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

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Acknowledgments

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Abbreviations

PACE	Parliamentary Assembly of the Council of Europe
ACHR	American Convention on Human Rights
ECHR	European Convention on Human Rights
IACHR	Inter-American Commission on Human Rights
ICJ	

Executive Summary

a.

- Despite the standards, the compositions of the Inter-American bodies do not reflect the diversity of the region in terms of gender and population groups.

Representation is a core aspect of the OAS resolutions and it is also present in the international instruments on the matter. In the Inter-American system, the compositions of the bodies reflect some degree of progress on gender, but there is still a huge gap in relation to persons of African descent and persons belonging to indigenous communities (see section V, item D).

The Report summarizes recommendations in relation to these dimensions , i.e., the specific work of the independent panels and, more globally, the nomination and selection processes of candidates (for a complete analysis of said recommendations, see Section VII on Final Observations and, for the practical aspects that should guide the working of future panels, see Annex).

Specific recommendations to improve the future performance of independent panels:

a. Identify a stable funding source that may allow the panel's work to extend beyond the election periods.

The effectiveness of the panels depends directly on continuous efforts of dissemination and advocacy with the different actors. This would enable, on one hand, for a wider audience of interested actors to know the relevance of the matter and, on the other hand, to work with States toward the implementation of existing standards and recommendations in matters such as transparency, participation, dissemination, and representation.

b. Start the work of the panels in advance of the start of the nomination/election period.

In the Inter-American System, the schedule of nominations and elections is designed by the States of the IACHR and IACtHR and, for that reason, a short-term modification is not expected. However, with the necessary funding, the panels may carry out preparatory work and function beyond the election period to speed their tasks and work on defining criteria, activities, and dates, in advance of the official announcement of the candidates' names. In comparison with the models studied in section VI, the Inter-American panels have one of the longest terms with the most limited time frame in which to work. Within the context of the ECtHR, for example, the Secretary General sends a letter inviting the States to submit the nominations a year before the elections.[8] Within the context of the ICC, the body in charge of evaluating the nominations has approximately 5 months to do their work.[9]

c. Expand the group of civil society and academic organizations involved with the Initiative.

Relying on a network of civil society organizations would enable the receiving of information on the advancements and regressions in each of the countries, as well as the dissemination of the work of independent panels as effectively as possible. Dissemination through these networks would also promote a more active participation of these organizations toward submitting information on each of the candidates.

d. Work on defining evaluation criteria, considering the last debates undertaken in comparable bodies and updates of international standards.

It would be extremely valuable to enrich the work of future panels with updated research on the use and interpretation of the definitions by the evaluation bodies for comparable international commissions, courts, and tribunals. The Inter-American panels should review the models and standards in effect and, if applicable, update the definitions of the criteria used for evaluation.

e. Systematize the Panel's work.

The systematization of the panel's work and its coordination with the work of its secretariat is fundamental to speeding up the evaluation times and providing objectivity, predictability, and trust for its work. In the Annex of this report, there is a practical guide for future panels with the goal of providing input.

From the analysis of comparative models and the information obtained from the conducted interviews, a series of additional observations for states and civil society are offered:

f. Work on representation and diverse composition of the bodies.

To this end, the best practices of some states comprising the ECtHR are underlined, specifically stating the need to incorporate women in the lists of candidates, as well as designing calls oriented toward historically marginalized groups (see section VI, item A3). The little historical presence of Afro-descendants and the nonexistent presence of indigen.6 (f c)7Tw 0.25 0 Td[(T).9 (en).2 (es)1e 0.25 0 2 (es)1l(d)2.3 -1.3 enren

series of best and worst practices to inform the involved actors are recognized. In order to meet these objectives, this report:

a. Describes the general characteristics of the work of the panels and the nomination and selection procedures, the regional legal sources, and the international standards defining the topic;
b. Describes and analyzes key concepts to evaluate candidates and analyzes some of the challenges raised by their use as evaluation standards;
c. Compares existing selection models of candidates at an international level, as well as models of evaluation panels, in particular;
d. Identifies the main challenges that these procedures face in the region;
e. Analyzes and systematizes the work conducted by past Inter-American independent panels and proposes specific guidelines to improve the work of future independent evaluation panels.

