

WORKSHOP 3

HOW TO ACHIEVE GENDER PARITY IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM CONCLUSIONS & RECOMENDATIONS



In the workshop “How to achieve gender parity in the Inter-American Human Rights System”, the participants examined the normative and practical challenges that prevent long-term gender parity in the composition of the Inter-American Commission of Human Rights and the Court.

In the group there was wide consensus that some of the obstacles that prevent women from accessing membership in the Inter-American Commission and the Court include, but are not limited, to the following:

- Lack of specific criteria in the relevant documents of the Organization of American States (OAS) requiring gender equality in the composition of the organs.
- The lack of transparency and publicity at the national level before and during the nomination period.
- The lack of consideration of gender as a critical variable when evaluating individual candidates.
- Insufficient mechanisms for rigorous evaluation of the candidates’ merits, including gender perspective and experience, expertise in different legal systems, and other.
- Lack of minimum voting requirements at the OAS that ensure gender and diversity representation.
- Limited role for civil society organizations (women’s networks, gender organizations, bar associations, academia, etc.) during the nomination process, which may exclude qualified female candidates.

Despite the lack of hard law requirements on gender parity or gender balance in the American Convention of Human Rights, the OAS General Assembly has adopted two successive resolutions in 2016 (General Assembly Resolution 2887) and 2017 (General Assembly Resolution 2908), which encourage States to consider gender representation and other forms of diversity and considerations related to the nomination and voting of members to the IACHR and the IACtHR.

Based on the above, the participants debated and agreed to propose the following recommendations to those key stakeholders identified during the workshop:

1. The OAS Member States

- Adopt the required measures at the national level to contribute to the attainment of the objectives established in OAS General Assembly Resolutions 2887 and



2908, which require States to ensure gender balance in selecting judges and commissioners to the organs of the Inter-American Human Rights System.

- To comply with these resolutions, States should promote transparency and publicity in the national selection processes to nominate candidates.
- Promote the active participation of women in all levels of the nomination and selection process.
- Creation of national mechanisms or processes that foster spaces for dialogue and civil society observation, or consultation regarding the performance in gender equality when nominating and selecting candidates.

2. The Organization of American States

- The Permanent Council of the OAS should include in its agenda the matters covered by the General Assembly Resolution 2887, prior to the forty-eighth regular session of the General Assembly in 2018, with a view to promoting exchanges of experiences and best practices on Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.
- Institute an established practice to celebrate public hearings before the OAS Permanent Council where candidates are able to introduce themselves and answer questions from States, civil society organizations, and other interested parties.
- The Permanent Council should promote guidelines to further the achievement of the goals stated in the General Assembly resolutions.

3. The Secretary General

- When issuing calls to the States to nominate candidates, the Secretary General could formally encourage States to nominate female candidates or other underrepresented groups. The Secretary could make reference to the current and/or historical sub-representation of the group as well as standing General Assembly resolutions on the matter.
- The Secretary General should sign the GQUAL Action Plan and make his commitment to the issue public.
- The Secretariat of the OAS should make the information on openings, nominations and elections public, and should actively publicize it.
- The Inter-American Commission of Women (CIM) should play a role in encouraging states to strive for parity and diversity in their nominations and voting.
- Promote nomination and voting mechanisms that ensure the goals established in the General Assembly resolutions for existing or new treaty bodies and monitoring organs.

4. The Inter-American Court of Human Rights and Inter-American Commission of Human Rights

- The Commission should prepare a report or other legal documents highlighting States obligations derived from Inter-American human rights treaties and International treaties, such as the Convention of Belem do Pará, the two OAS specialized conventions against discrimination, the CEDAW and others, on the standards and measures that States should implement to ensure gender equality in the Commission and the Court.
- Both organs should promote nomination and voting mechanisms that ensure the goals established in the GA resolutions for existing or new treaty bodies and monitoring organs.



5. Civil Society and academia

- Work nationally to improve the State nomination process and advocate regionally and by sub/regional groups on this matter.
 - Strengthen capacity building for advocating and promoting women candidates for the next election rounds at the Inter-American Human Rights System.
 - Continue convening advisory panels and issuing shadow reports on the candidates' profiles and background professional activities within the States.
 - Suggest and recommend improvements for the nomination and voting process to the OAS and to the States.
 - Formulate monitoring indicators and a baseline to measure the OAS' and States' compliance with gender parity, as established in the GA Resolutions on this matter.
 - Encourage the work of existing networks and initiatives to support open and egalitarian nomination processes.
 - Continue academic comparative and innovative studies on gender representation in the Commission and the Court, the causes of underrepresentation, the reasons to push for gender equality and the need to have gender balanced bench.
 - Encourage public debate about representation, parity and equality in international justice.
 - Maintain a website and cross pollinate information and initiatives.
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