

**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.**

INTER-AMERICAN COMMISSION OF WOMEN

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I. INTRODUCTION

1. The 52nd General Assembly of the Organization of American States (OAS) requested in its Resolution AG/CG/doc.10/22 (Resolution 10/22) that the Inter-American Commission of Women (CIM) prepare a report with recommendations and information on procedures, national policies, and best practices for processes to nominate and select candidates to the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IA Court)¹. This report was requested in order to strengthen the work of the OAS and its Member States with respect to their commitments to ensure that the memberships of these bodies meet criteria of gender parity, geographical balance and representation of different legal systems, while ensuring members' independence, impartiality, moral authority and competence with regard to human rights².

2. Resolution 10/22 indicates that gender parity, geographic balance and representation of the hemisphere's different legal systems are fundamental criteria for representativeness and equality, and to strengthen the legitimacy and impact of the IACHR and the IA Court³. On this basis, it encourages Member States to take measures at the national level to progressively advance towards the incorporation and systematization of the aforementioned criteria in the nomination and selection processes for candidates to the bodies that comprise the Inter-American Human Rights System (IAHRS)⁴, and urges States to continue adopting measures based in the recommendations of the General Assembly to aim to bring the nomination of candidates and the selection processes at the OAS in line with international standards and the successful experiences that have been developed in other similar bodies⁵. It further refers to the progress made both within the OAS and the United Nations to develop measures to implement these criteria in the selection processes.

3. In compliance with the mandate given, this report analyzes the state of past and present representation in the IACHR and IA Court, summarizes the main reasons for implementing these criteria, presents comparative best practices at the national, regional and international levels, and includes a series of recommendations to the OAS, its bodies, and its Member States.

4. As requested by Resolution 10/22⁶, to develop the report, and in close collaboration with the Committee on Juridical and Political Affairs (CAJP), the CIM implemented a methodology seeking the engagement and input of best practices from Member States and from key actors from civil society and academia. On March 15, 2023, the CAJP convened an extraordinary session titled "Gender Parity and Geographic and Legal System Representation in the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights,"⁷ in which representatives from Member States' Permanent Missions, former IACHR Commissioners of the IACHR, Judges from the IA Court, and civil society representatives⁸

¹ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, operative paragraph 5.

² Idem.

³ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, second paragraph: "EMPHASIZING that a balanced integration of gender and equitable geographic distribution, as well as a balanced representation of the different legal systems in the IACHR and the Inter-American Court of Human Rights will strengthen the work and impact of these bodies and will result in an appropriate discussion of the region's issues and problems regarding the prevention, promotion, protection and guarantee of human rights, with special attention to the issues of gender equality and non-discrimination." Emphasis added.

⁴ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, operative paragraph 3. "To encourage Member States to take measures at the national level to progressively move towards the incorporation and systematization, including the development of procedures and guidelines, of the criteria of gender equality and representativeness of population groups in the nomination and selection processes for candidates for Inter-American Human Rights System bodies, always complying with the requirements of independence, impartiality, high moral authority and recognized competence in the field of human rights."

⁵ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, operative paragraph 4.

⁶ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, operative paragraph 5.

⁷ See: OAS, Call for CAJP. Available at: <https://www.oas.org/es/council/CAJP/Past/view/?e=146530>.

⁸ Participants in the consultation included Hugh Adsett, Ambassador of Canada and President of the CAJP, Alejandra Mora Mora, Executive Secretary of the CIM, Cecilia Medina Quiroga, Former Judge of the IACHR Court, Nancy Hernández López, current Judge of the IACHR Court, Flavia Piovesan, Former Commissioner of the IACHR, Viviana Krsticevic, Executive

made presentations and provided input. Subsequently, on April 25, 2023, the Permanent Missions of Canada, the United States, Colombia, Mexico and the CIM, in collaboration with the GQUAL Campaign, convened a virtual meeting that brought together Member State representatives with experts from other international bodies, academia and civil society to exchange examples and best practices regarding selection processes in other international and national spaces.

5. In addition, to encourage the participation of other stakeholders, the CIM sent a questionnaire to all Member States and carried out a public consultation⁹, which resulted in more than 59 contributions from Member States, international and regional organizations, national human rights institutions, civil society and academic institutions¹⁰. Finally, in preparing the report, the CIM took into account developments generated within the OAS, in particular the Plan for Gender Parity in Decision-Making Positions of the OAS General Secretariat, which constitutes an institutional reference framework in this area, as well as publicly available information on best practices and comparative experiences of selection processes of other international bodies¹¹.

II. THE CRITERIA OF GENDER PARITY, GEOGRAPHIC BALANCE AND REPRESENTATION OF DIFFERENT LEGAL SYSTEMS OF THE HEMISPHERE WITHIN THE FRAMEWORK OF THE OAS

6. Successive General Assemblies have referred to and affirmed the importance of gender parity, geographic balance and different legal systems as criteria for membership in the IACHR and the IA Court¹², while ratifying the importance of complying with the conventional criteria for membership in these bodies¹³. These three criteria should guide States' decisions both in terms of nominating candidates and voting on membership, so that — once the criteria of independence, impartiality, moral authority and competence with regard to human rights are verified — States should add to this the selection of individuals who contribute to gender parity and the balance of geographical and legal systems¹⁴. In this sense, the incorporation

Director of CEJIL and member of the GQUAL Campaign, Representatives from Canada, Paraguay, Chile, Brazil, United States, Mexico, Costa Rica, Dominican Republic, Argentina, Bolivia, Guatemala and Colombia.

⁹ OAS, CIM, Expert Consultation/CSOs: Parity, geographic balance and legal systems. Available at: https://forms.office.com/pages/responsepage.aspx?id=lz_cTwYVdUGVjDeZnO4JQd6B73bECCdGmb_a2480EIUNFBXNTIXSkNHOTU5QUhXTzq2T0xTOTdCSy4u

¹⁰ Contributions were received from Antigua and Barbuda, Argentina, Ecuador, Mexico, Chile, El Salvador, the Ministry of Women of Paraguay, the Ministry of Women of Panama, Saskia Larissa Noriega Vice-Minister of the Ministry of Women of Panama, the Ministry of Women's Affairs of Panama, the Ministry of Women's Affairs of Argentina, the Ministry of Women's Affairs of Chile and the Ministry of Women's Affairs of El Salvador, Professor Elizabeth Salmón, the Human Rights Commission of Mexico City, the Human Rights Center of the Law School of the University of Buenos Aires, the Center for Justice and International Law (CEJIL), Universidad Central del Ecuador, Círculo de Estudios de Derecho Internacional de los Derechos Humanos, UNESCO Chair of Human Rights at UNAM, International Institute on Race, Equality and Human Rights, ACIJ, ELA - Latin American Team for Justice and Gender, Amnesty International Argentina, CONICET researcher Liliana Ronconi, University of Baltimore Professor Nienke Grossman, the Panel of Independent Experts, the GQUAL Campaign, Asociación de Abogadas del Paraguay ADAP, Lgbt+ RIGHTS TABASCO, Demócratas, Instituto Tecnológico Autónomo de México, Staff. Former Ambassador of Costa Rica to the OAS, Salas Nava & Asociados -Abogados Consultores-, Independiente, Advogada, ASBIMUJER, Consejo Nacional de Mujeres Empresarias, Mujeres Al Timón, A.C., Psicología y Desarrollo Comunitario, Upco, Chiapas. Mexico, Fundación Caminos para el Desarrollo "FUCAD", "Suyay de los Andes", CLUB DEPORTIVO CULTURAL "LOS DELFINES" DE PACASMAYO, Robert Sicard (Legal and Forensic Psychological Consultancy (CPLF), Observatorio Ciudadano, Fundación Vida Jurídica, Amassuru Venezuela, Consejo Nacional de Mujeres Empresarias, Stella Spezia (Judicial Power AR), NGO IGUAL, Red de agentes de Justicia y Paz, Organización Ixoqib MIRIAM, Arifutesur, Gabriela Villagomez Bolaños (independent), Las marquenses, Partido Dignidad y Compromiso Colombia, TRENZAR Consultoría para el Desarrollo, LUJEDU.

¹¹ A preliminary version of this report was presented at a meeting of the Committee on Juridical and Political Affairs (CAJP) on May 25, 2023. Following that meeting, the States had the opportunity to make comments and contributions. Those received from Argentina, Costa Rica, the United States, and Mexico were considered by the CIM for this final version See: <https://www.oas.org/es/council/CAJP/Past/view/?e=144353>.

¹² 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) and OEA/Ser.P AG/CG/doc.10/22 rev. 1..

¹³ OAS, American Convention on Human Rights, Arts. 34, 36, 52, 53 and 71; Statute of the Inter-American Commission on Human Rights, Art. 8.1; Statute of the Inter-American Court of Human Rights, Arts. 5 and 8.

¹⁴ This has also been the understanding of the Independent Panel of Experts for the evaluation of candidates to the Inter-American Court and Commission on Human Rights. See, for example, Report of the 2021 Panel, p. 18, 31 Available at: <https://www.wcl.american.edu/impact/initiatives-programs/center/publications/documents/informe-final-del-panel-de-expertos->

of these criteria requires an assessment of the overall composition of the bodies in which the election is taking place.

7. The aforementioned criteria respond to core principles in the creation and functioning of the OAS, since they derive from the principle of representative democracy, participation and equality¹⁵. The principles of geographical balance and representation of legal systems are historical foundations of multilateralism and are also present in other international organizations¹⁶. The principle of gender parity also responds to considerations of representativeness, participation, and, above all, the right to equality¹⁷. Its application to the composition of the bodies of the IHRs and other international bodies¹⁸ has developed more recently, consistent with the progress made with regard to women's right to equality and its close correlation with the right to political participation and equal representation¹⁹.

8. The geographic representation criterion arises from the OAS' founding Charter as a main element to be considered in the structure and functioning of the organization, including specifically for the composition of the Inter-American Juridical Committee (CJI)²⁰, and of the subsidiary bodies and organizations created by the organization²¹. Consequently, this criterion has been considered for the composition of several key OAS bodies²². In some bodies and mechanisms, the criterion of geographic representation has been presented hand in hand with geographic rotation²³. In the specific case of the IACHR and the IA Court, the

[as-independientes-2021-esp/?muraadminpreview&muraadminpreview&mobileformat=false](#) "The selection between two or more suitable persons could be determined on the basis of this need, provided they meet the rest of the essential requirements."

¹⁵ OAS, Inter-American Democratic Charter, Approved at the first plenary session of the OAS General Assembly, held on September 11, 2001, Art. 7; Preamble of OAS General Assembly Resolution 618 (XII-082); OAS, OAS Charter, Preamble. d) "Certain that representative democracy is an indispensable condition for the stability, peace, and development of the region"; OAS, OAS Charter, Art. 3.d "The solidarity of the American States and the high aims pursued thereby require their political organization on the basis of the effective exercise of representative democracy"; IACHR, Annual Report, 1990-1991, Chapter V, Section III. Human Rights, Political Rights, and Representative Democracy in the Inter-American System; and IACHR, Annual Report, 1990-1991, Chapter V, Section III. Human Rights, Political Rights, and Representative Democracy in the Inter-American System; IACHR, OEA/Ser.L/V/II, Report Women and Political Participation, 2011, paras. 5- 6..

¹⁶ UN, International Day for Multilateralism and Diplomacy for Peace. Available at: <https://www.un.org/es/observances/multilateralism-for-peace-day> "Multilateralism is therefore both a method of cooperation and a form of organization of the international system" and "Multilateralism is part of the DNA of the UN". See: European Union, European Commission, Joint Communication to the European Parliament and the EMPT Council on strengthening the EU contribution to rules-based multilateralism, Brussels, Res. JOIN(2021) 3 final, 2021, Available at: <https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:52021JC0003> "A well-functioning multilateral system is in itself a strategic interest of the EU [...] In June 2019, the Council adopted a strategic approach to help strengthen rules-based multilateralism and its institutions: defending what works, reforming what needs to change and extending global governance to new areas. The EU will work to ensure a truly inclusive multilateralism, including the voices of civil society, the private sector, social partners and all key stakeholders. This is an essential part of ensuring the relevance of the multilateral system and preserving its legitimacy"..

¹⁷ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi; UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, paras. 5, 19 et seq. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/11/149/PDF/G2111149.pdf?OpenElement> "The underrepresentation of women in international bodies and mechanisms has a significant impact on the human right to equality and non-discrimination." See also: Centro de Derechos Humanos de la Facultad de Derecho, Universidad de Buenos Aires and Campaña GQUAL, La situación de las mujeres en los espacios de justicia internacional, Document 1, p. 39.

¹⁸ UN, Convention on the Rights of Persons with Disabilities, 2006, art. 34; UN, Optional Protocol to the Convention against Torture, 2002, art. 5 and 18; UN, International Convention for the Protection of All Persons from Enforced Disappearance, 2006, art. 26..

¹⁹ One example is Resolution AG/RES. 2191 on the appointment of women to senior management positions, which is based on Article 120 of the OAS Charter and Article 37 of the General Standards for the Functioning of the General Secretariat. See: OAS, AG/RES. 2191 (XXXVI-O/06), Appointment of Women to Senior Management Positions in the OAS, 2006.

²⁰ OAS, Charter of the OAS, 1967, art. 101.

²¹ OAS, Charter of the OAS, 1967, art. 77.

²² See, for example, OAS, Protocol of Amendments to the Charter of the OAS (B-13) "Protocol of Buenos Aires", 1967, arts. 97 and 103: https://www.oas.org/dil/esp/tratados_b-31_protocolo_de_buenos_aires.htm "The Permanent Executive Committees of the Inter-American Economic and Social Council shall have a Permanent Executive Committee and of the Inter-American Council for Education, Science and Culture"; OAS, General Assembly, AG/doc.5790/22, Appointment of Ombudspersons of the Organization, Annex V, Chapter III, Subchapter H, art. 73; OAS, General Assembly, AG/RES.87 (II-0/72), Elective Positions in the Specialized Organizations, art. 12, available at: <http://www.oas.org/legal/spanish/Modelos/Modelos1.htm>; OEA, Estatuto del MESECVI, 2004, art. 4, 5.2; OEA, Reglamento del Comité CEVI, 2015, art. 4.

²³ One example is Resolution AG/RES. 2262 (XXXVII-O/07), which establishes the criteria for the composition of the Working Group of the San Salvador Protocol, stating "The Working Group responsible for analyzing the progress reports of the States who are Parties to the San Salvador Protocol shall be composed of [...] Three governmental experts, elected during the

norms refer to the impossibility of having more than one national of the same country in the body²⁴, and successive General Assembly resolutions have referred to the importance of ensuring geographical balance²⁵. It should be noted that geographical representation in these bodies results from the group of candidates nominated by Member States, and by State Parties to the American Convention in the case of the IA Court²⁶, which determines the nationalities that may be represented in the final composition.

9. Geographic representation is also a criterion specifically mentioned in the OAS Charter for the composition of Secretariat staff²⁷. In compliance with this, the General Assembly has required the Secretariat to develop and implement a Geographic Representation Strategy²⁸, which has been implemented according to an Action Plan²⁹ and monitored through Semiannual Reports³⁰. Under this strategy, geographic representation in the Secretariat staff is measured according to a formula used in other international organizations for staff positions (it does not apply to elected positions in human rights bodies)³¹ and is distributed according to the following sub-regions: CARICOM³², South America³³, Central America³⁴, North America³⁵.

10. The criterion of representation of the **different legal systems** is also a consideration of historical relevance in the OAS, based on the need and importance of ensuring coexistence and cooperation among the different legal systems in the region³⁶, "including, inter alia, common law [and its variations between UCC practice, English-speaking Canadian common law jurisdictions and Caribbean common law states], civil law in the Latin American tradition and civil law in the French tradition of Quebec"³⁷. In general terms, among the OAS Member States, 20 follow a civil law system, 14 have systems based on common law and 14 have

OAS General Assembly by the States Parties from a list of candidates proposed by the States Parties and taking into account equitable geographical distribution and rotation [...]"

²⁴ OAS, American Convention on Human Rights, Art. 37.2; Statute of the Inter-American Court, Art. 4.2.

²⁵ OAS, General Assembly, AG/RES. 2887 (XLVI-O/16), 2016, item xiv.; AG/RES. 2908 (XLVII-O/1), 2017, item xv.; AG/RES. 2928 (XLVIII-O/18), 2018, item xviii.; AG/RES. 2941 (XLIX-O/19), 2019, item xiii.; AG/RES. 2961 (L-O/20), 2020, item ii.; RES 10/22, 2022, item xxvi.

²⁶ OAS, American Convention on Human Rights, Status of Signatures and Ratifications. Available at: https://www.oas.org/dil/esp/tratados_B-32_Convencion_Americana_sobre_Derechos_Humanos_firmas.htm

²⁷ OAS, Charter of the OAS, 1967, Art 120. See: General Standards for the Functioning of the General Secretariat, Art. 44: <http://www.oas.org/legal/spanish/normas/espanol/normgencapiii.htm>

²⁸ OAS, AG/doc.5790/22, AG/RES. 2985 (LII-O/22), 2022, item 7. A. Available at: <https://www.oas.org/es/becas/programaregular/docs/AG-RES-2985-LII-O22-SPA.pdf>. More recently, the OAS General Assembly in 2022 requested the General Secretariat to present a report showing the progress made in implementing the Geographic Representation Strategy, taking into consideration the indicators and plan of action developed, to achieve equitable geographic representation of personnel, in accordance with the provisions of Article 120 of the OAS Charter.

