
Social Participation in Human Rights Regimes: comparative study between the Inter-American Human Rights System and the Mercosur Institute of Public Policy on Human Rights

Participação Social em Regimes de Direitos Humanos: estudo comparativo entre sistema interamericano de direitos humanos e instituto de políticas públicas de direitos humanos do Mercosul

Isabela Gerbelli Garbin Ramanzini¹ 
Natanael Gomide Junior² 

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Abstract: Since the end of the Cold War, the UN System has encouraged democratic governance practices, such as social participation, in international and regional organizations. Based on this stimulus, international organizations promoted institutional channels of dialogue with civil society as a way of channeling the demands of different social actors. This article presents a comparative study on social participation in two human rights regimes in the Americas: the Inter-American Human Rights System (IAHRS) and the Mercosur Institute for Public Policies on Human Rights (IPPDH). We revised the specialized literature and analyzed primary documentation to fulfil this goal. We find that these two human rights regimes have opposite participatory dynamics: while the IAHRS has a bottom up participatory character; the IPPDH counts with a top-down participatory nature. Despite the difference, we conclude that two regional human rights regimes are similar in terms of the influence of civil society organizations and epistemic communities in the development of human rights institutions themselves.

Key words: Social Participation; International Organizations; Inter-American Human Rights System; Mercosur Institute of Public Policy on Human Rights.

Resumo: Desde o fim da Guerra Fria, o Sistema ONU tem estimulado práticas de governança democrática, como a participação social, em organizações internacionais e regionais. A partir desse estímulo, organizações internacionais impulsionaram vias

¹ Universidade Federal de Uberlândia. E-mail: isabelagarbin@hotmail.com

² Universidade Federal de Uberlândia. E-mail: natanaelgomidejunior@gmail.com

institucionais de diálogo com a sociedade civil como forma de canalizar as demandas de diversos atores sociais. O objetivo deste artigo consiste em apresentar um estudo comparativo sobre a participação social em dois regimes de direitos humanos das Américas: o Sistema Interamericano de Direitos Humanos (SIDH) e o Instituto de Políticas Públicas em Direitos Humanos do Mercosul (IPPDH). Para atingir este objetivo, recorreremos à revisão bibliográfica da literatura especializada e à análise documental primária. Verificamos que estes dois regimes de direitos humanos possuem dinâmicas participativas opostas: enquanto o SIDH possui um caráter participativo *bottom-up*; o IPPDH conta com uma natureza participativa *top-down*. Apesar da diferença, concluímos que os dois regimes de direitos humanos se assemelham quanto à influência das organizações da sociedade civil e das comunidades epistêmicas no desenvolvimento das próprias institucionalidades de direitos humanos.

Palavras-chave: Participação Social; Organizações Internacionais; Sistema Interamericano de Direitos Humanos; Instituto de Políticas Públicas em Direitos Humanos do Mercosul.

1. Introduction

Transnational social movements, civil society organizations and epistemic communities produce diverse impacts on international politics. Their various forms of action - protests, pressure, scientific reports - demonstrate the growing relevance of these actors in the formulation, implementation and, above all, legitimation of national and international policies. Over time, international organizations started to incorporate input mechanisms to give flow to social participation in processes and policies previously carried out behind closed doors. Nevertheless, this trajectory has come a long way. The institutionalization of social participation in international organizations dates back to the creation of the UN System. Non-governmental organizations (NGOs) have ensured participation at the UN since the very constitution of the system. Formal recognition of NGOs' participation in the Charter of the United Nations, according to its Article 71, allows the Economic and Social Council (ECOSOC) to arrange consultation for NGOs. Thus, ECOSOC can be considered the pioneering international body when it comes to the institutionalization of participatory mechanisms in the international sphere (Ruhlman, 2015).