This research is essential, at least in the short term, as it is not apparent that the States of the region issue official independent control mechanisms, either for national nomination mechanisms or for voting processes for the General Assembly of the Organization of American States (OAS). In this scenario, the independent panels will continue to occupy a leading role in the evaluation of cand car-6.6 (r)11.1 (fo)4.3 (r2) (o)-90.7 (s)-a

	(art. 34 ACHR and 2.1 of the Statute of the IACHR)	x Meeting the conditions required for the position of the highest judicial offices (art. 52.1 ACHR and 4 Statute of the IACtHR)
Incompatibilities	It is incompatible with activities that may affect her independence, impartiality, or the dignity or p Statute of the IACtHR)	Incompatible with the office of judge: a. Being members or high-rank officials ofa.

Encouraging a gender-balanced integration with representation of the different regions, population groups, and juridical systems of the hemisphere, ensuring

The Secretariat of the 2015 and 2017 Panels was performed/enacted/conducted by Open Society Justice Initiative and the Secretariat of 2018 and 2019 was performed/enacted/conducted by American University Washington College of Law's Center for Human Rights & Humanitarian Law.

MAIN FUNCTIONS/MANDATE

- To evaluate the qualifications of candidates nominated by States Parties;
-

Other criteria considered by the Panel:

- Bangalore Principles of Judicial Conduct (2002): Independence, Impartiality, Integrity, Propriety, Equality, Competence and Diligence;
- Guidelines on the independence and impartiality of members of human right treaty bodies (Addis Ababa guidelines.2012): Independence and Impartiality.
- Candidate's contribution to the balance of the Commission in terms of areas of expertise, gender, and other forms of diversity. Starting on the 2017 Panel, the OAS Resolution GA/Res. 2887 on "Integración equilibrada en género y con representatividad geográfica y de los distintos sistemas jurídicos" [Gender equity and balanced geographic and legal-system representation] was adopted as reference.[23]

Other abilities:

- Ability to work as part of a collegial body, and ability to work in more than one of the official working languages of the Court;
- Knowledge on the legal systems of the region;
- Extensive exposure to and knowledge of the political, social, and cultural situations of the region.

INDEPENDENCE

- Judges shall exercise their duty based on their assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats, or interference.[34]
- A judge shall be independent in relation to society in039 Tw 0dtTf0.45(d)9(h)-0.8 (a)-3.2 (l,-9.7 (t)-6 (i)-3.3

COMPETENCE AND DILIGENCE

- A judge shall take reasonable steps to maintain and enhance her knowledge, abilities, and

V. Key concepts with which to evaluate candidates: Inter-American standards and comparative models

These key concepts arise from the diverse international standards on independence and judicial conduct previously described and are complemented by the regional instruments governing the work of the IACtHR and the IACHR. These concepts are fundamental to assessing both the candidates for the judge

B. RECOGNIZED COMPETENCE/EXPERTISE IN THE FIELD OF HUMAN RIGHTS

This requirement is related to the fundamental value of "diligence and competence" as established in the Bangalore Principles on Judicial Conduct.

The Inter-American panels have interpreted this requirement in the sense that candidates should possess recognized knowledge and experience while working within the IAHRS and its instruments.[88] Specifically, the panels have evaluated this requirement by means of a candidate's record of professional achievements, their academic publication record, or substantial experience working or litigating before the system.[89]

In the graphs above, the little historical presence of women and persons of African descent throughout the diverse compositions of the IACtHR and the IACHR can be observed. There is also a clear deficiency when it comes to the inclusion of members belonging to indigenous communities.[109]

During their work, each panel carefully analyzed the contribution of the candidate to the balanced and representative composition of the body, while at the same time maintaining the criteria of suitability, independence, and impartiality.[110]

E. IDEAL NATIONAL NOMINATION PROCESSES mi3cn, (T)-4.20047iT.[.6 (n)2.(e)-1Thocapar

selection processes and lets other actors be involved in them.[115]

VI. Comparative models: evaluation mechanisms for candidacies to International Courts and Tribunals

Evaluation panels composed of experts represent a tool to ensure the transparency of nomination and selection processes of candidates to exercise their offices in international bodies. In some cases, States have taken the lead in creating official panels for nomination or election phases. In other cases, such as the Inter-American System, civil society actors have taken the lead in creating independent panels to analyze nominated individuals.

