Finding the Right Forum: Non-State Actor Engagement in International Organizations

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Abstract

How does institutional design affect non-state actors' preference for regional and global organizations? While existing research highlights the importance of international organizations' activity, it often treats civil society actors as exogenous and their involvement as given. In contrast, our approach considers these actors as strategic decision-makers, choosing where to engage based on the costs and benefits associated with each IO's institutional design. Focusing on the human rights regime, where non-state actors can submit complaints to multiple fora (but not simultaneously), we compare the Inter-American System of Human Rights and the UN human rights treaty system using novel individual petition data. Our findings show that when actors have the ability to receive a legally binding decision, petitions increase in such organizations and decrease in alternative ones. In the absence of Court jurisdiction, UN bodies become a more attractive organization for individual petitioners given the decreased time until a decision.

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1 Introduction

On July 28, 2016, former Brazilian president Luiz Inácio Lula da Silva filed an international, legal complaint against the Brazilian government in the United Nations.[1] He alleged the lack of a fair trial, imprisonment without a final judgment, and illegal prohibition of running for presidential elections. On March 17, 2022, the United Nations Human Rights Committee (UNHRC), a treaty monitoring body, agreed with Lula and found the Brazilian government in violation of the International Covenant on Civil and Political Rights. The Committee's violation decision was not legally binding, unlike rulings from domestic and regional courts, but nonetheless attracted global media attention.[2] Months later, in May 2022, Lula announced he would run for a third term in October 2022 against incumbent Jair Bolsonaro. Why did Lula opt to submit his complaint to the UN? Lula, like any other individual in the Western Hemisphere, could have submitted a complaint to the Inter-American Commission on Human Rights (IACmHR).

We argue that international organizations provide different benefits given their institutional designs, creating options for individuals and civil society actors. Two main factors influence these decisions: (1) the legality of the organizations' decisions and (2) timing. The Inter-American Commission has jurisdiction over situations of human rights violations within the region and possesses the capacity to refer a case to the Inter-American Court. A decision from the Inter-American Court, unlike rulings from the UN Human Rights Committee, is binding. The Commission, however, refers only a small fraction of submitted cases to the Court, so most petitions do not receive legally binding decisions. UN treaty bodies, on the other hand, publish merits reports with non-binding recommendations, without an option for legally binding decisions. Moreover, these institutions differ in the time they take to make a decision. When deciding where to petition in 2016, Lula was cognizant of the time,

[1] Human Rights Committee Communication No. 2841/2016.

[2] The decision was covered in a rare UN press release, by other UN media divisions, and by media around the world, including Chile's El Mercurio, Germany's DW, Reuters, and Al-Jazeera.

eyeing the 2022 presidential election. With a 7-year average that takes the Inter-American Commission on Human Rights to first decide on the admissibility of a case– before potential consideration of the merits– he almost surely would not have received a decision from the regional institution before the election. The United Nations system, however, has a shorter turn-around time, with approximately 4 years before a final decision, allowing Lula to expect a decision before the Brazilian presidential elections.

We test our theory of strategic forum-shopping derived from institutional designs in the international human rights regime. We use novel data on individual petitions (complaints) to the Inter-American Commission on Human Rights and the UN Human Rights Committee, the most prominent and active treaty body that oversees the International Covenant on Civil and Political Rights. Analyzing a set of negative binomial and Difference-in-Differences regressions, we show that binding decisions increase non-state actors' participation in IOs, given the potential of such rulings to affect states' behavior (Pavone and Stiansen 2022) and to contribute to international legal integration (Gonzalez-Ocantos and Sandholtz 2021). Further, we show these results hold across a variety of rights: physical integrity, civil and political, and minority rights. Finally, we exploit two countries'– Jamaica and Trinidad & Tobago– decision to denounce the ICCPR Optional Protocol, removing the Human Rights Committee's ability to receive petitions. We find further within-country evidence of forum shopping.

This paper makes three contributions. First, it complements the growing scholarship on compliance with international human rights law by focusing on a previous stage: when and where non-state actors participate. This literature treats participation as exogenous, ignoring strategic selection into which institutions receive complaints given multiple options. Second, we expand the current focus on economic institutions by scholarship on complexity and overlapping institutions (Clark 2022; Alter and Raustiala 2018; Gomez-Mera and Molinari 2014; Murphy and Kellow 2013; Naoi 2009; Alter and Meunier 2009) by leveraging original, fine-grained data on human rights institutions. Third, the analysis of non-state actors' decision-

making aids our understanding of norm diffusion dynamics and the resilience of international organizations. This participation is essential in times when international organizations face backlash. Civil society interactions with international human rights institutions are a key element of their resilience when they are attacked by national governments (Gonzalez-Ocantos and Sandholtz 2022). These actors are also part of the transnational network of activists that work to ensure that norms are accepted and complied with around the world (Sandholtz 2008; Finnemore and Sikkink 1998).

2 Non-State Actors in International Organizations

Why do non-state actors choose an international organization over another to participate in? Overlapping institutions have become increasingly common and provide choices for where and how actors participate across issue areas. In the international human rights regime, both individuals and non-governmental organizations (NGOs) have been active in the creation, expansion, and support of the regime (Helfer 1999), while at the same time engaging strategically with it (Clark 2001; Risse and Sikkink 1999; Keck and Sikkink 1998).

Traditionally, arguments about the role of international law have focused on states as the main principals of international institutions (Berge and Stiansen 2023). In fact, much of the literature on forum shopping focuses on how states navigate the proliferation of international regimes creating regime complexity in which governments have multiple options. In trade, governments can choose between dispute settlement in preferential trade agreements and the World Trade Organization (Davis 2009; Busch 2007). In finance, regional financing agreements as an outside option influences IMF conditional negotiations (Clark 2022). Yet, non-state actors have become increasingly important clients of international regimes. Brutger (2023) shows that private firms play a prior role in litigation at the World Trade Organization by providing information about potential cases. In human rights, non-state actors are center stage: civil society organizations and individuals can file complaints against states at international tribunals and can demand reparations for states' breaches of

international law. Many, but not all, have options in where to file these complaints given the proliferation of human rights treaties, both globally in the United Nations and in regional organizations.

Existing arguments about how non-state actors interact with IOs and states at the international level in the area of human rights have made important contributions to our understanding of this complex phenomenon. However, these arguments have largely assumed that all IOs are valued similarly by non-state actors or have similar benefits and costs of participation. This assumption is problematic because it is clear that not all IOs are created equal. Institutions have different designs, features, benefits, and audiences, offering different opportunities for non-state actors to achieve their goals. As a result, it is not always clear why non-state actors choose to engage with one specific IO over another. This is especially true when non-state actors cannot or are unable to participate in all human rights IOs, as is the case with filing individual complaints. In these cases, non-state actors must make strategic decisions about which IO to engage with based on their specific needs and goals.

Some scholars argue that individuals and CSOs have a natural preference for regional organizations (Conant 2016; Heffernan 1997). Factors that might influence this preference include cultural similarity and normative or geographic proximity. However, this assumption ignores other important factors that may influence non-state actors' choices, such as the costs of entry and the heterogeneity of benefits across IOs. Empirically, we observe that non-state actors have engaged with both regional and global institutions. This suggests that cultural similarity and normative proximity are not the only factors that influence non-state actors' choices. Indeed, the heterogeneity of benefits across IOs may also play a role. We know that non-state actors, including those in the human rights area, are strategic and choose among different strategies to advance their goals (Stroup and Murdie 2012). Activists' strategies might range from confrontation and conflict to cooperation and friendliness (Busby 2007). They can also use information strategically, draw upon powerful symbols, partner with more powerful as well as local actors for leverage, and hold governments accountable to their public

commitments (Murdie and Peksen 2013; Keck and Sikkink 1998). Therefore, we contend these actors also strategically participate in international organizations.

Studies of non-state actor participation in international organizations in the human rights realm have largely focused on normative questions about the desirability of such participation, rather than on empirical questions about how non-state actors actually participate in these organizations (Nasiritousi, Hjerpe and Bäckstrand 2016). This focus on normative questions is evident in the work of Agné, Dellmuth and Tallberg (2015), who argue that stakeholder involvement is unproductive for democratic legitimacy in IOs. Empirical studies of non-state actor participation have tended to focus on business lobbying, rather than on the participation of activists (Dür, Bernhagen and Marshall 2015). For example, Berman (2021) have studied how increased participation by non-state actors increases the risk that rule-making becomes captured by the interests of narrow groups. In this paper, we focus on the factors that influence non-state actor participation in international organizations, rather than on the desirability of such participation or its effects on IOs.

3 Finding the Right Forum: Obligatory Rules and Timely Decisions

We begin with the assumption that non-state actors are rational and make decisions in their best interest. We argue that choosing an international organization is a strategic decision based on the actor's assessment of the costs and benefits of each option. Institutional design features determine these heterogeneous costs and benefits. While presenting a broader theory of institutional design features, we focus on the human rights regime where multiple organizations overlap in their mission and rights that are being promoted and protected (von Staden and Ullmann 2022; Haglund and Hillebrecht 2020). First, institutions differ in the level of obligation of their decisions. International courts, including regional human rights courts, can produce binding decisions for countries that have accepted their jurisdiction. Binding decisions have broader benefits beyond increased compliance, such as establishing

jurisprudence and influencing neighboring regions. On the other hand, most United Nations organizations are unable to produce binding decisions. UN human rights treaty bodies act as "soft courts" since their decisions are non-binding (Çalı, Costello and Cunningham 2020). Treaty bodies, when deciding on a specific case, provide *recommendations*, that are legally distinct from binding decisions (Abbott et al. 2000).