²⁹ OAS, Permanent Council, CP/doc.5480/19, Strategy Document on Geographic Representation of the Organization for the 2019-2020 Period, 2019; OAS, Objectives and Indicators for Implementing the Plan of Action on Geographic Representation in the GS/OAS, 2022. Available at: <http://scm.oas.org/pdfs/2022/CP45948SCAAP.pdf>

³⁰ OAS, Semiannual Report on the Management of OAS Resources and Performance (January to December 2022), 2022. Available at: <http://scm.oas.org/pdfs/2023/CP47206SCAAP.pdf>; Informes disponibles desde el 2007: <https://www.oas.org/es/council/caap/topics/InformesTrimestrales.asp>

³¹ As an example, see: "Objectives and indicators for implementing the plan of action on geographic representation at the GS/OAS" Available at: <http://scm.oas.org/pdfs/2022/CP45948SCAAP.pdf>.

³² Antigua y Barbuda, Bahamas, Barbados, Belice, Dominica, Granada, Guyana, Haití, Jamaica, San Cristóbal y Nieves, Santa Lucía, San Vicente y las Granadinas, Surinam, Trinidad y Tobago.

³³ Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela.

³⁴ Costa Rica, República Dominicana, El Salvador, Guatemala, Honduras, Nicaragua y Panamá.

³⁵ Canada, Mexico and the United States.

³⁶ OEA, Asamblea General, Resolución AG/DEC. 12 (XXVI-O/96), Declaración de Panamá sobre la Contribución Interamericana al Desarrollo y Codificación del Derecho Internacional. Disponible en: https://www.oas.org/dil/AG-RES_12_XXVI-0-96_eng_declaration_of_panama.pdf, "That the formulation and development of inter-American international law in the framework of the Organization encourages cooperation and mutual understanding among different national legal systems as well as between the civil and common law systems represented in the Hemisphere" OEA, OEA/Ser.G CP/CAJP/INF.158/12, March 2012; OEA, Committee on Juridical and Political Affairs, Report on the Inter-American Program for the development of international law, AG/RES. 2660 (XLI-O/11). Available at: http://www.oas.org/es/sla/ddi/docs/cp-cajp-inf_158-12_eng.pdf. En igual sentido véase: OEA, Department of International Legal Affairs, Office of Legal Cooperation, "The coexistence of legal systems in the Americas from an OAS perspective", Enrique Lagos, Assistant Secretary for Legal Affairs. Disponible en: http://www.oas.org/juridico/english/sla_lagos.html.

³⁷ OEA, Department of International Legal Affairs, Office of Legal Cooperation, "The coexistence of legal systems in the Americas from an OAS perspective", Enrique Lagos, Assistant Secretary for Legal Affairs. Disponible en: http://www.oas.org/juridico/english/sla_lagos.html.

systems based on civil law³⁸, and at least four states have models of indigenous justice recognized in their constitutions³⁹.

11. Coexistence and cooperation among different legal systems has been understood as an important value for OAS bodies, since it is relevant to strengthening their role in the development of international law⁴⁰. With respect to the IACHR and the IA Court, the General Assembly has called upon the States to implement this criteria when electing members of these bodies⁴¹. However, there are no specific guidelines that identify the optimal balance to be achieved, or specific measures to ensure it. It should be noted that there is a close relationship between the national origin of the candidates and their legal training and experience. In addition, candidates may have experience in one or more legal systems because of their training and experience and not necessarily because of their education, nationality, or place of origin. It's also relevant to note that legal training is not a prerequisite for membership in the IACHR⁴².

12. In the case of **gender parity**, its inclusion as a specific and transversal criterion for the composition of international and inter-American bodies responds to the obligation of States to guarantee the principle of equality and non-discrimination enshrined in international and inter-American treaties⁴³. Different developments reflect progress in recognizing gender parity as an important step to consolidate the political rights of all women in their diversity, including the right to equal participation and representation in decision-making spaces and the importance of taking measures to respond to the differentiated impacts of discrimination based on intersectional factors. These developments apply to international bodies and tribunals⁴⁴, as evidenced, for example, by the fact that some of the most recent human rights treaties and statutes adopted include considerations of gender parity⁴⁵. This has also been

³⁸ Id.

³⁹ CEJA, La justicia indígena y la justicia ordinaria frente a los conflictos civiles. Camino para su articulación, 2021. Disponible en: https://biblioteca.cejamericas.org/bitstream/handle/2015/5697/PUB_justiciaindigena.pdf?sequence=1&isAllowed=y

⁴⁰ OEA. Department of International Legal Affairs, Office of Legal Cooperation, "The coexistence of legal systems in the Americas from an OAS perspective", Enrique Lagos, Assistant Secretary for Legal Affairs, disponible en: http://www.oas.org/juridico/english/sla_lagos.html

⁴¹ OAS, General Assembly, AG/RES. 2887 (XLVI-O/16), 2016, item xiv.; AG/RES. 2908 (XLVII-O/1), 2017, item xv.; AG/RES. 2928 (XLVIII-O/18), 2018, item xviii; AG/RES. 2941 (XLIX-O/19), 2019, item xiii.; AG/RES. 2961 (L-O/20), 2020, item ii; RES 10/22, 2022, Item xxvi.

⁴² It is for the integration of the IA Court, since the IACHR requires that they be "jurists of the highest moral authority, of recognized competence in the field of human rights, who meet the conditions required for the exercise of the highest judicial functions in accordance with the law of the country of which they are nationals or of the State that proposes them as candidates" (art. 52).

⁴³ See: Charter of the United Nations, art. 55(c); International Covenant on Civil and Political Rights, art. 2(1); Convention on the Elimination of all Forms of Discrimination against Women, art. 8; ACHR, arts. 1 and 24; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, art. 4.j. See also: Berkeley Law, International Human Rights Law Clinic, "Achieving Gender Parity on International Judicial and Monitoring Bodies", 2017; Martin, C., Article 8 of the Convention on the Elimination of all Forms of Discrimination Against Women: An Essential Step in Ensuring Gender Parity in International Bodies and Courts, GQUAL Campaign, 2015. Available at: <https://gqualcampaign.org/wp-content/uploads/2023/02/CEDAW-Article8-ENG.pdf>

⁴⁴ OAS, CIM, Parity in Latin America: The Cases of Mexico and Nicaragua, 2016, p. 21-22. "parity could be defined as a principle propelling democracy, but at the same time as a state policy that seeks to achieve an equal result between men and women, in all spaces of political representation (sub-national, national and supra-national integration) (...). "According to the CIM proposal, parity must be approached from an integral perspective that implies, first of all, equal access of women and men to all State institutions (legislative, executive, judicial) and particularly to positions of power; from the international to the local level (...); OAS, CIM, Parity as a Democratic Principle. Available at: <https://www.oas.org/es/cim/paridad.asp>; IACHR, OEA/Ser.LV/II, Report Women and Political Participation, 2011, paras. 34, 35, 77; IACHR, Considerations for the compatibility of affirmative action measures designed to promote women's political participation with the principles of equality and non-discrimination, 1999; UN, CEDAW Committee, General Recommendation No. 23, 1997; UN, CEDAW Committee, "Half-day general discussion on the equal and inclusive representation of women in decision-making systems", Drafting process General Recommendation No. 40, 2023. Available at: <https://www.ohchr.org/en/events/events/2023/half-day-general-discussion-equal-and-inclusive-representation-women-decision>; Martin, C., Article 8 of the Convention on the Elimination of all Forms of Discrimination Against Women: An Essential Step in Ensuring Gender Parity in International Bodies and Courts, GQUAL Campaign, 2015; GQUAL Campaign, Contribution to the CEDAW Committee "General Recommendation on the equal and inclusive representation of women in decision making-systems", 2023. Available at: <https://gqualcampaign.org/wp-content/uploads/2023/02/2023-02-17-GQUAL-Written-SubmissionCEDAW.pdf> ;

⁴⁵ International Criminal Court, Statute, Art. 36.8.1.iii. Available at: [https://www.un.org/spanish/law/icc/statute/spanish/rome_statute\(s\).pdf](https://www.un.org/spanish/law/icc/statute/spanish/rome_statute(s).pdf); African Court on Human and Peoples' Rights, Protocol African Charter on Human and Peoples' Rights, art. 12.2 and art. 14.3 art. 11.2 and art. 14.2. Available at: <https://www.african->

the case in the OAS, as evidenced by the 2021 reform to the by-laws of the Inter-American Juridical Committee to include gender parity as a criterion for the body's composition⁴⁶, and by the commitments assumed by Member States through General Assembly⁴⁷ and Permanent Council resolutions⁴⁸ regarding the establishment of gender parity in the General Secretariat and its related agencies. The latter led to the recent adoption of a gender parity policy by the OAS Secretariat, which is discussed in more detail in the section on best practices⁴⁹.

13. The OAS has stated on several occasions the importance of consolidating gender parity in order to achieve the effective fulfillment of its mandates and an adequate treatment of the region's issues and problems in terms of prevention, promotion, protection and guarantee of human rights, with special attention to the issues of gender equality and non-discrimination.⁵⁰ These advances are consistent with developments in the Member States and in other international organizations with respect to consolidating gender parity as a measure of equality. The CIM has defined parity as a measure of justice that incorporates three dimensions: (i) the opportunity for equal participation in decision-making positions in the public and private sectors, from the international to the local level; (ii) the exercise of political and economic power on equal terms, that is, free from discrimination and gender-based violence; and (iii) the incorporation into public policy of the women's rights and gender equality agenda in a cross-cutting manner into regulatory frameworks and public policies at the domestic level with an intersectional, intergenerational, and intercultural (and human rights) perspective, remembering that women's equal participation is an essential element of democracy.⁵¹

[court.org/wpafc/wp-content/uploads/2020/10/2-PROTOCOL-TO-THE-AFRICAN-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS-ON-THE-ESTABLISHMENT-OF-AN-AFRICAN-COURT-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf](https://www.court.org/wpafc/wp-content/uploads/2020/10/2-PROTOCOL-TO-THE-AFRICAN-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS-ON-THE-ESTABLISHMENT-OF-AN-AFRICAN-COURT-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf); European Court of Human Rights (ECtHR), Rule of the Courts, Rule 25. See also: ECtHR, Composition and Election Process. Available at: <https://iircenter.org/wp-content/uploads/2020/07/ECtHR-EC-mini-guidefinal-1.pdf>; TEDH, The Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights, pp. 11, 14. Available at: <https://rm.coe.int/short-guide-panel-pdf-a5-2757-1197-8497-v-1/1680a0ae31>; OHCHR, A/HRC/RES/5/1, Institution-building of the Human Rights Council, Special Procedures, 2007, para. 40; UN, General Assembly, A/RES/68/268, Strengthening and improving the effective functioning of the human rights treaty body system, 2014. Available at: https://www.ohchr.org/sites/default/files/A-RES-68-268_S.pdf; UN, Convention on the Rights of Persons with Disabilities, 2006, art. 34; UN, Optional Protocol to the Convention against Torture, 2002, art. 5 and 18; UN, International Convention for the Protection of All Persons from Enforced Disappearance, 2006, art. 26.

⁴⁶ OAS, Inter-American Juridical Committee, IAJC Statute. Available at: https://www.oas.org/es/sla/cji/docs/estatuto_del_comite_juridico_interamericano_rev3_esp.pdf

⁴⁷ OAS, Resolution AG/RES. 2971 LI-O/21) "Program-Budget of the Organization 2022".

⁴⁸ OAS, Permanent Council, Resolution CP/RES. 1149 (2278/20) "Representation and Participation of Women in the OAS," March 12, 2020. Available at: <https://www.iri.edu.ar/wp-content/uploads/2020/04/bo-atalina-71-oea-res1149mujeres.pdf>

⁴⁹ See OAS, General Secretariat, Executive Order 22-05. Available at: http://www.oas.org/legal/english/gensec/EXECUTIVE_ORDER_No_22-5.pdf; Annex I Plan for gender parity in decision-making positions at the GS of the OAS. Available at: http://www.oas.org/legal/spanish/gensec/Plan_de_Paridad_de_Genero_SG_OEA_Espa%C3%B1ol.pdf

⁵⁰ OAS, Resolution AG/RES. 1732 (XXX-0/00), approved the Inter-American Program for the Promotion of Women's Human Rights and Gender Equality; Resolution AG/RES. 1 (XLVIII-E/14) "Program-Budget of the Organization for the 2015-2016 Biennium," the General Assembly adopted amendments to Chapter III of the General Standards on Personnel, having incorporated the aspect of gender equality and equity in all stages of selection of the staff of the General Secretariat; March 7, 2016, the Secretary General approved Executive Order No. 16-03 entitled "Institutional Policy on Gender Equality, Diversity and Human Rights of the General Secretariat," the general objective of which is "to advance equity and equality in the exercise of rights, equal opportunities and equal treatment in all of the General Secretariat's work by strengthening its management, culture and institutional capacities; June 25, 2018, by Executive Order No. 16-03, "Equity and Gender Equality in the General Secretariat", Rule 104.08 of the Staff Rules on "Selection Criteria" was amended to provide that "Gender equity and equality shall be taken into account at all stages of the selection process"; the Permanent Council, by means of resolution CP/RES. 1149 (2278/20) "Representation and Participation of Women in the OAS" adopted on March 12, 2020, requested that the General Secretariat adopt parity in decision-making positions within the Organization and instructed it to: (i) progressively increase the participation and representation of women in decision-making positions within the Organization, as well as in all commissions, missions, panels and collegial groups, including electoral observation missions, with the objective of achieving parity, understood as the equal and active participation of women in their leadership and composition; and, ii) develop a plan to achieve this objective; resolution AG/RES. 2971 LI-O/21) "Program-Budget of the Organization 2022," the General Assembly recognized the importance of gender equity and equality.

⁵¹ See CIM website. Available at: <https://www.oas.org/es/cim/paridad.asp>. Also defined in OAS, CIM, Declaration of Panama, p. 9. Available at: <https://www.oas.org/es/cim/docs/DeclaracionPANAMA-ES.p>

14. The gender parity criterion for the composition of the IACHR and the IA Court arises from successive resolutions of the General Assembly⁵². These resolutions show an evolution in the scope of the objective pursued by Member States, consistent with other international-level developments⁵³. Thus, while until 2019 the resolutions referred to "gender-balanced composition"⁵⁴, as of 2020 they refer to the objective of establishing "gender parity", first with respect to the IA Court⁵⁵ and, more recently, with respect to both bodies⁵⁶. This development facilitates the implementation and measurement of the criterion, since parity implies that the integration should aim to reflect an equal composition between men and women⁵⁷. Notwithstanding the foregoing, to date there are no concrete measures in place to enshrine gender parity in the composition of these bodies.

15. Finally, it is also worth mentioning the importance (as established by the General Assembly on the basis of the right to equality) of ensuring that the IACHR and the IA Court are composed of persons who represent, to the greatest extent possible, the different population groups of the continent, with special attention to those who have been historically underrepresented⁵⁸. This means that in addition to promoting equal participation of men and women, with geographical and legal system balance, Member States have stressed the importance of taking measures to ensure that integration reflects the diversity of the region's population⁵⁹.

III. CURRENT AND HISTORICAL LEVELS OF REPRESENTATION

16. The OAS does not presently have publicly available and systematized information on the current and historical composition of the IACHR and the IA Court according to the prioritized criteria⁶⁰.

17. From the data collected, women's underrepresentation emerges as one of the clearest and most worrisome trends. In its historical composition, the IACHR has had a 21.79%⁶¹

⁵² OAS, General Assembly, RES. 2887 (XLVI-O/16); RES. 2908 (XLVII-O/17); RES. 2928 (XLVIII-O/18); AG/doc.5682/19 rev. 1; CP/RES. 1149 (2278/20); AG/CG/doc.10/22 rev. 1.

⁵³ International Criminal Court, Statute, Art. 36.8.1.iii; Available at: [https://www.un.org/spanish/law/icc/statute/spanish/rome_statute\(s\).pdf](https://www.un.org/spanish/law/icc/statute/spanish/rome_statute(s).pdf); African Court on Human and Peoples' Rights, Protocol African Charter on Human and Peoples' Rights, art. 12.2 and art. 14.3. Available at: <https://www.african-court.org/wpafc/wp-content/uploads/2020/10/2-PROTOCOL-TO-THE-AFRICAN-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS-ON-THE-ESTABLISHMENT-OF-AN-AFRICAN-COURT-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf>; European Court of Human Rights (ECtHR), Rule of Courts, Rule 25. See also: ECtHR, Composition and election process. Available at: <https://ijrcenter.org/wp-content/uploads/2020/07/ECtHR-EC-mini-guidefinal-1.pdf>; TEDH, The Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Right, pp. 11, 14. Disponible en: <https://rm.coe.int/short-guide-panel-pdf-a5-2757-1197-8497-v-1/1680a0ae31>; OHCHR, A/HRC/RES/5/1, Institution-building of the Human Rights Council, Special Procedures, 2007, para. 40; UN, General Assembly, A/RES/68/268, Strengthening and improving the effective functioning of the human rights treaty body system, 2014. Available at: https://www.ohchr.org/sites/default/files/A-RES-68-268_S.pdf; UN, Convention on the Rights of Persons with Disabilities, 2006, art. 34; UN, Optional Protocol to the Convention against Torture, 2002, art. 5 and 18; UN, International Convention for the Protection of All Persons from Enforced Disappearance, 2006, art. 26.

⁵⁴ OAS, General Assembly, RES. 2887 (XLVI-O/16); RES. 2908 (XLVII-O/17); RES. 2928 (XLVIII-O/18); AG/doc.5682/19 rev. 1.

⁵⁵ OEA, Asamblea General, AG/RES. 2961 (L-O/20), 2020.

⁵⁶ OAS, General Assembly, RES AG/CG/doc.10/22 rev. 1, Part xxvi.

⁵⁷ Given that both the IACHR and the IACHR Court each have 7 members, parity would be achieved with at least 3 representatives of the opposite gender at all times.