ECOSOC's normative set on social participation extends from 1950 to 1996³. The most recent Resolution on the matter recognizes the diversity and importance of NGOs in assisting the work of intergovernmental organizations, while also providing

³ The first ECOSOC Resolution on the matter dates from 1950, Resolution 288 B (X) and the last from 1996/31.

consultative relations between ECOSOC, its subsidiary bodies and NGOs. This instrument includes a categorization on the modality of participation without voting rights, guaranteed to non-member states, specialized agencies and NGOs with consultative status. The types of consultative status granted to NGOs are three: general, special and roster list. General consultative status is granted to NGOs that work on economic and social issues, which are representative of large segments of society and operate in several States. Special consultative status is provided to NGOs that have specific competencies within the range of topics covered by ECOSOC and its subsidiary bodies. And, the list or roster status is given to NGOs aiming at episodic contributions (Ecosoc, 1996).

Although its groundbreaking recognition of NGO participation in international organizations, the ECOSOC Resolution 1996/31 shied away from an accurate definition of NGO. According to the regulation, the term 'organization' may refer to non-governmental organizations at the national, subregional, regional or international levels (Ecosoc, 1996). The preference for broad and ambiguous language probably relates to political disagreements among Member States regarding the participation of non-state actors in international bodies, as well as to the extent of which modality of participation should take place. The understanding of social participation in this article converges with Ruhlman (2015), which defines participation as a formal opportunity to take part of processes within an international organization, not necessarily with the right to vote. Thus, here, social participation recalls the performance of organizations, groups and individuals not representing States. In other words, it's all about non-governmental or non-state actors.

In addition to the prompt of participatory mechanisms in the international sphere, the UN System has promoted good practices on democratic governance since the post-Cold War period. From this stimulus, gradually - and through external pressures - international organizations created and managed institutional channels of dialogue with civil society. In the Americas, where social participation in regional organizations holds a vast history, social and participatory issues gained new and important emphasis from the 2000s on, due to the so-called left-turn and its following proposals of new regional projects on human rights. In this article, we seek to understand how social participation occurs in the different human rights institutionalities in the Americas. Therefore, we compare social participation between the Inter-American Human Rights System (ISHR)

and the Mercosur Institute of Public Policies on Human Rights (IPPDH). We reviewed the specialized literature and the primary documentation from the collection of minutes and annexes of the Mercosur and the Inter-American Human Rights System, both available at their respective websites. We found that although⁴ displaying opposing participatory dynamics, both regimes are similar to the extent civil society and epistemic communities influence the development of their respective human rights institutions. Additionally, we analyzed the minutes of the Meeting of High Authorities on Human Rights and Chancelleries of Mercosur (RAADH) in the 2005-2018 timeframe in order to evaluate a common supposition on the International Relations literature regarding whether the human-rights institutional deepening in the Southern Cone – and its propagated boost on social participation - counterpoints to the Inter-American Human Rights System. Results of the documentation analysis indicate a constant exchange between the two institutionalities, which invalidates earlier beliefs.

2. Americas: Regionalisms and Social Participation

Integration and cooperation initiatives in the Americas embrace vast history and complex institutional arrangements. Researchers produced a dense literature on the uniqueness of the set of regional organizations in the Americas and its overlapping institutional projects (Nolte, 2018; Weiffen, 2017). However, the consolidation of regional human rights institutions in the Americas - within the after World War II institutional blueprint - concentrates on two distinct experiments: the Inter-American Human Rights System (1948) and the Mercosur Institute for Public Policies on Human Rights (2009).

The development of the temporally preceding human rights regime in the region - the Inter-American Human Rights System - is often understood from historical and geopolitical perspective of relations between the United States and Latin America. Historically, the Americas have been seen as an example of a hegemonic system, in which the United States figures as the main power and unchallenged leader of the hemisphere's relations, although this situation has changed in the last twenty years (Bitar et al., 2011). In this perspective, the Organization of American States (OAS) symbolizes the

⁴ Here, we understand human rights regimes as the set of fundamental values for the humanity, guaranteed by international norms and other expressions of law, as in Smith-Cannoy (2014).

institutional center for conducting multilateral relations in the region, especially determined by the United States and its economic and security agenda⁵.

