



Final Report of the Independent Panel to evaluate candidates to the IAHRS Bodies 2024

May 28, 2024

Evaluation of Candidates for the Inter-American Court of Human Rights

Panel Secretariat: American University Washington College of Law



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



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

May 28, 2024

Members of the 2024 Inter-American Human Rights System Panel:

- Ariela Peralta
- Edison Lanza
- Juan Méndez
- Juan Pablo Albán
- Mariclaire Acosta
- Sergia Galván

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1. Introduction

The Independent Panel to Evaluate Candidates to the Inter-American Human Rights System Bodies (Independent Panel, the Inter-American Human Rights System Panel or the Panel) presents its final report, with the aim of enhancing the standards and transparency of the election processes for the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR). In this edition, the Inter-American Human Rights System Panel will focus on the review of the qualifications of candidates for three positions on the IACtHR. According to the American Convention on Human Rights (ACHR or Convention), only the States Parties to this treaty may nominate and vote for the new judges who will join the Court.

The candidates nominated by the States to serve on the IACtHR for the 2025-2030 period are: Alberto Alfonso Borea Odría (nominated by Peru), Carlos Rodríguez Mejía (nominated by Colombia), Diego Moreno Rodríguez (nominated by Paraguay), Leticia Bonifaz Alfonzo (nominated by Mexico) and Ricardo Pérez Manrique (nominated by Uruguay for re-election).

The 2024 Independent Panel is comprised of six internationally recognized experts who possess extensive experience within the field of human rights: Ariela Peralta, Edison Lanza, Juan Pablo Albán, Juan Méndez, Mariclaire Acosta and Sergia Galván. Detailed biographies of the panel members can be found in Annex 1 of this report and on the Panel's website.¹ This marks the sixth consecutive process in which American University Washington College of Law (AUWCL) has served as the Panel's Secretariat.

The Secretariat was led by Mosi Marcela Meza Figueroa, under the supervision of Professor Claudia Martin. The Secretariat team included Javier Estrada Tobar, Javier A. Galindo P., Robert Duffy, and Tiffany Sharlene Alarcón.

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

The Panel conducted its evaluations using the resumés and information provided by the candidates, the candidates responses to the questionnaires sent by the Panel (Annex 3), and through interviews

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

with each candidate. Additionally, the Panel considered verifiable information provided by civil society, gathered through a dedicated form (Annex 4).

The Panel hopes that its evaluation will be useful to the State Parties to the ACHR by providing an impartial analysis of the suitability of the nominees to the Inter-American Court of Human Rights, in accordance with both conventional and statutory requirements. Further, the Panel urges the States to adopt measures to improve transparency, participation and merit in their national nomination processes, and to establish an independent evaluation of candidates within the framework of the OAS.

2. Evaluation of the Candidates

The Panel has assessed the background and career of each nominee considering the requirements outlined by the ACHR for the position of judge on the Inter-American Court of Human Rights, in accordance with the text of the treaty and the interpretation made by the Independent Panel in its successive editions. A detailed description of each criterion used by the Panel is provided in Annex 2-a of this report.

a. Alberto Borea Odría

Procedure before the Panel: candidate Alberto Borea Odría, nominated by Peru, responded to the questionnaire sent by the Panel Secretariat on April 14, 2024, and participated in an interview with the Panel on April 30, 2024. The Secretariat received three communications regarding the candidate's career and profile.

i. High Moral Authority

In his response to the Panel's questionnaire, Borea Odría stated that he had never been disciplined for professional misconduct. The Panel found no information to contradict this statement, and there is no record of any sanctions, ethical breaches, or professional improprieties.

It is noteworthy that, according to information provided by civil society organizations, Borea Odría defended former Peruvian head of state Pedro Pablo Kuczynski during his impeachment process related to alleged links with the company Odebrecht. The candidate confirmed this during his interview with the Panel, explaining that he undertook the defense to provide stability to the regime and contribute to democracy. He clarified that his legal defense of the former President was conducted in a private capacity, not as a State Attorney.

ii. Qualification to Exercise the Highest Judicial Function

Article 147 of the Peruvian Constitution establishes that, to be a magistrate of the Supreme Court of Justice, one must be Peruvian by birth, a practicing citizen, over 45 years of age, and have served as a magistrate of the Superior Court or a senior prosecutor for 10 years, or have practiced law or taught legal subjects at a university for 15 years.

Candidate Borea Odría meets these requirements, and no communication has been received to suggest otherwise.

iii. Recognized Competence in Human Rights

• *Academic Training and Professional Experience*

According to his resumé,² Alberto Borea Odría holds a law degree from the Pontificia Universidad Católica of Peru, has a diploma in Advanced Studies in Constitutional Law (master's degree) from the Universidad Complutense de Madrid. He is currently working on his doctorate in Law from this same university. In addition, he has completed postgraduate studies at the University of Wisconsin–Madison.

Borea Odría has teaching experience in courses such as State Theory, Constitutional Law and Constitutional Procedural Law at the Pontificia Universidad Católica of Peru, the Universidad de San Martín de Porres, the Universidad de Lima and the Universidad de San José in Costa Rica.

He is the founder and principal partner of the law firm Borea Abogados and has previously worked for the law firms Aníbal Corvetto Vargas and Borea, Castro, Monteverde.

The candidate highlights some emblematic cases in his career, such as representing a group of former employees in which he secured the annulment of an arbitration award issued against various constitutional rights and representing Gustavo Cesti Hurtado and Baruch Ivcher before the Inter-American Court of Human Rights for the violation of fundamental rights.

He was a member of several important commissions in Peru, including the Review Commission of the Constitutional Procedural Code, the Commission and Coordination Committee for the Study of the Bases of Constitutional Reform, and the Drafting Commission of the Habeas Corpus and Amparo Law. Additionally, he served on the Advisory Board of the Center for Latin American Issues at George Washington University. He was an external consultant responsible for the Training Program in the Administration of Justice at the Inter-American Institute of Human Rights

² The curriculum vitae provided by the candidate is available on the Inter-American Human Rights System Panel website: <https://www.wcl.american.edu/impact/initiatives-programs/independent-panel-to-evaluate-candidates-to-the-iahrs-bodies/>

in San José, Costa Rica, and co-founder and partner of the Latin American Consulting Firm for Future Studies in Costa Rica.

Borea Odría has held various significant positions, including serving as a deputy and senator. He was also the Peruvian ambassador to the OAS, where he chaired the Committee on Legal and Political Affairs and the Permanent Council of the OAS. During his tenure, he promoted and founded the Chair of the Americas.

- ***Knowledge of Inter-American Standards and the Challenges of the Inter-American Human Rights System***

In his response to the questionnaire, candidate Borea Odría identified several challenges facing the Inter-American System today. These include non-compliance with the judgments and decisions of the Inter-American Court of Human Rights, the lack of universality in the ratification of Inter-American Human Rights System instruments, financial limitations affecting its operational efficiency, lengthy case resolution times, and the need for closer ties between the Inter-American Court of Human Rights and national courts. He also highlighted the necessity for judges to meet more frequently, the lack of integration of all legal traditions in the region (particularly common law), and more timely attention to litigants and their lawyers.

He emphasized that the Inter-American Court of Human Rights has a significant role in addressing each of these challenges. While some issues can be addressed immediately, others require a continuous, comprehensive effort involving the participation of judges as a collegiate body, as well as the efforts of other Inter-American Human Rights System bodies, States, and civil society contributions.

In addition, the candidate referred to his publication in the book “The Inter-American System for the Protection of Human Rights on the Threshold of the 21st Century.” In this book, alongside prominent jurists such as Antonio Cançado Trindade and Thomas Buergenthal, he proposed specific modifications to the Inter-American Human Rights System. Key areas of consideration include the designation of judges and commissioners and the terms of their service, the admissibility of cases by the Commission, the referral of matters to the Inter-American Court of Human Rights, the elimination of the need to appoint ad-hoc judges, greater participation of victims’ lawyers, and measures for the execution of sentences.

Lastly, Borea Odría addressed the issue of minority groups that, due to their particular characteristics, often face contempt, discrimination, or invisibility. He argued that it is essential for the Inter-American Court of Human Rights to recognize that all groups have the right to live happily in their own condition, simply by virtue of being human. He stressed that society needs to develop an attitude not only of tolerance but also of appreciation and integration, which would

allow for the enrichment of society through the unique characteristics of minority groups. Therefore, conditions must be created for them to develop to their full potential.

Regarding his assessment of emerging issues impacting the Inter-American System, such as sexual and reproductive rights, Borea Odría was asked to provide his views. He responded to the Panel's questionnaire, stating that he is aware of the underlying issues since they are part of the ongoing social debate. Borea Odría emphasized that the challenge for the Inter-American Human Rights System in addressing these issues lies in understanding the problem and gauging the specific context of each society. He asserted that a general solution would eventually be proposed, but it cannot rely on pre-established rules. He further added that changes in these areas should be proposed only when societies themselves have matured and are ready to understand the favorable or unfavorable consequences of such changes.

During his interview, he reiterated that these issues are currently under debate and refrained from speculating, because it could be interpreted as a preview of an opinion. He was specifically asked about established Inter-American Court of Human Rights standards on obstetric violence and discrimination based on sexual orientation. Regarding the latter, Borea Odría expressed agreement with the decision in the case of *Azul Rojas Marín v. Peru*. It is worth noting that one of the notes sent to the Panel described Borea Odría's opposing position on same-sex marriage.³

Regarding the candidate's stance on the excessive use of state force during social protests, particularly in light of the IACHR's on-site visit to Peru in early 2023, Borea Odría emphasized in his interview that protests must not be violent. He noted that the IACHR report highlights a chain of conditions that have not yet been explained.

- ***Diligence and Other Relevant Skills***

When asked about his dedication as a judge and the measures he would adopt to avoid conflicts of interest if elected, Borea Odría stated in his questionnaire response that as a judge on the Inter-American Court of Human Rights, he would continue his academic work and prepare consultations and reports on matters that do not present conflicts of interest. He emphasized that his primary focus would be on fulfilling his responsibilities at the Inter-American Court of Human Rights, ensuring impartiality, objectivity, balance, and open-mindedness in all his actions.

Regarding his knowledge or experience with legal systems outside his own country, Borea Odría stated that, as a professor of Constitutional Law since 1976, he has studied the constitutions of various countries in the region. This work has enabled him to analyze legal practices in different regional contexts. He highlighted his experience in Costa Rica, where he worked for over eight

³ Refer to: <https://revistaideele.com/ideele/content/alberto-borea-%E2%80%99Cl-a-opini%C3%B3n-publicada-muchas-veces-es-distinta-la-opini%C3%B3n-p%C3%ABlica%E2%80%9D>

years at the Inter-American Institute of Human Rights, a role that allowed him to develop and deliver various courses and gain extensive knowledge of the legal systems across the region.

Concerning his specific language skills, Borea Odría mentioned that his mother tongue is Spanish, and that he has proficient knowledge of English and Italian.

iv. Independence, Impartiality and Absence of Conflicts of Interest

The candidate has built his professional career across academic, political, and private sectors. He reports that there are no conditions that could compromise his impartiality in serving as a judge of the Inter-American Court of Human Rights. He also noted that it has been more than two decades since he has held any position within the Government of Peru, demonstrating his independence from political or governmental influence.

He was specifically asked about his involvement in civil society movements advocating for human rights and whether such participation could pose a conflict of interest with his candidacy and future role as a judge. The candidate responded that he had participated in peaceful and organized struggles against two dictatorships in Peru, which undermined all rights by abrogating democracy and freedom. He elaborated that he was a promoter of the Democratic Forum, the Popular Press and Democracy program, and the House of the Constitution. He emphasized that this participation does not constitute a conflict of interest, as democratic values are intrinsic to the Inter-American System.

Similarly, when questioned about his history as a public servant and the potential conflicts of interest it might pose, the candidate provided a comprehensive overview. He noted his tenure as Peru's ambassador to the OAS from 2004 to 2005, his role as a senator of the Republic from 1990 to 1992, and his prior position as a national deputy from 1985 to 1990. Additionally, he was involved as a member of the Drafting Commission of the inaugural Habeas Corpus and Amparo Law in 1982, and his contributions to the Commission and Coordinating Committee for the Study of Peru's Constitutional Reform Bases from 2000 to 2001. Furthermore, he underscored his participation as a member of the Review Commission of the Constitutional Procedural Code.

Concerns were raised to the Panel regarding Borea Odría's purported advisory role to President Dina Boluarte. Indeed, the Supreme Resolution 079-2023-PCM, issued on May 26, 2023⁴ established an Advisory Commission dedicated to providing specialized constitutional counsel to the Presidency of the Republic, with the candidate appointed as one of its members.

When pressed about his connections to the president, Borea Odría indicated that he had no personal acquaintance with her; his selection was independent of any affiliations with the current or prior administrations, considering that he had been nominated by a group of legal professionals, and his

⁴ Refer to: <https://www.gob.pe/institucion/pcm/normas-legales/4327543-079-2023-pcm>

appointment accepted by the Presidency of the Republic. Moreover, he discussed his decision to abstain from participating in the Advisory Commission, which was confirmed by Supreme Resolution 105-2023-PCM, dated July 26, 2023,⁵ which revised the commission's composition, omitting Borea Odría from its membership roster.

v. Contribution to a Balanced and Representative Integration of the Organization

Candidate Borea Odría underscored that his professional background uniquely enables him to make meaningful contributions to the Inter-American Court of Human Rights, enhancing its overall configuration. He emphasized his comprehensive grasp of the legal and political complexities prevalent in the region, particularly concerning human rights and the consolidation of democratic systems.

Conversely, feedback from civil society organizations suggests apprehension regarding Borea Odría's potential election, expressing concerns about the lack of gender balance and representation of diverse population groups.

vi. Nomination Process at the National Level

The candidate indicated in his questionnaire that his candidacy was put forward by qualified constitutional lawyers and university professors in a procedure overseen by Peru's Ministry of Foreign Affairs. However, during the interview, he clarified that Peru lacks a formal nomination system, and the proposal he mentioned was accepted by both the Ministry of Foreign Affairs and the Presidency of the Republic.