⁵⁸ OAS, General Assembly, Resolution AG/CG/doc.10 /22 rev. 1, Part xxvi, operative paragraph 1, "To encourage Member States to ensure that the nomination and selection processes for judges of the Inter-American Court of Human Rights and Commissioners of the IACHR consolidate a balanced integration of gender and regional geographic representation, as well as an adequate balance of population groups, particularly those in situations of vulnerability, and legal systems of the Hemisphere, guaranteeing compliance with the requirements of independence, impartiality and recognized competence in the area of human rights". See also: OAS. 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). [See also OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, p. 57.

⁵⁹ Both the United States and Mexico highlighted in their contributions to this report the importance of overcoming the underrepresentation of certain groups, including indigenous people, Afro-descendants, LGBTIQ people, people with disabilities, among others, and others.

⁶⁰ The data included in this report were contributed by the GQUAL Campaign and compiled by the CIM.

⁶¹ See: Annex Table II. See also, GQUAL Campaign, The Current Composition of International Tribunals and Monitoring Bodies, 2015. Available at: <https://www.gqualcampaign.org/composicion-actual/>.

representation of women and the IA Court a 18.60% representation⁶², including periods with an absence of women among its membership. Between the two bodies, States have elected 3 women for every 10 men. Notwithstanding the foregoing, currently and for the first time, both the IACHR and the IA Court have reached gender parity.

18. The application of the parity criterion is also important in other OAS bodies. Overall, of 58 positions among the various OAS bodies analyzed for this report that have mandates related to the promotion and protection of rights and the development of inter-American law, 26 are occupied by women⁶³. Among the bodies with historically low representation of women, the Inter-American Juridical Committee, for example, has been composed of 151 persons, of whom only 6 have been women (3.9%)⁶⁴.

19. Another trend in both bodies is the poor representation of people from historically underrepresented populations⁶⁵. To date, neither the IACHR nor the IA Court has had a member who self-identified as indigenous, and the representation of Afro-descendants is notoriously low in both bodies and mostly consists of persons from the Caribbean.

a. Inter-American Commission on Human Rights

20. The IACHR is composed of seven members⁶⁶, who are personally elected by the General Assembly from a list of persons proposed by Member States⁶⁷, and must meet the following criteria: **i.** high moral authority⁶⁸, **ii.** recognized expertise in human rights issues⁶⁹, **iii.** independence, **iv.** impartiality⁷⁰, and whose appointment will contribute to a composition that complies with **v.** gender parity, **vii.** geographical representation, **viii.** balance of legal systems and representation of population groups⁷¹. No more than one person national of the same State may be a member of the Commission⁷². Each Member State may propose up to three candidates, their own nationals or from any other Member State⁷³. Each member is elected for four years and may be reelected only once⁷⁴.

21. The composition of the IACHR as of the date of this report meets the gender parity criterion, since 4 of its 7 members are women (57.14%). This represents an improvement with respect to the underrepresentation that emerges from historical data, in which women represent 21.79% of the total⁷⁵. Likewise, the IACHR has carried out its functions without women in its membership during the periods of 1973 to 1983, 1992 to 1999 and 2005 to 2007; and with only one woman, at different times, for a total of 22 years⁷⁶. The historical data also reveal a trend of fewer women being reelected, since of the 30 commissioners who were reelected, only 4 were women⁷⁷. With respect to nominations, those made from 2015 to the present time were analyzed on the basis of reports produced by the Independent Panel

⁶² Ib., See Annex, Table II and Table VII.

⁶³ See the bodies identified in the Annex.

⁶⁴ See: Annex Table XII on the historical composition of the IJC.

⁶⁵ Panel of Experts, Dialogues for transparency, The Nomination and Election processes for Commissioners and Judges to the Inter-American Court and Commission on Human Rights and the experience of the Independent Expert Panels, 2020, p. 10.

⁶⁶ OAS, ACHR, Art. 34.

⁶⁷ Ib., Art. 36.

⁶⁸ Ib., Art. 34.

⁶⁹ Idem.

⁷⁰ Ib., ACHR, Art. 34 and Art. 71; Statute of the Inter-American Commission on Human Rights, Art. 8.1.

⁷¹ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, p. 57.

⁷² OAS, ACHR, Art. 34 and 37.

⁷³ Ib., Art. 36. It should be noted that, if a slate of three candidates is proposed, at least one of the candidates must be a national of a State other than the nominating State.

⁷⁴ Ib., Art. 37.

⁷⁵ GQUAL, The Current Composition of International Tribunals and Monitoring Bodies, Septiembre 14, 2015. . Available at: <https://www.gqualcampaign.org/composicion-actual/> Of a total of 78 people who have served on the IACHR since its creation, only 17 have been women. See Annex Table II.

⁷⁶ Periods of years: 1960 - 1972, 1984 - 1985, 1990 - 1991, 2000 - 2001, 2004, 2008 - 2009.

⁷⁷ See: Annex Table III. The States that had the most nationals reelected to the IACHR are: Brazil 3 (2 v and 1 m), Chile 3 (3v) United States of America 4 (4v) and Mexico 4 (4v).

of Experts, revealing that Member States have nominated a total of 16 women and 16 men⁷⁸. While these totals do not necessarily indicate that nominations have reflected parity in every election, the data could indicate the importance of strengthening the way in which the gender parity criterion is applied at the voting stage, where the results do not historically show the same parity.

22. With respect to geographical balance, the annexed information shows the different nationalities of the candidates throughout history and at present. For presentation purposes only, the groupings used by the General Secretariat in its Internal Strategy may be used herein: South America (10 countries⁷⁹) has had 41 members, Central America (7 countries⁸⁰) 12 members, CARICOM (14 countries⁸¹) 11 members, and North America (3 countries⁸²) 14 members⁸³. The countries with the highest number of candidates elected were the United States, with 10 nationals, followed by Colombia with 7, and Brazil and Venezuela with 6 nationals each⁸⁴. Some nationalities have been represented only once, including Panama, Bolivia, Honduras, Antigua and Barbuda and Haiti.

23. With respect to the balance of legal systems, the historical data show that — in general and taking into account their origin as the main verifiable fact — 19 members of the IACHR have been trained mainly in Anglo-Saxon law and 58 in continental law.

24. With respect to the representation of different population groups, the low historical presence of people of African descent, the almost exclusive presence of people of African descent from the Caribbean, and the absence of indigenous people are aspects to consider⁸⁵. Likewise, no member of the IACHR has publicly identified as anything other than heteronormative.

b. Inter-American Court of Human Rights

25. The IA Court is composed of seven members, who are personally elected by the General Assembly from the list of persons nominated by the Member States⁸⁶, who must verify the following criteria: i. high moral authority, ii. recognized competence in the field of human rights, iii. that they meet the qualifications required for appointment to the highest judicial offices under the law of the country of which they are nationals or of the nominating State, iv. Independence, v. impartiality⁸⁷, and whose appointment will contribute to a composition that complies with vi. gender parity, vii. geographical representation, viii. balance of legal systems and representation of population groups. No more than one national of the same State may sit on the IA Court⁸⁸. Each Member State may propose up to three candidates, nationals or from any other OAS Member State⁸⁹. Each person is elected for six years and may be reelected only once⁹⁰.

⁷⁸ See: Annex Table X.

⁷⁹ Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela.

⁸⁰ Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

⁸¹ Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago.

⁸² Canada, Mexico and The United States.

⁸³ The grouping of countries into subregions is presented according to the grouping made by the OAS Secretariat for its Strategy for Geographic Representation. See: OAS, AG/doc.5790/22, AG/RES. 2985 (LII-O/22), 2022, Item 7: available at: <https://www.oas.org/es/becas/programaregular/docs/AG-RES-2985-LII022-SPA.pdf>

⁸⁴ See: Annex Table II.

⁸⁵ Independent Panel of Experts, Dialogues for transparency, The Nomination and Election processes for Commissioners and Judges to the Inter-American Court and Commission on Human Rights and the experience of the Independent Expert Panels, 2020, p.10.

⁸⁶ OAS, ACHR, Art. 52.

⁸⁷ Idem.

⁸⁸ Ib. Art. 53 par. 2. When a slate of three candidates is proposed, at least one of the candidates must be a national of a state other than the nominating state.

⁸⁹ Ib. Art. 53 par. 2.

⁹⁰ OAS, By-law of the Inter-American Court of Human Rights, art. 8.

26. The composition of the IA Court to date complies with the gender parity standard, since 3 of its 7 members are women (42.8%), in contrast to a historical underrepresentation, in which women represent only 18.60% of the total. Historical data also show that, out of a total of 16 people re-elected, none of them has been a woman⁹¹. The IA Court has operated without a woman among its members for 23 years, and for 15 years with only one woman⁹². Regarding nominations, the cumulative information from the reports of the Independent Panel of Experts shows that the nominations made from 2015 to date for the IA Court have been 9 men and 7 women⁹³.

27. With respect to the geographical balance criterion, the attached information shows the different nationalities of the individuals who have been members of the tribunal. Using as a reference the groups of the General Secretariat's strategy for the presentation of information, and taking into account the States Parties to the ACHR that may submit nominations⁹⁴, South America has had 26 members, Central America 9 members, CARICOM 4 members, and North America 4 members⁹⁵. The nationalities most represented among those elected are those of Costa Rica (5 nationals), followed by Chile, Argentina, Colombia and Venezuela (4 nationals each). In order to nominate candidates and vote in elections, States must have ratified the American Convention on Human Rights.

28. Regarding balance among legal systems, historical data shows that — in general and taking into account their origin as the main verifiable data — 4 justices have been trained mainly in common law and 39 in continental law .

29. With respect to the representation of different populations, the historically low presence of Afro-descendants (all from the Caribbean) and the absence of self-identified indigenous peoples are aspects to consider⁹⁶. Likewise, no person who has been a member of the IA Court has publicly identified as anything other than heteronormative.

IV. THE IMPORTANCE OF ENSURING GENDER PARITY, GEOGRAPHICAL BALANCE AND REPRESENTATION OF DIFFERENT LEGAL SYSTEMS

30. Gender parity, geographic balance and representation of the hemisphere's different legal systems have a direct impact on the ability of the IAHR bodies to promote and protect human rights in the region. These criteria strengthen the right to equality and non-

⁹¹ GQUAL, The Current Composition of International Tribunals and Monitoring Bodies, Septiembre 14, 2015. Available at: <https://www.gqualcampaign.org/composicion-actual/> Of 43 members of the IACHR Court, only 8 were women. See: Annex Table VII.

⁹² From 1979 to 1989, there were no women on the IACHR Court, which means that 10 years passed without any women, until Sonia Picado Sotela was elected in 1989. Furthermore, there was no woman on the IACHR Court again in 1994. It was not until 2004 that another woman was elected to the Court, Cecilia Medina Quiroga. In 2013, the IACHR Court was again composed solely of men. In 2016, Elizabeth Odio Benito was elected and served as a judge until 2021. See also, Grossman, N., Sex on the bench: Do women judges matter to the legitimacy of International Courts?, Chicago Journal of International Law, Vol. 12, No. 2, 2012, p. 654 Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1773015 "Two of the four women ever to have served on the IACHR were judges in June 2010. Only one woman has ever served as an ad hoc judge on the IACHR, in 2009",

⁹³ See: Annex Table X.

⁹⁴ In accordance with Article 53 of the ACHR, the States Parties to the Convention may propose nationals or persons from other OAS Member States: "1. The judges of the Court shall be elected by secret ballot by an absolute majority vote of the States Parties to the Convention, at the General Assembly of the Organization, from a list of candidates proposed by those same States. Each State Party may propose up to three candidates, nationals of the state that proposes them or of any other Member State of the Organization of American States. When a slate of three is proposed, at least one of the candidates must be a national of a state other than the nominating state". Emphasis added. Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela.

⁹⁵ See: Annex Table VII.

⁹⁶ Independent Panel of Experts, Dialogues for transparency, The Nomination and Election processes for Commissioners and Judges to the Inter-American Court and Commission on Human Rights and the experience of the Independent Expert Panels, 2020, p. 10.

discrimination, a basic principle of the OAS⁹⁷, as well as the legitimacy and impact of these bodies and their functioning⁹⁸.

a. Importance of parity for the achievement of the right to equality and non-discrimination.

31. Gender parity and the representation of historically underrepresented populations in the bodies of the IAHRs contribute to the protection of the right to equality and non-discrimination⁹⁹, a right that both bodies are called upon to protect¹⁰⁰. The right to equal access to public functions and decision-making spaces is a fundamental principle of representative democracy¹⁰¹.

32. The right to gender equality includes the right to equal access to decision-making spaces, including international ones¹⁰². At the United Nations, the CEDAW Committee has elaborated on this point, indicating that having a critical mass of women in the international arena makes a difference and is necessary to integrate a gender perspective in the programs of all international bodies¹⁰³. According to the Committee, the appointment of women to international bodies is a prerequisite for women to be able to guide, develop and implement international policy¹⁰⁴. In a recent report on gender balance in human rights bodies, which was considered in the basis of Resolution 10/22, the United Nations Human Rights Council Advisory Committee analyzed the different sources of international law that guarantee

⁹⁷ See: Article II of the American Declaration, in article 1 and 24 of the American Convention on Human Rights, and in article 3 of the Additional Protocol of the American Convention on Human Rights on Economic, Social and Cultural Rights; The Inter American Convention against racism, racial discrimination and related forms of intolerance; the Declaration on the rights of indigenous peoples; the Inter American Convention for the elimination of all forms of discrimination against disabled people; the Inter American Convention on the protection of the human rights of the elderly; Interamerican Convention against all forms of discrimination and intolerance. See also: IACHR, Equality and Non-Discrimination Compendium, p. 11; IACHR. Annual Report of the Inter American Commission on Human Rights, Chapter VI, 1999.

⁹⁸ OAS, General Assembly, Resolution AG/CG/doc. 10/22 rev. 1, Part xxvi, para. 2 "HIGHLIGHTING that balanced composition with respect to gender and equal geographical distribution, as well as a balanced representation of different legal systems in the IACHR and in the Interamerican Court of Human Rights would strengthen these bodies' work and impact and would lead to an appropriate discussion of the region's issues and problems regarding prevention, promotion, protection and the guarantee of human rights, with special attention to issues of gender equality and non-discrimination."

⁹⁹ IA Court, OC-27/21 Rights to freedom of association, collective bargaining and strike, and its relation to other rights, with a gender perspective, para. 153; I/A Court H.R., Case of Pavez Pavez v. Chile. Case of Pavez Pavez v. Chile. Merits, Reparations and Costs. Judgment of February 4, 2022. Series C No. 449; I/A Court H.R., Case of López Soto et al. v. Venezuela. Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362; I/A Court H.R., Case of González et al ("Campo Algodonero") v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment from November 16, 2009; IACHR, Women's Work, Education and Resources: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights, 2011, para. 19; IACHR, The Road to a Substantive Democracy: Women's Political Participation in the Americas, 2011, paras. 137-138; IACHR, Compendium Equality and Non-Discrimination, para. 37; IACHR, Annual Report, Considerations on the compatibility of special affirmative action measures designed to promote women's political participation with the principles of equality and non-discrimination, 1999, Chapter III, A, 2; See also, CEDAW, General Recommendation No. 28, 2010, para. 5.

¹⁰⁰ OAS, American Declaration of Human Rights, art. II; OAS, ACHR, art. 1.1, 24. OAS, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention of Belém do Pará", 1994, art. 4.j.

¹⁰¹ IACHR Court. Case of Pavez Pavez v. Chile. Merits, Reparations and Costs. Judgment of February 4, 2022. Series C No. 449, para. 86. I/A Court H.R., Case of Petro Urrego v. Colombia. Case of Petro Urrego v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of July 8, 2020. Series C No. 406, para. 93.

¹⁰² UN, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), art. 8; UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, paras. 25-26; UN, International Covenant on Civil and Political Rights, art. 25; UN, Convention on the Elimination of All Forms of Discrimination against Women, art. 7-8; UN, International Law Commission, Draft Articles on Responsibility of International Organizations (A/66/10), para. 87 art. 2. The reference to "international organizations" in art. 8 of CEDAW has been interpreted broadly. The International Law Commission defines the term as "an organization established by a treaty or other instrument governed by international law and endowed with its own international legal personality; Martin, Claudia, Article 8 of the Convention on the Elimination of All Forms of Discrimination against Women," 2015, An Essential Stepping Stone in Ensuring Gender Parity in International Bodies and Tribunals. Available at: <https://gqualcampaign.org/wp-content/uploads/2022/03/3-Claudia-Martin-Final-Espanol.pdf>. Además véase: Campaña GQUAL, Aporte al Comité CEDAW, Future General Recommendation on the equal and inclusive representation of women in decision-making systems, 2023. Available at: <https://gqualcampaign.org/wp-content/uploads/2023/02/2023-02-17-GQUAL-Written-SubmissionCEDAW.pdf>

¹⁰³ UN, CEDAW Committee, General Recommendation No. 23, 1997, paras. 39 and 40; UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, par. 24.

¹⁰⁴ Idem.

women's equal participation in international decision-making spaces, including in international human rights bodies¹⁰⁵.

33. In the Inter-American framework, the Belém do Pará Convention specifically recognizes the right of women to have equal access to public office in their country and to participate in public affairs¹⁰⁶, directly linking women's participation in public affairs as a condition and a consequence of eliminating violence against women¹⁰⁷. In this regard, gender equality and empowerment are key aspects for the effective exercise of their human rights and for the achievement of their full autonomy and equal participation in decision making, strengthening their roles as active subjects of democracy and development¹⁰⁸.

34. In 1999, the CIM asked the IACHR for an external legal analysis of the compatibility of affirmative action measures with the principle of non-discrimination on the basis of gender. In this regard, the IACHR emphasized that the right to equality and non-discrimination entails the obligation to create conditions of real equality for groups that have been historically excluded and are at greater risk of discrimination¹⁰⁹, specifically urging States to adopt positive measures to reverse or change existing discriminatory situations in their societies¹¹⁰. In this regard, it stated that "affirmative action measures are in full compliance with the principle of non-discrimination and the applicable provisions of human rights law; in fact, such measures may well be required to achieve substantive equality of opportunity. Achieving the free and full participation of women in political life is a priority for our hemisphere"¹¹¹.