Binding international law is used strategically in domestic politics to advance rights agendas (Simmons 2009). Advocates seek reform of domestic institutions or legal frameworks to produce a structural change in how rights are observed. This approach, however, assumes similar preferences over the outcome of domestic change. Nonetheless, non-state actors might differ in whether they seek structural change over individual remedies. For example, NGOs are more interested in the structural impact of international law and organizations than individuals (Clark 2001), who are usually interested in specific, more personal, remedies. Potential claimants are restricted by the resources they are able to display when they file a petition. This, in turn, determines whether they can participate in these institutions or not (Conant 2016).

Legal obligations might be easier or more difficult to enforce (Naurin and Stiansen 2019), but not complying with them negatively affects the reputation of countries (Alter 2014; Hathaway and Shapiro 2011). Rulings from international courts provide a focal point from which civil society actors mobilize domestically to pressure the government to comply with the adjudication (Cavallaro and Brewer 2008; Montal and Pauselli 2023; Staton 2006) and to be used by actors within the legislature of the executive to promote political goals resisted by other domestic actors (Hillebrecht 2012; Huneeus 2011). Non-state actors can leverage states' preferences to avoid non-compliance to advance their preferred goals. A state official who has been representing his country in international litigation stated, in reference to the Inter-American Human Rights system, that:

> "In general, regarding all civil society organizations that litigate in the system in terms of strategic litigation, is a good way to open the door of dialogue with the State on a certain point that interests them, in terms of their work agenda

carried out by this organization" (Interview #1, November 23, 2021).

Obligatory decisions by international courts can significantly contribute to the realization of civil society groups' aspirations to promote human rights diffusion. When an international court issues a binding decision, its obligatory nature is confined to the specific case under consideration. Nevertheless, regional courts have been instrumental in crafting a "regional jurisprudence" that is subsequently invoked and employed in diverse cases. This established legal precedent prompts nations to preemptively adopt policies aligning with the court's decisions. Furthermore, NGOs leverage this body of cases to propel their advocacy endeavors within their respective jurisdictions (Simmons 2009). In the case of the Inter-American Human Rights system, "it is highly likely that human rights non-governmental organizations, including prominently the Center for Justice and International Law—an influential regional entity in the Americas— play a key role in finding and diffusing external case law at various levels." (Gonzalez-Ocantos and Sandholtz 2021, 1596).

Keeping everything else constant, binding decisions are more desirable for non-state actors who want to advance certain agendas domestically. However, when filing a complaint in an international institution, the outcome of the case is uncertain. Courts may find the state responsible or not, and submissions may be deemed inadmissible or result in a non-binding decision due to the nature of the international regime. This uncertainty diminishes the returns of participating in an institution that produces binding decisions.

The second element where international institutions differ is in the time it takes them to make a decision. Human rights institutions generally suffer from a backlog of cases due to severe resource constraints. Regional systems in particular are known to have a backlog of cases that discourage claimants that are seeking a quick response from an international tribunal (Heffernan 1997). Different procedures and follow-ups may contribute to a lengthy process. For example, it takes the Inter-American Commission on Human Rights approximately seven years to reach an initial decision on admissibility and ten more years to decide on the merits. Similarly, the European Court of Human Rights has a severe backlog, receiving over 50,000

complaints every year. The European Court states they aim to deal with cases within three years;[3] there is limited accessible data on the timing, but it is known to take significantly longer. The *Conscientious Objector's Guide to the International Human Rights System* states: "Even the first stage – the decision on admissibility – can take well over one year, and a decision on the merits of a case will take considerably longer. Even though the Court aims to decide on important cases within three years, it is highly likely that it will take five years or more."[4] On the other hand, the global United Nations human rights treaty system operates more swiftly, typically taking around four years to reach a final decision in the Human Rights Committee. The UN admits its backlog is not ideal, but given the magnitude of difference in submissions in the UN and the Inter-American System, the regional institution suffers from a significantly longer wait.

To test our argument, we compare two institutions in the international human rights regime that allow forum shopping: one regional institution– the Inter-American Human Rights System (IAHRS)– and one global institution– the United Nations Human Rights Committee, the most prominent and active monitoring body in the United Nations system. These two systems both oversee civil and political rights and have similar requirements for individuals to petition (noting the Inter-American System can receive a broader range of rights than the UNHRC). However, they differ in two key ways: (1) the IAHRS can produce binding decisions while the UNHRC cannot, and (2) the IAHRS' decision-making process is more lengthy than the UNHRC's. These differences, however, do not apply equally to all countries in the Western Hemisphere at all times: some countries have recognized the Inter-American Court's jurisdiction while others have not, and some countries have ratified the ICCPR-Optional Protocol that allows individuals to submit complaints to the UNHRC while others have not. We exploit this cross-sectional and cross-time variance. In the following subsections, we explain both systems and highlight their differences.

[3]The European Court of Human Rights: The ECHR in 50 Questions.

[4]A Conscientious Objector's Guide to the International Human Rights System: European Court of Human Rights

3.1 The Inter-American Human Rights System

The Organization of American States (OAS) allows individuals and non-governmental organizations to file petitions to the Inter-American Commission alleging violations against any of the 35 member states.[5] The Commission has jurisdiction to oversee compliance with 11 regional human rights treaties.[6] In the past ten years, the Commission received an average of 2,425 petitions per year.[7] Under the Inter-American System umbrella, yet distinct from the Commission, sits the Inter-American Court of Human Rights (IACtHR or "the Court"). Only some members of the OAS recognize the Court's jurisdiction, to which the Commission can refer cases, providing the possibility–but not guarantee– of a legally binding decision.

Figure 1 depicts the process of petitions within the Inter-American Human Rights System. First, the Commission evaluates whether it has jurisdiction over the case and if the petition fulfills admissibility requirements. After an admissibility decision, the case moves to the merits stage where the Commission decides (1) whether the state breached its international human rights obligations and, if so, (2) appropriate remedies. The Commission can find the state violated applicable human rights standards. At this point in this process, the parties can decide to negotiate a friendly settlement agreement (Parente 2022). After publishing a confidential report, if the case is not settled, and if the state has accepted the Court's jurisdiction, the Commission may then refer the case to the Court. If a case reaches the Court, judges decide on whether the state is legally responsible for violating human rights and, if so, make legally binding judgments on what the state should do. More importantly,

[5]Art. 27, Rules of procedure of the IACmHR. OAS members might be a party to different human rights treaties and limit the instruments the IACmHR can apply to each situation.

[6]These regional treaties are the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture, the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of El Salvador) and its Additional Protocol, American Convention on Human Rights to Abolish the Death Penalty, Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem do Pará), Inter-American Convention on Forced Disappearance of Persons, Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities, Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance, and the Inter-American Convention on Protecting the Human Rights of Older Persons.

[7]Data publicly provided by the Inter-American Commission on Human Rights. Available here and here.

the IACtHR also behaves like a domestic constitutional court. It has declared its decisions not only to be binding *res judicata* for the state involved in a case but also for other states in the form of *res interpretata* (Chehtman 2020). That is, the IACtHR has declared that all domestic laws that are contrary to its own interpretation of the Inter-American Convention of Human Rights are void. This is known as the conventionality control doctrine. As a result of this practice, actors within the System might not be concerned with direct compliance with remedies if they are thinking about a wider impact of the Court's rulings in which domestic courts are the fundamental agents of change (Lixinski 2019).

The Karen Atala case highlights important dynamics in the Inter-American Human Rights System. Following separation from her husband in 2001, an initial agreement granted Atala custody of their children. However, when she revealed her lesbian identity in 2002, the ex-husband contested custody, leading the Supreme Court of Chile to grant him custody, expressing concerns about the impact of Atala's relationship on the children. After exhausting domestic remedies, Atala filed a petition in the Inter-American System in November 2004. Admitted in July 2008, the case reached the Court in 2012, which ruled that Atala had faced discrimination incompatible with the American Convention. This legally binding decision not only addressed Atala's situation but also highlighted the relevance of binding decisions by international courts, as it influenced the Mexican Supreme Court's overturning of a local law prohibiting same-sex marriage (Feder 2012), showcasing the regional impact of IACtHR's rulings.