To compare, it is within the purview of the European Court of Human Rights (ECtHR), as well as in the International Criminal Court (ICC), where the most progress has been made toward establishing guidelines of transparency and participation for States and in formulating best practices that guide the work of evaluation panels. This section analyzes these two models (ECtHR and ICC) in depth and includes an analysis, in a more superficial manner, of other models of evaluation panels that offer interesting elements of comparison with the Inter-American model.

A. EUROPEAN COURT OF HUMAN RIGHTS (ECtHR)

The ECtHR is an international court, which receives and adjudicates litigation centered on violations of the rights established in the European Convention on Human Rights (ECHR). The Court is composed of 47 judges, one for each member State. The judges are elected by majority vote of the Parliamentary Assembly of the Council of Europe (PACE), among a roster of candidates presented by each member State of the Council of Europe. They are elected to 9-year terms, with no possibility for re-election.[118]

The essential requirements that individuals nominated for the office of judge to the Court should possess are stated in article 21 of the ECHR[119]:

- "judges shall enjoy the highest moral character and garner the conditions required for the exercise of high-rank judicial offices or being

APPOINTMENT[125]

- Appointed by the Committee of Ministers, with prior consultation with the President of the

- They are appointed by the Committee of Ministers with prior consultation with the President of the European Court of Human Rights. States parties may submit individuals as candidates.

MAIN FUNCTIONS/MANDATE

- Interviews the candidates.[133]

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To evaluate the conditions required for the exercise of the highest judicial offices or be jurisconsult of recognized competence (article 21.1 ECHR), in Slovenia, candidates are asked to meet the same requirements required to exercise the office of judge in the Constitutional Court or Supreme Court. In Poland and the United Kingdom, candidates must meet the requirements requested for the higher national Courts or be of equivalent professional standing.[140]

Candidates shall, at a minimum, be proficient in one official language of the Council of Europe (English or French) and also possess, at a minimum, a passive knowledge of the other. .5 Td[00 n (4q77..81.Tc 0 11.04 253.32 6372567 641.04 Tm7 (h)d7 .7e)-16. 2

In countries such as Czech Republic, Finland, Netherlands, Poland, Romania and Slovenia, the procedure for calls and nominations is regulated. In compliance with each internal system, these are regulated by decrees or other types of governmental resolutions or dispositions by the Ministry of Foreign Affairs.[151]

An example of highest standard on this practice is the Republic of Slovakia, where the procedure is regulated in article 141ª, Section 4d of the Constitution. The Judicial Council is given standing to submit a list to the government, along with the selection criteria and requirements established by law.[152] The Judicial Council is the highest-rank body of the Slovakian judicature and is independent of the legislative and executive branches.[153]

In regards to the announcement of the procedures, best practice suggests that the details and information be disseminated in the call, either on the government website or in corresponding legal texts. In addition, the call should be widely publicly available in such a manner that it comes to the attention of all potentially qualified candidates for the office.[154] The publication of the call may be done by diverse means such as: official bulletins or other similar official publications, the government website, national or regional newspapers, and specialized legal press. Likewise, it may be disseminated by the judicial bodies or professional bar associations, the Ombudsman, national human right institutions, universities,

associations or senior practicing lawyers[167], or members of non-governmental organizations.[168]

B. INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC) is a court of last resort for the trials of individuals accused of the crimes of genocide, against humanity and war.[169] The Court may exercise its jurisdiction in three ways: (1) when a State party refers to the prosecutor of the Court in a situation in which one or more of such crimes appear to have been committed; (2) when the Security Council of the UN refers a situation; or, (3) when the Prosecutor initiates an official investigation.[170]

The ICC is composed of 18 judges who serve a term of nine years, with no possibility for re-election.[171]

The essential requirements to exercise this office are listed in article 36.3 of the Rome Statute:

- To facilitate the appointment of the most qualified persons as judges of the ICC.
- The Committee bases its evaluation strictly on the requirements of paragraphs 3 a), b) and c) of article 36 (high moral character, impartiality, integrity, qualifications for the highest judicial offices, competence in relevant areas of law, and language proficiency).
- In regards to their qualifications, the Committee can contact every candidate, even undertaking interviews, both verbal and written.
- Once its work is finished, the Committee prepares a technical analysis of the qualifications of the candidates. Subsequently, with enough time prior to the subsequent review by the Assembly of States parties, it submits its analysis and puts itself at the disposal of the States parties and observers.
- The objective of the information and analysis submitted by the Committee is to enable the States parties to make well-founded decisions. The report is non-binding for the States and the Assembly.