35. Gender parity is a principle of democracy¹¹², as well as the highest standard to ensure the right of women to be elected on an equal basis with men¹¹³. The CIM has highlighted that parity is the public policy that has worked best to increase women's access to government positions¹¹⁴. In fact, the Americas is the region with the most women in the world's legislative bodies, with an average of 34.6% female legislators¹¹⁵, according to the Inter-Parliamentary Union.

36. The Thirty-eighth Assembly of Delegates of the CIM (2019), whose central theme was, "Equality and autonomy in the exercise of women's political rights," declared that with regard to parity, the region has positioned itself as the most advanced in the world in terms of normative regulation and protection of the rights of representation and political participation of women¹¹⁶. The delegates also pointed out that parity rules constitute one of the most noteworthy legislative innovations in the electoral and political sphere in the last decade.

37. The Thirty-ninth Assembly of Delegates of the CIM (2022) established that the CIM has drawn attention to and promoted important advances in the region toward equal democracies,

¹⁰⁵ UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, paras. 20-23.

¹⁰⁶ OAS, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention), Art. 4.j. Corte IDH. Caso Vicky Hernández y otras Vs. Honduras. Fondo, Reparaciones y Costas. Sentencia de 26 de marzo de 2021. Serie C No. 422.

¹⁰⁷ *Id.*, Preamble.

¹⁰⁸ OAS, CIM, Declaration of Panama, CIM/DEC. 17 (XXXIX-O/22), 2022, p. 6. Available at: <https://www.oas.org/es/cim/docs/DeclaracionPANAMA-ES.pdf>

¹⁰⁹ IACHR, Annual Report, Considerations on the compatibility of special affirmative action measures designed to promote women's political participation with the principles of equality and non-discrimination, 1999, chapter III, A, 2.

¹¹⁰ *Idem.*

¹¹¹ OAS, General Secretariat, Parity Plan, p. 23; OAS, IACHR, Considerations for the compatibility of affirmative action measures designed to promote women's political participation with the principles of equality and non-discrimination, 1999, point IV. Available at: <https://www.cidh.oas.org/annualrep/99span/capitulo6a.htm>. CEDAW, art. 7.

¹¹² OAS, CIM, Parity as a Democratic Principle. Available at: <https://www.oas.org/es/cim/paridad.asp>

¹¹³ OAS, CIM, Parity in Democracy in Latin America: The Cases of Mexico and Nicaragua, p. 11. Available at: <https://www.oas.org/en/cim/docs/DemocraciaParitaria-MexNic-ES.pdf>.

¹¹⁴ *Idem.*

¹¹⁵ Inter-Parliamentary Union, accessed May 2023. <https://data.ipu.org/women-averages>

¹¹⁶ OAS, CIM, Declaration of Santo Domingo, CIM/DEC. 16 (XXXVIII-O/19). Available at: <https://www.oas.org/es/cim/docs/DeclaracionSANTODOMINGO-ES.pdf>

fundamentally through legislative reforms in the area of parity. The Delegates reiterated their commitment to continue to support the promotion of legislative reforms in the area of parity in the executive, legislative and judicial branches, and at the different levels of government (including the international level) and to take all appropriate measures to eliminate structural, institutional and cultural barriers that impede access to decision-making positions and the exercise of power and the equal participation of women in these positions¹¹⁷.

38. Ensuring equality also involves an intersectional approach¹¹⁸, so as to seek measures to enable other historically underrepresented groups to have equal access to decision making spaces¹¹⁹.

b. Importance for the legitimacy and impact of the Inter-American Human Rights System

39. Representativeness strengthens the legitimacy of institutions¹²⁰. Thus, gender parity, geographical balance and the representation of different legal systems in the hemisphere directly influence the perception that victims, States, civil society and other stakeholders have of their composition, which in turn influences the legitimacy of the decisions made by the bodies of the IAHRs¹²¹. The unrepresentative composition of human rights bodies, in addition to undermining their legitimacy, may generate an appearance of bias in the selection process of members¹²².

40. In addition, the legitimacy of human rights bodies is significantly strengthened if the people potentially affected by their decisions are represented in them¹²³.

41. Finally, representation has an impact on the deliberation of resolutions, and therefore, on the results of key decisions for the protection of the human rights of all people. Representativeness helps bodies take into account diverse experiences and perspectives, limiting the possibility of overlooking issues and perspectives that are important to the effective fulfillment and impact of their mandates¹²⁴.

V. BEST INTERNATIONAL AND NATIONAL PRACTICES TO CONSOLIDATE GENDER PARITY, GEOGRAPHICAL BALANCE AND DIFFERENT LEGAL SYSTEMS IN THE INTER-AMERICAN SYSTEM

¹¹⁷ OAS. CIM, Panama Declaration, CIM/DEC. 17 (XXXIX-O/22), available at: <https://www.oas.org/es/cim/docs/DeclaracionPANAMA-ES.pdf>.

¹¹⁸ UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 18.

¹¹⁹ IA Court, Case of Escaleras Mejía et al. v. Honduras. Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361, para. 72. The IACHR Court has established that "in the development of a representative political participation, those elected exercise their function in representation of a collectivity, which is expressed both in the right of the individual exercising the mandate or designation (direct participation) and in the right of the collectivity to be represented."

¹²⁰ IA Court, OC-28/21, The concept of indefinite presidential reelection in Presidential Systems in the context of the Inter-American Human Rights System, July 7, 2021. Series A No. 28, para. 77. See also: The Declaration of Viña del Mar, adopted at the VI Ibero-American Summit of Heads of State and Presidents of Government, establishes that: "Governance in democracy presupposes the representation and participation of all the inhabitants of our States, without regard to origin, race, religion or sex, with special consideration for indigenous populations, as this endorses the legitimacy of political democracy"; UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 35.

¹²¹ UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 35. See also: Shikelman, V., "Diversity and decision-making in international judicial institutions: the United Nations Human Rights Committee as a case study", Berkeley Journal of International Law, vol. 36, no. 1, 2017..

¹²² UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 36.

¹²³ UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 37.

¹²⁴ UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 38. See also, Grossman, N., Sex on the bench: Do women judges matter to the legitimacy of International Courts?, Chicago Journal of International Law, Vol.

a. Best practices within the OAS framework

i. The Organization's best practices

42. Positive measures to achieve geographic balance. Regarding the geographic balance criterion¹²⁵, the OAS General Secretariat has established concrete measures to increase and balance the representation of nationals from different Member States on its staff¹²⁶. Each measure has been assigned a due date and indicators to track progress¹²⁷, which is evaluated every 3 months¹²⁸. Among some of the practices that may be of interest for this report, the following stand out: "distribute [a note] 3 times a year to National Offices of Member States and Permanent Missions with information on the importance of balanced geographical representation, the current situation and the request for sharing GS/OAS career opportunities within local networks¹²⁹", "identify the online job search platforms and social networks most commonly used in underrepresented Member States to search for career opportunities (staff positions, consultancies and internships) in international organizations", "expand the network of universities to promote career opportunities", "create and maintain an updated network of applicants from currently underrepresented Member States", "inform applicants from underrepresented Member States of the career opportunities available to them", and "increasing the visibility of the GS/OAS commitment to a more diverse and inclusive workforce on the career opportunities website and on social media¹³⁰."

43. Policies for achieving gender parity. A good practice within the OAS in the area of gender parity is exemplified by the recent approval of Executive Order 22/05, dated October 4, 2022, adopted unanimously, from which the Plan for Gender Parity in Decision-Making Positions in the General Secretariat of the OAS (hereinafter referred to as the "Parity Plan" or "Plan") is derived¹³¹.

44. The Parity Plan is based on previous resolutions by the General Assembly¹³² and the Permanent Council, as well as executive orders by the Secretary General¹³³ which, since

12, Nro. 2, 2012; Grossman, N., Sex Representation on the Bench and the Legitimacy of International Criminal Courts, 11 Int'l Crim. L. Rev. 643, 2011; Grossman, N., "Do women judges matter to the legitimacy of the Inter-American Court of Human Rights?" en CEJIL, The selection process of the Inter-American Commission and Court on Human Rights: Reflections on necessary reforms, Policy Paper 10, 2014, p. 23; Charlesworth, H., "The Gender of International Institutions", Proceedings of the Annual Meeting (American Society of International Law) vol. 89, 1995, pp. 81-82.

¹²⁵ OAS, OAS Charter, 1967, arts. 77, 101, 120; OAS, General Assembly, Resolution AG/RES. 2191 (XXXVI-O/06), Appointment of Women to Senior Management Positions in the OAS, 2006.

¹²⁶ OAS, AG/RES.2971(LI-O/21), OAS Program-Budget, 2022. Available at: http://www.oas.org/dhrs/dhr/geographic_representation/Presupuesto_Aprobado_2022.pdf

¹²⁷ Idem.

¹²⁸ OAS, Objectives and indicators for implementing the plan of action on geographic representation in the GS/OAS, 2022. Available at: <http://scm.oas.org/pdfs/2022/CP45948SCAAP.pdf>

¹²⁹ Idem.

¹³⁰ OAS, Objectives and indicators for implementing the plan of action on geographic representation in the GS/OAS, 2022. Available at: <http://scm.oas.org/pdfs/2022/CP45948SCAAP.pdf>

¹³¹ OAS, General Secretariat, Executive Order 22-05. Available at: http://www.oas.org/legal/english/gensec/EXECUTIVE_ORDER_No_22-5.pdf; OAS, Plan for gender parity in decision-making positions at the GS of the OAS, Annex. Available at: http://www.oas.org/legal/spanish/gensec/Plan_de_Paridad_de_Genero_SG_OEA_Espa%C3%B1ol.pdf

¹³² OAS, General Assembly, AG/RES. 2971 (LI-O/21) "Program-Budget of the Organization 2022", 2021.

¹³³ OAS, AG/RES. 1732 (XXX-0/00) approved the Inter-American Program on the Promotion of Women's Human Rights and Gender Equality; AG/RES. 1 (XLVIII-E/14) "Program-Budget of the Organization for the 2015-2016 Biennium," which incorporated the principle of gender equality and equity in all stages of staff selection in the General Secretariat; Executive Order No. 16-03 "Gender Equity and Equality in the General Secretariat", amended rule 104.08 of the Personnel Rules on "Selection Criteria" to the effect of providing that "At all stages of the selection process, gender equity and equality shall be borne in mind"; Permanent Council, resolution CP/RES. 1149 (2278/20) "Representation and Participation of Women in the OAS" adopted on March 12, 2020, by which it, "Requested that the General Secretariat adopt parity in decision-making positions within the Organization and instructed it to: (i) progressively increase the participation and representation of women in decision-making positions within the Organization, as well as in all commissions, missions, panels, and professional groups, including electoral observation missions, with the objective of achieving parity, understood as the equal and active participation of women in their leadership and composition; and, (ii) to develop a plan to achieve this objective; AG/RES. 2971 (LI-O/21) "Program-Budget of the Organization 2022," 2021; OAS, General Secretariat, Executive Order 22-05. Available at: http://www.oas.org/legal/english/gensec/EXECUTIVE_ORDER_No_22-5.pdf; OAS, Plan for gender parity in decision-making positions at the GS of the OAS, Annex.

2001,¹³⁴ have established the progressive increase of women in decision-making positions as one of the Organization's objectives, including in "...all commissions, missions, panels and professional groups, including electoral observation missions, with the objective of reaching parity, understood as the equal and active participation of women in their management and composition."¹³⁵ The Plan contains a series of specific measures to achieve its objective. These measures include setting out clear responsibilities for implementation and coordination with other instruments aimed at achieving equality in the GS/OAS; establishing accountability actions; data collection and publication for transparency, monitoring of progress and identification of opportunities for improvement; addressing unconscious gender bias; establishing the use of special measures to effectively accelerate equality in the stipulated time frame, among others. It also contemplates a communications strategy aimed at raising awareness and achieving the commitment of the Organization's personnel in the implementation of the Plan.

45. The Plan includes a request for specialized agencies, subsidiaries, bodies and other entities whose staff are appointed by and report to the General Secretariat to develop and submit their parity plans in accordance with the guidelines¹³⁶. It also includes a specific recommendation to OAS agencies and entities whose staff and leaders are not appointed by the General Secretariat to observe the parity mandate, adopting the necessary measures and considering the Plan as an effective roadmap¹³⁷.

46. Other good practices in this area derive from the developments promoted by the CIM/OAS as the region's main political forum for the recognition of women's human rights and gender equality. In this regard, as the regional multilateral organization that brings together the ministers and high-level gender authorities of the Americas, the CIM has advised and accompanied the States since its creation in 1982 in the design and implementation of national instruments and public policies to promote women's rights. It has also promoted inter-American conventions on nationality and women's political and civil rights, and the Convention of Belém do Pará. Its work is based on existing mandates derived from the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP), specific declarations and resolutions of the CIM Assembly of Delegates and the OAS General Assembly, agreements adopted by the CIM Executive Committee 2019-2022, and commitments agreed upon at the Summits of the Americas. Specifically, the IAP has led to the development of several objectives that provide references of good practices to promote gender parity in the bodies of the IAHRs. Thus, for example, for the purposes of this report, it is important to consider general objective number 2, which refers to "encouraging OAS Member States to formulate public policies, strategies and proposals aimed at promoting women's human rights and gender equality in all spheres of public and private life, considering their diversity and life cycles" and general objective number 5 "Promoting the full and equal participation of women in all aspects of economic, social, political and cultural development". In addition, specific objective number 4 states that "the full and equal participation of women in the political life of the country and in decision-making at all levels". The Program establishes that its execution will be coordinated with the national mechanisms in charge of women's policies and with the contribution of civil society, taking into consideration the respective actions to be developed. In this regard, the Member States will consider the role of the national mechanisms in charge of women's policies in the implementation of the recommendations included in this report.

¹³⁴ OAS, CIM, OEA/Ser.L/II.5.26, Report on the Status of Implementation of the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality, 2001. Available at: <https://www.oas.org/assembly2001/documentosS/LII526.htm>

¹³⁵ OAS, Permanent Council, RES CP/RES. 1149 (2278/20), "Representation and Participation of Women in the OAS," 2020.

¹³⁶ Id. Item 6.3.4

¹³⁷ Id. Item 7.

47. Development of legal standards on gender parity. The IACHR and the IA Court have developed standards on the concept and scope of gender parity. The IACHR has recognized gender parity as one of the region's democratic principles¹³⁸, and welcomed the consideration of parity as a state policy¹³⁹. In this regard, the IACHR has held that the parity: "Is based on the idea that women have the right to participate in decisions that impact society's wellbeing, not only as equals, but also as a different half with their own interests and needs¹⁴⁰."

48. The IA Court has also referred to gender parity in a recent advisory opinion¹⁴¹. The Court emphasized that both States and trade unions have a duty to adopt measures to ensure equality and non-discrimination in the exercise of trade union rights for women. Thus, the Court highlighted the need for States to establish quotas reserved for women in decision-making positions within trade unions. This is a measure aimed at "overcoming obstacles to women's leadership, allowing them to enjoy greater and better representation of their interests, in a proportional manner, but moving toward gender parity in union leadership bodies and during collective bargaining¹⁴²."

49. Reforms to address underrepresentation. In 2021, the General Assembly amended the by-law of the Inter-American Juridical Committee, at the request of the Mexican State¹⁴³, to add gender parity as a criterion for that body's composition¹⁴⁴.

50. Public presentation of candidates to the IHRs before the Permanent Council. Since 2013, the General Assembly has included the practice¹⁴⁵, which is still in place today¹⁴⁶, of

¹³⁸ IACHR, The Road to Substantive Democracy: Women's Participation in the Americas, OEA/Ser.L/V/II. Doc. 79, 2011, paras. 137 and 156. Available at: <https://www.cidh.oas.org/pdf%20files/mujeres%20participacion%20politica.pdf>; The IACHR has recognized gender parity as one of the democratic principles of the region, understood in the first place as "[t]he equal participation and representation of men and women in the decision-making process." In turn, the IACHR established as one of the main challenges in the region, "the struggle to integrate parity in political activity, taking into account the disadvantages of women in the private sphere".

¹³⁹ IACHR, Report on the Rights of Women in Chile: Equality in the Family, at Work and in Politics, para. 103: <http://www.cidh.org/countryrep/ChileMujer2009sp/Chilemujer09iv.sp.htm#qualdad%20de%20las%20Mujeres%20en%20la%20Esfera%20Pol%C3%ADtica>. In 2009, the IACHR referred to parity as a State policy promoted by the government of the former President of Chile, Michelle Bachelet, celebrating "the Government's efforts [...] to promote parity as a State policy and to support initiatives to expand the participation of women in the country's political activity" The highlighting is our own.

¹⁴⁰ IACHR, The Road to Substantive Democracy: Women's Participation in the Americas, OEA/Ser.L/V/II. Doc. 79, 2011, para. 6. Available at: <https://www.cidh.oas.org/pdf%20files/mujeres%20participacion%20politica.pdf>. See also: IACHR, OAS Ser.L/V/II.143 Doc.59, Women's Work, Education and Resources: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights, para. 198: <https://www.oas.org/es/cidh/mujeres/docs/pdf/MujeresDESC2011.pdf>

¹⁴¹ IA Court, Advisory Opinion OC-27/21, Rights to freedom of association, collective bargaining and strike, and their relation to other rights, with a gender perspective (interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Articles 1. 1 and 2 of the American Convention on Human Rights, Articles 3, 6, 7 and 8 of the San Salvador Protocol Articles 2, 3, 4, 5 and 6 of the Belém do Pará Convention, Articles 34, 44 and 45 of the Charter of the Organization of American States, and Articles II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man), 2021, para. 196.