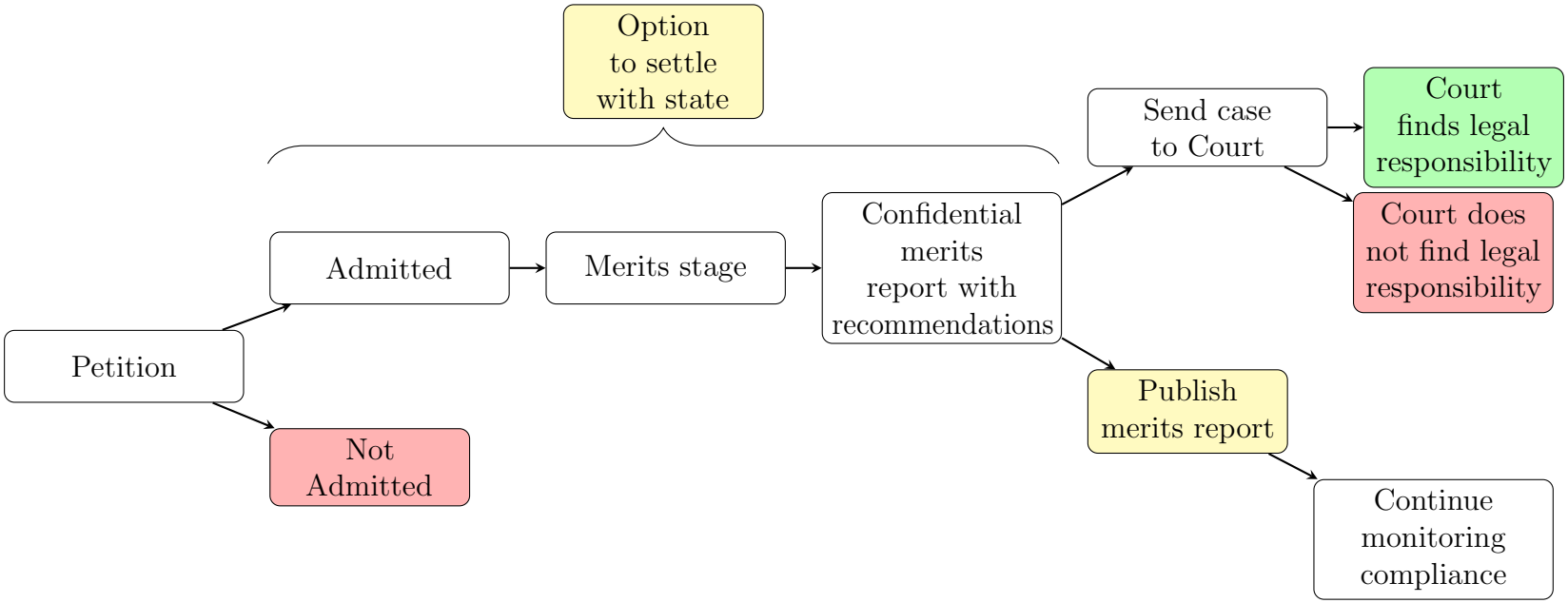


Figure 1: Flow chart of petitions in the Inter-American Human Rights System

3.2 The United Nations Treaty Body System

The United Nations human rights treaty system provides individual access similar to regional bodies, but the process is quite different. In this paper, we focus on the Human Rights Committee, the focal point of this treaty system which is tasked with monitoring the International Covenant on Civil and Political Rights (ICCPR). Each treaty has its own mechanism (either by ratifying an Optional Protocol or making a separate declaration), in which a country accepts the monitoring bodies' jurisdiction to hear complaints from victims alleging violations of treaty provisions. For the ICCPR, countries ratify its first Optional Protocol to allow complaints. Twenty-two countries are both members of the Organization of the American States and have ratified the ICCPR-OP, allowing actors to choose which forum to submit a complaint.

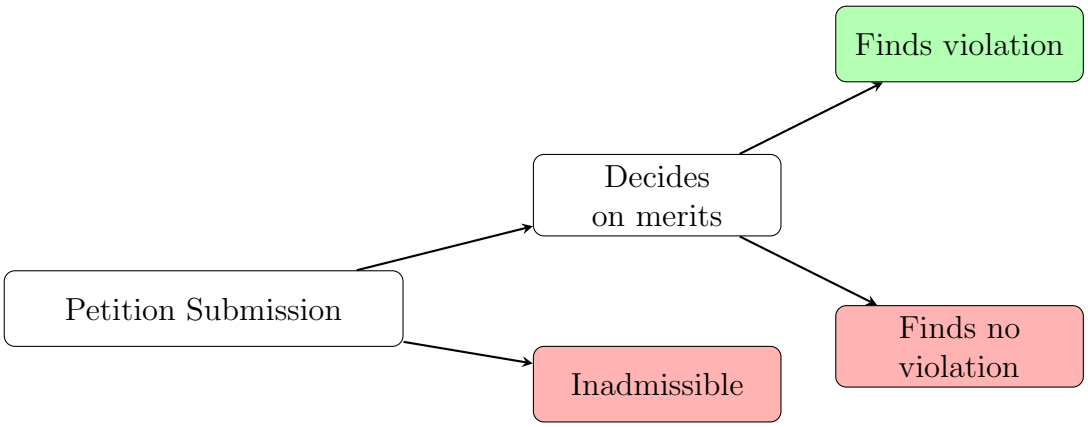


Figure 2: Flow chart of petitions in the UN human rights treaty system

Figure 2 shows the process for submitting a complaint in the United Nations treaty system. After receiving a submission, the Committee will first decide if the petition is admissible, achieving certain standards including *ratione temporis* (alleged violation occurred after a country formally allowed individual petitions), exhaustion of domestic remedies, and sufficient substantiation of claims. If deemed admissible, the Committee will then decide on the merits of the case, determining whether there was a violation of treaty articles. To save time, the committee largely decides on these two stages together and releases one of three

views: inadmissible, no violation, or violation.[8] None of these decisions are legally binding, and the Committee lacks enforcement power, although it does ask to receive additional follow-up information. The figure displays the core stages of this process in terms of Committee activity, which in practice is more complicated, such as allowing State parties to respond to allegations.[9] This process is much simpler than the analogous process in the Inter-American System.

Our theory posits that non-state actors maximize their benefits by interacting with international organizations that have more legitimate authority (i.e., produce binding decisions) and take less time to make decisions. If a state recognizes the jurisdiction of the Inter-American Court of Human Rights, this should increase the benefits of participating in the court's regime to non-state actors. At the same time, it should diminish the benefits of participating in alternative regimes that do not produce binding decisions. Additionally, recognizing the authority of another regime and thus providing options should reduce petitions to any one institution. We derive the following hypotheses:

Hypothesis 1 *Recognition of the Inter-American Court's jurisdiction increases petitions to the Inter-American Human Rights System.*

Hypothesis 2 *Recognition of the Inter-American Court's jurisdiction decreases petitions to the Human Rights Committee.*

Hypothesis 3 *Ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights decreases petitions to the Inter-American Human Rights System.*

4 Research Design

To test our hypotheses, we use original data on cases filed to the Inter-American Human Rights System (IAHRS) and the Human Rights Committee (HRC). Our data contains information about the date the petition was filed, the nature of the alleged violation(s), the

[8] A fourth outcome is also possible: discontinuance. This is the least common outcome. This occurs if the Committee no longer has communication to the petitioner, or if the situation has been sufficiently remedied.

[9] "Individual Complaint Procedures under the United Nations Human Rights Treaties" Fact Sheet displays the more detailed case processing flow chart, which includes registration of the communication and state party's observations on the merits. This flow chart is available here.

country responsible for the alleged rights violations as well as whether the IAHRS and the HRC have jurisdiction over each country. We narrowed down topics in the IAHRS to be compatible with cases that can be submitted to the HRC (cases on civil and political rights).

4.1 Data

Our data contain cases from both systems against any country member of the Organization of American States (OAS). We exploit the differences in the time it takes for a case to be processed within each system plus variation in the ratification of the First Optional Protocol of the ICCPR as well as the Inter-American Court's jurisdiction. Figures 3 and 4 show variation over time in the ratification of the American Convention on Human Rights and the Human Rights Committee as well as recognition of the Inter-American Court on Human Rights jurisdiction.

Individuals and civil society actors in some countries in the Americas can choose between filing a petition– that is, forum shop– in the IAHRS or the HRC; 22 countries have jointly allowed petitions to both institutions. This might raise concerns about duplicate courses in both systems (Tardu 1976); however, the same case cannot be pending before another international body. The Inter-American Commission on Human Rights states:

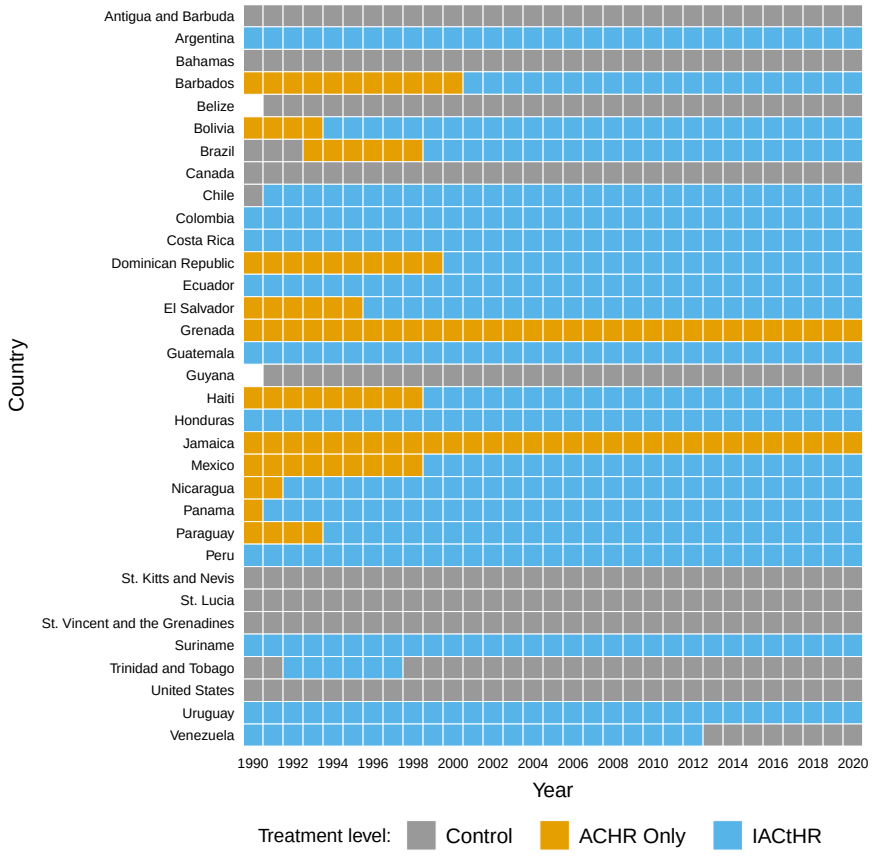
> "For communications and petitions to be admissible, there are requirements, which are established by Article 46 of the American Charter on Human Rights: they must not be anonymous; **the subject of the petition or communication must not be pending before another international body**; domestic legal remedies must have been pursued and exhausted; and the petition or communication must be lodged within six months of the date the final judgment from the local remedy has been pronounced."

The Human Rights Committee has a similar restriction, detailed in the ICCPR Optional Protocol:

> "The Committee shall not consider any communication from an individual unless it has ascertained that: The same matter is not being examined under another procedure of international investigation or settlement."

