a. Recommendations for national nomination processes:

i) Each State should have a formal, independent mechanism, of diverse composition, to select nominations.

In many States, there are already institutions that could carry out this selection process through the appointment of some of their members; if not, the Panel believes that such mechanism should be established. The individuals involved in the selection process should be independent, impartial, and well-informed about the purpose and functions of the bodies of the Inter-American Human Rights System (IAHRS). Likewise, they should have an impeccable track record in the field of human rights. Ideally, this body should be representative of different constituencies within the State and of various sectors of society (academic, professional, human rights, among others). It should be a permanent body or be established with sufficient lead time before upcoming elections.

With its own characteristics, this type of evaluation body exists in other comparable models. For example, the nomination and selection system for judges of the European Court of Human Rights (ECHR) is supported by an Advisory Panel of Experts, which operates during the national nomination process. Its main mandate is to advise States on whether proposed candidates meet the essential requirements established in the European Convention on Human Rights⁴⁴—requirements that are similar to those set forth in the inter-American regional instruments. It is also worth noting that for the most recent election of the Prosecutor of the International Criminal Court (ICC), an independent evaluation body called the “Prosecutor Selection Committee” was created. This Committee was responsible for analyzing the candidates and was assisted by a panel of expert members.⁴⁵

ii) States should publicize a call for nominations, explaining the criteria and processes for nominating and electing candidates.

The more public visibility the call receives, the more equitable and transparent the process will be. Therefore, States should disseminate all relevant information regarding the internal nomination process for selecting candidates. They should issue a public call, encouraging all individuals who meet the eligibility criteria to participate in the internal selection procedure. It is also recommended that this call be widely disseminated at the national level.

In the comparative model of the European Court of Human Rights (ECHR), the Committee of Ministers of the Member States has highlighted a series of good practices regarding the publicity of calls for applications, emphasizing the importance of ensuring that the call reaches all potentially qualified individuals.⁴⁶

⁴⁴ ECtHR: *COMPOSITION & ELECTION PROCESS*, en: <https://ijrcenter.org/wp-content/uploads/2020/07/ECtHR-EC-mini-guidefinal-1.pdf>

⁴⁵ International Criminal Court, Assembly of States Parties, *Report of the Committee on the Election of the Prosecutor*, ICC-ASP/19/INF.2, 30 June 2020.

⁴⁶ ECtHR: *COMPOSITION & ELECTION PROCESS*, en: <https://ijrcenter.org/wp-content/uploads/2020/07/ECtHR-EC-mini-guidefinal-1.pdf>

It is recommended that the call for applications be publicized through various channels, such as official bulletins or similar government publications, the government's website, national or regional newspapers, and specialized legal press. It may also be disseminated through judicial bodies, bar associations, the Ombudsperson's office, national human rights institutions, universities, and civil society organizations.⁴⁷

In the same vein, another relevant comparative experience is that developed for the most recent election of the Prosecutor of the ICC. In this case, the vacancy announcement was distributed to the States Parties and it was requested that it be disseminated nationally through relevant professional or institutional channels, in order to reach the broadest possible audience of criminal justice professionals across all regions. The vacancy announcement was also shared with other interested parties.⁴⁸

Likewise, dissemination should be carried out with the aim of enabling interested groups to follow the process and, where appropriate, participate in the scrutiny of its different stages.

iii) Applicants should present evidence of compliance with the requirements set forth in the ACHR and the Statute of the IACHR Commission.

Since the regional instruments do not provide detailed guidance on the content of the essential requirements for evaluating each applicant, States should develop national-level guidelines for this purpose. To that end, the Panel recommends the use of the criteria it applies in evaluating candidates, as described in Annex 2-a of this report.

iv) Applicants should be asked to provide information on the activities they plan to carry out simultaneously with their work as Commissioners or judges.

The national selection body should also inform candidates of the limitations they will face, if elected, regarding their future field of work, in order to prevent any conflict of interest that could interfere with their duties.

It is important that candidates be available to dedicate themselves to the role with commitment and continuity. In this regard, the Panel reiterates that, in the history of the IACHR and the Inter-American Court, there have been cases in which members have resigned from their posts. The Panel considers that the early resignation of any member of the Inter-American Human Rights System (IAHRS) bodies disrupts the dynamics of the plenary and its activities, a situation that is undesirable for the work of the affected body.

⁴⁷ *Id.*

⁴⁸ International Criminal Court, Assembly of States Parties, *Report of the Committee on the Election of the Prosecutor*, ICC-ASP/19/INF.2, 30 June 2020.

v) States should refrain from nominating individuals who hold positions of authority in the Executive Branch, unless they resign at the time of being proposed

In the spirit of Article 71 of the American Convention on Human Rights (ACHR)⁴⁹, as well as Articles 18 of the Statute of the Inter-American Court of Human Rights,⁵⁰ and 8 of the Statute of the IACHR,⁵¹ the Panel also recommends that States refrain from proposing individuals who, either concurrently with their service on the IACHR or the Inter-American Court, or at the time of their nomination, hold positions of authority and responsibility in any area of government or in their country's diplomatic corps that could give rise to conflicts of interest affecting the actual or perceived independence and impartiality that every judicial or quasi-judicial body must uphold. This recommendation is intended as a prudent measure to preserve the legitimacy and integrity of the IAHR bodies, and should not be interpreted as a critique of the personal qualities or capacities of the candidates. The advised restriction applies primarily to individuals who are actively serving in the executive branch and/or performing diplomatic duties at the time of their nomination, as they are responsible for developing a State's foreign policy. Should this recommendation not be followed, as stated previously, the nominee should resign prior to being nominated.

vi) A broad range of linguistic competencies and bilingualism would be desirable

It is important to be fluent in more than one of the four official languages of the OAS (Spanish, English, Portuguese, and French). It would also be desirable to have at least a passive knowledge of another language. At the ECtHR, it has been accepted that individuals extend written commitments to take intensive classes if elected. Such a practice could be applied in the Inter-American case in the situation where there is a candidate who fully complies with all the requirements, but is not fluent in more than one of the official languages of the OAS.⁵²

vii) Interviews should be an essential part of the selection process

The national selection body should call individuals for an interview to assess their qualifications. There should be pre-established rules to allow representatives of the most important non-governmental human rights organizations at the national level to participate in the interviews. Interviews should be conducted on the basis of a model template to ensure a level playing field for

⁴⁹ Article 71 establishes: The positions of judge of the Court or member of the Commission are incompatible with other activities that could affect their independence or impartiality, in accordance with what is determined in their respective Statutes.

