

Human Rights as Myth and Ceremony? Reevaluating the Effectiveness of Human Rights Treaties, 1981–2007¹

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Much research has shown human rights treaties to be ineffective or even counterproductive, often contributing to greater levels of abuse among countries that ratify them. This article reevaluates the effect of four core human rights treaties on a variety of human rights outcomes. Unlike previous studies, it disaggregates treaty membership to examine the effect of relatively “stronger” and “weaker” commitments. Two-stage regression analyses that control for the endogeneity of treaty membership show that stronger commitments in the form of optional provisions that allow states and individuals to complain about human rights abuses are often associated with improved practices. The article discusses the scholarly and practical implications of these findings.

More than three decades ago, John W. Meyer and Brian Rowan’s “Institutionalized Organizations: Formal Structure as Myth and Ceremony” argued that many features of modern organizations derive not from their internal task demands but rather from an institutional environment that furnishes basic structural templates and action scripts (Meyer and Rowan 1977). Subsequent work extended this line of thought to nation-states as organizations writ large (Thomas et al. 1987; Meyer, Boli, et al. 1997). States, in this view, are constituted by and operate within a broader “world society.” This shared external environment propels states to become in-

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creasingly isomorphic in terms of their ministerial structures (Kim, Jang, and Hwang 2002), constitutional provisions (Boli 1987), education systems (Meyer, Ramirez, and Soysal 1992), school curricula (Benavot et al. 1991), and a host of policies regarding citizenship rights (Ramirez, Soysal, and Shanahan 1997), science (Drori et al. 2003; Schofer 2003), rape (Frank, Hardinge, and Wosick-Correa 2009), the environment (Meyer, Frank, et al. 1997; Frank, Hironaka, and Schofer 2000), and population control (Barrett and Frank 1999).

Since the Second World War, human rights have become a core normative element of world society. Human rights are putatively universal standards, principles, and values that regulate the relationship between states and individuals by investing the latter with basic sets of rights claims against the former. A state's legitimacy is increasingly pegged to its support of human rights principles; however, scholars from the world society approach routinely acknowledge that many states endorse human rights principles—for example, by ratifying human rights treaties—without putting those principles into practice. Human rights principles, that is, are “decoupled” from everyday practices. Several years ago Hafner-Burton and Tsutsui (2005) published an analysis in which they used world society theory to explain why human rights treaties fail to have their intended effects on the countries that ratify them. Not only that, Hafner-Burton and Tsutsui reported that levels of abuse worsened following ratification of several core human rights treaties, a phenomenon they dubbed “radical decoupling.” Others have also found that the treaties often exacerbate rather than attenuate human rights abuses (Keith 1999; Hathaway 2002; Hafner-Burton and Tsutsui 2007).

Recent analyses give reason to be more optimistic, but only slightly so. Using more sophisticated methodological techniques than previously employed, scholars began to uncover positive but highly contingent treaty effects. These studies found that human rights treaties had their intended impact on practices when mediated by domestic factors such as level of democracy and judicial effectiveness (Landman 2005; Neumayer 2005; Powell and Staton 2009; Simmons 2009). This means, however, that human rights treaties have largely failed to matter where they are needed most (Hafner-Burton and Tsutsui 2007).

There is little consensus as to the causal mechanisms driving the perverse association between ratification and repression. For some, human rights treaty ratification amounts to little more than cheap talk (Hathaway 2003). Others posit that countries ratify as a tactical concession, either to placate domestic opposition groups or to mollify the international community (Risse, Ropp, and Sikkink 1999; Vreeland 2008). Yet others view ratification as “window dressing,” a way for countries to align themselves with externally legitimated models of statehood (Keith 2002; Hafner-

Burton and Tsutsui 2007). Treaties, in this view, function as “myths” that are “taken for granted as legitimate, apart from evaluations of their impact on . . . outcomes” (Meyer and Rowan 1977, p. 344). Despite (or perhaps because of) the limited impact of human rights treaties on practices, states continue to ratify them; it is in this sense that ratification has been described as ceremonial (Hafner-Burton, Tsutsui, and Meyer 2008).

I argue that this view of human rights treaties, although widely held, misses a core insight of Meyer and Rowan’s original statement, which holds that decoupling and face work are sustainable only to the extent that organizational activities and outcomes are shielded from rigorous scrutiny. “Inspection and evaluation,” after all, “can uncover events and deviations that undermine legitimacy” (Meyer and Rowan 1977, p. 359). By implication, if human rights violations are effectively monitored or enforced, the legitimacy that accrues to disingenuous treaty ratification evaporates. An even stronger prediction—one that has yet to be analyzed in the empirical literature—is that “*deceremonialized*” monitoring and enforcement will render human rights treaties more efficacious, resulting in improved country-level practices.

I evaluate this prediction using data for up to 148 countries between 1981 and 2007 and two-stage regression models that account for the endogeneity of treaty membership. I analyze the effects of four core human rights instruments on measures that correspond as closely as possible with the substance of each one. These instruments are the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (CCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted, respectively, in 1965, 1966, 1984, and 1989. The CCPR and CAT focus on different categories of rights *protections*—civil and political rights on the one hand, personal integrity rights on the other—that apply equally to all individuals, whereas the CERD and CEDAW seek to eradicate discrimination vis-à-vis distinct categories of *rightsholders*—namely, racial minorities and women. When evaluating the effect of these treaties on outcomes, I take different levels of monitoring and enforcement into consideration. As a result, I find, in contrast with existing research, that human rights treaties often have direct salutary effects on the practices of states that join them.

My analysis uncovers positive effects where others have not because I address two primary limitations of previous studies. First, scholars tend to view treaty membership as a binary variable—either a country ratified a treaty or not—that fails to consider *different levels of treaty commitment*. I take a more nuanced approach to treaty membership by analyzing

whether compliance varies with a country's decision to (1) sign rather than ratify; (2) enter reservations, understandings, or declarations that qualify or evade specific treaty provisions; or (3) accede to more stringent monitoring and enforcement than is required.

Second, until recently much research employed broad measures of state-sponsored torture and terror to evaluate the effectiveness of treaties addressing a variety of issues, not only basic physical integrity rights but also civil, political, socioeconomic, women's, children's, and minority rights (e.g., Keith 1999, 2002; Hafner-Burton 2005; Hafner-Burton and Tsutsui 2005, 2007). This mismatch between the substance of a treaty and the outcome used to gauge its impact can make it difficult to detect positive treaty effects. (Notably, every study to date that has found a positive conditional effect of treaty ratification, in addition to exploring contextual relationships, has also tailored outcome measures to treaty substance.) My analysis includes a *broader range of outcomes* than most previous studies have employed and tailors outcome measures to treaty content, thus making it easier to detect treaty effects.

ACCOUNTING FOR THE (IN)EFFECTIVENESS OF HUMAN RIGHTS TREATIES

Theorizing the "Three Pillars" of Compliance

Why—or under what conditions—do states comply with human rights treaties? The answer to this question depends largely on one's view of the international system in which states operate. If we take seriously the notion that states are organizations writ large and if we approach the study of states *qua* organizations using an open-system perspective that emphasizes how "environments shape, support, and infiltrate organizations" (Scott 2003, p. 29), then what kind of environment is the international system? Scott (2001) described three kinds of environments: regulative, normative, and cultural-cognitive. In a regulative international system, the behavior of states would be rooted in the logic of instrumentality and structured by formal rules and laws. The core interests and preferences of states in regulative systems are assumed to be exogenous and durable. Because states' fundamental interests are not easily revised, behaviors must be manipulated by incentives or sanctions in ways that render interest-based action more or less costly. Regulative systems, that is, must coerce behavioral change. In the absence of externally imposed costs and benefits, compliance is largely coincidental (Goldsmith and Posner 2005). Viewing human rights treaty regimes in this fashion is consistent with "realist approaches [that] focus on the material incentives for certain behaviors" (Simmons 2008, p. 191).

Human rights treaty regimes, of course, lack the mechanisms for imposing costs on contumacy or dispensing rewards for compliance; as such, behaviors must be incentivized by third parties such as other states. For example, human rights agendas can be advanced by withholding economic aid to abusive regimes (Lebovic and Voeten 2009) or by entering into preferential trade agreements with countries that improve their practices (Hafner-Burton 2009). In the absence of this kind of enforcement and given the non-self-enforcing nature of human rights agreements (Simmons 2009), states in regulative systems are expected to flout their commitments whenever expediency or *raison d'état* dictates. So it is that Machiavelli ([1532] 1995, p. 55), the consummate realist, advised that “a prudent ruler cannot, and must not, honour his word when it places him at a disadvantage and when the reasons for which he made his promise no longer exist.” But then, realists also expect that states, as rational actors, will assess the costs and benefits of treaty membership *ex ante* before joining. If the expected costs of joining a human rights treaty outweigh the anticipated benefit of membership, countries will self-select out of the regime (Downs, Rocke, and Barsom 1996; von Stein 2005).

Contrasting starkly with regulative systems, in which action is governed above all else by considerations of costs and benefits, normative systems are grounded in the imperatives of appropriateness and obligation (Scott 2001). Morals and values, rather than inducements and sanctions, constitute the driving forces of compliance. Behaviors change because actors’ fundamental beliefs about right and wrong change. Binding expectations—in the form, for example, of treaty commitments—are the glue that holds normative systems together. The assumption is “that when nations enter into an international agreement . . . they alter their behavior, their relationships, and the expectations of one another in accordance with its terms” (Chayes and Chayes 1993, p. 176), even in the absence of material rewards or sanctions.

Thus, normative systems seek to change the internal interests and preferences of actors rather than the external incentives or disincentives for action. In this view, states must be convinced that human rights norms are relevant, appropriate, and valid before meaningful and lasting change will occur. They must, in other words, be socialized to accept the norms embodied in human rights treaties. Once countries become “true believers,” norm-based theories such as managerialism (Chayes and Chayes 1993) and constructivism (Jepperson, Wendt, and Katzenstein 1996; Finnemore and Sikkink 1998) expect widespread compliance with human rights treaty commitments irrespective of monitoring or enforcement. Compliance is buttressed by the international legal principle of *pacta sunt servanda*—agreements must be kept—and the belief that “great nations,

like great men, should keep their word.”² Virtuous and law-abiding states, that is, are expected to honor their obligations. Genuine treaty commitments of this sort render unnecessary provisions designed to enforce, coerce, or evade compliance; consequently, approaches based on the logics of appropriateness are premised on the “de-emphasis of formal enforcement measures” (Chayes and Chayes 1993, p. 204).

Finally, in cognitive-cultural systems, behavior is shaped by taken-for-granted understandings, schemata, and symbols that mediate between the external world and the internal mental states of socially constructed actors. Action takes place within a cultural framework that “constitute[s] the nature of social reality and the frames through which meaning is made” (Scott 2001, p. 57). Instead of focusing on the instrumental or normative dimensions of social systems, these perspectives underscore the importance of cognition: how actors perceive, interpret, and construct the world (Berger and Luckmann 1967; Meyer, Boli, and Thomas 1987). Patterns of behavior reflect not only what is materially advantageous or morally appropriate but also what is “thinkable” in a given cultural and institutional context.

Sociological institutionalists argue that states frequently adopt globally promulgated policy scripts and structural models based on considerations of legitimacy, quite apart from moral evaluations and regardless of practical utility or sincere commitment (Meyer, Boli, et al. 1997). The same principle applies to the adoption of human rights treaties. Put simply, “ratification of human rights treaties increases the legitimacy of the state,” but “states may ratify human rights treaties without being convinced of the value of ideas codified in the treaties” (Hafner-Burton et al. 2008, pp. 121–22). Indeed, countries often express a purely rhetorical commitment to human rights treaties without modifying their underlying preferences or existing behaviors. Human rights practices, in other words, are frequently decoupled from human rights treaty commitments (Hafner-Burton and Tsutsui 2005, 2007; Clark 2010).³

In this respect, sociological institutionalism predicts the same behavioral outcome—noncompliance—as realism, even if the motives producing that

² The quoted passage comes from Justice Hugo Black’s dissenting opinion in *Federal Power Commission v. Tuscarora Indian Nation*, 362 U.S. 99 (1960), at 142.