Based on the American Declaration of the Rights and Duties of Man (1948), the Inter-American Human Rights System represented an initial - albeit rhetorical - intention of some States and the OAS to give meaning to the typical reconstruction aspirations of the post-World War II. However, political tensions in the Caribbean and, above all, the Cuban Revolution in 1959 demanded from the OAS the provision of formal means to ensure the maintenance of the "democratic" order, even if, in practice, this meant keeping the region free from communist attacks. It is precisely in the Cold War context that the Inter-American Human Rights System (IAHRS) grew, at a time when the United States exercised strong influence over Latin America. Since the adoption of the Monroe Doctrine in 1823, U.S. foreign policy has sought to keep the extra hemispheric powers far away from the American continent, especially the communist approaches and the formation of new left-wing governments. The OAS created, then, the first Inter-American body to deal with human rights issues in the region. The Inter-American Commission on Human Rights (IACHR) rises in 1959 with a very vague mandate. However, both the OAS and the Member States were unable to anticipate some effects arising from the body's initial activity, as its monitoring appeal reached domestic audiences. As soon as people became aware of the activities undertaken by the IACHR, individuals and civil society groups started to send complaints on human rights violations perpetrated by the states, especially by dictatorial governments that predominated in the political scene at the time (Ramanzini, 2018).

At the end of the Cold War, the regional context of Latin America showed significant changes. On the one hand, several states in the region made the transition from authoritarian to democratic governments, which eventually strengthened the IAHRS. At that time, the regime had already established itself as a protective system, given the creation of the Inter-American Court of Human Rights by the provision of the American

⁵ According to Donnelly (2003, p.142): "A large part of the explanation [for the Inter-American System] lies in the dominant power of the United States. The literature on international economic regimes suggests that the power of a hegemonic state typically is crucial to establishing (although not necessarily to maintaining) string, stable regime. Although hegemonic power had virtually nothing to do with the European [human rights] regime, it has been central to the genesis and operation of the Inter-American regime. The United States, for whatever reasons, has often used its hegemonic power to support the Inter-American regime, which has also been strongly supported by some of the more democratic regimes of the region".

Convention on Human Rights of 1969. Democratization in the region contributed to the increase in ratification of this document. In the Southern Cone, Argentina, Brazil, Chile, Paraguay and Uruguay ratified the American Convention on Human Rights after the democratic return, and the last three countries did so immediately after the transition. On the other hand, the geopolitical asymmetries that have guided Inter-American relations in previous decades persisted, as did the fear that new interventionist policies by the United States could once again determine the new political moment in the region.