⁵⁰ Article 18 provides: The position of judge of the Inter-American Court of Human Rights is incompatible with the following posts and activities:

a. Members or high-ranking officials of the Executive Branch; excepted are posts that do not involve ordinary hierarchical subordination, as well as diplomatic agents who are not Heads of Mission to the OAS or to any of its Member States.

⁵¹ Article 8 states: The position of member of the Inter-American Commission on Human Rights is incompatible with the exercise of activities that could affect their independence, impartiality, or the dignity or prestige of their position in the Commission.

⁵² See also: *Guidelines of the Committee of Ministers CM(2012)40 on the selection of candidates for the position of judge at the European Court of Human Rights*, adopted on March 28, 2012. Full English text available at: https://rm.coe.int/16805cb1ac#_ftn1.

Also see *Explanatory Memorandum CM(2012)40*, para. 26, full English text available at: https://www.coe.int/t/dgi/brighton-conference/documents/Guidelines-explanselection-candidates-judges_en.pdf

interviewees and their evaluation. The questionnaires attached in Annex 3 can provide an idea of the type of questions that could be asked to the applicants. The body's decisions should not be binding, but political authorities should only deviate from its advice by means of a reasoned and public decision.

viii) States should seek the nomination of individuals who, in addition to meeting the conditions of recognized expertise in human rights and independence and impartiality, contribute to a diverse and representative composition of the body.

Nomination processes at the local level must guarantee access to these positions for members of minorities or disadvantaged groups in the region, such as indigenous peoples, Afrodescendants, people with disabilities, and members of sexual minorities, among others.

Likewise, given that the IACHR is faced with a broad thematic spectrum of issues arising from the human rights situation in the region, it is also necessary for it to be composed of members with diverse areas of expertise. In this regard, it is essential that there be a balance in its composition. As the OAS General Assembly has repeatedly stated, it is necessary to ensure “a gender-balanced composition, with representation of the different regions, population groups, and legal systems of the Hemisphere.”⁵³ The CIM report on best practices for consolidating gender parity, equitable geographic distribution, and the inclusion of different legal systems in the composition of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights has expressed the same view.⁵⁴

ix) The Panel encourages the OAS General Assembly to create a framework law containing minimum criteria for Member States to nominate candidates to IAHR bodies

The Panel reiterates the recommendation it has made in recent evaluation cycles, following a proposal by representatives of Member States suggesting that the OAS General Assembly be advised to adopt a resolution entrusting the Inter-American Juridical Committee with the drafting of a framework or model law. This law could incorporate the criteria contained in the present report and serve as a guide for Member States to establish participatory and transparent internal processes for selecting candidates to the organs of the Inter-American Human Rights System.

b. Recommendations for the selection process in the OAS

In the present evaluation exercise, the Panel endorses the conclusions drawn by previous panels, due to their full validity. In this regard, it recommends:

⁵³ See in particular AG/RES. 2991 (LII-O/22), adopted on October 7, 2022, Section XXVI, Gender Parity and Representativeness of the Different Legal Systems and Geographic Regions in the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

⁵⁴ Inter-American Commission of Women, *Report with Recommendations on Good Practices to Consolidate Gender Parity and an Equitable Geographic Distribution, as well as of the Different Legal Systems in the Inter-American Court and Commission on Human Rights*, available at: [CP48133SCIM.pdf \(oas.org\)](https://www.oas.org/en/cidh/publications/CP48133SCIM.pdf)

i) The OAS should establish a Consultative Committee of independent experts (without State representation) responsible for ensuring the suitability of the persons nominated to be Commissioners of the IACHR or judges of the IACtHR

Throughout its various editions, the Panel has accumulated valuable experience on the methodology and processes for the evaluation of candidates. This evaluation exercise should be institutionalized within the OAS. The Panel recommends that this Advisory Committee have a diverse composition, with independent members, including representatives of civil society, academia, and officials in their individual capacity and as independent experts, and an equitable number of representatives. The OAS could also invite the Inter-American Juridical Committee to assist the Advisory Committee in its work, in accordance with Article 99 of the OAS Charter, which states that the Juridical Committee exists to serve the Organization as a consultative body on legal matters.

Within the European Court of Human Rights (ECtHR), there is a Committee for the election of judges to the Parliamentary Assembly that could serve as a reference. The Committee has the mandate to interview candidates, evaluate their curricula vitae, analyze the nomination procedures at the national level according to minimum requirements of impartiality and transparency, consider the interviews conducted, and assess the interaction of States with the Advisory Panel that functions at the national nomination stage. The Committee also approves or rejects the lists of candidates submitted by the States and, in case of approval, establishes an order of preference to be communicated to the Parliamentary Assembly.⁵⁵

In the case of the International Criminal Court (ICC), Article 36(4)(c) of the Rome Statute provides that the Assembly of States Parties may establish a Nomination Advisory Committee. The Committee was created in 2011 with the objective of having a fair and independent assessment of the qualifications of the nominees. The Committee reviews the qualifications of nominees, who are then elected by secret ballot at the Assembly of States Parties.⁵⁶

ii) The terms of reference of the Advisory Committee would include evaluating and assessing the nominees with respect to their suitability for their term of office as Commissioner, Judge or Justice

The Committee would be empowered to meet with these individuals, gather independent information about them, and conduct public panels to provide them with the opportunity to present themselves to the States, as well as to regional and national civil society organizations. The Advisory Committee could also access the information gathered on each applicant at the national level and in the eventual selection process used at the local level. The Committee should evaluate their suitability not only on the basis of criteria of professional suitability for election, but also on personal qualities of independence, impartiality, integrity, decency, competence, diligence, equanimity, and empathy. Finally, its evaluation should take into account the diversity of the candidates in its recommendations.

⁵⁵ Procedure for the election of judges to the European Court of Human Rights. Memorandum prepared by the Secretary General of the Parliamentary Assembly. SG-AS (2019) 05, 15 April 2019, para. 4, English version available at: <http://www.assembly.coe.int/LifeRay/CDH/Pdf/ProcedureElectionJudges-EN.pdf>, paras. 13, 17, 18 and 21.