¹⁴² IA Court, Advisory Opinion OC-27/21, Rights to freedom of association, collective bargaining and strike, and their relation to other rights, with a gender perspective (interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Articles 1. 1 and 2 of the American Convention on Human Rights, Articles 3, 6, 7 and 8 of the San Salvador Protocol, Articles 2, 3, 4, 5 and 6 of the Belém do Pará Convention, Articles 34, 44 and 45 of the Charter of the Organization of American States, and Articles II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man), 2021, para. 197; IACHR, OEA/Ser.L/V/II, Report on trans and gender-diverse persons and their economic, social, cultural and environmental rights, 2020, para. 309. Available at: <https://www.oas.org/es/cidh/informes/pdfs/PersonasTransDESCA-es.pdf> "The Commission has also urged States "to create means to encourage trans and gender-diverse people to take part in trade unions and other spaces for political participation, so as to ensure the effectiveness of legislation, policies and programs aimed at improving their working conditions, as well as to guarantee the full enjoyment and exercise of their human rights towards the realization of their life projects. See also: UN, CEDAW Committee, General Recommendation No. 25, 2004, paras. 22- 23.

¹⁴³ The Mexican delegation acknowledged that it is a strong promoter of the Committee, having participated in the previous year in the proposal to amend Article 5 of the Statute of the Committee to incorporate gender parity in its composition, as well as in the inclusion of new issues on the Committee's agenda. See: OAS, CJI/doc. 682/22, 2022, p. 342. Available at: <http://scm.oas.org/pdfs/2023/CP47418S.pdf>.

¹⁴⁴ OAS, AG/RES. 2974 (LI-O/21), item iii "Inter-American Juridical Committee", 2021, para. 7..

¹⁴⁵ OAS. General Assembly. RES 1917/13, approved on May 1, 2013.

¹⁴⁶ OAS. General Assembly. To instruct the Permanent Council, prior to the election of those who will serve as judges of the Inter-American Court of Human Rights and commissioners of the IACHR, to invite the candidates for those positions nominated by the Member States to make a public presentation to the Permanent Council prior to their election, to the extent possible, in order to make their vision, proposals, and initiatives known in greater depth if they are elected. These presentations should be made, as far as possible, at the same meeting of the Permanent Council and disseminated as widely as possible".

implementing public presentations from candidates to the IAHR's organs at a session of the OAS Permanent Council prior to each election period¹⁴⁷.

ii. Best practices in OAS Member States' nomination processes

51. Resolution 10/22 established the importance of Member States' adopting measures, "to follow the recommendations of the OAS General Assembly aimed at improving selection processes for candidates¹⁴⁸." Several States provided information to the CIM during the consultation process about measures taken in this regard.

52. In the framework of the consultations carried out and the contributions to this report, Argentina informed the CIM that as of 2021 it began to implement measures to make the nomination process more transparent and participatory, starting with an ad hoc procedure for the nomination of candidates to the IACHR Court, which resulted in the nomination of the first Argentine woman candidate to this body, guaranteeing the principles of transparency, equity, gender perspective and civil society participation¹⁴⁹. Argentina also reported that the State has launched a more detailed procedure for nominations of candidates to the United Nations Committee on the Rights of the Child, and the Committee on ESC rights. They also applied the procedure to a vacancy that arose from the death of a member of the Subcommittee on Prevention of Torture. Finally, on February 6, 2023 Argentina formalized this mechanism through the Ministry of Foreign and Religious Affairs Resolution 20/23¹⁵⁰. This mechanism involves a series of stages that would include: publicizing the State's interest in submitting a candidate and the identification of the candidate(s) under consideration, the opportunity for stakeholders to present their input on the nominations or alternatives to the nominations, the holding of interviews that include the participation of civil society stakeholders, and the publication of the final decision by the selection committee¹⁵¹. According to this mechanism, the criteria to be taken into account for selection include competence and experience in human rights, commitment to the subject, ability to personally perform the functions, availability, equal participation of women, equality and non-representation, and federal representation¹⁵². Finally, Argentina reported that this mechanism was implemented for the selection of its nominee to the IACHR. Argentina stated during the consultation that, "The Selection Committee took into account that of the four vacancies, three were women"¹⁵³.

53. Chile, in turn, provided information to the CIM noting that they have implemented, in the case of the vacancy on the IACHR in 2023, "A thorough selection process among people with different professional backgrounds linked to the subject matter of the candidacy, which includes collecting comparative experiences and some recommendations from organizations linked to the promotion and protection of human rights."¹⁵⁴ According to the information provided, the process involved three stages, beginning with an invitation from the Ministry of

¹⁴⁷ Idem.

¹⁴⁸ OAS. General Assembly. RES 10/22, 2022, Item xxvi, resolution 4.

¹⁴⁹ Argentina's presentation at the meeting held on April 25, 2023 and the contributions made to the preliminary version of the report

¹⁵⁰ Argentina, Ministry of Foreign and Religious Affairs, Resolution 20/2023, 2023. Available at: <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-20-2023-379394/texto>

¹⁵¹ Argentina, Ministry of Foreign and Religious Affairs, Resolution 20/2023, 2023. Available at: <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-20-2023-379394/texto> "The full participation of women in international bodies contributes to guaranteeing substantive equality, collaborates in the dismantling of stereotypes that have historically violated women's rights, promotes a more pluralistic and diverse debate by advancing the inclusion of the gender perspective in public affairs, and guarantees the democratic legitimacy of decision-making spaces. The implementation of a nomination and election policy with gender parity for international bodies and tribunals by the ARGENTINE REPUBLIC is not only a desirable public policy measure, but is an obligation derived from the right to equality and non-discrimination recognized in the NATIONAL CONSTITUTION of the ARGENTINE REPUBLIC and in the international human rights treaties to which the State is a party, many of which enjoy constitutional hierarchy. In this way, parity in the nomination of candidates will be encouraged."

¹⁵² Idem.

¹⁵³ Contributions received by the CIM from Argentina.

¹⁵⁴ Contributions received by CIM Chile.

Foreign Affairs to participate in the process sent to people with “Diverse professional backgrounds, after an exhaustive review of compliance with the requirements established in the respective treaties and conventions and considering other relevant elements for our country, such as gender balance and regional representation of the candidates.”¹⁵⁵ Once candidates’ background had been reviewed and the conventional requirements of the position had been verified, interviews were conducted by a "commission" whose composition was equal, and which included the participation as observers of the National Human Rights Institute and the Child Advocacy Office, autonomous human rights institutions in the country¹⁵⁶. Lastly, the information and background of the persons involved, “were submitted to the highest authority of the Ministry of Foreign Affairs, who, in agreement with H.E. the President of the Republic, decided on the designation”¹⁵⁷. Notwithstanding the foregoing, the State reported that this mechanism is not regulated by any legislation, but that there is interest in moving toward that goal¹⁵⁸.

54. Finally, El Salvador indicated that the Nominations Department of the General Directorate of Foreign Policy of the Ministry of Foreign Affairs would be the national body in charge of promoting an institutional process for the selection of candidates for the IAHRs, the UN and other international, multilateral and regional organizations¹⁵⁹. According to the information provided, the proceedings before this Department would include, "The identification of candidates with suitable backgrounds for the positions at hand, the application of a gender perspective when considering such nominations, as a differentiating element and added value for Salvadoran candidates. [...] in addition to considering aspects related to training, linkage of the candidate’s background with the body's work, and specialized knowledge, among others; it incorporates the aspects indicated (impartiality, competence in the matter, gender parity, geographic balance, among others).”¹⁶⁰

55. Finally, some Member States, such as Antigua and Barbuda and Panama, provided information to the CIM indicating that they do not yet have processes of this nature¹⁶¹. In particular, the Paraguayan State indicated that, "One of the main challenges within the country to guarantee that policies and practices for the nomination and election of candidates to international human rights bodies include gender parity, geographical balance and different legal systems as relevant criteria, is to review and promote a new Parity Bill that also guarantees the participation of women in international bodies.”¹⁶² Civil society representatives from Mexico, Paraguay, Bolivia, Costa Rica, Peru and Colombia informed the CIM that they were unaware of the existence of national processes for the selection of candidates to the IAHRs in their countries¹⁶³.

iii. Best practices in civil society

¹⁵⁵ Contributions received by CIM Chile.

¹⁵⁶ Contributions received by CIM Chile.

¹⁵⁷ Contributions received by CIM Chile.

¹⁵⁸ Information presented during the April 25 meeting.

¹⁵⁹ Contribution received by the CIM of El Salvador.

¹⁶⁰ Contribution received by the CIM from El Salvador: El Salvador reported that "In 2019, a candidacy was presented for the Inter-American Juridical Committee, for which the aptitudes and competencies of the candidate’s professional background were taken into consideration, as well as a gender approach aimed at promoting the representation of women in the positions and spaces in which El Salvador presents candidacies. Similarly, in 2021 and 2022, El Salvador presented women candidates for some inter-American committees such as the Executive Board of the Inter-American Commission for Cooperation and Development (IACD) and the Steering Committee of the Permanent Secretariat of the Inter-American Commission of Women (CIM), 2022-2025 term."

¹⁶¹ Antigua and Barbuda’s contribution to the CIM. “There are no defined processes that guide the selection of Candidates for the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (I/A Court H.R) or other Inter-American bodies. Generally persons are chosen due to their experience by their Minister or Permanent Secretary and the Foreign Mission to represent the country in that capacity. Civil society organisations are not consulted as part of this selection process [...] Antigua and Barbuda does not have formal policy that guides the voting and selection of candidates to Human Rights bodies that is inclusive of gender parity, geographic balance or differing legal systems”.

¹⁶² Contributions received by the CIM from Paraguay.

¹⁶³ Information provided to the CIM by civil society and academia. In fact, 37 responses received through the public consultation indicated that they did not know whether their State had mechanisms or processes for the selection of candidates..

56. Since 2015, an initiative promoted by civil society has been implemented with the aim of strengthening the nominations and elections system at the IAHRs, the Independent Panel of Experts (Independent Panel), which is based on the previous experience of the Independent Panel¹⁶⁴ of the Coalition for the International Criminal Court on judicial elections of the International Criminal Court (an initiative established in 2010 by civil society)¹⁶⁵. The Independent Panel is composed of internationally recognized experts in the field of human rights, and is responsible for evaluating the nominations presented for the IACHR and the IA Court in order to verify whether they meet the conventional requirements and those arising from General Assembly resolutions such as Resolution 10/22. Each report presented by the panel reviews the candidates' background in light of these criteria, generating useful examples on their evaluation. The mechanisms by which the Panel has conducted these assessments may include best practices, among them the use of a standardized questionnaire that each candidate has the opportunity to complete, the use of interviews, the opportunity to receive input from civil society, and the systematization of the information received in a report with conclusions that is published and submitted to the States. The various reports that the Panel contributed to this consultation process include recommendations on nomination and voting processes. The Panel has recommended, among other measures, the need to establish transparent and participatory national mechanisms for the nomination of candidates to the IAHRs, which should include gender criteria¹⁶⁶, as well as measures to ensure that selection at the OAS meets the conventional criteria of gender parity and balance both geographically and in legal systems represented¹⁶⁷. It has also recommended that States issue and disseminate a call for nominations, explaining the criteria and processes for nomination¹⁶⁸, and that interviews be conducted¹⁶⁹, among others.

57. The GQUAL Campaign is a civil society initiative focused on research and advocacy to achieve gender parity in international representation. The Campaign produces and systematizes information and data on vacancies and trends in the composition of international tribunals and human rights bodies in order to identify areas of underrepresentation and encourage debate and the search for solutions. GQUAL also sends out alerts regarding available vacancies and generates recommendations to States and international bodies regarding nomination processes for candidates. Finally, the Campaign promotes research and discussion on the causes and impact of women's underrepresentation, international obligations to ensure equal representation, and the identification of good practices and possible solutions to achieve parity¹⁷⁰.

58. Additionally, various civil society organizations have contributed proposals and developed measures to strengthen the selection processes for members of the IACHR and the IA Court, and for positions such as the Special Rapporteurships of the IACHR and its Executive Secretariat. Among them, and from the contributions received, the Center for

¹⁶⁴ Final Report of the Independent Panel of Experts for the Evaluation of Candidates for the Inter-American Court and Commission on Human Rights, 2015. Available at: <https://www.justiceinitiative.org/uploads/34b476e4-dd7b-431e-acd4-e25fbff100cc/iachr-panel-report-eng-20150603.pdf>; Idem, 2017. Available at: https://idehpucp.pucp.edu.pe/wp-content/uploads/2017/06/IACHR_Panel_2017_Final_Report.pdf; Idem, 2018. Available at: <https://www.wcl.american.edu/impact/initiatives-programs/center/documents/informe-panel-2018/>; Idem, 2019. Available at: <https://www.wcl.american.edu/impact/initiatives-programs/center/documents/2019-informe-del-panel-independiente-de-expertos/>; Idem, 2021. Available at: <https://www.wcl.american.edu/impact/initiatives-programs/center/publications/documents/informe-final-del-panel-de-expertos-as-independientes-2021-esp/>

¹⁶⁵ This initiative was subsequently replaced by an Advisory Committee on Nominations, which is a body of the Assembly of States Parties.

¹⁶⁶ Final Report of the Independent Panel of Experts for the Evaluation of Candidates for the Inter-American Court and Commission on Human Rights, 2021, p. 24.

¹⁶⁷ Final Report of the Independent Panel of Experts for the Evaluation of Candidates for the Inter-American Court and Commission on Human Rights, 2021, p. 24, 28.

¹⁶⁸ Final Report of the Independent Panel of Experts for the Evaluation of Candidates for the Inter-American Court and Commission on Human Rights, 2021, p. 24.

¹⁶⁹ Idem.

¹⁷⁰ Contribution received by CIM from GQUAL Campaign.

Justice and International Law (CEJIL), the Due Process of Law Foundation (DPLF), the Kennedy Center for Human Rights, Redlad, IFEX, and others have facilitated discussions and public presentations of candidates with civil society¹⁷¹. Some of the organizations mentioned above and others have promoted local and international initiatives to promote national screening mechanisms¹⁷². CEJIL, for example, informed of the publication of books and documents containing proposals and evaluations of the selection processes¹⁷³. Finally, in the context of participation in the General Assemblies, several organizations have reportedly formed coalitions to issue recommendations on the effectiveness of the OAS selection processes.

b. Best practices in the United Nations Organization

i. Report of the Human Rights Council Advisory Committee on "The Current Level of Women's Representation in Human Rights Bodies and Mechanisms: Ensuring Gender Balance"

59. In 2019, the Human Rights Council (HRC) addressed the lack of equal representation of women in UN human rights bodies. The outcome was Resolution 41/6, which recognizes the need to overcome the underrepresentation of women through concrete measures involving States and UN bodies linked to selection processes¹⁷⁴. To this end, the HRC asked its Advisory Committee to prepare a report with recommendations on the subject¹⁷⁵. The report, "The current level of women's representation in human rights bodies and mechanisms: ensuring gender balance" was presented in 2021 and contains recommendations to States, the HRC and its bodies, and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to improve the nomination and selection processes for members of human rights bodies and mechanisms¹⁷⁶.

60. With regard to the HRC and its bodies, the Advisory Committee recommends that the HRC publish data on the makeup of special procedures disaggregated by gender and take measures to overcome the underrepresentation of women in mandates that require it, including, for example, by extending the deadline for calls for applications when not enough women have applied¹⁷⁷. Additionally, it proposes that, when there are two equally qualified candidates, the HRC President should give priority to the person of the underrepresented gender in their recommendation for appointment¹⁷⁸. It also recommends that States actively support the selection of women candidates, as long as the underrepresentation of women candidates persists¹⁷⁹.

61. As for States, the Advisory Committee recommends that, at a national level, they identify more women candidates, promote formal, open, transparent and participatory selection processes that include gender as a specific criterion, and promote research and support to overcome barriers to women's full participation. In order to nominate a greater number of female candidates, States should consider the current and historical composition of the body in question, seeking to nominate persons of the underrepresented gender. At the

¹⁷¹ See, for example, Agenda Estado de Derecho, Quienes serán los nuevos jueces de la Corte IDH?, October 28, 2021, available at: <https://agendaestadodederecho.com/quienes-seran-los-nuevos-jueces-de-la-corte-idh/>

¹⁷² See, for example, letter sent by GQUAL, Amnesty International Argentina, CEJIL, CELS and ACIJ on August 18, 2022, available at: <https://cejil.org/wp-content/uploads/2022/08/2022-08-16Carta-Proceso-de-Nominacion-ARG.pdf>

¹⁷³ Contribution received by the CIM from CEJIL. See, CEJIL, The selection process of the Inter-American Commission and Court on Human Rights: Reflections on necessary reforms, Policy Paper 10, 2014

¹⁷⁴ UN, Human Rights Council, A/HRC/RES/41/6, Elimination of all forms of discrimination against women and girls, 2019, para. 15. Available at: https://gqualcampaign.org/wp-content/uploads/2020/10/Resolución-41_6-del-Consejo-de-Derechos-Humanos.pdf

¹⁷⁵ UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 16.

¹⁷⁶ Idem.

¹⁷⁷ Id, para. 76.

¹⁷⁸ Id, para. 79.

¹⁷⁹ Id, para. 81.

international level, States should commit to nominating and electing more women candidates to fill the positions and report regularly on progress¹⁸⁰.

62. The Advisory Committee also recommends that States consider maintaining databases of potential candidates, for which they could work with civil society and other stakeholders to compile women's professional profiles and use all means to disseminate information about vacancies, ensuring that such information reaches women¹⁸¹.

63. The Advisory Committee provides States with specific recommendations to ensure greater election and appointment of women. To this end, it recommends incorporating gender parity in voting practices and adopting policies that require the appointment of women and men, taking into account the historical and current gender composition of the body. In turn, it urges States to vote for women candidates in successive rounds of voting if the minimum parity targets are not met in the first round of voting¹⁸².