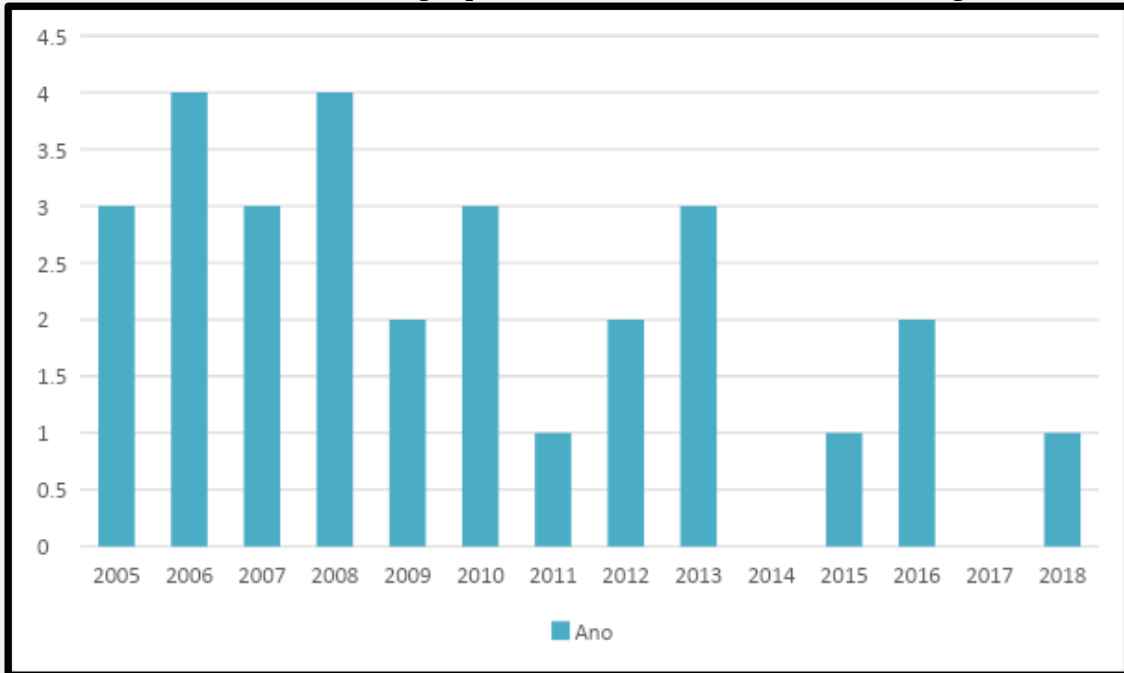
From the 2000s on, Inter-American relations underwent important transformations, especially with regard to the issue of the United States' influence, the configuration of new powers and regional dynamics not fully connected to Washington's preferences. In this respect, Brazil's economic expansion and the search for international and regional leadership roles stand out; the creation of the Union of South American Nations (UNASUR), the Bolivarian Alliance for the Peoples of Our America (ALBA), led by Venezuela, the Community of Latin American and Caribbean States (CELAC); and the significant growth in China's investments in the region. In this context of diversification, the intensification of regional integration efforts and their various projects began to offer challenges to understandings about the center of gravitation of relations in the Americas and the possible contours of cooperation in the hemisphere, with special questioning of the previous institutionality of human rights in the region (Bitar et al., 2011).

At the end of the 2000s, the creation of a human-rights institutionality within the Mercosur was interpreted by International Relations scholars as either a form of direct "dispute" or a counterpoint to the Inter-American Human Rights System, in an effort to bring up autonomy to the region. Once again, the narrative of institutional deepening of the human rights agenda in the Americas was renewed, although discussions started from the recurrent geopolitical point of view. In terms of institutional scope, the Inter-American Human Rights System maintained virtually all member states (34 states out of the 35 OAS Member States) after the IPPDH creation. And, the IPPDH did not envision exceptional expansion (five States Parties and seven Associated States) from its establishment on. In other words, most States participating in the IPPDH continued to being part of the American Convention on Human Rights. Moreover, there is a constant interaction between the two regimes, provided by the initiatives of the Meeting of High

Authorities on Human Rights and Chancelleries of Mercosur and Associated States (RAADH), among others.

The analysis of the minutes of the RAADH, carried out between 2005 and 2018, demonstrates the constant interaction between Mercosur's human rights institutionalality and the Inter-American Human Rights bodies.

Chart 01: RAADHs discussing topics on the Inter-American Human Rights Bodies⁶



Source: Authors's elaboration based on the Minutes of the RAADH, available at the Mercosur's website

Among the 29 meetings in which the Inter-American bodies were the topics of discussion within the RAADH, nine referred to the Reform Process for sSrengthening the Inter-American Human Rights System (2011-2013). To a lesser extent, there are also discussions on the RADDH's efforts to strengthen the implementation of the Inter-American decisions and recommendations, which were on the agenda at nine RAADH meetings between 2005 and 2018. At most of these meetings, national delegations present arguments about the importance of ratifying the Inter-American human rights instruments, encouraging other states to do so. Documentation also presents information about instruments, protocols and already ratified treaties. RAADH's take on this issue proved so prominent in the agenda that during the XI RAADH, held in 2008, a decision

⁶ Some Minutes were unavailable online at the Collection of Minutes and Annexes of the Mercosur, among them: Minute 2/2009 (XVI Ordinary RAADH); Minute 2/2009 (II Extraordinary RAADH); Minute 2/2011 (XX Ordinary RAADH); Minute of the 2014 RAADH; Minute 1/2017 (XXIX Ordinary RAADH); Minute 1/2018 (XXXI Ordinary RAADH)

was reached to fix a new agenda in the Work Plan on the Implementation of the recommendations and rulings of the Inter-American Human Rights System, which would serve as a space for exchanging experiences on the difficulties for complying, as well as to incorporate the perspective of civil society on this matter.