⁵⁶ *Rome Statute*, Article 36.6 (a).

iii) The OAS should publish and widely disseminate the names and curricula vitae of the candidates sufficiently in advance

In order for institutions, civil society organizations, and any interested person to adequately prepare themselves to participate and contribute to the selection process, it is necessary for the OAS to announce who will stand for election at least 90 days prior to the General Assembly.

iv) The Panel affirms the value of the continued use of an interview process as an integral part of the Committee's work

The Panel notes that the presentation of candidates to the OAS Permanent Council in recent years has been considered an effective and productive activity in facilitating the selection of the most suitable individuals. The Panel suggests that the questionnaires used for the evaluation of candidates, which are included in Annex 3 of this report, may be useful in developing standardized questions for these interviews.

v) The Panel recommends that the Consultative Committee make a final written report to the OAS regarding the evaluation of the applicants and that the States take this report into account when casting their votes

The Committee's report provides guidance and advice through independent evaluations that States could use for the selection of the most qualified individuals. The Committee's task would not be to endorse or object to individual nominations, but to validate their suitability according to conventional criteria.

vi) The Panel encourages the election process to take into account gender parity, the representation of different ethnic and racial groups, geographic diversity, and the various legal systems in the region, in addition to the independence, impartiality, and suitability of candidates to serve in the human rights bodies of the Inter-American Human Rights System (IAHRS), as established in the resolutions of the OAS General Assembly, the CIM report, and the reports of this Panel. Other considerations may also be taken into account in the selection process, such as the need to ensure a balanced composition in terms of the professional backgrounds of the candidates.

vii) The Panel recommends that States refrain from exchanging votes prior to the nomination of candidates, in order to ensure the election of new members to the bodies who are independent, impartial, and meet the requirement of suitability.

Both the ACHR and the Statutes of the IACHR and the Inter-American Court of Human Rights⁵⁷ establish that Commissioners, as well as Judges of the Inter-American Court, shall be elected by secret ballot during the General Assembly and by an absolute majority of the votes of the Member States or States Parties to the treaty, as applicable.

⁵⁷ See in this regard: Articles 53 of the ACHR, 5 of the Statute of the IACHR, and 9 of the Statute of the IACtHR

As previously mentioned, the practice of vote trading has historically dominated election processes for international positions, including those for the organs of the Inter-American Human Rights System (IAHRS). Through this practice, States commit their votes to nationals of other countries nominated for international posts in different bodies or tribunals, in exchange for support of their own candidates. When vote trading takes place prior to the nomination, this practice has been criticized for failing to consider the suitability requirements for the international position at stake. In the case of the IAHRS, previous Panels have provided detailed critiques of this practice, which have also been echoed by civil society organizations at both the regional⁵⁸ and universal levels.⁵⁹ In 2025, the Panel reiterates its concern over the negative impact that the practice of vote trading prior to the nomination of candidates may have in the context of elections to the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR). This is because the political commitment made in advance to vote for a nominee from another State—without knowing the personal and professional qualifications of the candidate—undermines the conventional requirement to elect only those who meet the criteria of moral authority, recognized expertise or competence in human rights, independence, and impartiality. Furthermore, advance vote trading also poses an obstacle to complying with the mandate of the OAS General Assembly to ensure that the composition of the IACHR and IACtHR respects gender parity, the ethnic and racial diversity of the region, geographic distribution, and the various legal systems of the hemisphere.

In sum, the Panel recommends that States abandon the practice of vote trading in elections for members of the IACHR and IACtHR, at least until the list of nominated candidates is made public. The recommendation outlined below regarding the timing for opening and closing the nomination period may also help modify this practice.

c. Other recommendations for the States and the OAS

i) The Panel reiterates its recommendation encouraging the OAS General Secretariat to open the nomination process for candidates to the IACHR and the Inter-American Court of Human Rights earlier, requiring States to submit their proposed candidates six months before the General Assembly, in order to facilitate the evaluation process.

The Panel wishes to highlight that the relevant provisions of the Statutes of the IACHR⁶⁰ and the IACtHR,⁶¹ respectively establish that six months prior to the General Assembly that precedes the end of the mandate for which members of these bodies were elected, the OAS Secretary General shall request in writing that States submit their candidates within a period of ninety days. In its interactions with the Permanent Missions to the OAS, the Panel has received expressions of

⁵⁸ See, for example: Center for Justice and International Law (CEJIL), *Contributions to the Selection Process of Members of the Inter-American Commission and Court of Human Rights*, 2005, p.9;

Katya Salazar and Naomi Roht-Arriaza, *Democracy and Transparency in the Inter-American Human Rights System: An Ongoing Experience*, *Revista Direito e Práxis*, Vol. 08, No. 2, 2017, pp. 1652–1681, p. 1655, ISSN-2179-8966, available at: <https://www.redalyc.org/pdf/3509/350951354024.pdf>

⁵⁹ See: Coalition for the International Criminal Court. *CICC Elections Campaign*, available at: <http://www.coalitionfortheicc.org/es/elecciones-2020-cpi-sp>.

⁶⁰ See Article 4 of the Statute of the IACHR.

⁶¹ See Article 8 of the Statute of the IACHR.

concern from some States, noting that the publication of its report evaluating the candidacies of nominees to the IACHR and the Court should take place earlier, in order to ensure that those participating in the election have sufficient information to make informed voting decisions. The OAS General Assemblies are usually held in mid to late June, which means that States have until mid to late March to present their proposed candidates. From that point onward, the Panel only has approximately two months to carry out its evaluation process and produce its report. This time constraint would also affect the work of an Advisory Council, should the OAS decide to establish such a mechanism.

For this reason, the Panel recommends that the opening and closing dates of the nomination process be moved forward to allow the evaluation body sufficient time to complete its process and produce a report with adequate lead time so that it can be properly consulted and used by the States responsible for casting their votes.

d. Other Recommendations for Future Candidates

- i) The Panel encourages all candidates to participate in civil society forums and other evaluation instances, including the one carried out by this Panel, in order to ensure a more transparent and public selection process with the participation of all users of the IAHRs.**

The nature of a human rights system requires that all its users have the opportunity to actively engage in debates concerning the work and composition of its organs. In this context, the participation of candidates in civil society forums—broadly understood—is essential to ensure that users of the IAHRs have the opportunity to learn about the suitability, independence, and impartiality of those running for positions in the IACHR and the IACtHR. The refusal or failure of candidates to participate in these forums, including this Panel’s evaluation process, should raise concerns about their commitment to the main objective of the IAHRs: the protection of the human rights of victims in the region.