64. Finally, the Advisory Committee recommends that the OHCHR should widely advertise elections for the bodies in which it serves as secretariat and work with States, the HRC and its bodies to develop mechanisms to achieve gender parity in the nomination and election of members. It is also recommended that it periodically prepare a report on existing policies, practices and designation mechanisms, highlighting best practices¹⁸³.

ii. Best practices in the selection processes of United Nations Treaty Bodies

65. In 2014, the United Nations General Assembly adopted Resolution 68/268, on strengthening and improving the functioning of the human rights treaty body system¹⁸⁴. This Resolution encourages States to take into account the criteria of geographical, gender and legal system balance, as well as the representation of different forms of civilization and the participation of experts with disabilities, in the election of experts to treaty body positions¹⁸⁵.

66. The General Assembly also requested that the OHCHR include, in the documentation it prepares for each treaty body election, an informational note reflecting the current status of treaty body membership, its balance in terms of geographical distribution and gender representation, professional background and different legal systems, as well as the length of current members' term of office¹⁸⁶.

67. Another best practice to highlight is that the OHCHR office publishes on its website information disaggregated by gender¹⁸⁷ and geographical distribution¹⁸⁸ on the current composition of treaty bodies. It also annually publishes election results, disaggregated by gender¹⁸⁹.

¹⁸⁰ Id, para. 86, 88, 89, 90.

¹⁸¹ Id, para. 87.

¹⁸² Id, paras. 91-92.

¹⁸³ Id, paras. 97-100.

¹⁸⁴ UN, General Assembly, A/RES/68/268, Strengthening and improving the effective functioning of the human rights treaty body system, 2014. Available at: https://www.ohchr.org/sites/default/files/A-RES-68-268_S.pdf

¹⁸⁵ Id, para. 13.

¹⁸⁶ Id, para. 12.

¹⁸⁷ ONU, OHCHR, Gender composition of the Treaty Bodies as of January 2023, 2023. Disponible en: <https://www.ohchr.org/sites/default/files/documents/hrbodies/treaty-bodies/elections/2023-01-31/Gender-composition-Treaty-Bodies-012023.pdf>

¹⁸⁸ ONU, OHCHR, Geographical distribution of membership of treaty bodies as of 1 January 2023, 2023. Disponible en: <https://www.ohchr.org/sites/default/files/documents/hrbodies/treaty-bodies/elections/2023-01-31/Geographical-distribution-membership-treaty-bodies-012023.pdf>

¹⁸⁹ UN, OHCHR, Elections of the Treaty Bodies in figures, 2023. Available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/treaty-bodies/elections/2023-01-31/TB-2023-Candidates-text.pdf>

68. In relation to geographical balance, although equitable geographical distribution must be taken into account in all cases, there are no official quotas, except in the case of the Committee on Economic, Social and Cultural Rights, where it is established that 15 seats will be distributed equally among the regional groups and the remaining 3 seats will be allocated in accordance with the increase in the total number of States Parties per regional group¹⁹⁰.

69. In relation to gender parity, 3 of the 10 treaty bodies include provisions for gender balance as specific criteria for their composition. These are the Subcommittee on Prevention of Torture¹⁹¹, Committee on the Rights of Persons with Disabilities¹⁹² and the Committee against Enforced Disappearances¹⁹³.

70. With regard to the representation of different legal systems, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities include the, "Representation of the main legal systems"¹⁹⁴ and "the different forms of civilization"¹⁹⁵ as criteria for the election of its members. The Optional Protocol to the Convention against Torture refers to, "The different forms of civilization and legal systems of the States Parties."¹⁹⁶ and the International Covenant on Civil and Political Rights and the Convention against Torture only refers to "legal experience"¹⁹⁷.

iii. Best practices in the selection processes of the United Nations Special Procedures.

71. According to HRC Resolution 5/1 from 2007, the nomination, selection and appointment of mandate holders should take into account the following criteria: specialized knowledge, experience in the mandate's field, independence, impartiality, personal integrity and objectivity¹⁹⁸. Furthermore, "Due regard should be paid to gender balance and equitable geographical representation, as well as to an appropriate representation of different legal systems"¹⁹⁹. These criteria were reaffirmed in resolution 43/117²⁰⁰.

72. Resolution 5/1 establishes a Consultative Group (CG) to propose lists of three candidates who meet the general criteria and the specific requirements for filling vacant positions to the President of the HRC²⁰¹. In 2015 the CG adopted "Guidelines on Gender Parity"²⁰² to address the gender imbalance in Special Procedures. The guidelines proposed gender targets for the CG in the selection of candidates for interviews and for the preparation of shortlists of finalists²⁰³. The guidelines refer to the desirability of extending the deadline for submission of

¹⁹⁰ UN, Secretary-General, A/70/257, 3, Report: Promoting equitable geographical distribution in the membership of the human rights treaty bodies, 2015, paras. 13-15. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/241/12/PDF/N1524112.pdf?OpenElement>

¹⁹¹ UN, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 5.

¹⁹² UN, Convention on the Rights of Persons with Disabilities, art. 34.

¹⁹³ UN, International Convention for the Protection of All Persons from Enforced Disappearances, art. 26.1.

¹⁹⁴ UN, International Convention on the Elimination of All Forms of Racial Discrimination, art. 8.1; UN, Convention on the Elimination of All Forms of Discrimination against Women, art. 17.1; UN, Convention on the Rights of Persons with Disabilities, art. 34.4.

¹⁹⁵ Id.

¹⁹⁶ UN, Optional Protocol to the Convention against Torture, art. 5.

¹⁹⁷ UN, International Covenant on Civil and Political Rights, art. 28.2; UN, Convention against Torture, art. 17.1.

¹⁹⁸ UN, A/HRC/RES/5/1, Institution-Building of the Human Rights Council, Special Procedures, 2007, para. 39: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/5/1

¹⁹⁹ Id., para. 40.t

²⁰⁰ UN, Human Rights Council, A/HRC/DEC/43/117, Working methods of the Human Rights Council Advisory Group, 2020. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/163/99/PDF/G2016399.pdf?OpenElement>

²⁰¹ UN, A/HRC/RES/5/1, Institution-building of the Human Rights Council, Special Procedures, 2007, para. 47.

²⁰² UN, Human Rights Council, Letter from the Advisory Group to the President of the Human Rights Council, 2015. Available at: <https://gqualcampaign.org/wp-content/uploads/2017/04/CGlettertransmittedtoPresidentHRC-23dec151.pdf>

²⁰³ See: GQUAL Campaign, Letter sent to the UN Human Rights Council Advisory Group, 2020. Available at: <https://gqualcampaign.org/wp-content/uploads/2020/10/Carta-Grupo-Consultivo-2020.pdf>

nominations when not enough women apply²⁰⁴. Although the guidelines are not currently part of the CG's official operating documents, the CG has reflected the practice of considering gender criteria in the process in its reports. CG reports are published on the OHCHR website.

73. The President of the HRC should take these reports into account and carry out consultations before recommending the appointment of a person to the HRC²⁰⁵. In his recent practice, the President of the HRC has decided to appoint women to certain special procedures that have never been filled by women, even though the CG's recommendation was the selection of a male candidate²⁰⁶.

74. The OHCHR regularly publishes information on vacancies in special procedures²⁰⁷. OHCHR also publishes statistics on current special procedures mandate holders²⁰⁸. The information is disaggregated by gender and geographic distribution according to the United Nations Regional Groups²⁰⁹.

c. Best practices in the European Court of Human Rights, the International Criminal Court, the African Court on Human and Peoples' Rights and the International Court of Justice.

i. European Court of Human Rights

75. In the case of the European Court of Human Rights (ECtHR)²¹⁰, its composition differs from that of the IAHR bodies in that each State that is party to the European Convention on Human Rights appoints one person, thus ensuring geographical and legal system representation. The ECtHR thus has 47 judges, from a shortlist submitted by each State to the Parliamentary Assembly of the Council of Europe. With regard to gender, the election procedure before the Parliamentary Assembly includes an examination of the shortlist submitted by each State. The Assembly may reject the list by majority vote if it determines that the national election procedure lacks impartiality, transparency and/or consistency, or that the list is not balanced between men and women²¹¹. Lists that are unrepresentative will

²⁰⁴ It should be noted that in the reports presented by the AC at the 38th, 39th, 40th, 42nd and 43rd sessions, it recognized the importance of the gender parity guidelines and took them into account in the process of interviewing candidates for mandate holders. As a result, 46.8% of those elected at these sessions were women, even though only 37% of the candidates were women. Information provided by the GQUAL Campaign. See: GQUAL Campaign, Letter sent to the UN Human Rights Council Advisory Group, 2020. Available at: <https://gqualcampaign.org/wp-content/uploads/2020/10/Carta-Grupo-Consultivo-2020.pdf>

²⁰⁵ OHCHR, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 72. See, for example, the letter from 2 June 2022 of the President of the Human Rights Council in which he made the decision to elect a female candidate for the Special Rapporteur against Torture who came in second place according to the shortlist sent by the AC. In this regard, he stated that, "Following my consultations with stakeholders and careful consideration of the views expressed, while recognizing the competence and experience of the candidate first chosen by the Advisory Committee, I have decided to propose for appointment Ms. Alice Jill EDWARDS **taking into account not only the gender balance in the mandate, which has been held by men since its inception, but also the importance of a gender perspective in the implementation of the mandate** and the need for greater awareness of the particular vulnerabilities of specific groups, such as women and children". [Emphasis and translation added] Available at: <https://www.ohchr.org/sites/default/files/2022-06/220602-letter-from-the-hrc-president-list-of-sp-candidates-for-8-vacancies-hrc50.pdf> See also: the letter of February 21, 2020 from the President of the Human Rights Council, p. 2. Available at: www.ohchr.org/Documents/HRBodies/SP/CallApplications/HRC43/2020221_Letter_President_HRC43_appointments_mandate_holders.pdf.

²⁰⁶ GQUAL Interview with Ambassador Federico Villegas, President of the Human Rights Council, 2022. Available at: <https://www.youtube.com/watch?v=70O1G02vvl8>

²⁰⁷ UN, Human Rights Council, Advisory Group, Nomination, Selection and Appointment of Mandate Holders. Available at: <https://www.ohchr.org/en/hr-bodies/hrc/sp/nominations>

²⁰⁸ UN, OHCHR, Statistics on Current Special Procedure Mandate Holders (as of May 2023), 2023. Available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/special-procedures/2022-11-18/StatisticsCurrentMandateHolders.pdf>

²⁰⁹ UN, Regional Groups of Member States of the United Nations. Available at: <https://www.un.org/dgacm/es/content/regional-groups>

²¹⁰ European Court of Human Rights, European Convention on Human Rights, 1950. Available at: https://www.echr.coe.int/Documents/Convention_SPA.pdf; European Court of Human Rights, Rules of the Court, 2023. Available at: https://www.echr.coe.int/Documents/Rules_Court_ENG.pdf

²¹¹ ECtHR, Composition and election process. Available at: <https://ijrcenter.org/wp-content/uploads/2020/07/ECtHR-EC-mini-guidefinal-1.pdf>;

be rejected, unless the candidates belong to the gender underrepresented on the Tribunal (40% or less of the ECtHR).²¹²

76. There are also some best practices in the nomination process that strengthen transparency, civil society participation and candidacies, such as the granting of a certain degree of independence from the Executive Branch to each State of a nominating body, advertisement of vacancies, interviews according to a standard format, full-time positions with compensation commensurate to the position, and the creation of a standing Panel in the Council of Europe²¹³.

77. The ECtHR has issued two Advisory Opinions on legal issues relating to lists of candidates²¹⁴. In 2010, the Interlaken High-Level Conference on the future of the ECtHR was held, which reaffirmed, "The need to maintain the independence of the judges and preserve the impartiality and quality of the Tribunal and urged States Parties and the Council of Europe to ensure, by improving the transparency and quality of the selection procedure at both national and European level as needed, full compliance with the Convention criteria for appointment as judge on the Tribunal, including knowledge of public international law and national legal systems, as well as proficiency in at least one official language [...] Additionally, the composition of the Tribunal should include the necessary practical legal experience"²¹⁵.

ii. International Criminal Court

78. The International Criminal Court (ICC) also differs from the IAHR bodies in terms of the number of members, with 18 judges serving 9-year terms, with no option for reelection. Since the adoption of the Rome Statute in 1998, the principles governing the selection of judges for the ICC have been established: competence and integrity, equitable geographical distribution and representation of the of the world's principal legal systems, as well as balanced representation of men and women²¹⁶. Article 36(8) of the Statute establishes the duty of Member States to take these principles into account²¹⁷.

79. In practice, the States, through the Assembly, have adopted a series of resolutions establishing the specific aspects of the criteria that should govern the composition of these bodies. First, nominations must contain information on the legal system, geographic region and gender of the nominee²¹⁸. Secondly, a minimum number of candidates must be presented that is sufficient to facilitate compliance with the requirements set forth in Article 36 of the Bylaws²¹⁹. These figures are reviewed at each election and are calculated according to the number of vacancies, the number of Member States and the composition of the Court at the time of the election²²⁰. Member States determine minimum voting requirements for

²¹² Idem.

²¹³ Final Report of the Independent Panel of Experts for the Evaluation of Candidates for the Inter-American Court and Commission on Human Rights, 2015, p. 38-39. Available at: <https://www.justiceinitiative.org/uploads/34b476e4-dd7b-431e-acd4-e25fbff100cc/iachr-panel-report-eng-20150603.pdf>; See also: CEJIL, The selection process of the Inter-American Commission and Court on Human Rights: Reflections on necessary reforms, Policy Paper No. 10, 2014, p. 18.

²¹⁴ ECtHR, Advisory Opinion on certain legal questions concerning lists of candidates submitted with a view to the election of judges of the European Court of Human Rights, 2008. Available at: <https://hudoc.echr.coe.int/fre?i=003-2268009-2419060>, TEDH, Opinión Consultiva sobre determinadas cuestiones jurídicas relativas a las listas de candidatos presentadas con vistas a la elección de jueces del Tribunal Europeo de Derechos Humanos, 2010. Available at: <https://hudoc.echr.coe.int/fre?i=003-3004688-3312583>

²¹⁵ Council of Europe, Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights, CM(2012)40-add, 2012. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805cb080#_ftn1

²¹⁶ ICC, Rome Statute, art. 36.8.

²¹⁷ Idem.

²¹⁸ ICC, Rome Statute, art. 36.8. Contribution of Judge Socorro Flores Liera to the CIM, who participated in the April 25 meeting.

²¹⁹ ICC, Rome Statute, art. 36.8.

²²⁰ ICC, Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6), Annex I, p. 409-410. Available at: https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/ICC-ASP-3-Res.6-CONSOLIDATED-SPA.pdf

each of the criteria²²¹. In other words, brief but binding guidelines are issued for States to follow when filling out their ballots, which clearly indicate how many candidates a State must vote for in each category²²². This establishes the minimum number of States in the regional group to be voted for and considers three to be an appropriate starting point for judges per region²²³.

80. In terms of gender, a minimum number of voting candidates per gender is also established, and in general, the requirements are designed so that each gender is likely to have at least six judges on the Court (33.3%)²²⁴. Two lists are presented: List A representing jurisdiction in criminal law matters and List B representing jurisdiction in international law matters related to the ICC's jurisdiction²²⁵.

81. The experience of the Coalition for the International Criminal Court (CICC), a global network of more than 3,000 civil society organizations around the world working to promote the work of the ICC, is noteworthy²²⁶. ICAC closely monitors election cycles for fair, transparent and merit-based nomination and selection processes²²⁷.

82. The Independent Panel for judicial elections at the ICC began as an initiative of the ICC to assess candidates, preparing and disseminating questionnaires that provided additional information on the candidates' qualifications, holding interviews with all candidates and organizing public seminars between candidates and experts, as well as hosting public debates between candidates.

83. Taking the Independent Panel as a precedent, in 2011, the Assembly of States Parties created an Advisory Committee on Nominations²²⁸. The Advisory Committee issues recommendations on the candidates in a public report made available to the States Parties prior to the election. Its internal procedure is based on interviews with each candidate, in addition to examining their résumé and written documentation. Candidates usually come to the Committee's meeting location for a 60-minute interview²²⁹.

iii. African Court and African Commission on Human and Peoples' Rights

84. The Protocol of the African Charter on Human and Peoples' Rights that establishes the African Court on Human and Peoples' Rights states that, "Due attention should be paid to appropriate gender representation in the nomination process."²³⁰ In voting for nominees, the

²²¹ ICC, Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6), para. 6.

²²² As verified by the CIM on a sample ballot provided by Judge Socorro Flores Liera in the framework of this process, the ballots themselves indicate, "Vote for at least x men and x women" and "vote for at least x candidates from this region" See also: ICC, Procedure for the Nomination and Election of Judges, Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6), Annex I, p. 411.

²²³ Idem.

²²⁴ ICC, Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6), para. 20.

²²⁵ ICC, Rome Statute, art. 36.3.b.i and ii; ICC, Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6), para. 6.b.

