

Inter-American Commission on Human Rights: 2019 Elections

On June 28, 2019, the 49th General Assembly of the Organization of American States (OAS) will elect four commissioners to the seven-member Inter-American Commission on Human Rights (IACHR). The General Assembly, which consists of delegations from OAS Member States, will vote on the [five candidates](#) nominated by Member States. The candidates include two IACHR commissioners whose terms are set to expire in December 2019, Margarett May Macaulay (Jamaica) and Esmeralda Arosemena de Troitiño (Panama), and who are each being considered for a second four-year term. The other candidates' countries of nationality are: Colombia, Guatemala, and Peru. Civil society members have objected to the Colombian and Guatemalan candidates' nominations, citing concerns regarding their possible conflicts of interest and limited human rights experience. The candidates' professional experience is summarized below.

Esmeralda Arosemena de Troitiño (Panama)



Arosemena de Troitiño is a Panamanian judge and professor who has served on the IACHR since 2015 and is the current IACHR President. Prior to joining the IACHR, she was a Justice and Vice President of Panama's Supreme Court. She also presided over the Chamber for Criminal Cases and was a judge on the High Court on children and adolescent affairs. Previously, she participated in the Special Commissions that proposed and elaborated the Code of Constitutional Procedures in Panama.

Everth Bustamante García (Colombia)



Bustamante García previously served as a Colombian senator, from 1991-94 and 2014-18, and was a member of the Colombian Senate's Commission on Human Rights and Hearings from 2014-18. Previously, he served as an advisor to former president Álvaro Uribe Vélez was Director of the National Sports Institute, advised and consulted for various governmental entities, and was the mayor of Zipaquirá, Colombia.

Margarette May Macaulay (Jamaica)



Macaulay is a Jamaican lawyer and professor, whose work has focused on human rights, constitutional, property and family law. She has served as a Commissioner since 2016. Formerly, she also served as a judge at the Inter-American Court of Human Rights from 2007 to 2012. Macaulay has experience serving as Mediator in the Supreme Court of Jamaica and took part in reforming and drafting laws in the country.

Julissa Mantilla Falcón (Peru)



Mantilla Falcón is a Peruvian lawyer and professor. She also works as an international consultant on gender, transitional justice, and international human rights law. Formerly, she participated in the work of the International Missions on Promotion and Protection on Human Rights in Colombia and El Salvador, and has been appointed as an expert in cases before both the IACHR and the Inter-American Court.

Edgar Stuardo Ralón Orellana (Guatemala)



Ralón Orellana is a partner and founder of the law firm Ralón Orellana y Asociados, mostly representing business interests. He has litigated constitutional rights cases before Guatemalan courts and provides legal commentary in the media from the viewpoint of constitutional "originalism." He has also taught at various universities in Guatemala.

Election Process

The OAS General Assembly, which meets annually in June, elects Commissioners to the IACHR from a list of nominees that have been proposed by OAS Member States, as described in Article 36(1) of the [American Convention on Human Rights](#). To be considered “qualified” under the American Convention, each candidate must be a national of an OAS Member State, be of “high moral character,” and have “recognized competence in the field of human rights.” Article 8 of the Commission’s [Statute](#) further states that “Membership on the Inter-American Commission on Human Rights is incompatible with engaging in other functions that might affect the independence or impartiality of the member or the dignity or prestige of his post on the Commission.” Commissioners serve in their personal capacity, not as State representatives.

At least six months prior to the end of a Commissioner’s term, the OAS Secretary General asks Member States to submit candidates for nomination within 90 days. The Secretary General then sends the list of candidates to Member States at least 30 days prior to the General Assembly session when elections will be held. States cast their votes by secret ballot. Candidates who receive an absolute majority and the largest number of votes are elected as Commissioners. The General Assembly 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 to four-year terms that will take effect on January 1 of the year following their election. Commissioners are eligible for re-election once.

Civil Society Assessment

On May 21, 2019 three of the candidates participated in a dialogue with civil society organizations to share their views on challenges in the Inter-American human rights system and to discuss their qualifications. A video of the event is available on [YouTube](#).

Civil society organizations also convened an [independent panel](#) of experts to assess the five candidates and the election process. The panel members were: Mariclaire Acosta, President of Oxfam Mexico; Carlos Ayala, Vice President of the International Commission of Jurists; Catalina Botero, Dean at the Universidad de los Andes Law School; Juan Mendez, Professor of Human Rights Law at American University Washington College of Law; and Judith Schönsteiner, Associate Professor of Law at the Human Rights Center of the Universidad Diego Portales. The panel launched its [report](#) (in Spanish) on June 5, 2019, concluding that only three candidates meet the requirements for election, under the American Convention and IACHR Statute.

With regard to Everth Bustamante García (Colombia) and Edgar Stuardo Ralón Orellana (Guatemala), the panel stated concerns over their relative lack of experience in international human rights and knowledge of the Inter-American System, and concluded that both posed a risk to independence and impartiality given that their positions on human rights matters were very much aligned with their governments’ interests. The panel noted Bustamante García’s close relationship to the current party in power and his active military status, as well as some of his social media posts related to human rights. The panel also noted that Ralón Orellana’s law firm and a company in which he holds shares were included in the Panama Papers.

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