³ To date, the empirical literature on human rights treaties has focused overwhelmingly on these kinds of false positives: countries that ratify human rights treaties without implementing them. It is also important to acknowledge the existence of false negatives: countries that generally respect human rights norms without ratifying human rights treaties (Simmons 2009). The United States, e.g., has not ratified several core human rights treaties in part because of the nature of its constitutional system (Bradley 2010). Such countries, according to Clark (2010, p. 87), “are less interested in public rituals than with their actual practices.”

outcome differ. But institutionalists, unlike realists, view legitimacy as a worthwhile and valuable resource. To be sure, the quest for legitimacy is what motivates abusive regimes to join human rights treaties in the first place (Hafner-Burton et al. 2008). It follows that the loss of legitimacy represents a real cost that countries wish to avoid. Inasmuch as the legitimacy conferred by perfunctory commitments is premised on the illusion of compliance (Meyer and Rowan 1977), factors that compromise this illusion are costly. Consequently, although the monitoring and enforcement provisions of human rights treaties may not impose tangible costs on recalcitrant states in terms of material sanctions, they nevertheless make it difficult for states to derive legitimacy from insincere commitments.

This final point brings me to the core arguments undergirding my analysis. Too often, scholars assume that the mechanisms established to monitor and enforce human rights treaties are ineffectual, without actually evaluating whether this claim has empirical merit. Hafner-Burton et al. (2008, p. 121), for example, blamed rampant decoupling on the “very low level of enforcement mechanisms for most human rights treaties,” but they did not probe deeper to determine if enhanced surveillance or implementation provisions improve compliance rates. Likewise, Neumayer (2005, p. 926) noted that the “monitoring, compliance, and enforcement provisions [of human rights treaties] are nonexistent, voluntary, or weak and deficient.” All international human rights treaties provide for some kind of monitoring, even if only self-reporting requirements. However, the allegation that enforcement mechanisms are universally “weak and deficient” has yet to be analyzed. The question is eminently verifiable, given the existence of different monitoring and enforcement mechanisms of varying strength.

Strength of Commitment

Are some treaty commitments and mechanisms more effective than others in terms of their impact on human rights outcomes? To address this question I analyze four levels of commitment to human rights treaties—signature, qualified ratification, ratification in general, and ratification with enhanced monitoring and enforcement—for their effect on countries’ human rights performance. These modalities of treaty membership range in strength from shallow nonbinding endorsements to deep legal obligations that delegate oversight to external treaty bodies (Cole 2009).

Signature vs. ratification.—The most fundamental distinction with respect to treaty commitments is between signature and ratification. Signing a treaty incurs a weaker obligation under international law than ratification does. According to the United Nations *Treaty Handbook* (2001, p.

3), “a signing State does not undertake positive legal obligations under the treaty upon signature.” Rather, signature “allows States time . . . to enact any legislation necessary to implement the treaty domestically, prior to undertaking the legal obligations under the treaty at the international level.” Unlike signature, ratification *ipso facto* binds a country legally to the terms of a treaty. Ratification “refer[s] to the act undertaken on the international plane, whereby a State establishes its consent to be bound by a treaty. . . . Once a State has ratified a treaty at the international level, it must give effect to the treaty domestically” (pp. 6, 60).⁴ Because signature does not create a legally binding obligation to comply, it is presumably less costly than ratification. Therefore, in a purely regulative system, ratification should have a stronger effect on practices than signature.

In contrast, article 18 of the Vienna Convention on the Law of Treaties (1969) declares that signature imposes a moral (as opposed to legal) obligation “to refrain in good faith from acts that would defeat the object and purpose of the treaty.” For this reason, Goodman and Jinks (2003, p. 173) argue that “ratification is not the ‘magic moment’ of acceptance of human rights norms. . . . As a matter of international law, core treaty obligations attach earlier in the incorporation process—that is, upon *signature* of the treaty.” In a normative system, then, signature as well as ratification should have a beneficial effect on practices. These contrasting views lead to the following hypotheses.

HYPOTHESIS 1a (the legal commitment hypothesis).—*Human rights treaties will be more effective for countries that ratify rather than sign them.*

HYPOTHESIS 1b (the moral commitment hypothesis).—*Human rights treaties will be effective for countries that sign or ratify them.*

Conditional ratification.—Countries that ratify human rights treaties need not commit to them wholesale. Countries can exempt themselves from specific treaty provisions or clarify their interpretation of the treaty by entering reservations, understandings, and declarations (RUDs). According to Neumayer (2007, p. 397), RUDs “allow a country to become a state party to an international treaty in a qualified and contingent manner.” Reservations function as line-item vetoes, rendering specified

⁴ For the purposes of this study, ratification includes accession, which combines signature and ratification into a single act, and succession, whereby a newly established state (e.g., the Czech Republic) accepts the treaty obligations of its predecessor (e.g., Czechoslovakia).

portions of a treaty nonbinding while leaving the remainder of it intact.⁵ Declarations and understandings, however, allow countries to articulate their position on a treaty without modifying or nullifying its legal effect.

Legal scholars debate the legitimacy of RUDs. One view holds that such qualifications facilitate broader participation but at the expense of a treaty's core objectives, thus sacrificing depth (unconditional membership) for breadth (universal membership). According to Lijnzaad (1995, p. 3), reservations "turn a human rights instrument into a moth-eaten guarantee" by "restrict[ing] the potential domestic effect of a human rights treaty." An opposing view suggests that RUDs actually "permit agreement on deeper commitments than would otherwise be possible" (Swaine 2006, p. 311). If countries were not permitted to enter exemptions or interpretations, they might simply negotiate weaker treaties. Moreover, the very act of depositing an RUD signals a country's respect for international law. Goodman (2002, p. 552) notes, for example, that a "state that ratifies a treaty with reservations has begun to accept the prescriptive legitimacy of international rules." Less scrupulous states tend to ratify treaties unconditionally but disingenuously, regardless of their intention to comply (Neumayer 2007).

These competing perspectives on RUDs imply two hypotheses. The first perspective contends that rights-abusing states use reservations to evade treaty provisions with which they cannot or will not comply. Although normative pressures lead repressive governments to ratify human rights treaties at rates equal to rights-affirming countries (Cole 2005; Hafner-Burton et al. 2008; Wotipka and Tsutsui 2008), RUDs permit abusers to blunt the impact of their commitments. Countries that ratify unconditionally, then, are expected to show a greater respect for human rights when compared with conditional ratifiers. Hypothesis 2a states this formally.

HYPOTHESIS 2a (the unqualified commitment hypothesis).—*Human rights treaties will be more effective for countries that unconditionally ratify than for countries that ratify with RUDs.*

Others have suggested that RUDs are used primarily by countries that take their treaty commitments seriously (Hathaway 2003; Neumayer 2007). Countries that adhere to the rule of law, in particular, are inclined to enter carefully worded exemptions or interpretations at the time of ratification while faithfully honoring the unreserved portions of a treaty. In this view, RUDs allow sincere ratifiers to reconcile international com-

⁵ The Vienna Convention on the Law of Treaties defines a treaty reservation as "a unilateral statement, however phrased or named, made by a State . . . whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State" (art. 2[1][d]).

mitments with domestic laws. RUDs do not immunize countries from treaty provisions but rather harmonize treaty provisions with domestic law. Conversely, nondemocratic states “so heavily discount international legal obligations that they do not feel the need to specify conditions that would ensure conformity of their domestic legal arrangements with the requirements of the treaty” (Goodman 2002, p. 551). Thus, an alternative to the unqualified commitment hypothesis can be proposed.

HYPOTHESIS 2b (the precise commitment hypothesis).—*Human rights treaties will be more effective for countries that modify or interpret their treaty commitments by entering RUDs than for countries that ratify unconditionally but disingenuously.*

Ratification with enhanced monitoring.—One final dimension of treaty commitment concerns the extent to which countries submit to enhanced monitoring and enforcement provisions. All four treaties under consideration provide for interstate complaints, whereby a state party formally alleges that another state party has violated its treaty obligations. In theory, these complaints are submitted to and evaluated by independent oversight bodies established under each treaty; to date, however, no such complaints have ever been lodged. Two of the treaties—the CCPR and CAT—require states to make formal declarations under specific treaty provisions (arts. 14 and 21, respectively) before complaints can be filed against them by other state parties (and, in turn, before they can file complaints against other state parties). Acceding to interstate complaints under these treaties therefore requires an additional step, over and above ratification. In contrast, interstate complaints procedures form an integral part of the CERD and CEDAW (under arts. 11 and 29, respectively), so that accession to those procedures is subsumed within ratification. Countries wishing to exempt themselves from interstate complaints under these treaties must enter a reservation to that effect.

In addition to interstate complaints procedures, three of the treaties—the CAT, CCPR, and CERD—contain further provisions that, if acceded to by states, permit oversight bodies to receive complaints of abuse from individuals. For the CERD and CAT, states authorize individuals within their jurisdiction to submit complaints by making a declaration under articles 14 and 22, respectively, whereas for the CCPR states must join the First Optional Protocol, which itself can be signed or ratified with or without RUDs.⁶ The quasi-judicial committees charged with receiving individual complaints under these treaties consist of experts who evaluate the merits of “communications” and issue “views” as to whether the state party in question violated its treaty commitment.

⁶ The CEDAW also has an optional protocol that allows individual complaints, but it was adopted too recently—in 1999—to permit systematic analysis.

It bears reiterating that countries need not recognize the competence of oversight committees to receive interstate or individual complaints. Those opting not to do so are required only to submit periodic reports detailing the measures they have taken to implement treaty provisions. These reports, when they are submitted at all,⁷ often exaggerate the degree of compliance (Keith 1999, p. 98; Donnelly 2003, p. 173). For these reasons, I expect that the following hypothesis holds.

HYPOTHESIS 3 (the deep commitment hypothesis).—*Human rights treaties will be more effective for countries that accede to optional monitoring and enforcement provisions than for countries that do not.*

This hypothesis can be further refined to predict different levels of compliance for each type of optional commitment. I expect that individual complaints procedures will have a larger impact on human rights practices when compared with interstate complaints mechanisms. This expectation arises from the simple fact that the interstate complaints procedures have never been used and hence do not pose a credible threat to rights-abusing countries. It is likely that the generalized “sovereignty costs” of mechanisms that allow states to complain about the internal behaviors and practices of other states are simply too great, which discourages their use. Such provisions, if activated, would not only compromise the integrity of targeted states but more generally undermine the very principle of sovereign nonintervention (Krasner 1999).

Individuals, less concerned than states with upholding sovereignty norms, are much more apt to complain about human rights abuses. However, the frequency with which individuals file complaints varies considerably across treaties. Between 1976 and 2010 the Human Rights Committee received 1,996 individual complaints from 82 countries under the First Optional Protocol to the CCPR, an average of 59 per year. Allegations of torture filed under the CAT have been far less numerous, with 439 complaints filed against 29 countries between 1987 and 2010, or roughly 19 per year. Complaints of racial discrimination submitted under the CERD have been less numerous still: between 1969 and 2010, the Committee on the Elimination of Racial Discrimination received only 47 complaints targeting 11 countries, amounting to little more than one complaint per year, on average (<http://www.bayefsky.com/docs.php/area/jurisprudence/node/2>).

Undoubtedly some of this variation can be explained by the scope of the rights or rights holders in question. The CCPR, for example, is a sweeping treaty that safeguards a variety of civil and political rights

⁷ In 2006, e.g., reports from 46 parties to the CCPR—more than a quarter of the 156 states that were party to the covenant at the time—were delinquent (Human Rights Committee 2006, pp. 17–18).