Once the candidates are evaluated by the Committee, those who have been preselected will be sent a questionnaire and are subje4 79Cire dte ban9.8 (e0 Td[q1.2 (l)9.6 (y61d.-3 561)2..0.4 (o)-6..1 (p)2.3 2u)

- Being highly competent;
- Have extensive practical experience in the prosecution or trial of criminal cases;
- Pos (e)-5 (e)]TJ-0.3 (al c)-1.9 (as)9.5 (e)-2.9 (s)]TJ0 Tc 0 Tw 3.859 0 Td3(ghs)]TJ0 08.767]/3.859 0 Td46 Tw 1.I1

D. INTERNATIONAL COURT OF JUSTICE

The International Court of Justice (ICJ) is the principal judicial body of the United Nations. The ICJ undertakes a dual mission: (1) resolution of disputes between States in compliance with international law and (2) issuing advisory opinions on juridical matters referred by the bodies of the United Nations system that are authorized to do so.

The ICJ is composed of 15 members[210], elected by an absolute majority in the voting of the General Assembly of the United Nations and the Security Council. Voting is conducted simultaneously, but separately.[211] The elected persons exercise their office for a term of nine years and may be re-elected.[212]

The members of the Court are independent judges whose first task, before taking up their duties, is to make a solemn declaration in open court that they will exercise their powers impartially and conscientiously.[213]

The essential requirements to exercise the office of a member of the ICJ are established in article 2 of its Statute:

- Persons of high moral character.
- Possessing the qualifications required for appointment to the highest judicial offices in their respective countries, or jurisconsult of recognized competence in international law.
- Elected with no regard for their nationality. However, no two members may be of the same nationality.

Likewise, it is established that the composition of the ICJ shall represent "the main forms of civilization and of the principal legal systems of the world."[214]

The nomination procedure begins at least three months in advance of the election, with an invitation submitted by the Secretary General of the United Nations.[215]

In comparison with other systems, the nomination and selection process of candidates for Court members is one of the most complex to analyze. This is because the applicants are not directly set forth by the States parties, but rather act through the National Groups that work within the scope of the Permanent Court of Arbitration. In the case of countries not represented in the Permanent Court of Arbitration, candidates are appointed by national groups established for that function and under the same parameters

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- x recognized competency in questions of international law;
- x the highest moral reputation; and,
- x willingness to accept the duties of the arbitrators.

In terms of independence and impartiality, it is established that no member of the Court may exercise any political or administrative duty, nor engage in any other occupation of a professional nature. No member of the Court may act as agent, counsel, or advocate in any case. Neither will they be able to participate in any case in which they had previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international a (h) 2 . 2 (

with the different stakeholders. This would allow, on one hand, for a wider audience of interested actors to know the relevance of the subject and, on the other hand, to work with the States toward the implementation of the existing standards and recommendations in matters such as transparency, participation, dissemination, representation.

b. Start the workof the panels prior to the opening of the nomination/election period.

commissions, courts, and tribunals. For example, as analyzed in sections V and VI, the requirement of high moral authority is very wide, and its definition offers grounds for diverse interpretations. Within the scope of the ICC, civil society organizations have proposed that this requirement encompass an evaluation on sexual harassment records that might weigh on the candidate.

ANNEX: Practical Guide for the Independent Expert Panels of the IAHRS

Objectives

This Annex organizes the work, methodology, and activities carried out by the four independent panels, composed of experts and convened for the 2015, 2017, 2018 and 2019 election periods, with the mandate of evaluating the candidates to exercise duties of commissioners and judges of the IACHR and IACtHR, respectively.[226] It is a guide providing a description of practical aspects of and inputs to the work of future panelists. This annex complements the information presented in the body of the paper, so future panelists can access complete information on the nomination and election procedures, the legal instruments, universal and regional standards, practices of other similar panels at global level, and, finally, practical information on the work carried out by the Inter-American panels.

