

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 José Luis Caballero Ochoa

Candidate for reelection

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 2025.¹

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.

¹ *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.*

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,"² as well as "other relevant aspects of his prior service."³

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.

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

² *Final Report 2021*, p. 16; *Final Report 2023*, p. 23.

³ *Final Report 2023*, p. 42.

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.⁴ 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 Honduras⁵, he expressed agreement with the report’s general conclusions but emphasized the need to address in greater detail the situation of

⁴ IACHR, Resolution 2/22, Reasoned Opinion (Resolution 2/22, Reasoned Opinion), *supra*.

⁵ 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.

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 Salvador⁶, 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, 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

⁶ *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.*

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 Riffo and Daughters v. Chile*, respectively, equip him to continue his work at the IACHR effectively.

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

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

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

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