(including freedom from torture and discrimination) for all individuals, whereas the CAT targets a subset of rights (i.e., physical integrity) and the CERD applies to particular groups of individuals (i.e., racial and ethnic minorities). Substantive factors may also contribute to these patterns; for example, tortured individuals may fear reprisals for petitioning an international tribunal, resulting in fewer communications.

Despite variation in the use of individual complaints mechanisms across treaties, as a whole these provisions should have a greater impact on human rights practices relative to interstate complaints procedures. Although treaty bodies lack the capacity to enforce their decisions regarding allegations of abuse, Donnelly (1986, p. 611) concluded that the individual complaints procedure “provides a genuine, if limited, instance of international monitoring, which in at least a few cases has altered state practice.” Craven (1995, p. 33) concurred, noting that “petition systems . . . are generally considered the most effective means for the protection of human rights.” Accordingly, I offer the following revision to hypothesis 3.

HYPOTHESIS 3a (the individual complaints hypothesis).—*Human rights treaties will be more effective for countries that submit to individual complaints provisions than for countries that submit only to interstate complaints provisions.*

RESEARCH DESIGN

Dependent Variables: Human Rights Practices

To evaluate the foregoing hypotheses, I analyze four measures of human rights practices: physical integrity rights, empowerment rights (i.e., civil liberties and political rights), women’s rights, and racial/ethnic discrimination. These measures correspond, respectively, to the CAT, CCPR, CEDAW, and CERD. The three rights-based measures, available from 1981 onward, come from the Cingranelli-Richards (CIRI) Human Rights Dataset (Cingranelli and Richards 2008, 2010) and are coded from the U.S. Department of State’s *Country Reports on Human Rights Practices* and Amnesty International’s *Annual Report*. The physical integrity rights scale, ranging from 0 to 8, comprises an additive index of four indicators: torture, extrajudicial killing, political imprisonment, and disappearances. The empowerment rights index ranges from 0 to 10 and assesses basic civil and political rights protections: suffrage rights, workers’ rights, and the freedoms of movement, speech, assembly, and religion. Finally, the women’s rights measure ranges from 0 to 9 and summarizes government respect for the economic, political, and social rights of women. Political rights include the right to vote and to run for political office; economic rights include equal pay, nondiscrimination in hiring and promotions, and

the right to work without the consent of a husband or male relative; and social rights include the right to enter into marriage equally with men, to initiate divorce, to own property, to obtain an equal education, and to be protected from female genital mutilation or forced sterilization. Higher scores on these measures represent “better” human rights practices.

In addition to these rights-based indices, I analyze the effect of CERD membership on a measure of political discrimination from the Minorities at Risk (MAR) Project (2005). This variable ranges from 1 to 5, with higher scores corresponding to greater levels of underrepresentation in political office and/or political participation:

Level 1: No discrimination.

Level 2: Historical neglect/remedial policies: Substantial underrepresentation due to historical neglect or restrictions. Explicit policies are designed to protect or improve the group’s status or material well-being.

Level 3: Neglect/no remedial policies: Substantial underrepresentation due to historical neglect or restrictions. No practice of deliberate or formal exclusion. No evidence of protective or remedial public policies.

Level 4: Social exclusion/neutral policies: Substantial underrepresentation due to prevailing social practice by dominant groups. Public policies toward the group are neutral or inadequate to offset discriminatory policies.

Level 5: Exclusive/repressive policies: Public policies of formal exclusion or repression substantially restrict the group’s political participation by comparison with other groups.

In the analyses that follow, I invert this scale so that higher scores correspond to lower levels of discrimination. Discrimination is rated separately for each minority group, meaning that groups within the same country can be assessed different levels of discrimination. Because my unit of analysis is countries rather than groups, I computed average discrimination scores, weighted by group size, for each country. I also perform analyses on each country’s maximum discrimination score in a given year, such that countries are evaluated with respect to their most disadvantaged minority groups.⁸

⁸ The ability to draw inferences from the MAR data is limited by several built-in selection biases (Fearon 2003). To be included in the database, a minority group must surpass two population thresholds: it must (1) number at least 100,000 or else account for at least 1% of the population and (2) live in a country with a population exceeding 500,000. Moreover, minorities are included in the database precisely because they suffer systematic discrimination, which could bias the results of my analysis in one of two ways. As at-risk minorities, these groups may offer a conservative or “most difficult”

These outcome measures correspond to the core issue(s) of each treaty in the analysis. The physical integrity rights index aligns closely with the CAT, which prohibits “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining . . . a confession, punishing him . . . or intimidating or coercing him or a third person” (art. 1). The empowerment rights index corresponds to the CCPR, which includes provisions such as the right to life; security of the person; equality before the law; freedom of movement, association, and conscience; and the right to a fair trial, to vote, and to hold public office. The women’s rights index taps several of the political, economic, and social provisions enumerated in CEDAW, including the rights of women to vote, to own property, to receive equal pay for equal work, to take maternity leave, to enter into and dissolve marriages, and to enjoy equal educational opportunities with men. Finally, the measure of political discrimination pairs most closely with the CERD, which defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (art. 1[1]).

Independent Variables: Treaty Membership

The core independent variables in my analysis, lagged by a year relative to human rights outcomes, gauge the strength of a country’s commitment to each human rights treaty.⁹ First, to distinguish the effect of signature and ratification, I constructed separate dummy variables coded 1 after a country had signed or ratified the CERD, CCPR, CAT, and CEDAW, respectively, and 0 beforehand. Countries that sign and subsequently ratify a treaty are removed from analyses that examine the effect of signature on

test of treaty effects. Alternatively, as a consequence of their at-risk status, these groups have the most room for improvement, thereby making it easier to detect the effects of treaty membership.

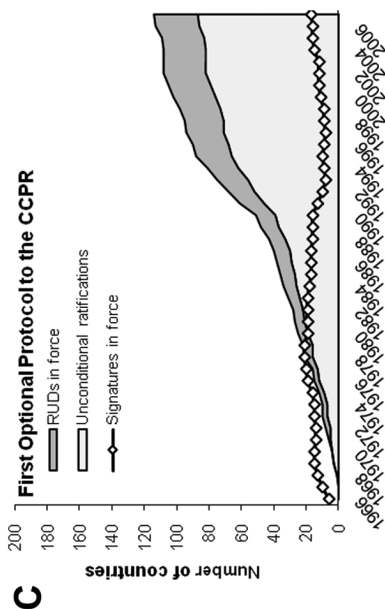
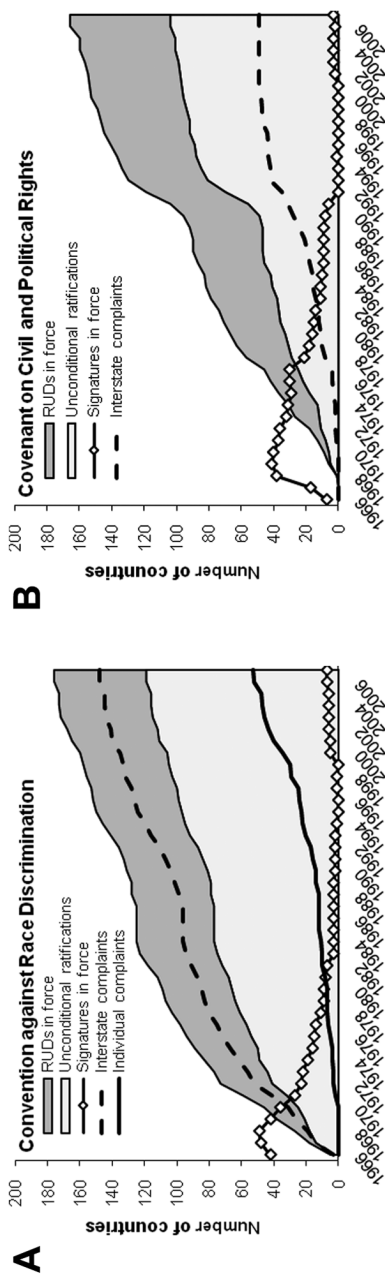
⁹ My use of one-year lags is conservative, given the “extreme case of the time lag between undertaking and performance” with respect to human rights obligations (Chayes and Chayes 1993, p. 197). Indeed, any lagged structure is an improvement over the common practice of measuring treaty ratification and human rights outcomes contemporaneously (e.g., Keith 1999; Hafner-Burton and Tsutsui 2005; Neumayer 2005). Even when duration variables (i.e., the number of years since treaty ratification) have been used to tap the long-term effects of human rights treaties, their linear association with practices has been negative (Hathaway 2002; Hafner-Burton and Tsutsui 2007).

human rights practices, as ratification supersedes signature in international law. These variables are included to evaluate hypotheses 1a and 1b.

Three additional dummy variables account for different ways a country can modify its ratification of a treaty by either curtailing or strengthening it. These variables denote whether a country (1) qualified or interpreted its ratification using RUDs and/or (2) acceded to provisions or protocols that allow other states or individuals to complain about human rights abuse. These variables are included to evaluate hypotheses 2a, 2b, and 3.

Figure 1 charts the number of signatures and ratifications in force for each treaty over time, as well as the number of countries that ratified with RUDs or that submitted to enhanced monitoring and enforcement provisions. For each treaty except the First Optional Protocol, the number of signatories peaked within five years of its adoption, after which ratification replaced signature as the dominant mode of treaty commitment. This pattern of treaty membership suggests that countries were reluctant to make a legally binding commitment to new and “untested” treaty regimes, opting instead to sign. Once enough countries expressed their non-binding support of a treaty, however, countries began to make deeper commitments by ratifying rather than signing.

Perhaps for the same reason, countries that ratified human rights treaties early were also more likely than later ratifiers to enter RUDs, although some treaties are “reserved” more than others. By the end of the observation period in 2007, roughly one-fifth of CAT ratifications, one-quarter of CCPR and First Optional Protocol ratifications, and one-third of CERD and CEDAW ratifications had been made with RUDs. The treaties also differ regarding the number of countries that submitted to enhanced monitoring and enforcement. Nearly 70% of countries that ratified the CCPR had also ratified its First Optional Protocol, thus allowing individuals to complain about human rights abuses. Conversely, only three in 10 parties to the CERD had made a declaration under article 14 for the same purpose, whereas 43% of all parties to the CAT had made a similar declaration under article 22. An almost identical proportion of CAT parties acknowledged the authority of the Committee against Torture to receive interstate complaints, compared with only 30% of parties to the CCPR. In stark contrast, fully 80% of parties to CEDAW and 84% of parties to the CERD recognized the competence of each treaty’s oversight body to receive interstate complaints by not expressly opting out of these procedures.



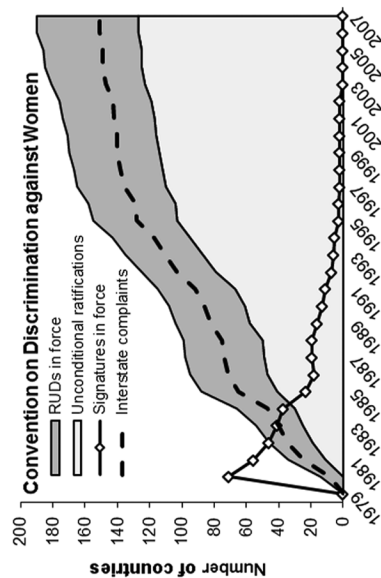
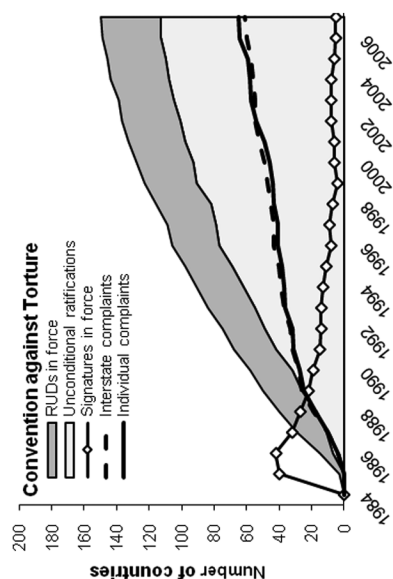


FIG. 1.—Patterns of commitment to human rights treaties

Control Variables

The analyses control for a number of variables shown to affect levels of respect for human rights and are included to mitigate the possibility that the relationship between treaty membership and human rights outcomes is spurious. All of the following variables are lagged by one year relative to human rights outcomes.