Background

- In 2013, a public forum with the candidates to the IACHR was held for the first time. The forum was organized by the Permanent Council of the OAS and opened a very valuable space of participation for civil society organizations.[227]
- In 2015, four new members were elected to the IACHR and three to the Court. Despite this, the public forum was not convened, and this led civil society organizations to convene the first Independent Expert Panel of the region.[228]
- The 2015 Panel was endorsed by Open Society Justice Initiative, with the support of an extensive group of non-governmental organizations and regional universities.[229] The 2017, 2018, and 2019 Panels were endorsed jointly by the Center for Justice and International Law (CEJIL), Due Process of Law Foundation (DPLF) and Open Society Justice Initiative (OSJI).

Panel Independence

The most important characteristic of the expert panels is their independence. It is essential that their

In order to safeguard the transparency and due process of the evaluation procedure, it had been agreed to forward all the information received by the panels on specific nominations to the involved person as to

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12. Request of URLs of his/her most significant writings in the field of human rights, underlining those that identify a critical posture. If applicable, request of information (title, conclusion, or main hypothesis) of the professional thesis to obtain his/her academic degree(s).

13. Request of details on the application of human rights or humanitarian law standards, especially if coming fr04 179..9 (o7e72.48 3 (,))7.9 (h)2.lo7H.l8-3 (s)-1.3 (o)179..9 (o7e72.48 3 (,))7.9 (h)2.nificnnhin

Diligence is bound to the requirement of availability and it has been evaluated in relation to the compatibility of the preexisting duties and commitments of the candidate with the responsibilities that he/she shall assume in the case of being elected. Likewise, in this aspect, the panels considered the candidate's record of professional achievements.[256]

- OAS Resolutions on "Integración equilibrada en género y con representatividad geográfica y de los distintos sistemas jurídicos"[257]: Starting in 2017, the expert panels started to consider the OAS resolutions on balanced composition of the bodies. -2Td( ),j-0

the principal standards issued by the IAHRS bodies, understanding of internal procedures and relationships of the IAHRS with outside actors, and all other working dynamics.[264] Likewise, the 2019 Panel assessed the knowledge of the candidate in relation to the main challenges of the IAHRS, her commitment to the objective and purpose of the ACHR and to the mandate of the IACHR.[265]

b. Incompatibilities: The office is incompatible with the exercise of activities which might affect her independence, impartiality, or the dignity or prestige of her office in the Commission. (article 8.1 of the Statute of the IACHR).

The 2019 Panel stated that to evaluate the independence and impartiality of the candidates, it relied on the responses provided by the candidates in this regard, in information provided by the civil society, and artiH,h,o7egawl4.91.Tw us, t c410.9008 Tc 0.008 Tw7 (n)-48 0 Td[(e)0.9 (t)-10 (y)]TJ0

e. Additional or complementary qualities:[269]
- o Ability to work as part of a collegial body;
- o Ability to work in more than one of the official languages;
- o Extensive exposure to and understanding of the political, social, and cultural environment of the region;
- o Contribution of the candidate in relation to her areas of expertise, gender, and other forms of diversity.

The 2019 Panel grouped the evaluation criteria of the candidates in five fundamental pillars summarizing the lists of requirements employed by the previous panels[270]; these are: a. High moral authority, b. recognized expertise in human rights, c. Independence, impartiality and conflict of interest, d. contribution to the representative and balanced integration of the body, and d. nomination procedures at national level.

f. Nomination procedures at national level:

The panels have considered that the legitimacy of the candidates grows from transparent and participative nomination procedures, designed with the objective of selecting the best out of the possible profiles. This type of procedure would ensure the nomination of candidates with the highest levels of independence, impartiality, knowledge, and experi[(k)0.5 (n)5.3]TJ,

Likewise, notifications were sent to civil society organizations, academia and other interested actors, inviting them to take part in the procedure by sending any information involving the candidates. The

End Notes

[1] See, for example, Center for Justice and International Law (CEJIL), Aportes para el proceso de selección de miembros de la Comisión y Corte Interamericanas de Derechos Humanos [Inputs to the selection process of committee members of the Inter-American Commission and Court of Human Rights], 2005, p.9; Katya Salazar and Naomi Roht-Arriaza, Democracia y Transparencia en el SIDH: una experiencia en marcha [Democracy and Transparency in the IAHRS: an experience in progress]. Revista Direito y Praxis, Vol. 08, N.2, 2017, pp. 1652-1681, p. 1655, ISSN-2179-8966, Spanish version available at: https://www.redalyc.org/pdf/3509/350951354024.pdf (consultation date 29 May 2020).