²²⁶ For example, see: CICC, Questionnaire for the 2020 Judicial Elections. Available at: <https://www.coalitionfortheicc.org/judicial-candidates-questionnaires-2020>

²²⁷ See: Final Report of the Independent Panel of Experts for the Evaluation of Candidates to the Inter-American Court and Commission on Human Rights, 2021, p. 23: <https://www.wcl.american.edu/impact/initiatives-programs/center/publications/documents/informe-final-del-panel-de-expertos-as-independientes-2021-esp/>

²²⁸ ICC, ICC-ASP/10/36, Annex, Regulations of the Advisory Committee on Nominations of Judges. Available at: https://asp.icc-cpi.int/sites/asp/files/asp_docs/Publications/Compendium/Resolution-ACN-TOR-SPA.pdf

²²⁹ Final Report of the Independent Panel of Experts for the Evaluation of Candidates for the Inter-American Court of Human Rights and Commission on Human Rights, 2021, p. 11. Available at: <https://www.wcl.american.edu/impact/initiatives-programs/center/publications/documents/informe-final-del-panel-de-expertos-as-independientes-2021-esp/>; GQUAL Campaign, Discussion Paper: Achieving Gender Parity on the International Court of Justice Bench, 2018. Available at: <https://gqualcampaign.org/wp-content/uploads/2018/01/GQUAL-Discussion-Paper-Workshop-ICJ.pdf>

²³⁰ African Court on Human and Peoples' Rights, Protocol to the African Charter on Human Rights on the Establishment of the Court, art. 12.2. Available at: <https://www.african-court.org/wpafc/wp-content/uploads/2020/10/2-PROTOCOL-TO-THE->

Assembly of Heads of State and Government should ensure that there is representation "from Africa and its principal legal traditions", "representation from the major regions of Africa", and "appropriate gender representation".²³¹ In addition, the African Union has adopted directives to ensure geographic representation and gender parity. It has thus established quotas of two female judges per subregional group, of which one nominee per regional group must be a woman²³².

85. The African Commission on Human and Peoples' Rights is composed of 11 members elected by the Assembly of the African Union from among candidates nominated by the States Parties to the African Charter on Human and Peoples' Rights. The Assembly takes into account equitable geographical and gender representation when electing members of the Commission²³³.

iv. International Court of Justice

86. According to the Statute of the International Court of Justice (ICJ), its composition must include persons of high moral character, who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognized competence in the field of international law²³⁴. Its composition is fifteen members, and the Statute indicates that no two persons may be nationals of the same State. The election is made by the United Nations General Assembly and the Security Council, from a list of candidates drawn up by the national groups of the Permanent Court of Arbitration²³⁵. In the case of Members of the United Nations that are not represented in the Permanent Court of Arbitration, candidates are proposed by national groups designated by the States²³⁶.

87. The procedure for filling vacancies begins with a written invitation from the Secretary General of the United Nations²³⁷. Each national group may nominate up to four persons, no more than two of whom shall be of the same nationality. The Statute recommends that each national group consult with its highest court of law, its faculties and schools of law, its national academies and the national sections of international academies devoted to the study of law²³⁸.

88. The Statute provides that consideration should be given "not only to ensuring that the persons to be elected individually meet the required qualifications, but also that the great civilizations and the principal legal systems of the world are represented as a whole"²³⁹. In practice, this has been translated into certain criteria that maintain a geographical balance

[AFRICAN-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS-ON-THE-ESTABLISHMENT-OF-AN-AFRICAN-COURT-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf](#)

²³¹ African Court on Human and Peoples' Rights, Protocol to the African Charter on Human Rights on the Establishment of the Court, art. 14.

²³² African Union, Decision EX.CL/907 (XXVIII) on the Modalities for the Application of the Criteria for Equitable Geographical and Gender Representation in AU Organs and Institutions, adopted by the Executive Council, 2016. Available at:

https://archives.au.int/bitstream/handle/123456789/3561/EX%20CL%20Dec%20907%20%28XXVIII%29%20_E.pdf?sequence=4&isAllowed=y; See also: African Union, EX.CL/953(XXVIII), Modalities for the implementation of the criteria for equitable geographical and gender representation in AU bodies and institutions, 2016. Available at: https://archives.au.int/bitstream/handle/123456789/4949/EX%20CL%20953%20%28XXXI%29%20_E.pdf?sequence=1&isAllowed=y

²³³ Persons elected to serve on the African Commission are elected for a term of six years and are eligible for re-election. See: <https://achpr.au.int/en/commission/commissioners/former>; <https://www.amnesty.org/en/wp-content/uploads/2021/07/ior630022007en.pdf>

²³⁴ ICJ, Estatuto, art. 2.

²³⁵ Id. art. 4

²³⁶ Id.

²³⁷ Id. art 5

²³⁸ Id. art 8

²³⁹ Id, art. 9

on the Tribunal, including the representation of a national of a permanent member country of the Security Council²⁴⁰.

89. The ICJ Statute does not include references to gender balance or parity as a criterion for membership. In practice, the ICJ is one of the International Tribunals with the lowest historical representation of women, since out of a total of 111 judges in its history, only 5 have been women, four of them in the current composition²⁴¹.

d. National-level best practices

90. This section includes best practices on gender parity, since the criteria of geographical and legal system balance are not generally applicable to internal processes within States²⁴². The best practices identified reflect the input sent by Member States in their contributions to the consultation process, as well as other best practices included in the responses received to the questionnaire from civil society and information received during the consultation meetings²⁴³. It also includes best practices already identified by the CIM in previous research²⁴⁴.

91. **Legislative recognition of gender parity.** A significant number of Member States have made progress in adopting legislation on gender parity in public and political life²⁴⁵. Ecuador was a pioneer among States in incorporating, with its 2008 constitutional reform, parity as a constitutional principle, repeating these constitutional provisions in its ordinary and organic regulations, represented in the Organic Electoral Law and the Democracy Code²⁴⁶. The Constitution itself establishes parity and interculturality as one of the criteria of the Ecuadorian electoral system. Mexico underwent a constitutional reform in 2019, which established the obligation to observe the principle of parity in the composition of the branches of its government²⁴⁷. Previously, in 2014, it had passed a law that obliges political parties to guarantee that at least 50% of their candidacies for federal, state and municipal elections be women²⁴⁸. This requirement also applies to international positions²⁴⁹. Argentina, in 2017

²⁴⁰ See: <https://www.un.org/es/iccj/members.shtml>

²⁴¹ UN News, Women in justice: Three trailblazing World Court judges send a powerful message, 10 de marzo del 2023, disponible en: <https://news.un.org/en/story/2023/03/1134487>

²⁴² This is without ignoring the importance in nomination processes of States´ taking into account the regions within their national territories, the different cultures and peoples that inhabit them and the need for all these sectors to be represented in international bodies.

²⁴³ It includes, in particular, information included in the presentation made by the DPLF representative during the April 25 meeting.

²⁴⁴ CIM, Opening Pathways, Building Equality: 95 Years of the Inter-American Commission of Women (CIM, 2023); Pathways to Peace and Security, Forged by Women: An Agenda for the Americas (CIM, 2022); Transversality Strategy for Equality and Transformation; Parity Democracy in Latin America: The Cases of Mexico and Nicaragua, OEA/Ser.L/II.6.16, 2016. Available at: <https://www.oas.org/en/cim/docs/DemocraciaParitaria-MexNic-ES.pdf>; CIM, International Institute for Democracy and Electoral Assistance. Inter-American Commission of Women, The bid for parity: democratizing the political system in Latin America. Cases of Ecuador, Bolivia and Costa Rica, 2013. Available at: <http://www.oas.org/en/cim/docs/apuestaporlaparidad-final-web.pdf>;

²⁴⁵ Ecuador, Bolivia, Nicaragua and Mexico have recognized parity as a constitutional principle. Other States have recognized parity in their legislation, such as Costa Rica, Argentina, Honduras, Chile, Peru, Panama, among others.

²⁴⁶ Ecuador, Asamblea Nacional, Comisión Legislativa y de Fiscalización, Oficio No. SCLF-2009-172, Quito, 9 de abril de 2009. Disponible en: <https://www.igualdadgenero.gob.ec/wp-content/uploads/2020/02/Ley-Org%C3%A1nica-Electoral-C%C3%B3digo-de-la-Democracia.pdf>.

²⁴⁷ Reform to articles 2, 4, 35, 41, 41, 52, 53, 56, 94 and 115. Mexico City Congress, CELIG, Gender Parity in everything, 2019. Available at: <https://genero.congresocdmx.gob.mx/wp-content/uploads/2019/07/Hoja-informativa-ParidadenTodo-06062019-1.pdf> "The ruling combined a series of initiatives presented in the Senate of the Republic on the matter, which, according to the minutes received in the Congress of Mexico City, refer to files 185, 596,835, 1073 and 1751, all from the LXIV Legislature. File 185 LXIV Legislature remained as the main file."

²⁴⁸ Mexico, Legislative Information System, "Gender Parity" Glossary. Available at: <http://sil.gobernacion.gob.mx/Glosario/definicionpop.php?ID=277>

²⁴⁹ México, Chamber of Deputies of the National Congress, Regulations of the Mexican Foreign Service Law, 2017, art. 33. Available at: https://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LSEM_171019.pdf In this regard, the Mexican Foreign Service Regulations specifically establish that the General Directorate of International Mechanisms and Organizations is responsible for coordinating "with the General Directorate for the United Nations and in accordance with the guidelines established by the Secretariat's Nominations Group, Mexico's candidacies within the scope of the regional organizations and mechanisms of coordination within its jurisdiction, as well as considering and supporting requests made by other countries in favor of their candidates" Document provided by the Human Rights Commission of Mexico City in the framework of the

passed its parity law, which establishes 50% female candidates on slates²⁵⁰. As of today, the Argentine State has institutionalized parity through regulations including those on "nominations to the Council of the Judiciary, the boards of directors of corporate organizations, university administrations and the scientific-technological system".²⁵¹

92. Measures to overcome under-representation. The States referred to specific measures for overcoming the underrepresentation of women and other populations within their State institutions, among which the following should be mentioned:

- i. Competitive examinations exclusively for women: Mexico has implemented this measure "to make gender balance a priority in the selection process, [given that it is] necessary to change the applicable legal frameworks."²⁵² Implementation began at the federal level in 2021²⁵³ to ensure parity of outcomes²⁵⁴. It has been implemented at the state level in the State of Mexico, Michoacan, Morelos and Jalisco²⁵⁵. This measure would send a message to women that it is possible to gain access to positions in the judiciary²⁵⁶.
- ii. Replacements of vacancies of women by women: The Regulatory Decree resulting from the Amicable Settlement Agreement in the Mercadi de Morini vs. Argentina case establishes a rule that in the event of death, illness or other types of absence of a female candidate, she will be replaced by a female candidate, applying this measure only in the case of the replacement of women²⁵⁷.
- iii. Ensuring parity of entry (in competition) and exit (outcome): Chile informed the CIM of the enactment of Law No. 21,216 in 2020, which established gender parity in the election of Constituent Convention delegates under a parity system of entry so that the lists are composed of at least 50% women, and an exit adjustment mechanism to ensure that the composition of the entity also includes this requirement²⁵⁸. This legislation allowed women to be nominated in equal numbers to men, "not only at the level of the lists as established in the law, but also at the level of political organizations that historically had nominated few women in elections"²⁵⁹. In Honduras, parity of results has recently been legislated for elections to the Supreme Court of Justice²⁶⁰. The Nominating Board must draw up a list of 45 candidates, respecting gender parity, identifying in two separate lists the 23 and 22 best qualified candidates, respectively, and then combine them again in the final

consultation process. Mexico, Legislative Information System, Glossary "Gender Parity". Available at: <http://sil.gobernacion.gob.mx/Glosario/definicionpop.php?ID=277>

²⁵⁰ Argentina, Ministry of the Interior, Report on parity in Argentina, p.4 Available at: https://www.argentina.gob.ar/sites/default/files/informe_sobre_paridad_en_argentina.pdf

²⁵¹ Bergallo, P., Gender and political representation: three decades of recurring challenges and cross-cutting agreements, El Diario Ar, 2021. Available at: https://www.utdt.edu/ver_nota_prensa.php?id_notaprensa=20077&id_item_menu=6

²⁵² UN, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, par. 47.

Input received by the CIM from DPLF. DPLF et al, Women's participation in justice systems in Latin America, 2021. Available at:

²⁵³ Idem.

²⁵⁴ Idem.

²⁵⁵ Idem.

²⁵⁶ Idem.

²⁵⁷ Argentina, National Electoral Code, Decree 1246/2000, 2000, art. 9. Available at: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/65000-69999/65634/norma.htm..>

²⁵⁸ Contributions received by CIM Chile.

²⁵⁹ UNDP, Press release "UNDP and Plataforma Telar presented studies on the impact of parity in the Constitutional Convention", 2022. Available at: <https://www.undp.org/es/chile/press-releases/pnud-y-plataforma-telar-presentaron-estudios-sobre-el-impacto-de-la-paridad-en-la-convenci%C3%B3n-constitucional>

²⁶⁰ Honduras, Special Law on the Organization and Functioning of the Nominating Board for the Nomination of Candidates for Magistrates of the Supreme Court of Justice (LOJN), Decree No. 74-2022, 2022. Available at: <https://www.tsc.gob.hn/biblioteca/index.php/leyes/1156-ley-especial-de-organizacion-y-funcionamiento-de-la-junta-nominadora-para-la-proposicion-de-candidatos-a-magistrados-de-la-corte-suprema-de-justicia>

list, in order of merit²⁶¹. Likewise, to ensure parity in the result, the law establishes that the National Congress must maintain parity in the final election, appointing at least seven women to make up a court of fifteen justices. The body in charge of pre-selecting the candidates must also have parity in its composition according to the law²⁶². This body is composed of seven members and seven alternates representing different sectors: the Supreme Court of Justice, universities, the workers' sector, private enterprise, the Bar Association, the National Human Rights Commissioner and civil society²⁶³. The regulation adds that the chairperson or alternate must be a woman²⁶⁴.

93. Feminist foreign policies. Some Member States noted the importance of including, in their foreign policy positions, the objective of achieving gender parity in the bodies of the IAHRs²⁶⁵. Mexico specifically referred to its feminist foreign policy that prioritizes the goal of achieving women's empowerment, gender equality and gender parity in all documents, resolutions and positions to which Mexico is a party²⁶⁶. This Feminist Foreign Policy, according to information provided by the Mexican State, includes the creation of parity in delegations that participate in multilateral forums²⁶⁷, promotes the participation of women "in events related to gender equality, human rights and non-discrimination regardless of their rank"²⁶⁸ and promotes the entry of women into the diplomatic corps at a national level²⁶⁹ in order to create "a culture of parity"²⁷⁰. In addition, Chile²⁷¹ and Colombia²⁷² have recently announced initiatives for the implementation of feminist foreign policies.

94. Practices of alternation and gender parity. It is also worth mentioning some best practices for unipersonal positions, in which the Member States have applied parity together with the criterion of alternation. In Yucatan, Mexico, alternation in leadership positions was

²⁶¹ Honduras, LOJN, art. 21; DPLF, More women for the Supreme Court of Justice in Honduras: the new system on trial, 2022. Available at: <https://dplfblog.com/2022/08/04/mas-mujeres-para-la-corte-suprema-de-justicia-en-honduras-el-nuevo-sistema-a-prueba/>

²⁶² Honduras, LOJN, art. 22; DPLF, More women for the Supreme Court of Justice in Honduras: the new system on trial, 2022.

²⁶³ Honduras, LOJN, art. 5; DPLF, More women for the Supreme Court of Justice in Honduras: the new system on trial, 2022.

²⁶⁴ Honduras, LOJN, art. 5.7; Decree 74-2022, Special Law on the Organization and Functioning of the Nominating Board for the nomination of candidates for justice on the Supreme Court of Justice; See also: art. 21; Decree 74-2022, Special Law on the Organization and Functioning of the Nominating Board for the nomination of candidates for magistrates of the Supreme Court of Justice. "[I]n its final election, the National Congress shall maintain gender parity by electing no less than seven (7) women as justices of the Supreme Court of Justice."

²⁶⁵ Argentina and Chile mentioned this point in the consultation meetings for this report and Mexico highlighted the point in its comments to the preliminary report.

²⁶⁶ Contribution of the Mexican State to the CIM.

²⁶⁷ UN Framework Convention on Climate Change, FCCC/CP/2022/3, 2022. Available at: https://unfccc.int/sites/default/files/resource/cp2022_03S.pdf Mexico has highlighted the composition of its delegations to the Conferences of the Parties (COP) of the United Nations Framework Convention on Climate Change, stating that "Between 2013 and 2017, the percentage of women in the delegations sent by Mexico to the COP sessions did not exceed 44 %. Subsequently, at COP 24, women went on to make up half of the country's delegation. Since the implementation of its Feminist Foreign Policy, the proportion of women in Mexico's delegations has been increasing, from 58 % in 2019 to 72 % in 2021. The Mexican delegation was headed by a woman in 2016, 2019 and 2021".

²⁶⁸ Contributions received by the CIM from the Mexican State.

²⁶⁹ Information provided by the Mexican State to the CIM "[I]n order to promote conditions of equality and equity in entry to the Foreign Service and in accordance with Article 28 of the Mexican Foreign Service Law, the Subcommission on Entry shall encourage the participation of women in the entry process and shall adopt methodologies and mechanisms that tend to promote gender parity in the Foreign Service; That in accordance with Mexican Standard NMX-R-025-SCFI-2015 on Labor Equality and Non-Discrimination, the Ministry of Foreign Affairs promotes conditions of equity that favor progress in equality; and that family projects, pregnancy and care responsibilities are an essential part of human life, therefore, they will not be considered impediments to access to equal opportunities during the Entrance Examination, nor arguments to discriminate on the basis of gender. Also, living with HIV is not considered an impediment to have access to equal opportunities".