One of the most consistent empirical findings in the literature on human rights is that democracy and development reduce levels of repression and abuse (e.g., Lipset 1959; Jackman 1973; Bollen and Jackman 1985; Henderson 1991; Burkhart and Lewis-Beck 1994; Helliwell 1994; Poe and Tate 1994; Davenport 1999; Poe, Tate, and Keith 1999; Zanger 2000; Hafner-Burton and Tsutsui 2005). I therefore include measures of institutionalized democracy from the Polity IV database (Marshall and Jaggers 2007), which ranges from -10 (most autocratic) to $+10$ (most democratic), and GDP per capita (in constant US\$ 2000; World Bank 2008). Analyses also include a change score based on annual deviations in a country's democracy rating, such that positive values imply democratization from one year to the next.

It is also well documented that the number of linkages a country has to international nongovernmental organizations (INGOs) correlates with better human rights practices, although scholars have theorized different mechanisms for this relationship. Some analysts argue that INGOs affect states directly via institutional processes of norm diffusion (Hafner-Burton and Tsutsui 2005). Others conclude that the INGO effect operates through citizens via mobilization dynamics (Risse et al. 1999; Simmons 2009). Although the precise mechanisms of this relationship do not concern me here, it remains important to "partial out" the effect, especially since INGOs play an increasingly powerful role in advancing human rights norms, exposing rights violations, and pressuring abusive countries to reform. Data on civil society linkages, defined as the total number of INGOs that count at least one citizen or domestic organization as a member, come from various years of the Union of International Associations' *Yearbook of International Organizations*.

Other factors are associated with increased levels of repression and abuse. Several studies have established a link between internecine conflict and state repression (Poe and Tate 1994; Keith 1999; Poe et al. 1999; Hafner-Burton and Tsutsui 2005), so I include a dummy variable from the Correlates of War Project (Sarkees 2000) indicating whether a country was involved in a civil war during a given year. Research has further shown that population size contributes to higher levels of government repression. This effect may arise from demographic instability, competition over scarce resources, or the threat (real or perceived) that large

populations pose to entrenched regimes (Mitchell and McCormick 1988; Henderson 1993; Poe and Tate 1994; Keith 1999; Hafner-Burton and Tsutsui 2005, 2007; Melander 2005).¹⁰ To adjust for the inverse relationship between population pressures and human rights, I include measures of population density and annual percentage growth in population, both from the World Bank (2008).

Analyses of human rights practices must also guard against “information paradoxes” that can occur when increased media coverage of human rights practices results in spuriously inflated perceptions of abuse (Keck and Sikkink 1998; Hafner-Burton 2008; Cole 2010). All else being equal, countries with a free press are more likely than countries that restrict press freedoms to have their human rights blemishes spotlighted and measured. For this reason, I include an indicator of press restrictions from Freedom House that denotes whether the press is free (1), partly free (2), or not free (3) each year.¹¹

Finally, Melander (2005) has shown that respect for women’s rights improves as the share of female parliamentarians increases. Therefore, in addition to the other control variables, analyses for the effect of CEDAW membership also control for the percentage of seats held by women in the lower house of national parliaments (Inter-Parliamentary Union 1995; World Bank 2010). Ideally, analyses for the effect of CERD membership on discrimination would likewise include a measure of ethnic diversity or fractionalization. Unfortunately, the only comprehensive measure of ethnic fractionalization currently available is time invariant (Alesina et al. 2003; Fearon 2003) and hence drops out of the ensuing fixed-effects analyses.

Method

To obtain valid estimates for the effect of treaty membership on human rights practices, it is necessary to endogenize countries’ decisions to join human rights treaties. Previous research has demonstrated that the decision to join human rights treaties is not random; to be sure, treaty membership is often correlated with a country’s level of respect for human rights (Cole 2005; Goodliffe and Hawkins 2006; Wotipka and Tsutsui 2008). Some scholars have argued that repressive countries ratify human rights treaties at higher than expected rates because of the legitimating

¹⁰ Population size also controls for a simple law of probability: the more people in a country, the more opportunities there are for abuse (Henderson 1993).

¹¹ Freedom House assigned separate ratings to print and broadcast media between 1980 and 1988. For these years, I assigned countries the maximum rating (i.e., the “least free” medium).

properties of treaty membership (e.g., Hathaway 2003; Hafner-Burton et al. 2008; Vreeland 2008). Failing to account for these patterns of membership can bias treaty effects downward. Conversely, if the propensity to ratify is greater among “least-cost compliers”—that is, countries that would respect human rights even in the absence of a treaty—then treaty effects will be biased upward. I account for the endogeneity of treaty membership using two-stage least-squares regression with instrumental variables and fixed effects for countries and years.¹² The models take the following general form:

$$Y_{it} = \beta_0 + \beta_1 X_{it-1} + \beta_2 Z_{it-1} + \beta_3 \text{Country}_i + \beta_4 \text{Year}_t + \varepsilon, \quad (1)$$

where

$$X_{it-1} = \gamma_0 + \gamma_1 Y_{it-1} + \gamma_2 Z_{it-1} + \gamma_3 \text{IV}_{it-1} + \nu. \quad (2)$$

In these models, i indexes countries and t indexes years; Y is the human rights outcome of interest; X is an endogenous regressor (i.e., treaty membership); Z is a vector of time-varying control variables; Country_i represents fixed effects that account for all time-invariant characteristics of countries; Year_t denotes fixed effects for time that proxy “global” characteristics common to all countries during a given year; and IV is a vector of instrumental variables. The vectors of substantive variables in the analysis are as follows: Y is human rights practices (physical integrity rights, empowerment rights, women’s rights, racial discrimination); X is treaty membership (signature, ratification, ratification with RUDs, interstate complaints, individual complaints); Z includes democracy, democratization, INGO linkages, GDP per capita, population density, population growth, civil war, and press restrictions (and, for CEDAW, percentage of women in parliament); and IV includes common law, presidential system, ratification hurdles, treaty membership density (world), and a Western countries indicator.

Three instrumental variables—an index of ratification hurdles and dummy variables for presidential and common-law systems—are theorized to affect the probability of treaty membership but not human rights

¹² These models were implemented using the *xlivreg, fe* routine in Stata 10, with hand-coded dummy variables for time. Angrist and Krueger (2001, p. 80) and Wooldridge (2002, pp. 622–25) discuss an alternative method for estimating two-stage least-squares regression models when the endogenous variable is binary. This method proceeds in three steps: (1) use probit models to regress the endogenous binary variable, X_{it} , on all internal and external instruments (Z_{it-1} and IV_{it-1} , respectively); (2) obtain predicted values from the probit analyses; and (3) estimate a two-stage least-squares model that regresses the dependent variable, Y_{it} , on internal instruments, using the predicted values from the second step, \hat{X}_{it-1} , as the external instrument for the endogenous binary variable. Reanalyzing the effects of treaty membership using this method yields results that are substantively similar to those reported here (results available on request).

practices (Simmons 2009, pp. 68–77). Ratification hurdles gauge the relative difficulty of ratifying international treaties across countries, primarily on the basis of the number of potential veto players involved in the ratification process. Supermajorities, for example, represent a more onerous ratification hurdle than a simple majority vote does. In presidential systems, the possibility of a divided government poses a further obstacle to ratification. Finally, countries with common-law legal systems undertake international legal obligations more carefully because treaties can conflict with existing precedents or create new precedents. Such considerations are particularly important when acceding to individual complaints procedures, as governments must consider how decisions rendered by treaty bodies might “fit into the structure of local case-based jurisprudence” (Simmons 2009, p. 108). The ratification hurdle, presidential system, and common-law system variables come from Simmons (2009), Beck et al. (2001), and Easterly (2001), respectively.

Additional instrumental variables include the measure of human rights practices analyzed in the substantive equation, to account for the possibility that treaty membership is endogenous to a country’s record on human rights (i.e., that respect for human rights is both a cause and a consequence of treaty membership); the cumulative number of countries worldwide that have ratified the corresponding treaty, to tap global diffusion processes; an indicator for Western countries, which is not included in the substantive analysis because it is invariant and hence is captured by country fixed effects; and counting vectors for years without treaty membership and three cubic splines, to approximate a survival analysis for the dichotomously coded treaty membership variables (Beck, Katz, and Tucker 1998; Simmons and Hopkins 2005; Simmons 2009).¹³

RESULTS

Tables 1, 2, 3, and 4 present the results of two-stage least-squares regression analyses for the effect of different levels of treaty commitment on a variety of human rights outcomes. Each table examines the effect of a different treaty (CAT, CCPR, CEDAW, and CERD) on its corresponding measure of human rights performance (physical integrity rights, empowerment rights, women’s rights, and racial discrimination), net of

¹³ Analyses for the effect of the CCPR, CEDAW, and CAT also include instrumental variables denoting the years in which relevant global conferences pertaining to each treaty were held. For coding details, see Simmons (2009). Such conferences are thought to increase rates of treaty membership (Cole 2005; Wotipka and Ramirez 2008) without directly affecting human rights practices.

control variables and fixed effects for countries and years, and accounting for the endogeneity of treaty membership.

Table 1 summarizes the effect of different levels of CAT membership on respect for physical integrity rights, defined as the right to be protected from torture, extrajudicial killings, disappearances, and political imprisonment. In contrast with previous research, which found that "the CAT does not have unconditional effects" on levels of torture (Simmons 2009, p. 273; see also Neumayer 2005; Hafner-Burton and Tsutsui 2007), table 1 shows that two levels of treaty membership had a direct positive effect on human rights outcomes: consistent with the deep commitment hypothesis (hypothesis 3), countries that authorized the Committee against Torture to receive interstate and individual complaints (models 4 and 5, respectively) evinced higher levels of respect for physical integrity rights relative to countries that merely signed or ratified the CAT. I found statistically significant effects where others have not because I examined the impact of optional commitments, over and above straightforward ratification. In contrast, signatories and ratifiers in general did not significantly differ from other countries with respect to physical integrity rights protections.

In addition to the effect of optional commitments, periods of civil war substantially curtailed respect for physical integrity rights whereas democracy was associated with greater levels of respect. These findings are intuitively sensible. Democratic countries respect due process, the rule of law, and the fundamental rights of life and liberty, whereas regimes in battle-torn countries resort to practices such as torture and political imprisonment in order to neutralize political competitors, rivals, and recalcitrants.

Table 2 investigates the effect of membership to the CCPR and its First Optional Protocol on protection of basic empowerment rights such as the right to vote and the freedoms of speech, assembly, and religion. As with the CAT, these findings show that enhanced monitoring and enforcement resulted in improved human rights performance, as demonstrated by the positive coefficients for interstate complaints in model 4 and First Optional Protocol ratification in model 6. These findings once again support hypothesis 3. Conversely, states that modified their ratification of the CCPR and First Optional Protocol by entering RUDs had lower levels of respect for empowerment rights, as shown in models 3 and 7. Rather than using RUDs to increase the precision of their commitments, it would appear that countries modified or interpreted their commitments in ways that undermined the treaties. This finding contradicts the precise commitment hypothesis (hypothesis 2b).

