

National Human Rights Institutions: Domestic Implementation of International Human Rights Law¹

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Abstract

Does adopting a National Human Rights Institution (NHRI) make states' international commitments to not torture more constraining? Many researchers have explored international human rights treaties' ability to constrain leaders from violating human rights (e.g Hathaway 2002; Hill 2010; Simmons 2009), some focusing exclusively on the United Nations Convention Against Torture (CAT) (e.g Hollyer and Rosendorff 2011; Powell and Staton 2009; Vreeland 2008). Thus far, findings are not promising unless certain domestic conditions apply such as sufficient democratic space to air grievances (Simmons 2009) or independent judiciaries (Powell and Staton 2009). This paper continues to explore domestic conditions by focusing on another liberal institution – National Human Rights Institutions (NHRIs). Torture is usually a secretive practice, and NHRIs act as information providers to potential mobilizers and domestic legal systems assuring international legal commitments are not empty promises. Using statistical analysis on 153 countries over the years 1981–2007, I find that when a country has ratified the CAT, the presence of an NHRI substantively decreases the chances the state will be an egregious offender.

1 Introduction

Does the presence of an NHRI make the UN Convention Against Torture (CAT) effective at reducing state torture² practices? Human rights have been codified into international law since the founding of the United Nations (1945), and especially after the Universal Declaration of Human Rights (UDHR) (1948). Treaties represent the main instrument of codification. A number of scholars explore these treaties in order to judge just how effective they achieve, as the UDHR Preamble calls for, “the promotion of universal respect for and observance of human rights and fundamental freedoms.” Scholars have found mixed results for how effective international treaties are at inducing compliance. Studies of multiple treaties find correlations between ratification and compliance for *some* of the treaties (e.g Hathaway 2002; Hill 2010; Simmons 2009). However, much of the news remains negative, as many scholars find those states that ratify human rights treaties do not change their behavior (Hafner-Burton and Tsutsui 2005; Hathaway 2002; Simmons 2009), or even perpetrate worse behavior (Hathaway 2002; Hill 2010; Hollyer and Rosendorff 2011; Simmons 2009; Vreeland 2008). Those studying international law’s effect on state torture started by evaluating signature/ratification (e.g Hathaway 2002) only to quickly recognize the importance of domestic politics and institutions (e.g Hollyer and Rosendorff 2011; Lupu 2013; Powell and Staton 2009; Simmons 2009; Vreeland 2008). I propose another domestic institution with the ability to make international human rights commitments effective – national human rights institutions (NHRIs). As such, this study represents the first quantitative study, known to this author, proposing NHRI effectiveness with respect to international treaties with the specific mechanism of information raising.³ NHRIs are domestic institutions established by the government to be watchdogs on the government with respect to human rights practices. They provide information to domestic and international audiences about legal obligations and compliance that

ultimately effects actors' pursuit of legal redress and mobilization. Both legalization and mobilization bring potential costs to the executive in the form of decreased rents and/or increased probability of losing power. In expectation of these costs, the executive should torture less often. Consider the recent "Wheel of Torture" case in the Philippines (Balana 2014; Calamur 2014). The NHRI in the Philippines, the Commission on Human Rights (CHR), investigated a supposed secret prison and found a hidden detention cell that contained a multi-colored wheel with different torture tactics that was spun in a game of "torture roulette" by officers to be enacted on prisoners (Amnesty International 2014). The CHR identified 41-44 victims and worked to disseminate their findings by sharing information with various news outlets (including the Philippine Daily Inquirer and the Associated Press) and INGOs such as Amnesty International (Amnesty International 2014; Calamur 2014). Various rights groups are calling for [President] Aquinos' position due to "violations [that] have continued with impunity under [his] watch" despite legal obligations, including acceding to the UN CAT in 1986 (Balana 2014). The CHR supplied information to various interested actors that resulted in the (threat of) mechanisms discussed later in the paper – legal redress and mobilization.

Most studies include a number of different human rights treaties covering different abuses from genocide to freedom of speech, but rely on theorizing about human rights in general which can be misleading due to the different underlying causes for different types of abuses. This study attempts to minimize the concern by focusing on a specific human right – freedom from torture. Why focus on torture? Torture is a "dastardly and totally inhuman act" (*Filartiga v. Pena-Irala*, 630 F.2d 876, 883; quoted in Luban 2006). It is the first explicit act condemned in the UDHR behind slavery. Despite the abhorrence towards torture, though, it is the most frequently violated physical integrity right in the last quarter of the twentieth century (Cingranelli and Richards 1999, 522); so much so some refer to torture as a "normal" tool of statecraft (Conrad and Moore 2010, 474).

Torture is important due to reasons of normative concern and widespread usage. More importantly, the secretive way torture is perpetrated is especially suited for the mechanism proposed in the paper – increased information by NHRIs. Torture is a unique act governments perpetrate to compel testimony, punish (perceived) dissidents, and/or cow (sub)populations (e.g. Conroy 2000; Rejali 2007). While leaders may have common motivations for violating other rights, they are not the same set of motivations. Historically, judges ordered suspected criminals tortured, often in public (Peters 1985). However, modern torture is used for confession, information, or intimidation, and given the norm against torture, is usually perpetrated in private (Rejali 2007). The ability of NHRIs to shed light on the secretive practice is noteworthy.

The rest of the study is laid out as follows. In the next section I trace what scholars have contributed thus far about the effect of international law on state torture practices, eventually exploring the domestic institutions that make the law effective. I'll then introduce NHRIs as important to international torture law compliance. These sections lead me to a testable hypothesis – states that have ratified the CAT torture less often when NHRIs are present. The following section lays out the research design, data, and methods used to test the hypothesis. I find support for the hypothesis estimating statistical models on 153 countries over the years 1981–2007: when states party to the UN CAT have an NHRI, they torture less often than if they did not have an NHRI. Finally, I conclude with implications for policy and future research.

2 International Law and Torture

Due, at least partly, to the memory of Nazi torture during World War II,⁴ torture was a priority of the nascent international human rights regime (Rejali 2007); so much so, that Rodley (1999) considers rules against torture to have a privileged status in international

law. The International Covenant on Civil and Political Rights (1966) lists freedom from torture second only to the right to life. In 1984, the UN General Assembly adopted the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The CAT defines torture and how states should implement the convention (including domestic legislation, reporting, and monitoring). According to the UN Treaty Collection, to date, 154 states have either signed or ratified the CAT.

Studies exploring the effect of international law on state torture practices yielded initially surprising if not depressing results (e.g. Hathaway 2002; Hill 2010). Both Hathaway (2002) and Hill (2010) find that ratification of international agreements aimed at curbing torture⁵ is associated with more state torture.⁶ Hathaway (2002) attributes the finding to the “expressive” role of committing to treaties, in which states select into the treaty treatment based on their international reputation needs. Hill (2010) uncovers the effect of treaties as exogenous treatments in order to deal with the endogeneity issue using a matching algorithm. He finds the CAT still associated with higher torture levels.