ANNEXES

1. Biographies of the Panel Members

a. Alejandro Chehtman

Dean and Full Professor at the Law School of Universidad Torcuato Di Tella. He is Executive Director of the Latin American Society of International Law (SLADI-LASIL) and a member of Argentina's National Scientific and Technical Research Council (CONICET). Alejandro studied law at the University of Buenos Aires (graduating with honors) and earned his MSc in Political Theory and PhD in Law from the London School of Economics (LSE). His main areas of research are Public International Law, International Criminal Law, International Humanitarian Law, and Constitutional Law, with a particular interest in philosophical and empirical issues.

Previously, he was a researcher at the Law Department of LSE, a Marie Skłodowska-Curie Fellow at the Faculty of Laws of University College London, a visiting researcher at the Carr Center for Human Rights Policy at the Harvard Kennedy School, and a visiting professor at the universities of Arizona, Girona, and LUISS in Rome. Before joining Universidad Torcuato Di Tella, he worked as a clerk at the Federal Criminal Appeals Chamber and at the Public Defender's Office in Buenos Aires. He is the author of numerous publications in leading journals, including the *European Journal of International Law*, *Leiden Journal of International Law*, *Journal of International Criminal Justice*, and *Journal of Law & Courts*, among many others. He is the author of *The Philosophical Foundations of Extraterritorial Punishment* and co-editor of the recently published *Latin American International Law in the 21st Century*, both by Oxford University Press.

b. Robert Goldman

He is Professor of Law and Louis C. James Scholar at American University Washington College of Law (WCL). He also serves as Academic Director of the War Crimes Research Office and Co-Director of the Center for Human Rights and Humanitarian Law at WCL. A member of WCL since 1971, Professor Goldman served as interim dean of the law school from 1979 to 1980. He played a key role in the creation of WCL's International Legal Studies Program and was its first Academic Director. He practiced international trade law at Arnold & Porter from 1974 to 1976.

Professor Goldman teaches, practices, and writes in the areas of International Law, Human Rights Law, Terrorism, and International Humanitarian Law. In 1993, he chaired the International Commission of Jurists on the Administration of Justice in Peru, a joint initiative of the U.S. and Peruvian governments to evaluate Peru's anti-terrorism legislation. From 1994 to 1996, he contributed to the development of the normative framework for internally displaced persons and was one of the lead authors of the *Guiding Principles on Internal Displacement*.

He served as a member of the Inter-American Commission on Human Rights (IACHR) from 1995 to 2004 and was its President from 1999 to 2000. From July 2004 to August 2005, he served as an independent expert of the former UN Commission on Human Rights on the protection of human rights and fundamental freedoms while countering terrorism.

In 2008, he was elected Commissioner and member of the Executive Committee of the International Commission of Jurists (ICJ), and since 2014 served as its Vice President. In July 2018, Professor Goldman was elected President of the ICJ, and concluded his third term in that role in 2024.

Before his election to the IACHR, he was a member of the Policy Committee of Human Rights Watch and served on the Advisory Boards of Americas Watch, Helsinki Watch, and Middle East Watch. He currently serves on the Fine Arts Committee of the Diplomatic Reception Room of the U.S. Department of State.

His expertise includes International Law and Human Rights, U.S. foreign policy, violations of international law by terrorist groups, and the law of armed conflict.

c. Juan Méndez

He is currently, and has been since 2009, the Resident Professor of Human Rights at American University Washington College of Law (WCL), where he also leads the Anti-Torture Initiative of its Center for Human Rights and Humanitarian Law.

Since 1997, he has taught in the Master's Program in International Human Rights Law at the University of Oxford, United Kingdom, and in the summer program of the Academy on Human Rights of American University.

Since January 2017, he has served as a Commissioner of the International Commission of Jurists, based in Geneva, Switzerland. In 2020, he was appointed to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for a three-year term, which was renewed in 2023 for a second term.

From January 2021 to July 2024, he was one of the three members of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, created by the United Nations Human Rights Council. He also served as a member of the Interdisciplinary Group of Independent Experts (GIEI), which investigated the acts of violence and human rights violations that occurred in Bolivia between September and December 2019.

Between February and December 2017, he was a member of the Selection Committee for appointing magistrates to Colombia's Special Jurisdiction for Peace and Truth Commission, as contemplated in the Colombian peace agreements.

He served as United Nations Special Rapporteur on Torture from November 2010 to October 2016. Between 2004 and 2007, he was Special Advisor to the UN Secretary-General on the Prevention of Genocide.

He holds a law degree from the Catholic University Stella Maris, now the National University of Mar del Plata, Argentina (1970), and a certificate from American University in Washington (1980).

He is a member of the Bar Associations of Mar del Plata and Washington, DC. He served as a member of the Inter-American Commission on Human Rights (IACHR) from 2000 to 2003 and was its President in 2002.

In recognition of his work in human rights, he has received several honors, including honorary doctorates from the University of Quebec (2006), Canada; the National University of La Plata (2013), the National University of Mar del Plata (2015), and the National University of Cuyo in Mendoza, Argentina.

He has published extensively in academic journals and is the author (with Marjory Wentworth) of *Taking A Stand: The Evolution of Human Rights* (New York: Palgrave MacMillan, 2011), and its Spanish edition, *Un Puesto de Lucha: los Derechos Humanos en Evolución*, published in March 2022 in Mexico by Fondo de Cultura Económica and Universidad Iberoamericana.

d. Margarette Macaulay

Former President of the IACHR. She has served as a Commissioner since January 2016 and was reelected by the OAS General Assembly during its 49th Regular Session on June 28, 2019, for a second four-year term, from January 1, 2020, to December 31, 2023. She also served as President of the IACHR's Board of Directors.

Macaulay was elected to serve as a judge on the Inter-American Court of Human Rights for the 2007–2012 term, where she contributed to drafting the Court's Rules of Procedure.

She currently serves as a mediator for the Supreme Court of Jamaica and as an associate arbitrator, in addition to maintaining a private legal practice.

She has also served as an expert for UN agencies and ad hoc committees on various occasions over the years.

She holds a law degree from the University of London and is currently a practicing attorney in the private sector.

