**Women’s Representation on Inter-American Human Rights Organs and Mechanisms**

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**Background**

Since its establishment, the Inter-American Human Rights System has made important strides in terms of including women’s participation and leadership and addressing gender equality and women’s rights issues. Of particular note are the creation of the Inter-American Commission of Women (CIM) in 1928 and its alliance with the Organization of American States (OAS) in 1948, and the adoption of specific instruments on women’s right to nationality (1933), civil and political rights (1948), and violence against women (1994).

## Through the OAS, the entities that make up the inter-American system broadly include:[[1]](#footnote-1) the Inter-American Commission on Human Rights (IACHR),[[2]](#footnote-2) the Inter-American Court of Human Rights (I/A Court),[[3]](#footnote-3) the CIM, the Follow-Up Mechanism to the Belem do Para Convention (MESECVI),[[4]](#footnote-4) the Working Group on the Protocol of San Salvador, and the Committee for the Elimination of all Forms of Discrimination against Persons with Disabilities.[[5]](#footnote-5) The IACHR includes ten thematic Rapporteurships that aim to strengthen the guarantee and protection of specific rights, or the rights of specific groups of people.[[6]](#footnote-6)

## With the exception of the CIM and the MESECVI, the other entities of the inter-American system have not historically included an equal or even a significant number of women, particularly among leadership and senior management positions. Although political bodies such as the General Assembly of the OAS have expressed their commitment to increasing women’s participation, and civil society organizations have lobbied to make that commitment a reality, the absence of any legal requirement for gender parity has hindered progress towards this goal. In addition, lack of transparency in nomination processes has often made it difficult for women at the national level to compete fairly for these nominations.

## At the same time that the CIM and MESECVI have gradually strengthened both political and technical commitment to gender equality and women’s rights issues on the agenda of the OAS, as women’s leadership has increased in the other entities of the inter-American human rights system, so has the attention paid to women’s rights.

All of these mechanisms have multiple mandates regarding gender equality and the participation and leadership of women, beginning from the adoption in 1999 of the first resolution of the OAS General Assembly on women in senior management of the OAS, and including specific resolutions on the composition of the Inter-American Commission and Court of Human Rights.

**Current situation**

Over the last few years, women’s leadership in the inter-American system has increased in visibility and importance as part of the agenda of the OAS, with a few recent highlights worth noting:

* In 2019, the General Assembly of the OAS adopted resolution AG/RES. 2941 (XLIX-O/19), on the Promotion and Protection of Human Rights, which in Chapter xiii addresses “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.”[[7]](#footnote-7) The resolution underscores that gender balance will strengthen the work and impact of these bodies in the prevention, promotion, protection, and guarantee of human rights, with special attention to issues of non-discrimination, and also instructs the OAS’ Committee on Juridical and Political Affairs (CAJP) to strengthen its work on this issue through exchange of information and best practices.
* In 2019, the General Assembly of the OAS also adopted resolution AG/RES. 2940 (XLIX-O/19) on the Program-Budget of the OAS for 2020, which contains a specific paragraph on gender equity and equality policies. The resolution urges the Secretary General to continue the work of implementing gender equity and equality policies in the workplace, and promoting parity in categories where women are currently underrepresented.[[8]](#footnote-8)
* In 2020, the Permanent Council of the OAS adopted resolution CP/RES. 1149 (2278/20) on “Women’s Representation and Participation in the OAS,”[[9]](#footnote-9) which requests that the General Secretariat of the OAS formulate a system-wide plan for achieving gender parity and progressively increasing women’s participation and representation in decision-making positions within the Organization, including in commissions, missions, panels, collegiate groups, and electoral observation missions. The resolution also underscores the responsibility of member states to generate conditions and spur opportunities for the nomination and/or appointment of women in OAS organs and entities.

In practice, some important milestones have also been reached:

* The IACHR currently has a majority of women among its Commissioners (5 of 7), a composition it will retain at least until the end of 2021 and only the second time in history that the Commission has had a majority of women.
* Six women and four men head the ten thematic Rapporteurships of the IACHR.[[10]](#footnote-10)
* The Working Group on the Protocol of San Salvador is currently at gender parity among its members (three men and three women) with two vacant seats.