International human rights scholars started theorizing and testing conditional effects of international legal instruments (e.g. Lupu 2013; Moravcsik 2003; Powell and Staton 2009; Simmons 2009). Though the CAT isn’t associated with better torture practices on its own, the domestic political context offers opportunities for treaty success. For instance, using experiments, Wallace (2013) finds a state being party to international instruments forbidding torture lead to the state’s population being less supportive of torture. The finding is important because the population, upon attaining knowledge of state torture, may punish the violating government, either through elections⁷ or contentious activity. In fact, Simmons (2009) finds the spaces that allow for political participation where grievances occur (i.e. weak and transitioning democracies) are where international human rights treaties, including the CAT, are most effective. Even if states sign onto the CAT as a tactical concession without intention to comply (Hafner-Burton

and Tsutsui 2005; Hathaway 2002; Risse and Sikkink 1999), if the political space is open enough, citizens and NGOs will hold governments to account, thus raising the cost of violating the agreement (Risse and Sikkink 1999; Simmons 2009).

An effective judiciary also allows international agreements to reduce torture in a given state (Hathaway 2007; Lupu 2013; Powell and Staton 2009; Simmons 2009). Once a country commits to a treaty, the judiciary is often charged with interpreting the law (Hathaway 2007). In fact, Article 4 of the CAT requires each party to make torture punishable under domestic law. For instance, Canada has amended its Criminal Code to make torture punishable by fourteen years' imprisonment (Moyo 2000). This process is much smoother in states with monist legal traditions, in which international law is incorporated right into the domestic legal structure.⁸ However, judiciaries in states with dualist legal traditions take into account international law not yet incorporated into domestic law when ruling (Sloss 2009; Killander 2010). So regardless of legal tradition, an executive must consider how a judiciary will rule on her actions. If she believes she may face domestic legal ramifications, she may not order agents to torture, or may work to keep agents from torturing.

3 National Human Rights Institutions

National human rights institutions (NHRIs) represent another institution able to make international human rights treaties such as the CAT more effective on the ground. NHRIs are domestic institutions created by the government of the state in which they act charged with promoting and protecting human rights. They are a continuation and growth from the ombudsman model that has its roots in 19th century Sweden. Ombudsman offices, originally conceived, do not have an explicit human rights mandate. Instead, they raise awareness of government misconduct and maladministration by al-

lowing citizens to register complaints (Cheng 1968). This model of government accountability spread throughout Scandinavia (Finland, 1919; Denmark, 1955; Norway, 1962) to other parts of the world (New Zealand, 1962; Australia, 1977) (Koo and Ramirez 2009).

As individual human rights protection became increasingly internationalized through the UN and its treaty system, and since human rights violations are often perpetrated by governments, these ombudsman offices became the first NHRIs. The UN promoted NHRIs, recognizing the potential for domestic institutions to facilitate international human rights commitments (Mertus 2009). Not surprisingly, then, ombudsman offices began collecting more information on human rights violations as a sort of government malpractice, either themselves or in collaboration with other institutions (Hill 1974). The UN's call for domestic implementation of international human rights standards continued to influence states into the 1990s culminating in the Paris Principles. The Paris Principles were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris in October 1991.⁹ They called for the establishment of NHRIs and guidelines to make them effective.

Many states tasked an existing domestic institution to fulfill the role of NHRI. These included the ombudsman offices described above, institutions born of conflict transition (e.g. Northern Ireland, South Africa), or other human rights organizations (e.g. Switzerland) (Smith 2006). New NHRIs were also established in the last few decades as states looked to democratize and/or become legitimate members of the international community (Reif 2000). Currently there are over 100 NHRIs throughout the world (Koo and Ramirez 2009).

Many of the newly established NHRIs took on a different organizational structure than the ombudsman offices. They consisted of a group of decision makers that formed a commission explicitly charged with promoting and protecting human rights, commonly referred to as human rights commissions. Other states established institutions similar to

ombudsman in structure, but differing in their explicit human rights focus (often called human rights ombudsman offices). These different types of NHRIs perform a number of tasks that collect and disseminate information about state human rights practices such as fielding complaints, visiting sites such as prisons, advising and drafting legislation, working with NGOs, educating the public, and publishing findings (e.g Carver 2004; Pegram 2012; Reif 2012). Although NHRIs represent a heterogeneous group of institutions, it is important to recognize that they may have an average effect on state torture practices.¹⁰

4 The Importance of NHRIs and Information on Compliance

This section lays out the argument for the importance of NHRIs with respect to states complying with the CAT. Before expounding, though, I list the assumptions I employ throughout the theory. I assume the executive wishes to remain in power in order to continue to collect rents associated with office. Acting rationally, she will employ whatever means increase her chances to do so. The executive's preference for office and willingness to employ necessary tactics to keep that office matter because I also assume she is the actor that is ultimately responsible for state's repressive actions. I assume individuals, as (possible) victims of torture, prefer to live life free of pain; that is, individuals would prefer to not be abused by the state.

International agreements, such as the CAT, are important for those seeking redress from abuse because they act as lynchpins with which to make arguments in the political arena (Powell and Staton 2009; Risse and Sikink 1999; Simmons 2009). But, in order for international agreements to be used in this way, information about violations of rights must be known; that is, people that know their rights exist and people that know their

rights have been violated are more likely to have grievances about how they were treated and to act upon them. In this way, NHRIs are domestic institutions that provide information to domestic and international audiences about legal obligations (i.e. the CAT) and compliance that ultimately effects actors' pursuit of legal redress and mobilization. Both the legalization and mobilization bring potential costs to the executive in the form of decreased rents and/or increased probability of losing power. In expectation of these costs, the executive should torture less often. In the sections that follow, I explain how NHRIs act as information clearing houses that may increase legal redress or mobilization (or both).

4.1 Legal Redress

Torture victims usually belong to marginalized groups such as criminals, dissidents, and minorities (Conrad, Haglund and Moore 2013; Conrad and Moore 2012; Conroy 2000; Peters 1985; Rejali 2007). Persons belonging to these groups often lack the resources and knowledge to take legal action (Meeker and Dombrink 1992; Willging 1968). Many NHRIs run education and awareness campaigns to inform citizens of their rights under international law and what to do if a right has been breached, including lodging a complaint with the NHRI or bringing suit against the state. For instance, the National Human Rights Commission of the Republic of Korea launched a campaign in which 3,043 citizens visited; ultimately educating them on their international legal rights and how to pursue them (NHRCKR 2010). NHRIs offer victims a place to air grievances apart from the state apparatus that perpetrated their torture. Once an NHRI fields a complaint, it may investigate and decide which action to take to settle the grievance. The NHRI sometimes decides to send the case to the court, informing the citizen of his/her rights and helping them through the legal process (Carver 2012; Moyo 2000). For instance, in Zambia in 1998, two complainants, one beaten by police to the point of

permanent hearing loss and another tortured as a suspect of aggravated robbery, were referred to the courts by the Permanent Human Rights Commission (Zambia's NHRI) (Moyo 2000). Scenarios such as these increase the probability the executive is sanctioned.

NHRIs can also increase the chances that these legal sanctions happen by supplying information to the legislature. Article 4 of the CAT states "each state party shall ensure that all acts of torture are offences under its criminal law." Legislatures delegate complex legal topics to specialists (Lupia and McCubbins 1994). NHRIs devote their resources to human rights promotion and protection making them ideal specialists to consult. Many NHRIs audit legislation before passage, or even write legislation themselves to ensure the law protects citizens' rights by enshrining international legal obligations into the domestic system (Carver 2004, 2012). Laws must exist in order to be leveraged for legal redress. NHRIs help create laws and ensure existing laws address human rights concerns. The Malaysian Human Rights Commission (SUHAKAM) went as far as to audit every law on the books to reconcile it with international human rights instruments (Carver 2004). While Malaysia is not party to the CAT, other NHRIs may use their example to square domestic and international law.