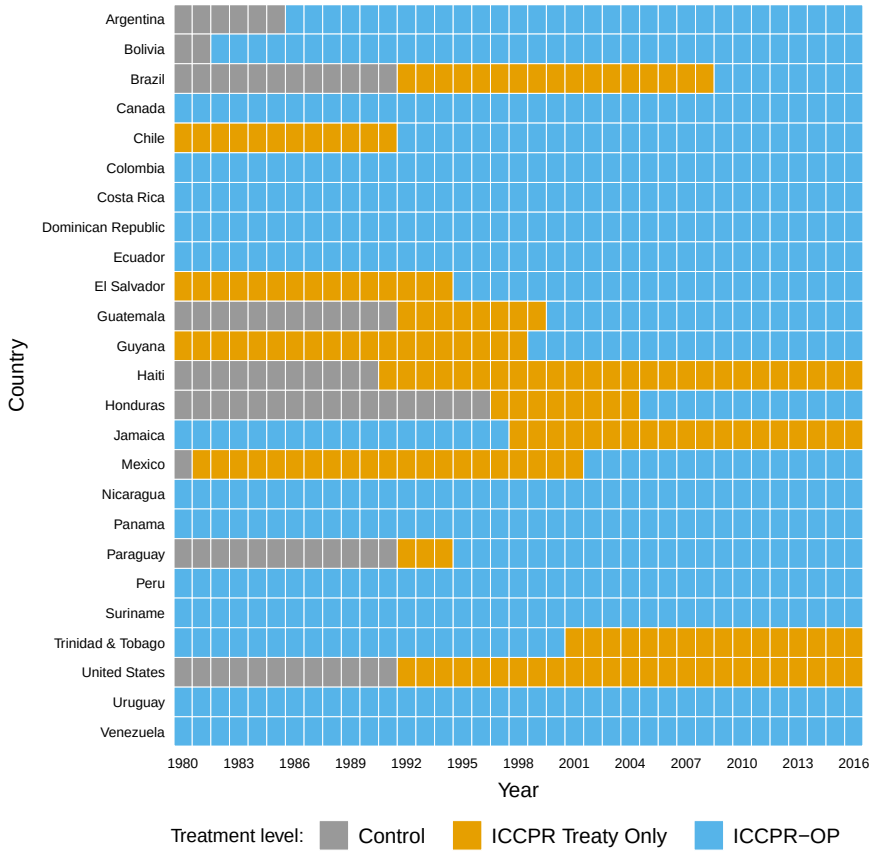
While cases cannot be under consideration in another forum at the same time, actors can and do bring cases to another institution after an unsuccessful first attempt. It is not uncommon

Figure 3: Members of the Organization of American States & the Inter-American Human Rights System over Time



Treatment levels: (1) Control countries have not ratified the ACHR
(2) Countries have ratified the ACHR but not do accept the Court's jurisdiction
(3) Countries that have ratified the ACHR and accept the Court's jurisdiction.

Figure 4: Members of the Organization of American States and the Human Rights Committee over Time



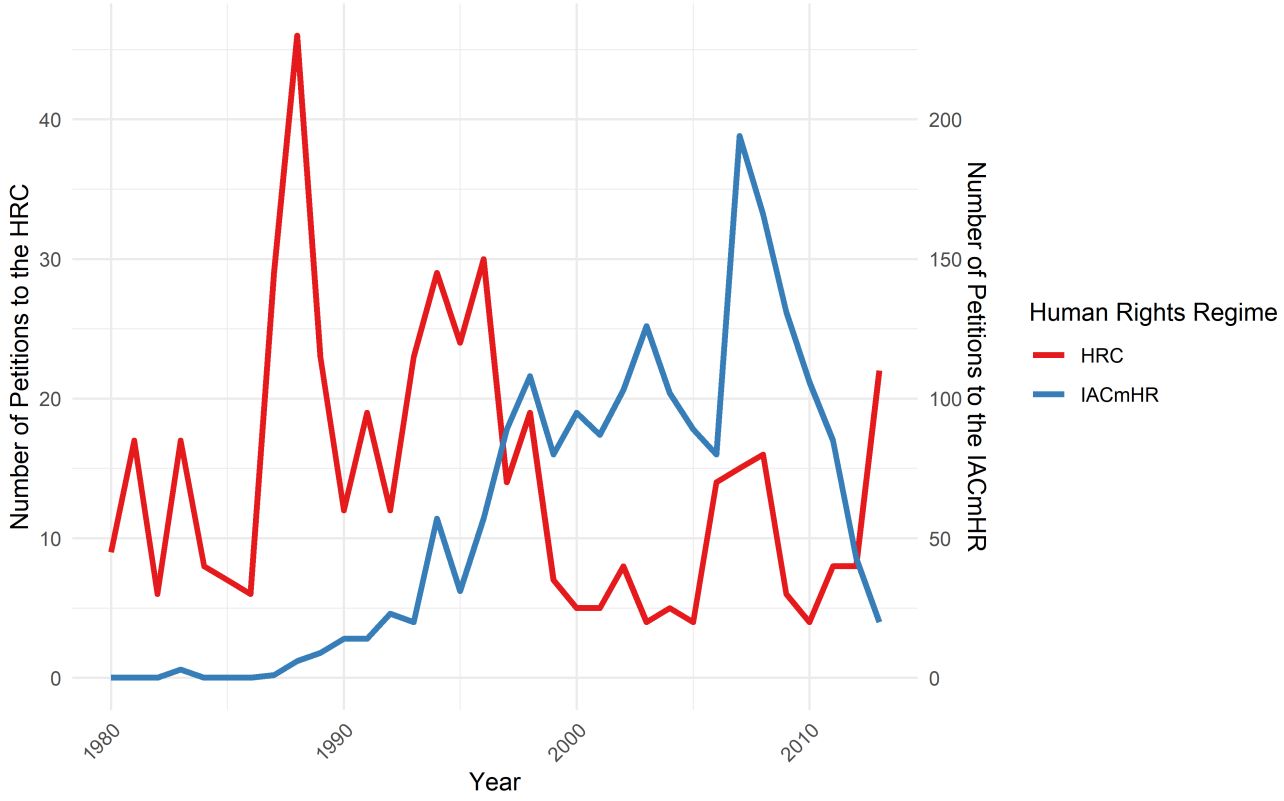
Treatment levels: (1) Control countries have not ratified the ICCPR Treaty
(2) Countries have ratified the ICCPR but not its Optional Protocol
(3) Countries have ratified the ICCPR-OP

for individuals to file cases in the Human Rights Committee after receiving an inadmissible ruling from either the Inter-American Commission or the European Court of Human Rights. This suggests that some non-state actors do see the Inter-American Commission and the Human Rights Committee as serving similar purposes.

In fact, numerous actors have filed petitions in both the Human Rights Committee and the Inter-American Commission. Ten actors match in our two datasets: Carolina Loayza Tamayo, Graciela Rodríguez Manzo, Björn Arp, Alberto León Gómez Zuluaga, Carlos Varela Alvarez, Saul Lehrfreund, Lorne Waldman, and the NGOs Comisión Colombiana de Juristas, Comisión Ecuménica de Derechos Humanos, and Asociación Pro Derechos Humanos. These ten actors submitted 150 petitions in total: 37 to the United Nations' Human Rights Committee and 113 to the Inter-American System. These actors were not victims themselves but rather represented a variety of victims filing complaints against eleven countries: Argentina, Bolivia, Canada, Colombia, Ecuador, Jamaica, Mexico, Peru, St. Vincent & the Grenadines, Trinidad & Tobago, and Uruguay. For example, Saul Lehrfreund is a lawyer with the London-based law firm Simons, Muirhead, and Burton who filed one complaint against Jamaica in the Inter-American Commission in December of 1997 and 18 complaints in the Human Rights Committee from December 1993 to December 1998 (12 vs Jamaica, 4 vs Trinidad & Tobago, 2 vs St. Vincent & the Grenadines).

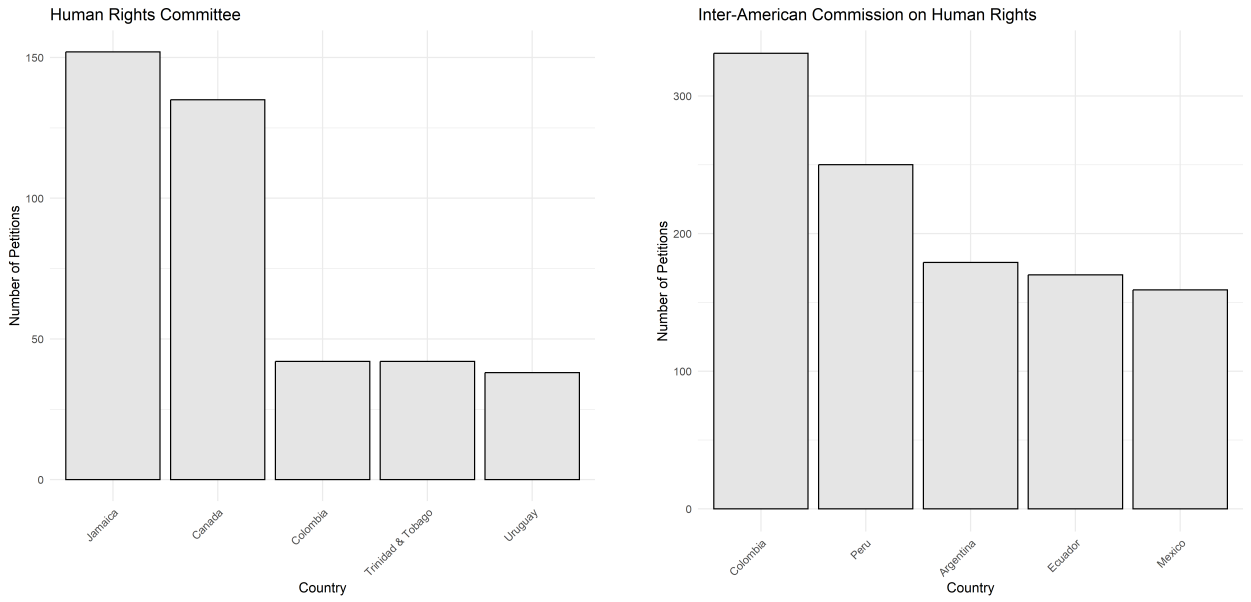
We test the empirical implications of our theory in multiple ways. Here, we aggregate the data at the country-year level to analyze the patterns of non-state actor submission. It is important to remember the process generating the dependent variable for a given country-year must begin with a non-state actor. Therefore, we are analyzing the outcomes of this non-state actor's participation in international organizations across states and time. First, we analyze the number of petitions filed against a given OAS member country in a given year in each system using regression analysis. Second, we shift to a difference-in-differences approach to help address selection concerns. Next, we explore heterogeneity in the types of petitions and analyze different types of rights under contestation. Finally, we exploit unique

Figure 5: Number of Petitions to the Inter-American Commission on Human Rights (IACmHR) and the Human Rights Committee (HRC) over Time



within-country, over-time variation when two countries- Jamaica and Trinidad & Tobago denounced the ICCPR-OP, removing the ability of its people to file petitions to the Human Rights Committee.