There are also other examples of cooperation between the Inter-American Human Rights System and Mercosur's institutionality: RAADH's request for a advisory opinion on the rights of migrant children and adolescents to the Inter-American Court of Human Rights in 2011; the invitation of the Inter-American Court of Human Rights to the IPPDH to present a written opinion in the Consultative Opinion No. 25 of 2017⁷; and the use of IPPDH documents by the Inter-American Commission on Human Rights when the publishing of the Report "Public Policies with a focus on Human Rights"⁸ (2019).

Empirical evidence shows that the IPPDH, from early on, sought support from the Inter-American Human Rights System to establish itself as a new institutionality of human rights in the region. Mutual referencing and the interplay between both institutions in important human rights mechanisms constitute unusual and unexpected episodes. The data also shows that examples of cooperation outnumbered eventual disputes between the Inter-American Human Rights System and the IPPDH-Mercosur. Thus, the early beliefs that the deepening of human rights institutionalities in the Southern Cone would rival the Inter-American Human Rights System cannot be supported; on the contrary, interaction and inter-institutional cooperation were common grounds for the establishment and strengthening of the human rights regimes. Probable explanations for such non anticipated result might involve the need of reaffirmation of both human rights institutions, given the regional environment of attention scarcity to human rights (Engstrom, 2013). Another probable explanation related to the fact that civil society organizations and epistemic communities active in the area of human rights are practically the same in both institutionalities. Still, social participation operates differently in each human rights regime.

3. Inter-American Human Rights System: bottom-up social participation

⁷ The request for Consultative Opinion no. 25/2017 is available at : http://www.corteidh.or.cr/docs/solicitudoc/solicitud_18_08_16_esp.pdf

⁸ Available at: <http://www.oas.org/es/cidh/informes/pdfs/PoliticPublicasDDHH.pdf>.

Civil society has been an important force in the Inter-American Human Rights System since the beginning of the activities of the regional system. When it had not yet consolidated a mandate for the promotion and protection of human rights in the region, the Inter-American Commission on Human Rights joined civil society in carrying out its commitment to human rights vis-à-vis authoritarian governments in Latin America. Civil society groups collected *in loco* information and passed on evidence so that the Inter-American Commission on Human Rights could face official (usually evasive) information provided by dictatorships in the region. Over time, the strengthening of ties with civil society has become one of the singularities of the Inter-American Human Rights System. This partnership played a key role in shaping the very institutional evolution of the system: it not only boosted the human rights agenda, which became increasingly ambitious with democratic return; but it helped to overcome major challenges, such as maintaining the supervisory power of the system in the face of various attempts to curtail its activities.

In the democratic context, civil society continued to promote the Inter-American Human Rights System. For example, civil society's reaction to the Process of Strengthening the Inter-American System in 2011 - controversial for proposing the extinction of the Inter-American Commission on Human Rights - has contributed to diminish the harms on Inter-American bodies, as proposals suggested by states dissatisfied with the system⁹. Again, in 2016, the mobilization of civil society, which campaigned fiercely for increased budgets and foreign donations, pulled the Inter-American Human Rights System out of a severe financial crisis. Overcoming these institutional and financial crises, the Inter-American Human Rights System's collaborative efforts with the civil society have channeled new institutional avenues of dialogue, which further favor social participation. The Inter-American Human Rights System Forum (2017) and the Inter-American Commission on Human Rights Channel (2019) represent new initiatives with the timbre of civil society (Yldiz, Ramanzini, 2020; Ramanzini, 2017). Finally, current initiatives show that civil society groups continue to exert pressure on important debates within the Inter-American Human Rights System,

⁹ Under the command of the "Working Group on the Functioning of the Inter-American Commission to Strengthen the Inter-American System", a task force created by the Organization of American States (OAS), some states prompted a reforming process of the Inter-American Human Rights System. Instead of modernization, this process was driven by a particular combination of political forces and interests questioning the role and scope of the Inter-American Commission on Human Rights.