Also in table 2, model 1 shows that signatories to the CCPR had better empowerment rights practices than other countries, even though ratifi-

Human Rights as Myth and Ceremony

TABLE 1
TWO-STAGE LEAST-SQUARES ANALYSES WITH INSTRUMENTAL VARIABLES FOR THE
EFFECT OF MEMBERSHIP TO THE CONVENTION AGAINST TERROR ON PHYSICAL
INTEGRITY RIGHTS, 1985–2007

	MODEL				
	(1)	(2)	(3)	(4)	(5)
CAT signature	-.346 (.255)				
CAT ratification		-.008 (.107)			
CAT ratification with RUDs ...			-.034 (.156)		
CAT interstate complaints .....				.328* (.137)	
CAT individual complaints .....					.458*** (.134)
Democracy .....	.052*** (.015)	.076*** (.009)	.076*** (.009)	.076*** (.009)	.075*** (.009)
Liberalization .....	.026 (.021)	-.003 (.014)	-.002 (.014)	-.003 (.014)	-.001 (.014)
INGO linkages (× 100)	-.085 ⁺ (.047)	-.013 (.015)	-.024 (.015)	-.013 (.015)	-.028 ⁺ (.015)
GDP per capita (× 100) .....	.009 ⁺ (.005)	.003 (.002)	.003 (.002)	.002 (.002)	.003 (.002)
Population density (× 100)	-.007 (.040)	-.026 (.032)	-.026 (.031)	-.018 (.031)	-.018 (.031)
Population growth .....	.082* (.041)	.045 (.031)	.045 (.031)	.045 (.031)	.043 (.031)
Civil war	-1.203*** (.163)	-1.270*** (.096)	-1.279*** (.095)	-1.269*** (.096)	-1.285*** (.095)
Press restrictions	-.128 (.108)	-.076 (.057)	-.073 (.057)	-.076 (.057)	-.077 (.057)
Constant	4.654*** (.459)	4.515*** (.251)	4.527*** (.237)	4.515*** (.239)	4.495*** (.236)
<i>N</i> (country-years)	1,303	2,905	2,905	2,905	2,905
Wald χ^2	18,493	49,521	49,658	49,521	49,779
<i>df</i>	161	179	179	179	179
<i>N</i> (countries)	130	148	148	148	148

NOTE.—Numbers in parentheses are SEs. All variables are lagged one year. Analyses include fixed effects for countries and time (not reported). Treaty membership variables are instrumented using dummy variables for common-law countries, presidential systems, and Western countries; an index of ratification hurdles; physical integrity scores; density measures for treaty membership; a variable counting the number of years before treaty membership; three cubic splines; fixed effects for time; and control variables from the substantive analysis of human rights practices.

⁺ $P < .10$ (two-tailed tests).

* $P < .05$.

** $P < .01$.

*** $P < .001$.

TABLE 2

TWO-STAGE LEAST-SQUARES ANALYSES WITH INSTRUMENTAL VARIABLES FOR THE EFFECT OF MEMBERSHIP TO THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS AND ITS FIRST OPTIONAL PROTOCOL ON EMPOWERMENT RIGHTS, 1981-2007

	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS				FIRST OPTIONAL PROTOCOL		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
CCPR signature	1.275* (.561)						
CCPR ratification .....		.080 (.130)					
CCPR ratification with RUDs			-.642** (.216)				
CCPR interstate complaints .....				.357* (.172)			
First OP signature .....					.817 (.911)		
First OP ratification .....						.280* (.127)	
First OP ratification with RUDs							-.613** (.220)
Democracy .....	.167*** (.022)	.222*** (.010)	.222*** (.009)	.221*** (.010)	.237*** (.015)	.219*** (.010)	.225*** (.009)
Liberalization	-.018 (.033)	-.005 (.016)	-.005 (.016)	-.004 (.016)	-.028 (.024)	-.002 (.016)	-.007 (.016)
INGO linkages (× 100)	-.065 (.052)	.012 (.016)	.012 (.016)	.004 (.016)	.029 (.029)	.009 (.016)	.013 (.016)
GDP per capita (× 100) .....	.002 (.004)	.008*** (.002)	.009*** (.002)	.008*** (.003)	.005 (.003)	.008*** (.002)	.008*** (.002)
Population density (× 100) .....	.060 (.040)	-.011 (.034)	-.015 (.034)	-.008 (.034)	.017 (.040)	-.008 (.034)	-.012 (.034)

Population growth	-.072 (.065)	-.098** (.036)	-.100** (.036)	-.097** (.036)	-.118** (.043)	-.100** (.036)	-.097** (.036)
Civil war	-.361 (.241)	-.451*** (.108)	-.452*** (.108)	-.464*** (.108)	-.611*** (.154)	-.443*** (.108)	-.487*** (.109)
Press restrictions .....	.190 (.159)	-.011 (.065)	-.015 (.065)	-.002 (.065)	.051 (.107)	.003 (.066)	-.022 (.065)
Constant	4.690*** (.533)	5.564*** (.242)	5.731*** (.232)	5.589*** (.229)	5.176*** (.352)	5.514*** (.233)	5.643*** (.229)
N (country-years)	836	3,092	3,092	3,092	1,679	3,092	3,092
Wald χ^2	8,735	59,733	59,820	59,830	19,099	59,787	59,885
df	103	180	180	180	148	180	180
N (countries)	70	147	147	147	115	147	147

NOTE.—Numbers in parentheses are SEs. Analyses include fixed effects for countries and time (not reported). Treaty membership variables are instrumented using dummy variables for common-law countries, presidential systems, the World Conference on Human Rights (1993), and Western countries; an index of ratification hurdles; empowerment rights scores; density measures for treaty membership; a variable counting the number of years before treaty membership; and control variables from the substantive analysis of human rights practices.

+ $P < .10$ (two-tailed tests).

* $P < .05$.

** $P < .01$.

*** $P < .001$.

cation—a stronger, legally binding commitment—had no appreciable effect. How could this be? The dynamics of treaty commitment illustrated in figure 1 point to a possible answer. Most countries that signed human rights treaties did so early, immediately after the treaties were adopted, and these “first-mover” countries were generally respectful of human rights. Average empowerment rights scores for countries that *signed* the CCPR prior to 1985 were more than a full point higher (on an 11-point scale) relative to countries that *ratified* the CCPR during the same period; after 1985, empowerment rights scores were higher among ratifiers than among signatories. Although rights-affirming countries are deeply committed to human rights norms, they undertake treaty commitments cautiously because of their respect for the rule of law (Hathaway 2003, 2007). Given uncertainty over the legal and political ramifications of the CCPR—which was, after all, one of the first and most far-reaching human rights treaties—these countries expressed their moral support by signing but delayed the incursion of legal commitments through ratification. As more countries bound themselves legally to the covenant, the level of uncertainty surrounding it declined and countries began to ratify in greater numbers (Cole 2009). In any event, the results run contrary to the legal commitment hypothesis (hypothesis 1a) and provide at least partial support to the moral commitment hypothesis (hypothesis 1b).

Several control variables were also associated with levels of respect for empowerment rights. As with physical integrity rights, civil war had a negative impact and democracy had a positive impact on basic political rights and civil liberties. In addition, one measure of population pressures—annual growth—was inversely associated with empowerment rights protections in most models, and economic development as measured by GDP per capita increased respect for empowerment rights in five of the seven models.

The findings in table 3 show that the effect of CEDAW membership on women’s rights differs fundamentally from the CAT and CCPR/First Optional Protocol in tables 1 and 2. In contrast to these treaties, conditional CEDAW ratifications (i.e., those in which countries enter RUDs) resulted in improved women’s rights performance (model 3), lending support to the precise commitment hypothesis (hypothesis 2b). This finding is somewhat unexpected given that “CEDAW has attracted the greatest number of reservations with the potential to modify or exclude most, if not all, of the terms of the treaty” (Clark 1991, p. 317). In fact, CEDAW is one of the most heavily reserved human rights treaties, and the number of RUDs a country enters increases significantly as the percentage of its population that is Muslim increases (Neumayer 2007). Predominantly Muslim countries have entered sweeping reservations to CEDAW, such as one by Oman that purports to exempt it from “all provisions of the

TABLE 3
TWO-STAGE LEAST-SQUARES ANALYSES WITH INSTRUMENTAL VARIABLES FOR THE
EFFECT OF MEMBERSHIP TO THE CONVENTION ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN ON WOMEN'S RIGHTS, 1981–2007

	MODEL				
	(1)	(2)	(3)	(4)	(5)
CEDAW signature	−3.072 (2.331)				
CEDAW ratification		−.061 (.091)			
CEDAW ratification with RUDs ....			.310** (.116)	4.273** (1.300)	
CEDAW ratification with RUDs × Islam				−11.967** (3.878)	
CEDAW interstate complaints					−.012 (.098)
Democracy	−.046* (.020)	−.009 (.007)	−.008 (.007)	−.030* (.014)	−.009 (.007)
Liberalization .....	.087 *** (.026)	.019+ (.011)	.017 (.011)	.037+ (.020)	.018+ (.011)
INGO linkages (× 100) .....	.063 (.059)	.005 (.011)	.007 (.011)	−.053+ (.027)	.006 (.011)
GDP per capita (× 100)	−.006* (.003)	.001 (.002)	.000 (.002)	−.005 (.003)	.000 (.002)
Population density (× 100) .....	.087 (.065)	.060* (.021)	.046* (.022)	−.130+ (.069)	.058** (.021)
Population growth	−.057 (.060)	−.008 (.024)	−.004 (.024)	−.049 (.044)	−.007 (.024)
Civil war	−.157 (.205)	−.098 (.075)	−.099 (.075)	.054 (.140)	−.099 (.075)
Press restrictions .....	.342+ (.178)	−.014 (.049)	−.004 (.049)	−.250* (.118)	−.012 (.049)
Women in parliament (%) .....	.019 (.014)	.045*** (.004)	.045*** (.004)	.045*** (.007)	.045*** (.004)
Constant	3.768*** (.680)	3.807*** (.168)	3.727*** (.165)	4.705*** (.429)	3.784*** (.166)
<i>N</i> (country-years)	538	2,321	2,321	2,321	2,321
Wald χ^2	12,677	76,980	77,015	25,124	76,919
<i>df</i>	119	174	174	175	174
<i>N</i> (countries)	87	142	142	142	142

NOTE.—Numbers in parentheses are SEs. Analyses include fixed effects for countries and time (not reported). Treaty membership variables are instrumented using dummy variables for common-law countries, presidential systems, the U.N.-sponsored World Conferences on Women in 1980, 1985, and 1995, and Western countries; an index of ratification hurdles; women's rights scores; density measures for treaty membership; a variable counting the number of years before treaty membership; three cubic splines; fixed effects for time; and control variables from the substantive analysis of human rights practices.

+ $P < .10$ (two-tailed tests).

* $P < .05$.

** $P < .01$.

*** $P < .001$.

Convention not in accordance with the provisions of the Islamic Sharia.” To determine whether such modifications undermine the treaty’s efficacy, I analyzed the effect of conditional CEDAW ratification among Islamic and non-Islamic countries.

The findings, reported in model 4 of table 3, show that ratification with RUDs is associated with a statistically significant decline in women’s rights scores among Islamic countries, whereas the effect remains significantly positive for non-Islamic countries.¹⁴ Even such rights-affirming countries as Australia, Canada, and Switzerland have entered RUDs to CEDAW. For these countries, reservations are designed primarily to harmonize CEDAW with domestic legislation, so the precise commitment hypothesis (hypothesis 2b) holds.¹⁵ Conversely, reservations entered by predominantly Muslim countries would appear to defeat the purpose of CEDAW by immunizing discriminatory practices and legal provisions from the treaty’s reach.

Aside from the effects of conditional ratification, CEDAW membership was statistically unrelated to respect for women’s rights.¹⁶ Neither signature nor ratification, by itself, predicted women’s rights outcomes, nor did accession to interstate complaints procedures. Given that RUDs entered to CEDAW have occasioned vociferous but ultimately futile objections by other treaty parties and by the U.N. Committee on the Elimination of Discrimination against Women (see, e.g., United Nations 1998, pp. 47–50), it is not surprising that the mere existence of interstate complaints procedures—which, it will be remembered, have never been used—is not a viable enforcement mechanism. Even the effects of control variables were not especially robust across models. Women’s rights tended to improve as a function of population density and the share of parliamentary seats held by women, but the effects of other control variables were much less stable or significant.