Legal sanctions that are a result of increased information can include monetary or political costs. Both decrease the probability of holding onto office. Monetary costs represent a direct drain on the precious rents extracted at earlier time due to her position. An NHRI need not direct a case to the judiciary system in order to enact monetary costs on the executive, either. Sometimes, the NHRI will make recommendations to the government to compensate victims monetarily. For instance, in 2009, Uganda recommended monetary rewards to 9 victims of torture averaging around 20,000,000 Ugandan shillings¹¹ (UHRC 2009).

Other states, individually or collectively, can also seek legal redress. The literature on compliance with international agreements is too large to review here,¹² but certain

points are worth highlighting. Skeptics believe international agreements such as the CAT seldom require change in state behavior (e.g Downs, Rocke and Barsoom 1996; Mearsheimer 1995). However, with increased interdependence between states has come repeated encounters where international commitments can be used by states to signal their intentions and build reputations over time (e.g Axelrod 1984; Guzman 2008; Keohane and Nye 1979). In order for commitment to amount to more than just cheap talk, though, states must have information on how well other states are complying with these commitments. The CAT holds states responsible for reporting on their own behavior. By delegating authority to NHRIs, the information can be more credible about state behavior. Although states may reap some benefits for making their commitments more credible, the independent nature of NHRIs¹³ cause them to hand over information about state practices that the state would want to hide. Although states may try to hide their torture practices (Rejali 2007), NHRIs are often tasked with fulfilling reporting requirements to treaty committees, such as the UN Committee against Torture. In fact, the Operational Protocol for the Convention against Torture (OPCAT) requires a National Preventative Mechanism (NPM) which is usually fulfilled by the state NHRI (Carver 2010).¹⁴ The more reliable information states have about states' torture actions, the less likely an executive will torture due to the anticipated costs imposed by other states, whether reputational (e.g Guzman 2008) or monetary (e.g Hafner-Burton 2005; Lebovic and Voeten 2009).

4.2 Mobilization

International treaties, such as the CAT, can also increase the probability of domestic mobilization, but information is not passed directly from the international institution to the populace (Simmons 2009, 143–144). Information provided by NHRIs serve as “conceptual frames that may serve to animate the demands of those whose ability, regularly and

at low cost, to turn their leaders out of office is much less secure” (Simmons 2009, 144). Domestic mobilization can directly lead to a higher probability that a leader is turned out of office.¹⁵ Domestic mobilization can also lead to a “boomerang effect” wherein domestic groups get their message out to the global human rights polity¹⁶ who in turn put pressure on the executive (Risse and Sikkink 1999, 19). These pressures often come in the form of economic sanctions (e.g Blanton and Blanton 2007; Hafner-Burton 2005; Lebovic and Voeten 2009) which are taken from earlier-collected rents and can increase the probability of being turned out of office by inducing more mobilization because fewer public goods can be offered. Lastly, increased mobilization increases the chance of legal sanctions (see last section) as domestic groups often use legal channels as a strategy to attain goals. What follows are ways in which NHRIs increase mobilization.

In order for individuals to mobilize, they must overcome collective action problems (e.g Olson 1971). Torture can lower the probability victims overcome this hurdle because it can cause (perceived) isolation, fear of the government, and paranoia (e.g Scarry 1985; Sussman 2005). As mentioned above, NHRIs release information about their existence and the role they play. When individuals come to the office to lodge complaints, they are informed of the state’s international obligations. Learning of other victims (either face-to-face at the NHRI or by information provided by them) also increases the probability individuals overcome collective action problems by decreasing feelings of isolation.

A skeptic may say that a traumatized, fearful victim would not visit an NHRI to lodge a complaint. If true, NHRIs still reach individuals with annual reports and events designed to raise awareness (e.g Cardenas 2012; Carver 2012; Okafor 2012). These outreach programs often include aggregated statistics of the types of complaints made against the state, thus helping victims feel less isolated and more likely to overcome collective action problems to mobilization.

Public outreach also informs non-victims. Often, people mobilize in support of

others' rights (e.g Marx and Useem 1971; Myers 2008; Russo 2014); they need not be tortured themselves to advocate for the abolition of torture. The release of public reports increases information about the conditions to citizens within a country. Citizens oppose torture, even when they believe it may thwart a terrorist attack (Gronke et al. 2010). Thus, if citizens believe their government is torturing, a subset will become upset enough to mobilize. Non-victims mobilizing can be just as dangerous to an executive's power, if not more so, given larger numbers and more resources. Also, an increase in non-victim mobilization may increase victim mobilization by decreasing the collective action problem experienced due to isolation. It should also be noted that mobilized activists often work with and for NGOs. NGOs increase domestic mobilization by supplying resources and training to groups (Murdie and Bhasin 2011) as well as lobby international actors (Risse and Sikkink 1999), as mentioned above. NHRIs are important institutions for informing potential mobilizers about international commitments and how victims are not alone. Mobilization decreases the probability of the executive holding onto power, thus, in anticipation of the mobilization, an executive that makes commitments not to torture should torture less given NHRIs' ability to provide information.

NHRIs are domestic institutions that provide information to domestic and international audiences about legal obligations and compliance that ultimately effects actors' pursuit of legal redress and mobilization. Both the legalization and mobilization bring potential costs to the executive in the form of decreased rents and/or increased probability of losing power. In expectation of these costs, the executive should torture less often:

Hypothesis: States already party to the CAT will torture less often when they have an NHRI.

5 Data and Methods

5.1 Dependent Variable

The outcome of interest is state torture practices, which I operationalize using an ordinal scale ranging from 0 to 2 taken from the Cingranelli-Richards Human Rights Dataset (CIRI) (Cingranelli and Richards 2012). The measure maps consistently with my conception of torture. According to the CIRI database, “[t]orture refers to the purposeful inflicting of extreme pain, whether mental or physical, by government officials or by private individuals at the instigation of government officials. Torture includes the use of physical and other force by police and prison guards that is cruel, inhuman, or degrading. This also includes deaths in custody due to negligence by government officials. A score of 0 indicates that torture was practiced frequently in a given year; a score of 1 indicates that torture was practiced occasionally; and a score of 2 indicates that torture did not occur in a given year” (Cingranelli and Richards 2012). Coders used content analysis on Amnesty International reports supplemented by U.S. State reports to create the measure.

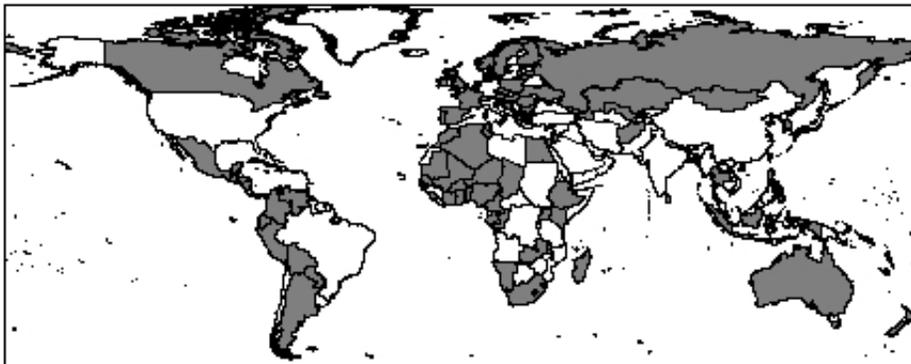
5.2 Explanatory Variable

The independent variable used to test the hypothesis is an interaction term that is the product of whether a country has ratified, acceded, or succeeded (hereon referred to as ratified) to the CAT and has an NHRI. The year a country ratified the CAT was coded a 1, as was every year thereafter; as opposed to 0 for those years in which the country had not. I obtained the data for CAT ratification from the United Nations treaty website (UN 2012). Of the 3778 country years, 1800 had ratified, acceded, or succeeded to the CAT.