such as the issue of state indication of nationals to perform key functions in the system, such as the positions of Commissioner, Judge and Executive Secretary. At the same time, there is also a social movement focused on specific campaigns, such as GQUAL, which advocates for gender balance in these indications (Inter-American Human Rights Network, Reflective Report, 2016); and the transparency of the Inter-American electoral process, which inaugurated in the last election for the two Inter-American bodies an independent preliminary panel, composed of renowned jurists, to prosecute potential candidates for positions in the Inter-American bodies. This unprecedented public forum - requested by civil society and composed of representatives of epistemic communities - has contributed to increasing the transparency and visibility of state appointments to the Inter-American Human Rights System, and ultimately to the Inter-American electoral process itself.

Currently, the diversification of financial resources at the System and the transnational support gave more autonomy to the Inter-American Human Rights bodies to act against human rights violations. Today, both the Commission and the Court engage and move forward on thorny issues, even against powerful states. Evidence of this is the recent work of the Inter-American Commission on Human Rights involving reports on police violence against afrodescendants in the United States (2018); and on indigenous peoples and tribes in the Pan Amazon region (2019). As the Inter-American Commission on Human Rights advances on these issues/countries, it connects more directly and in depth to the domestic audiences of afrodescendants, latinos, LGBTI people, migrants, indigenous tribes, environmentalists and human rights supporters in general.

In this sense, the Inter-American Commission on Human Rights considers the participation of civil society an essential aspect for fulfilling its mandate to promote and defend human rights in the Americas. The body's Strategic Plan 2017-2021, which was built on a participatory methodology with several stages of consultation with civil society, identified prioritizes the strengthening of civil society participation¹⁰. Currently, some of the main channels and mechanisms available for civil society participation in the activities

¹⁰ IACHR, Press Release No. 36/19, "IACHR reports unpublished results of its work in 2018 and presents its progress report for the Second Year of Implementation of the Strategic Plan during 2018". Available at: <http://www.oas.org/es/cidh/prensa/comunicados/2019/036.asp>; and IACHR, Imprensa Communiqué No. 186/19, "CIDH presents its six-monthly balance sheet report on the implementation of the Strategic Plan 2017-2021 and the results of its work during the first half of 2019". Available at: <https://www.oas.org/es/cidh/prensa/comunicados/2019/186.asp>.

and processes of the Inter-American Commission on Human Rights are public hearings, open meetings, bilateral and/or multilateral meetings, working meetings, public consultations, training, among others. There is a growing participation of universities and human rights legal clinics in these opportunities, which demonstrates the particular involvement of epistemic human rights communities in this system.

The involvement of civil society and epistemic communities in the Inter-American Human Rights System is much broader and more diverse than formal participation in concrete cases. The expected role of civil society in the Inter-American petitioning system is bringing strategic cases that challenge the limits of international human rights standards. In addition, civil society stands before the Inter-American System to provide long-term strategies, relevant information collected on the ground, and often relevant legal arguments. Thus, civil society has a critical role in increasing the very functionality of Inter-American bodies.

On the other hand, the understanding of 'civil society' does not always immediately resonate to all potential participants and users of the Inter-American system in the region. Individuals, informal groups, ancestral people (among others) may not identify themselves, visualize or even communicate as civil society. Such disconnection hinders a broader participation of civil society in the Inter-American Human Rights System, which can produce perverse consequences, as elitization and the absence of diversity of voices from the region. Increased transparency and visibility of civil society participation in the Inter-American Human Rights System could allow other potential participants to mirror groups or individuals with similar ideas, creating a source of incentives for others to access, take part and contribute to the system.

The description of the elements of social participation in the Inter-American System reveals its bottom-up character. Civil society organizations have historically guaranteed direct and independent access to the Inter-American bodies, taking part in numerous processes that define both routine actions and the very fate of the Inter-American Human Rights System. The participation of civil society and epistemic communities in the Inter-American Human Rights System has also developed in a strong opposition to States, from the authoritarian context to the democratic return. Nevertheless, there are obstacles to a more diversified social participation, even with the existence of a variety of channels of social participation.