¹⁴ Note that the Islamic main effect drops out of the analysis because it is time invariant and hence perfectly collinear with country fixed effects.

¹⁵ For example, Switzerland’s precise reservation to art. 16, para. 1(g) of CEDAW held that “said provision shall be applied subject to the regulations on family name,” which stipulate that, upon marriage, wives adopt the surname of their husbands. Australia’s reservation states, in part, that “maternity leave with pay is provided in respect of most women employed by the Commonwealth Government and the Governments of New South Wales and Victoria. Unpaid maternity leave is provided in respect of all other women employed in the State of New South Wales and elsewhere to women employed under Federal and some State industrial awards.”

¹⁶ Simmons (2009, pp. 212–36) found weakly positive effects of CEDAW ratification on a variety of outcomes—gender equality in primary and secondary school enrollments, access to contraception, and share of women in public employment—but these effects were highly contingent on domestic characteristics such as state religion and adherence to the rule of law.

Finally, table 4 presents results for the net effect of CERD membership on political discrimination against minorities. States that signed and ratified the CERD were less likely than nonsignatories and nonparties to discriminate, as indicated by the statistically significant positive coefficients attached to each level of commitment in models 1, 2, 6, and 7. These effects were robust to the alternative methods for aggregating discrimination scores (i.e., the weighted and maximum measures). Thus, hypothesis 1b (the moral commitment hypothesis) finds support. One additional mode of commitment—accession to interstate complaints provisions—was also associated with an improvement in the treatment of minorities (models 4 and 9). Hypothesis 3, the deep commitment hypothesis, is therefore partially supported. However, model 10 shows that individual complaints provisions led to increased levels of discrimination with respect to countries' most disadvantaged minority groups, in direct opposition to the individual complaints hypothesis (hypothesis 3a).

The perverse exacerbating effect of the CERD's individual complaints mechanism is confirmed with a visual inspection of trends in discrimination, as displayed in figure 2. Although the relationship between accession to the individual complaints mechanism and levels of discrimination is far from linear—in fact, the trend suggests that a nonlinear cubic function may fit the data well—the overall trend is downward, indicating a decline in the treatment of minorities over time. What might account for the ineffectiveness of the CERD's individual complaints procedure relative to those established under the CCPR and CAT? Recall that fewer than 50 petitions have been submitted under the CERD, compared with more than 400 under the CAT and nearly 2,000 under the CCPR. On the basis of these figures, it appears that the effectiveness of individual complaints procedures depends on the frequency of their use. Of final note, the results in model 8 suggest that levels of discrimination decreased among countries that ratified the CERD with RUDs, but the effect was only marginally significant at conventional thresholds ($P = .06$). Table 4 further shows that discrimination abated in democracies and in countries with growing populations but worsened in countries that restrict press freedoms or that are embroiled in civil war.

DISCUSSION AND CONCLUSION

The preceding analyses examined the effect of different modalities of human rights treaty membership on country-level measures of physical integrity rights, empowerment rights, women's rights, and political discrimination against minorities. Table 5 summarizes the results. Taken as a whole, the evidence shows that enhanced monitoring and enforcement

TABLE 4
TWO-STAGE LEAST-SQUARES ANALYSES WITH INSTRUMENTAL VARIABLES FOR THE EFFECT OF MEMBERSHIP TO THE CONVENTION ON THE
ELIMINATION OF RACIAL DISCRIMINATION ON POLITICAL DISCRIMINATION AGAINST RACIAL MINORITIES, 1981-2007

	POLITICAL DISCRIMINATION (Weighted)				POLITICAL DISCRIMINATION (Maximum)					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
CERD signature .....	.649** (.197)					.438* (.196)				
CERD ratification .....		.273*** (.077)					.291*** (.088)			
CERD ratification with RUDs			-.139 (.134)					-.288 ⁺ (.153)		
CERD interstate complaints .....				.398*** (.087)					.267** (.100)	
CERD individual complaints					-.078 (.090)					-.271*** (.102)
Democracy .....	.053*** (.010)	.030*** (.004)	.030*** (.004)	.027*** (.004)	.031*** (.004)	.048*** (.010)	.027*** (.005)	.027*** (.005)	.025*** (.005)	.028*** (.005)
Liberalization	-.017 (.015)	-.002 (.007)	-.001 (.007)	.000 (.007)	-.001 (.007)	-.020 (.015)	.008 (.008)	.009 (.008)	.009 (.008)	.008 (.008)
INGO linkages (× 100) .....	.017 (.021)	.013 (.008)	.012 (.008)	.007 (.009)	.014 ⁺ (.009)	.031 (.020)	-.008 (.010)	-.009 (.010)	-.012 (.010)	-.002 (.010)
GDP per capita (× 100)	-.000 (.002)	-.004** (.002)	-.003* (.002)	-.003** (.002)	-.004* (.002)	-.000 (.002)	.001 (.002)	.002 (.002)	.002 (.002)	.001 (.002)
Population density (× 100)	-.013 .015	.007 (.015)	-.000 (.015)	.002 (.015)	.001 (.015)	-.012 (.015)	-.018 (.017)	-.028 (.017)	-.023 (.017)	-.025 (.017)

Population growth	.086**	.037*	.034*	.039**	.034*	.080**	.060***	.057***	.060***	.057***
	(.027)	(.014)	(.014)	(.014)	(.014)	(.026)	(.016)	(.016)	(.016)	(.016)
Civil war	-.456***	-.133**	-.122**	-.125**	-.123**	-.213*	-.139**	-.123*	-.130**	-.124*
	(.106)	(.044)	(.044)	(.044)	(.044)	(.105)	(.050)	(.050)	(.050)	(.050)
Press restrictions	-.180**	-.177***	-.178***	-.173***	-.181***	-.151*	-.205***	-.205***	-.202***	-.216***
	(.060)	(.032)	(.033)	(.033)	(.033)	(.060)	(.037)	(.037)	(.037)	(.037)
Constant	-3.588***	-3.089***	-2.869***	-3.149***	-2.885***	-4.150***	-3.735***	-3.480***	-3.696***	-3.508***
	(.219)	(.124)	(.112)	(.124)	(.111)	(.216)	(.142)	(.128)	(.142)	(.126)
N (country-years)	400	2,108	2,108	2,108	2,108	400	2,108	2,109	2,109	2,109
Wald χ^2	35,590	74,465	74,111	74,328	74,106	46,602	82,814	82,671	82,629	82,780
df	67	144	144	144	144	67	144	144	144	144
N (countries)	36	113	113	113	113	36	113	113	113	113

NOTE.—Numbers in parentheses are SEs. The “weighted” outcome (models 1–5) comprises average discrimination scores for each country, weighted by the size of each minority group. The “maximum” outcome refers to each country’s maximum discrimination score in a given year, such that countries are evaluated with respect to their most disadvantaged minority groups. These discrimination scores are inverted so that positive coefficients represent improved practices (i.e., less discrimination). Analyses include fixed effects for countries and time (not reported). Treaty membership variables are instrumented using dummy variables for common-law countries, presidential systems, the World Conferences against Racism in 1983 and 2001, the Global Consultation on Racial Discrimination in 1988, and Western countries; an index of ratification hurdles; political discrimination scores; density measures for treaty membership; a variable counting the number of years before treaty membership; three cubic splines; fixed effects for time; and control variables from the substantive analysis of human rights practices.

+ $P < .10$ (two-tailed tests).

* $P < .05$.

** $P < .01$

*** $P < .001$.

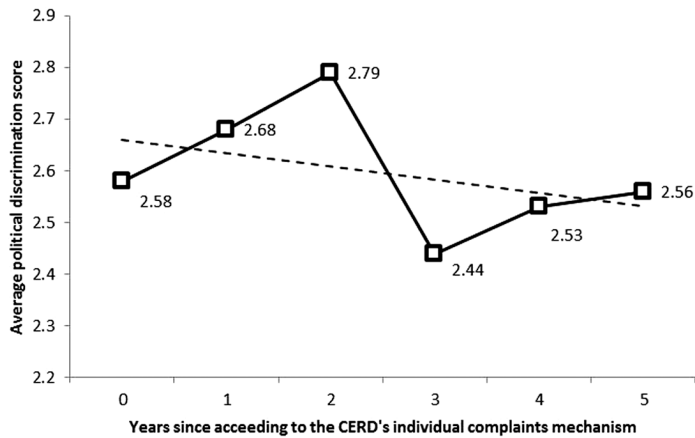


FIG. 2.—Average political discrimination scores following accession to the CERD’s individual complaints mechanism. Political discrimination scores are inverted so that higher scores represent lower levels of discrimination.

TABLE 5
SUMMARY OF RESULTS

	TREATY			
	CAT	CCPR/OP	CEDAW	CERD
Outcome variable	Physical integrity rights	Empowerment rights	Women’s rights	Discrimination weighted/maximum
Levels of commitment:				
Signature	0	+	0	+/+
Ratification	0	0	0	+/+
Conditional ratification	0	–	+ ^a	0/0
Interstate complaints	+	+	0	+/+
Individual complaints	+	+	NA	0/–
Hypotheses:				
Supported	H3	H3, <i>H1b</i>	H2b ^a	H1b, <i>H3</i>
Contradicted	H3a	H1a, H2b, H3a		H3a

NOTE.—Pluses indicate a statistically significant positive effect on respect for human rights, minuses represent a statistically significant negative effect, and zeros denote statistically insignificant effects. Italicized entries indicate that the hypothesis was only partially supported or contradicted. The individual complaints procedure established by the Optional Protocol to CEDAW was not analyzed because it was adopted too recently to permit systematic analysis.

^a Among Islamic countries, the effect of conditional CEDAW ratification is negative and significant, in accordance with hypothesis 2a.

provisions are reasonably effective in improving the human rights practices of states. In three of the four treaties under investigation, countries that acceded to interstate complaints procedures experienced better human rights outcomes as a result. Moreover, for two of the three treaties that allowed individual complaints, accession to these provisions had a positive effect on human rights outcomes.

These findings suggest that, for many human rights treaties, optional interstate and individual complaints provisions contribute to improved practices. The salutary effect of interstate complaints procedures for three of the four treaties examined cannot be attributed to a “logic of expected consequences” (March and Olsen 1998) since no real consequences attach to a procedure that has never been used. Because states can reasonably assume that they will never be targeted by an interstate complaint, the procedure does not pose a credible threat and therefore has no direct impact on the costs of treaty abrogation. Rather, acceding to interstate complaints provisions is a purely ceremonial commitment that nevertheless has tangible consequences in most cases. The effect of interstate complaints provisions would therefore seem to flow from a “logic of appropriateness,” suggesting that international human rights treaty regimes operate as normative rather than regulative systems (Scott 2001).