Whether a country has an NHRI is a dichotomous measure, coded 1 if an NHRI

exists in a given country-year and 0 otherwise. I collected this data by consulting the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights' (ICC) global list of NHRIs (ICC 2012) to determine the official NHRI in a given country and then using Koo and Ramirez (2009, Appendix 3) to determine the year the state established the NHRI. The year a country establishes an NHRI and each subsequent year is coded 1 as opposed to 0 (when the NHRI did not exist). Of the 3778 country years, 1333 had an established NHRI.

Figure 1: States with NHRI *and* CAT Ratification, 2007



Source: Author's calculation from data sources listed in *Explanatory Variable* section.

5.3 Control Variables

Democracies tend to commit rights violations less frequently, including the violation of torture (Conrad and Moore 2010; Davenport 1995, 1999; Davenport and Armstrong 2004). I measure democracy using the Polity IV database (Marshall, Gurr and Jagers 2012). Countries receive a score from -10 to 10 (from most autocratic to most democratic) based on six component measures that record key qualities of executive recruitment,

constraints on executive authority, and political competition. I expect an increase in PolityIV to correspond to fewer incidences of torture.¹⁷

I control for population because a large population may lead to more human rights abuses. Large population increases the occurrence of rebellion (real or perceived), thus a leader willing to violate human rights will do so more often (Poe, Tate and Keith 1999). Larger populations also place stress on resources (Henderson 1991), leading to more demands from citizens to their government that the government may not be able to provide. I take the log of the population that I acquired from the World Bank database (WorldBank2013). I expect that as the log of the population increases, the torture score will decrease (more torture) when controlling for all other factors.

Lower economic standing leads to higher human rights abuses (Davenport 2007; Poe, Tate and Keith 1999). Poorer countries have less money to redistribute leading to higher citizen grievances that could be quelled with coercive acts e.g. torture. I control for a country's level of economic development by including its yearly energy consumption (kg oil consumed per capita).¹⁸ I expect that as the log of energy consumption increases, torture will decrease, resulting in higher CIRI torture scores, on average.

I include two controls for whether a country is in the midst of a civil or international war. The measures are dichotomous and coded as a 1 if a state is in civil or international war. Being involved in war may cause a leader to feel threatened and resort to human rights abuses to shore up power (Boswell and Dixon 1990; Conrad and Moore 2010; Gurr 1986; Poe, Tate and Keith 1999). I collected these data from the Correlates of War database (Sarkees and Wayman 2010).

I control for the presence of an independent judiciary because previous studies find an association with freer societies with fewer human rights abuses (Cross 1999; Keith 2002; LaPorta et al. 2004). I use the latent variable created by Linzer and Staton (2011) based on eight commonly used proxies and indicators for judicial independence, as it

“makes use of the general agreement among the indicators, yet addresses concerns” with these same indicators (13). It is a continuous variable between 0 and 1, with higher values representing more judicial independence. I expect that as the independent judiciary score increases, a country’s CIRI torture score will increase (less torture).

I include in the model whether a country has an independent judiciary *and* has ratified the CAT. As discussed above, the domestic judiciary will be more effective when acting in accordance with an agreed upon treaty (e.g. Lupu 2013; Powell and Staton 2009).

Transitioning democracies torture less often if they commit to the Convention against Torture (Simmons 2009). In order to control for this relationship I create a dichotomous variable to indicate transitioning democracies taking a value of one if the Polity score is one to six, and zero otherwise. To account for the relationship described in Simmons (2009), I interact the transition variable with CAT ratification (and include the transition variable as the constituent term).

Finally, I follow convention and control for autocorrelation by including a one-year lag of my dependent variable (Beck and Katz 1995).

5.4 Statistical Model

The data are an unbalanced time-series cross-section (TSCS) covering 153 countries from the years 1981 to 2007. The unit of analysis is the country-year. Due to the ordinal nature of the dependent variable, I fit an ordered logit.¹⁹ When dealing with TSCS data, one must always be wary of autocorrelation and heteroskedasticity (Poe and Tate 1994). Heteroskedasticity can lead to inaccurate standard errors, while autocorrelation can lead to both inaccurate standard errors and biased coefficients (Stimson 1985). Beck and Katz (1995) suggest panel-corrected standard errors when using TSCS data, but this is probably a poor method when N is much larger than T (Hoechle 2007, 284) For this

reason, I use clustered standard errors on country to account for heteroskedasticity. As mentioned above, I include a lagged dependent variable on the right hand side of the equation to account for autocorrelation (Beck and Katz 1995).²⁰

6 Results

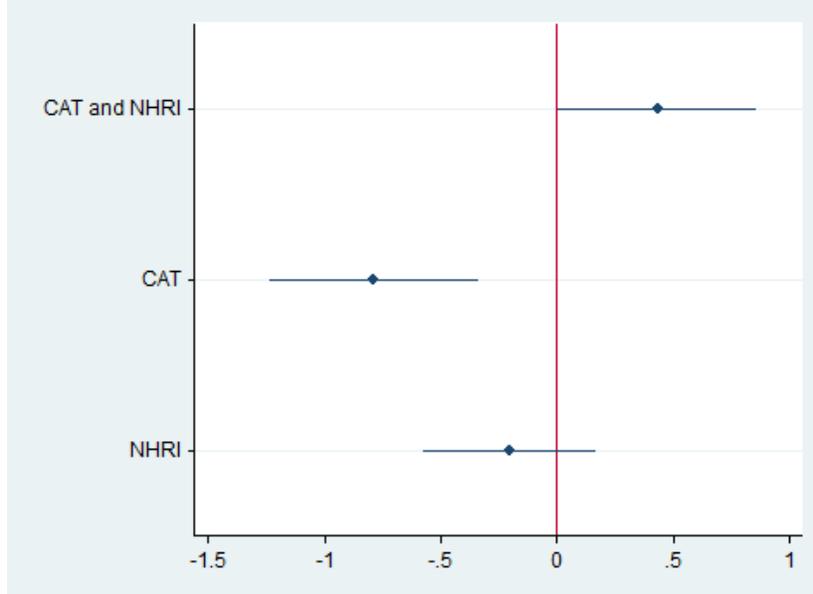
All coefficient estimates are given in Table 1. The coefficient for the explanatory variable (the interaction of CAT ratification and Existence of an NHRI) is positive and significant at standard levels.

