

**Mobilizing Regional Human Rights:
The Inter-American Human Rights System and Civil Society Activism in
Argentina**

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Thank you to Tom Pegram for organising the panel, and to Rachel Sieder for taking the time to read the papers.

My paper looks specifically at how the IAHRs has impacted on human rights mobilisation in Argentina – since the end of the 1970s, but with a focus on the recent decade or so in particular.

The bulk of the paper consists of several case studies of specific human rights NGOs in Argentina that offer, in my view, good illustrations of how, why, and to what effects, human rights groups use, or not, the Inter-American System.

More specifically, in this paper, but also more broadly, I am interested in: first, how the IAHRs influences the demands of groups and how it shapes activists' strategies and agendas; second, the conditions under which civil society actors decide to channel their activism through the mechanisms provided by the IAHRs and choose to frame their social and political demands in terms of regional human rights norms; and third, how the IAHRs impacts on the character of state-society relations.

In this short presentation I will not be able to go into any detail about the case studies, but I will try to do two main things:

First, I will identify, very briefly, the key changes and continuities in patterns of human rights mobilisation in Argentina, and in particular, highlight how Argentine human rights groups incorporate, or not, the IAHRs in their domestic political struggles. I will then draw out some concluding reflections on the

broader relevance of the Argentine case for thinking about human rights mobilisation and the IAHR; and ultimately the impact of the IAHR.

1. IAHR and Human Rights Mobilisation

Before I turn to Argentina, however, let me just point out a few key characteristics of the IAHR. First, the use of the IAHR by human rights organisations across Latin America, in particular, has increased dramatically in recent decades. Human rights groups use the IAHR in various ways: to expose systemic human rights violations; to negotiate with state institutions; to frame social and political debates on the basis of IAHR norms and jurisprudence; to promote the interests of vulnerable groups; to boost human rights litigation before domestic courts; and to engage in strategic supranational litigation.

There is, however, significant country variation across the region in terms of where petitions to the IACHR come from; with some countries overrepresented. Now, I think it is important to emphasise that patterns of recourse to the IACHR does not reflect levels of human rights violations in specific countries – rather patterns of human rights mobilisation.

In particular, the capacity of actors to mobilize the IAHR is highly unequal. More specifically, the factors that shape the capacity of civil society actors to mobilize the IAHR include the degree of professionalization of human rights groups; their capacity to frame their demands and advocacy in legal terms; and the degree of internationalization of their activism.

And, as I turn to Argentina now, these are precisely the factors that shape the capacity of actors to mobilize the IAHR and the likelihood of their success in achieving their objectives.

2. Patterns of Change and Continuity in Argentine Human Rights Mobilisation

In the paper I outline three key structural features of changing patterns of human rights mobilisation in Argentina. In summary form, they are:

First, Argentina's human rights groups have undergone significant organizational changes and are today in many cases highly professionalised outfits. Second, increasing professionalization of human rights activism tends to privilege groups and actors with legal expertise. Hence professionalization of activism is connected with trends toward the legalization, and

judicialisation, of human rights mobilization. Third, over time the international connections of Argentine human rights organizations have both deepened and become more extensive.

3. Argentine Human Rights Mobilisation and the IAHRs

Now, these gradual changes in patterns of civil society mobilization have altered the ways in which Argentine human rights groups interact with the IAHRs. In the paper I examine in detail three specific cases of human rights groups.

First, there is the case of **CELS (Centro de Estudios Legales y Sociales)**: CELS is the paradigmatic example of an Argentine human rights group that due to its legal and professional expertise in combination with its extensive international linkages is leveraging its domestic human rights mobilization through the use of the IAHRs. CELS is influential because it has on the one hand in-depth knowledge of the IAHRs, and over time it has developed extensive institutional and personal contacts with the IAHRs. CELS also have extensive connections with state institutions, both within the state bureaucracy and the executive branch.

This, however, raises concerns regarding privileged access to the IAHRs. It is clearly the case that among human rights groups both in Argentina, and across the region, there is an elite NGO sector that has the technical expertise and resources to access to the system. In the case of Argentina, there is a further concern that these human rights groups are mainly concentrated in Buenos Aires. This highlights the extent to which those groups that are not plugged into transnational human rights networks are disadvantaged.

This brings me to the second case: **CORREPI (la Coordinadora Contra la Represión Policial e Institucional)**. The case of CORREPI and its work on police violence in Argentina provides a particularly useful illustration of the limitations of the IAHRs. CORREPI initially brought the case of Walter Bulacio to the IAHRs, which has become a paradigmatic case of police violence in Argentina. The Inter-American Court issued its ruling on the case in 2003, after more than 6 years of deliberation by the Commission and the Court (Walter Bulacio died as a result of police mistreatment in detention in 1991). The Argentine state has still not fully complied with the ruling.