Conclusion

The Panel concludes that Alberto Borea Odría satisfies the evaluation criteria outlined in the Inter-American instruments for appointment as a judge of the Inter-American Court of Human Rights.

His extensive experience in litigation before the Inter-American system, coupled with his tenure as Peru's ambassador to the OAS, positions him well to fulfill the responsibilities of the Inter-American Court of Human Rights effectively.

Furthermore, he demonstrated a keen understanding of the current challenges facing the IAHRs and provided constructive proposals for addressing them.

However, the Panel expresses concern regarding the candidate's apparent lack of awareness of the Court's latest jurisprudence on certain issues, such as sexual and reproductive rights and the right to protest, which the Inter-American System has already adopted. Additionally, while he has

⁵ Refer to: <https://busquedas.elperuano.pe/dispositivo/NL/2200155-9>

previous experience in Inter-American litigation, it dates back two decades, which may warrant consideration.

The Panel did not uncover any factors compromising Borea Odría's independence or impartiality, thus confirming his eligibility for election as an Inter-American Court of Human Rights judge.

The Panel notes that there is no public and participatory mechanism for nominating candidates for Inter-American Human Rights System positions in Peru. Rather, authorities directly appointed Borea Odría as a candidate.

b. Carlos Rodríguez Mejía

Procedure before the Panel: candidate Carlos Rodríguez Mejía, nominated by Colombia, answered the questionnaire sent by the Panel Secretariat on April 18, 2024, and engaged in an interview with the Panel on April 20, 2024. The Secretariat received two communications regarding the candidate's career and profile.

i. High Moral Authority

In the questionnaire sent back to the Panel, candidate Rodríguez Mejía stated that he had never faced disciplinary action for professional misconduct. The Panel corroborated this assertion, finding no evidence to the contrary. There exists no record of sanctions, ethical breaches, or professional improprieties.

ii. Qualification to Exercise the Highest Judicial Function

Article 232 of the Colombian Constitution establishes as requirements to be a magistrate of the Constitutional Court or the Supreme Court of Justice, Colombian birth, active citizenship, legal qualifications, and a clean criminal record, save for political or negligent crimes. Moreover, candidates must demonstrate a 15-year tenure within the Judicial Branch or the Public Prosecutor's Office or exhibit 15 years of commendable practice as a lawyer or university professor in legal disciplines in officially recognized establishments.

Candidate Rodríguez Mejía satisfies all stipulated criteria, and no communication has been received to dispute his eligibility.

iii. Recognized Competence in Human Rights

- *Academic Training and Professional Experience*

According to his resumé,⁶ Carlos Rodríguez Mejía, attorney, possesses an impressive academic background, holding a PhD in Legal Sciences from the Pontificia Universidad Javeriana in Bogotá, along with a specialization in Socioeconomic Sciences from the same institution. Additionally, he earned a postgraduate degree in Constitutional Law and Political Science from the Centro de Estudios Constitucionales de Madrid, complemented by a diploma in Criminal Law from the School of Legal Practice at the Faculty of Law of the Universidad Complutense of Madrid.

Rodríguez Mejía currently serves as a professor at the Faculty of Law of the Universidad de Magdalena in Santa Marta. Within the realm of Human Rights specialization, he teaches on International Responsibility of the State and International Systems of Protection of Human Rights. With extensive teaching experience spanning various universities nationwide, he is recognized for his expertise in specialized human rights topics, as well as the Inter-American and international humanitarian systems.

Candidate Rodríguez Mejía has an extensive career before the IAHRs. He has authored numerous *amicus curiae* submissions pertaining to cases and advisory opinions. Additionally, he has served as an expert for the IACHR in cases such as *Vereda La Esperanza v. Colombia* and *Yarce et al. (Comuna 13) v. Colombia* and has represented victims in cases including *Las Palmeras v. Colombia*, *Case 19 Comerciantes v. Colombia*, *Case of the Pueblo Bello Massacre v. Colombia*, *Case of the Ituango Massacres v. Colombia*, and *Case Petro Urrego v. Colombia*, among others.

Currently, he holds the position of Ambassador Extraordinary and Plenipotentiary of the Republic of Colombia to Costa Rica.

- ***Knowledge of Inter-American Standards and the Challenges of the Inter-American Human Rights System***

In his response to the questionnaire, candidate Rodríguez Mejía identifies two pressing issues within the Inter-American System: the incomplete compliance with judgments issued by the Court in contentious cases, and the prolonged duration for cases to reach the Court.

Addressing the first concern, Rodríguez Mejía emphasizes the complexity of the issue, asserting that its resolution necessitates collaboration among the Court, the IACHR, and the political bodies of the OAS. He adds that non-compliance often stems from institutional challenges within States, wherein the execution of Court judgments to investigate, judge and/or punish wrongdoers requires involvement from entities such as the Public Ministry, Prosecutor's Office, and Judicial Branch—responsibilities that lie beyond the purview of the Executive. Similarly, when judgments mandate legislative actions, the Executive may lack the necessary legislative support to enact reforms.

⁶ The curriculum vitae provided by the candidate is available on the Inter-American Human Rights System Panel website: <https://www.wcl.american.edu/impact/initiatives-programs/independent-panel-to-evaluate-candidates-to-the-iahhs-bodies/>

Rodríguez Mejía advocates for innovative approaches to facilitate institutional reforms within States. Turning to the second issue regarding the time it takes for a case to be submitted to the Court, he proposes procedural reductions to modify regulations within the IACHR and the Court. The procedural adjustments within these institutions can expedite case proceedings without necessitating revisions to Inter-American Human Rights System treaties.

- ***Diligence and Other Relevant Skills***

Concerning his dedication as a judge, candidate Rodríguez Mejía asserted his intention to refrain from engaging in additional activities, except for continued participation in university seminars.

Addressing his familiarity with legal systems beyond his native country, Rodríguez stated his experience practicing law in Spain from the mid-1980s until 1993.

Regarding language proficiency, he stated that he possesses native level fluency in Spanish as his mother tongue, and a proficient level of English, enabling effective communication and document comprehension.

iv. Independence, Impartiality and Absence of Conflicts of Interest

In his response to the questionnaire, candidate Rodríguez Mejía assured that he would declare himself disqualified if his role as Colombian ambassador to Costa Rica posed a conflict. In addition, in his interview with the Panel, he was asked whether, if elected as a judge of the Court, he would continue in his role as a diplomat or resign. He responded that, if not elected, he would not resign from his position as ambassador but, if elected, he would resign from his diplomatic post in preparation for assuming his judicial duties and would sever all ties with the Executive. He emphasized his commitment to maintaining independence by refraining from holding any other positions.

The Panel underscores the provisions of Article 18 of the Statute of the Inter-American Court of Human Rights, which stipulates the incompatibility of the position of an IACtHR judge with roles within the Executive Branch, including diplomatic posts as heads of missions to the OAS or its Member States.

In line with this principle, the Panel has consistently emphasized the importance of candidates meeting requirements and avoiding any conflicts of interest at the time of nomination. This precautionary measure aims to safeguard the integrity of candidates, particularly those holding diplomatic positions that represent governmental foreign policy. Ensuring compliance at the nomination stage mitigates concerns regarding independence, impartiality, and the perception of conflicts of interest. Given candidate Rodríguez Mejía's role as ambassador to an OAS member state, this scrutiny becomes particularly relevant.

Additionally, the candidate was questioned about his involvement in civil society movements advocating for human rights and whether such engagement might pose a conflict of interest. In response, Rodríguez stated his active advocacy for human rights both domestically and internationally, asserting that his involvement would not conflict with his judicial responsibilities. He clarified that if an issue directly concerned Colombia, he would abstain from participation.

v. Contribution to a Balanced and Representative Integration of the Organization

In his response to the questionnaire, candidate Rodríguez underscored his extensive professional background spanning over 40 years as an advocate for human rights and victims within the Inter-American Human Rights System. He emphasized his role as a university professor, highlighting how this combined experience offers a unique perspective to the Court—a perspective rooted in seeking restoration of violated rights, reparations for victims, and ensuring non-repetition.

One of the communication pieces received by the Panel accentuated Rodríguez Mejía’s potential significant contribution to the Court’s balanced composition considering his vast experience and commitment in the field of international human rights. Furthermore, it commended his active engagement with non-governmental organizations dedicated to promoting and safeguarding human rights, which broadens his understanding of the challenges confronting vulnerable communities throughout the region.

vi. Nomination Process at the National Level

Rodríguez Mejía’s response to the questionnaire indicated that in Colombia, candidates for Court judgeship are selected by the President and the Ministry of Foreign Affairs. This decision is informed by the nominee’s resume and relevant experience.

As part of the civil society consultation process, the Panel received reports from a university institution which had petitioned various Colombian government authorities for information regarding the internal procedures for selecting the candidate for the Inter-American Court of Human Rights. The Ministry of Foreign Affairs had declined to provide the requested information, citing Article 136 of the Colombian Constitution and Law 1712 of 2014. This constitutional provision prohibits Congress from demanding information from the government on diplomatic matters, while Article 19 of the law specifies the circumstances under which access to classified public information may be denied. Moreover, any denial of access must be justified.

Additionally, the university institution drew attention to remarks made by Inter-American Court of Human Rights judge Humberto Antonio Sierra Porto (Colombia). In his statements to various Colombian media outlets, Judge Sierra Porto formally urged the President of the Republic to

conduct a public selection process to appoint his successor, emphasizing the importance of maintaining Colombia's representation in such a significant judicial institution.⁷

Conclusion

The Panel has determined that Carlos Rodríguez Mejía satisfies the evaluation criteria outlined in the Inter-American instruments for election as a judge of the Inter-American Court of Human Rights.

His extensive knowledge and experience within the Inter-American System equip him to effectively undertake the responsibilities of the Inter-American Court of Human Rights. Moreover, he demonstrated an understanding of the current challenges facing the Inter-American Human Rights System and proposed viable solutions to address them.

However, the Panel expresses concern regarding Rodríguez Mejía's current position as Colombian ambassador to Costa Rica. This situation raises potential issues regarding his independence, impartiality, and the possibility of conflicts of interest. The Panel deems the candidate's promise to resign upon election as a judge of the Inter-American Court of Human Rights insufficient, since clarity about each candidate's eligibility should be established by the States Parties at the outset of the candidacy announcement.

Additionally, the Panel notes the absence of a public and participatory nomination mechanism for Inter-American Human Rights System bodies in Colombia, with authorities directly designating Rodríguez Mejía's candidacy. Furthermore, while acknowledging the candidate's professional acumen, it's pertinent to mention his past role as a lawyer for the President of the Republic. This highlights the discretionary nature of candidate selection by the Executive, a departure from the recommendations consistently advocated by the Panel in its previous reports.

Furthermore, the Panel highlights the Ministry of Foreign Affairs' response denying a university entity's request for information on the nomination process of candidate Rodríguez Mejía. This denial, under the classification of reserved information, fails to align with Inter-American standards advocating for maximum transparency and public information access.

c. Diego Moreno Rodríguez

Procedure before the Panel: candidate Diego Moreno Rodríguez, nominated by Paraguay, answered the questionnaire sent by the Panel Secretariat on April 17, 2024, and participated in the

⁷ Refer to: <https://www.eltiempo.com/justicia/cortes/corte-idh-juez-colombiano-pide-proceso-publico-para-elegir-su-reemplazo-801679>

interview with the Panel on April 23, 2024. The Secretariat received ten communications regarding the candidate's career and profile.

i. High Moral Authority

In the questionnaire returned to the Panel, candidate Moreno Rodríguez stated that he had never faced disciplinary action for professional misconduct. The Panel found no evidence to the contrary, with no recorded instances of sanctions, ethical breaches, or professional improprieties.

ii. Qualification to Exercise the Highest Judicial Function

Article 258 of the Paraguayan Constitution establishes as requirements to be a magistrate of the Supreme Court of Justice, Paraguayan nationality by birth, be at least 35 years old, possess a Doctor of Law degree, and a notable level of honorability. Additionally, candidates must have accrued a minimum of 10 years of practical experience in the legal profession, either as a lawyer, judicial magistrate, or university professor specializing in legal matters, either individually or cumulatively.

Candidate Moreno Rodríguez meets the requirements, with no communication received to suggest otherwise.

iii. Renowned Competence in Human Rights

● *Academic Training and Professional Experience*

According to his resumé,⁸ Diego Moreno Rodríguez is an attorney from the Universidad Católica de Asunción, holds a master's degree in law from Columbia University in New York, and completed a postgraduate course in Constitutional Law from the Universidad de Salamanca. Furthermore, he has undertaken various continuing education and specialization courses focusing on international refugee law, internally displaced persons, international humanitarian law, and other pertinent topics. These courses were conducted under the auspices of organizations such as the OAS, the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other international bodies.

Moreno holds positions as a professor for the master's degree program in Constitutional Justice and Human Rights at the University of Bologna and the Institute for Constitutional Development of Argentina. He has teaching experience in both national and international universities, covering subjects such as Constitutional Rights and Guarantees, Constitutional Theory, Legal Interpretation, and Argumentation.

⁸ The curriculum vitae provided by the candidate is available on the Inter-American Human Rights System Panel website: <https://www.wcl.american.edu/impact/initiatives-programs/independent-panel-to-evaluate-candidates-to-the-iahrs-bodies/>

Currently, he practices law at the firm Moreno Ruffinelli & Asociados in Asunción, Paraguay, a firm that is primarily dedicated to private law and arbitration.

He also served as a legal officer in the Department of International Law of the Secretariat for Legal Affairs of the OAS.

- ***Knowledge of Inter-American Standards and the Challenges of the Inter-American Human Rights System***

In his questionnaire response, Moreno identifies several challenges in the area of rights protection and at the institutional level.

Specifically, he highlights challenges such as the protection of the environment and its impact on the life, health and integrity of the inhabitants in the continent, the role of companies in safeguarding human rights, freedom of expression in digital spaces, and the obligations of states, including cooperation, in the protection of migrants.