Unlike states, individuals have demonstrated a much greater propensity to complain about human rights violations, although the number of complaints filed under the CCPR and CAT greatly outnumbered the number submitted under the CERD. This variation, in turn, appears to be linked to human rights outcomes, and for good reason: individual complaints play an important role in monitoring and publicizing rights violations. Complaints are reviewed and decided on their merits by committees of independent experts, whose decisions are compiled, published, and scrutinized (see, e.g., Cole 2011a). Therefore, as the volume of individual complaints increases, the ability of countries to conceal their human rights violations declines, thus undermining the logic of confidence that sustains decoupling. In the parlance of neoinstitutional theory (Scott and Meyer 1992), individual complaints procedures transform purely *institutional* environments (in which countries are judged by their symbolic endorsement of human rights principles) into *technical* environments (in which countries’ human rights “outputs” are systematically monitored, measured, and evaluated by third parties). Consistent with Meyer and Rowan’s (1977) oft-overlooked contention that routine surveillance and evaluation make it difficult for organizations to decouple symbolic structures from core activities, individual complaints procedures deceremonialize treaty monitoring and, to the extent that they are used, contribute to improved practices.¹⁷

¹⁷ This kind of monitoring and evaluation is becoming increasingly divorced from

But what about the effects of straightforward ratification, which to date have received most of the attention in the empirical literature? With the exception of the CERD, ratification was unrelated to human rights practices, not “radically decoupled” as some scholars have found (Hafner-Burton and Tsutsui 2005; see also Keith 1999; Hathaway 2002; Neumayer 2005). It is likely that the perverse effect of human rights treaty ratification so often reported in the literature arises from the widespread failure to account for endogeneity and therefore does not reflect a “true” empirical relationship. Studies of treaty ratification consistently demonstrate that rights-abusing countries join human rights treaties at rates equal to rights-affirming countries (Cole 2005; Hathaway 2007; Wotipka and Ramirez 2008; Wotipka and Tsutsui 2008). Neglecting to adjust for this pattern of ratification can bias treaty effects downward, obscuring an otherwise positive (or, at least, neutral) relationship between ratification and practices.

To be sure, in the one case in which ratification exerted a statistically significant effect on practices in this analysis, the effect was positive: CERD ratification led to reduced levels of political discrimination against minorities. Here, then, is an example in which human rights treaty ratification had its intended beneficial effect on practices. The stronger effects we observe for the CERD may be explained by the nature of its corresponding outcome measure. The political discrimination variable used to gauge the CERD’s impact deals primarily with formal policy changes, without considering whether these changes lead to reformed practices. Discrimination by private individuals and organizations may continue indefinitely, long after discriminatory laws have been expunged. Governmental practices, too, may be decoupled from policy reforms.

Compared with interstate and individual complaints provisions, findings for other levels of commitment were much less robust. Signing the CERD and CCPR was associated with improved human rights practices, even though signature does not bind a country legally to the terms of a treaty. Yet signing the CAT and CEDAW had no appreciable effect on human rights outcomes. As the first U.N. human rights treaties, the CERD and CCPR were adopted in 1965 and 1966, respectively, whereas CEDAW and CAT were adopted in 1979 and 1984. It would appear that the aforementioned tendency for rights-affirming countries to sign rather than ratify human rights treaties—a tendency that produces positive signature effects—weakens as the collective human rights regime strengthens. In

countries’ treaty commitments. In 2006, e.g., the U.N. General Assembly established the Universal Periodic Review, in which the human rights practices of every U.N. member state are reviewed every four years. These reviews are based on reports produced by the state in question, independent human rights experts, nongovernmental organizations such as Amnesty International, and national human rights institutions.

other words, by the time CEDAW and CAT were adopted, countries had learned that ratification could, in most cases, be successfully decoupled from human rights practices. Ratifying human rights treaties had become more prosaic and therefore less threatening.

We have seen, however, that ratification is not an all-or-nothing enterprise, as countries can modify or interpret their treaty commitments using RUDs. Conditional or qualified ratifications of this sort had inconsistent effects on human rights outcomes. On average, women's rights scores increased among non-Islamic countries that ratified the CEDAW conditionally, suggesting that they used RUDs to make more precise and sincere treaty commitments. This finding is consistent with Neumayer's (2007) conclusion that RUDs are most often entered by countries that take their treaty commitments seriously. Conversely, the negative effect of conditional CEDAW ratification on women's rights among predominantly Muslim countries, as well as the general negative effect of conditional CCPR ratification on empowerment rights, suggests that RUDs were used in these cases to enervate the treaties.

On the basis of these findings, it is evident that human rights treaty membership is not always predicated on myth and ceremony. Under some conditions, human rights treaties have a beneficial impact on practices. The analyses suggest that compliance is contingent on levels of commitment and treaty content. I found positive effects of human rights treaty membership where most others have not precisely because I analyzed the effects of different levels of treaty commitment on a range of carefully tailored outcomes. The nature of the practices being targeted for remediation certainly contributes to a treaty's efficacy or impotence. Discriminatory policies against minorities, for example, were more susceptible to treaty-induced change than other human rights practices were, although countries that acceded to the CERD's individual complaints mechanism paradoxically evinced greater levels of discrimination. Women's rights, too, seemed particularly resistant to change. Of all the outcomes analyzed here, women's rights have met with the most cultural opposition worldwide. The status of CEDAW as the world's most "reserved" human rights treaty, with predominantly Muslim countries entering RUDs at rates higher than other countries, gives some indication of the scope and substance of this opposition (Neumayer 2007).

However much the international community may emphasize that "all human rights are universal, indivisible and interdependent and interrelated" in theory (United Nations 1993, sec. 1, para. 5), different categories of rights do not respond uniformly to treaty membership in practice. Indeed, it is instructive that the two "anomalous" findings in the analysis—the exacerbating effect of (1) the CERD's individual complaints mechanism on racial discrimination and (2) conditional ratification of CEDAW

on gender discrimination in Islamic countries—pertain to treaties that protect “subaltern” groups. These treaties, that is, focus not on categories of rights protections that apply universally to everyone but on rights that accrue to distinct categories of rights holders (i.e., racial minorities and women). These treaties exist precisely because the human rights standards already in place were deemed inadequate to protect vulnerable or historically marginalized groups from discrimination. Extending rights to these groups, however, has been contentious: despite significant improvements in the status of women (Ramirez et al. 1997; Berkovitch 1999) and minorities (Ramirez, Bromley, and Russell 2009; Cole 2011b) since World War II, racial and gender discrimination persists in many regions of the world, reinforced in part by refractory cultural understandings and deep-seated religious worldviews that assign different roles, statuses, or aptitudes to individuals on the basis of their ascribed identities.

These findings suggest that similar patterns of compliance and contumacy might characterize efforts to protect other historically disadvantaged groups. Future research might explore whether the conclusions drawn here with respect to racial minorities and women extend to the emerging category of rights pertaining to sexual orientation and gender identity. The U.N. Human Rights Council recently adopted its first resolution on the rights of homosexuals and transgendered individuals, but it did so by a narrow margin.¹⁸ Although recent research has found that homosexuality is becoming increasingly decriminalized worldwide (Frank, Camp, and Boutcher 2010), large pockets of resistance remain, particularly among Muslim countries and in Africa. (South Africa, which introduced the resolution on homosexual and transgender rights, was the only African country to vote in favor of it.) When the rights articulated in the non-binding resolution eventually become enshrined in a legally binding human rights treaty, as they almost certainly will, we may find patterns of commitment and compliance that are similar to those of other treaties such as CEDAW and CERD that protect categories of individuals on the basis of their distinctive identities or minority status. Moving forward, then, analysts of human rights treaty effects would do well to take levels of commitment, rights domains, and beneficiaries into consideration.

REFERENCES

- Alesina, Alberto, Arnaud Devleeschauwer, William Easterly, Sergio Kurlat, and Romain Wacziarg. 2003. “Fractionalization.” *Journal of Economic Growth* 8:155–94.
- Angrist, Joshua D., and Alan B. Krueger. 2001. “Instrumental Variables and the Search

¹⁸ Human Rights Council, Resolution on Human Rights, Sexual Orientation and Gender Identity, A/HRC/17/L.9/Rev.1, 15 June 2011. The resolution passed with 23 countries in favor, 19 opposed, and 3 abstentions.

- for Identification: From Supply and Demand to Natural Experiments." *Journal of Economic Perspectives* 15 (4): 69–85.
- Barrett, Deborah, and David John Frank. 1999. "Population Control for National Development: From World Discourse to National Policies." Pp. 198–221 in *Constructing World Culture*, edited by John Boli and George M. Thomas. Stanford, Calif.: Stanford University Press.
- Beck, Nathaniel, Jonathan N. Katz, and Richard Tucker. 1998. "Taking Time Seriously in Binary Time-Series–Cross-Section Analysis." *American Journal of Political Science* 42:1260–88.
- Beck, Thorsten, George Clarke, Alberto Groff, Philip Keefer, and Patrick Walsh. 2001. "New Tools in Comparative Political Economy: The Database of Political Institutions." *World Bank Economic Review* 15:165–76.
- Benavot, Aaron, Yun-Kyung Cha, David Kamens, John W. Meyer, and Suk-Ying Wong. 1991. "Knowledge for the Masses: World Models and National Curricula, 1920–1986." *American Sociological Review* 56:85–100.
- Berger, Peter L., and Thomas Luckmann. 1967. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. New York: Anchor.
- Berkovitch, Nitza. 1999. *From Motherhood to Citizenship: Women's Rights and International Organizations*. Baltimore: Johns Hopkins University Press.
- Boli, John. 1987. "Human Rights or State Expansion? Cross-National Definitions of Constitutional Rights, 1978–1970." Pp. 133–49 in *Institutional Structure: Constituting State, Society, and the Individual*, edited by George M. Thomas, John W. Meyer, Francisco O. Ramirez, and John Boli. Newbury Park, Calif.: Sage.
- Bollen, Kenneth A., and Robert W. Jackman. 1985. "Political Democracy and the Size Distribution of Income." *American Sociological Review* 50:438–57.
- Bradley, Curtis A. 2010. "The United States and Human Rights Treaties: Race Relations, the Cold War, and Constitutionalism." *Chinese Journal of International Law* 9:321–44.
- Burkhart, Ross E., and Michael S. Lewis-Beck. 1994. "Comparative Democracy: The Economic Development Thesis." *American Political Science Review* 88:903–10.
- Chayes, Abram, and Antonia Handler Chayes. 1993. "On Compliance." *International Organization* 47:175–205.
- Cingranelli, David L., and David L. Richards. 2008. *Short Variable Descriptions for Indicators in the Cingranelli-Richards (CIRI) Human Rights Dataset*. <http://www.humanrightsdata.org>.
- . 2010. "The Cingranelli and Richards (CIRI) Human Rights Data Project." *Human Rights Quarterly* 32:401–24.
- Clark, Belinda. 1991. "The Vienna Convention Reservations Regime and the Convention on Discrimination against Women." *American Journal of International Law* 85:281–321.
- Clark, Rob. 2010. "Technical and Institutional States: Loose Coupling in the Human Rights Sector of the World Polity." *Sociological Quarterly* 51:65–95.
- Cole, Wade M. 2005. "Sovereignty Relinquished? Explaining Commitment to the International Human Rights Covenants." *American Sociological Review* 70:472–95.
- . 2009. "Hard and Soft Commitments to Human Rights Treaties, 1966–2000." *Sociological Forum* 24:563–88.
- . 2010. "No News Is Good News: Human Rights Coverage in the American Print Media, 1980–2000." *Journal of Human Rights* 9:303–25.
- . 2011a. "Individuals v. States: The Correlates of Human Rights Committee Rulings, 1979–2007." *Social Science Research* 40:985–1000.
- . 2011b. *Uncommon Schools: The Global Emergence of Postsecondary Institutions for Indigenous Peoples*. Stanford, Calif.: Stanford University Press.
- Craven, Matthew C. R. 1995. *The International Covenant on Economic, Social, and Cultural Rights: A Perspective on Its Development*. Oxford: Clarendon.