²⁷⁰ Mexico also provided information on the Guide for Inclusive and Non-Sexist Communication in force in the Foreign Service. See: Mexico, Ministry of Foreign Affairs, Inclusive and Non-sexist Language Guide. Available at: <https://embamex.sre.gob.mx/canada/images/2021/Protocolo/GuiaComunicacionLenquielIncluyente.pdf>

²⁷¹ See: <https://twitter.com/GobiernodeChile/status/1668323202647609345?s=20>

²⁷² See: <https://cancilleria.gov.co/newsroom/news/canciller-posesiona-diana-maria-parra-asesora-igualdad-genero-puesta-marcha-primer>

regulated²⁷³. In Argentina, as a result of the amicable settlement agreement in the Merciad de Morini case before the IACHR, a Regulatory Decree was approved, which establishes specific rules to guarantee the political representation of women, such as the provision that establishes "When any Political Party, Confederation or Alliance is running for the first time, renewing a candidate or not renewing any candidate, it shall be taken into account, [...], that the number of positions to be renewed is equal to ONE (1) [...] the second spot must always be occupied by a person of the opposite sex to the one nominated for the first position. When TWO (2) positions are to be renewed, one of them shall always include a woman"²⁷⁴. In the case of Bolivia, for its mixed representation system, "the parity design, in combination with the alternation criterion, was more effective. The Bolivian case also shows that other mechanisms such as horizontal parity in single-member constituencies and prioritization of women at the top of lists can also be used to obtain greater effectiveness. Parity in Bolivia applies to three of the four State bodies (Legislative, Judicial, Electoral) and generically to all elected positions. The Executive Branch is the only one that is outside the mandatory provision of parity between men and women"²⁷⁵.

95. Gender priority measures. In cases where the competition between candidates is based on a score, Ecuador has implemented parity as a tie-breaking criterion. That is to say, when faced with two candidates with similar scores, women are always preferred²⁷⁶. This criterion is regulated in the Organic Law on Jurisdictional Guarantees and Constitutional Control, which establishes that "[i]f there are two candidates in equal conditions, the candidacy of the woman will be preferred"²⁷⁷. Likewise, it is established that in the scores assigned in the merit stage, additional points may be requested for women, persons with disabilities and persons belonging to indigenous peoples. The applicant may invoke only one of these affirmative action measures and will only be assigned the score if he/she does not attain the maximum score in that stage²⁷⁸. Ecuador also deals with competitive positions for the Citizen Participation Council through separate competitions for women, men and indigenous populations, who then receive votes on different lists²⁷⁹.

VI. CONCLUSIONS AND RECOMMENDATIONS

96. As established in Resolution 10/22, gender parity, geographical balance and the representation of different legal systems reinforce the legitimacy, impact and effectiveness of the IAHR bodies, resulting in an appropriate discussion of the region's issues and problems in terms of prevention, promotion, protection and guarantee of human rights, in particular gender equality and non-discrimination²⁸⁰.

²⁷³ Yucatan, Mexico: Alternation in the presidency of the Judiciary of said state. Art. 36 LOPJ Yucatan. Presentation by DPLF representative during April 25 meeting.

²⁷⁴ Argentina, National Electoral Code, Decree 1246/2000, 2000, art. 4. Available at: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/65000-69999/65634/norma.htm>.

²⁷⁵ UNDP, UN Women, Idea International, Bolivian Women on the Road: From Parity to Parity Democracy, p. 52: <https://www.idea.int/sites/default/files/publications/mujeres-bolivianas-en-ruta.pdf>

²⁷⁶ Ecuador, National Assembly, Oficio No. SAN-2009-077, Ley Orgánica de Garantías Jurisdiccionales y Control Constitucional, 2009. Available at: https://www.oas.org/juridico/PDFs/mesicic4_ecu_org2.pdf

²⁷⁷ Ecuador, Asamblea Nacional, Oficio No. SAN-2009-077, Ley Orgánica de Garantías Jurisdiccionales y Control Constitucional, 2009, art. 181.3. Presentation by DPLF representative during April 25 meeting.

²⁷⁸ Ecuador, Judiciary Council, Resolution No. 120/2011. Available at: <https://www.funcionjudicial.gob.ec/www/pdf/concurso101jueces/Instructivo.pdf> "Art. 37.- Affirmative action measures: In the merit phase, affirmative action measures shall be applied to promote equality. Each personal condition shall be scored with two (2) points, up to four (4) points, without this score exceeding the total qualification of 100 points, if applicable. The following shall be conditions for the application of the affirmative action score: a) Being an Ecuadorian citizen in a state of human mobility abroad, at least during the last three years, which shall be proven by means of the migratory registry or certification of the respective Consulate. b) Have a disability duly-documented by means of a CONADIS card, which does not prevent him/her from fulfilling the duties of the position. c) Reside in a rural area for the last five years, a condition that shall be proven with a certificate from the Parish Council, payment of basic services or sworn statement. 12 d) Belong to poverty quintiles 1 and 2, which shall be proven with the certification granted by the MIES. e) Be recognized as belonging to one of the indigenous, Afro-Ecuadorian or Montubian communities, peoples or nationalities. f) Be a woman."

²⁷⁹ Presentation by María Inés Tula during the April 25 meeting.

²⁸⁰ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, p. 56.

97. This report highlights that there is no systematization of data within the OAS framework based on the criteria included in Resolution 10/22, nor are there concrete measures to ensure that the criteria prioritized by Member States are reflected in the results of election of members to the IACHR and IA Court. In fact, the information gathered shows that the IACHR and the IA Court are the only regional human rights bodies for which there are no guidelines and measured to ensure geographic and gender representativeness²⁸¹.

98. The lack of disaggregated information, mandatory criteria and transparent and independent control mechanisms to guide nomination and voting practices makes it difficult for Member States to consider a broad group of candidates and to sustain the balanced membership desired. To ensure that Member States consider a broad and representative group of individuals, it is important that information, criteria and mechanisms are available to a greater extent to guide the selection and voting for members of these bodies in order to guarantee the collective objectives of representativeness.

99. Notwithstanding the foregoing, the OAS has been taking various measures to implement the commitments made by the Member States at successive General Assemblies to achieve gender parity, geographical balance and balance of legal systems in the organization. It is essential that these measures address issues of representation, not only of gender but also with respect to the representation of Afro-descendants and indigenous people, and it is essential to adopt a gender, intersectional, intergenerational and intercultural perspective. The mandates of Resolution 10/22 and this report are part of those efforts, providing guidelines for the way forward. To this end, a series of recommendations are included, taking into account what the General Assembly affirmed in Resolution 10/22, the normative institutional and human rights framework of the organization, and the best practices and measures that Member States, civil society and academia have contributed to the process and that can guide the actions of the States and the OAS.

a. Recommendations for Member States

100. As key actors in the selection processes for members of the IACHR and the IA Court, Member States have the capacity to adopt concrete measures aimed at contributing to the verification of the criteria of gender parity and balance in geographical representation and legal systems. In relation to gender parity, the States can draw on abundant legal and constitutional experiences from their jurisdictions, some of which have been reflected as best practices in this report.

i. National processes and mechanisms for the selection of candidates

101. Resolution 10/22 encouraged Member States to take measures at the national level to progressively advance towards the incorporation and systematization, including through the development of procedures and guidelines, of the criteria of gender equality and representativeness of population groups in the nomination and selection processes of candidates for the IAHR bodies, while always complying with the requirements of independence, impartiality, high moral authority and recognized competence in the field of human rights²⁸².

102. Formalize, through national regulations (laws, decrees, resolutions or guidelines), a transparent, open and participatory mechanism/procedure that regulates the selection of candidates for international human rights positions and

²⁸¹ Both the African Union and the Assembly of the Council of Europe have taken steps in this direction. See *infra* paras. 71 and 82.

²⁸² OAS, General Assembly, Res. 10/22, Part xxvi, Resolutive Item 1.

includes gender parity and representativeness as one of the criteria.²⁸³. Existing practices and guidelines offer different examples of how to establish these mechanisms or procedures, which in general could include:

- Assign the responsibility of selection to one or more entities or units, or assign this responsibility to a selection committee²⁸⁴. This body could have representation from various authorities, according to the structure of the State, members could be chosen according to expertise in the issues relevant to the election in question. Additionally, it should aim to reflect gender parity, expertise and representation of underrepresented populations. Such a committee should establish the criteria for the process and for the selection of a suitable person²⁸⁵. Such criteria should include, in the case of selection of potential nominees to the IACHR and the IA Court, independence, impartiality, moral authority, competence in human rights, gender parity and representativeness.
- The process should include the announcement of the international vacancy and the State's interest in presenting a candidacy, which could enable interested persons to nominate themselves directly or be nominated by the State, civil society and other sectors²⁸⁶. Measures could be implemented to make this information known throughout the country and ensure it reaches groups of women and under-represented groups²⁸⁷.
- The selection authority may evaluate the applications received and draw-up a short list of pre-selected persons based on the criteria established for the process.
- The practices for evaluating candidates implemented in other international bodies and by the Independent Panel of Experts with respect to the IAHRs show the advisability of including a consultation process with the participation of civil society. In this instance, information can be provided on the candidates' background, information and input from civil society can be received, and interviews can be conducted—as has been implemented by the OAS through its Permanent Council—with persons pre-selected for the position, including with the participation of civil society.
- The final decision regarding the person to be nominated should be made public based on the established criteria.

ii. Generate information and promote transparency

²⁸³ OAS, General Assembly, Res. 10/22, Part xxvi, Resolutive Item 1; UN, HRC, A/HRC/RES/41/6, 2019, para. 15; UN, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, paras. 88-89.

²⁸⁴ Panel of Experts, Dialogues for transparency, The Nomination and Election processes for Commissioners and Judges to the Inter-American Court and Commission on Human Rights and the experience of the Independent Expert Panels, 2020, p. 29. The Independent Panel recommends "Each State should have an official and independent body to select nominees"; GQUAL Campaign, Contribution to the Consultation for the elaboration of a report on gender parity and representation in the Inter-American Court and Commission on Human Rights, 2023, p. 5. Available at: <https://gqualcampaign.org/wp-content/uploads/2023/05/2023-04-04-Respuesta-Gqual-a-cuestionario-FINAL.pdf>; Argentina, Ministry of Foreign Affairs, Resolution 20/2023, Annex Point III. Available at: <https://www.argentina.gob.ar/normativa/nacional/resolucion-20-2023-379394/texto>

²⁸⁵ These may vary according to the criteria of the body for which it is selected, but in general, and in the case of the IACHR and the Court, should necessarily include: Recognized competence and experience in the field of human rights, or in the subject matter of the international body, mechanism or tribunal in question; Moral authority and commitment to international human rights standards or international law applicable to the position, suitability and integrity for the exercise of the position; Ability to personally perform functions with independence and impartiality.

²⁸⁶ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, Resolutive Item 2; UN, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 87.

²⁸⁷ Independent Panel of Experts, Dialogues for transparency, The Nomination and Election processes for Commissioners and Judges to the Inter-American Court and Commission on Human Rights and the experience of the Independent Expert Panels, 2020, p. 29. "The selection of candidates should be carried out with the participation of all key stakeholders (civil society organizations, academic institutions and professional associations)".

103. Resolution 10/22 insisted that, "It is the responsibility of Member States to create the conditions and promote opportunities for the nomination and/or appointment of women candidates to the IACHR and the IACHR Court, as well as to widely disseminate the available positions, for purposes of maintaining gender parity, always complying with the requirements of independence, impartiality, high moral authority and recognized competence in the field of human rights."²⁸⁸. Existing practices and guidelines offer different examples to advance this goal, including:

- Taking steps to publicize available vacancies and implement strategies to ensure that information is widely disseminated, reaching people from underrepresented groups²⁸⁹.
- Taking measures to produce and provide updated information regarding the nominations made by the State, which serves to evaluate and develop the corresponding policies²⁹⁰.
- Creating representative lists of people with different experience for purposes of having options when identifying possible candidates. For this purpose, people shortlisted but not nominated in previous processes may be included in these lists. This practice could feature the creation of alternate lists according to gender, drawing on the experience of national legislatures and could highlight important criteria for representativeness.

104. Resolution 10/22, also urged States to, "continue adopting measures that follow the OAS General Assembly's recommendations that aim to adapt processes for the selection of candidates and the OAS' selection process to international standards and successful experiences seen in other similar organizations."²⁹¹. Toward this end, it would be recommendable that Member States develop criteria and principles to guide their decision on the process of exchanging votes and when voting for candidates to the IACHR and the IA Court²⁹². Said guidelines should include an evaluation of the fundamental criteria for the composition of the body²⁹³, as well as of the way in which voting can contribute to guaranteeing gender parity, geographical balance and the representation of different legal systems. In specific situations, OAS Member States may commit to specifically elect a person of a particular gender, if the body's composition is clearly inequitable²⁹⁴. Similar practices have been developed internally in various States in the region and could inform the process at the OAS.

105. It is also recommended that the States make voluntary contributions to the existing mechanisms, actions, and efforts in favor of monitoring and promoting gender parity in the Inter-American System, such as the CIM and the Follow-up Mechanism for the Implementation of the Convention of Belém do Pará (MESECVI)²⁹⁵.

106. Finally, for the purposes of crystallizing these commitments, Member States should consider the inclusion of selection processes that guarantee gender parity, geographical balance and the representation of different legal systems when drafting or negotiating new

²⁸⁸ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, Resolutive Item 2.

²⁸⁹ UN, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, par. 87, C and D.

²⁹⁰ UN, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 96.

²⁹¹ OAS, General Assembly, Resolution AG/CG/doc.10/22 rev. 1, Part xxvi, Resolutive Item 4.

²⁹² UN, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, par. 92.

²⁹³ Independence, impartiality, competence and moral authority.

²⁹⁴ The Parity Plan states "In appointment procedures, voting for female candidates in successive rounds of voting if the goal of parity or inclusion of the underrepresented sex is not achieved in the first round of voting. f) When voting for persons to be reappointed to office, voting in accordance with the obligations assumed by the States under international treaties". OAS, General Secretariat, Plan of Parity, p. 24: http://www.oas.org/legal/spanish/gensec/Plan_de_Paridad_de_Genero_SG_OEA_Espa%C3%B1ol.pdf

²⁹⁵ Recommendation incorporates as per Mexico's suggestions to the preliminary report

human rights treaties that include supervisory bodies or in the opportunity of adopting or revising such bodies protocols and by-laws.

b. Recommendations for the OAS and its bodies

107. Considering developments to date and the best practices compiled, including those recommended by the United Nations Human Rights Council Advisory Committee referred to in Resolution 10/22, the OAS and its bodies could adopt a series of measures to facilitate the implementation of Member States' commitments.

108. To that end, the General Assembly would continue emphasizing the importance of upholding gender parity, geographic balance, and balance of different legal systems in its resolutions, using those instances to delegate in the appropriate authority within the General Secretariat the opportunity to monitor the situation and to move forward with specific measures when the integration criteria sought have not been achieved. The General Assembly would continue promoting discussions for the implementation of these criteria through the CAJP and requesting that the Permanent Council conduct interviews with candidates prior to the elections.

109. Considering the advances in the other regional human rights protection systems, the OAS should—through the differentiated competencies of the General Assembly, the Permanent Council, the Committee on Juridical Affairs and the General Secretariat, including the CIM—consider developing criteria and principles to guide the selection process for candidates to the IACHR and IA Court, with a view to consolidating gender parity, geographic balance and representation of different legal systems. Some of the actions that could be considered by the various bodies and the General Secretariat include the following:

- When the General Secretariat informs States about the deadline for submitting nominations and the number of vacancies, it could include information regarding the composition of the body in question according to the relevant selection criteria and the outgoing persons, and remind States of the commitments made by the General Assembly²⁹⁶.
- Communicate to Member States in cases where the group of persons nominated for a position does not produce the balance sought in its composition and consider extensions of deadlines for the presentation of new candidacies that may contribute to a balanced result²⁹⁷.
- Promoting working sessions and exchanges of information and proposals among the Member States, with the participation of civil society, to evaluate and propose specific measures to improve the process of electing members of the IACHR and the Court so that the criteria of gender parity, geographic balance and balance of different legal systems are verified.
- Offering technical assistance to States for the development of guidelines or mechanisms for the selection of candidates to these bodies and considering the development of a more detailed model of a possible selection process to guide Member States.
- Involving civil society by generating opportunities for participation in the nomination and selection processes of candidates.

110. The OAS should contribute to generating more information and data on the vacancies and composition of these bodies, as a way to evaluate progress and enable Member States

²⁹⁶ OAS, ACHR, arts. 79, 81; UN, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, paras. 70, 71, 97.

²⁹⁷ UN, Human Rights Council, Res. A/HRC/47/51, The current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 83. E.

to identify the need to strengthen measures. To this end, taking into account the practices and recommendations considered in this report, a focal point could be identified with the responsibility to:

- Systematize and publicize historic and current information on nominations and composition of the IACHR and the IA Court, and other OAS human rights promotion or protection bodies, with a breakdown of the information according to relevant criteria. It would be important to develop a methodology to monitor progress, so that it may be taken into account by Member States when nominating and/or voting for candidates.
- Widely disseminate announcements of vacancies at the IACHR and IA Court and other bodies for the promotion and protection of human rights, taking advantage of the organization's extensive networks to bring information to a broad and representative group of people²⁹⁸.
- Regularly collect information on best practices in the Member States on selection processes at the national level or on good practices at the comparative level to provide useful input for the development of guidelines and directives by Member States.

c. Recommendations for the bodies of the IAHR

111. The IACHR and the IA Court could move forward with some measures that contribute to strengthening the criteria for a balanced integration in gender, geographic representation and different legal systems, including:

- Continuing developing within their mandates the human rights standards based on the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Belém do Pará Convention and other relevant human rights treaties that support equal representation measures.
- Adopt and publicize its own parity plan regarding the application of the Parity Plan in the decision-making positions of the General Secretariat. This could include specific considerations for the application of these criteria to some relevant positions such as the Special Rapporteurships.

d. Recommendations regarding this report

112. Finally, in order for this report to serve as a useful guide for the evaluation and possible implementation of the recommendations developed, it would be important that, upon receiving it, the General Assembly consider establishing some follow-up instances, including requesting the IACHR and the IA Court to report and monitor their respective membership based on the applicable criteria, and the creation of spaces for work and exchange with the Member States and civil society in order to follow up on the progress made, in conjunction with the CIM.

²⁹⁸ UN, Human Rights Council, Res. A/HRC/47/51, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, 2021, para. 97.