In contrast, the candidate underscores the pivotal role of the Inter-American Court of Human Rights, not only in protecting victims and implementing measures with structural impact for their reparation but also in shaping jurisprudential guidelines that serve as a beacon for the entire region. He asserts that the Court must actively safeguard individuals from the encroachment of both public and private powers on their rights. He also advocates for the Court to take a leading stance in upholding democracy and the rule of law, aligning its developments with the values enshrined in the Inter-American Democratic Charter. This, he believes, will foster a genuine democratic culture founded on respect for the rights of all individuals, devoid of discrimination.

Addressing institutional challenges, the candidate acknowledges the discrepancy between the aspiration for universalization of the Inter-American Human Rights System and the transformation of the Inter-American Court of Human Rights into a permanent body and the reality of States that denounce the ACHR or the OAS Charter, casting doubt on such ambitions. Additionally, he highlights endemic issues like inadequate financing hindering the ability of the Inter-American Human Rights System to meet its objectives and therefore adhere to its own standards regarding reasonable timelines.

Moreover, he stresses the persistent challenge of enforcing judgments issued by the Inter-American Court of Human Rights, emphasizing the need for dialogue strategies with OAS bodies and the States, alongside measures such as on-site visits, to address this issue effectively.

Conversely, the Panel received communication expressing concerns that the candidate's stance against the doctrine of conventionality control⁹ could potentially undermine the progress of Inter-American Human Rights System jurisprudence. During the interview with the Panel, Moreno

⁹ Refer to: <https://www.pj.gov.py/ebook/entrevistas-control-c.php>

Rodríguez noted that any critical opinions he expressed regarding this doctrine were confined to academic discourse a decade ago, but since then, the doctrine has become widely accepted.

- ***Diligence and Other Relevant Skills***

Regarding his dedication as a judge, candidate Moreno Rodríguez said that he will also continue teaching and will maintain his ties with the law firm where he currently works.

In terms of his familiarity with legal systems beyond his own, Moreno Rodríguez noted his exposure to various legal traditions during his tenure at the OAS. He emphasized his acquaintance with the common law tradition, acquired through his master's studies in the United States, as well as European law, through his Doctorate in Spain. He stressed the significance of understanding common law, particularly in the context of aspiring to universalize the Inter-American Human Rights System. He underscored the importance of dispelling the perception that it solely caters to Latin American countries, advocating for all OAS Member States to embrace the Inter-American Human Rights System and strive to join the ACHR while submitting to the jurisdiction of the Inter-American Court of Human Rights.

Concerning his language proficiency, Moreno Rodríguez indicated fluency in both Spanish and English, along with a basic understanding of Portuguese, and the ability to comprehend basic French texts.

iv. Independence, Impartiality and Absence of Conflicts of Interest

Candidate Moreno Rodríguez stated in his response to the questionnaire that he is committed to adhering to the highest international standards of independence and impartiality. He stated his dedication to upholding the Code of Ethics of the Inter-American Court of Human Rights and other relevant international instruments that defend similar principles. Moreno Rodríguez clarified that his roles as a lawyer and university professor do not inherently pose conflicts of interest, but in the event of any conflict arising, he pledged to recuse himself from the case following established procedures.

When asked about his involvement in civil society movements advocating for human rights and the potential for conflicts of interest with his candidacy and judicial duties, Moreno Rodríguez claimed that his activism has been limited to teaching and has not extended beyond that realm. He reiterated his willingness to step aside from any case where a conflict of interest may arise.

Similarly, when asked about his past service as a public servant and its potential for conflicts of interest, the candidate mentioned his involvement with the State on matters of judicial reform. He maintained that such engagements would not inherently conflict with his candidacy. Nonetheless, he stated his readiness to recuse himself from any case where a conflict of interest might be perceived.

Furthermore, the Panel received additional communications raising concerns about the candidate's familial ties. He is the brother of Roberto Moreno Rodríguez, the current legal advisor to the President of the Republic, and the son of former national foreign minister, José Antonio Moreno Ruffinelli. These familial connections could potentially give rise to conflicts of interest. During the interview, the candidate adamantly asserted that no scenario exists where conflicts of interest could arise, stating his willingness to recuse himself if such conflicts were to arise, in accordance with established procedural rules. He declared that he is financing his candidacy independently, thus ensuring Paraguay incurs no expenses related to it, considering that this action is intended to safeguard his independence and impartiality. Another piece of information brought to light the candidate's listing as a member in the Registry of the National Republican Association, the official government party. He explained during the interview that he joined the party at a young age with the aim of rectifying the historical injustices inflicted by the military dictatorship but has no further affiliations, has not been involved in any party-related activities or movements, and has no ties to party politics.

v. Contribution to a Balanced and Representative Integration of the Organization

In his responses to the questionnaire sent by the Panel, candidate Moreno Rodríguez emphasized that the Inter-American Court of Human Rights has never had a judge of Paraguayan nationality among its members.

Additionally, he emphasized that his election could facilitate a more inclusive approach to the legal pluralism prevalent in the region and provide insights from a country grappling with distinct challenges in rights protection. He attributed these challenges to Paraguay's intricate political history and unique institutional framework, distinguishing it from other states.

On a different note, communications from civil society underscored the significance of having a Paraguayan judge represented in the configuration of the Inter-American Court of Human Rights.

vi. National Nomination Process

In the response provided by candidate Moreno Rodríguez to the questionnaire, he indicated that individuals associated with the government contacted him in 2021 regarding vacancies at the Inter-American Court of Human Rights, recognizing his professional background. However, due to personal reasons, he declined the candidacy at that time. Subsequently, officials from the Paraguayan Foreign Ministry approached him again, and he accepted the candidacy under the condition of maintaining absolute independence and impartiality, along with guarantees ensuring unrestricted respect for his opinions and freedom from any interference. Moreno Rodríguez further noted that his appointment was publicly announced through social media and the press following a couple of events organized by the Paraguayan Foreign Ministry.

Conversely, one of the communications received reports that the Republic of Paraguay lacks a public, transparent, participatory, or merit-based system for nominating candidates to the bodies

of the Inter-American Human Rights System or the United Nations treaty bodies. It asserts that candidates are unilaterally presented by the Ministry of Foreign Affairs without prior consultation with human rights organizations, academic institutions, or other relevant non-state actors. It specifies that candidates are only publicized when the State officially nominates them before the respective systems.

Conclusion

The Panel concludes that the candidate, Diego Moreno Rodríguez, meets the criteria outlined in Inter-American instruments for election as a judge of the Inter-American Court of Human Rights.

While recognizing Moreno Rodríguez's experience in both public international law, demonstrated by his tenure at the OAS, and private law through his current practice at a law firm, as well as his extensive teaching experience, the Panel expresses reservations about his specific familiarity with Inter-American and international human rights standards. Consequently, the Panel notes that the requirement for notable competence in human rights matters is not definitively substantiated.

The Panel acknowledges the familial connections that some of the candidate's relatives hold within the Executive Branch, a circumstance that may raise concerns regarding his independence, impartiality, and potential conflicts of interest.

The Panel highlights the absence of a public and participatory nomination mechanism in Paraguay for Inter-American Human Rights System bodies, with authorities directly designating Moreno Rodríguez's candidacy.

d. Leticia Bonifaz Alfonso

Procedure before the Panel: candidate Leticia Bonifaz Alfonso, nominated by Mexico, completed the questionnaire sent by the Panel Secretariat on April 12, 2024, and participated in the interview with the Panel on April 29, 2024. The Secretariat received ten communications about the candidate's career and profile.

i. High Moral Authority

In her responses to the questionnaire sent by the Panel, candidate Bonifaz Alfonso stated that she had never faced disciplinary action for professional misconduct. The Panel received no information to the contrary. There is no record indicating any type of sanction, ethical breach or professional impropriety.

It came to the Panel's attention that Bonifaz Alfonso was awarded the Equality Award in the Legal Profession by the General Council of the Spanish Legal Profession in 2022. Additionally, she received the Fray Bartolomé de las Casas Medal in 2020 from the city council of San Cristóbal de

las Casas, Chiapas, Mexico, in recognition of her significant contributions as a human rights advocate.

ii. Qualification to Exercise the Highest Judicial Function

Article 95 of the Mexican Constitution establishes as requirements to become ministers of the Supreme Court of Justice of the Nation, Mexican citizenship by birth with full political and civil rights, a minimum age of 35 years, and a law degree of at least 10 years' standing. Also, candidates must have resided in Mexico for the two years preceding appointment.

Additionally, candidates must not have been convicted of crimes punishable by corporal punishment exceeding one year of imprisonment, particularly offenses such as theft, fraud, forgery, breach of trust, or any other acts seriously damaging their good name before the public. Individuals will be disqualified no matter the nature of the sentence.

The Constitution also establishes disqualification if within the year prior to their appointment, the person held positions such as Secretary of State, Attorney General of the Republic, deputy, senator, or governor.

Candidate Bonifaz Alfonzo fulfills all stipulated requirements, and no communication challenging her eligibility has been received.

iii. Renowned Competence in Human Rights

• *Academic Training and Professional Experience*

According to her resumé,¹⁰ Leticia Bonifaz Alfonzo holds a law degree from the Universidad Nacional Autónoma de México (UNAM), supplemented by postgraduate studies in Constitutional and Administrative Law from the same institution.

She currently serves as a professor at the UNAM, teaching Legal Epistemology and Contemporary Legal Theory in the Division of Graduate Studies at the Faculty of Law, in addition to instructing on Introduction to the Study of Law and Philosophy of Law. She has also contributed as a professor of Applied Didactics to Law in the master's degree program in International Law at the same university.

Bonifaz has served as an independent expert on the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) since 2021 and will complete her term at the end of 2024. She has also worked as a consultant for the UNDP/AMEXCID Human Rights for Development Program.

¹⁰ The curriculum vitae provided by the candidate is available on the Inter-American Human Rights System Panel website: <https://www.wcl.american.edu/impact/initiatives-programs/independent-panel-to-evaluate-candidates-to-the-iahrs-bodies/>

The candidate has made significant contributions in her various governmental capacities, including as Director General of Studies on the Promotion and Development of Human Rights at the Supreme Court of Justice of the Nation, Director of the Legal Studies Division at CIDE and Legal Advisor to the Government of the Federal District.

- ***Knowledge of Inter-American Standards and the Challenges of the Inter-American Human Rights System***

In her response to the questionnaire, candidate Bonifaz Alfonzo identifies five key challenges facing the Inter-American System. These include concerns over its legitimacy and effectiveness, the necessity to address the growing number of States under the Court's jurisdiction, the evolving standards concerning State obligations towards actions of private individuals, fostering dialogue with other organizations, and ensuring the national adoption of Inter-American standards.

Regarding the first challenge, Bonifaz Alfonzo advocates for transparency in the Court's financing mechanisms. The Court should safeguard Inter-American standards by providing interpretations that are evolutionary yet consistent, thereby ensuring legal security for the States. Strengthening the Court's capacity to supervise judgments is also essential, which could involve supporting ombudsmen's offices or implementing mechanisms that directly require the relevant authorities to report on their compliance with judgments. Lastly, the Court should explore ways to expand friendly settlement processes.

Regarding the second challenge, the candidate underscores the need for increased promotion of the Court's work to encourage more States to accept its jurisdiction. She highlights recent hearings on climate change in the Caribbean countries as a positive step in this direction. Concerning the third challenge, Bonifaz Alfonzo points out that although jurisprudence exists on State duties towards third parties that may affect human rights (regulation, supervision and oversight), she calls for a deeper exploration of specific obligations. She adds that developing standards and reparations can further contribute to integrating human rights-compatible measures into public security and economic development policies. She suggests that when approving economic development projects, States should reinforce the adoption of sustainable policies guided by the principle of social equity, considering the rights of indigenous peoples and environmental preservation.

Regarding the fourth challenge, the candidate believes in enhancing judicial dialogue with other regional systems, such as the European and African systems, to ensure consistency in standards. Additionally, she advocates for coordinated dialogue between the Court and the IACHR to implement strategies for timely access to justice and amplify the impact of decisions, aligning with the recent prioritization policy of the Inter-American Human Rights System.

Finally, in relation to the fifth challenge, Bonifaz Alfonzo says that the Court should strengthen ties with justice operators to encourage national authorities to effectively control conventionality.

- ***Diligence and Other Relevant Skills***

Candidate Bonifaz Alfonzo indicated in her response to the questionnaire that, alongside her judicial responsibilities, she intends to uphold her academic commitments and continue consulting work in her country.

In terms of her experience with legal systems beyond her own country, Bonifaz Alfonzo confirms her familiarity, explaining that serving as a rapporteur for CEDAW requires a comprehensive analysis of each country's regulatory framework, and that CEDAW's final observations often include recommendations for reforms to these frameworks. Additionally, she mentions her theoretical studies on the Constitution of Bolivia and various laws in Argentina and Chile.

As for her specific language skills, she indicates an intermediate level of English proficiency, and has a reading comprehension of Portuguese and French, as well as a command of Italian.

iv. Independence, Impartiality and Absence of Conflicts of Interest

In her response to the questionnaire regarding potential conflicts of interest affecting her independence and impartiality as a judge, Bonifaz Alfonzo assured that while she plans to maintain her academic commitments and some consultancies within the country, she anticipates these roles will not pose any conflicts with her duties on the Court.

In particular, she was asked if she has participated in civil society movements advocating for human rights and if such membership could pose a conflict of interest with her candidacy and potential judge functions. The candidate disclosed her current position on the Board of Directors of A.C. Equis, Justicia para las Mujeres (Justice for Women), and her soon-to-be-expired term as a counselor at Abogadas MX A.C., asserting that these affiliations do not pose conflicts of interest. However, it remains unclear from her responses whether her term as a counselor at A.C. Equis, Justicia para las Mujeres will end before assuming the role of judge if elected. Failure to do so might entail a conflict of interest if she continues her involvement with the organization's Board post-election.