Table 1: Ordered Logit Results

	Coefficient	(Std. Err.)
CAT and NHRI	0.431	(0.217)
CAT	-0.786	(0.228)
NHRI	-0.205	(0.189)
Democracy	-0.046	(0.017)
Civil War	-0.884	(0.198)
Internat War	-0.061	(0.241)
Econ Standing	0.107	(0.065)
Population	-0.259	(0.047)
Jud Ind	3.392	(0.629)
CAT and JudInd	0.238	(0.370)
Transition	-0.143	(0.269)
CAT and Trans	0.005	(0.325)
Lagged DV	1.903	(0.105)
Cut1	-1.459	(0.835)
Cut2	2.036	(0.843)

Figure 2 presents plots of the explanatory variable and its constituent terms for the hypothesis test.²¹ Consistent with past work, ratifying the CAT is associated with more state torture (e.g. Hathaway 2002; Hill 2010; Hollyer and Rosendorff 2011). However, when states ratify the CAT *and* have an NHRI, state torture decreases. The coefficient on the interaction term is signed in the expected direction and significant at conventional

Figure 2: Effect of Interaction Term and Constituents (with 95% Confidence Intervals)



levels ($\beta = 0.434$, $p = 0.042$). Because the model is non-linear in outcome probabilities and the independent variable is binary (Brambor, Clark and Golder 2006; King, Tomz and Wittenberg 2000; Long 1997), I present the first difference in Table 2. Using Clarify (King, Tomz and Wittenberg 2000; Tomz, Wittenberg and King 2003), I obtain the first difference that an “average”²² country will fall into one of the three categories of the dependent variable when a country has ratified the CAT and goes from no NHRI to having an NHRI.²³ Most importantly, countries substantively find themselves in the most egregious category (0) five percent less often when adopting an NHRI. Adopting an NHRI allows states that have ratified the CAT to move out of a situation where torture is routine (0) to situations where only “a few instances” occur (Cingranelli and Richards 2010, 17).²⁴ The increase in states in category 1 is promising as well as more states are moving from 0 to 1, than are moving from 2 to 1 evidenced by the negative sign on 0 and positive sign on 2.

Many of the control variables perform as expected (e.g. civil war, economic standing,

Table 2: Probability of Changing Torture Categories for CAT Ratifier when It Adopts an NHRI

Torture Category	Probability	Std. Error
0	-0.056	0.039
1	0.047	0.033
2	0.009	0.006

population, judicial independence²⁵). However, a few variables warrant further discussion. The presence of an NHRI is negatively signed and fails to meet standard statistical significance suggesting that in the absence of CAT ratification the impact of NHRIs on state torture practices is nil. The result is counter to Cole and Ramirez (2013), who find NHRIs independently lead to better physical integrity rights protection (including torture as well as extra-judicial killings, political imprisonment, and disappearances). Cole and Ramirez (2013, 7) suggest NHRI effectiveness with respect to physical integrity rights is due to the “principled inviolability of physical integrity rights or widespread cultural opposition to civil and political rights.” As mentioned above, freedom from torture is one of, if not the most, sacred of the international human rights. The disparate results may be due to different mechanisms involved in each of the physical integrity rights violations and how NHRIs interact with governments vis-a-vis these rights. For instance, the decision to torture is probably affected by different considerations than whether to disappear someone. These results suggest Davenport’s (2007) call to study disaggregated human rights rather than a collection of them will lead to further insight on institutional capacity to restrain. The disparate results warrant further investigation on NHRI effectiveness.

The democracy control is signed opposite of expectations and reaches conventional statistical significance suggesting democracies torture more often. Although surprising given past scholarship has found such a robust correlation between democracy and respect for rights that Davenport (2007) refers to the “Domestic Democratic Peace,” it is

important to remember that democracy is a system of governance composed of different institutions and norms (Conrad and Moore 2010, 2012; Li 2005; Souva, Smith and Rowan 2008). The CAT and NHRIs represent liberal legal institutions associated with the principles of democracy. However, elections also define democracies. Conrad and Moore (2012) show elections are associated with more torture because they are fundamentally majoritarian, and often leaders target minorities or “others” (Conrad and Moore 2012; Conroy 2000; Rejali 2007).

The sign on the interaction of CAT ratification and judicial independence fails to reach conventional statistical significance (although it is signed in the expected direction), counter to Powell and Staton (2009). It is unclear to this researcher why this is. Further exploration of NHRI and judicial interaction may bear more information on this unexpected result.

The coefficient on the interaction of CAT ratification and transitional democracies also fails to reach conventional statistical significance (though the sign is in the predicted direction). When including NHRIs in the model, Simmons’ (2009) result does not hold. The result makes sense given that many transitioning states established NHRIs in an effort to become legitimate members of the international community (Reif 2000).

Lastly, some may reasonably argue that the NHRI variable is not completely exogenous in the model. For this reason, I also estimated the ordered logit with every independent variable lagged by one year. The coefficient on the explanatory variable remains positive (0.381) with a slightly increased p-value (0.081).²⁶

7 Conclusion

The present study continues research on the effectiveness of international law by acknowledging domestic conditions (e.g Dai 2014). For international torture law, NHRIs

are an important liberal institution in the domestic political environment alongside effective judiciaries, (e.g. Goodman and Pegram 2012; Lupu 2013; Powell and Staton 2009) and other domestic conditions (e.g. Simmons 2009). NHRIs offer information to interested actors that increase the chance they mobilize and pursue legal redress, thus causing an executive to decrease her expected utility to torture.

This study also continues research on disaggregated outcomes and explanations. Institutions that provide information are vital for making international law, such as the CAT, effective for the secretive practice of torture. Also, examining liberal legal institutions apart from democracy helps isolate which parts of democracy (in this case a liberal institution) contribute to the “domestic democratic peace” (Davenport 2007).

The findings in this paper suggest important policy implications. Hafner-Burton (2013) prescribes a triage strategy to make “human rights a reality.” Instead of an all-inclusive international legal regime, those concerned with human rights practices should devote their limited resources where the probability for success is highest. The current international human rights treaty regime is built on a model of universal inclusion in order to change norms throughout the system (Finnemore and Sikkink 1998; Hafner-Burton 2013). But, taking domestic conditions and availability of resources seriously, states and organizations should invest in creating new NHRIs where they do not exist.²⁷ Given that a top concern for NHRI effectiveness is budget constraints (e.g. Renshaw and Fitzpatrick 2012; Smith 2006), investing in existing NHRIs to make them more capable of making international treaty obligations meaningful would be an effective strategy to improving respect for rights internationally. There is reason to be optimistic, as is evidenced by the requirement of a national preventative mechanism (often designated as the NHRI) in the Optional Protocol to the Convention against Torture.

The point of investing to make NHRIs more effective suggests further research into NHRI heterogeneity. The present study follows other quantitative pieces (e.g. Kim 2013;

Koo and Ramirez 2009)²⁸ in treating NHRIs as dichotomous (i.e. absent or present) although they differ with respect to budgets, rights protected, allowed actions, and composition (e.g Goodman and Pegram 2012; Mertus 2009). Some NHRIs may be better at holding leaders to their word when they ratify the CAT. Which states adopt which kinds of NHRIs? What actors influence the adoption and design of different NHRIs? By seeking answers to these questions, future research should tease apart the differences in NHRIs' ability to offer information and keep governments accountable to their international commitments, such as the CAT.

Further research should also look at NHRI effectiveness with respect to other human rights treaties. Cole and Ramirez (2013) contend NHRIs focus on physical integrity rights. Would NHRIs effect the Convention on the Rights of Persons with Disabilities or the Convention on the Elimination of Discrimination against Women? If so, what mechanisms would be responsible? How does NHRI design effect these mechanisms? This study shows NHRIs responsible for making the CAT effective by increasing information. Further research will show if NHRIs are effective for the rest of the international human rights legal regime, and how.