She is an honored inductee of the Gender Justice Legacy Wall, which recognizes distinguished advocates for women's rights who have driven significant change. This recognition was inaugurated in December 2017 at the United Nations in New York, during the Assembly of Ministers. She participated in the reform and drafting of legislation in Jamaica and is widely recognized as a steadfast advocate and authority on women's rights. She is a citizen of Jamaica.

e. Gabriela Rodríguez

She has been a full-time professor in the Academic Department of Law at the Instituto Tecnológico Autónomo de México (ITAM) since 1994, teaching Public International Law I and II, as well as Human Rights. She holds a law degree from ITAM, a Master's degree in Public International Law from the National Autonomous University of Mexico (UNAM), and a Ph.D. in Law from UNAM.

She has served as Director of the Law Degree Program at ITAM, Director and Founder of the Master's Program in Human Rights and Guarantees at ITAM, as well as founder of ITAM's legal clinics project. She is a member of the National System of Researchers.

She has published books and articles on Mexican foreign policy, on various perspectives regarding the incorporation of international law into Mexico's domestic legal system, and on Mexico's relationship with the Inter-American Human Rights System, among other topics. She has coordinated the participation of ITAM students before the IACHR through amicus curiae briefs.

She has participated in lectures and conferences on general public international law, international human rights law, international humanitarian law, the relationship between the international system and Mexico's domestic legal order, and foreign policy. She has provided training to Mexican public officials on the application of international standards in human rights and humanitarian law.

f. Ariela Peralta

She is a lawyer and notary public from Uruguay, with a Master's degree in International Legal Studies from American University Washington College of Law, earned through the Hubert H. Humphrey Fellowship Program.

She served as the lead expert for the ProDerechos program, a joint initiative between the European Union and the Government of Honduras, aimed at strengthening a National Human Rights System.

She is a member of the Advisory Council of the International School of the Institute of Public Policies on Human Rights of Mercosur (IPPDH-Mercosur).

She was appointed by the President of the Human Rights Council as a member of the Group of Human Rights Experts on Nicaragua.

She worked as a legal advisor to the President of the IACHR and was a member of the Independent Panel to Evaluate Candidates to the Organs of the Inter-American Human Rights System in 2024.

She served as Executive Secretary of the IPPDH-Mercosur.

She has worked as a consultant for the OAS.

She was a member of the first Governing Council of Uruguay's National Human Rights Institution and Ombudsperson's Office (INDDHH).

At the Center for Justice and International Law (CEJIL), she held the positions of Deputy Executive Director and Director of the Program for the Andean, North American, and Caribbean Regions.

2. Work Methodology

a. Evaluation Criteria

- **High Moral Character**

The American Convention on Human Rights (ACHR) and the Statute of the IACHR establish the minimum requirements that candidates must meet to serve as Commissioners. Among them, it is required that they be “individuals of high moral character and recognized competence in the field of human rights.”

In past reports, the Panel has referred to the Bangalore Principles of Judicial Conduct, which develop values such as integrity and propriety. Acting with integrity means ensuring one’s conduct is free of reproach in the eyes of a reasonable observer. These principles link this value to public confidence and emphasize the importance of fair decisions and clear procedures. As such, both misconduct and the appearance of impropriety must be avoided in all activities.

Accordingly, the Panel has reviewed:

- The record of sanctions, misconduct, or complaints in professional practice that may affect the ethics of the candidate’s functions;
- Special mentions, recognitions, distinctions, or awards that confirm the candidate’s high moral character.

In cases where information links a candidate to unethical practices, the Panel evaluates the sources, analyzes whether the allegations are serious and substantiated, and issues a conclusion.

- **Recognized competence in human rights**

On this point, the Panel has stated in its previous reports that “*recognized competence in the field of human rights*”⁶² entails both knowledge and demonstrated experience in human rights. This includes knowledge of the inter-American human rights instruments, familiarity with the main standards developed by the bodies of the Inter-American Human Rights System (IAHRS), an understanding of the internal procedures and external relations of the IAHRS, and awareness of its operational dynamics, among other aspects. The Panel also assesses candidates’ knowledge of the main challenges faced by the IAHRS, their proposals and priorities for addressing those challenges, their legal positions on the jurisprudence of the IAHRS, and their views on aspects of that jurisprudence they believe should be reformed based on their interpretation of IAHRS instruments. The Panel also considers the candidate’s commitment to the object and purpose of the ACHR and to the mandates of the organs that make up the system.

⁶² Article 34 of the ACHR and Article 2 of the IACHR Statute.

Under this understanding, recognized competence in the field of human rights means that the candidate has demonstrated knowledge and experience in:

- Human rights matters;
- The application of inter-American standards of the IAHRs;
- Understanding of internal procedures and the IAHRs's relations with external actors, as well as its broader operational dynamics.

To this end, the Panel assesses the candidate's record of professional accomplishments, academic publications, and/or substantial work or litigation experience before the IAHRs. The candidate's knowledge of the main challenges faced by the IAHRs is also taken into account, as well as their commitment to the object and purpose of the ACHR.

In addition to the above criteria, the Panel has evaluated other qualities of the candidates, such as:

- The ability to work as part of a collegial body;
- The ability to work in more than one of the IAHRs's working languages;
- Knowledge of the various legal systems in the region; and
- Awareness and understanding of the political, social, and cultural context of the region and its subregions.

- **Independence, impartiality and absence of conflicts of interest**

The ACHR establishes that members of the IACHR “are elected in a personal capacity,”⁶³ and that their position is incompatible with any other activity that might affect their independence or impartiality, as determined by the Commission's Statute⁶⁴. In this regard, Article 8 of the IACHR Statute adds that any activity that could affect the dignity or prestige of their position on the Commission is also deemed incompatible.

Furthermore, the Panel has indicated in previous reports that this criterion must be evaluated in light of the Bangalore Principles, which develop the concept of independence and state that to be independent means being “free from any external influence, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.”⁶⁵ These criteria include not only avoiding actual bias or control by other bodies, but also avoiding any appearance of improper conduct or lack of independence.

Independence encompasses both individual and institutional aspects and involves not only being free from inappropriate connections or pressures but also having the “appearance of being free from such influences in the eyes of a reasonable observer.”⁶⁶ Impartiality, in turn, refers to carrying out duties without favoritism, predisposition, or prejudice. It relates not only to decisions themselves, but also to the process through which they are made.⁶⁷

⁶³ Article 36.1 of the ACHR.

⁶⁴ Article 71 of the ACHR.

⁶⁵ Bangalore Principles, Value 1, para. 1.1.