Similarly, she addressed her past public service experience, noting her tenure as the general director of studies, promotion, and development of human rights at the Supreme Court of Justice of the Nation from 2015 to 2018. The candidate believes that there is no potential conflict of interest. The Panel received various communications supporting Bonifaz Alfonzo's candidacy, noting her lack of affiliations with political parties or entities and her avoidance of projects that could risk polarization or politicization.

v. Contribution to a Balanced and Representative Integration of the Organization

The candidate, as expressed in her responses to the questionnaire provided by the Panel, emphasized her extensive professional background and profound understanding of regional human rights issues, underscoring her ability to offer a comprehensive perspective that would enhance the

thorough examination of specific cases. She also highlighted her experience in collaborative efforts and consensus-building.

Among the communications received from civil society, there was notable recognition of candidate Bonifaz as a staunch ally of feminist, LGBTI, indigenous, and Afro-descendant movements.

It is important to highlight that candidate Bonifaz Alfonzo is the sole woman nominated in the current election process.

vi. National Nomination Process

Candidate Bonifaz Alfonzo's response to the questionnaire indicated a nomination and consultation process involving educational institutions dedicated to the study of the Inter-American Human Rights System, members of human rights bodies and representatives of civil society organizations.

During her interview with the Panel, Bonifaz Alfonzo expressed an unawareness of any internal election processes, since they were conducted by the Undersecretariat of Foreign Affairs. When she expressed her desire to participate, she says she was informed that a consultation process would be conducted, and that other people had expressed an interest in participating in it. She does not know the details of it.

On the other hand, some communications that were received claim that civil society participated in the Ministry of Foreign Affairs meetings to present possible candidates and that consultations were held with people from the academic field.

Conclusion

The Panel concludes that candidate Leticia Bonifaz Alfonzo meets the evaluation criteria contained in the Inter-American instruments to be elected as a judge of the Inter-American Court of Human Rights.

While acknowledging that the candidate hasn't engaged in professional activities within the realm of the Inter-American Human Rights System, her remarkable experience in international human rights law equips her to adeptly navigate the responsibilities of the Inter-American Court of Human Rights. Her tenure with CEDAW awards her standing to bring a gender perspective to the court. Noteworthy is her demonstrated understanding of the current challenges facing the Inter-American Human Rights System, coupled with proposed solutions to address them.

The Panel observes that Mexico lacks a public and participatory nomination mechanism for Inter-American Human Rights System bodies, with authorities directly designating Bonifaz Alfonzo's candidacy after consulting civil society and academia.

e. Ricardo Pérez Manrique

Procedure before the Panel: candidate Ricardo Pérez Manrique, nominated by Uruguay for re-election, answered the questionnaire sent by the Panel Secretariat on April 13, 2024, and participated in the interview with the Panel on April 30, 2024.¹¹ The Secretariat did not receive communications about the candidate's background and profile.

i. High Moral Authority

In his completed questionnaire sent back to the Panel, candidate Pérez Manrique stated that he had never faced disciplinary action for professional misconduct. The Panel's received no evidence to the contrary, with no records indicating any sanctions, ethical breaches or professional impropriety.

The Panel notes that the candidate, as President of the IACtHR, promoted the approval of the Court's Code of Ethics. In addition, the candidate remains part of the Ibero-American Commission on Judicial Ethics, a fact highlighted in the Panel's 2018 report.

ii. Qualification to Exercise the Highest Judicial Function

Article 235 of the Uruguayan Constitution establishes as requirements to serve on the Supreme Court of Justice, being at least 40 years old, a natural citizen in exercise, or a legal citizen with 10 years of practice and 25 years of residency in the country, along with a tenure of 10 years as a lawyer or eight years in the judiciary, Public Ministry, or as a prosecutor.

Candidate Pérez Manrique meets all the stipulated criteria, with no communications received to dispute his eligibility. In addition to serving as a judge of the Inter-American Court of Human Rights since 2019 and assuming the presidency during the 2022-2023 term, he has also held the position of judge on the Supreme Court of Justice of Uruguay.

iii. Renowned Competence in Human Rights

● *Academic Training and Professional Experience*

According to his resumé,¹² Ricardo Pérez Manrique received his law degree from the Universidad de the Republic in Uruguay, before then receiving a PhD in Law and Social Sciences from the same institution.

Within the realm of academics, Pérez Manrique has served as a professor at the Universidad de Buenos Aires and has led UNICEF regional courses for judges, defenders and prosecutors,

¹¹ It is important to note that Panel expert Ariela Peralta did not participate in this interview or during this individual evaluation, due to the previous professional relationship she had with the candidate Pérez Manrique.

¹² The curriculum vitae provided by the candidate is available on the Inter-American Human Rights System Panel website: <https://www.wcl.american.edu/impact/initiatives-programs/independent-panel-to-evaluate-candidates-to-the-iahrs-bodies/>

focusing on jurisdictional protection of children and adolescents' rights. Pérez Manrique has also taught in postgraduate courses both domestically and internationally, including sessions at the Centro de Estudios Judiciales del Uruguay (Center for Judicial Studies of Uruguay). His dedication extends to training initiatives for UNESCO, in topics such as freedom of expression, access to public information, and journalist protection, and lectures and courses abroad, including Brussels, Barcelona, The Hague, Colombia, Mexico, Ecuador, Chile, Argentina, Paraguay, Guatemala and Costa Rica.

In his professional capacity, Pérez Manrique highlights his role as a judge of the Supreme Court of Justice of Uruguay (2012-2017), member of the Advisory and Consultative Council for the Fight against Domestic Violence, judge of the Family Court of Appeals, member of the National Honorary Advisory and Consultative Council on the Rights of Children and Adolescents, member of the Hague Network of Judges on Child Abduction, member of the Ibero-American Judicial Summit, member of the Ibero-American Commission on Judicial Ethics and currently position as a judge of the Inter-American Court of Human Rights for the 2019-2024 period.

Among his most relevant contributions are publications on conventionality control, a dissenting vote as a judge of the Supreme Court of Justice of Uruguay,¹³ and 20 reasoned votes cast at the Inter-American Court of Human Rights.¹⁴ Regarding the latter, the Panel notes that 16 of the candidate's votes were concurrent, two partially concurrent and two dissenting. Pérez Manrique often advocates for what he terms "a third vision: connection-simultaneity" when addressing the justifiability of ESCR. His votes also delve into topics like intersectional discrimination based on poverty and gender, freedom of expression and environmental rights. Additionally, the Panel acknowledges instances where Pérez Manrique diverged from the majority decision of the Inter-American Court of Human Rights, particularly concerning the *ne bis in idem* principle, forced disappearance, preliminary exception of exhaustion of domestic remedies, and the justifiability of ESCR.

- ***Knowledge of Inter-American Standards and the Challenges of the Inter-American Human Rights System***

In his responses to the questionnaire, the candidate identified three main areas of concern: budgetary constraints, access to Inter-American justice, and the universalization of the Inter-American Human Rights System.

Regarding the first challenge, he emphasizes that the current funding structure of the Inter-American Court of Human Rights, with 60% of its budget coming from the OAS and the remaining 40% from international cooperation, is unsustainable. He advocates for a more stable funding

¹³ Refer to: the Inter-American Human Rights System Panel Report 2018 at the following link:

<https://www.wcl.american.edu/impact/initiatives-programs/center/documents/independent-panel-final-report-2018/>

¹⁴ The votes cast by candidate Pérez in his role as judge of the Inter-American Court of Human Rights are published in the following link: https://www.corteidh.or.cr/casos_sentencias.cfm?lang=en

model where all necessary resources are provided by the OAS. Additionally, he suggests that the members of the Court should serve on a full-time and permanent basis.

Regarding the second challenge, he criticizes the lengthy duration of cases in the Inter-American Human Rights System, which often leads to victims or their relatives aging or passing away before their cases are resolved. To address this issue, he proposes implementing measures to expedite the processing of cases, drawing on advancements in comparative law and leveraging the operational experience of the Inter-American Human Rights System to establish time limits for cases to be arrive before the Inter-American Court of Human Rights.

Considering the third challenge, the candidate stresses the importance of encouraging countries that have withdrawn from the Inter-American Human Rights System to rejoin the organization, as well as the need to expand the number of states that ratify the ACHR and accept the jurisdiction of the Inter-American Court of Human Rights.

During his interview with the panel, the candidate expanded on additional challenges, including structural discrimination, migration, artificial intelligence, technology use, emergency situations, and climate change.

It's worth noting that in his addresses before the Permanent Council of the OAS and during his opening speeches at the Inter-American Court of Human Rights in 2022 and 2023, he outlined a comprehensive set of challenges: promoting democracy on the continent; human rights and sustainable development; women's rights; social inequality; the Internet, new technologies and the rule of law; the environment, climate change and sustainability; grand corruption and organized crime; and migration. In addition, he highlighted institutional challenges such as strengthening the institution itself, fostering dialogue with national judicial powers and other international bodies and courts, promoting transparency and accountability through what he refers to as an "Open Door Court," and enhancing the implementation and oversight of court decisions.

Additionally, based on the candidate's information, it is evident that he has been proactive in promoting institutional initiatives, including the creation of the Inter-American Court of Human Rights Training Center and the "Corte TV" channel, aimed at enhancing the Court's accessibility and outreach to the general public.

- ***Diligence and Other Relevant Skills***

When asked about his experience with legal systems outside of his own country, candidate Pérez Manrique confirmed his familiarity with them, citing his work as a lawyer in Argentina. Additionally, his roles as a trainer for UNESCO and UNICEF have exposed him to various national legal systems, a transition crucial for his shift from a national to an international judge.

Regarding language proficiency, Pérez Manrique stated that he is a native Spanish speaker, and can read in English, French and Portuguese.

iv. Independence, Impartiality and Absence of Conflicts of Interest

Candidate Pérez Manrique is currently a judge of the Inter-American Court of Human Rights and is not an official of the Executive Branch. When answering the questionnaire, he stated that he has served as a judge in his country and occupied various other positions within the Judicial Branch, and that no potential conflicts of interest have arisen as a result.

The candidate specifies that, throughout his tenure as a judge of the Inter-American Court of Human Rights and in his judicial experience, he has consistently adhered to legal obligations and ethical standards, distancing himself from any cases that could potentially present conflicts of interest.

The Panel's 2018 report highlighted candidate Pérez Manrique's track record as a judge of the Supreme Court of Justice of Uruguay, emphasizing his demonstrated independence and impartiality in his judicial actions. The candidate clarified at that time that he had retired from the Court and did not anticipate engaging in activities beyond academia in the future.

v. Contribution to a Balanced and Representative Integration of the Organization

As a current judge on the Inter-American Court of Human Rights since 2019, who also served as President of the Court from 2022 to 2023, Pérez Manrique described during his interview the importance of institutional continuity within the Inter-American Court of Human Rights. He underscored his unique position as the only judge finishing his term eligible for reelection, and expressed his eagerness to contribute further with his now-accumulated experience if elected again.

vi. National Nomination Process

The candidate stated in both his interview and questionnaire responses that the Uruguayan government approached him expressing interest in nominating him for another term as a judge before the Inter-American Court of Human Rights. He mentioned having two interviews, one with the current foreign minister and another with his predecessor. Despite not being privy to the internal selection process details, Pérez Manrique attributed his nomination to his extensive experience and track record as an Inter-American court judge.

Conclusion

The Panel concludes that the candidate Ricardo Pérez Manrique meets the evaluation criteria contained in the Inter-American instruments to be reelected as a judge of the Inter-American Court of Human Rights.

His extensive knowledge of the Inter-American System, coupled with his experience as a judge in the Supreme Court of Justice of Uruguay and in the IACtHR, demonstrates his qualifications for the role. Moreover, Pérez Manrique exhibited a deep understanding of the current challenges facing the Inter-American Human Rights System and provided proposals to address them.

The Panel notes that in Uruguay there is no public and participatory mechanism for nominating individuals to serve in the Inter-American Human Rights System, with authorities directly designating Pérez Manrique's candidacy.

3. Recommendations

The effective fulfillment of human rights protection functions by the Inter-American Human Rights System depends significantly on the suitability, independence, and impartiality of its members. The timely and relevant application of Inter-American human rights standards hinges on the qualities and capabilities of both commissioners within the IACHR and the judges at the Inter-American Court of Human Rights.

The nomination and selection processes play a crucial role in shaping the composition of these bodies' plenary and, consequently, the quality of their decisions and the perception of their legitimacy. Therefore, these processes must prioritize transparency, participation, and the merit-based selection of candidates.

Unlike the previous year, where some States made efforts to establish a national process for nomination and selection,¹⁵ during this cycle all the candidates for the Inter-American Court of Human Rights indicated that they had not participated in transparent and participatory national processes. The Panel concluded that all candidates had been selected directly by the Executive Branch, typically through the Ministry of Foreign Affairs. Furthermore, in at least one instance, an academic institution's request for information regarding the internal selection process for a candidate was denied, undermining the principle of maximum transparency in access to information.

The Panel also observed that among the candidates, only one is a woman, and none belong to historically underrepresented groups such as indigenous and Afro-descendant peoples.

Another concern repeatedly highlighted by the Panel is the nomination of candidates holding positions in the Executive Branch at the time of their selection by the State. Regardless of the personal and professional qualities of the nominees, their proximity to state bodies can jeopardize their independence and impartiality and create a negative perception of potential conflicts of interest upon assuming office if elected. Even if these nominees commit to resigning if elected, the Panel believes that it is crucial for States to assess each candidate's eligibility at the time of announcing their candidacies.

¹⁵ Refer to: *Final Report of the Independent Panel to Evaluate Candidates to the IAHRs 2023*, May 31, 2023, at: <https://www.wcl.american.edu/impact/initiatives-programs/independent-panel-to-evaluate-candidates-to-the-iahrs-bodies/past-reports/independent-panel-2023-final-report/>

In summary, national nomination procedures for IACHR commissioners and judges continue to be predominantly controlled by the Executive Branch in a discretionary and exclusive manner. The current systems present a series of deficiencies in transparency and participation, as consistently highlighted by the Panel in its various exercises.