Notes

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²I define torture as does the CAT: “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity” (<http://www.un.org/documents/ga/res/39/a39r046.htm>.)

³Cole and Ramirez (2013), the only other quantitative piece on NHRI effectiveness known to this author, describe NHRIs as a consequence of the global polity’s concern with certain rights (physical integrity) over time.

⁴Although Rejali (2007) reminds us that despite having the reputation for innovative sadism, Nazi Germany borrowed many of its torture techniques from other cultures (e.g. electro-torture from the French).

⁵Including the CAT, American Torture Convention, and the African Charter

⁶Some specifications in Hathaway (2002) show no statistical relationship between ratification and practice

⁷Although see Conrad and Moore (2012) for an argument that elections may not lead to a decrease in torture because marginalized groups (not a priority of the majority) are often targeted.

⁸Monists treat international and domestic law as one legal system with international law occupying a hierarchically superior position. Dualists treat domestic and international law as two separate spheres whereby international law is applied domestically to the extent that it is incorporated into the domestic law (von Glahn and Taulbee 2013, 118). For a more comprehensive review of monism and dualism see Marian (2007).

⁹The Paris Principles were adopted in by the United Nations General Assembly in 1993.

¹⁰Studies, such as Cole and Ramirez (2013) suggest there is reason to study them as one homogenous group – “...*all types* of human rights institutions improve long-term physical integrity outcomes but not civil and political rights practices” (1, emphasis added). As noted in the conclusion, future study should

explore further what aspects of NHRIs are most effective at curbing rights violations, and when.

¹¹Approximately 8,000 USD

¹²See Simmons (1998) for a helpful review that is but a starting point.

¹³Although the Paris Principles call for independent NHRIs, a number of case studies show independence is not a binary concept and some NHRIs are more or less independent than others (e.g. Mertus 2009). Skepticism about NHRI independence (e.g. Rosenblum 2012) actually provides for a conservative test of my hypothesis, as I am looking for the average effect and those NHRIs that are less independent would dampen the overall effect.

¹⁴Note the tests in this study do not directly address OPCAT. The temporal range of the data go to 2007, and OPCAT did not go into force until 22 June 2006. Future studies should look further into OPCATs relationship with NHRIs.

¹⁵This could be through a continuum of mechanisms from democratic elections to revolution. The most important point is domestic mobilization can threaten the executive's office.

¹⁶The global human rights polity includes international organizations, INGOs, states concerned with human rights, companies concerned with human rights

¹⁷Recall this would result in an increase in the dependent variable as it measures protection of rights.

¹⁸Energy Consumption is a more reliable and available measure than GDP, and the two are highly correlated capturing the same concept (Jackman 1973).

¹⁹Two of the variables do not meet the assumption of parallel slopes, but the overall model meets the assumption. Fitting a partial proportional odds model does not change the beta coefficient or standard error on the explanatory variable or its constituents in a substantial way; therefore, the results are the same and not model dependent. The results for the partial proportional odds model can be found in the online Appendix.

²⁰Another way to deal with autocorrelation is use of the Prais-Winston transformation (Plumper, Troeger and Manow 2005). Estimating the Prais-Winston does not require a lagged dependent variable (which absorbs much of the time-series variance), so statistical results are "easier" to find, making my model choice a more conservative test. Results are similar and presented in the online Appendix.

²¹I used STATA 12 for statistical analyses.

²²I set dichotomous variables to their medians and continuous variables to to their means. The result is an average country that is slightly democratic (polity score of 1.68), is not at war (civil or international), has an economic standing on par with Brazil in 2006, a population of around 11 million, and judiciary

with an independence score of 0.452.

²³This is the appropriate first difference to test my hypothesis, however in the full disclosure the first difference that takes a country with an established NHRI and changes the state from a CAT non-ratifier to ratifier yields opposite results. Not only does the first difference presented answer my question, but it is more appropriate given that most states ratify the CAT before they establish an NHRI (modal CAT ratification year is 1987, modal NHRI adoption year is 1996). The disparate first difference does present a puzzle about timing of institutional adoption worth exploring in future work.

²⁴Throughout I assume movement from adjacent categories. It is possible that countries go from 0 to 2, and vice versa, but unlikely.

²⁵Judicial independence has the highest substantive effect on torture practices in this model. Despite that fact, knowing about NHRI effectiveness for states that commit to international agreements is worthwhile.

²⁶I present the results in the online appendix.

²⁷If not after investing in steps to make the judiciary independent given its large substantive effects in the model.

²⁸Cole and Ramirez (2013) begin to disaggregate by broadly grouping NHRIs based on their organizational structure and mandate (classic ombudsman, human rights commissions, and human rights ombudsman).

References

- Amnesty International. 2014. "Philippines: Officers in Secret Police Detention Cell Play 'Torture Roulette' with Inmates." *AI News* . January 27.
URL: <http://www.amnesty.org/en/news/philippines-officers-secret-police-detention-cell-play-torture-roulette-inmates-2014-01-27>
- Axelrod, Robert. 1984. *The Evolution of Cooperation*. New York: Basic Books.
- Balana, Cynthia D. 2014. "Wheel of Torture: 10 Cops Relieved." *Philippine Daily Inquirer* .
- Beck, Nathaniel and Jonathan Katz. 1995. "What to do (and not to do) with Time-Series Cross-Section Data." *American Political Science Review* 89(3):634–647.
- Blanton, Shannon Lindsay and Robert G. Blanton. 2007. "What Attracts Foreign Investors? An Examination of Human Rights and Foreign Direct Investment." *Journal of Politics* 69(1):143–155.
- Boswell, Terry and William J. Dixon. 1990. "Dependency and Rebellion: A Cross-National Analysis." *American Sociological Review* 55:540–559.
- Brambor, Thomas, William Clark and Matt Golder. 2006. "Understanding Interaction Models: Improving Empirical Analyses." *Political Analysis* 14(1):63–82.
- Calamur, Krishnadev. 2014. "Philippine Police Used 'Wheel of Torture,' Rights Group Says." *The Two-Way* .
- Cardenas, Sonia. 2012. National Human Rights Institutions and State Compliance. In *Human Rights, State Compliance, and Social Change*, ed. Ryan Goodman and Thomas Pegram. New York: Cambridge University Press.
- Carver, Richard. 2004. *Performance and Legitimacy: National Human Rights Institutions*. Versoix, Switzerland: International Council on Human Rights Policy.
- Carver, Richard. 2010. "A New Answer to an Old Question: National Human Rights Institutions and the Domestication of International Law." *Human Rights Law Review* 10(1):1–32.
- Carver, Richard. 2012. National Human Rights Institutions in Central and Eastern Europe: The Ombudsman as Agent of International Law. In *Human Rights, State Compliance, and Social Change*, ed. Ryan Goodman and Thomas Pegram. New York: Cambridge University Press.
- Cheng, Hing Yong. 1968. "The Emergence and Spread of the Ombudsman Institution." *The Annals of the American Academy of Political and Social Science* 377(1):20–30.

