

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

May 29, 2025

Members of the Panel SIDH 2025:

- Alejandro Chehtman
- Ariela Peralta
- Gabriela Rodríguez
- Juan Méndez
- Margarette Macaulay
- Robert Goldman

**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.

**Evaluation of the Candidate Fábio de Sá e Silva**

**New candidacies for election**

**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 Management<sup>1</sup>, 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 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.

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<sup>1</sup> See: [https://portalantigo.ipea.gov.br/portal/index.php?option=com\\_content&view=frontpage&Itemid=60](https://portalantigo.ipea.gov.br/portal/index.php?option=com_content&view=frontpage&Itemid=60)

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.