It's worth noting that the Inter-American legal instruments don't specify the procedures for national nominations and elections within the OAS General Assembly framework. However, since 2016, this body has adopted resolutions recommending that States establish national procedures for nominating and selecting candidates for the Inter-American Court and the IACHR, emphasizing criteria such as balanced gender representation, geographic diversity, and consideration of the region's population groups and legal systems. Importantly, these procedures should ensure that candidates meet the requirements of independence, impartiality, and recognized competence in the field of human rights.¹⁶

In 2023, the Inter-American Commission of Women (CIM) compiled and published a report offering recommendations to States regarding best practices aimed at achieving gender parity, equitable geographical representation, and diversity in legal systems within the Inter-American Court and the IACHR.¹⁷ It also urged States to ensure representation not only in terms of gender, but also for Afro-descendant and indigenous peoples, stressing the importance of adopting a gender-sensitive, intersectional, intergenerational, and intercultural perspective.¹⁸ This report emphasized the need to formalize transparent, open, and participatory national mechanisms or procedures, whether through laws, decrees, resolutions, or guidelines, to regulate the selection of candidates for international human rights positions.¹⁹ It also advised Member States to develop clear criteria and guidelines to inform decision-making processes concerning the exchange of votes and voting for candidates for the Inter-American Court and the IACHR. These criteria should include an evaluation of fundamental integration criteria for the body, as well as how voting practices can contribute to achieving gender parity, geographical balance, and representation of legal systems.²⁰

In the opinion of this Panel, the recommendations put forth by the OAS General Assembly and the CIM report, along with the ongoing suggestions made by this Panel, provide a clear and definitive

¹⁶ Refer to: 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). Also, refer to the most recent resolution on this topic, AG/RES. 2991 (LII-O/22), approved on October 7, 2022, Section xxvi, Gender parity and geographical representation and of the different legal systems in the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

¹⁷ Inter-American Commission of Women, *Report with recommendations on best practices to consolidate gender parity and equitable geographical distribution, as well as the representation of different legal systems in the Inter-American Court and Commission on Human Rights*, at: <https://scm.oas.org/pdfs/2023/CP48133ECIM.pdf>

¹⁸ *Id.*, para. 99.

¹⁹ *Id.*, para. 102.

²⁰ *Id.*, para. 104.

roadmap for States to progress in establishing national nomination mechanisms, which include guidelines for the election of candidates to occupy positions on the Inter-American Court and the IACHR. Such processes need to consider criteria such as gender parity, intersectionality, geographic representation and variety of different legal systems, as well as independence, impartiality and recognized knowledge or competence in human rights matters.

Additionally, it's essential to consider the comparative experiences of institutions like the International Criminal Court (ICC) and the European Court of Human Rights (ECHR), both of which share similarities with the Inter-American bodies. These institutions have established formalized evaluation bodies for the national nomination stage or the election process within their political selection bodies. Therefore, the Panel believes it's crucial to highlight these successful experiences in its recommendations, aiming to utilize them as a blueprint for action within the Inter-American model.

Another concern the Panel wishes to underscore is the longstanding practice of vote-swapping that has historically dominated the election processes for the bodies of the Inter-American Human Rights System. This practice becomes even more problematic when vote-swapping occurs prior to the nomination of candidates, thereby preventing participating States from conducting a thorough and conscientious evaluation of the requirements stipulated by the ACHR for selecting individuals to occupy these crucial positions within the Inter-American Court and the IACHR.

Furthermore, the Panel has encountered challenges in reconciling the professional commitments of the candidates with the responsibilities associated with assuming the roles of commissioner or judge, while simultaneously endeavoring to prevent them from creating conflicts of interest. For instance, a candidate's full-time employment may prove incompatible with the duties demanded by the position of commissioner or judge.

Additionally, the Panel has received concerns from some States via interactions with the Permanent Missions to the OAS, indicating that the publication of its report should occur earlier. This would afford those involved in the election process the necessary information to make informed voting decisions. However, as will be examined in more detail later, and considering the current regulations, expediting the process and producing a report earlier would only be feasible if the deadlines granted to the Secretary General and the States were brought forward, providing the Panel with more time to complete its assessment.

Consistent with its previous reports, the Independent Panel 2024, after evaluating the candidates and considering the previous considerations arising from six evaluation cycles, proposes a series of recommendations to the States and the OAS to move towards improving the current system of nomination and election of candidates to join the Inter-American Court and the IACHR:

- i. That States create a transparent, participatory and open procedure at the national level, guided by the resolutions of the OAS General Assembly, the CIM report, the recommendations of this Panel and comparative practices. This procedure should prioritize gender parity and the representation of various ethnic and racial groups in the region, which should ensure the selection of candidates who meet the requirements of independence, impartiality, and recognized competence in human rights, as stipulated by the Inter-American instruments.
- ii. The process for electing candidates to the OAS should be enhanced, considering the recommendations outlined in the General Assembly resolutions, the CIM report, and the reports of this Panel. This process should prioritize gender parity, representation of diverse ethnic and racial groups, geographic diversity, and the diverse legal systems in the region. It should guarantee the independence, impartiality, and suitability of individuals elected to the human rights bodies of the Inter-American Human Rights System. Throughout its various 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 nominees for the Inter-American Court and the IACHR, as elaborated upon later.
- iii. States should refrain from nominating candidates holding executive office at the time of their selection to avoid compromising their independence and impartiality, and to eliminate any perception of conflicts of interest upon assuming office, if elected. If such nominations occur, it is essential that the candidate at least resign from office at the time of nomination.
- iv. States should avoid engaging in vote-swapping prior to the nomination of candidates to ensure a thorough assessment of the requirements established by the ACHR for selecting individuals to occupy key positions in the Inter-American Court and the IACHR.
- v. States should consider requesting the OAS Secretary General to initiate the nomination process for candidates nine months prior to the General Assembly and to mandate States to submit their candidacies six months before this date. This timeline would allow the Panel to conduct its evaluation and produce a report with sufficient time to inform those participating in the election about the independence, impartiality, and suitability of the nominees.

These recommendations are further developed below.

a. Recommendations for Nomination Processes at the National Level:

i) Each State should have a formal, diverse and independent body to select candidates

In many States, existing institutions could undertake this selection process by appointing some of their members. Alternatively, the Panel suggests the creation of such an institution if it doesn't already exist. The individuals involved in the selection process should be independent, impartial,

and well-versed on the purpose and functions of the Inter-American Human Rights System bodies. They should also have an impeccable record in human rights matters. Ideally, this body should represent various constituencies of the State and sectors of society, including academia, professionals, and human rights organizations. It should either be permanent or formed well in advance of the next elections.

Comparable models already have similar evaluation bodies. For instance, the system of nominating and selecting judges for the ECHR relies on an Advisory Panel of Experts which assists during the process of nominating candidates at the national level, providing advice to States to ensure proposed individuals meet the essential requirements established in the European Convention on Human Rights,²¹ akin to those in the Inter-American regional instruments. In the last election of the ICC prosecutor, an independent evaluation body called the “Prosecutor Selection Committee” was established. This committee was tasked with analyzing candidacies and was supported by a panel comprising expert members.²²

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

The greater the publicity surrounding the call, the more equitable and transparent the process becomes. Therefore, States should ensure the dissemination of all information regarding the internal nomination process for candidate selection. This includes issuing a public call, inviting all eligible individuals to participate in the internal election procedure. This call should be published on both the OAS and the IACHR or Inter-American Court of Human Rights websites, as well as widely disseminated at the national level.

Drawing from the comparative model of the ECHR, the Committee of Ministers of the Member States has highlighted several good practices concerning the publicity of calls for applications. It emphasizes the importance of ensuring that the call reaches all potentially qualified candidates.²³

Various channels can be used to announce the vacancy, including official bulletins, government websites, national or regional newspapers, specialized legal press, judicial bodies or bar

²¹ *ECtHR: Composition & Election Process*, at: <https://ijrcenter.org/wp-content/uploads/2020/07/ECtHR-EC-mini-guidefinal-1.pdf>

²² 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.

²³ *ECtHR: Composition & Election Process*, at: <https://ijrcenter.org/wp-content/uploads/2020/07/ECtHR-EC-mini-guidefinal-1.pdf>

associations, the ombudsman, national human rights institutions, universities, and civil society organizations.²⁴

Similarly, another comparative experience of interest is the process used for the last election of the ICC prosecutor. In this instance, the vacancy announcement was circulated among the States Parties with a request for dissemination at the national level through relevant professional or institutional channels. The aim was to reach a broad audience of professionals in the field of criminal justice across all regions. Additionally, the announcement was distributed to other interested parties.²⁵

Moreover, dissemination efforts should aim to enable interested groups to follow the process and potentially participate in scrutinizing its various stages.

iii) Applicants should present evidence of compliance with the requirements set forth by the ACHR and the Statutes of the Inter-American Court and the IACHR

Given that regional instruments lack specific details on the essential requirements for evaluating each applicant, it becomes imperative for States to develop national guidelines for this purpose. The Panel recommends utilizing the criteria it employs to evaluate candidates, as outlined in Annex 2-a of the report. First, in accordance with international standards on the matter, assessing the “high moral authority” of a person should involve scrutinizing their record of sanctions, offenses, complaints, awards, and honors.

When evaluating the recognized knowledge or competence in human rights matters, the Panel considers it important to examine the candidate’s demonstrated expertise and experience working with the Inter-American Human Rights System and its instruments. This entails analyzing their specific knowledge of the standards developed by the Inter-American Court and the IACHR, along with their understanding of the main challenges faced by the Inter-American Human Rights System and their proposed solutions. Additionally, their commitment to the objectives and purposes of the ACHR must be assessed, as well as the mandate of the bodies applying them. Likewise, the candidate’s history of professional achievements, academic publications, or substantial experience in work or litigation before the Inter-American Human Rights System must also be taken into account.

²⁴ *Id.*

²⁵ 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.

Another crucial aspect in evaluating candidates is their independence and impartiality, both of which are fundamental values outlined in various international guidelines. The Bangalore Principles on Judicial Conduct²⁶ emphasize that judges must be free from “inappropriate connections with the executive and legislative branches” and must “have the appearance of being free from the above in the eyes of a reasonable observer.”²⁷ Similarly, the Addis Ababa Guidelines²⁸ stress the importance of independence and impartiality for members of human rights treaty bodies, stating that they must not only be independent and impartial but must also appear so in the eyes of a reasonable observer. These guidelines further specify that individuals working for treaty bodies should not be subjected to any form of influence or pressure from their own state or any other state or its agencies and should not seek or accept instructions from anyone regarding the performance of their duties.²⁹

iv) Applicants should be asked to provide information on the activities they plan to conduct concurrently with their work as commissioners and judges.

The national selection body should also inform candidates about the potential limitations they may face if elected, particularly regarding their future professional activities, to prevent any conflicts of interest that could interfere with their work.

Candidates should be committed to dedicating themselves fully to the position and ensuring continuity in their role. The Panel emphasizes that past instances of members resigning from their duties within the Inter-American Court and the IACHR have disrupted the dynamics of the plenary and its activities. Such occurrences are detrimental to the effectiveness of the respective bodies and should be avoided.

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

²⁶ *The Bangalore Principles of Judicial Conduct 2022*, at: https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf

²⁷ *Id.*, para. 1.3.

²⁸ *Addis Ababa Guidelines*, at: <https://www.ohchr.org/en/documents/reports/report-chairs-human-rights-treaty-bodies-their-twenty-fourth-meeting>

²⁹ *Id.*, para. 5.

In the spirit of Article 71 of the ACHR³⁰, as well as Articles 18 of the Statute of the Inter-American Court of Human Rights³¹ and Article 8 of the Statute of the IACHR,³² the Panel advises States against nominating individuals who currently hold, or are nominated for, positions of authority or responsibility within the government or diplomatic corps of their respective countries, while serving in the Inter-American Court of Human Rights or in the IACHR. Such dual roles could potentially create conflicts of interest, undermining the genuine or perceived independence and impartiality required of every judicial or quasi-judicial body. This recommendation is extended as a suggestion of prudence to safeguard the legitimacy and integrity of the bodies of the Inter-American Human Rights System, noting that it does not reflect any criticism of the personal qualities or capabilities of the individuals concerned. This restriction is particularly relevant for those actively engaged in the executive branch or diplomatic activities, considering that they are responsible for shaping a State's foreign policy in line with its interests. Failure to adhere to this recommendation would necessitate the nominated individual's resignation before formal nomination.

vi) Broad language skills and bilingualism would be desirable

Proficiency in multiple official languages of the OAS (Spanish, English, Portuguese, and French) is crucial for the effective performance of both commissioners and judges. Moreover, having a passive understanding of an additional language would be beneficial. Drawing from the practices of the ECHR, candidates who lack proficiency in multiple OAS languages could provide written commitments to undergo intensive language classes upon election. This practice could be applied in the Inter-American system in the case of a candidate who fully meets all the requirements, but does not master more than one official language of the OAS.³³

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

³⁰ Article 71 provides: The positions of judge of the Court or members of the Commission are incompatible with other activities that could affect their independence or impartiality in accordance with the provisions in the respective Statutes.

³¹ Article 18 provides:

1. The exercise of the office of judge of the Inter-American Court of Human Rights is incompatible with the following positions and activities:

a. those of members or high officials of the Executive Branch; excepted are positions that do not imply ordinary hierarchical subordination, as well as those of diplomatic agents who are not Heads of Mission to the OAS or to any of its member states.

³² Article 8 provides:

1. 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.