⁶⁶ Bangalore Principles, *supra*, Value 1, Art. 1.3 and Addis Ababa Guidelines, *supra*, para.2.

⁶⁷ Bangalore Principles, *supra*, articles 1 and 2.

Given that the work of a Commissioner includes the review of individual petitions and other quasi-judicial tasks, the Panel considers the *Bangalore Principles of Judicial Conduct (2002)*, which lay out several highly relevant principles: independence, impartiality, integrity, propriety, equality, competence, and diligence. The definition of independence again includes both individual and institutional elements. Independence and impartiality entail not only avoiding actual bias or control by other entities, but also avoiding any perception of misconduct or lack of independence.

The Panel has also taken into account the requirements and preferences for similar positions in other human rights bodies. For example, the United Nations treaty body system issued the “Guidelines on the Independence and Impartiality of Members of the Human Rights Treaty Bodies” (the Addis Ababa Guidelines), which apply to the independent experts who serve on those bodies. These Guidelines emphasize that members must be independent and impartial and, crucially, that “members of treaty bodies must not only be independent and impartial, but must also be perceived as such by a reasonable observer.” Furthermore, they must not be subject to direction or influence of any kind, nor to pressure from their State of origin or any other State or body, and they must not seek or accept instructions from anyone in the performance of their duties.

The Addis Ababa Guidelines further indicate that independence and impartiality are compromised by the member’s participation in the executive branch of a State, due to the inherently political nature of such a role⁶⁸. As a result, members of international bodies should refrain from holding any position or engaging in any activity that is, or that could reasonably be perceived as being, incompatible with their obligations and responsibilities as independent experts.

Regarding conflicts of interest, the Addis Ababa Guidelines state that these may arise from various factors, such as the member’s nationality or place of residence, current or past employment, membership or affiliation with an organization, or familial or social relationships⁶⁹. They also note that holding decision-making positions in civil society organizations, academic institutions, private companies or entities, or organizations linked to States, can similarly give rise to conflicts of interest⁷⁰.

Under this criterion, the Panel assesses the independence and impartiality of candidates not only in terms of their duty to avoid bias and influence by others, but also in terms of avoiding the appearance of a lack of independence and impartiality in the eyes of a reasonable observer.

- **Contribution to the balanced and representative composition of the organization.**

The Panel has taken into account the OAS resolutions that have emphasized the commitment of Member States to seek a balanced composition of the bodies of the Inter-American Human Rights

⁶⁸ Addis Abeba Guidelines, paragraph 12.

⁶⁹ Addis Abeba Guidelines, paragraph 3.

⁷⁰ Addis Abeba Guidelines, paragraph 14.

System (IAHRS), in terms of gender and representation of the different geographic regions, population groups, and legal systems of the hemisphere⁷¹.

Since the Panel's 2015 report, consideration has been given to whether a candidate contributes to the balance of IAHRS bodies in terms of area of expertise, gender, professional background (judiciary and Public Prosecutor's Office, diplomacy, academia, civil society organizations, etc.), and other forms of diversity. Subsequently, the promotion of balanced gender representation and geographic and legal system diversity within IAHRS bodies has been further recognized.

In this regard, the Panel holds that balanced and representative composition of the IAHRS bodies is a key criterion for their makeup and should be given special consideration both at the time of nomination and during the election process within the OAS framework.

- **National nomination process**

On this matter, the Panel has considered that developing national nomination processes that are transparent, participatory, and based on the merits and competencies of the candidates contributes to ensuring the independence, impartiality, and suitability of future members of the IAHRS bodies. These processes help to decentralize the States' power over selection processes by allowing civil society, academia, and other interested actors to participate. In this way, although they do not prevent the existence of reciprocal political agreements (vote trading)—which the various Panels have consistently opposed—they promote such agreements taking place among candidates with stronger guarantees of independence, impartiality, knowledge, and experience.

The Panel reiterates that these national nomination processes should be transparent, participatory, and merit-based, aimed at selecting the best possible profiles to fulfill the role. Moreover, these processes can contribute to granting legitimacy to the candidates and ensuring the nomination of individuals with higher levels of independence, impartiality, knowledge, and experience.

In addition, as stated in previous reports and reiterated in this one, the fulfillment of the principles of competence, independence, and impartiality in the IAHRS is closely tied to the process of selecting suitable members for the Commission and the Court. After the national nomination stage, the election process at the OAS General Assembly represents the second and final opportunity for these values to be firmly, decisively, and knowledgeably upheld.

To this end, the candidates and civil society were consulted regarding the national nomination process through which they were selected and their views on it.

⁷¹ See OAS, General Assembly, GA/RES. 2887 (XLVI-O/16); GA/RES. 2908 (XLVII-O/17); GA/RES. 2928 (XLVIII-O/18); GA/RES. 2941 (XLIX-O/19); GA/RES. 2961 (L-O/20); GA/RES. 2991 (LII-O/22). Additionally, see the most recent resolution GA/RES. 3028 (LIV-O/24), approved on June 28, 2024. Furthermore, see Inter-American Commission of Women, *Report with Recommendations on Good Practices to Consolidate Gender Parity and an Equitable Geographical Distribution, as well as Representation of Different Legal Systems in the Inter-American Court and Commission on Human Rights*, in: [CP48133SCIM.pdf \(oas.org\)](https://www.oas.org/en/cidh/mi/documentos/CP48133SCIM.pdf)

- **Reelection and Non-Appearence of Candidates**

As noted in the assessment of two candidates in this report, the Panel has developed a practice of applying a more stringent standard when evaluating individuals nominated for reelection, whether to the IACHR or the IACtHR. Under this practice, the Panel assesses candidates for reelection based on “their performance and achievements during their first term,”⁷² as well as “other relevant aspects of their prior service.”⁷³

Furthermore, the Panel has repeatedly emphasized that failure to participate in the evaluation process—whether by not attending interviews, failing to respond to the questionnaire, or not submitting the required documentation—is considered an obstacle to conducting a comprehensive, objective, and transparent assessment⁷⁴.

b. Advocacy Activities

- **Communications Strategy**

The Panel Secretariat developed a communications strategy aimed at ensuring that the process for evaluating candidates to the IACHR was transparent and participatory, involving diverse sectors of society and utilizing multiple communication channels for effective outreach.