[2] See Coalition for the International Criminal Court. Campaign on ICC Elections: https://www.coalitionfortheicc.org/icc-election-2020-subpage

[3] Rhodes Resolution of the Institut de Droit International on the position of the international judge. Institute of International Law. Session of Rhodes, 09 September 2011, article 1.6, available at: https://www.idi-iil.org/app/uploads/2017/06/2011_rhodes_06_en.pdf

[4] Final Report of the 2015 Independent Panel, p.44, available at: https://www.justiceinitiative.org/uploads/34b476e4-dd7b-431e-acd4-e25fbff100cc/iachr-panel-report-eng-20150603.pdf

[5] See GA/RES. 2120 (XXXV-O/05) of 07 June 2005, GA/RES. 2166 (XXXVI-O/06), of 06 June 2006, GA/RES. 2887 (XLVI-O/16), of 14 June 2016, GA/RES. 2908 (XLVII-O/17) of 21 June 2017, and GA/RES. 2928 (XLVIII-O/18), 05 June 2018.

[6] The final reports of each panel are available at: https://www.justiceinitiative.org/uploads/34b476e4-dd7b-431e-acd4-e25fbff100cc/iachr-panel-report-eng-20150603.pdf (2015 Panel)
http://www.dplf.org/sites/default/files/iachr_panel_2017_final_report_eng_0.pdf (2017 Panel)

Aires, 2014, Spanish version available at: https://www.cejil.org/sites/default/files/legacy_files/Documento%20de%20Coyuntura%20N%C2%BA%209%20con%20fotos%20color.pdf

[12] These aspects are fully-fledged in Burgorgue-Larsen, Laurence. Between Idealism and Realism: A Few Comparative Reflections and Proposals on the Appointment Process of the Inter-American Commission and Court of Human Rights Members, Notre Dame Journal of International & Comparative Law: Vol. 5, 2015, p. 31, available at: http://scholarship.law.nd.edu/ndjicl/vol5/iss1/3

[13] Supra note 6.

[14] See the Statute of the IACtHR, articles 7, 8 and 9 and Statute of the IACHR, articles 3, 4 and 5.

[15] On the European regional system see article 22 of the ECHR, available at https://www.echr.coe.int/documents/convention_spa.pdf. On the African regional system see articles 12, 13 and 14 of the Protocol to the African Charter on Human & Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights, available at https://au.int/sites/default/files/treaties/36393-treaty-0019_-_protocol_to_the_african_charter_on_human_and_peoplesrights_on_the_establishment_of_an_african_court_on_human_and_peoples_rights_e.pdf

[16] Statute of the IACtHR, article 8. Statute of the IACHR, article 4.

[17] Final Report of the 2019 Panel, supra note 6, p. 5.

[18] The questionnaire model can be consulted in the Final Report of the 2015 Panel, supra note 6, Annexes I and II.

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[73] Ibid., para. 7.
[74] Ibid., para. 12.
[75] Ibid., para. 14.
[76] See the Final Report of the 2019 Panel, p.9.