³³ Refer to *Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights*, adopted on 28 March 2012. Complete text available at: https://rm.coe.int/16805cb1ac#_ftn1. See also *Memorandum Explicativo de la CM (2012)40*, para. 26, Complete text available at: https://www.coe.int/t/dgi/brighton-conference/documents/Guidelines-explainslection-candidates-judges_en.pdf

The national selection body should invite candidates for interviews to evaluate their qualifications. To ensure fairness, pre-established rules should allow representatives from prominent non-governmental human rights organizations to participate in these interviews. Interviews should follow a standardized template to ensure equal treatment of all candidates and fair assessment. The questionnaires provided in Annex 3 of the report can serve as a guide for the types of questions to be asked. While the body's decisions should not be binding, any deviation from its recommendations by political authorities should only occur through a publicly reasoned decision.

viii) States should seek the nomination of persons who, in addition to meeting the conditions of recognized knowledge and competence in human rights and independence and impartiality, contribute to a diverse and representative configuration of the body

Nomination processes at the local level should prioritize gender parity and intersectionality to ensure equitable representation of women and marginalized groups within the region, including indigenous peoples, Afro-descendants, persons with disabilities, and members of sexual minorities.

As noted above, the OAS General Assembly Resolutions have recommended that States Parties ensure “balanced gender integration, with representation from the different regions, population groups and legal systems of the Hemisphere.”³⁴ The CIM report on good practices further underscores the significance of gender parity and equitable representation in the composition of the Inter-American Court and the IACHR³⁵.

ix) The Panel encourages the OAS General Assembly to create a legal framework containing minimum criteria for Member States to nominate candidates to the bodies of the Inter-American Human Rights System

Echoing its recommendation from the 2023 report, the Panel, heeding the proposal of representatives of Member States, suggested that the General Assembly be recommended to adopt a resolution entrusting the Inter-American Juridical Committee with drafting a framework or model law. Such a law could incorporate the criteria contained in this report, guiding Member States in establishing transparent and participatory internal processes for candidate selection in bodies of the Inter-American Human Rights System.

b. Recommendations for the selection process in the OAS

³⁴ Specifically refer to AG/RES. 2991 (LII-O/22), approved on October 7, 2022, Section xxvi, Gender parity and geographical representation and representation of the different legal systems in the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

³⁵ Inter-American Commission of Women, *Report with recommendations on best practices to consolidate gender parity and equitable geographical distribution, as well as the representation of different legal systems in the Inter-American Court and Commission on Human Rights*, at: <https://scm.oas.org/pdfs/2023/CP48133ECIM.pdf>

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

i) The OAS should establish an Advisory 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 Inter-American Court of Human Rights

Over its various iterations, the Panel has amassed valuable expertise in candidate evaluation methodologies and processes. This evaluation endeavor should be formalized within the OAS, a move the Panel strongly recommends, suggesting the establishment of an Advisory Committee, ensuring diverse representation with independent members drawn from civil society, academia, and officials serving in their individual capacity as independent experts, and striving for equitable representation across its members. The OAS could also invite the Inter-American Juridical Committee to assist the Consultative Committee in its work, in accordance with Article 99 of the OAS Charter, which establishes that the Juridical Committee exists to serve the Organization as a consultative body on legal matters.

Within the framework of the ECtHR, there is a committee for the election of judges to the Parliamentary Assembly which can serve as a noteworthy reference. This Committee's mandate includes conducting candidate interviews, evaluating their credentials, scrutinizing national nomination procedures for impartiality and transparency, reviewing interview outcomes, and overseeing State interactions with the Consultative Panel involved in the national nomination process. 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 communicate to the Parliamentary Assembly.³⁶

In the context of the ICC, Article 36 4(c) of the Rome Statute authorizes the Assembly of States Parties to establish an Advisory Committee on Nominations. Instituted in 2011, this Committee aims to serve as a fair and impartial body responsible for evaluating the qualifications of nominees. Subsequently, the nominees are subjected to a secret ballot by the Assembly of States Parties for final election.³⁷

ii) The terms of reference of the Advisory Committee would include assessing and evaluating the nominees with regard to their suitability for their mandate as commissioner or judge

³⁶ *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, available at: <http://www.assembly.coe.int/LifeRay/CDH/Pdf/ProcedureElectionJudges-EN.pdf>.

³⁷ *Rome Statute*, article 36.6 (a).

The Committee would be empowered to meet with these nominees, gather independent information about them, and organize public panels to facilitate their presentations to States, regional bodies, and national civil society organizations. This Committee would also have access to information collected on nominees at both the national and local levels. In assessing suitability for election, the Committee must consider not only professional aptitude but also personal attributes such as independence, impartiality, integrity, decency, competence, diligence, equanimity and empathy. Finally, the Committee should prioritize diversity among candidates in its recommendations.

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

To ensure adequate participation and contribution from institutions, civil society organizations, and interested individuals in the selection process, it is crucial for the OAS to announce the candidates well in advance—at least 90 days before the General Assembly.

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

The Panel acknowledges that the presentation of candidates to the Permanent Council of the OAS has proven effective in recent years, aiding in the selection of the most suitable individuals. Therefore, the Panel recommends utilizing the questionnaires provided in Annex 3 of this report to develop standardized questions for these interviews.

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

The Committee's report would provide guidance and advice through independent evaluations that States could use in choosing the most qualified persons. The Committee's role would not involve endorsing or objecting to specific candidates but rather validating their suitability according to established criteria.

vi) The Panel encourages that the selection process consider both the need for diversity on the basis of gender, ethnic origin, sexual orientation, disability status, professional specialty, gender identity or other considerations, and the need for balanced integration in the Commission and the Court based on the person's professional career

In cases where multiple candidates meet the essential requirements, further selection among them could be based on additional considerations, ensuring that the chosen individuals possess the

necessary skills and qualities to effectively serve the Inter-American Court and the IACHR. The Panel encourages States to prioritize candidates who align with the needs of these bodies, promoting equitable, fair, and efficient performance of their functions.

vii) The Panel recommends that States refrain from vote-swapping prior to the nomination of candidates to ensure the election of new members of the bodies who are independent, impartial and who meet the requirement of suitability

Both the ACHR and the Statutes of the IACHR and the Inter-American Court³⁸ establish that the commissioners, as well as the judges of the Inter-American Court of Human Rights, shall be elected by secret ballot during the General Assembly and by an absolute majority of the votes of the member States or parties to the treaty, as appropriate.

As noted above, the practice of vote-swapping has historically dominated the election processes for international positions, including those for the bodies of the Inter-American Human Rights System. Through this practice, States pledge their votes for nationals of other countries nominated for international posts in various bodies or courts, in exchange for obtaining the support of those other countries for their own candidates. Since the exchange of votes takes place prior to the nomination, this practice has been questioned because it fails to take into consideration the suitability requirements required for the post in question. In the case of the Inter-American Human Rights System, previous Panels have made detailed criticisms of these practices, which are also reiterated by civil society organizations at the regional³⁹ and international level.⁴⁰

In 2024, the Panel reiterated its concern about the negative impact of vote-swapping prior to the nomination of candidates in elections for the Inter-American Court and the IACHR. This practice involves committing in advance to vote for another State's nominee, disregarding the candidate's personal and professional qualifications. Such actions undermine the requirement to elect individuals based on moral authority, recognized knowledge or competence in human rights, independence, and impartiality. Additionally, advance vote-swapping hampers the fulfillment of the OAS General Assembly's mandate to integrate the Inter-American Human Rights System bodies respecting gender parity, the ethnic and racial diversity of the region, geographical distribution, and the different legal systems of the hemisphere.

³⁸ Refer to Articles 53 of the ACHR, 5 of the Statute of the IACHR and 9 of the Statute of the Inter-American Court of Human Rights.

³⁹ Refer to, for example, Centro por la Justicia y el Derecho Internacional (CEJIL), *Aportes para el proceso de selección de miembros de la Comisión y Corte Interamericanas de Derechos Humanos*, 2005, p. 9; Katya Salazar & Naomi Roht-Arriaza, *Democracia y Transparencia en el SIDH: una experiencia en marcha*. Revista Derecho y Praxis, Vol. 08, N. 2, 2017, pp. 1652-1681, p. 1655, ISSN-2179-8966, at: <https://www.redalyc.org/pdf/3509/350951354024.pdf>

⁴⁰ Refer to Coalition for the International Criminal Court. Campaign on the ICC Elections, at: <http://www.coalitionfortheicc.org/es/elecciones-2020-cpi-sp>.

In short, the Panel recommends that States abandon the practice of vote-swapping for elections of members of the Inter-American Court and the IACHR, at least until the nominees for the available positions are known. Additionally, the recommendation outlined below regarding the opening and closing times of the nomination period may also help alter this practice.

c. Other recommendations for States and the OAS

i) The Panel encourages the OAS General Secretariat to bring forward the opening of the nomination process for candidates to the Inter-American Court and the IACHR, requiring States to present the selected candidates six months before the General Assembly, in order to facilitate the evaluation process

The Panel wishes to emphasize that according to the Statutes of the IACHR⁴¹ and the Inter-American Court,⁴² six months before the General Assembly that precedes the end of the current mandate of these bodies' members, the Secretary General of the OAS will request States to submit their candidates within ninety days. In its discussions with the Permanent Missions to the OAS, the Panel has received concerns from some States, suggesting that its report assessing the nominees for the Inter-American Court and the IACHR should be released earlier to provide sufficient time for decision-making. Typically, the OAS General Assemblies are convened in mid- or late June, meaning that States have until mid- or late March to nominate candidates. This leaves the Panel with just about two months to conduct its evaluation process and present its report. Such time constraints would similarly impede the effectiveness of any evaluation carried out by a Consultative Council, if established by the OAS. Consequently, the Panel advises advancing the opening and closing dates for the nomination process to grant ample time for the evaluating body to complete its assessments and generate a report for thorough consultation and consideration by the voting States.

⁴¹ Refer to article 4 of the IACHR Statute.

⁴² Refer to article 8 of the IACHR Statute.

ANNEXES

1. Biographies of the Panel Members

a. Ariela Peralta

A Uruguayan lawyer, public notary, and graduate of the Universidad de la República de Uruguay, Ariela Peralta has over 30 years of expertise in International Human Rights Law. Her academic accolades include an LL.M. in International Legal Studies, with a focus on human rights and transitional justice and accountability, from the American University Washington College of Law. Further, she has engaged in specialized studies on the United Nations System and International Law in Geneva and The Hague, respectively.

Presently, Ms. Peralta serves as an expert for the European Union's ProDerechos program in Honduras, advocating for the fortification of the National Human Rights System, and has also been appointed by the President of the Human Rights Council as a member of the Group of Experts on Human Rights on Nicaragua. Throughout her career, she has held prominent positions, including Director of the National Institution of Human Rights and Ombudsman of Uruguay, as well as Executive Secretary of the Institute of Public Policies on Human Rights of Mercosur. Her contributions extend to serving as a legal advisor to the president of the Inter-American Court of Human Rights and receiving two nominations from the Uruguayan Executive Branch to join the International Criminal Court. Prior to her current endeavors, she served as deputy director of the Center for Justice and International Law in Washington D.C., where she held positions as Deputy Executive Director and Director of the Program for the Andean Region, North America, and the Caribbean. Her experience encompasses human rights consultancy for the OAS and the UNDP Country Program in Uruguay. Additionally, she held the post of Academic Coordinator for the Graduate Program in Human Rights, Democracy, and the Rule of Law at FLACSO, Uruguay.

She has co-authored various publications and has participated as a speaker in national and international seminars and meetings.

b. Edison Lanza

A Uruguayan lawyer, Edison Lanza received his degree from the Universidad de la República de Uruguay, before completing his graduate studies at the same institution, specializing in the fields of freedom of expression and criminal law. Presently, he holds the position of Senior Fellow at the Inter-American Dialogue and serves as a consultant for prominent international organizations such as UNESCO, as well as for various human rights organizations globally.

Notably, Mr. Lanza served as the Special Rapporteur for Freedom of Expression at the IACHR from 2014 until October 2020. Additionally, his scholarly contributions have enriched the academic discourse, with numerous publications focusing on freedoms of expression and communication, particularly in the digital domain. In addition, he has coordinated the preparation of thematic, case, and country reports within the Inter-American Human Rights System.

In the realm of education, he has served as a professor at the Faculty of Information and Communication of the Universidad de la República. Additionally, he has been invited as a guest lecturer at renowned academic institutions worldwide, including American University and Stanford University in the United States, UNAM in Mexico, Universidad Carlos III in Spain, the Universidad de Buenos Aires in Argentina, and the Universidad de the Andes in Colombia.

As an activist dedicated to safeguarding fundamental freedoms, he has spearheaded the establishment of various civil society organizations. His contributions as a journalist, columnist, and contributor to diverse media outlets has also been significant.

c. Juan Méndez

An Argentine lawyer, Juan Méndez received his law degree from the Universidad Nacional de Mar del Plata. Currently, he holds the position of Resident Professor of Human Rights at the American University Washington College of Law, a role he has fulfilled since 2009, where he also currently leads the Anti-Torture Initiative within its Center for Human Rights and Humanitarian Law.

Since 1997, Professor Méndez has taught courses for the master's program in International Human Rights Law at the University of Oxford, United Kingdom. Additionally, he serves as a lecturer at the summer course of the Academy of Human Rights at American University. Since January 2017, he has served as a Commissioner of the International Commission of Jurists in Geneva, Switzerland. In July 2020, he was appointed a member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, a role he holds for a three-year term. In January 2022, he assumed a role as one of the three members of the Independent International Expert Mechanism on Racial Justice and Security Forces, established by the United Nations Human Rights Council. He was part of the Interdisciplinary Group of Independent Experts (GIEI), investigating acts of violence and human rights violations in Bolivia from September to December 2019. Prior to that, Professor Méndez served as the United Nations Special Rapporteur on Torture and as Special Advisor to the United Nations Secretary-General on the Prevention of Genocide between 2004 and 2007. Within the Inter-American System, he has served as a member of the IACHR, where he assumed the presidency in 2002.

For his outstanding work in human rights, he has received several awards, including honorary doctorates from various universities. He is the author of numerous articles in specialized

publications and, together with Marjory Wentworth, co-author of the book “Taking A Stand: The Evolution of Human Rights” (New York: Palgrave MacMillan, 2011).

d. Juan Pablo Albán

An Ecuadorian lawyer, Professor Juan Pablo Albán earned his law degree from the Pontificia Universidad Católica de Ecuador, before completing his graduate studies in International Human Rights Law at the University of Notre Dame in the United States, where he also currently pursuing his doctorate.