The target audience for the strategy included: (i) Permanent Missions to the OAS; (ii) civil society organizations; (iii) Permanent Observers to the OAS; (iv) students, professors, and academics from universities in OAS Member States; and (v) media outlets and influencers.

The communications plan was structured in three phases: (i) Phase I – Activation: reactivate social media with informational content about the Panel; (ii) Phase II – Launch of candidacies: disseminate information about the Panel’s work and the IACHR candidacies; and (iii) Phase III – Final Report: inform the public about the Panel’s work and final report.

The formats used included press releases and social media posts. Dissemination was carried out both indirectly, through the Panel’s social media platforms (Instagram, X, Facebook, LinkedIn), allied organizations’ social media, and the Panel’s website, and directly, through outreach to representatives of States (Permanent Missions and Observers) to the OAS, civil society organizations, academia, and the press.

Success indicators for the strategy included the number of followers and interactions on the Panel’s social media platforms, the volume of social media content published, and the level of civil society participation in monitoring the process.

⁷² *Final Report 2021*, p. 16; *Final Report 2023*, p. 23.

⁷³ *Final Report 2023*, p. 42.

⁷⁴ See, *Final Report 2018*, p. 21; *Final Report 2019*, p. 21.

- **Meeting with Permanent Missions to the OAS**

On April 3, 2025, the Panel held a meeting with the Permanent Missions to the OAS at the premises of the Permanent Mission of Canada. During this meeting, the Panel presented its objectives, members, methodology, timeline, evaluation criteria, as well as the recommendations included in previous reports. The States asked questions, expressed their support, and highlighted the importance of the Panel's work.

- **Meeting with civil society**

This meeting took place on April 10, 2025, in a virtual format, with the participation of various civil society organizations from across the region. The Panel presented its functions, principles, and objectives, as well as the criteria used to evaluate the candidates. Additionally, there was a discussion on the most relevant recommendations from the Panel's previous reports and the impact those have had.

3. Questionnaires Sent to the Candidates

a. Questionnaire Addressed to the Candidates for the Inter-American Commission on Human Rights

I. Background, Recognized Experience, and Contribution to the Composition of the Body

1. Why do you want to become a Commissioner of the Inter-American Commission on Human Rights (IACHR)?
2. Given your professional development and personal characteristics, how do you assess your contribution to the IACHR and your ability to effectively complement the current composition of the Commission?
3. What are your particular areas of knowledge and experience in the field of human rights?
4. In your view, what are the main challenges currently facing the Inter-American Human Rights System (IAHRS), and what is the role of the IACHR in addressing them?
5. As you know, the IACHR has developed its 2023–2027 Strategic Plan:
 - a) What is your assessment of the Commission's work in preparing this plan? What would be your contribution to its implementation?
 - b) What issues do you consider essential to include in the next strategic development plan?
6. Do you believe that any interpretation of the American Convention or other inter-American treaties made by the IACHR should be revised by the Commission? Please specify and clearly detail your views on this matter. Justify your position.

7. What is your opinion on the current system of rapporteurships? How much independence should they be granted? Do you believe any changes or expansions are necessary in relation to the rapporteurships?
8. Do you have knowledge of or experience working with legal systems different from that of your country?
9. Do you have experience working with victims of human rights violations?
10. Do you have any experience or competence in litigation or research related to violence, discrimination, sexual assault, or other similar conduct committed against women and children?
11. Do you have any suggestions for changes that could improve the functioning of the IACHR?
12. What are your specific language skills?
13. Please provide electronic links or digital files of your most significant and recent written work—votes, articles, manifestos, amicus curiae, and/or advocacy actions in the field of human rights (maximum of 4). Additionally, if you wrote a thesis related to international human rights law to obtain a degree, please state its title and indicate your main conclusion or thesis statement.
14. Have you had the opportunity to apply or use the IACHR's interpretations of the American Convention on Human Rights or other human rights treaties in your professional work? Please describe your experience and provide documents that reflect such application.
15. Have you advocated for or against the adoption or implementation of human rights or international humanitarian law treaties or instruments? Please describe your experience, particularly regarding activities aimed at disseminating, defending, or strengthening the Inter-American Human Rights System.
16. Please attach your CV.

II. Regarding conflicts of interest, independence, impartiality and non-discrimination

17. Based on your professional background, under what circumstances do you believe a conflict of interest could arise that may affect your independence and impartiality in your work as a Commissioner? How would you proceed under such circumstances?
18. What is your opinion on the rule that prohibits Commissioners from directly or indirectly participating in the deliberation and decisions on situations and cases related to their own country?

19. Have you actively participated in civil society movements in support of human rights? Could such involvement represent a conflict of interest with your candidacy and with the duties you would carry out as a Commissioner? If so, what measures would you adopt to mitigate a potential conflict of interest?
20. Have you served as a public official? If so, in what capacity did you serve? Could such service represent a conflict of interest with your candidacy and with the duties you would carry out as a Commissioner? If so, what measures would you adopt to mitigate a potential conflict of interest?
21. Have you served as an official of an international organization? If so, in what capacity did you serve? Could such service represent a conflict of interest with your candidacy and with the duties you would carry out as a Commissioner? If so, what measures would you adopt to mitigate a potential conflict of interest?
22. During your potential term as Commissioner, what other professional positions or activities do you expect to undertake?
23. Have you ever been sanctioned as a result of professional misconduct?
24. Do you have any disagreement or difficulty with the following statement:

"A Commissioner is expected, whether through their conduct or speech, not to express or appear to condone bias or prejudice based on factors such as age, race, creed, color, gender, gender identity, sexual orientation, religion, national origin, disability, political opinion, marital status, socioeconomic status, criminal record, foreign status, or citizenship. They are also expected to require that those under their direction and control refrain from making such statements or engaging in such conduct."⁷⁵

Please indicate any relevant information regarding your ability to comply with this expectation.

III. Regarding the nomination process

25. How were you selected as a candidate for the IACHR? What was the nomination process? Was there a pre-established application and consultation procedure for multiple applicants? Was it publicly announced? Did civil society, academic institutions, or other actors play any role? If so, what was their role?