- Cingranelli, David L. and David L. Richards. 1999. "Respect for Human Rights after the End of the Cold War." *Journal of Peace Research* 36(5):511–534.
- Cingranelli, David L. and David L. Richards. 2010. "The Cingranelli Richards (CIRI) Human Rights Database Coding Manual."
- Cingranelli, David L. and David L. Richards. 2012. "The Cingranelli-Richards (CIRI) Human Rights Dataset." Available at <http://www.humanrightsdata.org>.
- Cole, Wade M. and Francisco O. Ramirez. 2013. "Conditional Decoupling: Assessing the Impact of National Human Rights Institutions, 1981-2004." *American Sociological Review* 78(4):702–725.
- Conrad, Courtenay R., Jillienne Haglund and Will H. Moore. 2013. "Disaggregating Torture Allegations: Introducing the Ill-Treatment and Torture (ITT) Country-Year Data." *International Studies Perspectives* 14:199 – 220.
- Conrad, Courtenay R. and Will H. Moore. 2010. "What Stops the Torture?" *American Journal of Political Science* 54(2):459 – 476.
- Conrad, Courtenay R. and Will H. Moore. 2012. "Political Institutions, Plausible Deniability, and the Use of Stealth Torture." Working paper. Available at <http://visionsinmethodology.org/wp-content/uploads/2012/04/>.
- Conroy, John. 2000. *Unspeakable Acts, Ordinary People: The Dynamics of Torture. An Examination of the Practice of Torture in Three Democracies*. Berkeley, CA: University of California Press.
- Cross, Frank B. 1999. "The Relevance of Law in Human Rights Protection." *International Review of Law and Economics* 19(1):87–98.
- Dai, Xinyuan. 2014. "The Conditional Effects of International Human Rights Institutions." *Human Rights Quarterly* 36(3):569–589.
- Davenport, Christian. 1995. "Multi-Dimensional Threat Perception and State Repression: An Inquiry Into Why States Apply Negative Sanctions." *American Journal of Political Science* 39(3):683–713.
- Davenport, Christian. 1999. "Human Rights and the Democratic Proposition." *Journal of Conflict Resolution* 43(1):92–116.
- Davenport, Christian. 2007. "State Repression and Political Order." *Annual Review of Political Science* 10:1–27.
- Davenport, Christian and David Armstrong. 2004. "Democracy and the Violation of Human Rights: A Statistical Analysis from 1976-1996." *American Journal of Political Science* 48(3):538–554.

- Downs, George W., David M. Rocke and Peter N. Barsoom. 1996. "Is the Good News about Compliance Good News about Cooperation?" *International Organization* 50(3):379–406.
- Finnemore, Martha and Kathryn Sikkink. 1998. "Norms and International Relations Theory." *International Organization* 52(4):887–917.
- Goodman, Ryan and Thomas Pegrum. 2012. *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions*. New York: Cambridge University Press.
- Gronke, Paul, Darius Rejali, Dustin Drenguis, James Hicks, Peter Miller and Bryan Nakayama. 2010. "U.S. Public Opinion on Torture, 2001-2009." *Political Science and Politics* 43(3):437–444.
- Gurr, Ted Robert. 1986. *The Political Origins of State Violence and Terror: A Theoretical Analysis*. In *Government Violence and Repression: An Agenda for Research*, ed. Michael Stohl and George Lopez. New York: Greenwood Press.
- Guzman, Andrew T. 2008. *How International Law Works: A Rational Choice Theory*. New York: Oxford University Press.
- Hafner-Burton, Emilie M. 2005. "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression." *International Organization* 59(3):593–629.
- Hafner-Burton, Emilie M. 2013. *Making Human Rights a Reality*. Princeton: Princeton University Press.
- Hafner-Burton, Emilie M. and Kiyoteru Tsutsui. 2005. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110(5):1373–1411.
- Hathaway, Oona A. 2002. "Do Human Rights Treaties Make a Difference?" *Yale Law Journal* 111:1935–2042.
- Hathaway, Oona A. 2007. "Why Do Countries Commit to Human Rights Treaties?" *Journal of Conflict Resolution* 51(4):588–621.
- Henderson, Conway. 1991. "Conditions Affecting the Use of Political Repression." *Journal of Conflict Resolution* 35:120–142.
- Hill, Daniel W. 2010. "Estimating the Effects of Human Rights Treaties on State Behavior." *Journal of Politics* 72(4):1161–1174.
- Hill, Larry B. 1974. "Institutionalization, the Ombudsman, and Bureaucracy." *American Political Science Review* 68(3):1075–1085.

- Hoechle, Daniel. 2007. "Robust Standard Errors for Panel Regressions with Cross-Sectional Dependence." *The Stata Journal* 7(3):281–312.
- Hollyer, James R. and B. Peter Rosendorff. 2011. "Why Do Authoritarian Regimes Sign the Convention Against Torture? Signaling, Domestic Politics and Non-Compliance." *Quarterly Journal of Political Science* 6:275–327.
- ICC. 2012. "Directory of Institutions." Available at <http://nhri.ohchr.org/EN/National/DirectoryOfInstitutions/Pages/Global.aspx>.
- Jackman, Robert. 1973. "On the Relationship of Economic Development to Political Performance." *American Journal of Political Science* 36:611–621.
- Keith, Linda Camp. 2002. "Judicial Independence and Human Rights Protection Around the World." *Judicature* 85(4):195–200.
- Keohane, Robert O. and Joseph S. Nye. 1979. *Power and Interdependence*. Boston: Pearson.
- Killander, Magnus, ed. 2010. *International Law and Domestic Rights Litigation in Africa*. South Africa: Pretoria University Law Press.
- Kim, Dongwook. 2013. "International Nongovernmental Organizations and the Global Diffusion of National Human Rights Institutions." *International Organization* 67:505–539.
- King, Gary, Michael Tomz and Jason Wittenberg. 2000. "Making the Most of Statistical Analyses: Improving Interpretation and Presentation." *American Journal of Political Science* 44(2):347–361.
- Koo, Jeong-Woo and Francisco O. Ramirez. 2009. "National Incorporation of Global Human Rights: Worldwide Expansion of National Human Rights Institutions, 1966–2004." *Social Forces* 87(3):1321–1354.
- LaPorta, Rafael, Florencio López de Silanes, Cristian Pop-Eleches and Andrei Shleifer. 2004. "Judicial Checks and Balances." *Journal of Political Economy* 112(2):445–470.
- Lebovic, James H. and Eric Voeten. 2009. "The Cost of Shame: International Organizations and Foreign Aid in the Punishing of Human Rights Violators." *Journal of Peace Research* 46(1):79–97.
- Li, Quan. 2005. "Does Democracy Promote or Reduce Transnational Terrorist Incidents?" *Journal of Conflict Resolution* 49(2):278–297.
- Linzer, Drew A. and Jeffrey K. Staton. 2011. "A Measurement Model for Synthesizing Multiple Comparative Indicators: The Case of Judicial Independence." *Unpublished Manuscript*.

- Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks: Sage Publications.
- Luban, David. 2006. Liberalism, Torture, and the Ticking Time Bomb. In *The Torture Debate in America*, ed. Karen J. Greenberg. New York: Cambridge University Press.
- Lupia, Arthur and Mathew D. McCubbins. 1994. "Who Controls? Information and the Structure of Legislative Decision Making." *Legislative Studies Quarterly* 19(3):361–384.
- Lupu, Yonaton. 2013. "Best Evidence: The Role of Information in Domestic Judicial Enforcement of International Human Rights Agreements." *International Organization* 67(3):469–503.
- Marian, Brindusa. 2007. "The Dualist and Monist Theories. International Law's Conception of These Theories." *The Juridical Current* 1–2:16–27.
- Marshall, Monty G., Ted Robert Gurr and Keith Jagers. 2012. *Polity IV Project: Political Regime Characteristics and Transitions, 1800-2012. Data Users' Manual*. Center for Systemic Peace. Available online at: <http://www.systemicpeace.org/inscr/p4manualv2012.pdf>.
- Marx, Gary and Michael Useem. 1971. "Majority Involvement in Minority Movements: Civil Rights, Abolition, Untouchability." *Journal of Social Issues* 27(1):81–104.
- Mearsheimer, John. 1995. "The False Promise of International Institutions." *International Security* 19(3):5–49.
- Meeker, James W. and John Dombrink. 1992. "Access to the Civil Courts for Those of Low and Moderate Means." *Southern California Law Review* 66:2217–2232.
- Mertus, Julie A. 2009. *Human Rights Matters: Local Politics and National Human Rights Institutions*. Stanford, CA: Stanford University Press.
- Moravcsik, Andrew. 2003. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization* 54(02):217–252.
- Moyo, Milimo. 2000. *Torture in Zambia: The Role of the Permanent Human Rights Commission in Monitoring Zambia's Compliance with the Convention Against Torture* PhD thesis University of Zambia.
- Murdie, Amanda and Tavishi Bhasin. 2011. "Aiding and Abetting: Human Rights INGOs and Domestic Dissent." *Journal of Conflict Resolution* 55(2):163–191.
- Myers, Daniel J. 2008. *Ally Identity: The Politically Gay*. In *Identity Work in Social Movements*, ed. Jo Reger, Daniel J. Myers and Rachel L. Einwohner. Minneapolis, MN: University of Minnesota Press.

- NHRCRK. 2010. *National Human Rights Commission of the Republic of Korea Annual Report 2009*. Seoul, Korea: National Human Rights Commission of the Republic of Korea.
- Okafor, Obiora Chinedu. 2012. National Human Rights Institutions in Anglophone Africa: Legalism, Popular Agency, and the "Voices of the Suffering". In *Human Rights, State Compliance, and Social Change*, ed. Ryan Goodman and Thomas Pogram. New York: Cambridge University Press.
- Olson, Mancur. 1971. *The Logic of Collective Action*. Cambridge: Harvard University Press.
- Pogram, Thomas. 2012. National Human Rights Institutions in Latin America: Politics and Institutionalization. In *Human Rights, State Compliance, and Social Change*, ed. Ryan Goodman and Thomas Pogram. New York: Cambridge University Press.
- Peters, Edward. 1985. *Torture*. Philadelphia: University of Pennsylvania Press.
- Plumper, Thomas, Vera E. Troeger and Philip Manow. 2005. "Panel Data Analysis in Comparative Politics: Linking Method to Theory." *European Journal of Political Research* 44:327–354.
- Poe, Steven and C. Neal Tate. 1994. "Repression of Personal Integrity Rights in the 1980's: A Global Analysis." *American Political Science Review* 88:853–872.
- Poe, Steven, C. Neal Tate and Linda Camp Keith. 1999. "Repression of the Human Right to Personal Integrity Revisited: A Global, Cross-National Study Covering the Years 1976-1993." *International Studies Quarterly* 43:291–313.
- Powell, Emilia J. and Jeffrey K. Staton. 2009. "Domestic Judicial Institutions and Human Rights Treaty Violation." *International Studies Quarterly* 53(1):149 – 174.
- Reif, Linda C. 2000. "Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection." *Harvard Human Rights Journal* 13:1–69.
- Reif, Linda C. 2012. The Shifting Boundaries of NHRI Definition in the International System. In *Human Rights, State Compliance, and Social Change*, ed. Ryan Goodman and Thomas Pogram. New York: Cambridge University Press.
- Rejali, Darius. 2007. *Torture and Democracy*. Princeton, New Jersey: Princeton University Press.
- Renshaw, Catherine and Kieren Fitzpatrick. 2012. National Human Rights Institutions in the Asia Pacific Region: Change Agents under Conditions of Uncertainty. In *Human Rights, State Compliance, and Social Change*, ed. Ryan Goodman and Thomas Pogram. New York: Cambridge University Press.

- Risse, Thomas and Kathryn Sikkink. 1999. The Socialization of International Human Rights Norms into Domestic Practices: Introduction. In *The Power of Human Rights: International Norms and Domestic Change*, ed. S.C. Ropp and K. Sikkink. New York: Cambridge University Press pp. 1–38.
- Rodley, Nigel. 1999. *The Treatment of Prisoners Under International Law*. Oxford, UK: Clarendon Press.
- Rosenblum, Peter. 2012. Tainted Origins and Uncertain Outcomes: Evaluating NHRIs. In *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions*, ed. Ryan Goodman and Thomas Pegrum. New York: Cambridge.
- Russo, Chandra. 2014. “Allies Forging Collective Identity: Embodiment and Emotions on the Migrant Trail.” *Mobilization: An International Journal* 19(1):439–505.
- Sarkees, Meredith Reid and Frank Wayman. 2010. *Resort to War: 1812-2007*. Los Angeles: CQ Press.
- Scarry, Elaine. 1985. *The Body in Pain*. New York: Oxford University Press.
- Simmons, Beth A. 1998. “Compliance with International Agreements.” *Annual Review of Political Science* 1:75–93.
- Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. New York: Cambridge University Press.
- Sloss, Davis. 2009. *The Role of Domestic Courts in Treaty Enforcement: A Comparative Study*. New York: Cambridge University Press.
- Smith, Anne. 2006. “The Unique Position of National Human Rights Institutions: A Mixed Blessing?” *Human Rights Quarterly* 28(4):904–946.
- Souva, Mark, Dale L. Smith and Shawn Rowan. 2008. “Promoting Trade: The Importance of Market Protecting Institutions.” *The Journal of Politics* 70(2):383–392.
- Stimson, James. 1985. “Regression in Space and Time: A Statistical Essay.” *American Journal of Political Science* 29:914–947.
- Sussman, David. 2005. “What’s Wrong with Torture?” *Philosophy and Public Affairs* 33(1):1–33.
- Tomz, Michael, Jason Wittenberg and Gary King. 2003. “CLARIFY: Software for Interpreting and Presenting Statistical Results.” Available at: <http://gking.harvard.edu/>. Version 2.1.
- UHRC. 2009. *The 12th Annual Report of the Uganda Human Rights Commission to the Parliament of the Republic of Uganda*. Kampala, Uganda: Uganda Human Rights Commission.

- UN. 2012. "United Nations Treaty Collection." <https://treaties.un.org>.
- von Glahn, Gerhard and James Larry Taulbee. 2013. *Law Among Nations: An Introduction to Public International Law*. 10 ed. Boston: Pearson.
- Vreeland, James Raymond. 2008. "Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture." *International Organization* 62(1):65–101.
- Wallace, Geoffrey P.R. 2013. "International Law and Public Attitudes Toward Torture: An Experimental Study." *International Organization* 67(1):105–140.
- Willing, Thomas E. 1968. "Financial Barriers and the Access of Indigents to the Courts." *Georgetown Law Journal* 57:253–306.