[103] Dinah Shelton, Legal Norms to Promote the Independence and Accountability of International Tribunals, Law and Practice of International Courts and Tribunals, 2, No. 1, 2003, 27-62, p. 38.
[104] See article 2.
[105] Rome Statute, article 39.9 a).
[106] ECHR, article 23.
[107] The ICC establishes that the composition of judges in regards to principal juridical systems of the world, an equitable geographical distribution, and a balance between men and women (article 36. 8. A of the Rome Statute). In the case of the AfCHPR, it is stipulated that, in the process of nomination, appropriate gender representation should be considered (article 12.2 of the Protocol to the African Charter on human & peoples' rights on the establishment of an African Court on human and peoples' rights). In the case of the ECtHR, the text of the ECHR does not require a gender-balanced composition. However, per resolution of the Parliamentary Assembly, it is requested that the list of candidates submitted by the States includes, at least, one person of each sex (Resolution 1366 of 2004, modified by resolutions 1426 of 2005, 1627 of 2008 and 1841 of 2011). Likewise, the Committee of Ministers advises the State to take steps to encourage the interest of individuals belonging to ethnic minorities, or other minorities which have historically provided less candidates (Resolution of the Committee of Ministers CM (2012)40 of 29 March 2012, para. 42.
[108] GA/RES. 2887 (XLVI-O/16) of 14 June 2016 and GA/RES. 2908 (XLVII-O/17) of 21 June 2017.
[109] See Alejandra Vicente, CEJIL, Por una representación adecuada en la Comisión Interamericana de Derechos Humanos [For suitable representation in the Inter-American Commission on Human Rights], 02 June 2017, available at https://www.cejil.org/en/suitable-representation-inter-american-commission-human-rights.
[110] Final Report of the 2019 Panel, p. 16.
[111] See, for example, Open Society Justice Initiative and International Commission of Jurists, Fortaleciendo desde adentro: Marco legal y práctica en la selección de Jueces/zas y Comisionados/as de Derechos Humanos [Strengthening from within: Law and practice in the selection of Human Rights Judges and Commissioners], 2017, available at https://www.justiceinitiative.org/uploads/aa5f4a53-85aa-4863-990c-1fc5609635ed/strengthening-from-within-20171102_0.pdf; see also CEJIL, Aportes para la reflexión sobre posibles reformas al funcionamiento de la Comisión Interamericana y la Corte Interamericana de Derechos Humanos [Contributions to the debate on possible reforms to the function of the Inter-American Commission and Court of Human Rights], No. 5, 2008, Spanish version available at https://www.cejil.org/sites/default/files/legacy_files/Documento_5_sp_0.pdf (last visit 28 May 2020); Katya Salazar and Naomi Roht-Arriaza, Democracia y Transparencia en el SIDH: una experiencia en marcha, supra note 1.
[112] Open Society Justice Initiative and International Commission of Jurists, Fortaleciendo desde adentro: Marco legal y práctica en la selección de Jueces/zas y Comisionados/as de Derechos Humanos, supra note 83
[113]

[121] ECHR, Art. 21.3.
[122] Procedure for the election of judges to the European Court of Human Rights. Memorandum prepared by the Secretary General of the Parliamentary Assembly. SG-AS (2019) 05, supranote 8, para.4.
[123] CM Resolution/Res (2010)26, adopted by the Committee of Ministers of the Council of Europe on 10 November

[159] Croatia, Cyprus, Czech Republic, Estonia, Finland, Greece, Lithuania, Republic of Moldova, Poland, Russia, Sweden, Republic of Macedonia and Ukraine.
[160] Cyprus, Czech Republic, Estonia, Finland, Greece, Lithuania, Republic of Moldova, Poland, Russia, Serbia, Sweden, Republic of Macedonia and Ukraine.
[161] Finland, Ireland, Republic of Moldova, Norway and Portugal.
[162] Belgium, Czech Republic, Republic of Moldova, Poland, Russia.
[163] Belgium, Lithuania, Croatia, Switzerland, Republic of Macedonia and Ukraine.
[164] Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, Greece, Lithuania, Republic of Moldova, Netherlands, Norway, Portugal, Romania, Slovakia, Switzerland, Republic of Macedonia and Ukraine.
[165] Croatia, Finland, Republic of Moldova, Netherlands and Russia.
[166] Czech Republic, Estonia, Norway and Ukraine.
[167] Czech Republic, Finland, Ireland, Republic of Moldova, Norway, Portugal, Russia.
[168] Republic of Moldova, Russia and Ukraine.
[169] Rome Statute, article 5.1.
[170] Ibid., article 13.
[171] Ibid., article 36.9a9o(a4.0.9)13.)]TJ0 Tc 0 Tc 0 Tc 0.4 783.0 Td( )TjEMC /P <</MCID 17 >>BDC -0.007 Tc 0.007 Tw 6.48 -0.0 0 6.48 746.w 0.44 Tm[(
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[230] Final Report of the 2015 Panel, p. 3.
[231] Ibid., p. 2, footnote 1.
[232] Ibid., p.3.
[233] Final Report of the 2017 Panel, p. 3 and Final Report of the 2018 Panel, p. 5.
[234] Final Report of the 2015 Panel, p. 3.
[235] The complete biographies of the panelists can be found in the Annex sections of the final reports of each Panel.
[236] Statute of the IACtHR, article 8.1.
[237] Statute of the IACHR, article 4.1.
[238] See Spanish version of the announcement at: https://www.wcl.american.edu/impact/initi (i)5.1 (o)1.92 81.7