4. Mercosur Institute of Public Policies for Human Rights: top-down social participation

The issue of social participation has been addressed and incorporated into various norms, bodies and instances in Mercosur, even before the creation of the IPPDH. Since the early 2000s, there has been an opening of the regional integration agenda to social and political affairs in addition to the purely economic and commercial topics that guided the rise of the regional bloc. In 2005, the "Somos Mercosul" Program was created to incorporate participatory demands, whose objective was to overcome social participation deficit in the regional bloc¹¹. In the following year, Mercosur Social Summits offered spaces for political debate on the directions of regional integration, as well as discussions and formulation of public policy proposals backed by questionnaires answered by civil society organizations.

Another important forum created to expand and strengthen the participatory dimension in Mercosur is the Social Participation Support Unit (UPS), created in 2010, and which years later became part of the Mercosur's Secretariat structure. Among its functions are supporting the organization of Mercosur Social Summits; managing the financing of social participation in Mercosur events and activities; maintaining a record of organizations and social movements of States-parties; receiving, analyzing and responding to requests for information submitted by representatives of organizations and social movements of States-parties; and coordinating actions, activities and plans to promote social participation and implement them after approval by the Common Market Group (GMC) (Mercosur, 2019).

In the wake of the expansion of social participation in Mercosur, the Mercosur Institute of Public Policies on Human Rights (IPPDH), created in 2009, proposed to carry out a 'participatory strategic planning' from 2015 on. Thus, the IPPDH decided to create the Social Participation Forum, understanding that social participation is a human right that contributes to the strengthening of democracies (Ippdh, 2015). The Social Participation Forum comprises two main participatory mechanisms: public consultations and dialogues. Public consultations consist of open biannual meetings convened by the IPPDH, in which all social movements and organizations with an interest in the theme

¹¹ "Somos Mercosul aimed at circumventing citizenship to the process of regional integration, by generating spaces for civil society and governments' debate, demands and participation in the decision-making processes of Mercosur. The initiative corresponded to creating a regional public sphere, as the result of the consolidation of regional democratic culture" (Silva & Martins, 2016).

can participate in person or virtually. On the other hand, dialogues consist of virtual meetings of information, dialogue, debate and reflection on topics related to human rights, follow up of public consultations and other relevant topics. These dialogues are conducted by the Executive Secretary of the IPPDH and other relevant actors, depending on the relevance of the topics addressed. Until now, a single virtual dialogue has been held, which has served as a follow up for the I Public Consultation¹².

Gráfico 02: Dynamics of Public Consultation Carried Out by the IPPGH (2015-2018)



Source: Authors' Elaboration based on the memories of Public Consultations available at the IPPDH's website.

Regarding public consultations, from 2015 to 2018, the IPPDH held seven public consultations, all with the support of UPS. From the analysis of the memories of these public consultations we draw the basic script of these activities. First, official Mercosur representatives present institutional perspectives on the subject in question. A dialogue is then opened with the representatives of civil society organisations. After questions, guiding questions are defined to guide the discussion within working groups. Following the dialogue in the working groups, the debate is returned in plenary, where the proposals of civil society organizations, referrals and final considerations are presented.

¹² The memory of this dialogue is available at: http://www.ippdh.mercosur.int/dialogo-ippdh_septiembre-2015/

The public consultations at the IPPDH focused on social participation; memory, truth, justice and reparation; human trafficking; education and culture in human rights; LGBTI people; children and adolescents and public policies for the elderly. While public consultations were held every six months until 2017; in 2018, only one was carried out, a fact that may indicate a gradual emptying of social participation within the organization. Probable reasons for this revolve around the lack of political will; insufficient funding; and even the lack of legitimacy and participatory effectiveness of civil society organizations.

From the analysis of public consultations at the IPPDH, it is worth mentioning the issue of transparency and visibility of social participation. Much information on social participation in the IPPDH is unavailable, especially with regard to the follow-up of proposals submitted by civil society organisations during public consultations. In other words, even though the proposals are accepted by the IPPDH during public consultations, social organizations remain unaware whether their participation has had any influence on decision-making bodies.