Progress however is uneven, and not necessarily sustained over time – leaps forward may be followed by steps backward and parity is by no means guaranteed because it is not enshrined in the statutes or other legal instruments of these bodies. In addition, other entities of the inter-American system are still far from reaching gender parity:

* At the end of 2019, the staff of the General Secretariat of the OAS was made up of 57% women, although the organization has never had a woman as Secretary General or Assistant Secretary General and senior management posts are still dominated by men at the D2 (78%), D1 (66%) and P5 levels (55%).
* The I/A Court currently includes only one woman judge among a total of seven, Elizabeth Odio-Benito, and to-date has never had more than two women serving simultaneously.
* Of the 18 members of the Committee for the Elimination of all Forms of Discrimination against Persons with Disabilities,[[11]](#footnote-11) eleven are men, six are women and one appointment is currently pending.
* Since its establishment, only one woman has headed the Executive Secretariat of the IACHR (1990 to 1996), and only nine women have chaired the Commission itself.

Challenges to achieving gender parity in the inter-American system include that nominations and some appointments are at the discretion of member states. Although in recent years more states have included gender equality considerations in the proposed nominations for election or appointments to these mechanisms, they are not always taken into account in the election process for Judges and Commissioners or in the appointment process for senior management officials.

The obvious exception has always been the two mechanisms specifically focused on women’s rights: the CIM and the MESECVI. The CIM was the product of emerging women's movements throughout the hemisphere and reflected growing cooperation between the women of North, Central and South America. In her address to the 1928 conference, the first President of the CIM, Doris Stevens, stressed "the necessity of action through the Pan American Conference, not by separate countries, in obtaining equal rights for women in all the American republics." Early feminists in Latin America recognized that there were advantages in addressing the question of women's rights in regional and international fora and that the leverage provided through this inter-American body was crucial to the expansion of political and civil rights in their own societies.

Since its establishment, the CIM has pushed for the full recognition, guarantee and protection of women’s rights and their participation and leadership in all spheres of life. It is now composed of 34 Principal Delegates, one for each member state of the OAS, who is usually the Minister for Women or her equivalent at the national level. For this reason, the members of the CIM have historically been overwhelmingly women. The Executive Secretary of the CIM, a position that has never been held by a man, is the highest-level authority on gender equality and women’s rights issues within the Secretariat, although it is worth noting that her position is classified one step lower than, for example, the Executive Secretary of the IACHR.

The MESECVI was established in 2004 as a continuous and independent evaluation process to monitor the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belem do Para Convention). MESECVI is a systematic and permanent multilateral evaluation methodology that is based on exchange and technical cooperation between the States Party to the Convention and a Committee of Experts. This Committee analyzes progress in the implementation of the Convention by the States Party, as well as persistent challenges to an effective State response to violence against women. Again, because of the nature of its work, both the State representatives and the Experts that participate in the MESECVI are almost exclusively women.

**Challenges** **and opportunities**

Although dedicated spaces, occupied by women, to advance women’s rights and gender equality issues have been essential to effective progress, they are only part of the solution. The fact that spaces like the CIM and the MESECVI are chronically under-staffed and under-funded means that they are unable to effectively fulfill their mandates. The CIM for example receives two percent of the regular operating budget of the OAS and has just over two percent of the staff. The MESECVI receives no funding from the regular budget and operates exclusively on the basis of voluntary contributions.

At the same time, the absence of women from leadership and decision-making in other parts of the organization means that women’s rights and gender equality issues are ghettoized, rather than a crosscutting and truly integrated part of the work of the OAS.

As more women have participated in human rights mechanisms, their agendas – taken as the cumulus of hearings, decisions, opinions, reports, meetings, and other activities – have gradually shifted to include key issues such as sexual and reproductive rights, the rights of LGBTI persons, the multiple manifestations of violence against women, women’s political participation and leadership and other key issues. While the evidence is still scarce for a direct correlation between more women in leadership and more work on women’s rights and gender equality, the argument for diversity and inclusion in leadership positions is clear and convincing. In addition, a growing body of evidence supports that women and men judge differently in different cases, which means that any judicial body with unequal representation of either women or men is potentially incapable of judging without bias.[[12]](#footnote-12) This is particularly relevant when a body like the Inter-American Court of Human Rights has to decide a case involving, for example, sexual violence perpetrated against women by agents of the State.