Currently, he is a professor of criminal law, international law, and human rights, and directs the Public Interest Legal Clinics at the Universidad San Francisco de Quito in Ecuador. His teaching experience includes graduate level courses at various universities, both in Ecuador and in other Latin American countries. Further, he has also served as an official within the IACHR. Previously, Professor Juan Pablo Albán was a member of the Council of the Judiciary of Ecuador and the Inter-American Institute of Criminal Policy, and, has contributed to the human rights field as a foreign expert of the Special Jurisdiction for Peace in Colombia. He has been appointed member and rapporteur of the Committee against Forced Disappearances of the United Nations Organization.

e. Mariclaire Acosta

An outstanding academic, activist and internationally recognized human rights expert, Mariclaire Acosta currently presides over the organization JTMX, and the Estrategias contra la Impunidad A.C., which seeks to promote a transitional justice process for Mexico. In addition, she presided over the organization Oxfam-Mexico (2017-2024) and is a member of the Board of Directors of the Fundación para el Debido Proceso (DPLF).

Until August 2022, Ms. Acosta served as president of the Consultative Assembly of the National Council to Prevent Discrimination. In 2018, she served as President of the National Anti-Corruption System of Mexico and has founded several civil human rights organizations and held important positions in public service, including as Director of Freedom House Mexico. Prior to that, she served as Director for the Americas of the International Center for Transitional Justice (ICTJ) and advised the Secretary General of the Organization of American States (OAS) on Civil Society Affairs. During President Vincente Fox’s Administration, Ms. Acosta was appointed as Undersecretary for Human Rights and Democracy within the Ministry of Foreign Affairs.

Her vast experience also includes collaborations with the Office of the United Nations High Commissioner for Human Rights, as well as advisor to the National Human Rights Commission of Mexico, from 2013 to 2019.

f. Sergia Galván

A prominent Dominican feminist educator and activist, Sergia Galván's experience spans more than 40 years leading the feminist and women's movement in Latin America and the Caribbean. A specialist in women's studies and human rights, Ms. Galván has also held significant positions such as Director of Public Policies at the Ministry of Women in the Dominican Republic.

She is currently a member of the Board of Directors of the Latin American and Caribbean Women's Health Network, demonstrating her ongoing commitment to women's rights in the region. She has also served as co-Founder of the Network of Afro-Caribbean, Afro-Latin American and Diaspora Women; Executive Director of the Colectiva Mujer y Salud; and as an expert in the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) to Prevent, Punish and Eradicate Violence Against Women. Moreover, she was a co-founder of the Democratic Option Party, as well as the party's former candidate for Deputy.

As a part of various feminist and women's networks and organizations in Latin America and the Caribbean, Sergia Galván has participated extensively in the defense of women's sexual and reproductive rights, and in the fight against racism, violence against women and crimes of pedophilia.

2. Working Methodology

a. Evaluation Criteria

- **High Moral Authority**

Both the ACHR and the Statute of the Inter-American Court outline the minimum qualifications for individuals nominated as judges of these bodies. Among these requirements is the demand for "jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the state of which they are nationals or of the state that proposes them as candidates."⁴³

In previous reports, the Panel has addressed this requirement, referencing the Bangalore Principles, which elaborate on values such as integrity and fairness. Acting with integrity entails ensuring one's conduct is beyond reproach from an observer's standpoint. These Principles emphasize the importance of maintaining public trust and making fair decisions through transparent processes. Consequently, impropriety and any appearance thereof must be diligently avoided in all activities.⁴⁴

With this understanding, the panel has assessed candidates based on:

⁴³ Article 52.1 of the ACHR and 4.1 the Statute of the Inter-American Court.

⁴⁴ *Bangalore Principles*, *supra*, value 3 and 4, articles 3 and 4.

- The candidate’s professional record, including any sanctions, faults, or complaints that may impact their ethical conduct in their role;
- Special mentions, recognition, distinctions or awards that accredit the high moral authority of the candidate.

In instances where there are allegations linking a candidate to unethical behavior, the Panel will assess the credibility of the sources, examine the severity and substantiation of the accusations, and subsequently deliver its findings.

- **Qualification for the Highest Judicial Function**

On previous occasions, the Panel has indicated that under Articles 52.1 of the ACHR and 4.1 of the Statute of the Inter-American Court of Human Rights, candidates for the Inter-American Court of Human Rights must be qualified to exercise the highest judicial function “in conformity with the law of the state of which they are nationals or of the state that proposes them as candidates.” This examination involves reviewing the constitutional provisions governing this matter in the candidates’ countries of origin or nomination to ensure they can execute their duties effectively.

- **Recognized Competence in Human Rights**

In this regard, the Panel has indicated in its previous reports that “recognized competence in human rights”⁴⁵ entails possessing both knowledge and proven experience in human rights matters. This means familiarity with Inter-American human rights instruments, proficiency in handling the primary standards emanating from bodies of the Inter-American Human Rights System, comprehension of the internal procedures and external relations of the Inter-American Human Rights System, and understanding its operational dynamics, among other aspects. Additionally, the Panel evaluates the candidate’s awareness of the main challenges facing the Inter-American Human Rights System, its proposed solutions, and priorities regarding these challenges, as well as their dedication to the objectives and mandates of the ACHR and its constituent bodies.

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

- Human rights matters
- Handling Inter-American standards of the Inter-American Human Rights System
- Understanding internal procedures and relations of the Inter-American Human Rights System with external actors and other operating dynamics

⁴⁵ Article 34 of the ACHR and article 2.1 of the Statute of the Inter-American Court of Human Rights.

To this end, the Panel evaluates the candidate's track record of professional achievements, record of academic publications and/or substantial experience in work or litigation before the Inter-American Human Rights System. It also considers the candidate's knowledge of the main challenges of the Inter-American Human Rights System, as well as their commitment to the objective and purpose of the ACHR.

In addition to these criteria, the Panel evaluates 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 languages of the Inter-American Court of Human Rights
- Familiarity with the diverse legal systems prevalent in the region; and
- Knowledge and understanding of the political, social and cultural environment of the region and its subregions.

- **Independence, Impartiality and Absence of Conflicts of Interest**

The IACHR establishes that judges “are elected in a personal capacity”⁴⁶ and that their position is incompatible with other activities that might compromise their independence or impartiality. Article 71 of the IACHR further specifies that judges' positions are incompatible with any other activities that could potentially undermine their independence or impartiality, as outlined in the respective Statutes. Additionally, Article 18 of the Statute of the Inter-American Court of Human Rights specifies that holding a position in the Executive Branch is incompatible with serving as a judge, except for roles that do not involve ordinary hierarchical subordination or diplomatic positions that do not entail being heads of Mission to the OAS or to any position or activity that prevents judges from fulfilling their obligations, or affects their independence, impartiality, dignity or prestige of their office. Likewise, the OAS General Assembly⁴⁷ highlights the importance of the Inter-American Court of Human Rights being composed of impartial, independent persons with recognized competence in the field of human rights, in accordance with the principles of non-discrimination, gender equity and geographical representation.

Furthermore, the Panel has indicated in previous reports that this criterion must be seen under the Bangalore Principles that develop the concept and provide that being independent implies being “free from any external influence, instigation, pressure, threats or interference, whether direct or

⁴⁶ Article 52 of the ACHR

⁴⁷ By Resolution AG/Res. 2887, of 14 June 2016.

indirect, from any source or for any reason.”⁴⁸ These criteria include not only avoiding actual bias or control by other bodies, but also avoiding a perception of conduct or lack of independence.

Independence includes both individual and institutional dimensions, signifying not only freedom from inappropriate connections or pressures, but having the “appearance of freedom from the former to a reasonable observer.”⁴⁹ Conversely, impartiality entails performing tasks without favoritism, bias or prejudice, and relates not only to the decisions themselves but also to the process by which they are made.⁵⁰

The Addis Ababa Guidelines add that independence and impartiality are compromised by a member’s participation in the executive branch of a State due to the political nature of such a connection.⁵¹ Accordingly, members of international bodies should refrain from performing any function or activity that is or that a reasonable observer might interpret as being incompatible with the obligations and responsibilities incumbent upon them as independent experts.⁵²

The Addis Ababa Guidelines define conflicts of interest as instances where individuals fail to meet the requirements of independence and suitability, which can stem from various factors such as the individual’s nationality or place of residence, current or past employment, membership or affiliation with organizations, or familial and social relationships.⁵³ They add that, assuming positions with decision-making capacity in civil society organizations, academic institutions, companies or private entities related to the States, also give rise to conflicts of interest.⁵⁴

Within this framework, the Panel assesses the independence and impartiality of candidates, not only in terms of their obligation to remain unbiased and uninfluenced by external parties but also to prevent any appearance of a lack of independence in the eyes of a reasonable observer.

- **Contribution to a Balanced and Representative Integration of the Organization**

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

⁴⁸ *Bangalore Principles, supra*, Value 1, Art. 1.1.

⁴⁹ *Bangalore Principles, supra*, Value 1, Art. 1.3 and Addis Ababa Guidelines, *supra*, para.2.

⁵⁰ *Bangalore Principles, supra*, articles 1 and 2.

⁵¹ *Addis Ababa Guidelines, supra*, para. 12.

⁵² *Id.*

⁵³ *Id.*, para. 3.

⁵⁴ *Id.*, para. 14.

Rights System, in terms of gender and representation of the different geographic regions, population groups and legal systems of the hemisphere.⁵⁵

Since the Panel's 2015 report, consideration has been given to whether the candidate contributes to a balance of the bodies of the Inter-American Human Rights System in terms of area of expertise, gender, professional background (justice and public ministry, diplomacy, academia, civil society organizations, etc.) and other forms of diversity. The promotion of a balanced composition of gender and geographical representation and of the different legal systems within the bodies of the Inter-American Human Rights System was later recognized.

In light of these considerations, the Panel underscores the significance of a balanced and representative composition of the bodies of the Inter-American Human Rights System. This criterion should be carefully weighed when nominating and electing candidates within the OAS framework.

- **National Nomination Processes**

In this regard, the Panel has considered that the implementation of transparent, participatory national nomination processes based on the merits and competencies of the candidates contributes to guaranteeing the independence, impartiality and suitability of the future members of the bodies of the Inter-American Human Rights System. These processes decentralize state power over selection, allowing civil society, academia, and other stakeholders to participate in said processes. While they may not eliminate political agreements like vote-swapping, which previous panels have consistently opposed, they encourage such agreements to involve candidates with stronger assurances of independence, impartiality, knowledge, and experience.

The Panel underscores the importance of transparent, participatory, and merit-based nomination processes at the national level, designed to select the most qualified candidates for the roles. These processes not only lend legitimacy to the candidates but also ensure the nomination of candidates with higher levels of independence, impartiality, knowledge and experience.

As highlighted in previous reports and reiterated in this one, adherence to the principles of competence, independence, and impartiality within the Inter-American Human Rights System is closely linked to the process of electing suitable members for the Commission and the Court. After the nomination of the candidates at the national level, the election process at the OAS General

⁵⁵ Refer to: 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). Also, Refer to the most recent resolution on this topic, AG/RES. 2991 (LII-O/22), adopted on October 7, 2022, Section xxvi, Gender parity and geographical representation and representation of different legal systems in the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

Assembly is the second and final stage where these values can be firmly, resolutely and informedly endorsed.

To this end, the candidates and civil society were consulted about the national nomination process by which they were chosen and their position on the matter.

b. Advocacy Activities

• Communications Strategy

The Panel Secretariat devised a comprehensive communications strategy with the goal of ensuring transparency and fostering participation in the evaluation process for judges of the Inter-American Court of Human Rights. This strategy involved engaging various sectors of society and leveraging multiple communication channels for effective dissemination.

The overarching objective of the strategy was to promote transparency and citizen participation in the election of judges of the Inter-American Court of Human Rights.

The specific objectives are: i. Inform citizens about the process of electing judges; ii. Disseminate clear information about the stages of the process, requirements and functions of the Inter-American Court of Human Rights; and, iii. Promote the active participation of civil society.

The target audience of the strategy includes: 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; v. Media and influencers.

The communication plan unfolds in three phases: i. Phase I – Activation: revitalize social networks with informative content about the Inter-American Court of Human Rights and the Panel; ii. Phase II – Candidacy Launch: disseminate the work of the Panel and the candidacies to the Inter-American Court of Human Rights; and, Phase III – Final Report and Election: provide updates on the Panel’s progress and final report, emphasizing the impact of its monitoring efforts.

The communication strategy utilized various formats such as press releases, social media posts and carousels, as well as short videos. Both indirect and direct dissemination methods were employed. Indirect dissemination included utilizing the Panel’s social media platforms (Instagram, X, Facebook, LinkedIn), allied organizations’ social media, and the website. Direct dissemination involved reaching out to representatives of States (missions and permanent observers) to the OAS, civil society organizations, academia, and the press.

Key indicators of the strategy’s success included metrics such as the number of followers and interactions on the Panel’s social media, the number of social media posts, and the participation of civil society in monitoring the process.

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

One significant aspect of the strategy was our meeting held with 11 Permanent Missions to the OAS on April 3, 2024, hosted at the facilities of the Permanent Mission of Chile. It was attended by representatives from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Paraguay and Peru. During the session, the Panel outlined its objectives, members, methodology, schedule, evaluation criteria, as well as the recommendations presented in previous reports. The participating States engaged in discussions, offered their support, and highlighted the importance of the Panel's work.

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

On April 3, 2024, the Panel convened with several Permanent Observers to the OAS who contribute significantly to the Inter-American Human Rights System. During this session, held at the Canadian Embassy and attended by representatives from Italy, Spain, the Netherlands and France, the Panel shared its objectives, members, methodology, schedule, evaluation criteria, as well as the recommendations presented in previous reports. Notably, the discussion underscored the vital role played by Permanent Observers to the OAS⁵⁶ in fostering independent initiatives from civil society and academia, such as the Inter-American Human Rights System Panel.