Figure 5 shows the evolution in the number of petitions submitted to both human rights regimes. It is striking that the evolution of HRC petitions complements the number of petitions the IACmHR submitted between 1980 and 2013. There is also a significant difference in which countries received the highest number of petitions in each system (see Figures 6a and 6b). While three out of the top five countries filed against in the Human Rights Committee are countries that have not recognized the jurisdiction of the Inter-American Court of Human Rights (where both fora can only produce non-binding decisions), all top five countries with the highest number of petitions in the Inter-American Human Rights System have recognized



(a) Petitions to the HRC.

(b) Petitions to the IACmHR.

Figure 6: Top 5 Countries with the Highest Number of Petitions in the Human Rights Committee (HRC) and the Inter-American Commission on Human Rights (IACmHR).

the jurisdiction of the regional court. Our descriptive data suggests that non-state actors strategically select which international organization to participate in.

5 Results

First, we analyze the number of petitions filed against a given OAS member country in a given year in each system. Given the dependent variable is a count, we opt for negative binomial regression.[10] With a country-year unit of analysis, all models cluster standard errors at the country and year level. The key explanatory variables are acceptance of the Court's jurisdiction and ICCPR-OP ratification. We control for general respect for physical integrity rights (Fariss 2014), logged country population and logged GDP (World Bank 2015), judicial constraints (Pemstein et al. 2021; Coppedge et al. 2021), and lagged dependent variables. We include a lagged DV because of learning: previous petitions filed are likely to influence and encourage future petitions.[11]

[10]We use a negative binomial regression rather than a Poisson because of overdispersion.

[11]We run present results of OLS and Poisson regressions in the Appendix. Additionally, we substitute additional measures of human rights as a control variable.

Table 1 shows the results of the quantitative analysis. As expected, the results suggest that recognition of IACtHR jurisdiction *increases* the number of cases in the IAHRS and *decreases* the number of petitions to the Human Rights Committee. However, ratification of the ICCPR-OP does *not* seem to affect the number of cases filed in the IAHRS. If anything, they predict an increase in the number of petitions in the Inter-American system. This could be due to selection problems because relatively few states allow petitions in the Human Rights Committee, which will be explored in the next subsection. Alternatively, given the popularity of regional institutions, in part due to cultural and geographic proximity, and their large number of submissions, another forum with no great comparative benefit, other than quicker return time, might not move the needle much. These results seem to provide preliminary evidence in favor of H1 and H2 but fail to support H3.

While the lagged dependent variables perform as expected (previous petitions significantly increase the likelihood of future petitions), the control variables present interesting results. Respect for physical integrity rights is negatively associated with the number of petitions filled in both systems. However, this relationship is only significant at conventional levels before introducing controls for population and economic activity. The presence of judicial constraints is positive and significantly associated with the number of petitions filed to either system in three models, which is surprising given we would have expected the opposite relationship. Larger economies are more likely to receive petitions in the HRC, but there is no statistically significant effect in the Inter-American System. Petitions are more likely against countries with larger population sizes in the Inter-American System, and the reverse for the UN Human Rights Committee. However, this relationship is not significant in either case.

5.1 Difference-in-Differences Approach

The previous statistical analysis provides evidence in favor of our argument: recognition of the Inter-American Court of Human Rights jurisdiction increases the number of petitions to the IAHRS system and diminishes the petitions to the UNHRC. The estimated effects

Table 1: Number of Petitions Filed

	IAHRS (1)	IAHRS (2)	IAHRS (3)	HRC (1)	HRC (2)	HRC (3)
Court Jurisdiction	1.400***	1.150***	1.330***	−1.238**	−1.344***	−1.527***
	(0.264)	(0.244)	(0.277)	(0.430)	(0.345)	(0.351)
ICCPR-OP	−0.009	−0.083	0.059			
	(0.209)	(0.265)	(0.158)			
Human Rights Practices		−0.176*	−0.083		−0.172	−0.349**
		(0.088)	(0.113)		(0.125)	(0.115)
Judicial Constraints		0.519	−0.046		1.735*	1.549*
		(0.396)	(0.355)		(0.871)	(0.724)
GDP (ln)			0.241			0.581*
			(0.175)			(0.295)
Population (ln)			0.078			−0.507
			(0.249)			(0.416)
IA Petitions (lag)	0.193***	0.164***	0.103***			
	(0.045)	(0.038)	(0.028)			
HRC Petitions (lag)				0.305*	0.266*	0.222*
				(0.141)	(0.134)	(0.110)
Num.Obs.	1023	806	792	651	651	631
R2	0.137	0.118	0.150	0.120	0.134	0.145
R2 Adj.	0.135	0.115	0.146	0.117	0.127	0.135
AIC	2860.0	2674.7	2566.5	1166.3	1152.6	1082.2
BIC	2879.7	2702.9	2603.9	1179.7	1174.9	1113.3
RMSE	1665.12	614.21	37.16	530.67	244.34	44.74

+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

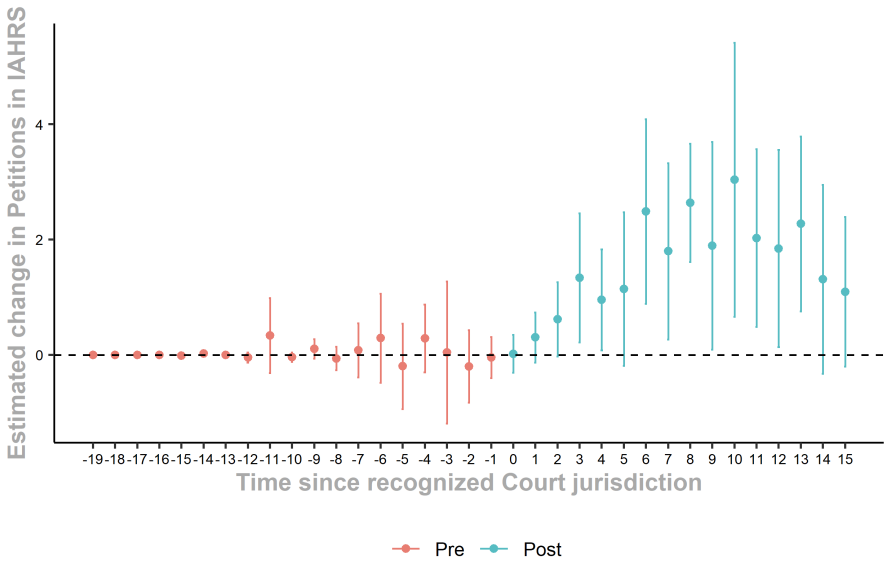
Standard errors are clustered by country and year.

of recognition of court jurisdiction or ratification of the ICCPR-OP can be biased given the potential self-selection of such countries into regimes that would have followed pre-treatment trends. From the previous analysis, it is hard to compare the observed outcome with the alternative ones, e.g. the "what would have happened if..." For example, we could have observed a similar number of petitions to the IAHRS regardless of whether countries recognized the Court's authority. These concerns are part of the fundamental threats to causal inference (King, Keohane and Verba 1994) and should be taken seriously. In this subsection, we implement a difference-in-differences (DID) design to address these concerns and identify the causal effect of court jurisdiction recognition and ratification of the ICCPR-OP. Here we present the results of a staggered difference-in-differences design proposed by Callaway and Sant'Anna (2021). This design adopts a staggered design that allows estimating the average treatment effect (ATT) for units that adopt the treatment simultaneously. This "cohort average treatment effect" is then aggregated with other cohorts' effects.

Figure 7 shows the estimated effect of recognizing the jurisdiction of the Inter-American Court of Human Rights (IACHR) on the number of petitions by country submitted to the Inter-American Human Rights System (IAHRS) with 90% confidence intervals. The results show that after 3 years of recognizing the IACHR's jurisdiction, the IAHRS starts receiving statistically significantly more petitions from such countries, compared to countries that did not recognize the jurisdiction of the Court. The effects are greater between 6 and 11 years after such recognition. This is consistent with the fact that the IACHR can only take cases of violations that occurred after the country recognized the court's jurisdiction. In other words, the IACHR cannot decide on cases retroactively.[12] This is strong evidence in favor of H1 and suggests that non-state actors value binding decisions by international organizations. As countries recognize the jurisdiction of the Court, more individuals decide to file a petition to the Inter-American Commission, hoping to reach the Court and get a favorable binding

[12]In 2004, the Commission brought a case to the Court against Mexico. The Court, however, determined that "[...] the alleged crime that caused the alleged violation (torture) was instantaneous, occurred and was consummated before the recognition of contentious jurisdiction" and declared it inadmissible (Inter-American Commission on Human Rights 2009).