⁷⁵ Este párrafo es una adaptación del Código de conducta judicial de Pennsylvania (*Judicial Conduct Board of Pennsylvania*) (2014).

b. Questionnaire for Candidates for Reelection to the Inter-American Commission on Human Rights

I. Background, Recognized Experience, and Contribution to the Composition of the IACHR

1. Why do you want to continue serving as a Commissioner of the Inter-American Commission on Human Rights (IACHR)?
2. Considering your professional background and the personal attributes you identify with, how do you assess your contribution to the IACHR and your ability to appropriately complement the current composition of the Commission?
3. What specific areas of knowledge and professional experience in the field of human rights have you applied in your role as Commissioner?
4. What do you consider to be your main contributions to the work of the IACHR during your first term? Please provide four detailed examples. Additionally, what do you identify as the main areas in which you could improve your contribution to the IACHR if reelected?
5. In your opinion, what are the main challenges currently facing the Inter-American Human Rights System (IAHRS), and what role should the IACHR play in addressing them?
6. As you are aware, the IACHR has developed its 2023–2027 Strategic Plan:
 - a) What is your assessment of the Commission's work in drafting that plan? What would your contribution be to its implementation?
 - b) What do you believe are the most relevant issues that must be included in the next strategic development plan?
7. Do you believe that any interpretation of the American Convention or other inter-American treaties made by the IACHR should be revised? Please specify and clearly explain your views on this matter, and justify your position.
8. What is your opinion on the current role of the rapporteurships? What level of independence should they have? Do you believe any changes or expansions related to the rapporteurships are necessary?
9. Identify one advancement and one challenge in the recent jurisprudence of the Inter-American Human Rights System.
10. Have you gained knowledge or work experience with legal systems different from that of your country?
11. Do you have experience supporting victims of human rights violations?

12. Do you have experience or expertise in litigation or research on issues related to violence, discrimination, sexual assault, or other similar conduct committed against women and children?
13. Do you have any suggestions for changes that could be implemented to optimize the functioning of the IACHR?
14. What are your specific language skills?
15. Please provide electronic links or digital copies of your most significant and recent writings—votes, articles, opinions, manifestos, amicus curiae, and/or advocacy actions in the field of human rights (maximum of 4). Additionally, if you wrote a thesis related to international human rights law as part of your academic training, please state its title and indicate its main conclusion or argument.
16. What critical issues would you prioritize during a second term?
17. Please provide a self-assessment of your first term as Commissioner, including your main assignments, achievements, and goals for a potential second term.
18. Please attach your CV.

II. Regarding conflicts of interest, independence, impartiality and non-discrimination

19. In the context of your first term as Commissioner, did any conflicts of interest arise that could have affected your independence and impartiality? If so, how did you address the situation?
20. What is your opinion on the rule that prohibits Commissioners from participating, either directly or indirectly, in the deliberation and decisions on matters and cases related to their own country?
21. During your potential second term as Commissioner, what other positions or professional activities do you plan to undertake?
22. Have you ever been sanctioned as a result of professional misconduct?
23. Do you have any disagreement or difficulty with the following statement?

"A Commissioner is expected, whether in conduct or in speech, not to express or appear to condone any bias or prejudice based on factors such as age, race, creed, color, gender, gender identity, sexual orientation, religion, national origin, disability, political opinion, marital status, socioeconomic status, criminal record, or status as a foreigner or non-citizen.

It is also expected that the Commissioner require those under their direction and control to refrain from making such statements or engaging in such conduct."⁷⁶

Please indicate any relevant information regarding your ability to meet this expectation.

III. Regarding the nomination process

- 24.** How were you chosen to be a candidate for the IACHR again? What was the nomination process like? Was there a pre-established application and consultation procedure for different candidates? Was it publicly disseminated? Did civil society, academic entities, or other actors play a role? If so, what was their role?

4. Form for submitting information to the SIDH Panel regarding the selection process of Commissioners to the IACHR.

The Independent Panel for the Evaluation of Candidates to the Inter-American Commission on Human Rights (IACHR) thanks you for your collaboration. The information provided will be assessed based on its relevance and pertinence. If possible, please attach documents and links to sources that support the information submitted. The Panel may share the information received with the candidates to give them an opportunity to respond. Anonymous sources will not be considered. If you wish to submit information about multiple candidates, please complete the form more than once. The deadline for submitting information is **Friday, April 18, 2025**.

Full name:

Organization:

Email:

Phone number:

Country:

Candidate about whom you are providing information:

- María Clara Galvis Patiño, propuesta por Colombia.
- José Luis Caballero Ochoa, propuesto por México.
- Reina A. Rivera Joya, propuesta por Honduras.
- Marion Bethel, propuesta por Bahamas.
- Fábio de Sá e Silva, propuesto por Brasil.
- Rosa María Payá, propuesta por Estados Unidos.
- José Bernal Pulido, propuesto por Perú.

High moral character

Provide information on any type of sanction or complaint concerning the candidate, or, on the contrary, if they have received recognitions or awards. Is the candidate capable of fulfilling the role with respect to the requirement of high moral character?

⁷⁶ Este párrafo es una adaptación del Código de conducta judicial de Pennsylvania (*Judicial Conduct Board of Pennsylvania*) (2014).

Suitability

Provide relevant information on the background and competence of the candidate in the field of human rights. Is the candidate suitable for the position?

Independence

Provide relevant information on the candidate's ability to perform with independence and impartiality, as well as regarding any potential conflicts of interest that could affect their proper performance. Is the candidate independent?

Non-discrimination

Provide relevant information on the candidate's ability to carry out their duties with respect for the principle of non-discrimination. This means that, in their conduct or speech, they do not express or appear to condone bias or prejudice based on factors such as age, race, creed, color, gender, gender identity, sexual orientation, religion, national origin, disability, political opinion, marital status, socioeconomic status, criminal record, or status as a foreigner or citizen. Is the candidate capable of performing their duties with respect for the principle of non-discrimination?

Balanced and representative composition of the IACHR

Provide relevant information regarding the candidate's contribution to the composition of the IACHR. The OAS has repeatedly recommended that Member States nominate and elect individuals who help ensure a balanced composition in terms of gender, representation of different regions, population groups, and legal systems in the hemisphere, while also meeting the requirements of independence, impartiality, and recognized competence in the field of human rights. Does the candidate contribute to a balanced and representative composition of the IACHR?

National nomination process

Provide relevant information regarding the candidate's national nomination process: How was the candidate nominated? Was a pre-established procedure followed? Was the process publicly announced? Did civil society, academic institutions, and/or other actors play any role in it?

Documentary support

Attach any documents that support the information provided.
You may copy and paste the links into a Word document.

Please indicate any other relevant information that, in your view, the Panel should be made aware of.