During the session, participating States lauded the Panel's efforts and stressed the importance of providing academic support to its endeavors.

- **Meeting with Civil Society**

This meeting took place on April 2, 2024, at the American University Washington College of Law, with the participation of different civil society organizations at the regional level. The Panel outlined its functions, principles and objectives, as well as the evaluation criteria for candidates.

Furthermore, the meeting delved into the significant recommendations put forth in the Panel's prior reports and their resultant impact. Attendees from the organizations expressed their concern about the lack of transparency in the internal processes for the selection of candidates and the practice of pre-arranged vote-sharing among States prior to the publication of the Panel's report. They also put forward several recommendations: i. Ensure that the Panel's report is published well in advance of the OAS General Assembly; ii. Evaluate the dissemination strategies so that the Panel's report has a greater impact, seeking strategic spaces for its dissemination; iii. Increase the candidate questionnaire to include their position on the interpretation of Article 26 of the ACHR; iv. Include in the evaluation criteria approaches to vulnerable groups, such as the indigenous

⁵⁶ Refer to: https://www.oas.org/en/ser/dia/perm_observers/countries.asp

population; and, v. Consider the candidates' experience in light of the current portfolio of cases under review by the Inter-American Human Rights System.

- **Events with Universities**

The Panel held two online academic events in collaboration with various universities in the region, aiming to disseminate its objectives, methodology and evaluation criteria in the selection process for candidates for the Inter-American Court of Human Rights.

The first meeting was held on April 15, 2024 and was aimed at the Spanish-speaking community. It was convened by the American University Washington College of Law, the Pontificia Universidad Católica of Peru, the Universidad de Buenos Aires, the Universidad San Francisco de Quito, the Universidad Militar Nueva Granada, the Universidad Externado de Colombia, the Universidad Católica del Táchira, the Universidad Andrés Bello, the Universidad de la República de Uruguay and the Universidad Columbia de Paraguay.

The second academic meeting took place on April 19, 2024, targeting the English-speaking community in the United States, Canada and the Caribbean. It was convened by the American University Washington College of Law and co-sponsored by The University of the West Indies – Mona Campus (Jamaica), The University of the West Indies – Cave Hill Campus (Barbados), McGill Law – Centre for Human Rights and Legal Pluralism (Canada), Georgetown Law (United States) and Columbia Law School (United States).

3. Questionnaires Sent to Candidates

a. Questionnaire for Candidates for the Inter-American Court of Human Rights

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

1. Why do you wish to become a judge of the Inter-American Court of Human Rights?
2. What specific areas of expertise and work experience do you possess in the field of human rights?
3. In your view, what are the primary challenges currently facing the Inter-American Human Rights System and what role do you believe the Inter-American Court of Human Rights should play in addressing them?
4. Given that some States within the jurisdiction of the Inter-American Court of Human Rights struggle with consolidating the rule of law and safeguarding civil and political rights, how do you

perceive the role of the Inter-American Court of Human Rights in safeguarding democratic institutions and human rights in such context?

5. Reflecting on the past five years, what do you consider the most significant contributions of the Inter-American Court of Human Rights? Which aspects of its jurisprudence do you deem the most noteworthy and in need of strengthening?

6. Drawing on your professional background and personal attributes, how do you envision your potential contribution to the Inter-American Court of Human Rights? How might you complement the current composition of the body?

7. Do you possess knowledge or experience working with legal systems other than your country's?

8. What are your language proficiencies?

9. Please provide us with electronic links to your most significant writings, opinions or advocacy in the realm of human rights, amicus curiae, manifestos, academic articles, or dissenting opinions (maximum 4). Additionally, if you prepared a professional thesis related to international human rights law to obtain your academic degree(s), could you share its title and main conclusion or postulate?

10. Have you had the opportunity to apply or use work the interpretations of the Inter-American Court of Human Rights of the American Convention on Human Rights or other human rights treaties in your professional endeavors? If so, could you elaborate on your experience and provide relevant documentation?

11. Have you had the opportunity to engage in advocacy either for or against national courts exercising jurisdictional oversight concerning State obligations in international human rights law?

12. Can you describe any advocacy efforts you've undertaken to promote or oppose the adoption or implementation of standards established in the jurisprudence of the Inter-American Court of Human Rights? Please describe your experience, specifically referring to activities aimed at disseminating, defending, or strengthening the Inter-American Human Rights System.

13. In your opinion, what does the conventional requirement of "recognized competence in the field of human rights" entail? And how do you demonstrate meeting this criterion?

14. Do you possess any experience or expertise in litigation or investigating issues concerning violence, discrimination, sexual assault, or similar misconduct against women and children?

15. Have you encountered situations in your professional experience that involved women's sexual and reproductive rights? What challenges do you perceive the Inter-American Human Rights System faces in addressing these issues?

16. Given the significance of States' cooperation with the Inter-American Court of Human Rights, particularly in implementing its rulings and opinions, what measures or initiatives do you believe are necessary to enhance States' cooperation with the court?

17. Could you please provide your CV as an attachment?

II. Conflicts of Interest, Independence, Impartiality and Non-Discrimination

18. How do you interpret the requirement of "the highest moral authority," and how do you ensure compliance with this standard?

19. Under what circumstances do you envision a potential conflict of interest arising that could impact your independence and impartiality as a judge? How would you address such a situation?

20. What other professional positions or activities do you anticipate maintaining or pursuing during your tenure as a judge, considering that the role of a judge is not full-time compensated?

21. Have you ever faced sanctions due to professional misconduct, either as a judge or in your capacity as a state official?

22. Do you have any disagreement or difficulty with the following statement:

"A judge is expected not to express or appear to condone bias or prejudice based on reasons such as age, race, creed, color, gender, sexual orientation, religion, national origin, disability, political opinion, marital status, socioeconomic status, criminal record, foreign status, or citizenship, whether in conduct or verbally. He or she is also expected to require that persons under his or her direction and control refrain from making such statements or engaging in such conduct."

Please elaborate on any challenges you may face in adhering to this expectation.

23. Have you actively participated in civil society movements advocating for human rights? Could such involvement potentially pose a conflict of interest with your candidacy and judicial duties? If so, what steps would you take to mitigate any potential conflict of interest?

24. Have you held any positions as a public servant? If so, in what capacity? Could such roles potentially conflict with your candidacy for judge and the responsibilities associated with it? If so, what measures would you take to mitigate a potential conflict of interest?

III. Nomination Process

25. How were you nominated as a candidate for the position of judge at the Inter-American Court of Human Rights? Could you describe the nomination process, including any established

procedures for candidate selection and consultation? Was the process publicly disclosed? Did civil society, academic institutions, or other stakeholders play a role in the nomination process, and if so, how?

b. Questionnaire for candidates to the Inter-American Court of Human Rights who are running for re-election

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

1. Why do you wish to continue serving as a judge of the Inter-American Court of Human Rights?
2. What specific areas of expertise and professional experience in human rights have you applied in your role as a judge at the Inter-American Court of Human Rights?
3. Reflecting on your first term, what do you perceive as your primary contributions to the work of the Inter-American Court of Human Rights? Additionally, where do you see opportunities for improvement in your contributions if re-elected?
4. In your view, what are the primary challenges currently facing the Inter-American Human Rights System, and what role do you believe the Inter-American Court of Human Rights should play in addressing them?
5. Given that some States within the jurisdiction of the Inter-American Court of Human Rights struggle with consolidating the rule of law and safeguarding civil and political rights, how do you perceive the role of the Inter-American Court of Human Rights in safeguarding democratic institutions and human rights in such context?
6. Reflecting on the past five years, what do you consider the most significant contributions of the Inter-American Court of Human Rights? Which aspects of its jurisprudence do you deem the most noteworthy and in need of strengthening?
7. Drawing on your professional background and personal attributes, how do you envision your potential contribution to the Inter-American Court of Human Rights? How might you complement the current composition of the body?
8. Do you possess knowledge or experience working with legal systems other than your country's?
9. What are your language proficiencies?
10. Please provide us with electronic links to your most significant writings, opinions, academic articles or specific votes (maximum 4). Additionally, if you prepared a professional thesis related to international human rights law to obtain your academic degree(s), could you share its title and main conclusion or postulate?

11. Have you had the opportunity to engage in advocacy either for or against national courts exercising jurisdictional oversight concerning State obligations in international human rights law?

12. Can you describe any advocacy efforts you've undertaken to promote or oppose the adoption or implementation of standards established in the jurisprudence of the Inter-American Court of Human Rights at the domestic level? Please describe your experience, specifically referring to activities aimed at disseminating, defending, or strengthening the Inter-American Human Rights System.

13. In your opinion, what does the conventional requirement of "recognized competence in the field of human rights" entail? And how do you demonstrate meeting this condition?

14. Describe your experience in litigation or in the investigation of issues related to violence, discrimination, sexual assault or other similar misconduct against women and children.

15. Have you encountered situations in your professional experience that involved women's sexual and reproductive rights? What challenges do you perceive the Inter-American Human Rights System faces in addressing these issues?

16. Given the significance of States' cooperation with the Inter-American Court of Human Rights, particularly in implementing its rulings and opinions, what measures or initiatives do you believe are necessary to enhance States' cooperation with the court? Please explain your contribution during your first term towards implementing these measures.

17. What critical situations would you prioritize addressing in your second term and what situations of structural discrimination would you prioritize?

18. Please conduct a self-evaluation of your performance during your first term as a judge. Discuss your main responsibilities, achievements, and the objectives you intend to pursue if re-elected.

19. Could you please provide your CV as an attachment?

II. Conflicts of Interest, Independence, Impartiality and Non-Discrimination

20. How do you interpret the requirement of "the highest moral authority," and how do you ensure compliance with this standard?

21. Reflecting on your first term, did you encounter any conflicts of interest that may have impacted your independence and impartiality? If so, how did you proceed in this situation?

22. What is your opinion on the rule preventing judges from participating directly or indirectly in deliberations and decisions involving situations or cases related to their country?

23. What other professional positions or activities do you anticipate maintaining or pursuing during your second term as a judge, considering that the role of a judge is not full-time compensated?

24. Have you ever faced sanctions due to professional misconduct, either as a judge or in your capacity as a state official?

25. Do you have any disagreement or difficulty with the following statement:

“A judge is expected not to express or appear to condone bias or prejudice based on reasons such as age, race, creed, color, gender, sexual orientation, religion, national origin, disability, political opinion, marital status, socioeconomic status, criminal record, foreign status, or citizenship, whether in conduct or verbally. He or she is also expected to require that persons under his or her direction and control refrain from making such statements or engaging in such conduct.”

Please elaborate on any challenges you may face in adhering to this expectation.

26. Have you held any positions as a public servant? If so, in what capacity? Could such roles potentially conflict with your candidacy for judge and the responsibilities associated with it? If so, what measures would you take to mitigate a potential conflict of interest?

III. Nomination Process

27. How did the State that nominated you choose you to be a candidate for judge of the Inter-American Court of Human Rights? Could you describe the nomination process, including any established procedures for candidate selection and consultation? Was the process publicly disclosed? Did civil society, academic institutions, or other stakeholders play a role in the nomination process, and if so, how?

4. Form for Sending Information to the Inter-American Human Rights System Panel on the Process of Election of Judges to the Inter-American Court of Human Rights

The Independent Panel tasked with evaluating candidacies for the Inter-American Court of Human Rights appreciates your cooperation. The information will be assessed based on pertinence and relevance. If feasible, kindly attach any supporting documents or links to sources that corroborate the information provided. Please note that the Panel may share the information received with the candidates to allow them the opportunity to respond. Information from anonymous sources will not be considered. If you wish to provide information on multiple candidates, complete the form separately for each one. The deadline for submitting information is Tuesday, April 16, 2024.

Name of person filling out the form:

Please indicate whether you are completing this form as a representative of an organization (please specify the organization's name) or as an individual.

Email:

Phone:

Candidate about whom you are providing information:

- Carlos Rodríguez Mejía – Colombia
- Diego Moreno Rodríguez – Paraguay
- Ricardo Pérez Manrique – Uruguay
- Alberto Borea Odría – Peru
- Leticia Bonifaz Alfonzo – Mexico

High Moral Authority

Please provide any relevant information regarding sanctions, warnings, complaints, or, conversely, recognition or awards received by the candidate. Is the candidate capable of fulfilling their duties with respect to the requirement of high moral standing?

Suitability

Provide relevant information about the candidate's background and competence in human rights matters. Is the candidate suitable?

Independence

Provide relevant information about the candidate's ability to act independently and impartially, as well as about possible conflicts of interest that may affect his/her correct performance. Is the candidate independent?

Non-discrimination

Provide relevant information on the candidate's ability to perform their duties in compliance with the principle of non-discrimination. This means that, in their conduct or verbally, they do not manifest or appear to condone biases or prejudices based on reasons 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. Is the candidate capable of upholding the principle of non-discrimination in their duties?

Balanced and representative composition of the Inter-American Court of Human Rights

Provide relevant information on the candidate's contribution to the composition of the Inter-

American Court of Human Rights. The OAS has consistently recommended that Member States, through repeated resolutions, nominate and elect persons who will ensure a balanced gender composition, with representation of the different regions, population groups and legal systems of the hemisphere, 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 Inter-American Court of Human Rights?

Nomination process

Provide relevant information on the nomination process of the candidate at the national level: How was the candidate's nomination process? Was a pre-established procedure followed? Was it publicly disclosed? Did civil society, academic entities and/or other actors play a role in it?

Compliance with the conditions required to exercise judicial functions at the highest level

Provide information on the candidate's compliance with the conditions required for the exercise of the highest judicial functions as per the law of their nationality or nominating state. Does the candidate meet these conditions? Are there any legal impediments?

Documentary support

Attach the documents that support the information provided.

You can copy and paste the links into a Word file.

Please indicate any other relevant information that you believe the Panel should be aware of.