Figure 7: Effect of recognizing the jurisdiction of the IACtHR on individual petitions to the IAHRS.



decision.

As for the effect of court jurisdiction recognition on alternative venues, Figure 8 shows the estimated change in petitions to the UN Human Rights Committee after a country accepts the jurisdiction of the Inter-American Court. We expect the effect of Court recognition by a country to decrease the number of petitions to the global system. This negative effect is statistically significant four years after the recognition of the Court jurisdiction. Consistent with H2, allowing individuals to submit petitions to an institution that generates binding decisions diminishes the perceived benefits of an alternative venue without such legal powers. Interestingly, the effect turns positive after twelve years of court jurisdiction recognition. This may be due to the UNHRC receiving complaints after they are declared inadmissible in the IAHRS. Numerous petitions in the HRC detail how they previously filed complaints to the Inter-American System, received unfavorable, mainly inadmissible decisions, and then filed in the global forum. For example, there was a large number of petitions filed against Uruguay in both institutions, discussed in Lutz and Sikkink (2000). Numerous petitions in the Human Rights Committee detail previous petitions to the Inter-American Commission

which were later withdrawn, before their second submission. Unfortunately, older petitions typically contain less detailed information and often just say it was discontinued or withdrawn without further reasoning. A more recent petition against Ecuador provides insight: "The authors submitted their complaint to the Inter-American Commission on Human Rights in 2005, but in 2008 the Commission decided not to proceed with it, on the grounds that domestic remedies had not been exhausted. The authors petitioned for a review but later desisted and formally withdrew their petition. This happened before they submitted their communication to the Committee."[13] This forum shopping has continued over time. For example, two HRC complaints against Argentina (filed in 2005 and 2018) separately discuss their prior inadmissible rulings. Similarly, Roberto Isaías Dassum and William Isaías Dassum (represented by Xavier Castro Muñoz and Heidi Laniado Hollihan) submitted a complaint to the HRC in 2012 after receiving an inadmissibility decision from the Inter-American Commission. Their first submission to the IAHRS was in 2005, then they very quickly received an inadmissibility decision in 2008. While neither institution allows simultaneous submission and consideration, petitions are allowed sequentially, presenting more evidence of forum shopping, albeit delayed.

Finally, we test Hypothesis 3 in Figure 9. Here, we expect the ratification of the ICCPR Optional Protocol to reduce the number of petitions in the IAHRS. The results from the event study suggest that the ratification of the ICCPR-OP decreases the number of petitions to the IAHRS within the first decade after ratification. However, this effect is not statistically significant at conventional levels. Surprisingly, the ratification of the Optional Protocol increased the number of petitions to the regional human rights system more than ten years after ratification. Similar to accepting the Court's jurisdiction, we interpret this positive effect as the consequence of petitioners bringing cases to the Inter-American System that were declared inadmissible in the universal system.

The analysis presented in this section provides evidence in favor of our argument.

[13]Communication No. 2244/2013

Figure 8: Effect of recognizing the jurisdiction of the IACtHR on individual petitions to the UNHRC.

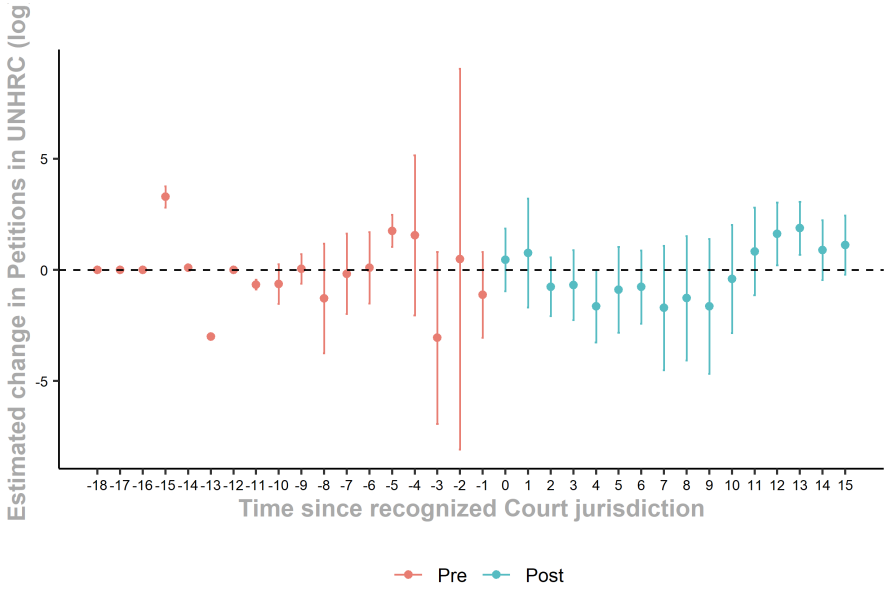
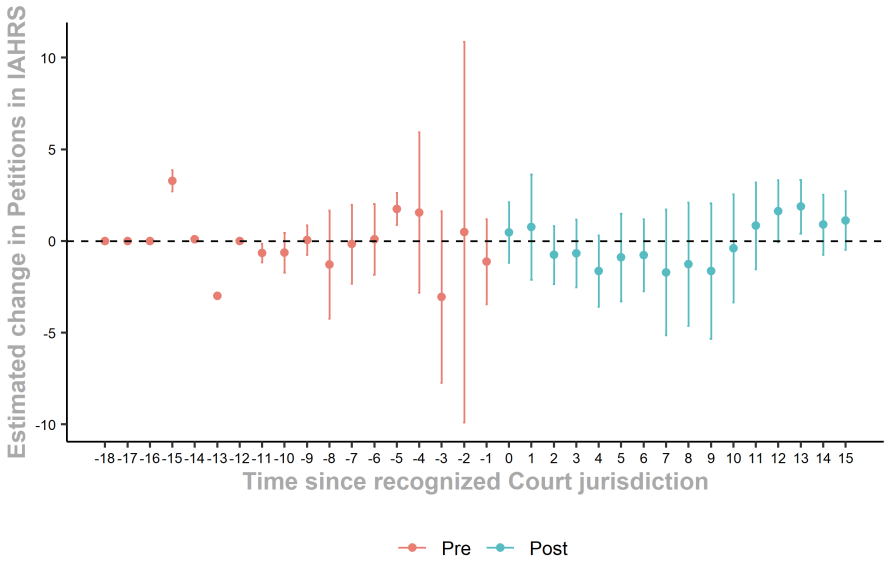


Figure 9: Effect of ratifying the ICCPR-OP on individual petitions to the IAHRS.



Moreover, it also suggests that there is complementarity between the universal and regional systems: as non-state actors choose one system over the other, in the long run, failure in one system increases petitions for the alternative one.

5.2 Variation Across Types of Rights

Petitions filed with both universal and regional human rights systems cover a range of rights violations, such as extrajudicial killings, torture, limitations on freedom of expression and association, and discrimination against minority rights. It is plausible that the patterns observed in the earlier section may be influenced by a subset of cases dealing with severe rights abuses, where a decisive ruling from an international court holds greater appeal. On the flip side, violations related to non-physical integrity rights might necessitate the engagement of global actors, bringing with it associated reputational consequences.

To test whether the increase/decrease in petitions is driven by specific types of cases, we coded whether each petition falls into one of three categories of human rights violations that these institutions oversee: physical integrity rights (PI), civil and political rights (C&P) and minority rights (Min.). We then replicate model 3 from Table 1 for each type of rights. Results are presented in Table 2.

The findings indicate that when countries recognize the authority of the Inter-American Court of Human Rights, there's an increase in the number of petitions related to physical integrity rights, civil and political rights, and minority rights to the regional human rights system. Notably, this influence is more pronounced for civil and political rights as well as minority rights, whereas the effect of physical integrity rights petitions is statistically significant only at the $\alpha = 0.1$ level. Simultaneously, the court's jurisdiction reduces the number of petitions in the universal system across all three types of rights. This connection proves statistically significant at the $\alpha = 0.01$ level. Our results align with both H1 and H2; however, we don't find supporting evidence for the notion that ratifying the ICCPR Optional Protocol leads to a drop in cases filed in the Inter-American system. If anything, it appears that the ICCPR-OP might even increase the number of petitions related to civil

Table 2: Number of Petitions Filed

	PI (IA)	C&P (IA)	Min. (IA)	PI (HRC)	C&P (HRC)	Min. (HRC)
Court Jurisdiction	1.052***	1.417***	1.825***	−1.599***	−1.248**	−1.438***
	(0.307)	(0.240)	(0.335)	(0.445)	(0.446)	(0.399)
ICCPR-OP	−0.028	0.213	0.438			
	(0.153)	(0.150)	(0.272)			
Human Rights Practices	−0.259+	−0.081	0.038	−0.377**	−0.512*	−0.273
	(0.134)	(0.107)	(0.131)	(0.139)	(0.217)	(0.228)
Judicial Constraints	0.038	−0.335	−0.193	1.367*	0.976	1.635
	(0.426)	(0.338)	(0.281)	(0.666)	(1.240)	(1.100)
GDP (ln)	0.271	−0.030	0.160	0.670+	1.136*	0.830+
	(0.181)	(0.155)	(0.182)	(0.357)	(0.461)	(0.455)
Population (ln)	−0.035	0.528*	0.378	−0.652	−0.842	−0.480
	(0.269)	(0.214)	(0.247)	(0.480)	(0.694)	(0.633)
IA Petitions (lag)	0.178**	0.191***	0.209***			
	(0.065)	(0.044)	(0.028)			
HRC Petitions (lag)				0.342**	0.116	0.298
				(0.127)	(0.774)	(0.301)
Num.Obs.	792	792	792	631	631	620
R2	0.130	0.162	0.189	0.151	0.083	0.186
R2 Adj.	0.124	0.155	0.180	0.138	0.038	0.166
AIC	1921.0	1544.8	1330.8	794.6	258.5	510.9
BIC	1958.4	1582.2	1368.2	825.8	289.7	541.9
RMSE	20.51	1.46	1.31	16.87	0.34	0.76

+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$
Standard errors are clustered by country and year.

and political rights and minority rights in the regional system. It is important to approach these results cautiously since the event study suggests that while the Optional Protocol's ratification initially reduces petitions in the IAHRS, it ends up increasing such petitions a decade later.