Since 2013, a number of actors both inside and outside the inter-American human rights system have been actively engaged in analysis and discussion of the nomination and selection processes for judges, commissioners and senior management personnel. These discussions have identified a plethora of recommendations aimed at making the process itself more inclusive and transparent, with the goal of making the result more diverse.[[13]](#footnote-13)

The Gqual Campaign,[[14]](#footnote-14) which launched in 2015 and aims to bring attention to the underrepresentation of women in international tribunals and monitoring or adjudicating bodies has been very active within the inter-American system, lobbying member states, activists and the Secretariat to join forces in strengthening their commitment to gender parity. The data gathering and advocacy efforts with which the campaign debuted were successful in placing the issue on the agenda of a number of the OAS’ multilateral forums, including the Inter-American Commission of Women, and the process for nominating and electing Commissioners and Judges has in recent years become somewhat more transparent and accessible. Additional commitments to ensuring gender parity such as the previously mentioned resolutions of the OAS General Assembly have resulted from the persistence of selected member states with the support of the Secretariat, and have served to maintain the high visibility of the issue as well as strengthen calls for accountability.

1. The Follow-Up Mechanism to the Inter-American Convention on the Rights of Older Persons is not yet operational, as the Convention has only been ratified by six States Party and ten ratifications are needed. [↑](#footnote-ref-1)
2. For more information, see: <http://www.oas.org/en/iachr/> [↑](#footnote-ref-2)
3. For more information, see: <http://www.corteidh.or.cr/index-en.cfm> [↑](#footnote-ref-3)
4. For more information, see: <http://www.oas.org/en/mesecvi/default.asp> [↑](#footnote-ref-4)
5. For more information, see: <https://www.oas.org/en/sedi/ddse/pages/index-4_committee.asp> [↑](#footnote-ref-5)
6. The Rapporteurships of the IACHR touch on the following thematic issues: Rights of Indigenous Peoples, Rights of Women, Rights of Migrants, Rights of the Child, Human Rights Defenders, Rights of Persons Deprived of Liberty, Rights of Afro-Descendants and against Racial Discrimination, and Rights of Lesbian, Gay, Trans, Bisexual, and Intersex Persons. In addition, two Special Rapporteurships touch on: Freedom of Expression and Economic, Social, Cultural, and Environmental Rights. <https://www.oas.org/en/iachr/mandate/rapporteurships.asp> [↑](#footnote-ref-6)
7. See: <http://scm.oas.org/IDMS/Redirectpage.aspx?class=AG/doc.&classNum=5682&lang=e> for the full text of the resolution. [↑](#footnote-ref-7)
8. See: <http://scm.oas.org/IDMS/Redirectpage.aspx?class=AG/doc.&classNum=5682&lang=e> for the full text of the resolution. [↑](#footnote-ref-8)
9. See: <http://scm.oas.org/doc_public/english/hist_20/cp42142e03.docx> for the full text of the resolution. [↑](#footnote-ref-9)
10. The Rapporteurships on Indigenous, Women, Children, Afro-Descendant and LGBTI Persons are headed by women, as is the Special Rapporteurship on Economic, Social and Cultural Rights. The Rapporteurships on Migrant Persons, Human Rights Defenders and People Deprived of Liberty are headed by men, as is the Special Rapporteurship on Freedom of Expression. [↑](#footnote-ref-10)
11. For more information, see <https://www.oas.org/en/sedi/ddse/pages/index-4_committee_members.asp> [↑](#footnote-ref-11)
12. CEJIL (2014), op.cit. [↑](#footnote-ref-12)
13. See for example: CEJIL (2014). *The Selection Process of the Inter-American Commission and Court on Human Rights: Reflections on necessary reforms* (Position Paper No. 10) <https://www.cejil.org/sites/default/files/legacy_files/Position%20Paper%20N%C2%BA10.pdf> [↑](#footnote-ref-13)
14. For more information, see: <http://www.gqualcampaign.org/about-gqual/> [↑](#footnote-ref-14)