

Inter-American Court of Human Rights: 2018 Elections

On June 5, 2018, the States parties to the American Convention on Human Rights will elect three judges to the seven-member Inter-American Court of Human Rights (IACtHR) during the [48th Organization of American States \(OAS\) General Assembly](#). Two IACtHR judges whose terms are set to expire in December 2018, Humberto Antonio Sierra Porto (Colombia) and Eduardo Ferrer Mac-Gregor Poisot (Mexico), are each being considered for a second six-year term. Judge Roberto F. Caldas (Brazil), whose term was also set to expire in 2018, [resigned](#) in May 2018 following the revelation of domestic violence allegations against him. The OAS General Assembly is also expected to appoint an interim judge to replace Caldas through the end of 2018.

In May 2018, the Preparatory Committee of the General Assembly [published](#) a [list of candidates](#) being considered, along with their curricula vitae. Their professional experience is summarized below. The four candidates were proposed by their countries of nationality: Bolivia, Colombia, Mexico, and Uruguay. No matter the outcome of the election, the IACtHR will continue to lack gender equality; only one woman, Elizabeth Odio Benito (Costa Rica), currently serves on the Court.

[Nardi Elizabeth Suxo Iturry \(Bolivia\)](#)



Suxo Iturry is a Bolivian human rights lawyer and professor, whose work has focused on the rights of women, children, and people in detention. From 2015 to 2017, she was Bolivia's Permanent Representative to the United Nations in Geneva,

and currently chairs a working group on the draft United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Suxo Iturry served for nine years as Bolivia's anti-corruption and institutional transparency minister.

[Humberto Sierra Porto \(Colombia\)](#)



Sierra Porto is a Colombian judge who has served on the IACtHR since 2013, and was its president in 2014 and 2015. Prior to joining the IACtHR, Sierra Porto was a judge on Colombia's Constitutional Court from 2004 to 2012; he served as both vice-president and president

of Colombia's Constitutional Court in 2007 and 2008, respectively. Previously, he held various positions in the legislative and judicial branches of government in Colombia. Sierra Porto has written and taught on the topics of constitutional law and public law.

[Ricardo Pérez Manrique \(Uruguay\)](#)



Pérez Manrique is a Uruguayan judge and professor. Among other judicial appointments, he served on Uruguay's Supreme Court of Justice from 2012 to 2017. He has been a member of several associations focused on children's issues, and has trained

members of the judicial branch on children's rights and freedom of expression. Pérez Manrique teaches on adolescent criminal law and human rights, and has published books and articles on these topics.

[Eduardo Ferrer Mac-Gregor \(Mexico\)](#)



Ferrer Mac-Gregor is a Mexican lawyer and professor who currently serves as a judge and President of the IACtHR. Formerly, he held various staff positions in Mexico's judicial branch, including the Supreme Court of Justice,

which he represented before the Venice Commission of the Council of Europe. Ferrer Mac-Gregor was involved in the drafting of the Code of Judicial Ethics of the Federal Judiciary and the Ibero-American Code of Judicial Ethics.

Election Process

Pursuant to the IACtHR's [Statute](#), candidates are elected by an absolute majority of States parties to the American Convention on Human Rights. Candidates must be nationals of OAS Member States and be "jurists of the highest moral authority and of recognized competence in the field of human rights," among other qualifications specified in Article 4 of the IACtHR's Statute. The OAS Secretary General sends a letter requesting nominations from State parties six months prior to the expiration of each judge's term, per Article 4(1) of the Statute. Generally, States will have a 90-day period to submit their nominations for judges and may propose up to three nominees; however, when unanticipated vacancies arise, such as that left by Caldas' resignation, the OAS Secretary General will shorten this period to a time-frame that the Secretary deems reasonable.

Pursuant to Article 9 of IACtHR's Statute, judges are elected by secret ballot from the list of nominees compiled by the Secretary General and sent to States at least 30 days in advance. The OAS General Assembly, which meets annually in June, may hold successive rounds of voting, eliminating the nominees that receive the fewest number of votes, until one candidate receives a majority for each open position.

Candidates are elected for a six-year term that begins on January 1 of the year following their election. They may serve two full terms.

Civil Society Discussion with Candidates

On April 30, 2018, the four candidates participated in an open dialogue with civil society organizations to share their views on challenges related to the Inter-American human rights system, including challenges related to civil society participation, and to engage in an open discussion about their qualifications. The dialogue with the candidates is available on [YouTube](#).

Independent Expert Panel's Report

Additionally, civil society organizations convened an [independent panel](#) of experts to assess the four candidates and the election process. The independent panel was composed of four human rights experts: Carlos Ayala, Vice President of the International Commission of Jurists; Ximena Medellín, professor at Centro de Investigación y Docencia Económicas; Juan Mendez, professor of human rights law at American University Washington College of Law; and Naomi Roht-Arriaza, professor at University of California Hastings College of Law. The panel launched its [report](#) (in Spanish) on May 31, 2018.

With regard to the election of IACtHR judges, the panel recommended that: States expand and formalize their efforts to identify and vet nominees; that nominating States present at least two nominees and at least one should be a woman; that States consider the balance and range of skills, including linguistic ability, and experiences on the IACtHR when fielding nominees; that the OAS establish a body charged with screening nominees for suitability and publicly circulate the list of nominees earlier, and more widely; and that States consider diversity of all kinds in the election process.

Concerning the four candidates up for election in June 2018, the panel concluded that three – Ferrer MacGregor, Pérez Manrique, Sierra Porto – are all highly qualified to serve on the IACtHR. With regard to Suño Iturry, the panel regretted that she had not participated in an interview with them, and expressed concern regarding her comparatively lower level of experience in the judiciary and familiarity with the Inter-American system. They also identified a possible risk of lack of independence and impartiality, due to her close relationship with the current Bolivian government. The panel prepared a questionnaire for its assessment of the four candidates, which it proposes as a model for States in their nomination process.