5.3 Within-Country Variation Cases

Finally, we analyze two countries– Jamaica and Trinidad & Tobago– that denounce the ICCPR-OP, removing the ability to file petitions to the UNHRC and providing unique within-country, over-time variation. Jamaica ratified the ICCPR-OP in 1975, and after receiving over a hundred complaints concentrated in the late 1980s and 1990s, formally denounced the Optional Protocol in 1997. Similarly, Trinidad & Tobago denounced the ICCPR's Optional Protocol in 2000 after allowing individual petitions since 1980. The death penalty and conditions of detention are major issues in both countries during this time. After

denouncing the ICCPR-0P, and removing this option, we expect an *increase* in petitions to the Inter-American Commission.

Figure 10 shows the number of petitions filed to both countries over time between 1990 and 2016 (restricted for complete data) marking the year each country denounced the ICCPR-OP. As expected, Figure 11 clearly shows an increase in petitions against Jamaica in the Inter-American System after the UN option was removed. Trinidad & Tobago in Figure 12 displays a less clear pattern. Petitions in the Inter-American System began in 1997, three years before the denunciation. It is important to note that Trinidad & Tobago denounced the American Convention on May 26, 1998, going into effect one year later in 1999. This withdrawal does not affect individuals' ability to file petitions to the Commission (petitions are allowed against all OAS member states), but removes a core treaty (one of 11 regional treaties) of which actors can make allegations. Jamaica, on the other hand, has been a party to the Convention since 1977. Additionally, Trinidad & Tobago denounced the Court's jurisdiction in 1999 (after previously accepting it in 1991) while Jamaica has never accepted the Court's jurisdiction. Therefore, The Inter-American Commission became much less attractive, both in terms of Court and Convention, shortly before denouncing the ICCPR-OP. Jamaica does not have these confounding changes and shows a clear substitution pattern between the two institutions.

One communication (No. 830/1998) against Trinidad & Tobago highlights strategic forum-shopping. Christopher Bethel, represented by Ashurst Morris Crisp, a law firm in London, filed a complaint to the Inter-American Commission in December 1997 and then in August 1998 to the Human Rights Committee. The Human Rights Committee Communication No. 830/1998 reads:

> The author instructed his counsel to lodge an application with the United Nations Human Rights Committee, in case his petition to the IACHR would be unsuccessful....Counsel claims that the actions taken by the State party through the denunciation of the Optional Protocol thereby frustrating his client's legitimate expectations constitute a breach of Article 1 of the Optional Protocol and of Article 26 of the Covenant. He requests the Committee to register the communication

> for examination under the Optional Protocol so as to guarantee the author's right to petition the Committee if his application to the IACHR were to be rejected.

The Committee quickly deemed this petition inadmissible in March 1999. This brief exploration of these two countries, providing unique within-country variation, further supports our argument that individuals are strategically forum-shopping between global and regional options.

Figure 10: Petitions over Time within Countries

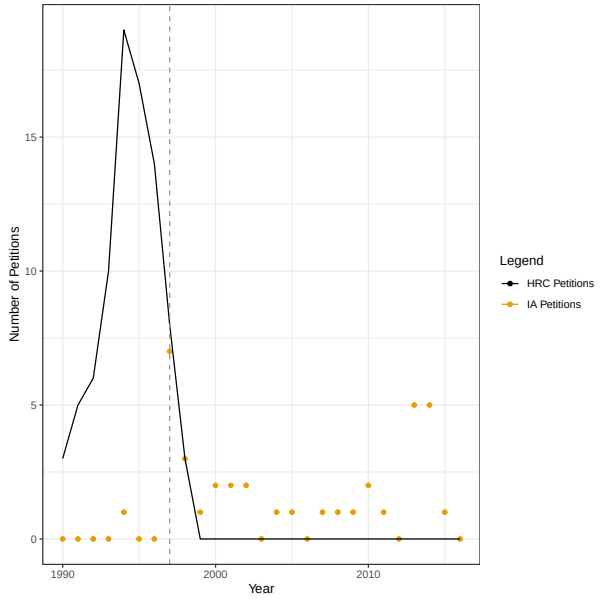


Figure 11: Jamaica

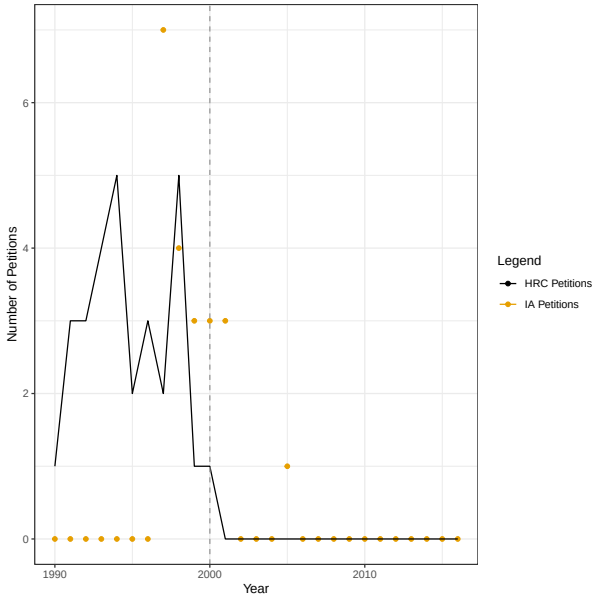


Figure 12: Trinidad & Tobago

6 Conclusion

This paper presents an argument that non-state actors strategically forum shop; that is, they decide where to participate given heterogeneous costs and benefits driven by institutional design. We focus on members of the Organization of the American States, where many victims of human rights abuse can file petitions to the Inter-American System or the United Nations treaty body system. We find support for this theory, particularly that the potential to receive a legally binding decision is an attractive option. Recognizing the Inter-American Court's jurisdiction, providing this potential- although unlikely- opportunity for a binding decision

increases petitions in the Inter-American Human Rights System and decreases submissions to the United Nations Human Rights Committee. Ratification of the ICCPR-OP allowing petitions to the UN HRC, however, does not decrease petitions to the Inter-American System. If anything, the results suggest a positive effect: the addition of a global institution may increase engagement with the regional system.

Scholars of international politics have long debated what effect non-binding decisions can have, especially compared to binding international legal decisions. Our research shows that, regardless of whether they are substantively different in changing states' behavior, the legality of decisions affects whether non-state actors are likely to engage with international institutions. This paper also improves our understanding of the international human rights regime. We know that a variety of actors are involved in the process of protecting and promoting rights globally. In this paper, we show descriptively that there is variation in how international organizations approach human rights cases. Moreover, there is also variation in how these institutions are designed and the time they take to make a decision.

This research into regime complexity and overlapping institutions has implications and connections with other institutions. Strategic forum shopping is not limited to the two institutions (Inter-American Human Rights System and United Nations Human Rights Committee) studied here. Strategic forum shopping applies beyond this geographic region and the human rights issue area. International institutions vary in their designs, and states continually join and withdraw from organizations. For example, Russia's recent expulsion from the Council of Europe removes the ability to file complaints in the European Court of Human Rights. We expect this removed option to increase petitions filed in the United Nations fora Russia is a party to, including the Human Rights Committee. This has large practical implications as caseloads across these organizations are growing with limited resources.

Forum shopping across international institutions is ripe for future research. First, future research should focus on the anticipation effects of decisions regarding the design of institutions with binding and non-binding decisions, speaking to the large literature on

diverse participation patterns (Schoner 2023; Comstock 2021). Second, future work should test the generalizability of these findings in other applications: other regional systems, other types of rights, and other issue areas. Finally, scholars should explore whether an increase in petitions in certain venues leads to a backlash by states against these institutions.

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A Online Appendix

A.1 Robustness Checks: Linear Regressions

Here, we explore whether the findings presented in the main text are robust to alternative model specifications. Table A.1 presents the results of linear regressions that include both country-fixed effects (instead of the lagged dependent variable in the main specification) and standard error clusters a the year level. Results from this analysis show that the effect of court jurisdiction is not consistently positive and statistically significant. We believe this is the case since the effect of recognizing the Inter-American Court jurisdiction is observed years after such a decision. However, on average, the increase in the number of petitions does not seem to be large enough to be identified in a linear model.

As for petitions submitted to the Human Rights Committee, results presented in Table A.1 show a negative relationship between court jurisdiction and the number of petitions. This relationship, however, is significant only at the $\alpha = 0.1$ level in models 1 and 3, and fails to reach significance in model 2.