- Davenport, Christian. 1999. "Human Rights and the Democratic Proposition." *Journal of Conflict Resolution* 43:92–116.
- Donnelly, Jack. 1986. "International Human Rights: A Regime Analysis." *International Organization* 40:599–642.
- . 2003. *Universal Human Rights in Theory and Practice*, 2d ed. Ithaca, N.Y.: Cornell University Press.
- Downs, George W., David M. Rocke, and Peter N. Barsboom. 1996. "Is the Good News about Compliance Good News about Cooperation?" *International Organization* 50: 379–406.
- Drori, Gili, John W. Meyer, Francisco O. Ramirez, and Evan Schofer. 2003. *Science in the Modern World Polity*. Stanford, Calif.: Stanford University Press.
- Easterly, William R. 2001. *Global Development Network Growth Database*. Washington, D.C.: World Bank.
- Fearon, James D. 2003. "Ethnic and Cultural Diversity by Country." *Journal of Economic Growth* 8:195–222.
- Finnemore, Martha, and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52:887–917.
- Frank, David John, Bayliss J. Camp, and Steven A. Boutcher. 2010. "Worldwide Trends in the Criminal Regulation of Sex, 1945 to 2005." *American Sociological Review* 75: 867–93.
- Frank, David John, Tara Hardinge, and Kassia Wosick-Correa. 2009. "The Global Dimensions of Rape-Law Reform: A Cross-National Study of Policy Outcomes." *American Sociological Review* 74:272–90.
- Frank, David John, Ann Hironaka, and Evan Schofer. 2000. "The Nation-State and the Natural Environment over the Twentieth Century." *American Sociological Review* 65:96–116.
- Goldsmith, Jack L., and Eric A. Posner. 2005. *The Limits of International Law*. New York: Oxford University Press.
- Goodliffe, Jay, and Darren G. Hawkins. 2006. "Explaining Commitment: States and the Convention against Torture." *Journal of Politics* 68:358–71.
- Goodman, Ryan. 2002. "Human Rights Treaties, Invalid Reservations, and State Consent." *American Journal of International Law* 96:531–60.
- Goodman, Ryan, and Derek Jinks. 2003. "Measuring the Effects of Human Rights Treaties." *European Journal of International Law* 14:171–83.
- Hafner-Burton, Emilie. 2005. "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression." *International Organization* 59:593–629.
- . 2008. "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem." *International Organization* 62:689–716.
- . 2009. *Forced to Be Good: Why Trade Agreements Boost Human Rights*. Ithaca, N.Y.: Cornell University Press.
- Hafner-Burton, Emilie, and Kiyoteru Tsutsui. 2005. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110:1373–1411.
- . 2007. "Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most." *Journal of Peace Research* 44 (4): 407–25.
- Hafner-Burton, Emilie, Kiyoteru Tsutsui, and John W. Meyer. 2008. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties." *International Sociology* 23:115–41.
- Hathaway, Oona. 2002. "Do Human Rights Treaties Make a Difference?" *Yale Law Journal* 111:1935–2042.
- . 2003. "The Cost of Commitment." *Stanford Law Review* 55:1821–62.
- . 2007. "Why Do Countries Commit to Human Rights Treaties?" *Journal of Conflict Resolution* 51 (4): 588–621.

- Helliwell, John F. 1994. "Empirical Linkages between Democracy and Economic Growth." *British Journal of Political Science* 24:225–48.
- Henderson, Conway. 1991. "Conditions Affecting the Use of Political Repression." *Journal of Conflict Resolution* 35:120–42.
- . 1993. "Population Pressures and Political Repression." *Social Science Quarterly* 74:322–33.
- Human Rights Committee. 2006. *Report of the Human Rights Committee*. U.N. Doc. A/61/40, vol. 1. New York: United Nations.
- Inter-Parliamentary Union. 1995. *Women in Parliaments, 1945–1995: A World Statistical Survey*. Geneva: Inter-Parliamentary Union.
- Jackman, Robert W. 1973. "On the Relationship of Economic Development to Political Performance." *American Journal of Political Science* 17:611–21.
- Jepperson, Ronald L., Alexander Wendt, and Peter J. Katzenstein. 1996. "Norms, Identity and Culture in National Security." Pp. 33–75 in *The Cultures of National Security: Norms and Identity in World Politics*, edited by Peter J. Katzenstein. New York: Columbia University Press.
- Keck, Margaret, and Kathryn Sikkink. 1998. *Activists beyond Borders: Transnational Advocacy Networks in International Politics*. Ithaca, N.Y.: Cornell University Press.
- Keith, Linda Camp. 1999. "The United Nations International Covenant on Civil and Political Rights: Does It Make a Difference in Human Rights Behavior?" *Journal of Peace Research* 36:95–118.
- . 2002. "Constitutional Provisions for Individual Human Rights (1976–1996): Are They More than Mere 'Window Dressing'?" *Political Research Quarterly* 55: 111–43.
- Kim, Young S., Yong Suk Jang, and Hokyu Hwang. 2002. "Structural Expansion and the Cost of Global Isomorphism: A Cross-National Study of Ministerial Structure, 1950–1990." *International Sociology* 14:481–503.
- Krasner, Stephen D. 1999. *Sovereignty: Organized Hypocrisy*. Princeton, N.J.: Princeton University Press.
- Landman, Todd. 2005. *Protecting Human Rights: A Comparative Study*. Washington, D.C.: Georgetown University Press.
- Lebovic, James H., and Erik Voeten. 2009. "The Cost of Shame: International Organizations and Foreign Aid in the Punishing of Human Rights Violators." *Journal of Peace Research* 46:79–97.
- Lijnzaad, Liesbeth. 1995. *Reservations to UN Human Rights Treaties: Ratify or Ruin?* Dordrecht: Nijhoff.
- Lipset, Seymour M. 1959. "Some Social Requisites of Democracy." *American Political Science Review* 53:69–105.
- Machiavelli, Niccolò. (1532) 1995. *The Prince*. New York: Penguin Classics.
- March, James G., and Johan P. Olsen. 1998. "The Institutional Dynamics of International Political Orders." *International Organization* 52:943–69.
- Marshall, Monty G., and Keith Jagers. 2007. *Polity IV Project: Dataset Users' Manual*. Fairfax, Va.: George Mason University, Center for Global Policy.
- Melander, Erik. 2005. "Political Gender Equality and State Human Rights Abuse." *Journal of Peace Research* 42:149–66.
- Meyer, John W., John Boli, and George M. Thomas. 1987. "Ontology and Rationalization in the Western Cultural Account." Pp. 12–37 in *Institutional Structure: Constituting State, Society and Individual*, edited by George M. Thomas, John W. Meyer, Francisco O. Ramirez, and John Boli. Newbury Park, Calif.: Sage.
- Meyer, John W., John Boli, George M. Thomas, and Francisco O. Ramirez. 1997. "World Society and the Nation-State." *American Journal of Sociology* 103:144–81.
- Meyer, John W., David John Frank, Ann Hironaka, Evan Schofer, and Nancy Brandon Tuma. 1997. "The Structuring of a World Environmental Regime, 1870–1990." *International Organization* 51:623–51.

- Meyer, John W., Francisco O. Ramirez, and Yasemin Nuhoglu Soysal. 1992. "World Expansion of Mass Education, 1870–1980." *Sociology of Education* 65:128–49.
- Meyer, John W., and Brian Rowan. 1977. "Institutionalized Organizations: Formal Structure as Myth and Ceremony." *American Journal of Sociology* 83:340–63.
- Minorities at Risk Project. 2005. *Discrimination Dataset*. College Park, Md.: Center for International Development and Conflict Management. <http://www.cidcm.umd.edu/mar/data.asp# citing>.
- Mitchell, Neil J., and James M. McCormick. 1988. "Economic and Political Explanations of Human Rights Violations." *World Politics* 40:476–98.
- Neumayer, Eric. 2005. "Do International Human Rights Treaties Improve Respect for Human Rights?" *Journal of Conflict Resolution* 49:925–53.
- . 2007. "Qualified Ratification: Explaining Reservations to International Human Rights Treaties." *Journal of Legal Studies* 36:397–429.
- Poe, Steven C., and Neal Tate. 1994. "Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis." *American Political Science Review* 88:853–72.
- Poe, Steven C., C. Neal Tate, and Linda Camp Keith. 1999. "Repression of Human Rights to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976–1993." *International Studies Quarterly* 43:291–313.
- Powell, Emilia Justyna, and Jeffrey K. Staton. 2009. "Domestic Judicial Institutions and Human Rights Treaty Violation." *International Studies Quarterly* 53:149–74.
- Ramirez, Francisco O., Patricia Bromley, and Susan Garnett Russell. 2009. "The Valorization of Humanity and Diversity." *Multicultural Education Review* 1 (1): 29–54.
- Ramirez, Francisco O., Yasemin Soysal, and Susanne Shanahan. 1997. "The Changing Logic of Political Citizenship: Cross-National Acquisition of Women's Suffrage Rights, 1890 to 1990." *American Sociological Review* 62:735–45.
- Risse, Thomas, Stephen C. Ropp, and Kathryn Sikkink. 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.
- Sarkees, Meredith Reed. 2000. "The Correlates of War Data on War: An Update to 1997." *Conflict Management and Peace Science* 18:123–44.
- Schofer, Evan. 2003. "The Global Institutionalization of Geological Science, 1800 to 1990." *American Sociological Review* 65:730–59.
- Scott, W. Richard. 2001. *Institutions and Organizations*, 2d ed. Thousand Oaks, Calif.: Sage.
- . 2003. *Organizations: Rational, Natural, and Open Systems*, 5th ed. Upper Saddle River, N.J.: Prentice Hall.
- Scott, W. Richard, and John W. Meyer. 1992. "The Organization of Societal Sectors." Pp. 129–54 in *Organizational Environments: Ritual and Rationality*, edited by John W. Meyer and W. Richard Scott. Newbury Park, Calif.: Sage.
- Simmons, Beth A. 2008. "International Law and International Relations." Pp. 187–208 in *The Oxford Handbook of Law and Politics*, edited by Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira. Oxford: Oxford University Press.
- . 2009. *Mobilizing for Human Rights: International Law and Domestic Enforcement*. New York: Cambridge University Press.
- Simmons, Beth A., and Daniel J. Hopkins. 2005. "The Constraining Power of International Treaties: Theory and Methods." *American Political Science Review* 99:623–31.
- Swaine, Edward T. 2006. "Reserving." *Yale Journal of International Law* 31:307–66.
- Thomas, George M., John W. Meyer, Francisco O. Ramirez, and John Boli, eds. 1987. *Institutional Structure: Constituting State, Society, and the Individual*. Beverly Hills, Calif.: Sage.
- United Nations. 1993. *Report of the World Conference on Human Rights*. U.N. Doc.

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- A/CONF.157/24, pt. 1. Geneva: Office of the U.N. High Commissioner for Human Rights.
- . 1998. *Report of the Committee on the Elimination of Discrimination against Women*. U.N. Doc. A/53/38/Rev.1. New York: United Nations.
- . 2001. *Treaty Handbook*. New York: United Nations.
- von Stein, Jana. 2005. "Do Treaties Constrain or Screen? Selection Bias and Treaty Compliance." *American Political Science Review* 99:611–22.
- Vreeland, James Raymond. 2008. "Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention against Torture." *International Organization* 62:65–101.
- Wooldridge, Jeffrey M. 2002. *Econometric Analysis of Cross Section and Panel Data*. Cambridge, Mass.: MIT Press.
- World Bank. 2008. *World Development Indicators*. Washington, D.C.: World Bank.
- . 2010. "Proportion of Seats Held by Women in National Parliaments." <http://data.worldbank.org/indicator/SG.GEN.PARL.ZS/countries/latest?display=default>.
- Wotipka, Christine Min, and Francisco O. Ramirez. 2008. "World Society and Human Rights: An Event History Analysis of the Convention on the Elimination of All Forms of Discrimination against Women." Pp. 303–43 in *The Global Diffusion of Markets and Democracy*, edited by Beth A. Simmons, Frank Dobbin, and Geoffrey Garrett. Cambridge: Cambridge University Press.
- Wotipka, Christine Min, and Kiyoteru Tsutsui. 2008. "Global Human Rights and State Sovereignty: State Ratification of International Human Rights Treaties, 1965–2001." *Sociological Forum* 23:724–54.
- Zanger, Sabine C. 2000. "A Global Analysis of the Effect of Political Regime Changes on Life Integrity Violations, 1977–93." *Journal of Peace Research* 37:213–33.

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