

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 Rosa María Payá Acevedo

New candidacies for election

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 IAHRs***

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.¹

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

¹ See: <https://x.com/usamboas/status/1893083671223009787?s=46>

strengthening IACHR operations. The deadline for receiving nominations was originally March 7, and was later extended to March 14.² The announcement of Payá Acevedo's nomination was published on social media on March 26.³

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

³ See: <https://x.com/USAmbOAS/status/1905053904066204076>