There are many aspects to the case, but the *Bulacio* case clearly illustrates the very real costs for organizations that seek to include the IAHRs in its advocacy strategies. Engaging in the process of litigation before the IAHRs involves very lengthy proceedings that imply a significant drain on already limited resources. The outcomes are also highly unpredictable and very often partial in terms of the IAHRs' judgements.

Moreover, the case also highlights some of the difficulties in engaging with the Argentine state in general, but in particular for those organizations with a radical political agenda that dictates the types of demands they confront the state with. For CORREPI, the state apparatus has not fundamentally changed following the transition to democracy in Argentina; a position that makes engagement and negotiations with the state difficult to pursue. From this perspective, CORREPI remains partial outsiders to the system as their use of judicial strategies is purely instrumental, as *militantes* need to use all available strategies provided by the state, and the international system, in order to overthrow it.

Finally, there are of course many human rights groups in Argentina, and elsewhere, that do not consider the IAHRs to be worth their efforts. Some groups, for example, work on human rights challenges that the IAHRs does not have the capacity and/or willingness to effectively engage with, including, for example, certain aspects of socio-economic rights (especially relating to resource allocation) and environmental rights.

But, more interestingly perhaps, there are also those organizations in Argentina that have the necessary resources and legal expertise to use the IAHRs, that are not disconnected from the system, but that consider the IAHRs not to be an appropriate mechanism for their objectives. Instead, these groups maintain that the general situation in Argentina has improved from the days of the military regime and that there are resources available domestically to pursue their rights advocacy. In addition, these organizations, while justifying their domestic advocacy strategies through arguments grounded in theories of deliberative democracy, emphasise the importance of developing robust domestic institutions to safeguard human rights in Argentina. In the paper I discuss the case of the *Asociación por los Derechos Civiles* (Association for Civil Rights, ADC).

4. Human Rights Mobilisation and the IAHRs

So, a focus on these Argentine cases offers, first, interesting insights into the ways in which patterns of human rights mobilisation change alongside broader political shifts, and particularly how human rights mobilization, and human rights politics more broadly, is primarily driven by other factors than 'simply' the severity and pervasiveness of human rights violations. Second, the case of Argentine human rights activism is also interesting in terms of what it tells us about broader theoretical debates in the literature on legal mobilization on the one hand, and the domestic impact of international human rights law on the other.

Two points in this regard, to conclude:

First, Argentine human rights organizations have developed differential links with the IAHRs partly as a consequence of domestic changes but also partly in response to the development of regional mechanisms of rights protection. The IAHRs privileges certain civil society actors with resources, expertise, and international connections, while other groups find it more difficult to gain access to the IAHRs. While some groups actively and repeatedly draw on the resources and opportunities provided by the system, other organizations are operating on the 'outside' of the transnational political space created by the IAHRs.

Clearly, the Argentine case study affirms what legal mobilization scholars tend to highlight: that the capacity of actors to mobilize the law is highly unequal.

Second, in terms of concrete impact, the IAHRs does not only monitor the Argentine state's human rights behaviour, but it also forms part of negotiation strategies of civil society organizations with the state. The IAHRs enables dialogue on human rights matters with governments, thereby altering the dynamics of the political process with regards to the formulation, implementation and development of public policies. The extensive experience of Argentine groups in using the IAHRs means that Argentine litigants are today among the best prepared in terms of having acquired an understanding of how the system actually works in practice. Overall therefore, significant processes of social learning in terms of engagement with the IAHRs have developed over time. This also means that there is a generalized and widespread set of attitudes in Argentina that if justice, however conceived, is not secured domestically, the IAHRs constitutes a realistic option to pursue for many groups.

However, although human rights activism is important, in the final analysis rights remain enshrined in and guaranteed by state institutions. The IAHRs expands the political opportunity structures in that the system provides additional points of access through which activists can influence state policies. Yet, for human rights activists, engaging with state actors and institutions, raises questions regarding strategy and highlight concerns relating to what constitutes a legitimate relationship for the human rights movement and particular groups with the state.

The Argentine case reflects in these ways the changing character of how the IAHRs affects human rights implementation. The Inter-American system has gone from being primarily concerned with 'naming and shaming' repressive military regimes in the region, to engaging democratic regimes through a (quasi)judicial process. This assumes at least partially responsive state institutions. This perspective on the impact of the IAHRs – how it 'matters' – demonstrates therefore that implementation and effectiveness of human rights is intimately tied up with democratic politics more broadly. This forces human rights scholars to think more creatively and critically about democratic politics than most have, arguably, been inclined to do.

Thank you.