Table A.1: Number of Petitions Filed (OLS)

	IAHRS (1)	IAHRS (2)	IAHRS (3)	HRC (1)	HRC (2)	HRC (3)
Court Jurisdiction	2.126***	1.858***	−0.191	−0.397*	−0.038	−0.585*
	(0.340)	(0.373)	(0.599)	(0.169)	(0.160)	(0.222)
ICCPR-OP	1.053**	0.772*	0.405			
	(0.329)	(0.326)	(0.349)			
Human Rights Practices		0.578+	−0.380*		−0.346*	−0.725**
		(0.288)	(0.142)		(0.140)	(0.224)
Judicial Constraints		−0.514	0.745		−1.007*	−0.268
		(1.636)	(1.853)		(0.436)	(0.392)
GDP (ln)			0.714			0.273
			(0.670)			(0.301)
Population (ln)			9.732***			2.213**
			(1.534)			(0.763)
Num.Obs.	1023	806	792	651	651	631
R2	0.330	0.306	0.361	0.398	0.410	0.431
R2 Adj.	0.307	0.280	0.335	0.376	0.387	0.405
R2 Within	0.046	0.052	0.129	0.004	0.025	0.052
R2 Within Adj.	0.044	0.047	0.122	0.003	0.021	0.045
AIC	5679.7	4664.2	4532.7	2729.1	2719.3	2631.2
BIC	5852.2	4804.9	4682.3	2836.5	2835.8	2755.8
RMSE	3.75	4.21	4.06	1.90	1.88	1.86

+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

All models include Country FEs. Standard errors are clustered by year.

A.2 Poisson Models

In Table A.2 we replicate the previous analyses using a Poisson regression approach. All coefficients have standard errors clustered at the country and year level. Results from this analysis are consistent with H1 and H2. Recognition of the Inter-American Court's jurisdiction increases the activity of non-state actors in the regional human rights system while decreasing the number of petitions filled in the universal human rights system. We do not find, however, evidence that the ratification of the ICCPR Optional Protocol decreases the number of petitions in the Inter-American Human Rights System.

Table A.2: Number of Petitions Filed (Poisson)

	IAHRS (1)	IAHRS (2)	IAHRS (3)	HRC (1)	HRC (2)	HRC (3)
Court Jurisdiction	1.743***	1.347***	1.453***	−1.608***	−1.695***	−1.913***
	(0.324)	(0.308)	(0.243)	(0.436)	(0.371)	(0.397)
ICCPR-OP	0.092	0.094	0.220			
	(0.292)	(0.253)	(0.158)			
Human Rights Practices		−0.199*	0.012		−0.131	−0.434**
		(0.093)	(0.116)		(0.153)	(0.136)
Judicial Constraints		0.248	−0.274		2.525+	2.158
		(0.439)	(0.297)		(1.460)	(1.317)
GDP (ln)			0.103			0.683+
			(0.187)			(0.356)
Population (ln)			0.324			−0.652
			(0.266)			(0.465)
IA Petitions (lag)	0.067***	0.061***	0.052***			
	(0.007)	(0.009)	(0.006)			
HRC Petitions (lag)				0.110***	0.089***	0.097***
				(0.017)	(0.021)	(0.023)
Num.Obs.	1023	806	792	651	651	631
R2	0.395	0.355	0.438	0.338	0.375	0.408
R2 Adj.	0.394	0.353	0.436	0.336	0.371	0.403
AIC	4132.4	3820.1	3295.6	1554.3	1471.9	1357.1
BIC	4152.1	3848.2	3333.0	1567.8	1494.3	1388.2
RMSE	3.80	4.21	3.68	2.27	2.06	2.00

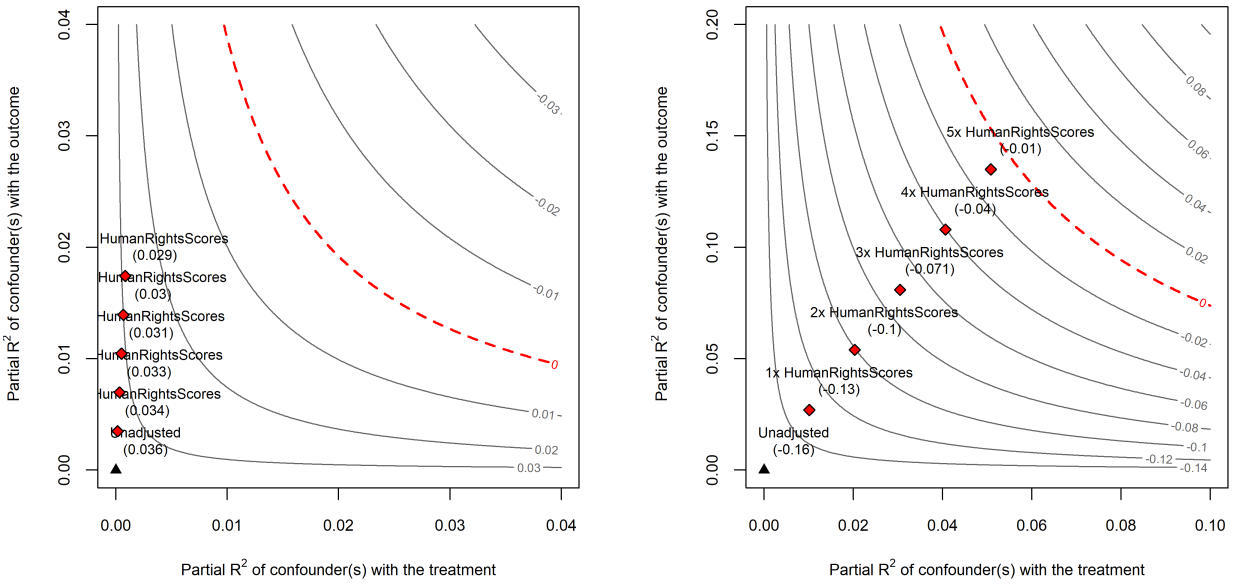
+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Standard errors are clustered by country and year.

A.3 Sensitivity Analysis

We also conducted a sensitivity analysis on models from Table A.1 to evaluate the potential effect of unmeasured confounders on the recognition of the Inter-American Court's jurisdiction and how it could affect the significance of our coefficients of *Petitions IAHRS* and *Petitions HRC*. In other words, we are interested in analyzing whether our results might be driven by potential hidden bias (Hazlett and Parente 2023). We quantified the increased effect of hidden bias compared to the relationship already identified with observed data and evaluated how such hidden bias would affect the identified relationship between the recognition of the IACtHR's jurisdiction and the number of petitions each system received.

We follow Cinelli and Hazlett (2020) in implementing an omitted variable bias framework. The plots in Figure A.1 reveal that the null hypothesis of zero effect would still be rejected given confounders once, twice as well as three times as strong as the effect of human rights practices.



(a) Model 3 (b) Model 6

Figure A.1: Sensitivity of Court Jurisdiction

A.4 Alternative Measures of Human Rights

In this section, we check whether our results presented in Table 1 were sensible to alternative measures of human rights violations. We included the freedom from torture (*Torture*) and Freedom from political killings (*Political Killings*) indexes from the V-Dem project (Coppedge et al. 2021). We also included measures from the Political Terror Scale project (Gibney et al. 2023), both from the State Department (SD) and Amnesty International (AI) reports.

Results from Tables A.3 replicate Model 3 from Table 1 and A.4 replicate Model 6 from Table 1. They show that the results reported in the main text are strong regardless of the measure of human rights violations included in the analysis.

Table A.3: Number of Petitions Filed in the Inter-American Human Rights system

	IAHRS (1)	IAHRS (2)	IAHRS (3)	IAHRS (4)
Court Jurisdiction	1.301***	1.411***	1.326***	1.347***
	(0.290)	(0.256)	(0.290)	(0.291)
ICCPR-OP	0.059	0.068	0.038	0.055
	(0.153)	(0.114)	(0.173)	(0.160)
Judicial Constraints	−0.056	−0.078	−0.101	−0.041
	(0.351)	(0.327)	(0.340)	(0.349)
GDP (ln)	0.226	0.354*	0.169	0.234
	(0.178)	(0.148)	(0.139)	(0.150)
Population (ln)	0.103	−0.091	0.181	0.104
	(0.222)	(0.206)	(0.177)	(0.186)
IA Petitions (lag)	0.100***	0.093***	0.105***	0.103***
	(0.027)	(0.025)	(0.029)	(0.029)
Political Terror (SD)	0.096			
	(0.088)			
Political Terror (AI)		0.145+		
		(0.082)		
Torture			−0.010	
			(0.095)	
Political Killings				−0.063
				(0.068)
Num.Obs.	761	671	792	792
R2	0.153	0.151	0.150	0.150
R2 Adj.	0.148	0.146	0.145	0.145
AIC	2448.7	2305.1	2568.2	2566.8
BIC	2485.8	2341.2	2605.6	2604.2
RMSE	32.74	30.84	36.13	36.25

+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$
Standard errors are clustered by country and year.

Table A.4: Number of Petitions Filed in the Human Rights Committee

	HRC (1)	HRC (2)	HRC (3)	HRC (4)
Court Jurisdiction	−1.537***	−1.505***	−1.318***	−1.296***
	(0.363)	(0.353)	(0.362)	(0.331)
Judicial Constraints	1.369*	1.463+	1.808*	1.691**
	(0.698)	(0.761)	(0.736)	(0.651)
GDP (ln)	0.356	0.356	0.289	0.391
	(0.272)	(0.276)	(0.239)	(0.253)
Population (ln)	−0.254	−0.385	−0.148	−0.256
	(0.393)	(0.396)	(0.349)	(0.369)
HRC Petitions (lag)	0.238*	0.195*	0.240*	0.240*
	(0.121)	(0.084)	(0.108)	(0.111)
Political Terror (SD)	0.269+			
	(0.142)			
Political Terror (AI)		0.213+		
		(0.125)		
Torture			−0.280*	
			(0.132)	
Political Killings				−0.284*
				(0.122)
Num.Obs.	631	513	631	631
R2	0.140	0.146	0.142	0.146
R2 Adj.	0.130	0.135	0.132	0.136
AIC	1088.2	958.0	1086.1	1080.6
BIC	1119.3	987.7	1117.2	1111.8
RMSE	66.45	26.48	66.33	63.23

+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Standard errors are clustered by country and year.