Despite these participatory weaknesses, it is important to emphasize the role played by civil society organizations, networks and epistemic communities in the development and strengthening of the IPPDH institutional structure. The public consultations held by the IPPDH in the analysed timeframe reveal a high rate of participation and engagement among civil society organizations, notably when issues discussed reverberated their actions at regional and national levels.

The description of the elements of social participation in the IPPDH reveals its top-down character, since in this institutionality, government representatives determine the rules of social participation and who can effectively take part in the mechanisms of social participation. Although the IPPDH does not have a specific standard establishing which non-state actors may or may not take part in its participatory mechanisms, the superior decision-making bodies (RAADH, GMC and CMC) portray very clear standards.

Although there has been a wide and important democratization in the IPPDH and Mercosur regarding the participation of non-state actors, the top-down character remains the main obstacle to effective and substantial participation. The decisions of the above mentioned Mercosur's decision-making bodies still restrict social participation to government authorities. Thus, even if more frequent and immediate social participation

in hierarchically inferior instances and bodies take place, the decision to accept or not resulting social demands emanated from participatory mechanisms remains in the decision-making sphere of government authorities (Gomide Junior, 2020).

5. Final Remarks: bottom-up v. top-down social participation in the Americas

Despite the opposing participatory dynamics, social participation in human-rights institutions in the Americas unify to one common factor: the relevance of civil society and epistemic communities to the development of their respective human rights institution in the region. The promotion of good practices on democratic governance by the UN system in the post-Cold War associated to the social agenda promoted by the "left-turn" since the 2000s in Latin America opened a window of political opportunity for civil society to gain access and space within international organizations. Such civil society organizations and epistemic communities were essential to give a boost and later consolidate new participatory dynamics in human rights regimes.

In the Americas, some NGO networks were essential to forge new participatory ventures, such as the Social Hemispheric Alliance, the Joint Table of National Associations and NGO Networks in Latin America and the Caribbean, and the Citizen Diplomacy Forum, the later network had as one of its main objectives the practice of lobbying to exert influence on the OAS agenda (Serbin, 2012). Regarding advances on human rights commitments in Mercosur, the Civil Society Forum coalition in the Americas produced in 2001 a report¹³ on the protection and promotion of human rights in Mercosur Member States, elaborating recommendations for a regional human rights agenda. Also noteworthy is the Mercosur Observatory for Public Policies on Human Rights, a coalition of twelve civil society organizations in the region, which spearheaded the participation of civil society at Mercosur in the 2000s (Hoffmann, 2015). These networks of NGOs and epistemic communities played a substantial role in regional political coordination to deepen human rights institutionality in the Southern Cone.

The analytical comparison between the two human rights regimes in the Americas shows that the Inter-American Human Rights System has a substantive social participation, in the sense that non-state actors take part in the institutional mechanisms of social participation and exert pressure beyond these spaces and channels. In the case

¹³ The draft report is available at: < <https://cepia.org.br/publicacao/subsidios-para-uma-agenda-de-direitos-humanos-no-mercosul/> >. Accessed: 14 Apr. 2020

of the Inter-American Human Rights System, the particularity of its institutional trajectory forged in close ties with civil society raised expectations for social participation in key activities of the system, such as monitoring human rights records and supervising compliance with recommendations and decisions. On the other hand, social participation at the IPPDH still seems restricted to formal institutional spaces, which presumes social participation limited to consultations in cooperation with governments on the formulation and implementation of regional human rights policies.

Data analysis is unsupportive to the general hypothesis raised by International Relations scholars in the early 2000s related to the expectancy of competition between the Inter-American Human Rights System and the deepening institutionalization on human rights matter at the Mercosur. On the contrary, the institutional records collected from the analysis of primary documentation reveal that there has always been constant exchange between the two human rights regimes in manifold mechanisms and dynamics, evidence that demonstrates a inter-institutional relation build upon mutual recognition and reaffirmation of the human rights values.

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